

SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: COLART LTD, WHITEFRIARS AVENUE, HARROW

Reference: P/1383/13

Description OUTLINE PLANNING APPLICATION FOR A COMPREHENSIVE MIXED USE DEVELOPMENT OF LAND AT FORMER WINSOR AND NEWTON FACTORY AND OFFICE BUILDINGS; DEMOLITION OF EXISTING BUILDINGS, THE RETENTION OF THE WINSOR AND NEWTON FORMER OFFICE BUILDING TO BE REFURBISHED FOR BUSINESS AND EMPLOYMENT USES (USE CLASSES B1(A), B1(B) AND B(C)) AND NEW B1 EMPLOYMENT SPACE EQUATING TO A TOTAL OF 2,921SQM; UP TO 195 NEW RESIDENTIAL DWELLINGS (USE CLASS C3); SAFEGUARDED AREA OF LAND FOR EDUCATION USE (USE CLASS D1); TOGETHER WITH NEW STREETS, PUBLIC REALM, PARKING AND MEANS OF ACCESS

Ward: WEALDSTONE

Applicant: COLART FINE ART AND GRAPHICS LIMITED

Agent: TURLEY ASSOCIATES

Case Officer: FERGAL O'DONNELL

Expiry Date: 23 AUGUST 2013

RECOMMENDATION

A **GRANT** of planning permission subject to:

- Conditions set out at the end of this report;
- Referral to the GLA under Stage 2 of the Town and Country Planning (Mayor of London) Order 2008; and
- The completion of a Section 106 agreement.

Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

The Section 106 agreement Heads of Terms would cover the following Heads of Terms:

- i) Affordable Housing:** A minimum provision of 10% affordable housing (in accordance with the Council's preferred mix), with a mechanism to re-appraise site viability and the availability of grant funding
- ii) Education:** A contribution of up to £180,000 towards the development of education facilities in the borough and the safeguarding of the identified plot of land for educational use associated with Salvatorian College for a period of 5 years
- iii) Employment:** (a) A contribution of up to £80,500 towards recruitment training and

management and the submission of a Recruitment Training and Management Plan;
(b) Submission of a management plan to support the marketing, management and occupation of the employment floorspace on the site by appropriate arts/creative enterprises

- iv) **Health:** A contribution of up to £150,120 towards the development of health facilities within the borough
- v) **Sports and Leisure:** A contribution of up to £72,000 towards the development of sports and leisure facilities in the borough
- vi) **Transport and Travel:** A contribution of £40,000 to facilitate a review and implementation of the transport impacts associated with development.
- vii) **Public Realm Improvements:** A contribution of £15,000 towards improved pedestrian and cycles facilities
- viii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- ix) **Planning Administration Fee:** Payment of £15,000 administration fee for the monitoring of and compliance with this agreement.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 30 September 2013 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide affordable housing to meet the Council's housing needs, and appropriate provision for infrastructure that directly relates to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructural improvements arising directly from the development, contrary to the NPPF, policies 3.2, 3.11, 3.13, 3.17, 3.18, 3.19, 4.1, 6.3 and 7.4 of The London Plan 2011, policies CS1 and CS2 of the Harrow Core Strategy 2012 and policy AAP3, AAP4, AAP7, AAP15 and APP19 of the Harrow and Wealdstone Area Action Plan 2013.

EXECUTIVE SUMMARY

This is outline planning application for the comprehensive redevelopment of 2.29 hectares of land in Wealdstone comprising the ColArt manufacturing facility and offices. Employment at the manufacturing facilities on the site ceased in January 2011 and the site has not generated output or employment in the borough since this time. The applicant considers that the buildings on the site are no longer 'fit-for-purpose' and reinvestment in the site for the lawful employment uses is not a viable prospect.

The redevelopment proposals involve the refurbishment of existing buildings on the site and provision of a minimum of 2,920sqm of employment floorspace, to provide 130 new jobs for 'creative industries' through a process of economic cross subsidy from the positive development values created by up to 195 new homes. The redevelopment of the site would also safeguard an area of land for the expansion of the educational use associated with Salvatorian College, where a shortfall in educational floorspace has been identified. Through the s106 Agreement and associated conditions of development, the development would provide the financial and on-site contributions which would secure managed employment uses, contribute to the development of construction employment skills in the borough, affordable homes and the infrastructural contributions required to support population growth in the borough.

The application would accord with a number of the overarching policy objectives outlined

in the Core Strategy and refined further through the Area Action Plan Local Plan Document to deliver new affordable and accessible homes, promote job creation, deliver the infrastructure required for growth and protect the character of Harrow.

The proposals have been developed through pre-application consultation with Council officers, members (through the Major Development Panel) and the community over an 18 month period. The design and layout of the site have been revised through the pre-application process as result of advice from officers and public consultation responses.

The appraisal below concludes that the redevelopment of the site would secure development of the site that accords with the adopted development plan of the Council, and subject to appropriate controls and contributions towards new infrastructure that will acceptably mitigate the impact arising to the area and surrounds, the proposal should be supported. Because of its content and scale, the application will need to be considered by the Mayor of London. A S106 planning legal agreement will also be required to be completed prior to a formal decision being issued. In the event that the S106 agreement is not completed, the application should be refused (Recommendation B) for the reasons set out.

INFORMATION:

This application is being reported to Planning Committee as the proposal constitutes development of significance and in the public interest and is therefore excluded by Proviso A of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: Smallscale Major Development (Subject to a PPA)

Council Interest: None

Gross Floorspace: 29,603sqm

Net Additional Floorspace: 13,529sqm

GLA Community Infrastructure (CIL) Contribution (provisional): £473,515

Site Description

- The application site comprises 2.29 hectares of land at the ColArt and Winsor and Newton factory.
- The site has two primary access points, off High Street, Wealdstone to the north-east of the site and Whitefriars Avenue to the south-west of the site. With the exception of the access points the site has a central rectangular corridor, running from north to south.
- The site is bounded:
 - to the west by the Sri Lankan Muslim Cultural Centre, the highway of Whitefriars Avenue and the rear gardens of the properties along Whitefriars Avenue;
 - to the north by Salvatorian College and a petrol station;
 - to the east by the highway of High Street, the rear of Orion House, the highways and residential properties of Bruce Road and Ladysmith Road; and
 - to the south by the rear gardens of the residential properties along Graham Road.
- Boundary fencing varying between 2 and 5m in height encloses the site.
- On the application site, there are a number of buildings in various states of repair following the closure of manufacturing on the site approximately two years ago.
- Adjacent to Whitefriars Avenue is the Winsor and Newton building, a locally listed building. This building provided much of the administrative functioning for the site. The list description (in part) describes the building as:

“These buildings have local historic significance for their association with the world famous Winsor and Newton company and the office building has both architectural interest as well as it demonstrates competent 1930s industrial architectural design ... The design is a competent exemplar of an industrial building designed in a modernist style given the well-proportioned and strikingly simple design, the unpainted brickwork and large geometrical block massing of the building, its regular fenestration pattern within brick walls including delicate original Crittall type, large windows, and high floor to ceiling height”

- To the rear of the Winsor and Newton building are attached industrial buildings where the primary manufacturing and assembly lines on site were located. These buildings vary in scale from single to four storeys. These buildings are located in close proximity to the southern, western and eastern boundaries of the site, varying between 1.5 and 10m from these boundaries.
- The manufacturing buildings extend from the southern boundary to approximately half way towards the northern end of the site.
- A car park is located beyond these buildings along with another ancillary two-storey building adjacent to the eastern boundary of the site.
- The warehousing and distribution building is located at the north-eastern end of the site. This building is approximately four-storeys in scale. As this building is located adjacent to the High Street access, the High Street access provides the primary point of vehicular access for the factory as well as providing access to the employee car park.

Surrounding Area

- The surrounding area has a mix of uses, with more commercial uses located to the east of the site towards Wealdstone High Road.
- To the east of the site, the site is bounded by the metropolitan terraces of Bruce and Ladysmith Road, with commercial office buildings then fronting High Street. High Street is located between the centres of Wealdstone District Centre and Harrow Weald Local Centre and has a number of mixed uses, from residential flats and dwellings, to retail shops and restaurants, Petrol Stations, school and churches.
- The north of the site bounds Salvatorian School and St. Joseph’s Catholic Church.
- The western and southern sides of the have a more regular rhythm, with the residential terraces and semi-detached properties of the early 20th century and interwar years predominant. The exception to this is the Sri Lankan and Muslim Cultural Centre and Whitefriars Primary School adjacent to the site. Further to the west of the site, industrial and commercial uses dominate on the eastern side of the main line railway line.

Proposal Details

- The application is made in outline form with all matters reserved and proposes a comprehensive redevelopment of the site, demolishing all buildings with the exception of the Winsor and Newton building (the rearmost part of this building where it adjoins the industrial buildings would be removed), the refurbishment of the Winsor and Newton building to provide employment space, the construction of new buildings to provide up to 195 new homes and employment space and safeguarding an area of land for educational use. The outline planning application [OPA] seeks approval for:
 - **Use** – the development proposes that the use of the site would be for employment (Use Classes B1(a), (b) and (c)), residential (Use Class C3) and area of land would be safeguarded for educational use (Use Class D1(c)).

- **Amount** – the development proposal includes a maximum threshold of 195 residential units (up to 21,237sqm), 2,921sqm of employment space and potentially up to 5,445sqm of educational floorspace

- **Layout** – An indicative land use plan for the site demonstrates that the westernmost and southernmost portion of the site would be used for employment and residential / employment uses, the central and northern portions of the site would be for residential use and the northernmost part of the site would be for educational use. A central vehicular ‘spine’ through the site would divide the residential buildings into the eastern and western portions of the site and create new vehicular linkages with Bruce and Ladysmith Road. Open space is proposed to the east and west of the Winsor and Newton building and adjacent to the High Road access. A small strip of open space is also proposed adjacent to the boundary with Salvatorian College

- **Scale** – The proposal would allow for new buildings on the site up to two, three, four and five storeys in scale varying in heights between a maximum of 7.6 and 16.6m.

- **Access** – The plans indicate that vehicular access would be provided from High Road, with new linkages created into the development site from Bruce Road and Ladysmith Road. Existing vehicular access from Whitefriars Avenue would remain to service the employment uses but no vehicular through routes would be available. A new pedestrian and cycle access route through the site from Whitefriars Avenue along the northern side of the Winsor and Newton building is proposed.

- As such, details of the layout, scale, access, appearance and landscaping of the development, other than those outlined above and set by the Parameter Plans and Design Code, are not under consideration at this stage and would be considered under future reserved matters applications. The above documents would provide a framework for these subsequent details to be prepared.
- The redevelopment of the site is split into 7 plots of development:
 - Plot A: Five storey residential building at the northern end of the site. The Design Code limits the depth of the units within this plot to 10m due to the single aspect nature of the units
 - Plot B: Terrace housing up to three storeys along the southern side of the northern access route. Terrace housing up to three storeys or apartment buildings up to three, four and five storeys along the eastern side of the central access route and the northern side of a new access route linking Bruce Road. All buildings would be residential.
 - Plot C: Terrace housing up to three storeys or apartment buildings up to three, four and five storeys along the eastern side of the central access route, the southern side of the new access route linking into Bruce Road and the northern side of the new access route linking Ladysmith Road. All buildings would be residential.
 - Plot D: Up to three and four storey apartment buildings for residential or employment use along the southern side of the central access route, the public square to east of the Winsor and Newton building and the new access route linking into Ladysmith Road.
 - Plot E: Up to two and three storeys of terrace housing along the western side of the central access route through the site.
 - Plot F: The Winsor and Newton building would be refurbished as part of the redevelopment of the site.
 - Plot G: A building of up to five storeys in height is proposed in this location. It is proposed that this area of land would be safeguarded for future educational use for Salvatorian College. This area of land would not therefore be the subject of a

reserved matters application but a subsequent planning application for its use.

Minor Revisions to the application

The following minor revisions to the applications have been made following the applications submission:

- Extent of the public space to the east of the Winsor and Newton building revised to permit this area to be greater in width than the minimum distance stated in the Design Code of 30m
- Rear building line of Plot E amended to permit only single storeys of buildings within 6m of the rear boundary of the site.
- South-east corner of Plot D on the maximum building envelope amended to reduce the maximum permitted scale of development in this location
- Annotation on Maximum Envelope Plans amended to state 'Maximum roof ridge or parapet height' as opposed to 'Maximum eave of parapet height'
- Minor amendment made to the FRA to incorporate greater levels of storage attenuation

Environmental Impact Assessment

The proposals comprising the current planning application have been the subject of a screening opinion in accordance with Regulation 7 of the Town and Country (Environmental Impact Assessment) Regulations 2011. Officer's consideration of the Environmental Effects of the development was that in this case an Environmental Statement was not required. A copy of the screening opinion can be viewed online as part of the electronic case file for the application.

Relevant History

The site has an extensive planning history. However, since planning permission was granted for new factory buildings in 1968, LPA ref: LBH/1674/4, development on the site has been restricted to small piecemeal and infill development.

Pre-application Discussion

ColArt Ltd has been engaged in pre-application discussions with the Council since December 2011. Following an initial meeting, the applicant entered into a Planning Performance Agreement in October 2012 with the Council to formalise the pre-application stage of engagement in respect of the development proposals. The applicant has also engaged the Greater London Authority [GLA] in pre-application discussions.

Community and Stakeholder Engagement

The Council's Statement of Community Involvement (2006) states that *'ideally the results of pre-application consultation should be included in the planning application and form part of the planning application process'*. A Statement of Community Involvement accompanies the application and this document explains the programme of public consultation and community engagement carried out prior to the submission of the application. As part of its programme of community engagement, the applicant has initiated public consultation exercises in February and October 2012. In addition, the applicant has presented to the Major Development Panel [MDP] in December 2012 as well as making contributions to the Council's Harrow and Wealdstone AAP.

Applicant Submission Documents

Formal Outline Planning Assessment Documents

467-PL-201-B: Site Location Plan
467-PL-202-B: Retention and Demolition
467-PL-203-C: Access Routes and Open Space
467-PL-204-D: Land Use
467-PL-205-E: Maximum Building Envelope

Design Code Rev A: The Design Code gives effect to the formal parameter plans in applying the key principles of the scheme

Supporting Documentation

Application Plans:

467-PL-002-A: Site Photographs
467-PL-003-A: Site Photographs
467-PL-004-A: Survey Plan
467-PL-005-A: Survey Plan
467-PL-006-A: Existing Ground Floor Plan
467-PL-007-A: Existing First Floor Plan
467-PL-008-A: Existing Second Floor Plan
467-PL-009-A: Existing Elevations
467-PL-010-A: Existing Massing
467-PL-011-A: Existing Massing

Planning Statement: Explains the form and content of the scheme and application, sets out relevant planning policy and appraises the proposal, whilst cross-referencing other supporting documents

Design and Access Statement: Provides a narrative as to the vision, objectives, design principles and key design elements of the scheme, including masterplanning and site layout, open space, character areas and landscaping.

Daylight and Sunlight Report and Addendum: Provides an initial assessment of the impact the proposed development would have on daylight and sunlight to neighbouring properties and within the development itself.

Statement of Community Involvement: Describes the schedule and outcomes of the community pre-application consultation that has taken place.

Heritage Statement: Outlines the likely impact on the heritage assets on the application site.

Transport Assessment, Travel Plan and Car Park Management Plan: Provides an assessment of local highway conditions and deals with the likely impact of the proposed development, recommending mitigation measures in terms of highway improvements, recommended parking standards and measures to encourage sustainable transport modes.

Energy Statement: Assesses the predicated energy performance and carbon dioxide emissions of the development and measures required to meet to minimum London Plan targets for the reduction of emissions.

Sustainability Statement: Outlines the sustainability strategy for the site and measures required to achieve Code for Sustainable Homes

Flood Risk Assessment and Addendum: Provides an assessment of potential sources of flooding and the associated flood risks to both the application site and surrounding area

Consultations

Highway Authority (concludes as follows):

It is concluded that the principle of this redevelopment is broadly acceptable and the outline application put forward by the applicant is satisfactory in operational terms subject to application of mitigation measures such as a site Parking Management Strategy and Framework Travel Plan with associated obligations toward parking controls via legal agreement as outlined within this report. The acceptability of final design layouts will be subject to future detailed planning application submissions to ensure conformity with the outline application, Local Development Framework Core Strategy objectives and National Planning Policy Framework.

Harrow Drainage Team (summarised as follows):

The applicant should also note that flooding of a private car park should be avoided otherwise a consent from its owner is required.

The detailed drainage design hasn't been submitted yet and the drainage conditions would still apply together with a requirement for flood mitigation measures and an Emergency Plan.

Harrow Environmental Health Team (summarised as follows):

No objections subject to conditions relating to Contaminated Land

Transport for London

No response received

Environment Agency (summarised as follows):

No objection subject to appropriate conditions

Greater London Authority Stage 1 response (conclusion summarised as follows):

Awaiting response

Reason for Advertisement: Major Development

Expiry: 04 July 2013

Site Notice Erected: 31 May 2013

Expiry: 21 June 2013

Notification

Sent: 804

Expiry: 21 June 2013

Neighbours Consulted:

An extensive consultation has been carried out, which covers a wide area surrounding the site, along Whitefriars Avenue and Athelstone Road to the west and north, Risingholme Road, High Street, Bruce Road, Ladysmith Road, Spencer Road and Claremont Road to the east and Graham Road, Wolseley Road and Wellington Road to the south. A plan of the consultation area is appended to this report.

Summary of Responses:

- Objections (2)
- Support (0)

Objections (3):

- Development would be over-bearing, out-of-scale and will infringe on privacy
- Blocks are not in proportion to their size
- Human Rights Act outlines that a person has a right to peaceful enjoyment of all their possessions which includes their house and land
- Development would result in an increase in traffic – particularly along Graham Road and Whitefriars Avenue
- Object to the proximity of the three-storey blocks backing on Whitefriars Avenue. Loss of trees in this area will be a security risk
- Value of surrounding properties will devalue appreciably

Support (0):

- N/A

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

The Development Plan

At the time of writing this report, the saved policies of the Harrow Unitary Development Plan remain extant. However, in light of the resolution of the Harrow Council cabinet to adopt the AAP, the DMP, the SALP and the LAP on 20 June 2013 for full adoption on 4 July 2013, by the time of the Planning Committee of 10 July 2013, these policies will no longer be extant and are not therefore afforded any significant weight in the consideration of this planning application.

As is detailed in the report that follows the application accords with the development plan to be adopted on 04 July 2013 and the application has not therefore been advertised as a departure from the development plan.

MAIN CONSIDERATIONS

1) Principle Of Development

Spatial Strategy

The adopted National Planning Policy Framework [NPPF] has brought forward a presumption in favour of “sustainable development”. The NPPF defines “sustainable development” as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets the three strands of sustainable development for planning to be; to play an economic, social and environmental role. The NPPF, following the deletion of the Planning Policy Statements and Guidance Notes, continues to encourage the effective use of land by reusing land that has been used previously, recognising that “sustainable development” should make use of these resources first.

The site is located at the northern end of the Harrow and Wealdstone Intensification Area. The adopted CS sets out the spatial vision for the borough and in the context of this application, along with the LP, identifies Harrow and Wealdstone and the corridor between these centres as an Intensification Area which should be the focus for regeneration, providing a significant portion of new development in the borough, including almost half of the new homes over the development plan period. The Harrow and Wealdstone area has been identified as an Intensification Area in recognition of the ability of this area to deliver the higher levels of ‘sustainable development’ in terms of available infrastructure and contribution that pooled resources can make to infrastructure in the area.

Development Proposal

The development proposal relates to a comprehensive mixed use redevelopment of the site enabled by residential development. The site was used for the manufacturing of artist’s materials operating on the site since the 1870s. The use of the site ceased in January 2011 and the owners of the site consider that the buildings on the site are no longer fit for purpose.

London Plan Policy 4.4 undertakes to adopt rigorous industrial land management, promoting a ‘plan, monitor and manage’ approach to the release of surplus land. It requires LDFs to, *inter alia*, manage release having regard to borough level groupings for transfer of industrial land to other uses. Harrow and the rest of north/north-west London falls within the limited transfer category¹.

Informed by an Employment Land Study (2010) which projects a net contraction in the requirement of industrial floorspace of 44,600m² over the period 2007-2026², Harrow’s Core Strategy provides the strategic framework for the managed release of surplus stock to other uses. Specifically, policy CS1.O states that any release should have regard to the most up to date monitoring of the demand and supply balance, and sets out a sequential approach for release which gives preference to the release of non-allocated and poorer quality allocated sites over other allocated sites and those identified in the London Plan as strategic industrial locations. Policy CS1.P states that mixed use development will be supported, as appropriate, where this secures employment generating development and diversification of Harrow’s economy.

¹ See London Plan map 4.1.

² See paragraph 4.25 of the Core Strategy.

Through the LDF process, ColArt have been engaged in exploring avenues for the redevelopment of the site in light of the relocation of the factory premises outside of the borough and the deteriorating fitness of the buildings on the site for industrial purposes. The site has subsequently been adopted within the AAP with the objectives to *“To create a distinct new mixed use development based around a refurbished Winsor and Newton office building and replace former industrial use with studio, enterprise and office use alongside contemporary, highly sustainable new homes arranged in a re-interpretation of metropolitan terraces ... (and) To allow for a potential extension of the Salvatorian College, subject to evidence of need and ability to purchase and develop the land.”*

Following on from the approach adopted at policy CS1.O of the CS, policy AAP15.B of the AAP recognises that the redevelopment of allocated business and industrial use sites in the AAP can be supported where, it is demonstrated that the development proposal:

- a) conforms to the parameters set out in the site’s allocation;
- b) secures the retention, renewal or intensification of appropriate industrial or business employment;
- c) limits the enabling component of development to that necessary to secure the employment space required;
- d) provides a high standard of design and amenity;
- e) ensures the amenity of adjacent sites would not be adversely affected;
- f) provides adequate infrastructural servicing and;
- g) ensure that highway safety and convenience are maintained.

In considering the principle of development on the site, it is considered appropriate to consider whether the development would meet criteria a, b and c of policy AAP15.B of the adopted AAP. Criteria d, e, f and g of this policy are more appropriately considered within other site specific sections of the report.

The proposed development seeks to meet the objectives of Policy AAP15.B of the AAP in providing a refurbishment of the Winsor and Newton building as well as providing additional employment space in new development. The scheme would provide for the safeguarding of educational land for Salvatorian College and would be enabled by a substantial residential component, up to 195 new residential units.

It is considered that the scale of the development would meet and exceed the target outputs for employment and residential development on the site respectively. The proposed land uses and quantum of development are considered to be within the aspirations for the redevelopment of the site set out in the site allocation within the AAP. The applicant proposes that the nature of the employment uses would be limited to the Planning Use Classes B1(a), (b) and (c) and that these uses would be ‘creative industry’ uses. The Financial Viability of the scheme makes specific concessions for such uses, which are discussed in more detail below. It is considered that such employment uses on the site would be wholly appropriate and would reflect the aspirations of the CS, the AAP and the specific site designation in the AAP to provide for alternative employment uses, as opposed to more traditional serviced office employment uses which would be better

³ This assertion is made based on a space of 18sqm per employee being provided which is considered to be an appropriate level of space for such employee uses having regard to the Offset Employee Space Guide Densities 2010 and discussions with creative space management companies who operate development such as this.

⁴ As defined by the Department of Culture, Media and Sport in the *Creative Industries Mapping Document 2001*, the ‘creative industries’ are *“those industries which have their origin in individual creativity, skill and talent and which have the potential for wealth and job creation through the generation and exploitation of economic property”*. They are: Advertising, Architecture, Art and Antiques market, Crafts, Design, Designer Fashion, Film and Video, Interactive leisure software, Music, Performing Arts, Publishing, Software and Computer Services and Television and Radio

catered for in Harrow town centre. The scale of the proposal would provide adequate employment space (space for just over 130 jobs³). The development would therefore accord with criteria a and b of policy AAP15.B and the AAP.

Scale of Enabling Component, Employment and Education Provision

In support of the application, the applicant has submitted a Financial Viability Assessment [FVA] to demonstrate that the scale of the enabling component of the scheme required to provide the objectives for the site allocation at Chapter 5 of the AAP and that the scheme is viable at this level of development. The adopted site allocation for the site sets out a target output of 130 jobs within 'creative industries' on the site. The aspiration to provide this type of employment use follows from policy CS1.P of the CS which seeks to diversify Harrow's economy, an identified need at a London Plan strategic level to provide this type of employment in the north-west sector and the relationship that such uses would have to the historical character and interest of the site. As outlined above, it is considered that the development would provide adequate employment space to meet the target outputs and is an appropriate employment use for the site, given the identified need for such space, the noise sensitive surrounding land uses and the requirements of the CS to direct other B1 employment uses towards Harrow town centre. In light of these factors and the specific policy designation for the employment uses on the site, it is also considerable reasonable to safeguard these employment uses on the site by attaching a condition of development which ensures that the employment space on the site would be limited to 'creative industries'⁴. To ensure that the employment uses on the site are managed and integrated successfully into the development, a management strategy for this part of the development will be secured by way of a legal agreement between the developer and the Council. Controls preventing the use of permitted development rights to "change the use" of the new creative space from office to residential uses would also be required to ensure that the residential cross subsidy argument in this case continues to be justified.

The provision of such space, however, requires substantial refurbishment and initial investment costs which, given the nature of the employment use, are unlikely to be recouped. The applicant has therefore indicated that the proposed employment uses, of themselves and in association with the new build and refurbishment costs, would result in a capital deficit. The development therefore requires a substantial residential component to "enable" such employment uses and development to come forward. The development proposal also includes an area of land that would be safeguarded for future educational use at Salvatorian College, secured through a planning obligation. Though the developer would receive a capital return for this land, the safeguarding of this land also has an adverse impact on the viability of a development proposal, given the reduced scale of the site and the consequent impacts on the scale of development that could be appropriately supported on the site.

The FVA has been reviewed by officers and is considered to be fair in indicating a capital deficit for the employment uses on the site. Furthermore, in reviewing the other elements of the FVA, considering other on-site development costs and financial obligations required to offset the infrastructure costs of the development placed upon the developer, officers consider that the quantum of enabling development proposed meets the test of criterion c of adopted policy AAP15.B of the AAP.

Salvatorian College to the north of the site has an identified shortfall in educational space with limited capacity to extend. The development proposal offers an opportunity to provide for educational land and agreement between the applicant and Salvatorian

College to buy the land has been reached in principle. Securing this plot of land would contribute towards improved secondary education delivery (helping to alleviate the pressures on educational space for Salvatorian College). The educational use of this land is also considered to be compatible with the surrounding areas in land use terms.

Conclusion to the Principle of Development

The redevelopment of the application to generate a diversification of employment uses enabled by residential development is supported in policy terms and the development would accord with the criteria set out at policy AAP15.B. The proposed development would provide significant investment in the site, and in providing new employment uses on the site and providing land for educational development, would have a positive impact on the economy of the surrounding area as well as providing community benefits to the locality in the form of provision of educational land. The proposals are considered to meet the primary objectives of the development plan for the development of the site. In addition, the development would provide a significant number of new residential units on previously developed land, contributing towards the borough's target of providing over 6,050 new homes over the plan period and 2,800 new homes within the 'Heart of Harrow'. Accordingly, officers consider that the principle of the development of the site can be supported.

2) Standard Of Design And Layout And Character Of The Area

Paragraph 56 of the NPPF states '*good design is key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*'. Paragraph 64 of the NPPF goes on to say that '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

Core Strategy policy CS1 states that 'all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design'.

Policy AAP3 of the Harrow and Wealdstone Area Action Plan states that '*development within all three Wealdstone sub areas will be required to strengthen the district centre's vibrancy and vitality, and improve the environment and identity of the Wealdstone area as a location for business and industrial activity and for family living*'. This policy goes on to state that '*proposals for the development of identified opportunity sites within the three Wealdstone sub areas should be in general conformity with the masterplan for each site*'. With specific reference to the sub-area of Wealdstone West, within which the site falls, policy AAP3.E requires development to: support Wealdstone's strategic employment function; help nurture existing new uses, seeking creative non-residential re-uses of industrial buildings and sites where possible; improve pedestrian and cycle access and connections to the District Centre and beyond to the leisure centre and Station Road; and provide a design which creates a sense of place but one that is clearly related to, and would be an extension of, Wealdstone.

The submitted Design and Access Statement sets out that the key aims for the site are to provide a civic presence, integrate the development into the urban fabric, provide a clear hierarchy of open space, enhance permeability and connectivity across and through the site, reflect the urban typology and address the land use requirements of the locality. It is considered that these aims reflect the strategic vision for the redevelopment of Wealdstone set out in policy AAP3 and Site 4 of the AAP.

Layout

As the application is made in outline form, details of the specific layout of the site are not available. However, the parameter plans proposed do set out access routes, land use and maximum building envelopes of the site. From this plans, the broad layout of the site can be envisaged, whereby a central vehicular route running north-south and located approximately centrally within the site would be provided. From this central route, new connections would be made with the existing access point off High Street and connections would be made with Bruce Road and Ladysmith Road as well as providing pedestrian and cycle connectivity with Whitefriars Avenue. It is also proposed to fix the land uses, with the proposed employment uses centred around the Winsor and Newton building and the southern part of the site, with residential uses located centrally within the site and finally, an element of educational use to the north of the site. It is also proposed to fix the maximum building envelopes which provide a clearer indication of the proposed layout of the development.

The broad layout of the site, in connecting Bruce Road and Ladysmith Road and continuing the distinct facing edge along these access ways would create legible and contiguous frontages between the private and public realm. The refurbishment of the Winsor and Newton building and the provision of public space to the east of the building would open up views of an architecturally and historically significant building, the locally listed Winsor and Newton building. This space would also provide an important amenity space within the site. Located adjacent to the employment uses on the site, officers consider that this space would provide an important, dynamic and vibrant space within the site where the mix of uses would integrate. The historical legacy of the site as a manufacturer of artist's materials would also be integrated into the new development by the refurbishment of the Winsor and Newton building and the use of this building and other employment space within Plot D for artist's studios and other creative industry type uses. The southern end of the site would also enable greater permeability and connectivity through the site by cyclists and pedestrians thereby according with the aspirations of the AAP.

The new vehicular linkage between the northern end of the central access route and the High Street is also considered to be appropriate with well animated frontages. The flood zones on the north-eastern corner of the site, discussed in more detail in Section 7 of the report below, limit the usability of this space. There are some concerns around the safety and perception of anti-social behaviour that may arise from this space as overlooking of this space would be limited to the existing residential properties on the eastern side of High Street. However, given the limited usability of this space associated with flood risk, it is considered that appropriate landscaping, secured at the reserved matters stage, would overcome any significant concerns.

The development would provide for defined areas of private amenity spaces within the site as well as providing some areas for children's play spaces within the public open space. Officers consider that these spaces are capable of supporting the requirements of the future occupiers of the development. Specific detail of the landscaping of these spaces will be secured at the reserved matters stage.

Overall, the layout of the site would respond positively to the existing 'blocks' of the Victorian terraces and metroland development of the surrounding locality, integrating successfully with the existing urban fabric of the locality.

Scale and Massing

The applicant has indicated in the Maximum Building Envelope Parameter Plans and the Design Code the scale of the development proposal in terms of building heights, extent of footprint, distances to site boundaries and road widths. The Parameter Plans provide significant flexibility in terms of the actual locations of buildings, tempered by the controls contained within the Design Code. The representations received nevertheless express concerns in this regard.

The application proposes parts of Plots B and C would have elements of up to five storeys in scale. Buildings of up to five storeys in height are also proposed at Plots A and G. The scale of the remainder of the development would be two, three and four storeys in scale which would accord with the 'design considerations' as set out for site 4 of the AAP. At Plots B and C, where parts of the buildings of up to five storeys in scale are proposed, these would be limited by controls within the Design Code which state that no more than 60% of the frontage could be five storeys in scale. Other controls in the Design Code relate road width to building height, requiring a minimum ratio of building height to road width of 1:1.5 to prevail across the site. Officers consider that such controls would adequately address the requirement to maintain the relatively generous sense of openness that the surrounding residential areas exhibit. At Plots A and G, officers consider that the proposed five-storey scale of the buildings would be offset by the generous areas of undeveloped land around these parts of the site as well as the civic scale of the buildings to the north within Salvatorian College and St. Joseph's Church and the four-storey scale of the commercial buildings fronting High Street adjacent to this part of the site.

In terms of buildings depths and proximity to the boundaries of the site, the proposed maximum building envelope permits significant buildings plots. However, details within the Design Code limit the depths of dwellinghouse to 12m and apartment buildings to 18m and 20m. Officers consider that the proposed building depths are reasonable and though such depths would be substantial, they would nonetheless be proportionate to the height of the buildings and the site size. The maximum building envelopes permit a significant degree of flexibility in the specific location of these buildings. However, given the proposed controls in respect of the distances to rear boundaries which vary between 6 and 18m in depth and the additional controls within the Design Code which would not permit the first floors of buildings to be within a minimum distance of 8m for the majority of the site (within a small section of Plot E, first floors within 7.5m of the rear boundaries would be permitted where the existing building on the site is a similar scale), officers consider that the scale and massing of the development would be proportionate to the development site and previous buildings impacts and successfully integrate into the character of the surrounding locality.

Appearance

Some detail in relation to the appearance of the built form is provided in the Design Code though this is limited to controls on frontages. Active frontages would be created along each of the main access routes and the Winsor and Newton building would have frontages in both east and west directions. It is considered that the strategy for creating active frontages and vibrancy on the site is appropriate and accords with the policies of the development plan.

Conclusions on Standard of Design and Layout

Accordingly, and subject to consideration of detailed reserved matters applications, the proposed development is capable of successfully integrating with surrounding areas,

whilst creating a unique character of its own. The scheme would reinforce the positive aspects of local distinctiveness, whilst enabling the promotion of designs that would improve the area and the way it functions, in accordance with the objectives and provisions of the National Planning Policy Framework, policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies AAP3, AAP4, AAP5 and AAP7 of the Harrow and Wealdstone Area Action Plan 2013.

3) Affordable Housing And Housing Density

Core Strategy policy CS1.H seeks to allocate sufficient previously developed land to deliver at least 6,050 net additional homes between 2009 and 2026. The Harrow and Wealdstone Intensification Area is expected deliver a minimum of 2,800 new homes over the plan period, with the AAP suggesting a minimum output of 150 homes from the ColArt site. Notwithstanding the employment designation of the site, the AAP identifies housing as an appropriate form of enabling development and in this context the principle of residential use is considered appropriate. The proposal would contribute up to 195 new dwellings to the Borough's housing supply, in a mixture of houses and flats, with an indicative scheme indicating that up to 598 habitable rooms would be provided. The applicant indicates that the scheme could potentially support 15% affordable housing and that a minimum of 10% of the units approved through a reserved matters scheme would be affordable. As the application is made in outline form, the exact number and mix of units and quantum of affordable housing is not provided at this point.

Density and Unit Mix

At the maximum output proposed, the development would have a density per hectare of 85 units per hectare (u/ha) and 261 habitable rooms per hectare (hr/ha). The site has a public transport accessibility level [PTAL] of 2, 3 and 4, though the majority of the site is located within an area with a PTAL of 3. In light of the tight-knit terraces of the area and the proximity of the site to the Wealdstone District Centre, the site has a mixed urban / suburban character. Within this context, the development would fall within the parameters outlined at Table 3.2 and policy 3.4 of The London Plan 2011. Details of the unit mix would be secured at the reserved matters stage.

Affordable Housing

Core Strategy policy CS1J states that 'the Council will aim for a Borough-wide affordable housing target of 40% of the housing numbers delivered from all sources of supply across the Borough'. Policy CS1.J goes on to say that the Council will seek the maximum reasonable amount of affordable housing on all development sites having regard to a number of criteria, including development viability.

The applicant has indicated that the development could indicatively support up to 15% affordable housing (depending upon size/tenure and a minimum of 10% of affordable housing is offered, in accordance with an appropriate tenure split of 60% social / affordable rent and 40% intermediate housing. The applicant has submitted an FVA with the application. The assumptions contained with the FVA and Three Dragon toolkit assessment of the scheme determines the level of affordable housing the scheme could support. The FVA and the Three Dragons toolkit has been reviewed and the assumptions and inputs are considered to be fair. Having regard to scheme viability and delivery of other infrastructure outcomes (discussed in more detail in other sections of the report and section 13), officers consider this to be the best affordable housing outcome at this time, in the absence of affordable housing grant and given the current economic climate.

It is, however, recognised that both economic and funding conditions could improve over

the course of this phased development and it is therefore necessary to ensure that a mechanism is in place in the s106 agreement to ensure that scheme viability is re-appraised at the submission of reserved matters stage. This is necessary in order to investigate the possibility of both development viability improving and of targeted funding becoming available for the delivery of additional affordable housing, whilst ensuring that a minimum of 10% of the units are affordable for the scheme, in accordance with policy 3.12 of The LP. The principle of this mechanism has been agreed with the applicant and the details are being finalised for inclusion in the s106 agreement. Details in relation to the mix of affordable housing, recognising the Council's preference for delivery of family sized affordable units, will be considered at the reserved matters stage.

Accordingly, officers consider that the proposed affordable housing offer is the maximum that the site can support at the present time (alongside delivery of the other infrastructure outcomes required) and, having regard to the viability of the development proposal, would accord with the aims and objectives of the development plan in respect of affordable housing.

4) Impact Of Development On Heritage Assets

The Winsor and Newton building on the site has recently been locally listed based upon the heritage value of the site and attractive architectural qualities of the building. The applicant has provided a Heritage Statement, assessing the impact of development on this heritage asset. The Heritage Statement concludes by stating the redevelopment of the site would sustain the significance of the former Winsor and Newton building.

The conclusions of the Heritage Statement are considered to be fair. The development proposal would open up views of the Winsor and Newton building from the east which are not currently available and thereby enhance its presence. The removal of the rear extensions to the building would also have a positive impact on the appearance of the building whilst the industrial and creative legacy of the factory and the building would be maintained in the use of the building for 'creative industries'.

Accordingly, it is considered that the development would enhance the heritage significance of the heritage asset on the site, thereby according with the NPPF, policy 7.8.B/C/D of the LP and policy DM7 of the DMP.

5) Amenity

Policy Context

Policy 7.6.B of the LP states that buildings and structures should 'not cause unacceptable harm to amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate'. Policy 3.5.C of the LP requires that all new housing development proposals should incorporate high quality design and should provide homes as a place of retreat. Policy AAP4.B of the AAP signposts policy DM1 of the DMP stating that development for new homes must achieve a high standard of design and layout having regard to the privacy and amenity considerations set out in policy DM1 of the DMP. Policy DM1.C/D requires all new development proposals to a high standard of privacy and amenity, subject to a number of criteria.

Broad Design Principles

Each of the proposed units would be constructed to Lifetime Homes standards and a minimum of 10% of the units would meet Wheelchair Homes standards. These requirements would be fixed in any future scheme to come forward. The indicative

scheme indicates that the development would be capable of meeting the minimum gross internal areas [GIAs] outlined in the LP and the Council's adopted SPD: Residential Design Guide. These GIAs would be provided in details at the reserved matters stage of the application

Physical Impact of Development

As detailed in the 'Site Description' section of the report, the application site has a significant number of residential uses around the site. Though the application is made in outline form, the applicant has submitted as part of the Parameter Plans, a Maximum Building Envelope plan, which in turn informs and is controlled by the Design Code. The applicant has submitted a Daylight and Sunlight Assessment of the site which assesses impacts on windows, informed by an indicative development of the site, which indicates that no unreasonable impacts on the daylight and sunlight to existing neighbouring occupiers or future occupiers would occur. In some instances, improvements in daylight and sunlight would occur. Each plot of development, as the applicant has described them is considered in turn here.

Plot A

This plot would be up to five storeys in scale. The closest residential properties to this plot would be the future residential occupiers of the site opposite. The Design Code requires a minimum road width distance across the site of 16m and the road width ratio places further controls, meaning any building of up to five storeys in scale would be a minimum of 18m away. It is considered that this distance would be adequate to ensure that unreasonable impacts in terms of overlooking, overshadowing or overbearing impacts would not arise.

In terms of the living conditions of the future occupiers of this Plot, the units within this plot would be single aspect, with the exception of the corner units. Though single aspect units are discouraged in design terms, in light of the requirements to provide educational development on the site, and given that these units would be limited to 10m in depth in the Design Code, it is considered that such units are acceptable in this instance. Details of appropriate solar shading, which would be secured at the reserved matters stage, would ensuring the units would not experience overheating given the south facing nature of the units.

Plot B

Plot B encompasses the three-storey dwellings along the southern side of the new access route to High Street and up three, four and five storey dwellings / apartment buildings. The dwellings along the southern side of the access routes would be sited a minimum of 10m from the rear boundaries of the gardens to the residential properties on the northern side of Bruce Road. Many of these properties currently experience the warehouse building within the factory at much closer proximity. Notwithstanding the presence of the warehouse building, officers consider that the minimum distance of 10m, given the maximum height of these buildings, would be adequate to ensure no undue overlooking, overbearing or overshadowing impacts arise.

The apartment / dwellings that continue around the corner would align with the building lines of the properties along the northern side of Bruce Road on the front elevation and would respect a 45° line drawn from the rear corner of the nearest building at the rear. The rear of the apartment buildings would be sited a minimum of 18m from the rear boundary of the site and it is considered that these distances, notwithstanding the scale of the building proposed, would be adequate to ensure that unreasonable levels of

overlooking, overshadowing or overbearing impacts would not occur.

In terms of the living conditions of the future occupiers of this plot, the Design Code and the indicative scheme indicate that a significant number of the units would be dual aspect and all units would be capable of being dual-aspect. Given the road width restrictions and the scale of the surrounding buildings, officers consider that satisfactory living conditions for the future occupiers of these units could be successfully accommodated within the parameters of the development.

Plot C

At plot C it is proposed to provide up to three, four and five storey apartments and dwellings arranged in a U-shape in a similar fashion to Plot B. Here, the front building lines would follow from the established building lines of the properties along the southern and northern sides of Bruce Road and Ladysmith Road respectively. At the maximum building extents, the development would accord with the horizontal 45° codes of the Council. The scale of the buildings adjacent to existing properties would be three-storey at their maximum extent, with a maximum overall height similar to the ridge heights of the residential terraces of Bruce Road and Ladysmith Road. A minimum distance of 18m to the rear boundary of the units facing the central access route would again be employed and it is therefore considered that the building proposed for this plot would not adversely impact on the amenities of the neighbouring residential properties in terms of overshadowing, overbearing or overlooking impacts.

In terms of the living conditions of the future occupiers of this plot, the Design Code indicates that all north-facing units would be dual aspect and all units would be capable of being dual-aspect. Given the road width restrictions and the scale of the surrounding buildings, officers consider that satisfactory living conditions for the future occupiers of these units could be successfully accommodated within the parameters of the development.

Plot D

The buildings in Plot D would be up to three and four storeys in scale and would be apartments. Again, the front building line would follow from the established building line of the properties on the southern side of Ladysmith Road. The south-eastern corner of this building block has been amended through the application process to ensure that the scale of this building would have no greater impact than the existing building which is four-storeys in scale within 2.5m of the boundary. The proposed buildings in this location would have a maximum extent of three-storeys and at the rear, would be sited a minimum of 3m from the boundary of No.20 Ladysmith Road, the closest residential property to the east. Accordingly, it is considered that the adjacent residential property, No.20 Ladysmith Road would experience a neutral or positive impact in terms of overshadowing or overbearing impacts.

Approximately half of those properties on Graham Road that abut the site (the properties that abut the eastern section of the southern boundary of the application site) would experience a net benefit in terms of overbearing or overshadowing issues as the existing building of some four-storeys in scale which is sited within 1.5 and 4m of the rear boundary of the site would be replaced with buildings of some 3 and 4 storeys in scale, sited a minimum of 8m from the rear boundary. Any parts of the building over two-storeys in scale, sited within 28m of the rear wall of the properties along Graham Road, would be required to be sited a further 2.5m from the rear boundary of the application site.

Those properties along the western section of the southern boundary of the site are currently faced with a factory building just below two-storeys in scale which is between 2 and 5m from the rear boundary. These properties could potentially experience higher buildings that are currently on the site, of up to four storeys. However, the maximum extent of the building envelope would again be no closer than 8m and any elements above two-storey level within 28m of the rear walls of the buildings on Graham Road would be set a further 2.5m from the rear boundary. Given the generous rear gardens of these properties, the distance involved and the existing situation, it is considered that unreasonable impacts on the amenities of the adjoining properties along Graham Road, in terms of overbearing or overshadowing impacts, would not occur.

In terms of overlooking issues arising from Plot D, it is appreciated that the lawful use of the building does not result in any overlooking or perception of overlooking. However, officers consider that the proposed setbacks and distances from boundaries set out in the Design Code, and the garden depths at the properties at Graham Road would adequately mitigate against any adverse overlooking impacts.

This plot also abuts the rear of the Sri Lankan and Muslim Cultural Centre. The western flank wall of plot D would face this property. Officers consider that the western flank wall of plot D is sited an adequate distance from this building that no undue overbearing or overshadowing impacts would arise. As this flank would not serve as a primary or secondary frontage, there is no specific requirement for openings on this flank wall. Further assessment will be carried out at the reserved matters stage of development. However, it is considered that the appropriate employment / residential space could be provided within this block without undue overlooking of the Sri Lankan and Muslim Cultural Centre

In terms of the living conditions of the future occupiers of this plot, the Design Code fixes the development so that all units would be dual aspect. Given the road width restrictions, the positive open aspect towards the open space and the scale of the surrounding buildings, officers consider that satisfactory living conditions for the future occupiers of these units could be successfully accommodated within the parameters of the development.

Plot E

Plot E would be comprised of dwellings of up to two and three storeys in scale. These dwellings would be sited a minimum of 6m from the rear boundary of the site. The Design Code places controls over this part of the site in four sections. At the northern end, any first floor part of the two-storey buildings would be required to be a further 2.5m from the rear boundary. The next most northerly section, potentially up to three-storeys in height, would have the first and second floors set back a further 2.5m in addition to the 6m minimum distance. Further to the south, where buildings up to three-storeys in scale are proposed, the setback at first and second floor level would be 3.5m. Finally, at the most southerly part of Plot E where up to three-storey buildings are proposed, it is proposed that the first and second floors would be set back a further 1.5m from the rear boundaries.

Each of the properties which directly face onto Whitefriars Avenue, No.'s 20-46 Whitefriars Avenue, have relatively generous rear gardens, averaging approximately 25m in depth. Where the smaller setback is provided at the southern end of the plot, these properties are already adjacent to a factory building of two storeys in scale sited between 6 and 12m from the rear boundary of the site. Overall, given the proposed setbacks and

the overall height of the buildings proposed in Plot E, having regard to the setbacks proposed at all levels above single storey level, it is considered that no unreasonable impacts in terms of overshadowing or overbearing impacts would occur.

In respect of overlooking issues, the Design Code places controls on the nature of windows that would be permitted in the rear elevations of the buildings above single storey level, excluding windows that have a direct horizontal orientation. It is considered that such a control would adequately mitigate against the potential overlooking impacts that would otherwise arise. In the case of No.56 Whitefriars Avenue, this property is orientated with its side garden along a significant length of the boundary of the application site. In this instance, it is considered that obliquely angled windows and side facing windows, would not of themselves, be adequate to mitigate against any potential overlooking impacts. However, it is considered that appropriate landscaping of this part of the site, in a similar fashion to the screening effects of the existing trees and shrubbery currently present on this part of the site, would ensure that the privacy of the occupiers of this property would be appropriately safeguarded. This would be secured through the reserved matters applications.

In terms of the living conditions of the future occupiers of this plot, the Design Code fixes the development so that all units would be dual aspect. Given the road width restrictions and the scale of the surrounding buildings, officers consider that satisfactory living conditions for the future occupiers of these units could be successfully accommodated within the parameters of the development.

Plot F

This plot relates to the Winsor and Newton building. This building would be reduced in scale and adverse impacts from this building would not therefore arise from overbearing or overshadowing issues. The nature of the use of this building would be similar to the lawful use of the building and it is considered that unreasonable impacts on overlooking from this building to neighbouring properties would not occur.

Plot G

This plot represents an area of land that would be safeguarded for future educational use. It would be five-storeys in scale and would abut the rear of Plot A. For this reason, the applicant proposes that the units within Plot A would be single aspect which would negate any adverse impacts in terms of overbearing, overshadowing or overlooking issues. The other surrounding land uses around this plot relate to educational use, which this plot would be associated with, and a petrol station. Given there are no particular sensitivities in terms of amenities associated with these uses, it is considered that the proposed development of this plot would not have an adverse on neighbouring amenities.

Were the educational use of the land not to come forward within the period for which this land is safeguarded, the land could potentially used for other uses. However, were an application to come forward for the use of this land for purposes other than educational use after the safeguarding period had come to an end, any proposals would need to be assessed on its relative merits and accord with the policies of the development then in force. Such a mechanism would ensure that the amenities of the surrounding land uses would be re-appraised at that time.

Noise, Disturbance and Activity

In land use terms, the proposed use of the site would be wholly compatible with the surrounding land uses, serving as an extension of the surrounding land uses, educational

and residential, and changing the nature of the land use to those more compatible with residential uses – the existing B2 and B8 land uses would be removed and replaced with ‘creative industries’, uses which most closely fall within the B1 Planning Use Class category and are defined in the Town and Country (Use Classes) Order 1987 (as amended) as “being a use which can be carried out in any residential area without detriment to the amenity of that area ...” Consideration has been given as to the requirement for restrictions on the hours of use of the employment uses on the site. However, given the lawful use of the building and the site which are less compatible with residential uses than those uses proposed, recognising that small office/creative enterprises may from time to time involve late/overnight working to complete contracts/commissions, and the small number of employees would be likely to take up such an option, officers consider that the conditions of development restrictions the hours of use of the employment facilities would not be reasonable in this instance.

As is discussed below, the proposed development would result in traffic generation to the site. In opening up the access points between the application site and Bruce Road and Ladysmith Road, activity and disturbance associated with vehicular movement and other movements arising from the development would be most keenly felt by the residents of these streets. However, and as is discussed below, traffic movements along these routes, even during peak hours would not be significant at 30-40 vehicle movements in the peak hours. Notwithstanding the fact that these streets currently exhibit very low levels of movements due to their cul-de-sac nature, it is considered that the proposed vehicular and other transport movements associated with the development would not result in unreasonable levels of activity and disturbance for the occupiers of these properties.

Operational Development

During the construction phase of development, given the constrained nature of the site, impacts upon the public realm and the reasonable enjoyment of surrounding residential properties are considered likely. To mitigate and minimise such impacts, a Construction (and demolition) Management Plan, setting out a strategy to negate adverse impacts on the surrounding properties will be secured by condition.

Conclusion on Amenity

Officers consider that the proposed land uses would result in positive impacts on the amenities of the surrounding properties in comparison with the lawful B1, B2, B8 planning uses of the site, representing uses which would be compatible with the surrounding land uses. The scale of the build envelope is considered to be proportionate to the site and its surroundings in terms of amenity impacts and neighbouring amenities would be safeguarded by appropriate conditions here, and appropriate mitigation strategies secured at the reserved matters stage. Disturbance and activity associated with the development would not unreasonably impact on the surrounding properties and accordingly, officers consider that the proposed development would accord with development plan policies in respect of amenity impacts.

6) Traffic, Parking, Access, Servicing And Sustainable Transport

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. London Plan policy 6.3 states that ‘development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor

and local level, are fully assessed'. Policies 6.9 and 6.10 relate to the provision of cycle and pedestrian friendly environments, whilst policy 6.13 relates to parking standards. Core Strategy policy CS1.Q seeks to 'secure enhancements to the capacity, accessibility and environmental quality of the transport network', whilst policy CS1.R reinforces the aims of London Plan policy 6.13, which aims to contribute to modal shift through the application of parking standards and implementation of a Travel Plan. Policy AAP19 of the AAP reflects the aims and objectives of national and regional policy in seeking to ensure sustainable modes of transport are prioritised, car-free development is considered and incorporated into development in an area wide green travel plan for the Heart of Harrow.

The applicant has submitted a Transport Assessment [TA], including a draft Travel Plan and Car Park Management Plan for the site in support of the application. The TA, based upon an indicative redevelopment of the site providing 195 new units, 2,921sqm of employment floor space and 159 car parking spaces, 22 of which would be for employment uses, indicates that the development would not adversely impact on highway safety and convenience, and would encourage sustainable modes of travel to and from the site. The Highway Authority has commented on the development proposals.

Traffic Generation

The applicant has demonstrated that the proposed residential use of the site would result in a two-way in and out traffic generation of approximately 40 vehicles in the peak morning hours and 30 vehicles in the afternoon, due to a greater dispersal of vehicles in the afternoon hours. The employment uses, based on other similar developments, are estimated at approximately 60 vehicles during the morning peak hours and 50 vehicles in the evening peak. However, owing to the lack of comparable sites – these figures are based on a site twice the size – and the limited parking capacity of 22 on-site spaces, these figures are considered to be an overestimate. In comparison with the lawful and pre-existing use of the site, the applicant considers that the number of vehicle movements to and from the site in the peak hours would result in a decrease, albeit over a greater number of access points and acknowledging that the residential use of the site would also be likely to see some vehicle movements at other times of the day. The applicant has also assumed that the High Road and Ladysmith Road junctions will facilitate the majority of movements on the basis that users will seek to use either junction dependent on whether they are moving in a north or southwards direction.

Officers have reviewed the assumptions of the TA and these are considered to be fair. The estimated usage level of the site represents in the region of 3% of the existing total flows on the High Street in the corresponding morning and evening peak hours which does not factor in modal shifts towards more sustainable modes of transport and the delivery of a successful travel plan or car parking management strategy as discussed below. As a result officers consider that the traffic generation arising from the development would not have adverse impacts on traffic flows, or highway safety and convenience.

Access

The site currently has 6 vehicular access points, with two access points off High Street, one to the north and one to the south of Orion House, one access point on each of Ladysmith and Bruce Roads, and two access points to the Winsor and Newton building off Whitefriars Avenue. The existing access points to the south of Orion House and off Bruce Road and Ladysmith Road have not, however, been used for some time. It is proposed that four access points would be used: the existing access point off High Street

which serves the warehouse and distribution element of the site and also provides access to the employee car park to the rear of these buildings; connections made between the site and Bruce Road and Ladysmith Road and the southern access point at the Winsor and Newton building off Whitefriars Avenue. The northern access point off Whitefriars Avenue would solely serve pedestrian and cycle access. The existing secondary access point off High Street would be sealed and made redundant.

The existing main access location has been operational for gaining access into and out of the site and the proposal would utilise the same opening as a primary access for vehicles and pedestrians. The pre-existing use of the site exhibited a high number of vehicles entering and exiting the site from this location as access to the car parking area was provided in this location. The applicant has indicated that the factory use of the site was based on shift work (primarily from 0800 to 1600 hours) with the administrative operation of the site based on normal office work hours.

For the anticipated use of the site, the High Street access point would satisfy and exceed the minimum 'Manual for Streets' safety and visibility parameters and is positioned away from any other localised road junction in accordance with standard safety practices. It is noted that the land just to the north of the access point is within the applicant's control and the submission of an appropriate landscaping scheme for this location could assist in further enhancing visibility in the northward direction when exiting the site. The utilisation of this access provision would assist in diluting the general level of vehicular activity and servicing impacts on the existing residential road such as Bruce Road and Ladysmith Road.

Bruce Road and Ladysmith Road currently have access gates into the site. However, these have remained dormant for some time and each of these roads effectively acts as cul-de-sacs with commensurate low vehicle usage. The predicted trip generation for each of these access points is 30 vehicles in and out in the morning and afternoon peak hours. This level of trip generation is proportionally low when compared to the general vehicle activity on the High Street, where these vehicles would exit onto the main highway network. Such a provision would be in accordance with MfS standards and officers consider that both junctions are adequate in design to accommodate the additional traffic movements arising from the proposed development.

Both Bruce and Ladysmith Road provide residential parking bays on both sides and traffic moving to and from the application site would be required to 'give way' when travelling in opposite directions. However, given the limited length of carriageway that is required to be negotiated and the expected level of traffic arising from the development along these access routes, officers consider that no unreasonable impediment or impacts on highway safety and convenience would result. If adjustments are required, it is considered that monies secured in relation to 'Controlled Parking Zones' [CPZ] would adequately address any requirements. To ensure satisfactory design transitions between the development envelope and the public highway on both roads, any necessary access/egress arrangements would be undertaken under s278 of The Highways Act 1980 with all related implementation costs absorbed by the developer.

The applicant has indicated the existing access on Whitefriars Avenue would be maintained but the northern access point adjacent to No.20 Whitefriars Avenue would be solely for pedestrian and cycle access. The southern access point would serve the employment uses in the Winsor and Newton building, providing parking and servicing only. Given the level of parking spaces available for the Whitefriars Avenue access, and as

there would be no through vehicular access into the site, this component of the development would generate minimal levels of vehicular activity throughout the day. For pedestrian and cycle activity, the provision of a dedicated access point is supported, encouraging sustainable transport modes and greater pedestrian and cycle connectivity across the site.

Parking

The proposed provision of parking spaces for the residential component of the scheme would equate to 0.7 parking spaces per dwelling which falls within the London Plan maximum standards for residential uses. Policy AAP19 of the AAP encourages development to prioritise sustainable modes of transport and though the provision of car parking is towards the higher end of the LP parking standards, the applicant has responded to public consultation on previous iterations of the development proposals which sought to provide lower levels of car parking on the site. In consultation responses residents expressed concern in relation to the level of car parking provided for the site and the effect that displacement of cars from the site could have on the surrounding area. In light of the comments received through the consultation process, the submission of a draft Travel Plan which encourages sustainable travel, and the requirements which will be secured for the developer to produce a site specific travel plan stating how the development will meet the relevant area wide criteria Green Travel Plan provisions in accordance with policy AAP20 of the AAP, officers consider that the level of car parking provision proposed for the residential component of the scheme would be appropriate.

In terms of the employment uses, the proposal would indicatively provide 22 car park spaces, which accords with LP standards. The availability of car parking space is an important driver in the attractiveness of employment space and it is considered that the provision of this level of spaces would be appropriate. The applicant has indicated that the internal site road network would remain unadopted. The Highway Authority considers this to be a reasonable position. However, in order for a 'lower' parking provision i.e. below the maximum standards in the LP to work successfully, a Parking Management Strategy will be required to control internal parking arrangements for the residential and employment uses to ensure injurious parking does not occur, such as parking on dedicated landscaped / amenity areas, footpaths and linkages and obtrusive parking on internal roadways. If unaddressed, officers consider that the parking provision proposed will result in unfettered car ownership / usage within the site and a resultant parking displacement into the surrounding adopted streets. The Parking Management Strategy would be supported by enforcement structures which would encourage the use of alternative sustainable transport modes and assist in ensuring that parking demand is reduced and managed coherently. Officers consider that the Parking Management Strategy can appropriately and reasonably be secured by condition of development.

As a consequence of a Parking Management Strategy, officers anticipate that there is potential for the displacement of vehicles from residents of the development onto the surrounding road network. The locality is, in the main, encompassed by a CPZ. However, there are areas which are uncontrolled such as Whitefriars Avenue and Athelstone Road, whilst other parts of the CPZ only operate on a limited basis. Officers consider that these areas could experience higher levels of car parking in these areas as a result of the development and accordingly, a review of parking practices and the extent of the CPZ may be required as a result of the development. Accordingly, a figure of £40,000 is required to offset the potential costs to the Council to facilitate the investigation and possible review / extension of the surrounding Controlled Parking Zone and general parking controls. This would be secured through the legal agreement.

Conditions would secure appropriate levels of electric car charging points and disabled spaces to accord with LP standards. In terms of cycle parking, the scheme indicates that 271 spaces in total could be accommodated on site, exceeding LP standards, and such a provision is supported as it would encourage sustainable modes of travel.

Servicing

The applicant has demonstrated that the roadways within the site and the adjoining areas are capable of supporting servicing vehicles such as refuse vehicles and other servicing vehicles for the employment uses on the site in accordance with Manual for Streets best practice. Officers have reviewed these assumptions and these are considered to be fair. In light of the constraints and sensitivities of the surrounding road network, detailed Construction Logistics Plans and Service Delivery Plans will be required. These requirements would be secured by planning condition.

Internal Layout of Streets

As the application is made in outline form, detail of the proposed internal layouts of the streets is not provided. However, best practices for developments of this scale encourage traffic calming in 'home zones' which give a clear priority to non-private car modes of travel. Details of the internal layouts of the streets would be provided at the reserved matters stage.

Cycle / Pedestrian linkages

The proposal would provide for pedestrians and cycle linkages across the site. In light of the increased level of cycle and pedestrian traffic from the site towards Wealdstone District Centre, officers consider that a financial contribution of £15,000 would be required to facilitate improvements to the public realm in respect of cycle and pedestrian improvements.

Framework Travel Plans

The applicant has submitted a Framework Travel Plan for the development in order to capture both the residential and workplace requirements for the site which accords with Transport for London good practice mechanisms to achieve a modal shift away from the private modes of travel. Implementation and monitoring of the Framework Travel Plan would be secured through the Green Travel Plan.

Conclusions on Transport and Servicing Impacts of Development

The applicant has demonstrated that the development is capable of supporting the traffic that would be generated from the site whilst the TA also conforms to best practice guidance in seeking to encourage modal transport shifts away from private means of transport. Some representations have been received in relation to transport impacts arising from the development and given the dormant nature of the site currently and the changing nature of the use profile of development, such concerns are understandable. However, officers consider that the development would produce nominal additional impacts in comparison with the lawful use of the site in the peak hours, the times when additional highway capacity is most limited. In terms of parking displacement, it is considered that the proposed travel plans, in association with the controls that would be placed on the site and the potential extension of the CPZ would ensure that parking displacement onto the surrounding road would be discouraged. Accordingly, it is considered that the development would accord with development plan policies in respect of transport and servicing issues.

7) Development And Flood Risk

The site is predominately located within Flood Zone 1 (the lowest flood risk) though parts of the north-eastern corner of the site are identified in the Strategic Flood Risk Assessment [SFRA] as being within flood zones 2, 3a and 3b. However, through consultation with the Council and over the course of the evolution of the scheme, built development in areas of Flood Zones 3a and 3b have been removed from the development proposal. Only minor areas of development, for residential uses, would be located in Flood Zone 2 and the remainder of the built development would be in Flood Zone 1.

The applicant has submitted a Flood Risk Assessment [FRA] and has been in consultation with the Council prior to the submission of the application. The FRA indicates that the development proposal would create greater permeability across the site and suggests mitigation strategies which primarily relate to resilience, as the applicant indicates that the site is not at direct risk for tidal or fluvial flooding. The Council's Drainage Engineers and the EA have commented on the application.

The site is identified as an allocated site within the AAP and sequential testing of the site, based on its appropriateness for redevelopment has already been carried out through the process of the adoption of the AAP. Only very minor elements of the development proposal would be located outside of Flood Zone 1, and were this would occur, these elements would be located in Flood Zone 2. Council Engineers in reviewing the application, consider the development to be acceptable in principle and broadly agree with the recommended mitigation strategy proposed within the FRA. However, the development should provide a greater level of storage attenuation measures and Emergency Plan to be provided for in the event of flood. Officers consider that these elements would be secured by condition. Subject to such conditions, the development would accord with policies 5.3.C, 5.12.B/C and 5.13.A of the LP and policy AAP9 of the AAP.

8) Accessibility And Inclusivity

As the application is submitted in outline, full details of site levels and designs of individual buildings are not before the Council for consideration at this stage. However, the details of site levels that are shown on the Parameter Plans demonstrate that an accessible public realm should be able to be created and the applicant has committed in the Design Code to providing 10% Wheelchair homes and that all units would meet Lifetime homes standards. A condition is recommended to ensure that an accessibility scheme is provided with each reserved matter application and the required standards of the development plan are met for residential and employment uses on the site.

9) Sustainability And Climate Change Mitigation

Paragraphs 96-98 of the NPPF relate to decentralised energy, renewable and low carbon energy. Chapter 5 of the London Plan contains a set of policies that require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. Specifically, policy 5.2 sets out an energy hierarchy for assessing applications, as set out below:

- 1) *Be lean: use less energy*
- 2) *Be clean: supply energy efficiently*
- 3) *Be green: use renewable energy*

Policy 5.3 seeks to ensure that future developments meet the highest standards of

sustainable design and construction, whilst policies 5.9-5.15 support climate change adaptation measures.

The applicant has submitted an Energy Statement, which details the likely energy demands of the proposed development and proposed a strategy to increase energy efficiency. A Sustainability Statement has also been submitted, which describes the sustainability principles of the proposed development and measures that would be incorporated to ensure high levels of performance and long-term viability.

The methodology for the proposed Energy Strategy accords with the hierarchy set out within the London Plan and demonstrates how the minimum savings in carbon emissions against Building Control targets would be achieved on site. Officers consider that the findings of the Energy Strategy are fair and would accord with development plan policies. However, further consideration of the energy strategy for the reserved matters scheme would be required. A condition of development would ensure that the energy and sustainability strategies as proposed, would achieve the required and indicated reductions of carbon emissions.

10) Ecology And Biodiversity

The application site is located within a predominantly urbanised area with no recognised biodiversity or ecological value. Little reference is made by the applicant to the biodiversity or ecological value of the site other than reference in the Sustainability Statement which states that a suitably qualified ecologist will be consulted to improve the biodiversity on site and ensure there is no loss of existing biodiversity.

The Council's Biodiversity Officer has commented on the application and whilst noting the low value of the site, considers that there is a reasonable prospect of house sparrows and bats being present on the site as these have been recorded in the area and the existing buildings have been vacant for some time. As such, conditions will be required to ensure appropriate surveys of protected species on the site are provided and mitigations strategies provided if such surveys indicated that protected species are present. Details should be provided at the reserved matters stage of development. In order to enhance biodiversity on the site, provision should also be made for the bird and bat boxes to be incorporated into the fabric of the proposed buildings on the site. Subject to conditions therefore, the development would accord with development plan policies in this respect.

11) Land Contamination And Remediation

The NPPF (paragraph 121) requires LPAs to ensure that the site is suitable for the new uses proposed, taking account of ground conditions including pollution arising from previous uses. Adequate site investigation information, prepared by a competent person, should be presented. This reflects the requirements of policy DM15 of the DMP, which also requires an investigation of the hazards posed and appropriate.

The application is accompanied by a Geo-Environmental Assessment [GEA], which summarises the extent of the land contamination on the site that has arisen from over a century of industrial activities. The GEA has been developed based on environmental information for the site obtained during various ground investigations. The report acknowledges that further information, in the form of a Remediation Strategy, should be provided and agreed with the LPA prior to the commencement of works on-site. Other recommendations are also made for dealing with the contamination, including the importation of clean soils for areas of landscaping to ensure suitability for occupants and plants.

The Council's Environmental Health Team has reviewed the GEA and consider this to be satisfactory, subject to a condition securing an appropriate remediation strategy for contaminants on the site. Subject to such a condition, it is considered that the proposed development would accord with policy DM15 of the DMP.

12) S17 Crime And Disorder Act

As the application is submitted in outline form, detailed drawings of building design and layout are not therefore before the Council for consideration at this stage. However, it is necessary to consider the extent to which the submitted Parameter Plans and Design Guidelines deal with secured by design issues.

The broad layout of the site and the creation of a central spine through the site would result in the development of the site following the established linear pattern of development along the surrounding residential streets. A central open space would provide the primary amenity or meeting point on the site and would have appropriate levels of surveillance from employment and residential uses. The other significant area of public open space at the north-eastern end of the site, though it have a good open quality, would not receive the same high levels of natural surveillance and detailed consideration of the landscaping of this space will therefore be important in subsequent reserved matters applications to discourage crime or a perception of crime in this location.

The Metropolitan Police Crime Prevention Design Advisor has requested detailed information relating to Secured by Design measures and this can be secured by condition. Conditions are also recommended to ensure that the public open spaces are adequately lit and further consideration of the layout of these spaces will be undertaken on consideration of reserved matters applications. It is therefore considered that an acceptable arrangement can be provided throughout the scheme and the proposal would therefore not increase the risk or fear of crime.

13) Planning Obligations

The broad headings and contributions, as outlined at the beginning of this report are considered to be reasonable and justified in accordance with the requirements in regulation 122 of the Community Infrastructure Regulations on the use of planning obligations, i.e. that they need to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) Fairly and reasonable related in scale and kind to the development.

The Heads of Terms of the legal agreement are agreed with the applicant.

Affordable Housing

The applicant has indicated that the scheme could support 15% affordable housing at its maximum extent and a minimum of 10% of affordable housing is offered. The s106 will be place and obligation on the landowner to apply for grant funding and a mechanism will be included to s106 agreement to re-appraise the viability of the scheme in light of the finalised housing mix of development and the availability of grant funding. Any surplus would be captured by the Council in the form of off-site contributions.

Education

A contribution of up to £180,000 towards the development of education facilities in the

borough would be secured to offset the educational costs associated with a child yield from the site. The s106 Agreement would also secure a plot of land within the application site for purchase and use by Salvatorian College. This plot of land would be cleared and safeguarded for education use only for a period of 5 years which is considered to be a reasonable period for development of this educational land to come forward.

Employment

Contributions of up to £80,500 will be secured towards recruitment and training programmes operated by the Council. An obligation to provide a Recruitment and Training Strategy for the site would ensure the process would occur in a managed and cohesive fashion. Conditions of the development would secure the 'creative industries' employment uses of the site and an obligation of the s106 agreement to provide a management plan would ensure that these uses are integrated and managed appropriately within the development.

Health

A contribution of up to £150,120 towards the development of health facilities in the borough would be secured to offset the health costs associated with a person yield from the site.

Sports and Leisure

A contribution of up to £72,000 towards the development of sports and leisure facilities in the borough would be secured to offset the sports and leisure costs associated with a person yield from the site.

Transport and Travel

A contribution as detailed in Section 6 of the report above would be required for a review of the CPZ in the area. Conditions of development would secure appropriate Travel Frameworks and Green Travel Plan.

Public Realm Improvements

A contribution of £15,000 towards improvements of cycle and pedestrian environments between the application site and Wealdstone District Centre.

Conclusion on Planning Obligations

Officers have reviewed the FVA submitted with the application and consider that the contributions and obligations sought are the maximum that a viable scheme can support. It is considered that the obligations sought would offset the effect of development.

14) Equalities Implications And The Human Rights Act

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have considered the obligations of the local planning authority in respect of the

Equalities Act as detailed above in this assessment of this application.

Officers have taken this into account in the assessment of this application and the Committee must be mindful of this duty when determining all planning applications. The redevelopment of the site seeks to provide new employment uses, residential buildings and educational space on the site in the form of an outline application. Detailed building and public realm designs are not before the Council at this time. Officers consider that the detail set out in the submitted Design Code provides an approach that, in conjunction with the Parameter Plans, would ensure that detailed applications should make provision for the appropriate levels of inclusiveness. The proposal presents an opportunity to provide new open and civic amenity space, to create pedestrian links to the surrounding areas, enhanced levels of biodiversity and to provide on-site play space, supporting community wellbeing, employment opportunities social cohesion. Social inclusion will be enhanced over the construction period by securing an appropriate employment and construction training programme by legal agreement.

In light of the above, it is considered that the proposed development would not result in any infringement on Equalities legislation.

Human Rights Act

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (“the Convention”) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. This application has been advertised and considered in accordance with the relevant Planning Acts and is being determined in accordance with the Council’s adopted Scheme of Delegation for planning applications. No infringement of this article therefore arises.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these articles are allowed in certain defined circumstances, for example where required by law. However, any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective. The determination of the planning in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires the application to be determined in accordance with the adopted development plan (a document developed through extensive consultation with the community and in the public interest) unless other material considerations indicate otherwise, would satisfy this objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. The determination of the planning in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 would also satisfy this objective.

It is noted that one representation has been received citing the Human Rights Act and the

right to quiet enjoyment of possession including land and homes. This comment is noted. Section 5 of the report above considers the impact of development on living conditions and neighbouring properties, whereby officers consider that unreasonable impacts on amenities, including the enjoyment of the home and privacy arising from the development would not be adversely affected over the life of the development (save for short term disruption/disturbance during construction that is considered reasonable in the pursuit of the benefits to the public at large from the development. .

15) Consultation Responses

Development would be over-bearing, out-of-scale and will infringe on privacy

These issues are addressed in Sections 2 and 5 of the report above.

Blocks are not in proportion to their size

This issue is addressed in Section 2 of the report above.

Human Rights Act outlines that a person has a right to peaceful enjoyment of all their possessions which includes their house and land

This issue is addressed in Section 14 of the report above.

Development would result in an increase in traffic – particularly along Graham Road and Whitefriars Avenue

This issue has been addressed in Section 6 of the report above. In relation to traffic generation along Whitefriars Avenue, the comment appears to relate primarily to existing issues. Given the absence of through routes across the site or vehicular access to the site from Whitefriars Avenue, officers consider that highway impacts on Whitefriars Avenue as a result of the development would be low.

Object to the proximity of the three-storey blocks backing on Whitefriars Avenue. Loss of trees in this area will be a security risk

The issue of the proximity of the blocks to the rear boundaries of the properties on Whitefriars Avenue is considered in detail in Section 5 of the report above. It should also be noted that these distances are provided as minima and would represent the closest these buildings could be to the rear boundaries. The loss of trees is noted. However, if considered necessary and appropriate, these trees could be re-provided and this would be secured through the reserved matters applications.

Value of surrounding properties will devalue appreciably

This is not a material planning consideration and cannot therefore be considered as part of the assessment of this application

CONCLUSION

The development proposal would provide for a comprehensive mixed use development of the site, which has been developed through pre-application and public consultation exercises over the last 18 months. Notwithstanding the lawful employment uses of the land, the development proposals would create new employment floorspace for a small cluster of creative industrial uses which are not currently well catered for within the borough.

This would be “enabled” by the positive land values associated with the residential component of the proposal. The principle of enabling development is recognised within the Core Strategy as being an appropriate mechanism for realising and regenerating employment, in recognition that the changing nature and needs of industrial employment

and the fact that the lawful employment uses of the land are no longer viable in the absence of enabling development. The Harrow and Wealdstone Area Action Plan 2013 gives effect to the spatial strategy of the Core Strategy and recognises that the site is capable of supporting new 'creative industry' employment uses, new educational land with target outputs of 130 new jobs and 150 new residential units. Officers consider that the application accords with the objectives and provisions of the adopted site allocation.

Having regard to the three strands of 'sustainable development' as outlined in the NPPF, that the development would play an economic role, a social role and an environmental role, it is considered that the development proposal would accord with the principle of sustainable development.

The development proposal would achieve the minimum targeted output for the provision of employment, in appropriate employment uses, outlined in the AAP. Though the lawful use of the site, which supported a significant level of employment in the borough is acknowledged, officers consider that the strategy for re-providing employment on the site, enabled by residential development is appropriate. Through the course of construction on the site, contributions secured through the s106 agreement would enable the provision of apprenticeship training on-site for local residents. The redevelopment of the site would support the growth of Wealdstone and the infrastructural costs of development would be secured through the s106 agreement.

The redevelopment of the site would integrate employment and residential uses into a single development, replacing a general manufacturing use amidst surrounding residential uses. Officers consider that the development of the site will support social cohesion, creating linkages across the site and integrating the residential uses into the surrounding area. Conditions will secure appropriate use of the employment uses, whilst management strategies for the employment provision will ensure that these uses are affordable and available to local residents. The provision of civic and amenities spaces will provide a meeting point and hub for the residents of the development, and businesses on the site and will encourage interaction and social cohesion. The redevelopment of the site would also provide for a plot of educational land, helping to alleviate the recognised pressures on land to meet secondary education need in the borough at the adjacent Salvatorian College, thereby contributing community benefit to the surrounding area.

Officers consider that the redevelopment of the site would have a positive environmental impact. Development of the site would accord with the principles of sustainable buildings and places, whilst the layout of the site would accord with the aspirations of the AAP to create a place which has a character of its own, but would also integrate with the surrounding area and the character of Wealdstone. The scale and massing of the site is considered to be appropriate, and subject to appropriate controls which would be secured by condition and through reserved matters applications, officers consider that adverse impacts on the amenities of the surrounding locality would not arise. The redevelopment proposals would provide an enhancement of the heritage asset, whilst reflecting the artistic legacy of the site. In terms of transport impacts, the redevelopment of the site would encourage use of sustainable modes of travel whilst providing mitigation measures where sustainable transport modes could not be realised. The redevelopment of the site addresses issues around land contamination, flood risk and through appropriate measures, would secure an improvement in biodiversity and an enhancement of the ecological interest of the site.

For these reasons, in considered the development amounts to sustainable development in accordance with the NPPF, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, subject to the S106 agreement and planning conditions identified below, the application is accordingly recommended for approval.

CONDITIONS:

1 COMMENCEMENT:

The development shall be begun not later than three years from the date of this permission or two years from the final approval of the first Reserved Matters application, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2 This permission shall lapse unless the first Reserved Matters application is made within two years of the date of this permission.

REASON: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 APPROVAL OF RESERVED MATTERS:

Approval of the details shown below (the Reserved Matters) for development shall be obtained from the local planning authority in writing before any development in that phase is commenced:

- a) layout
- b) scale
- c) appearance
- d) access
- e) landscaping

REASON: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

4 DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH PERMISSION:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 467-PL-201-B: Site Location Plan
 - 467-PL-202-B: Retention and Demolition
 - 467-PL-203-C: Access Routes and Open Space
 - 467-PL-204-D: Land Use
 - 467-PL-205-E: Maximum Building Envelope
- Design Code Rev A

REASON: For the avoidance of doubt and in the interests of proper planning.

5 PARTICULARS TO ACCOMPANY RESERVED MATTERS APPLICATIONS:

Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout shall be accompanied by a plan linking the delivery of the employment space (“the creative industries”) to the occupation of the residential units within the development. This plan shall provide that prior to occupation of 50% of the residential units approved under the Reserved Matters application, the employment space shall be available for rentable / saleable occupation. The plan shall be implemented as approved.

REASON: To ensure that an appropriate minimum amount of employment space is provided as part of the development in order to maximise the delivery of employment opportunities, in line with the requirements of policy 2.17 of The London Plan 2011, policy

CS1 of the Harrow Core Strategy 2012 and policy AAP15 of the Harrow and Wealdstone Area Action Plan 2013.

6 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale, appearance and landscaping shall be accompanied by an urban design report which explains the approach to the design and how it addresses the relevant Design Code. This document should also include measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the development.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure good design throughout the development, in line with the objectives of the NPPF, policies 7.3, 7.4, 7.6 and 7.15 of the London Plan 2011, policy CS1 of the Harrow Core Strategy 2012, and policies AAP4 and AAP7 of the Harrow and Wealdstone Area Action Plan 2013.

7 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance, exempting the land identified for educational use, shall be accompanied by a detailed Energy Strategy. The Energy Strategy shall explain:

(a) how the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;

(b) the reduction in carbon emissions achieved through these building design and technology energy efficiency measures, compared with the emissions permitted under the national Building Regulations prevailing at the time the application(s) for approval of Reserved Matters are submitted;

(c) the specification for any green and/or brown roofs;

(d) how energy shall be supplied to the building(s),

(e) how the building(s) have been designed to achieve at least the minimum requirement under BREEAM or Code for Sustainable Homes (or an equivalent assessment method and rating) prevailing at the time the application(s) for approval of Reserved Matters are submitted; and

(f) preparation of a Site Waste Management Plan (SWMP), to comply with Best Practice Standards.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction and achieving an adequate reduction in carbon dioxide emissions from onsite renewable generation, in line with the principles set out in the approved Energy Statement, in accordance with the NPPF, policies 5.2, 5.3, 5.5, 5.6, 5.7, 5.10 and 5.11 of The London Plan 2011, policy CS1 of the Harrow Core Strategy 2012 and policy DM12 of the Development Management Policies Local Plan 2013

8 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale, appearance and landscaping of the public realm shall be accompanied by a Habitat Survey / Biodiversity Report and detailed Ecology and Biodiversity Strategy. The Habitat Survey / Biodiversity Report shall:

(a) identify flora and fauna on the site

The Ecology and Biodiversity Strategy shall include:

(a) the incorporation of bird boxes, bat roosts and other wildlife features on buildings;

(b) mitigation strategies to accommodate protected species on the site are identified
The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development contributes to improving the ecology and biodiversity of the area in accordance with the NPPF, policy 7.19 of The London Plan 2011, policy CS1 of the Core Strategy 2012, and policies DM20 and DM21 of the Development Management Policies Local Plan 2013

9 Notwithstanding the provisions of Part 31 of The Town and Country (General Permitted Development) Order 1995 (as amended), applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Construction Environmental Management Plan (CEMP).

This document shall explain:

(a) the proposed Best Practice Measures (BPM) to be implemented during construction to suppress dust and minimise noise and vibration associated with demolition/building works;

(b) a full detailed noise and vibration assessment;

(c) the measures proposed to reduce and remove risks to the water environment and reduce flood risk during construction;

(d) a full Construction Logistics Plan, which demonstrates how the impact of construction vehicles would be minimised; and

(e) details of proposed hours of work for construction activity.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction and achieving an adequate reduction in carbon dioxide emissions from onsite renewable generation, in accordance with the NPPF, policies 5.2, 5.3, 5.5, 5.6, 5.7, 5.10 and 5.11 of The London Plan 2011, policy CS1 of the Core Strategy 2012 and policy DM12 of the Development Management Policies Local Plan 2013

10 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and landscaping, exempting the land identified for educational use, shall be accompanied by a detailed Surface Water Drainage Strategy. This document shall explain:

(a) the proposed use of Sustainable Urban Drainage Systems (SUDS) to manage surface water run-off;

(b) surface water attenuation, storage and disposal works, including relevant calculations;

(c) works for the disposal of sewage associated with the development.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2011 and policy AAP9 of the Harrow and Wealdstone Area Action Plan 2013.

11 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access and landscaping, exempting the land identified for educational use, shall be accompanied by a detailed Accessibility Strategy. This document shall explain:

(a) how the proposed public realm areas would be accessible to all, including details of

finished site levels, surface gradients and lighting;

(b) how each non-residential building would be accessible to all, including details of level access and internal accommodation arrangements;

(c) that each of the residential dwellings would comply with Lifetime Homes standards, with 10% Wheelchair Homes compliance.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

12 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access, appearance and landscaping, exempting the land identified for educational use, shall be accompanied by a detailed Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers. This document shall explain:

(a) the lighting proposed for public realm areas and streets, including relevant justification;

(b) the proposed external building lighting.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is adequately lit in order to minimise the risk and fear of crime, whilst ensuring that the proposed lighting would not unduly impact on local character, amenity or biodiversity, in line with the recommendations of policies 7.3 and 7.19 of The London Plan 2011 and policy DM1 of the Development Management Policies Local Plan 2013

13 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access and landscaping, exempting the land identified for educational use, shall be accompanied by a detailed Refuse Strategy. This document shall explain:

(a) the storage and disposal arrangements for refuse and waste associated with private buildings, including vehicular access thereto;

(b) the storage and disposal arrangements for refuse and waste associated with proposed public realm areas, including vehicular access thereto;

(c) the hours of proposed waste collection; and

(d) the proposed Waste Management Plan for public realm areas.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that adequate refuse storage and disposal facilities are provided, in the interests of local character and amenity, in line with the recommendations of policy CS1 of the Core Strategy 2012 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013

14 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and landscaping, exempting the land identified for educational use, shall explain the approach to the landscaping of the specific part of the site in relation to the landscape principles set out in the Design and Access Statement and Design Code, including planting plans, a schedule of plants, including plant sizes and proposed numbers, as well as details of hard landscape materials, boundary treatments and street furniture.

The development shall be carried out in accordance with the details as approved unless

otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with the Design and Access Statement and Design Guidelines, in line with the requirements of Harrow Core Strategy 2012 policy CS1 and policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013

15 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and access, exempting the land identified for educational use, shall be accompanied by a detailed Transport Strategy.

This document shall explain:

(a) a detailed Parking Management Strategy for the development (including exploring car club provision and details of enforcement procedures for parking offences);

(b) a detailed Green Travel Plan which explains the approach to encouraging sustainable modes of travel and relates to the area wide Green Travel Plan;

(c) a detailed Service Delivery Plan indicating how servicing of the employment uses would be managed

(d) a detailed Framework Travel Plan which indicates how the employment uses and residential uses would integrate

(e) details of cycle parking provision for each of the proposed uses;

(d) details electric car charging points;

(e) details of motorcycle and scooter parking;

(f) details of pedestrian and cycle routes throughout the site; and

(g) a summary of how the approach relates to the original Transport Assessment

REASON: To ensure that adequate levels of parking are proposed, that sustainable means of transport are encouraged and that adverse impacts on amenities would not arise, in accordance with the NPPF, policies 6.3 and 6.13 of London Plan 2011, policy CS1 of the Harrow Core Strategy 2012, policies AAP4 and AAP19 of the Harrow and Wealdstone Local Plan 2013 and policy DM1 of the Development Management Policies Local Plan 2013.

16 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale, appearance and landscaping shall be accompanied by a Heritage Impact Assessment. This document shall explain how the proposed development addresses the setting and special interest on the Winsor and Newton building.

REASON: To ensure that the development preserves or enhances the setting and special interest of heritage asset on the site, in accordance with the NPPF, policy 7.8 of The London Plan 2011, policy CS1 of the Harrow Core Strategy 2012 and policy DM7 of the Development Management Policies Local Plan 2013.

17 Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Levels Plan. This document shall explain details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site.

The development shall be carried out in accordance with the details as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and land contamination, in accordance with the NPPF, London Plan 2011 policy 5.21 and Core Strategy 2012 policy CS1.

18 Applications for approval of Reserved Matters submitted pursuant to this permission relating to scale and appearance shall be accompanied by details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) for the residential buildings. Details shall include:

(a) the specific size and location of all equipment.

The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the buildings and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011 and policy AAP4 of the Harrow and Wealdstone Local Plan 2013.

19 Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and appearance shall be accompanied by details of an Advertisement Strategy for the provision of advertisements for the employment uses on the site. Notwithstanding the provision of the Town and Country (Control of Advertisements) Regulations 2007, no advertisements shall be permitted on the site, except in accordance with the approved Advertisement Strategy.

REASON: In order to prevent the proliferation of advertisements on the site which would be harmful to the character and appearance of the area and the heritage asset on the site, thereby according with policies 7.4.B and 7.8 of The London Plan 2011, policy AAP4 of the Harrow and Wealdstone Local Plan 2013 and policy DM7 of the Development Management Policies Local Plan 2013.

20 PUBLIC REALM

Prior to first occupation of any of the development hereby permitted, a Public Realm Management Plan shall be submitted and approved by the local planning authority for that phase of development. This document shall include:

(a) details of the contractual arrangement between the developer and the management company;

(b) details of a scheme for waste management in the public realm;

(c) details of proposals for landscape management in the public realm, including long term objectives, responsibilities and maintenance schedules for all public realm areas; and;

(d) a maintenance and management plan for the non-adopted drains and any proposed SUDS systems.

The Public Realm Management Plan shall be implemented as approved.

REASON: To ensure that the public realm within the development is maintained to an adequate standard, to safeguard the character and appearance of the area and to enhance the appearance of the development, in line with the requirements of Core Strategy (2012) policy CS1, and policy AAP4 of the Harrow and Wealdstone Local Plan 2013

21 EMPLOYMENT USES

Deliveries to the employment uses shall only be permitted within the following hours:
0730 and 2230hrs on Mondays to Sundays and Bank Holidays;

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring and future occupiers of the residential units on the site from undue levels of noise and disturbance, thereby according with policy 7.15.B of The London Plan 2011, policy AAP4 of the Harrow and Wealdstone Local Plan 2013

and policy DM1 of the Development Management Policies Local Plan 2013.

22 Notwithstanding the provisions of The Town and Country (General Permitted Development) Order 1995 (as amended) and The Town and Country (Use Classes) Order 1987 (as amended)(or any order revoking and re-enacting either of these order with or without modifications), applications for approval of Reserved Matters submitted pursuant to this permission relating to layout shall provide a minimum of 2,920sqm gross external floor space for use by 'creative industries' i.e. those uses defined by the Department of Culture, Media and Sport in the 'Creative Industries Mapping Document 2001'. The designated floor areas provided for 'creative industries' uses shall be used for purposes within the defined 'creative industries' uses and for no other purpose, including other B1 Use Classes which do not fall within the definition of 'creative industries', unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the redevelopment of the site would provide for employment uses, and a diversification of employment uses for the site, thereby offsetting the loss of employment uses on the site, in accordance with the provisions of policy CS1.O/P of the Harrow Core Strategy 2012, and policy AAP15.B and the policies and objectives of adopted Site 4 of the Harrow and Wealdstone Area Action Plan 2013.

23 PERMITTED DEVELOPMENT

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E, F, G and H in Part 1 or Part 41 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character and appearance of the locality, the amenity of the potential occupiers of the building, ensure that development does not prejudice flood risk in the area or result in excessive levels of site coverage, in accordance with policy 7.4.B and 7.6.B of The London Plan 2011, policy AAP4 of the Harrow and Wealdstone Local Plan 2013 and policy DM1 of the Development Management Policies Local Plan 2013.

24 LAND CONTAMINATION AND REMEDIATION

Notwithstanding the submitted Geo-Environmental Report, a further investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) The results of the site investigation and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No development shall commence on site until details of the scheme of remedial action is submitted to the Council, for approval in writing, and completed on site as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 5.21.B of the London Plan 2011 and policy DM15 of the Development Management Policies Local Plan 2013.

25 Prior to occupation of buildings, a verification report demonstrating completion of the works set out in the approved remediation strategy for that phase and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect groundwater and future end users of the site, in accordance with the Environmental Impact Assessment and in line with the requirements of the NPPF, policy 5.21.B of the London Plan 2011 and policy DM15 of the Development Management Policies Local Plan 2013.

26 FLOOD RISK

Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (RSK, Reference 131695-R1(3)-FRA, dated June 2013) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2011 and policy AAP9 of the Harrow and Wealdstone Area Action Plan 2013.

INFORMATIVES:

1 INFORMATIVE:

INFORMATIVE:

The decision to **GRANT** planning permission has been taken having regard to the following national planning policy guidance and policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013 and Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy and Guidance:

The London Plan (2011):

- 2.7 Outer London: Economy
- 2.13 Opportunity Areas and Intensification Areas
- 2.18 Green Infrastructure: The Network of Open and Green Spaces
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 3.18 Education Facilities
- 3.19 Sports Facilities
- 4.6 Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.13 Safety, Security and Resilience to Emergency

Local Development Framework

Harrow Core Strategy 2012

CS1 Overarching Policy

Harrow and Wealdstone Area Action Plan 2013

AAP3 Wealdstone

AAP4 Achieving a High Standard of Development throughout the Heart of Harrow

AAP5 Density and Use of Development

AAP6 Development Height

AAP7 Creating a New Public Realm

AAP9 Flood Risk and Sustainable Drainage

AAP10 Harrow & Wealdstone District Energy Network

AAP13 Housing within the Heart of Harrow

AAP15 Supporting the Business Sector in Wealdstone

AAP19 Transport, Parking and Access within the Heart of Harrow

AAP20 Harrow and Wealdstone Green Travel Plan

AAP22 Supporting Site Assembly within the Heart of Harrow

Development Management Policies Local Plan 2013

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM7 Heritage Assets

DM12 Sustainable Design and Layout

DM15 Prevention and Remediation of Contaminated Land

DM20 Protection of Biodiversity and Access to Nature

DM22 Trees and Landscaping

DM45 Waste Management

Supplementary Planning Documents

Supplementary Planning Document: Sustainable Building Design 2009

Supplementary Planning Document: Access For All 2006

Supplementary Planning Document: Accessible Homes 2010

Supplementary Planning Document: Residential Design Guide 2010

2 COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £473,515 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and S211 of the Planning Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £473,515 for the application, based on the levy rate for Harrow of £35/sqm and the provisional stated increase in floorspace of 13,529sqm.

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

3 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

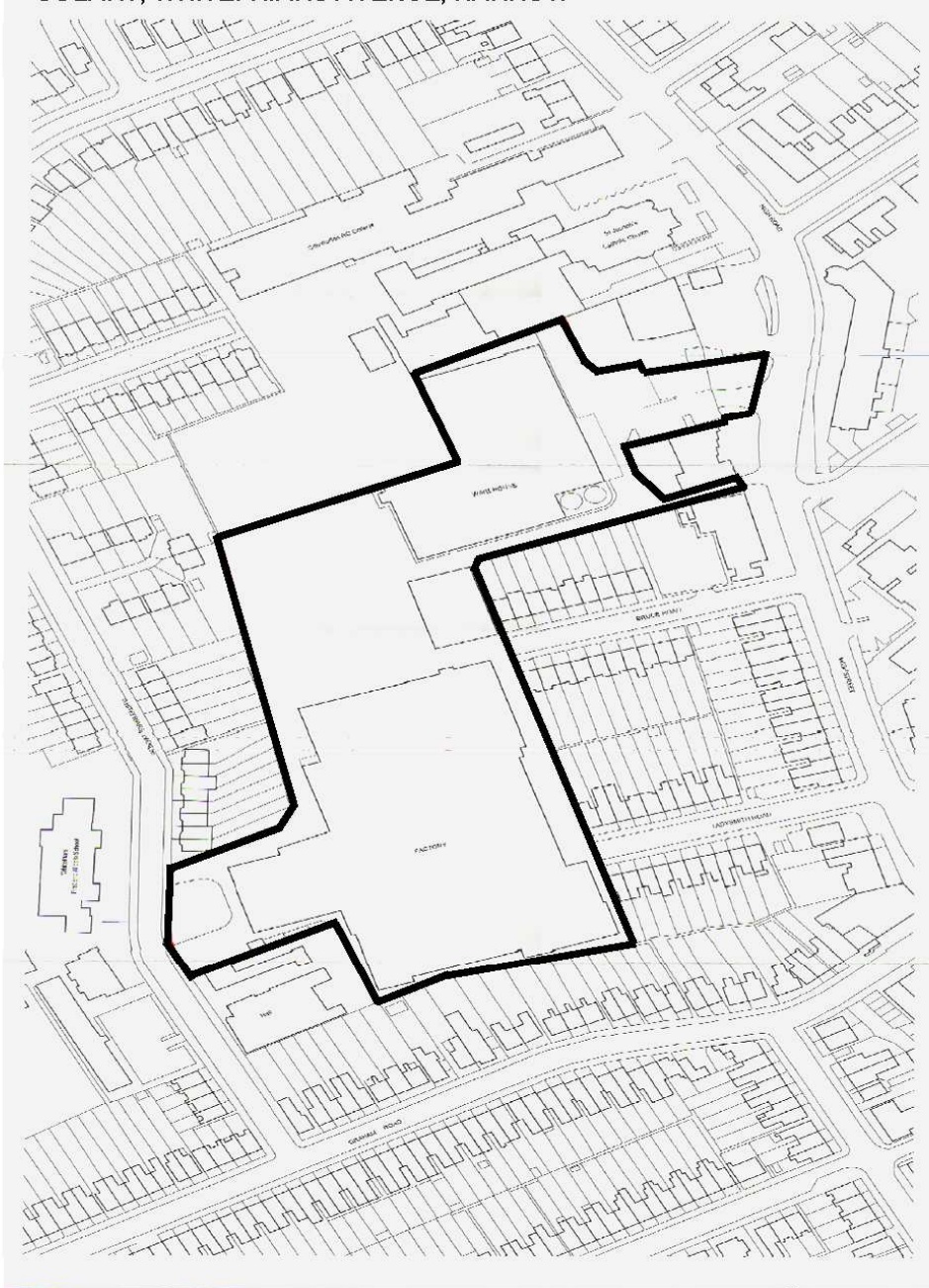
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning

Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 467-PL-201-B: Site Location Plan; 467-PL-202-B: Retention and Demolition; 467-PL-203-C: Access Routes and Open Space; 467-PL-204-D: Land Use; 467-PL-205-E: Maximum Building Envelope; Design Code Rev A:

COLART, WHITEFRIARS AVENUE, HARROW



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01
Address: WESTBURY LODGE COTTAGE, CHAPEL LANE, PINNER
Reference: P/0045/13
Description: SINGLE STOREY REAR EXTENSION AND FIRST FLOOR SIDE EXTENSION; EXTERNAL ALTERATIONS
Ward: PINNER SOUTH
Applicant: MRS OLAWUNMI ODUNAIYA
Case Officer: CATRIONA COOKE
Expiry Date: 28 MAY 2013

RECOMMENDATION

GRANT planning permission subject to conditions:

REASON

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, and the policies in the Harrow Core Strategy 2012, as well as to all relevant material considerations including any responses to consultation. The proposed extensions are considered to be consistent with the character and appearance of the area and would not adversely affect the amenities of neighbouring occupiers.

INFORMATION

The application is reported to the Planning Committee because a petition has been received from the adjoining Winsor Court Residents Association. It is considered that that is a significant level of public interest and this is report to committee under proviso E of the Scheme of Delegation dated 29 May 2013. This application is a resubmission of expired application granted permission on 17 September 2009.

Statutory Return Type: 21 – Householder Development

Council Interest: None

Gross Floorspace: 41 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The subject site is on the northern side of Chapel Lane and contains a two-storey detached cottage, with a large garden on the eastern side of the dwelling and a paved car parking area with vehicular access to Chapel Lane on the western side of the dwelling.
- The property has a flat roofed single storey side extension forming the living room, which has a width of 3.1 metres and a depth of 5.6 metres.

- The site contains trees protected by Tree Preservation Order No. 735, including a large mature Wellingtonia tree located in the side garden.
- The property to the north and west of the subject site is Windsor Court, which contains a five storey apartment building with 30 residences, set in large landscaped grounds. The site has a pedestrian access way to Chapel Lane adjacent to the western boundary of the subject site.
- The property to the east of the subject site is No. 16 Chapel Lane. The site contains a single storey semi detached cottage with loft. The property has parking on the western side of the dwelling and a wedge shaped rear garden.
- The surrounding street has an irregular pattern of development, and includes Pinner Memorial Park on the southern side of the street opposite the site and a mix of residential dwellings on the northern side of Chapel Lane. The mix of dwellings on the northern side of the street includes a pair of semi-detached cottages at No. 15 & 16, a detached building that has undergone a flat conversion at No. 13 & 14, a pair of two-storey semi-detached dwellings at No. 11 & 12 and an end of terrace dwelling at No. 57 Westbury Lodge Close.

Proposal Details

First Floor Side extension

- The proposed extension would have a depth of 4.65 metres and would be set back 1.0 metre from the main front wall of the dwelling.
- It would not extend beyond the rear main wall of the dwelling.
- It would have a width of 3.05 metres
- The extension would have a subordinate hipped roof.

Single Storey Rear Extension

- The extension would have a depth of 2.5 metres and would be the full width of the dwelling.
- The extension would be set back 1.4 metres from the rear boundary.
- The extension would have a flat roof with a height of 2.75 metres.

Revisions to Previous Application

Not applicable.

Relevant History

LBH/12904

Erection of single storey extension to dwelling- house
18/11/1977 : GRANTED

P/4114/07

Single and first floor side extension; two storey rear extension
22/02/2008 : REFUSED
Appeal Dismissed

Reasons for Refusal:

1. The proposal would result in the loss of protected trees of significant amenity and landscape value which would be detrimental to the character and appearance of the locality, contrary to policies D4 and D10 of the Harrow Unitary Development Plan.
2. The proposed extensions, by reason of their size and siting, would appear unduly bulky and overbearing and would detract from the appearance and proportions of the

original dwelling, to the detriment of the amenities of neighbouring occupiers and character of the locality, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders' Guide (2003).

P/2175/08

Ground floor rear extension and first floor side extension to dwelling

17/09/2008 : GRANTED

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- Design and Access Statement

Consultations

Pinner Association: No response

Tree Officer: No objections to the above revised application to build an extension on the northern edge of the subject property. It is likely that the removal of the Gingko (TPO 735) would be required. However, there is no objection to this due to the tree's close proximity to the subject property.

The retention of the Cypress hedge on the northern boundary to be condition as it provides a valuable screen.

A Tree Protection condition would be required for the above Cypress hedge & the Wellingtonia in the rear garden as these could be affected by construction activity.

Advertisement

N/A

Notifications

Sent: 34

Replies: 2 (including petition containing 12 signatures)

Expiry: 07/05/2013

Addresses Consulted

1-30 Windsor Court, Westbury Lodge Close

16 Chapel Lane

55-57 Westbury Lodge Close

Summary of Responses

- Detrimental effect on light received in Windsor Court

Objections raised in petition:

- Minor changes since the 2008 Appeal
- First floor extensions over the ground floor conservatory/living space facing east would block light from the ground floor flats facing south
- The darkness created by the Leylandii, Ginko Tree remain unmanaged with no concern for the ruling that Leylandii should only reach a height of 2m
- The Wellingtonia, American Redwood Tree remains a real concern as any building works which could undermine the roof system and be a threat to surrounding

properties

- The building works now planned along the whole length of the north facing boundary of the property could require access from Windsor Court grounds resulting in damage to fencing, grounds and the noise of heavy equipment being used so near the flats and in a narrow and restricted space be distressing to the elderly residents

APPRAISAL

The NPPF has been in place for 12 months since the 27th March 2012. Therefore, as stated at para 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Para 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

1) Character and Appearance of the Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1 (B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

The proposed first floor side extension would be set back 1.0 metre from the main front wall and have a subordinate hipped roof, which would be consistent with the requirements of the Supplementary Planning Document on Residential Design. It is considered that the proposal would not be detrimental to the character and appearance of the original cottage as the extensions would be subordinate and as such would be a proportionate addition to the original building.

The proposed single storey rear extension would have a flat roof with a height of 2.75

metres and be set in from the rear property boundary by 1.4 metres. It is considered that the proposed rear extension would not be detrimental to the appearance of the dwelling when viewed from the adjoining property at the rear (Windsor Court). It would be single storey, and as such it is considered that it would not appear overbearing and unduly bulky.

The cumulative impact of the first floor side extension and the single storey rear extension would result in extensions that are proportionate in scale to the size of the original building and therefore would not detract from character and appearance of this 'cottage' type property. It is therefore considered that the proposal would comply with the SPD, policy CS1.B of the Core Strategy (2012), policy 7.6(B) of the London Plan and policy DM1 of Harrow Development Management Policies Local Plan (2013).

2) Impact on Protected Trees

Policy DM22 of the DMP relates to trees. It states that the removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree is outweighed by the wider public benefits of the proposal.

It is acknowledged that the objections contained within the petition cite that the proposals would undermine the protected Wellingtonia tree and concerns have been raised regarding the safety of the wider public. The Council's tree officer has reviewed the plans and is satisfied that that the proposals would not have a negative impact on protected trees on the site owing to the distance maintained between the proposals and the trees. A condition is recommended to safeguard the integrity of the trees throughout the duration of construction in accordance with the advice received from the tree officer.

Neighbours have also raised concerns regarding the height of leylandi trees along the boundary. There appears to be an issue regarding the maintenance and resultant loss of amenity due to this. This in itself is not a material planning consideration because recourse to deal with this issue falls outside of the remit of the planning acts as it is regarded under anti social behaviour legislation.

Subject to the recommended conditions it is considered that the proposal would not be detrimental to the trees on site and as such would comply with policy DM22 of Harrow Development Management Policies Local Plan (2013).

3) Residential Amenity

The London Plan policy 7.6B states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states "All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted."

Detailed guidelines regarding design are contained in the SPD to ensure that amenities of neighbours are protected.

The proposal would include two new windows facing the rear boundary and the gardens

of Windsor Court. These would be at ground floor level and would be a secondary window to a living room and the only window to a bedroom. These windows would be set in 1.4 metres from the side boundary and as they are at ground floor level would have outlook only to the existing boundary fence which is approximately 1.8 metres in height. Further to this, the windows of the apartments on the adjacent property would be located approximately 8.0 metres away and as such the new windows would be unlikely to result in unreasonable overlooking of the adjacent property.

It is acknowledged that objections have been received from residents of Windsor Court relating to loss of light to ground floor flats from the proposed first floor extension. It is considered that the proposal would be a sufficient distance away to prevent any significant impact on the residential amenities of these neighbouring properties in terms of visual impact, overshadowing or privacy.

The proposal would include two bedroom windows on the first floor of the eastern flank elevation. These windows would overlook the main garden area of the site, which is to the side of the dwelling. These windows would be set away from the neighbouring property at No. 16 Chapel Lane by a distance of 22 metres, which is considered adequate to maintain the privacy of the neighbouring residents. The proposal also includes one window on the western elevation at ground floor level. This would overlook the side parking area of the subject site and would not be detrimental to the privacy of any adjoining neighbours.

The proposed single storey rear extension would have a height of 2.75 metres and be set in from the rear property boundary by 1.4 metres. The rear elevation would be located approximately 8.0 metres from the kitchen and living room windows of some ground floor apartments in the Windsor Court building. In relation to these windows the both the single storey rear and first floor side extension would comply with the 45° code of the SPD and therefore would not result in an unreasonable loss of light or outlook to these properties.

In conclusion, it is considered that given the location of the proposed extensions in relation to the neighbouring properties the impact on the neighbouring properties would not be unreasonable in accordance with policy, 7.6 of the London Plan and meet the guidance contained in the SPD and policy DM1 of Harrow Development Management Policies Local Plan (2013)

4) S17 Crime & Disorder Act

The proposal is not expected to have any impact in relation to this legislation.

5) Equalities Statement

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in

particular any potential impact on protected groups. The proposal for householder extensions would have no impact with regard to section 149 of the Equalities Act 2010.

6) Consultation Responses

- Minor changes since the 2008 Appeal - resubmission of previous approved scheme.
- First floor extensions over the ground floor conservatory/living space facing east would block light from the ground floor flats facing south - see 2 above
- The darkness created by the Leylandii, Ginko Tree remain unmanaged with no concern for the ruling that Laylandii should only reach a height of 2m – addressed above
- The Wellingtonia, American Redwood Tree remains a real concern as any Building works which could undermine the roof system and be a threat to surrounding properties – addressed above and a condition has been recommended to protect this preserved tree
- The building works now planned along the whole length of the north facing boundary of the property could require access from Windsor Court grounds resulting in damage to fencing, grounds and the noise of heavy equipment being used so near the flats and in a narrow and restricted space be distressing to the elderly residents - Not a material planning consideration as any noise impact arising from construction work can be controlled under separate legislation. Furthermore access issues are a civil matter and are outside the remit of planning law.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above. There has been no change in site circumstances since the previous approval of planning permission and therefore the application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: In the interests of the amenities of neighbouring residential occupiers, pursuant to Policy 7.4B of the London Plan 2011 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank and rear wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To ensure that the proposal does not result in unreasonable overlooking of the neighbouring residential properties in Windsor Court and Westbury Lodge Close in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To ensure that the proposal does not result in unreasonable overlooking of the neighbours at Windsor Court and Westbury Lodge Close in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 None of the existing trees on the site shall be lopped, topped, felled or uprooted without the prior written permission of the local planning authority. Any topping or lopping which is approved shall be carried out in accordance with British Standard 3998 (Tree Work).

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with policy DM22 of the Harrow Development Management Policies Local Plan (2013).

6 The erection of fencing for the protection of the Cypress Hedge on the northern boundary and the Wellingtonia tree (subject to TPO no. 735) shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with policy DM22 of the Harrow Development Management Policies Local Plan (2013).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: 7861067/01; 7861067/02; 7861067/03 Rev B; 7861067/10 Rev F; 7861067/11 Rev F; 7861067/12 Rev G; 7861067/13 Rev J; Site Plan, Design and Access Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 7.4.B, 7.6.B, 7.8 C&D

Adopted Harrow Core Strategy 2012: Core Policy CS1.B

Supplementary Planning Document: Residential Design Guide 2010

Harrow Development Management Policies Local Plan (2013): DM1, DM22

2 INFORMATIVE:

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

3 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4 INFORMATIVE:

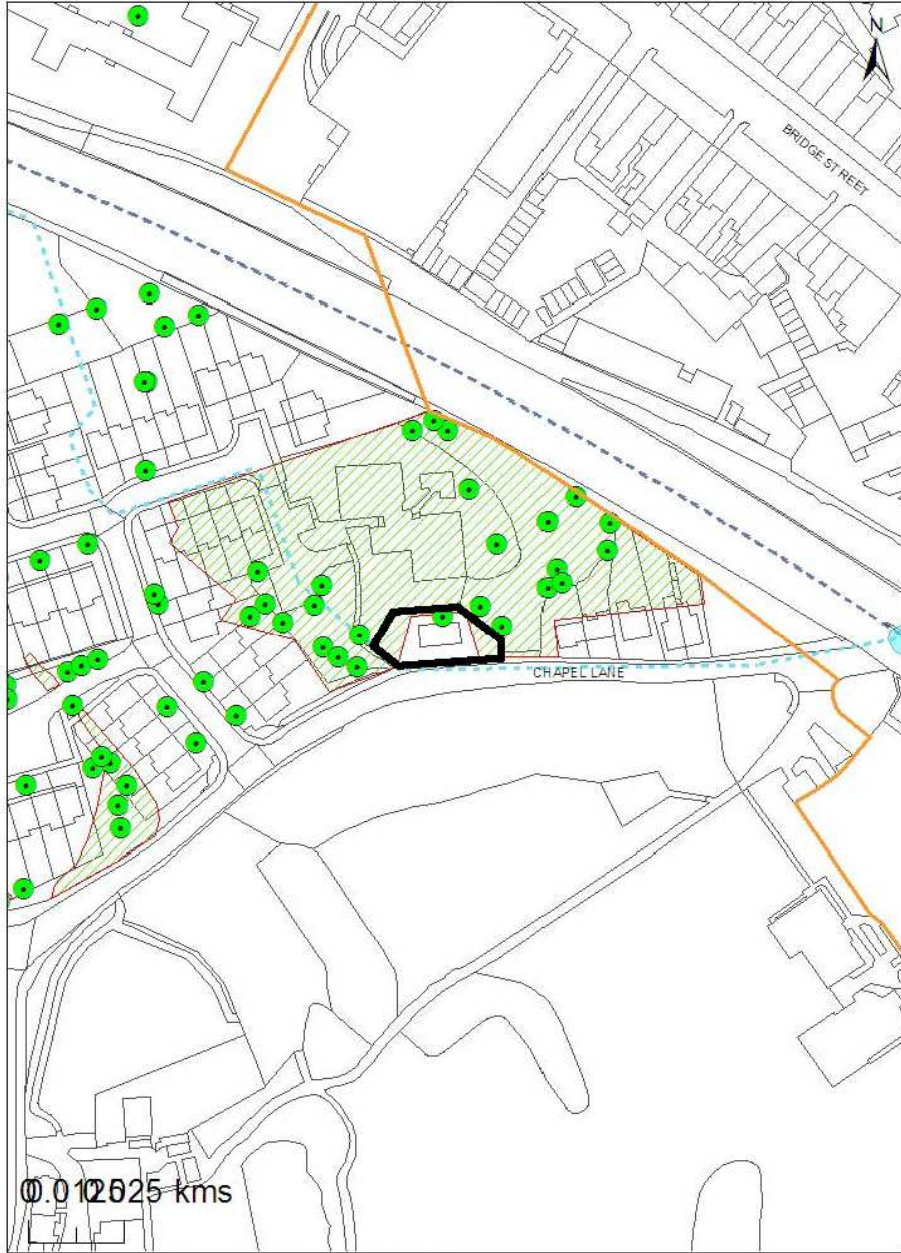
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development

Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: 7861067/01; 7861067/02; 7861067/03 Rev B; 7861067/10 Rev F;
7861067/11 Rev F; 7861067/12 Rev G; 7861067/13 Rev J; Site Plan, Design and Access
Statement

WESTBURY LODGE COTTAGE, CHAPEL LANE, PINNER



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Item No. 2/02

Address: UNITS 1-10, 286 PICKWICK WALK, UXBRIDGE ROAD, HATCH END, PINNER

Reference: P/0681/13

Description: CHANGE OF USE OF UNITS 1-10 FROM SHOE REPAIR SHOP, NAIL BAR, CAFE, MINI-CAB OFFICE, BARBERS AND DRESS MAKERS/SEAMSTRESS (USE CLASSES A1, A3, SUI GENERIS) TO RETAIL UNIT AND CAFE (USE CLASSES A1 AND A3)

Ward: HATCH END

Applicant: THE WORD & KRALING PENSION FUND

Agent: PSD ARCHITECTS

Case Officer: OLIVE SLATTERY

Expiry Date: 14/05/2013

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans, subject to condition(s).

REASON

There are no planning policies within the Development Plan that protect existing small businesses in the Borough, including those in Pickwick Walk. The retail unit and cafe (Use Classes A1 and A3) proposed under this application are considered to be appropriate town centre uses which would not unduly impact upon the vitality and viability of Hatch End Local Centre. Subject to the suggested conditions, the proposal would not have an undue impact on the character and appearance of the area, the residential amenity of neighbouring occupiers nor would it raise any significant issues in relation to traffic, parking, refuse, storage and disposal or accessibility. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, The Harrow Core Strategy (2012) and the policies of the Development Management Policies Local Plan 2013 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation.

INFORMATION

This application is being reported to Planning Committee as the application is of significant public interest. The application is therefore referred to the Planning Committee as it is excluded by Proviso E of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: E(20) Change of Use

Council Interest: None

Net Additional Floorspace: None

GLA Community Infrastructure Levy (CIL) Contribution (provisional): None

Site Description

- The application property is located on the northern side of Uxbridge Road, at the junction with Grimsdyke Road.
- It is located in Hatch End Local Centre, as per the Harrow Core Strategy (2012).
- The application site contains a three-storey end-of-terrace property.
- The ground floor contains seven individual small-sized units which are in a mixture of A1, A3 and Sui Generis use. With the exception of one unit (a café), all of the units are currently occupied by a shoe repair shop, a nail bar, a dressmaker, a mini-cab (2) and a barber shop.
- Residential units occupy the upper floors of the property.

Proposal Details

- It is proposed to change the use of the ground floor units from a shoe repair shop, nail bar, cafe, mini-cab office, barbers and dress makers/seamstress (use classes A1, A3, sui generis) to a retail unit and a cafe (use classes A1 and A3).
- The proposed retail unit (A1 use) would front Uxbridge Road and would occupy 120m².
- The proposed café unit (A3 use) would be sited at the rear of the retail unit and access would be gained from an existing entrance fronting Grimsdyke Road. It would occupy 62m².
- There are no external alterations proposed.

Revisions to Previously Refused Planning Application, P/3489/06:

- This previously refused application sought a larger restaurant and a smaller retail unit than currently proposed.

Relevant History

WEST/190/02/CON - Continued use as office for chauffeur service (Sui Generis) on ground floor
Granted – 14-Oct-2002

WEST/361/98/FUL - Change of use: A1 to mixed A1/A3 use (retail to retail/food and drink) on ground floor and single storey conservatory extension on side
Refused – 09-Sep-1998

Reasons for Refusal:

- 1) The proposed change of use would result in an unacceptable loss of retail frontage, leading to a loss of vitality to the shopping centre as a whole, contrary to the provisions of the Unitary Development Plan.
- 2) Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s) and the amenity of neighbouring residents.

P/445/05/DCE - Certificate of lawful existing development: use of property as coffee shop/restaurant
Granted – 19-Apr-2005

P/1245/05/CFU - Single storey side extension and change of use to A3 (restaurant/cafe)
Refused – 10-Aug-2006

Reasons for Refusal:

- 1) The proposed change of use would result in an unacceptable loss of retail frontage and would create or add to a harmful concentration of non-retail use, leading to a loss of vitality in the shopping street as a whole, contrary to the policies SEM2 and EM18 of the Unitary Development Plan.
- 2) The proposed glazed side extension would be detrimental to the appearance of this prominent sited building and would result in the loss of a protected tree, to the detriment of visual amenity of the area contrary to policies EP30, SD1, D4, D7 and EM8 of the Unitary Development Plan.

P/3489/06 - Change of use of rear part of ground floor from class A1 use (shop) to class A3 use (restaurant) with external alterations (24 hours, seven days a week)
Refused - 21-Feb-2007

Reasons for Refusal:

- 1) The proposal would result in an unacceptable consolidation and predominant concentration of non-retail use within the site and within a designated shopping frontage, leading to a loss of vitality to the shopping centre as a whole, contrary to policies SEM2, EM8 & EM18 of the Harrow Unitary Development Plan.
- 2) The proposed opening hours would give rise to increased disturbance and general activity at unsocial hours and would detract from the amenities of the occupiers of neighbouring residential properties, contrary to policies D4 & EM25 of the Harrow Unitary Development Plan.
- 3) Inadequate information/details of fume extraction/odour abatement have been submitted with the application to enable the local planning authority to comprehensively assess the suitability or otherwise of this proposal, and, in the absence of which, the proposal would be detrimental to the amenity of neighbouring occupiers, contrary to policy EM25 of the Harrow Unitary Development Plan.

Pre-Application Discussion

- None

Applicant Submission Documents

- Design and Access Statement submitted
- Letter received on 14th June which seeks to respond to the objections received from the consultees:
 - The café is existing and as such, this use class is being maintained alongside an overwhelmingly larger A1 retail unit
 - An increase in A1 floorspace in Hatch End is a positive step as it will begin to address the balance between the retail and non-retail
 - The A3 use will be on the secondary Grimsdyke Road frontage
 - Several of the existing units have no frontage to either Uxbridge or Grimsdyke Roads, have very little natural light and are thus virtually unusable to retailers
 - It is only prudent that our client explores and reviews their options for the building given the tenancy agreements of all occupiers are shortly to expire

Consultations –

- Highways Authority – Any marginal variation in overall activity in the shopping centre is likely to be de-minimis owing to continued linked trips generated by other

similar/comparable destinations to this location. The area is reasonably well controlled by parking restrictions and is adequately sustainable in public transport terms hence this will assist in acting as a deterrent to generating additional private car travel. Servicing will remain unaltered in use profile hence in summary there are no objections brought forward.

Advertisement –

- Site notice (general notification) posted on 22/04/2013 – Expiry on 13/05/2013

Notifications

Sent: 20

Replies: 81

Expiry: 01/05/2013

Neighbour Consulted

Grimsdyke Road – 2, 2a, York House, Ground Floor York House

Uxbridge Road – 282, 284, 288, 290

Pickwick Walk – 1, 2, 3, 4, 5, 6, 7, 8, 9

Summary of Responses

- Do not want another restaurant as there are already 22 restaurants and cafes in the vicinity
- A variety of shops is required to keep people coming to Hatch End during mornings and evenings
- Concerned at the loss of existing small business units, as one retail and one café will not compensate for these
- Objection on behalf of the current occupiers – To find another space in this location would be extremely difficult and expensive. Businesses are well established and will result in the loss of livelihoods.
- The parking is limited
- It will affect the variety of services provided by present businesses
- It will result in a substantial loss of jobs
- The high street is losing all its unique character
- The existing small units result in the loss of the small units which provide a very useful service for the local community and beyond
- When Pickwick Walk opened, the existing café was only one unit and more recently spread into two (taking the floor space of a former jeweller) without planning permission
- Restaurants and cafes are more than catered for in the community of Hatch End
- Pickwick Walk has a collection of artisan workers and if these shops were forced to close, it would be difficult for them to find alternative premises in the area.
- Instead of the proposal, an attempt should be made to ensure that the units remain occupied
- The proposal would deprive the local community of choice
- Pickwick Walk provides Hatch End with a village feel
- Another restaurant will mean more traffic and Grimsdyke car park cannot cope as it is (for lunch time)
- A variety of shops has already been lost from the Broadway and there are now endless restaurants and hairdressers.
- This is one of the most unique features of Hatch End

- These units bring far greater trade to the High Street than another restaurant would
- The rear access road is already congested with food waste bins for the current restaurants, making access to businesses difficult
- There is no room for more bins and staff parking
- The Council are already proposing to change the free parking to meter parking, compromising businesses
- Please support the existing fantastic services, not close them
- Loss of livelihoods – four beauticians will lose their jobs
- The more erosion of diversity of local businesses, the greater the threat to the community spirit in Hatch End
- The proposal will damage the character and reputation of Hatch End; add to traffic and to parking congestion and negatively impact Hatch End's unique local community and 'village' feel
- Hatch End Broadway has become a food street rather than a versatile vibrant high street
- Food outlets concentrate demand out of main working hours and bring nothing extra to the Broadway
- Presume that in the original permission to create Pickwick Walk, the argument was for the benefits that such diversity would bring
- The present small businesses require no large deliveries or extra facilities – the proposed larger units will create problems for servicing and access
- The proposal will make parking and the junction at Grimsdyke Road even worse
- Small businesses are vital to the community
- Loss of useful services will result in inconvenience
- The government has pledged to support small businesses but the proposal is destroying them
- Removing the 'village' feel of Hatch End will impact on local property prices
- This is a development opportunity rather than a measure to provide improvements for locals
- The present small units encourage locals to use the Broadway in the daytime
- Assume that the argument for opening Pickwick Walk was to gain smaller units - Cannot see why a divergent argument today should be accepted or supported.
- There is a potential for the environmental hazard of increased rodents and other vermin due to food waste spillage in the surrounding area
- The architectural layout of brickwork on the outside and interesting passage through the middle is more attractive than a boring frontage of a restaurant
- Restaurants in Hatch End preclude desirable retail shops
- Diners cars cause a terrible parking problem in the evening – an additional restaurant will bring extra cars which may be the straw that breaks the camel's back
- Are the developers going to provide alternative accommodation and or suitable compensation for businesses?
- Hatch End Broadway is in danger of becoming an area exclusively for restaurants which is not in accordance with good balanced planning for the area
- Just as there is affordable housing, there should also be affordable shop premises
- The council would be going against government plans to regenerate high streets if it supports these plans.
- The neighbouring café has stayed empty for the last 8 months so there does not seem to be a business case for another restaurant
- The loss of these businesses will result in hundreds of unnecessary journey's which will be particularly burdensome for the elderly and the disabled

- Other traders will be affected by the loss of these shops

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

1) Employment Policy

The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38(6) of the Planning Act). The development plan for Harrow comprises The London Plan 2011 [LP] and the Local Development Framework [LDF].

The NPPF sets out policies and principles that local planning authorities should take into account, when both preparing local plans, and determining planning applications. The policies within the NPPF are a material consideration that should be given significant weight. Paragraph 19 of the NPPF states that 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

The Core Strategy (2012), which sets out Harrow's spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026, classifies Hatch End as a Local Centre. The application site is located within the designated frontage of this Local Centre. The current proposal seeks to change the use of units 1-10 from a shoe repair shop, a nail bar, a cafe, a mini-cab office, a barbers and a dress makers/seamstress (Use Classes A1, A3, Sui Generis) to a retail unit and a cafe (Use Classes A1 and A3). It seeks to provide retail floorspace (120m²) on the Uxbridge Road frontage, representing approximately 66% of the total floorspace. It also seeks to provide a restaurant / cafe use with a floorspace of 62m² towards the rear of the premises (representing approximately 34% of the total floorspace). This would face towards Grimsdyke Road and would not be contained within the designated frontage of Hatch End Local Centre.

To ensure the vitality of town centres, paragraph 23 of the NPPF states that 'Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should (amongst other criteria) recognise town centres as the heart of their communities and pursue policies to support their viability and vitality'. Following on from this, Policy DM35 of the Development Management Policies Local Plan seeks to support new retail, leisure and cultural development or extensions within town centres where the proposal is consistent in use and scale with the role and function of the centre; and the proposal is not at odds with the Borough's spatial strategy.

There are no policies within the Development Plan which restrict the provision of A1 uses in town centres. To the contrary, policy DM37 of the Development Management Policies Local Plan relating to changes of use within Local Centres recognises the importance of retail activity in designated frontages of Local Centres. The reasoned justification states that designated frontages of Local Centres 'form the basis of safeguarding and consolidating the basic convenience retail function of local centres'. The policy seeks to ensure that the length of frontage in retail use at street level does not fall below 50%. The rationale behind this, is to ensure that the vitality and viability of the Centre is secured. Council records indicate that, at present, the percentage of retail uses in the designated frontage in Hatch End Local Centre is 63.28%. It is noted that a number of interested parties have commented on the application and raised concerns in relation to the lack of uses to encourage people to visit Hatch End Local Centre, particularly during the daytime. It is considered that the current proposal to provide a large A1 unit within the designated frontage would provide an opportunity to strengthen the overall retail function of Hatch End Local Centre as it would be used by visiting members of the public during the day time.

The current application also proposes a café towards the rear of the premises and it is noted that the vast majority of interested parties who commented on this application have raised concerns in relation to the high number of existing restaurants in Hatch End, and the proposed provision of another restaurant. It is noted that there is a high percentage of non-retail uses (primarily restaurants) within the designated frontage of Hatch End. However, the proposed café would be sited at the rear of the premises and not within the designated frontage of the Local Centre. Furthermore, there is a café on site at present and the proposed café would essentially replace this, albeit it would occupy a greater floorspace. On the basis of these circumstances, it is considered that an objection on the basis of the proposed café could not reasonably be sustained in this instance.

The vast majority of interested parties who commented on this application have also raised concerns in relation to the loss of the existing units within Pickwick Walk and the services that they provide. It is acknowledged that the loss of these units would be regrettable as they do provide a service for visiting members of the public and therefore contribute to the vitality of the Local Centre. However, there is no current planning policy within the Development Plan that protects these small businesses. To the contrary, on 30th May 2013, The Town and Country (General Permitted Development) (Amendment)(England) Order 2013 introduced a new class (Class D) to Schedule 2, Part 4 of the General Permitted Development Order, allowing temporary changes of use (up to two years) without the need for planning permission. The new provisions permit the following changes of use without the need for planning permission:

- From - shops (Use Class A1), financial and professional services (Use Class A2), restaurants and cafes (Use Class A3), pubs and wine bars (Use Class A4), takeaways (Use Class A5), offices and light industrial (Use Class B1), non-residential

- institutions (Use Class D1) and assembly and leisure (Use Class D2) use;
- To - any use within shops (Use Class A1), financial and professional services (Use Class A2), restaurants and cafes (Use Class A3) and offices and light industrial (Use Class B1).

With the exception of the nail bar and the mini-cab office, which are both in the Sui Generis Use Class, the uses of the remaining units could therefore be changed without the need for planning permission. This is a material change in legislation since the previous application to change the use of these units to a retail unit and a restaurant was refused in February 2007. In addition to this, it is noted that this previously refused proposal sought a larger restaurant and a smaller retail unit than currently proposed.

On the basis of the considerations set out above and the up-to-date Development Plan, it is considered that the proposal to change the use of units 1-10 from a shoe repair shop, a nail bar, a cafe, a mini-cab office, a barbers and a dress makers/seamstress (Use Classes A1, A3, Sui Generis) to a retail unit and a cafe (Use Classes A1 and A3) would not be detrimental to the vitality and viability of Hatch End Local Centre and, notwithstanding the comments received in response to the consultation process, an objection to the current proposal could not reasonably be sustained in this instance.

2) Amenity

Policy DM1 of the Development Management Policies Local Plan states that 'All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted. The assessment of privacy and amenity considerations will have regard to (amongst other considerations) the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution'

Residential units occupy the upper floors of the application building and those of the adjoining property. Having particular regard to the location of the building within a busy Local Centre, it is considered that the occupiers of the upper floor residential flats currently experience a substantial level of background noise. Activities generally associated with a retail unit and a café include people talking and general customer-related activity. It is considered that the general levels of activity and noise would not unduly affect the occupiers of the residential flats on the upper floor of the property. However, in the interests of the residential amenity of the occupiers of the upper floor flats, a condition is suggested to limit the proposed hours of use as follows; 9 am – 10 pm Monday to Saturday and 11 am – 6 pm on Sundays and Bank Holidays.

There are no external works proposed as part of this application. However, the internal passageway which gives Pickwick Walk its own unique character would be lost as a result of the current proposal. A number of interested parties who commented on this application raised concerns in relation to the impact of the proposal on the character and appearance of the area, and in particular the loss of the 'village' feel of Hatch End. These concerns are noted. However, this passageway is not immediately obvious from the external viewing points, and in this respect, the character and appearance of the existing building and the Broadway would be retained as a result of the current proposal.

It was noted on site inspection that an extractor flue has been installed in site, and this does not appear to benefit from Planning permission The subject planning application

does not propose to retain this extractor flue or to install a new extractor flue. As such, this extractor flue is not under consideration as part of this application. An informative has been attached to advise the Applicant that this extractor flue is unauthorised and should be removed from site or a retrospective planning application should be submitted for consideration. In addition to this, the Planning Enforcement team have been notified of this breach.

3) Servicing, Refuse Storage and Drainage

Policy DM44 of the Development Management Policies Local Plan requires non-residential proposals to make arrangements for servicing that maintain or improve the safety and flow of traffic on the public highway, and which protect the amenity of neighbouring occupiers. Proposals will be assessed having regard to:

- a. the relationship of the proposal with the surrounding highway network;
- b. the availability of existing service roads; and
- c. any existing safety concerns.

Proposals that would be detrimental to safety, traffic flow or the amenity of neighbouring occupiers will be resisted.

The application site is located within Hatch End Local Centre. It is well served by public transport, including Hatch End Overground station and a number of local buses. There is a service road at the rear of the premises which serves the parade. The subject planning application was referred to the Highways Engineer, who has advised that any marginal variation in overall activity in the shopping centre is likely to be de-minimis owing to continued linked trips generated by other similar/comparable destinations in this location. The area is reasonably well controlled by parking restrictions and is adequately sustainable in public transport terms hence this will assist in acting as a deterrent to generating additional private car travel. Furthermore, servicing would remain unaltered. On this basis, there are no objections to the current proposal on highway safety grounds.

As per the current situation, the siting of refuse storage bins is proposed in a separate enclosed 'area' which is accessed from Grimsdyke Road. The size of this refuse storage area would adequately serve the needs of the intended occupiers, would ensure satisfactory access for collectors and would be located and screened to avoid nuisance to occupiers and adverse visual impact. In this regard, the current proposal would comply with policy DM45 of the Development Management Policies Local Plan.

The application site is located within Flood Zone 2 and 3. However, given that there are no extensions or external alterations proposed under the current application, it is considered that the current proposal would not give rise to an additional risk of flooding.

4) Accessibility

Policy DM2 of the Development Management Policies Local Plan requires all new development to contribute towards the achievement of Lifetime Neighbourhoods. In particular, it requires all new non-residential development and change of use proposals to be accessible to all.

It is noted that the both entrances have a level threshold and there are no changes proposed to the width of the existing door openings which would serve the proposed units. The existing entrance doors would not reasonably impede most potential users from entering the proposed units. WC's are proposed at the rear of the both units. Due to the narrow width of the proposed male and female cubicles, it is unlikely that they could be easily negotiated by those with mobility impairments. However, due to the overall size

of the WC facilities, it is acknowledged that there is scope in both instances to provide an alternative layout. Subject to an appropriate condition in relation to this matter, the proposed development would therefore be in accordance with the aims and objectives of policy 7.2 of The London Plan (2011), Policy DM42 of the Development Management Policies Local Plan and the adopted SPD – Access for All (2006).

5) Equalities and Human Rights

Equalities Act 2010

Section 149 of the Equalities Act 2010 created the public sector equality duty. It states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account in the assessment of this application and the Committee must be mindful of this duty inter alia when determining all planning applications.

The vast majority of interested parties who commented on this application have raised concerns in relation to the loss of the existing units within Pickwick Walk and the associated employment opportunities that they provide for small businesses. These concerns are acknowledged as the loss of these units and the associated employment opportunities that they provide would be regrettable. However, the development proposal in this instance is modest with the loss of seven units or the amalgamation of the units into two larger units. To this end, it is considered that there is scope for the occupiers of these units to relocate elsewhere in Hatch End or the Borough, albeit with some level of disturbance to their businesses.

In light of the above, it is considered that the proposed development would not result in any infringement on Equalities legislation.

Human Rights Act

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (“the Convention”) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

This report has outlined the consultation that has been undertaken in relation to this planning application and the opportunities for people to make representations to the Council as the local planning authority. Members need to satisfy themselves that the measures proposed to minimise, inter alia, any adverse effects of the development are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions.

6) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

7) Consultation Responses

- When Pickwick Walk opened, the existing café was only one unit and more recently spread into two (taking the floor space of a former jeweller) without planning permission – Given the recent changes to Permitted Development legislation, it would not be expedient to enforce against this change of use.
- The Council are already proposing to change the free parking to meter parking, compromising businesses – This is not a material planning consideration
- Presume that in the original permission to create Pickwick Walk, the argument was for the benefits that such diversity would bring – There is no evidence to support this assumption.
- This is a development opportunity rather than a measure to provide improvements for locals - This is not a material planning consideration
- There is a potential for the environmental hazard of increased rodents and other vermin due to food waste spillage in the surrounding area – There is no evidence to suggest that the proposed development would increase risks to Environmental Health
- Just as there is affordable housing, there should also be affordable shop premises – These concerns are noted but there is no planning policy in the Development Plan to support this suggestion
- Are the developers going to provide alternative accommodation and or suitable compensation for businesses? – These concerns are noted but this matter is not a material planning consideration
- All remaining concerns including those expressed with respect to the impact of this development on existing businesses, the character of the high street, the vitality and viability of Hatch End, the presence of a high percentage of restaurants in Hatch End and traffic and parking have been considered and discussed in the above appraisal.

CONCLUSION

There are no planning policies within the Development Plan that protect existing small businesses in the Borough, including those in Pickwick Walk. The retail unit and cafe (Use Classes A1 and A3) proposed under this application are considered to be appropriate town centre uses which would not unduly impact upon the vitality and viability of Hatch End Local Centre. Subject to the suggested conditions, the proposal would not

have an undue impact on the character and appearance of the area, the residential amenity of neighbouring occupiers nor would it raise any significant issues in relation to traffic, parking, refuse, storage and disposal or accessibility. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, The Harrow Core Strategy (2012) and the policies of the Development Management Policies Local Plan 2013 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement (dated 03/03/2013), PA1001 Rev. D1, PA1002 Rev. D1, PA1003 Rev. D1, PA1004 Rev. D1, PA1006 Rev. D1, PA1007 Rev. D1, PA1008 Rev. D1

REASON: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the details shown on the approved plans, the A1 and A3 uses hereby approved shall not commence until revised floor plans and a supporting statement indicating and explaining how the WC facilities in each of the units (A1 and A3) comply with the principles of inclusive design, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the approved uses are fully inclusive and accessible to all persons, thereby according with policy 7.2 of The London Plan 2011, Policy DM42 of the Development Management Policies Local Plan and Supplementary Planning Document: Access for All 2006.

4 The use hereby permitted shall not be open to customers outside the following times:- 9am – 10 pm Monday to Saturday and 11am – 6 pm on Sundays and Bank Holidays without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with in accordance with Policy DM1 of the Development Management Policies Local Plan.

5 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, in accordance with Policy DM1 of the Development Management Policies Local Plan.

6 The refuse bins shall be stored at all times, other than on collection days, within the designated refuse storage area as shown on plan no. PA1002 REV. D1.

REASON: to safeguard the appearance of the locality, in accordance with policy DM45 of the Development Management Policies Local Plan.

INFORMATIVES

1 The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy Statements / Guidance:

National Planning Policy Framework (2012)

The London Plan (2011):

7.4 – Local Character

7.6 – Architecture

The Harrow Core Strategy (2012)

Core Policy CS 1 – Overarching Policy

Core Policy CS 6 – Pinner and Hatch End

Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM9 Managing Flood Risk

DM35 New Town Centre Development

DM37 Secondary And Designated Shopping Frontages

DM44 Servicing

DM45 Waste Management

2 ARTICLE 31

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 EXTRACT FLUE

The applicant is advised that an extract flue was observed on site, and this does not appear to benefit from planning permission. The Planning Enforcement team have been notified of this breach. This extract flue should be removed from site or a retrospective planning application should be submitted for consideration. This has not prejudiced the decision of the Council.

4 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

5 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

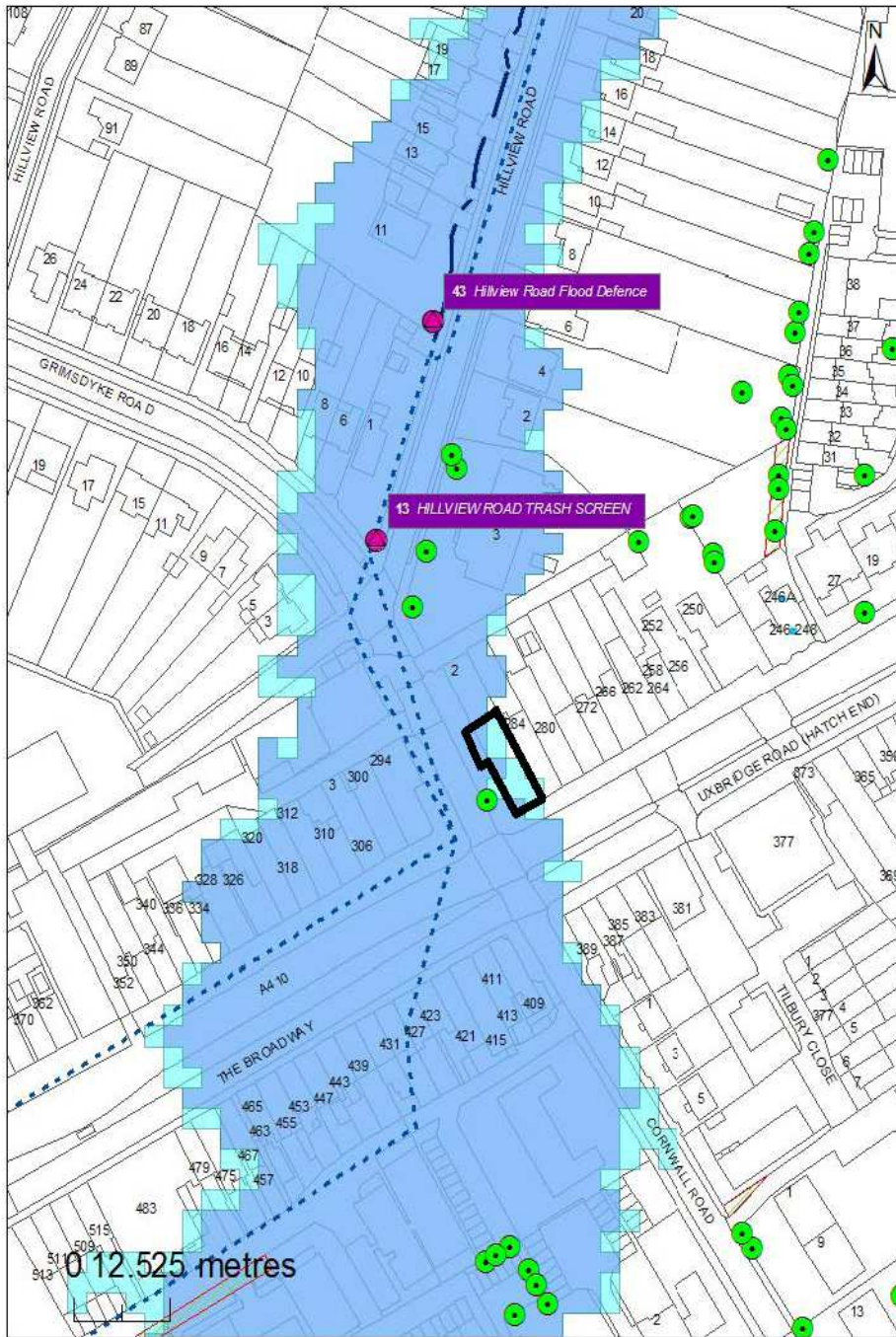
6 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: Design and Access Statement (dated 03/03/2013), PA1001 Rev. D1, PA1002 Rev. D1, PA1003 Rev. D1, PA1004 Rev. D1, PA1006 Rev. D1, PA1007 Rev. D1, PA1008 Rev. D1

UNITS 1-10, PICKWICK WALK, UXBRIDGE ROAD, HATCH END



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised Reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)



Item No. 2/03
Address: STANMORE COLLEGE, ELM PARK, STANMORE
Reference: P/0439/13
Description: TEMPORARY RETENTION OF TWO STOREY BUILDING (SPRUCE BUILDING) FRONTING ELM PARK FOR A PERIOD OF 36 MONTHS
Ward: STANMORE PARK
Applicant: MR TRISTAN SHANAHAN
Agent: LOM
Case Officer: NICOLA RANKIN
Expiry Date: 25TH JUNE 2013

RECOMMENDATION

1. Authority to be delegated to the Divisional Director of Planning to determine the Planning application following the end of the consultation period on 10th July 2013, subject to no additional adverse comments being received.
2. **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

REASON

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the Harrow Development Management Policies Local Plan (2013) as well as all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the continued provision of further education at the college. Given the proposal is for a temporary permission, the visual appearance can be accepted on a short term basis. This is supported by the long term development of the site outlined in the accompanying Strategic master plan which demonstrates the removal of all the temporary accommodation on the site over a phased period of development. The proposal would not unduly impact on the amenities of the local residents or highway safety.

INFORMATION:

The application is reported to the Planning Committee as it relates to development of more than 400m² of non-residential floorspace and therefore falls outside category 1(d) of the Council's scheme of delegation.

Statutory Return Type: 18 Minor Development
Council Interest: None
Gross Floorspace: 600sqm
Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): The Mayor of London Charging Schedule (February 2012) outlines that CIL will not be payable where "Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education".

Site Description

- Site comprises Stanmore College, a further education establishment comprised of two to three storey buildings, located on the west side of Elm Park.
- A two storey temporary building known as the Spruce Building is located between the main three storey building and the boundary of the site with Elm Park, to which this application relates.
- This building was granted planning permission on the 21st April 2010, for a temporary period of 18 months (ref P/2338/09) and a further temporary period of 18 months was approved on the 20th July 2011 (ref P/0981/11).
- The adjacent site boundary along Elm Park comprises a low brick wall and railings and there is a row of trees located between the boundary and the Spruce Building, although these are not protected.
- To the north of the Spruce Building is the main entrance gate to the college.
- The northern boundary of this part of the site bounds the side boundaries of the residential properties on the west side of Elm Park.
- To the east of the site, on the opposite side of Elm Park, are residential properties on Elm Park and Bernays Close.

Proposal Details

- Temporary retention of existing classroom and administration building (Spruce Building) for a period of 36 months.
- The building is located between 4.4 metres and 8.5 metres from the boundary with Elm Park (As annotated on the block plan ref SBP1/12) and has a width of between 7.2 metres and 10 metres, with a staggered appearance.
- The building has a height of 7.0 metres and has timber cladding to the northern and southern sections.
- External staircases and a lift provide access to the first floor.

Relevant History

P/622/04/CFU - Removal of 3 temporary buildings and replacement with single temporary building to provide 5 teaching rooms
Granted - 24-MAY-04

P/2338/09 - Retention of ground floor temporary classroom building with addition of first floor classroom temporary extension (18 months)
Granted - 21-APR-10

P/0981/11 - Retention of two storey temporary classroom building (18 months)
Granted - 20-JUL-11

P/0413/12 - Permanent retention of two storey classroom building (spruce building) fronting elm park including air condenser units located on the rear (east) elevation); proposed platform lift to front (west) elevation of building
Refused - 08-Nov-2012

Reason for Refusal:

1. The permanent retention of the development would be an inappropriate solution to the long term needs of the college, resulting in an unacceptable impact on the streetscene in Elm Park by reason of excessive scale, bulk and inappropriate design in this prominent location, to the detriment of the character and appearance of the area, contrary to the National Planning Policy Framework (2012), policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1.B of the Harrow Core Strategy (2012) and saved policy D4 of the Harrow Unitary Development Plan (2004).

Pre-Application Discussion (P/0796/13/PREAPP)

- A pre application has been submitted in relation to a new building on the western side of the campus. Officer's raised the following comments in relation to the proposal:
- Officer's have concerns in relation to new development on the site as there is a lack of understanding of the future and long term plans for the development of the college. The piecemeal approach to the development of the site is unacceptable and it is considered a better solution might be achieved if the site is looked at more comprehensively.
- The applicants subsequently provided a strategic master plan for the site. A site visit was undertaken by officers to consider the long term development of the college on 6th June 2013.
- Overall, it is considered that the proposals are positive in enhancing the character and appearance of the site and the long term development of the college. As such, it is considered that the proposed master plan provides a solid basis to provide permanent improved accommodation to replace the temporary buildings on the site.

Applicant Submission Documents

∇ Design and Access Statement (Summary)

- Stanmore College is a tertiary college that provides sixth form education for students aged 16 – 18, apprenticeships, employability skills, and a variety of basic skills and professional training to adults aged 19 years and over.
- In order to develop the site to provide suitable accommodation to meet the emerging government agenda, planning permission for a first floor extension to the Spruce building was granted in April 2010 and was valid for 18 months. A second application in April 2011 resulted in a further extension of 18 months. Now, in 2013, the college seeks to obtain an extension to the latter 18 month permission whilst plans are put in place to adapt delivery requirements in accordance with recent educational reforms.
- It is imperative that Stanmore College continues to use the classrooms and office space the Spruce building provides whilst the future needs of further education delivery are sought.
- The ground floor of the building has been operational for seven years and will continue to be used as general teaching/classroom space.
- The first floor extension provides improved and rationalised administration office for support and teaching staff.
- There is no proposed increase in staff or students numbers for this building.
- The location of the building does not affect or disrupt any existing access route within the site and the exterior is clad in timber so as to blend in with the woody perimeter of the site.
- The design of the development takes into account fire safety and reasonable provision for DDA requirements.

- ∇ Stanmore College – Strategic Master plan (overview)
- The college has commissioned a strategic plan for the site which establishes a long term goal to concentrate the campus around a central courtyard hub.
- Stanmore College has a number of temporary buildings which meets their current requirements for classroom accommodation. The mobile units are isolated from the main circulation routes of the campus making access difficult and the majority are in poor condition.
- The college would like to increase their lettings capacity meaning the site is accessed more all year round at weekends.
- The college's objective is to provide permanent improved accommodation to replace temporary buildings, thereby creating more open space on the campus and enhance the current facilities.
- Over a number of phases the temporary buildings will be removed and permanent extensions built. Ultimately the campus will have improved buildings and external social and sports spaces which are currently lacking.

Consultations:

Highways Authority: No objection

Advertisement

N/A

Notifications

First Consultation:

Sent: 42

Replies: 0

Expiry: 10.07.2013

Addresses Consulted

- Stanmore Society
- Elm Park Resident Association
- 8, 9, Manor House Estate, Old Church Lane
- 14, 15, 16, Manor House, Old Church Lane
- 1, 1a, 3, 5, 7 The Ridgeway
- Ridgeway Court, The Ridgeway
- 1, 2 Bernays Close
- 73, 75, 77, 78, 79, 80, 81, 81a, 82, 83a, 84, 85, 86, 87, 87a Elm Park Road

Summary of Responses

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS] and the Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

1) Principle of the Development

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” In addition, policy 3.18 of The London Plan (2011) seeks to ensure inter alia that development proposals which enhance education and skills provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan (2013) states that “*proposals for the provision of new community sport and educational facilities will be supported where they (a) are located within the community that they are intended to serve; (b) subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and (c) where there would be no adverse impact in residential amenity or highway safety.*” Policy DM 47 of the Harrow Development Management Policies Local Plan (2013) outlines that proposals for the re-development of community or educational facilities that secure enhanced re-provision on the site will be supported.

The educational use of this site is long established and there is no objection in principle to the extension of existing educational facilities. The retention of the building for a temporary time period of 36 months is proposed to accommodate classroom and administrative space in order to allow additional time to implement a strategic master plan for the site. The college has developed a long term strategic master plan for the site with the objective to provide permanent improved accommodation to replace temporary buildings. Given that, the classroom and office space is existing and there is no proposed increase to the numbers of staff and pupils on the site, it is considered that a further temporary permission would not give rise to any adverse impacts on residential amenity or highway safety.

It is acknowledged that there are a number of issues with the current layout of the site. The existing mobile units on the site (Hawthorn, Chestnut, Maple and Spruce) are isolated from the main buildings and primary circulation routes meaning access for students is convoluted. Furthermore, a number of the mobile units are in poor condition and perform poorly in terms of energy use. External space for students is very limited with no external sporting facilities, with the main focus of the campus being the central car park which divides the campus. The strategic master plan which accompanies the application indicates that the development of the site to provide a long term solution with permanent buildings and the removal of the temporary accommodation, would take place over four main phases of development. Over the next few years, the proposed intention is to concentrate the campus around a central courtyard hub with improved buildings and external social and sports spaces. Phases 1, 2 and 3 of the long term development solution would provide for new buildings to the west and the east of the campus as well as some internal refurbishment. This in turn would allow for the removal of the temporary accommodation on the site including Chestnut, Maple and the Spruce buildings.

The proposals are intended to be carried out over a number of years as funding becomes available and to enable the college to continue to function without interruption. However,

it is considered that the strategic master plan provides a firm commitment to removing the temporary accommodation on the site, including the spruce building, and would provide an acceptable and much enhanced layout and accommodation. Overall, the master plan demonstrates that there would be a significant improvement in the layout of the existing site that would enhance education and skills provision to the benefit of the wider community.

It is acknowledged that a previous application under reference P/0413/12, for permanent retention of the Spruce building was rejected on the basis that “*The permanent retention of the development would be an inappropriate solution to the long term needs of the college*”. Nevertheless, in light of the proposed strategic master plan and firm commitment to provide a long term solution, officers consider that a further temporary permission should now be supported.

In summary, in view of the above considerations, the retention of the temporary classroom building for a further 36 months period is considered to be acceptable in principle and the proposal would comply with policies CS1 B and Z of the Harrow Core Strategy, policy 3.18 of The London plan (2011) and policy DM 46 of the Harrow Development Management Policies Local Plan (2013).

2) Character and Appearance of the Area

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

Core Policy CS 1 (B) states that ‘All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design.’

The Spruce Building is sited 4.4 metres from the Elm Park frontage at its closest point and is constructed of grey panels and timber cladding. The original approval was for a temporary period of 18 months and, on this basis, the appearance of the building was considered to be acceptable. Permission was granted for a further 18 month temporary period on the 20th July 2011 (ref P/0981/11) on the basis that the applicant could have time to devise a more appropriate permanent solution to the long term accommodation needs of the College. The previous temporary period was approved (ref P/0981/11), on balance, as the impact on the character and appearance of the area was considered to be acceptable only on the basis of a temporary structure. It was also approved on the basis that the College were working towards a more acceptable permanent scheme, having regard to their particular need for accommodation. Following, this a further application for permanent retention was refused under reference P/0413/12 on the basis that it would be an inappropriate solution to the long term needs of the college. It is acknowledged that the previous committee reports (P0981/11 and P/0413/12) both made it clear that no further consideration should be given for a further temporary period to retain the building or indeed permanent retention of the building. It is also noted that this

was reiterated in the printed minutes from the Planning Committee meeting of the 13th July 2011. However, as outlined above, the College has now developed a long term strategic master plan for the site. The proposed master plan provides special circumstances which officers consider to be material and makes a significant difference to the circumstances of the previous two applications.

The strategic master plan will enable a permanent phased solution to be developed over a number of years. Whilst this is subject to available funding at the beginning of each academic year, officers are confident the scheme can be delivered due to the demand for enrolment of pupils. Indeed, the initial application for the development of phase 1 of the site has recently been submitted to the Local Planning Authority under ref: P/1663/13. In light of the proposed master plan, it is considered that this is significant justification to warrant a different view being taken on this particular application since the last application (P/0413/12) for the permanent retention of the Spruce building was refused.

Furthermore, it is also noted that the building has been well maintained and is in good condition and is also reasonably well screened by trees from Elm Park and whilst it would not be suitable on a permanent basis, it is considered that for the limited period requested it, it would not result in significant long term harm to the appearance of the locality.

On balance, given the clear need for the college to retain the accommodation while they bring forward the phased permanent solution for the site, a further period of 36 months is recommended and is considered to be a reasonable timeframe in which to ensure the permanent accommodation can be delivered on site.

As such, given the temporary nature of the development, the impact on the character and appearance of the area is considered to be acceptable in accordance with policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1.B of the Harrow Core Strategy (2012) and policy DM 1 of the Harrow Development Management Policies Local plan (2013).

3) Residential Amenity

Policy 7.6 of The London Plan (2011) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate". Saved policy C7 of the Harrow Unitary Development Plan and in particular paragraph 9.29 suggests that new development must not be detrimental to the environmental quality of the locality or the amenities of the residents.

The building is sited some 20 metres from the side boundary with the nearest residential property to the north, No.86 Elm Park and the front boundaries of the properties on the opposite side of Elm Park would be 17 metres from the building.

It is considered that the 20 metre separation distance between the building and the boundary with the neighbouring properties to the north results in an acceptable relationship with these properties and does not result in undue overshadowing or overbearing impact. The external staircase at the north of the building is enclosed and there are no windows at first floor level facing these properties. The building does not therefore result in unacceptable overlooking of these properties. Furthermore, it is noted that the Local Planning Authority have not received complaints from surrounding neighbouring occupiers with regard to the continued use of the Spruce building.

The 17 metre separation distance between the front of the building and the front boundaries of the residential properties opposite is also considered to be adequate. The windows do not result in unreasonable overlooking of any areas of private amenity space or habitable room windows. In summary, the building has an acceptable amenity impact.

4) Traffic and Parking

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The retention of the building will not result in an increase in the number of pupils studying at the college or an increase in the number of staff members. The building has not resulted in the loss of parking space and it is therefore considered that no undue traffic and parking impacts would occur with its permanent retention. The Council's Highways Engineer raises no objections and the proposal is therefore considered to be acceptable in this regard.

5) Accessibility

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2.

Disabled access ramps are currently provided to the ground floor classrooms and a DDA compliant lift provides access the first floor administrative offices. It is noted that an accessible toilet is not provided within the building. However, the main college building, with accessible facilities is located close to the building and this is considered to be an acceptable arrangement. The proposal would therefore comply with policy 7.2 of The London plan and policy D2 of the HDMP LP (2013).

6) Trees and Development

No trees were removed to accommodate the building, although some were cut back and may need to be cut back again to accommodate the building for the permanent period. These trees are not protected, although they do form an important visual amenity feature along this frontage. The submitted tree report is considered to be satisfactory and the modest cutting back of the trees would not harm their long term health. The proposal is therefore considered to be acceptable on tree grounds.

7) S17 Crime & Disorder Act

The proposal would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

8) Consultation Responses

- None

9) Equalities and Human Rights

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no

adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be removed and the land restored to its former condition on or before 10th July 2016.

REASON: To reflect the particular circumstances of this proposal and to safeguard the character and appearance of the area, in line with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

2 The development hereby permitted shall be retained in accordance with the following approved plans and documents: Arboricultural Report – Prepared by Barnes and Associates Ref: BA2514.2; Design and Access Statement; Acoustic Measurement Report, by Stream Environmental; SBP1/12 (Block Plan); SLP1/12 (Location Plan); 05; 1080-01 Rev A; 04; Strategic Master plan – LOM architecture and Design

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development hereby permitted shall be for college use only, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an over-intensive use of the site, in line with the requirements of policies DM 46 and 47 of the Harrow Development Management Policies Local Plan (2013).

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy:

National Planning Policy Framework (2012)

The London Plan (2011):

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

6.13 – Parking

7.1 – Building London's neighbourhoods and communities

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.6 – Architecture

7.21 – Trees and Woodlands

Harrow Core Strategy (2012)

Harrow Development Management Policies Local Plan (2013)

- Policy DM 1 – Achieving a High Standard of Development
- Policy DM 2 – Achieving Lifetime Neighbourhoods
- Policy DM 22 – Trees and Landscaping
- Policy DM 42 – Parking Standards
- Policy DM 46 - New Community, Sport and Education facilities
- Policy DM 47 – Retention of Existing Community Sport and Education Facilities

Other Relevant Guidance:

Supplementary Planning Document: Access for All (2006)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

5 GRANT WITH PRE-APPLICATION ADVICE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

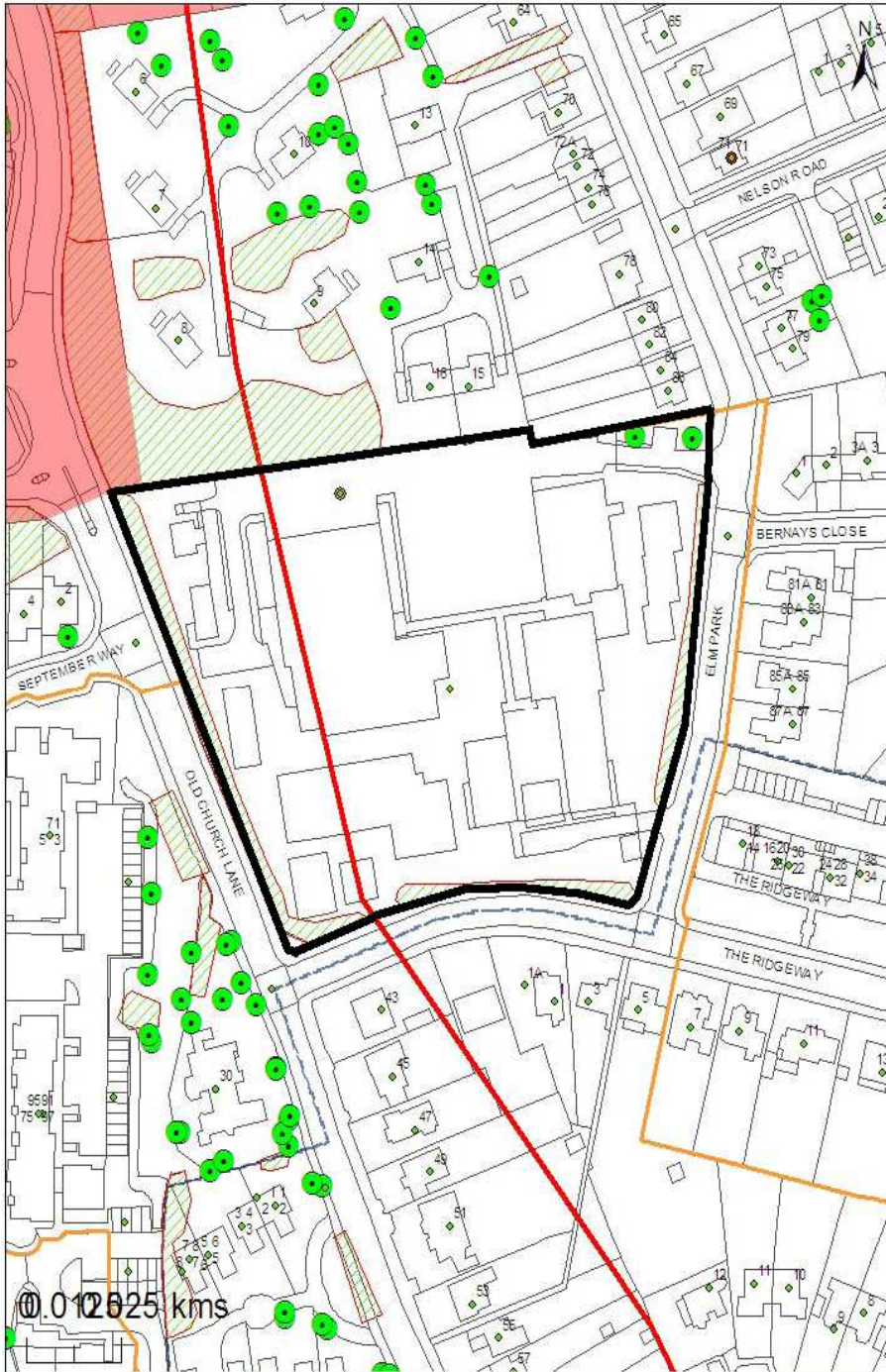
6 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

Plan Nos: Arboricultural Report – Prepared by Barnes and Associates Ref: BA2514.2; Design and Access Statement; Acoustic Measurement Report, by Stream Environmental; BA2514TS (Tree Survey); SBP1/12 (Block Plan); SLP1/12 (Location Plan); 05; 1080-01 Rev A; 04; Strategic Masterplan – LOM architecture and Design

STANMORE COLLEGE, ELM PARK, STANMORE



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Item No: 2/04
Address: WILLOW COTTAGE, HILLSIDE ROAD, PINNER
Reference: P/0934/13
Description: RETROSPECTIVE APPLICATION FOR A LOFT CONVERSION WITH PROPOSED ALTERATIONS TO REDUCE THE SIZE OF THE UNAUTHORISED SIDE AND REAR DORMERS; REMOVAL OF ONE OF THE FLAT ROOFED REAR DORMERS; REMOVAL OF 18 OF THE 26 UNAUTHORISED ROOFLIGHTS; INSERTION OF 2 ADDITIONAL ROOFLIGHTS; REPLACEMENT OF UNAUTHORISED PANTILES WITH CLAY TILES ON ROOF
Ward: PINNER
Applicant: MR SABRI KARIM
Agent: SCP ARCHITECTS
Case Officer: SARAH MACAVOY
Expiry Date: 07/06/2013

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans, subject to condition(s).

REASON

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 and the Harrow Core Strategy (2012) as well as to all relevant material considerations including any responses to consultation. The development would have an acceptable impact on the appearance of the house, the conservation area, the area of special character, the greenbelt and the adjacent locally listed building. There would not be any unreasonable harm on the residential amenities of the occupiers of the neighbouring properties.

Statutory Return Type: 21 Householder development

Council Interest: None

Net additional Floorspace: 93sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Nil

Site Description

- Willow Cottage is situated on the south eastern side of Hillside Road within Pinner Hill Estate Conservation Area and on Green Belt land and is set within a large site to a width of approximately 40m.
- Dwelling is set back a minimum of 7m from the front boundary.
- The property has a large double garage, a single storey side extension, a two storey

side extension, projecting first floor rear extension over the colonnade (on the north/western edge of the building) and large side and rear dormers (subject of this application).

- The adjacent detached property to the northeast is Heatherlaw. It has a single and two storey side extension, front dormer, detached double garage and a single storey rear extension.
- The adjacent detached property to the southwest is Madalane House (previously known as Eleven Trees). It has an outbuilding in the rear garden, a two storey side extension with roof dormers and a double garage.
- Hillside Road is characterised by detached properties of varying character and appearance.
- Monks Rest to the west on the opposite site of Hillside Road is a locally listed building.

Proposal Details

- One dormer is proposed on the rear roofslope. It would have a gabled pitched roof, have a height of 1.9925m, a depth of 2.8425, a width of 1.6225m, a volume of 2.5 cubic metres (approx.) and be set up 0.89m from the rear roofslope. It would be set away 3m from the side roofslope.
- The side dormer would be set up 0.8m from the roofslope and 1.12m from the roof edge. It would have a width of 1.6225m, a depth of 2.0175m, a height of 1.9925m and a volume of approximately 2 cubic metres. It would have a gabled pitched roof.
- The flat roofed rear dormer on the northern rear roofslope closest to the boundary with Heatherlaw would be removed.
- Removal of 18 of the 26 rooflights spread over the front, side and rear roofslopes. 8 rooflights spread over the front, side and rear roofslopes are proposed to be retained. 2 additional rooflights are proposed.
- The pantiles would be replaced by plain clay tiles.

Revisions to Previous Application

- N/A

Relevant History

LBH/35665 - Single and two storey side to front extension
GRANTED - 08/08/1988

LBH/9619 - Alterations and erection of two storey side extension to lounge with bedroom over.
GRANTED - 19/11/1973

P/2262/09 - Retention of rear dormer roof extensions and rooflights on front, side and rear roofslopes.
REFUSED - 15/12/2009

Reasons for Refusal (P/2262/09):

1. The rooflights, by reason of their number, design and siting, result in visually obtrusive and incongruous additions to the roofslope, to the detriment of the character and appearance of the original dwellinghouse, the Conservation Area and the Setting of a Locally Listed Building, contrary to London Plan policy 4B.1 and saved policies D4, D12, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. The rear dormers by reason of their design, siting and bulk result in incongruous and

disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character, to the detriment of the character of the Conservation Area, the setting of a Locally Listed Building, the Area of Special Character and the character and appearance and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) and Supplementary Planning Guidance - 'Extensions: A Householders Guide (2008).

P/0362/10 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers and to remove 17 of the 23 unauthorised rooflights and the rear dormer on the northern side of the rear roofslope.

REFUSED - 20 April 2010

APPEAL DISMISSED

Reason for Refusal (P/0362/10):

The proposed alterations to the side and rear dormers by reason of their design, siting and bulk would result in incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character to the detriment of the character and appearance of the Conservation Area, the Area of Special Character and the character and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) 'Green Belts' and Supplementary Planning Guidance – 'Extensions: A Householders Guide (2008)'.

P/1297/10 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers; retention of other rear dormer; removal of 14 of the 26 unauthorised rooflights; insertion of 1 additional rooflight; retention of existing first floor rear projection on columns; replacement of unauthorised pantiles with clay tiles on roof; two proposed front dormers

Appeal against non-determination

DISMISSED 31-May-2011

The planning committee resolved to refuse the application had it not been appealed against non determination on 9th February 2011

Reason for Refusal (had the application not been appealed against non-determination) agreed by the planning committee on 9th February 2011:

The proposed alterations to the side and rear dormers, the retention of the flat roofed rear dormer closest to the boundary with Heatherlaw and the proposed front dormers and rooflights, by reason of their design, number, prominent siting and bulk would result in visually intrusive, incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Green Belt and fail to preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area and the Area of Special Character, contrary to Planning Policy Guidance 2 (1992) - Green Belts, policies HE7 and HE9 of Planning Policy Statement 5 (2010) – Planning for the Historic Environment, The London Plan (2008) policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document – Residential Design Guide (2010)

P/1469/11 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers; retention and reduction in size of other rear dormer; removal of 17 of the 26 unauthorised rooflights; insertion of 1 additional rooflight; replacement of unauthorised pantiles with clay tiles on roof; one proposed front dormer
REFUSED – 30 August 2011

Reason for Refusal:

The proposed front dormer and the retention of the flat roof dormer (with alterations proposed to reduce its height) closest to the boundary with Heatherlaw, by reason of their design and siting would result in visually obtrusive and incongruous additions to the roofslope, to the detriment of the character and appearance of the original dwellinghouse, the Conservation Area, the Harrow Weald Ridge Area of Special Character and the Setting of a Locally Listed Building, contrary to policies HE7, HE8 and HE9 of Planning Policy Statement 5, London Plan policies 7.4B, 7.6B and 7.8 and saved policies D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004), Supplementary Planning Document – Residential Design Guide (2010) and Supplementary Planning Document - Pinner Conservation Areas – Appendix 9 : The Pinner Hill Estate Conservation Area Appraisal and Management Strategy (2009).

Pre-Application Discussion

- N/A

Applicant Submission Documents

- Design, Heritage and Access Statement

Consultations

The Pinner Association: No comments received

CAAC: There were no proposed plans available online. The flat roof dormer would be of concern because it would bridge the valley at high level. It would appear odd.

Pinner Hill Residents Association: There is considerable opposition among residents to the development. This relates both to the fact that the work previously carried out was unauthorised and also to the visual effect of the development. The development is totally inappropriate to the Pinner Hill CA, to the Green Belt and to the area of special character. Specifically:

1. The proposed number of dormers and rooflights is excessive and disproportionate
2. The proposed siting of the dormers and rooflights is obtrusive
3. The style of the proposed dormers and rooflights is obtrusive and totally inappropriate to the property and the area.
4. The roof tiles used in the unauthorised work currently in situ are obtrusive and totally inappropriate to the property and the area.
5. The application does not appear to address the raising of the roof height which is obtrusive.
6. The application does not appear to address the new front door porch which appeared as part of the unauthorised works. The porch is totally out of keeping with the original property and is totally inappropriate to the area.
7. The extent of the paved drive to the front of the property is excessive when compared to other properties on the Estate.

The PHRA trusts that the Council will adopt an approach consistent with the Pinner Hill Conservation Area appraisal and Management Strategy 2009 insofar as it relates to dormers, rooflights and roofing tiles.

Pinner Hill Conservation Society – The enforcement action of the 26 unauthorised roof lights, dormer windows and detached boiler room (which actually wrongly overhangs the neighbours property) is being constantly delayed by a plethora of revised applications and appeals. The LPA should take decisive action to ensure compliance and claim costs. The applicants are obviously abusing the system.

Permission should not be granted. The problem with this site is that it has already been (more than 10 years ago) the subject of a massive extension on its eastern side and at the rear. This took the property very close to the boundary and one has to wonder whether the implications of the extensions were thought out then as they produced a lop sided building too close to the boundary. However there is no doubt that the then owners got permission for the maximum amount of new floor space they could.

Further extensions should therefore not be permitted under any circumstances. Any new application should be declined save in the most exceptional circumstance.

The proposals do not preserve or enhance the conservation area. In fact the development will harm and detract from the openness and rural feel of the area, lead to cramping, cluttering and represent overdevelopment.

It will be dominant and overbearing and would not be in keeping with the remainder of Hillside Road which is one of the rare unspoilt parts of the conservation area.

The Council should note that site notices have not been displayed on or near the site.

The time for compliance with the enforcement notice must have expired long ago and the Council should take immediate steps to ensure compliance and not defer the same just because it has received another doomed application. This application is an abuse of process deigns to slow now what is the overdue enforcement action.

Advertisement

Character of a Conservation Area and Setting: 22 May 2013

Site Notice

Character of a Conservation Area: Expiry: 22 May 2013

Notifications

Sent: 10

Replies: 4

Expiry: 22-5-13

Summary of Responses

- It appears that the same retrospective application submitted a year or two ago from which no action has been taken.
- The massive, illegal alterations done without any approval are out of keeping with:
 1. Hillside Road
 2. The Conservation Area
 3. Disregard for the bulk of the house on its neighbours.
 4. The removal of 18 unauthorised roof lights leaving 8, then adding 2 more rooflights to equal 10 should not be accepted by your Dept.

5. Willow Cottage is just one example of the increasing disregard for this cherished conservation area and neighbour hopes that the Council will come down hard on new owners and their advisors running roughshod over Pinner Hill.
- No windows overlooking neighbouring garden will be acceptable. The same applies for any windows on the front elevation. These are overbearing and oppressive to the gentleman across the road who was unable to write in himself.
 - The boiler vent encroaching upon neighbouring boundary is unacceptable. There is constant steam coming from the boiler vent which is unsightly and rather unpleasant.
 - Neighbour is worried that with so many applications and appeals on the site one may slip through unnoticed.

In support

- The changes are acceptable to us
- A petition containing 5 signatures was received in support of the application.

APPRAISAL

The NPPF will have been in place for 12 months on the 27th March 2013. Therefore, as stated at para 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Para 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

Emerging Development Management Policies Local Plan 2013 [DMP]

The DMP which forms part of the Local Development Framework [LDF] is at a very advanced state of preparation with the consultation period after the Examination in Public [EiP] running from 21st March 2013 until 3rd May 2013. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the DMP is sound. In light of this and in line with NPPF paragraph 216, it is considered that the policies of the DMP can be afforded significant weight in the consideration of planning applications.

MAIN CONSIDERATIONS

1) Green Belt and Area of Special Character

This application site had already been significantly extended prior to the construction of the dormers. There are existing single and two storey front and side extensions, a double garage extension and a first floor extension on columns.

Part 9 of the NPPF (Protecting Green Belt Land) refers to the importance of Green Belts. It goes on to say that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Saved policy EP34 of the Harrow UDP follows on from the guidance set out under part 9 of the NPPF and seeks to ensure that developments do not adversely impact upon the

environment and character of the Green Belt. It goes on to state under paragraph 3.123 that developments should have regard to the size of the original building and the amount of space around the building, and should not result in disproportionate additions over and above the size of the original dwelling.

An overarching principle (page 6) of the Harrow Core Strategy refers to resisting any loss of green belt.

Policy DM16 of the Development Management Policies DPD refers to the Green belt and states that “The National Planning Policy Framework (2012) continues to protect the Green Belt from inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. The construction of most types of new building in the Green Belt is inappropriate development, and will be resisted unless there are very special circumstances which outweigh the harm to the Green Belt. The Framework defines the types of new building and other forms of development that need not constitute inappropriate development within the Green Belt. London Plan Policy 7.16 is also relevant to proposals in the Green Belt”.

The table below summarises changes to the dwellinghouse since 1948.

	Original (1948)	Prior to dormer extensions	% Increase Over Original	Proposed	% Increase Over Original
Footprint (m²)	91.37	259.05	184%	259.05	184%
Floor Area (m²)	182.74	407.55	224%	525	288%

The original house had a volume of 683.05 cubic metres. The house has been greatly extended since this time pursuant to the planning permissions listed in the Planning History above. The dormers subject to this application projection would increase the volume of the original house by approximately 5 cubic metres or approximately 0.7%, which is considered to be a very small increase in volume.

The overall footprint of the original dwelling was 91.37m². The footprint of the extended dwelling prior to the construction of the dormers increased the overall footprint by approximately 167.68m² or 184%, but no additional footprint would be created by the dormer extensions. An additional footprint of 13.39 square metres was created by the retention of the first floor rear projection on columns.

The floor area of the dwellinghouse has increased as a result of the construction of the dormers. The floor area of the original house was 182.74 square metres. The original floor area increased to 420.9 square metres prior to the construction of the dormers (including the first floor rear projection on columns), which was a 224% increase in floor area from the original dwellinghouse. With the reduced dormers, the floor area of the dwellinghouse would be 525 square metres. This results in an increase in floor area from the original dwellinghouse of 288%.

It would appear that following enforcement investigations that the first floor extension on columns at the rear does not have planning permission. However, it would appear that, on the balance of probabilities, the extension has been there for more than 4 years and is immune from Enforcement Action. The Inspector in his decision (Ref:

APP/M5450/A/10/2143168) therefore took this to be the case and did not assess the existing first floor rear projection on columns. As such, this does not form part of the assessment of this application. Nonetheless, its existence needs to be taken into consideration and the footprint, volume and floor areas needs to be considered in relation to the NPPF as it is a development that has enlarged the original dwellinghouse.

The inspector (in the appeal decision prior to the most recent appeal: REF: APP/M5450/A/10/2127215, stated that the changes to the 'pre-existing' state of the property and in particular its roofscape do not harm the openness of the Green Belt, and on this basis it is considered that an objection on these grounds could not reasonably be sustained. The Inspector in the most recent appeal confirmed this view.

The revised size and reduced numbers of the dormers is considered to overcome the previous reason for refusal involving inappropriate development in the Green Belt. The dormers would be subordinate features in the roof slopes and as such are considered to be acceptable. Therefore, in terms the impact on the Green Belt, the proposal is in compliance with London Plan policy 7.16 and saved policies EP32 and EP34 of the Unitary Development Plan (2004), Policy DM16 of the Development Management Policies DPD and the NPPF.

2) Character and Appearance of the Locally Listed Dwellinghouse and that of the Conservation Area

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policy 7.8 of The London Plan (2011) which seeks to ensure that development should respect local context, history, built heritage and communities amongst other issues. The London Plan (2011) was adopted in July 2011. Paragraph 6.45 of the Supplementary Planning Document – Residential Design Guide 2010 (SPD) relates specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

CS1.D refers to resisting proposals which would harm the significance of heritage assets including their setting. DM Policy 1 refers to achieving a high standard of development and DM Policy 7 refers to conservation areas and ensures that substantial weight will be given to the preservation or enhancement of the character or appearance of the areas.

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policy 7.8 of The London Plan (2011) which seeks to ensure that development should respect local context, history, built heritage and communities amongst other issues. The London Plan (2011) was adopted in July 2011. Paragraph 6.45 of the Supplementary Planning Document – Residential Design Guide 2010 (SPD) relates specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

Willow Cottage is situated within the Pinner Hill Estate Conservation Area, which is characterised by large residential villas of high architectural quality.

Willow Cottage is an early 20th century building, which is considered to be a building which preserves the Conservation Area.

Saved policy D14 states that the Council will seek to preserve or enhance the character or appearance of Conservation Areas through various criteria including criterion D which requires the Council to prepare specific policies and proposals for each Conservation Area, within the framework of the plan. The Pinner Hill Conservation Area Appraisal and Management Strategy, which was adopted on 17 December 2009 is relevant to the Pinner Hill Conservation Area, of which this site is a part. In addition to the above, saved policy D15 states that extensions and alterations in Conservation Areas should comply with six specific criteria which relate to site circumstances, building materials, the character of the locality and design.

Whilst the Design and Access Statement mentions that some aspects of this development cannot be seen from the streetscene, paragraph 4.55 of the Harrow UDP states that 'the Council considers that other, more private, viewpoints [within conservation areas] are also of importance'.

The Inspectors in both Appeal Decisions noted that the overall form and appearance of the dormers would harm the character and appearance of the property and its contribution to the Conservation Area.

The small pitched roof dormer on the side roof slope and the small pitched roof dormer on the rear would appear as subordinate features in the roof slope and would not unduly harm the character of the house or that of the Conservation Area. The Council's Conservation officer has not objected to these dormers. As such they are considered to be acceptable.

The flat roof rear dormer closest to the boundary with Heatherlaw deemed to be unacceptable in the previous applications on the site due to its plain and bulky design has been removed from the current application. The front dormer proposed in the previous application which was considered to be unacceptable in the previous application has also been removed from this application meaning that the reasons for refusal contained in the previous application have been removed from this application. No new site circumstances or other material planning considerations have arisen since this previously refusal that introduce any new reasons for refusal. Therefore the proposal is considered to be acceptable.

A sample of the proposed clay tiles on the roof has been recommended as a condition on this application to ensure that the character of the conservation area and the locally listed building: 'Monks Rest' would be preserved.

It is considered that the retention of 10 of the 26 rooflights would preserve the character or appearance of the Conservation Area and the local historic or architectural interest of the locally listed building: 'Monks Rest' as they are solely located on the side and rear roof slopes and therefore would not be unduly intrusive when viewed from the road.

It is considered for these reasons that the proposal would preserve the character and appearance of the conservation area, and the adjacent locally listed building in accordance with London Plan policies 7.4B, 7.6B and 7.8C, Harrow Core Strategy (2012) CS1.B/D, saved policies D4, D12, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document – Residential Design Guide (2010) and emerging policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013) (which will supersede the UDP policies shortly).

3) Residential Amenity

Saved policy D5 of the Harrow UDP seeks to ensure that all new residential development, amongst other things, provides amenity space that is sufficient to protect the privacy and amenity of the occupiers of the surrounding buildings, as a usable amenity area for the occupiers of the development and as a visual amenity. Criterion B goes on to state that new buildings should provide space around buildings by maintaining adequate separation between buildings and site boundaries in order to reflect the setting of neighbouring buildings and to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. In order to assess the impact of a development on the privacy and amenity of adjoining properties, the general quality of privacy in the surrounding area will be taken into account (paragraph 2.27).

Willow Cottage is situated on a large site and the dormer extensions are situated well away from adjacent dwellinghouses (minimum 20m). It is considered that they do not have an undue impact on the residential amenity of neighbouring occupiers. It is therefore considered that there is no unreasonable harm to the amenities of the occupiers neighbouring dwellings with regard to overlooking and loss of light/overshadowing.

4) S17 Crime & Disorder Act

It is considered that the proposed development would not have any adverse crime or safety concerns.

5) Equalities Statement

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of the proposal due to it being a house holder extension would have no impact on equalities.

It is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

5) Consultation Responses

- This application is different to the other applications assessed by the council as the rear flat roof dormer and the front dormer have been removed in the current application which were the reasons for refusal of the previous application.
- The impact of the proposals on the character of the conservation area, the area of special character and the greenbelt have been assessed in the report above.
- Every application must be assessed on its merits. The new application having addressed the previous reasons for refusal is considered to be acceptable.
- The boiler vent encroaching upon the neighbouring boundary does not form part of

this planning application and therefore has not been assessed. Boiler vent overhangs are not material planning considerations. Instead they are considered to be a civil matter.

- Applications do not slip through the Council un-noticed. Once they are received they are registered then passed to a planning officer to process. A decision is subsequently made.
- The roof tiles used in the unauthorized work are proposed to be replaced with clay tiles during the course of this application.
- The alleged raising of the roof height does not form part of this application and therefore has not been assessed. This matter has been passed to the Planning Enforcement team to investigate.
- The alleged front porch and paving do not form part of this application and therefore have not been assessed. These matters have been passed to the Planning Enforcement team to investigate.
- A site notice was displayed on the site. This was put up on 1 May 2013.
- It would be pointless and costly for the Council to undertake enforcement action if a suitable proposal is being processed.

CONCLUSION

Having assessed the proposed development against the policies and proposals in the Development Plan and other material considerations, it has been determined that the proposed development would not unduly impact on the character of the conservation area, the area of special character, the green belt or the amenity of occupiers of any neighbouring land. The application is therefore recommended for approval.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

b: the new roof tiles

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the external materials of the development match those used in the existing dwellinghouse in accordance with saved policy D4 of the Harrow Unitary Development Plan 2004.

3 GLAZING1_M (approved plans) (flank)

REASON: To protect the amenities of the neighbours with regard to overlooking in accordance with saved policy D5 of the UDP.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Design, Access and Heritage Statement – Rev A; ALGA0001 Rev D; ALGA0002 Rev D; ALGA0003 Rev F; ALPL001

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 and the Harrow Core Strategy (2012) as well as to all relevant material considerations including any responses to consultation. The development would have an acceptable impact on the appearance of the house, the conservation area, the area of special character, the greenbelt and the adjacent locally listed building. There would not be any unreasonable harm on the residential amenities of the occupiers of the neighbouring properties.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011) : 7.4B, 7.6B, 7.8C/D, 7.16

Harrow UDP (2004): EP34, D4, D5, D12, D14, D15

Harrow Core Strategy (2012) CS1.B/D/F; CS.2

Emerging Harrow Development Management Policies Local Plan (2013): DM1, DM7, DM16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document - Pinner Conservation Areas – Appendix 8 - The Pinnerwood Farm Conservation Area Appraisal and Management Strategy (2009).

2 INFORM23_M

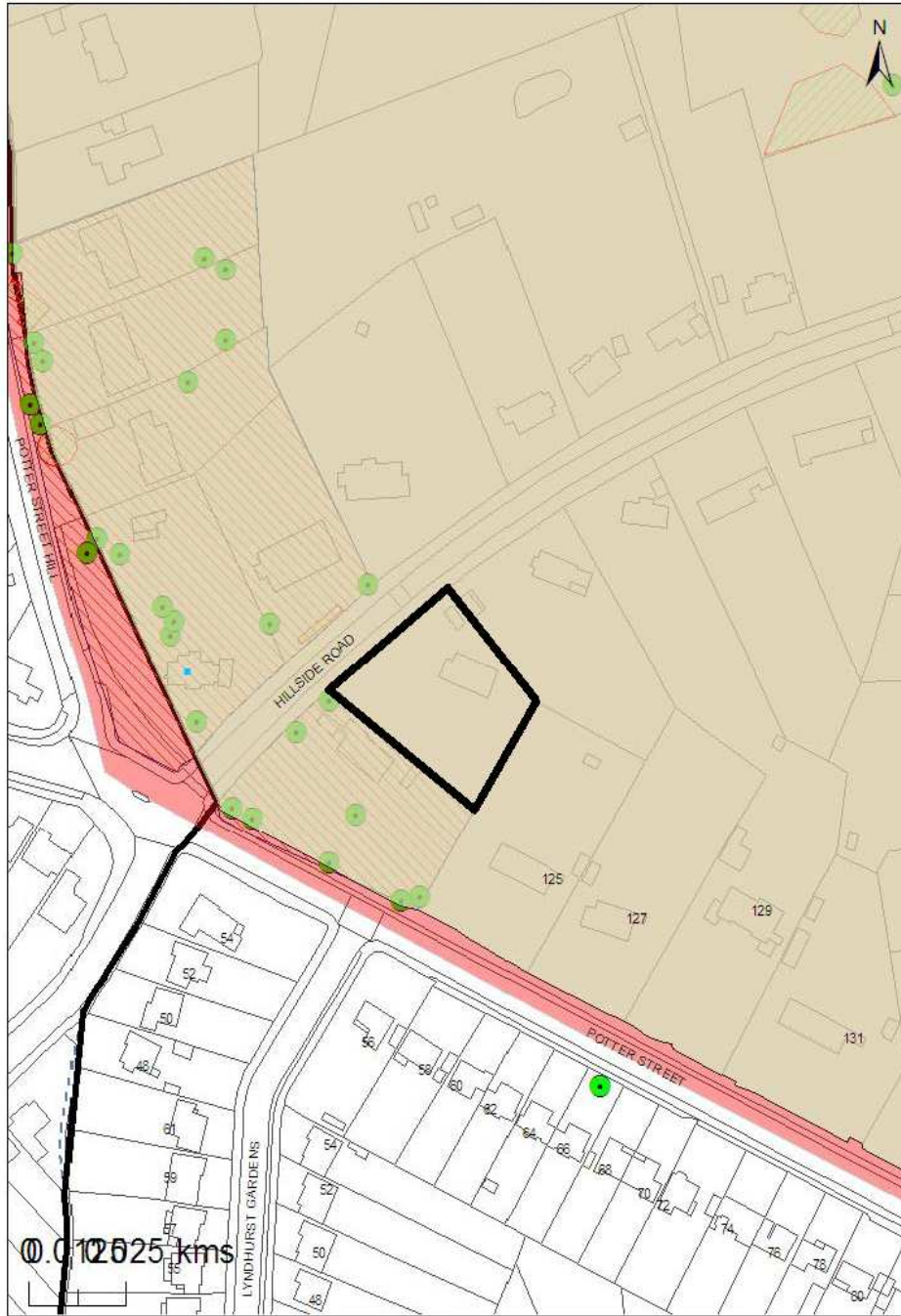
3 INFORM32_M

4 GRANT WITHOUT PRE-APPLICATION ADVICE

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Design, Access and Heritage Statement – Rev A; ALGA0001 Rev D; ALGA0002 Rev D; ALGA003 Rev F; ALPL001

WILLOW COTTAGE, HILLSIDE ROAD, PINNER



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTH OLOME W LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Item No: 2/05
Address: LOWLANDS RECREATION GROUND, LOWLANDS ROAD, HARROW
Reference: P/1402/13
Description: NEW BUILDING TO PROVIDE PERFORMANCE SPACE AND CAFE;
EARTHWORKS TO INCLUDE BANKING AND CHANGES IN LEVELS;
STEPS TO CREATE AMPHITHEATRE; PROVISION OF PLAY AREAS
INCLUDING MOUNDS AND PLAY EQUIPMENT; ASSOCIATED
LANDSCAPING
Ward: GREENHILL
Applicant: HARROW COUNCIL
Agent: ADAMS AND SUTHERLAND
Case Officer: STEPHEN KELLY
Expiry Date: 26 JULY 2013

Legal Comments:

Regulation 3 of the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492) provides (in relevant part) that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow [Public Realm] who intend to carry out the development and the land at Lowlands Recreation Ground is owned by LB Harrow.

The GRANT of planning permission for this development falling within regulation 3 shall enure only for the benefit of the LB Harrow.

RECOMMENDATION

GRANT planning permission under Regulation 3 for the development described in the application form and submitted plans, subject to conditions

INFORMATION

The application is reported to the Planning Committee because the site is owned by Harrow Council and is excluded by proviso C of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: Minor Development, all other
Council Interest: Council owned recreation ground
Conservation Area: Roxborough Park and The Grove
Listed Building: Within setting of Listed Buildings at Harrow College
Metropolitan Open Land
Application Site Area: 0.47 ha (area of recreation ground is 0.98 ha)

Net additional Floorspace: 110 square metres

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £3,850

Site Description

- The application site comprises part of a 0.98 hectare recreation ground on the north side of Lowlands Road and the east side of Station Approach (a private road owned by Transport for London)
- The park also has boundaries with the Harrow on the Hill station car park on the north and the Harrow College campus on the east
- There are no boundary fences on the south side of the park (along Lowlands Road), and there is a metal fence along the Station Approach frontage, and a chain link fence along the northern site boundary
- The access points to the park are on Lowlands Road, one at the junction with Station Approach and one at the eastern end of the park
- The park has a fall in levels of approximately 5m from the south-east to the north-west

Proposal Details

- The application proposes the regrading of a circular section of the park to provide a more level central area and to facilitate other developments within the park
- At the eastern edge of the application site, which would be approximately 10m from the eastern edge of the park, the higher levels would be supported by a retaining bank which would be up to 1.1m high with planting at the top
- The central part of the park would be flat over the 80m of this central area
- A grassed mound is proposed in the southern part of this lowered section of park, which would be 2m above the prevailing ground level and would have stone play features
- A second grassed mound would be provided in the northern part of the lowered section which would have a water feature
- At the western edge of the application site, would be an amphitheatre, which would be 60m wide and 30m deep, with six timber and turf seating steps (each 5m wide 60m long). Each of these steps would be 250mm high and would then match the new levels of the site.
- A new building, which would be 13m wide and 8m deep and a total of 7.5m high, is proposed for the western part of the site to provide a performance space and café. This building would have performance doors facing the park, and doors for the café facing the south (towards the station) and a serving hatch facing Station Approach. The building is proposed to have a timber finish above a brick plinth and would have an outdoor terrace on the northern side and a stage area on the eastern side
- The building is designed for flexible uses. The larger part of the interior is intended to be as a performance, rehearsal or exhibition area with a smaller café area. When the performance space is not being used as such, it can be used in association with the café
- The terrace would be used for seating associated with the café. The stage area in front of the building would be used for performances or, when the performance space is not being used, for additional outdoor seating.
- The proposals also include access ramps, new pathways and outdoor play equipment
- The wider proposals include landscaping, new planting, play equipment and alterations to the Station Approach roadway, including the realignment of the drop off point for Harrow Station and loading arrangements outside the planning application site which will be implemented through permitted development

Revisions to Previous Application

- Following the previous approved planning application (P/0218/13) for the works to form the landscaped central space the following amendments have been made:
- Performance space / Café building introduced
- Changes to levels and layout of amphitheatre area
- Relocation of mounds and play equipment

Relevant History

P/0707/08/DFU – Redevelopment of Harrow College in a 1 to 10 storey building on adjacent site at Lowlands Road Recreation Ground to provide 30,380 sqm of floorspace, replacement and reconfiguration of 0.97 hectare of Metropolitan Open Land (MOL), creation of new access at station approach, basement car parking, cycle and minibus parking and associated landscaping.
Finally Disposed Of – 12-Dec-2012

P/0708/08/COU – Outline: redevelopment of part of Harrow College site to provide flats in a range of 404 to 420 in five blocks rising to twelve storeys and basement, new access, basement car parking in a range of 202 to 210 spaces, cycle parking in a range of 404 to 420 spaces, associated open space and landscaping involving the retention of the white house, creation of new pedestrian streets and routes linked to a public square and reconfigured Metropolitan Open Land & resident permit restricted
Refused – 04-Jul-2008

Reasons for Refusal:

- The proposal represents an overdevelopment by reason of excessive mass and bulk to the detriment of the character of the area, contrary to Policies PPS 1 and 3 and S1 and D4 of the HUDP.
- The proposal would have an adverse effect on the setting of the listed building and would not preserve or enhance the character and appearance of the adjoining Conservation Area and Area of Special Character, contrary to HUDP Policies D11 and D14.

P/0218/13 – Earthworks to include banking and changes in levels retaining wall and associated landscaping
Granted – 11-Mar-2013

Pre-Application Discussion (Ref.)

- The proposals have been developed by collaboration between officers and members from across and beyond the Council, overseen by a round 2 Outer London Fund project board. Consultation both formal and informal on the proposals has taken place. The application comprises the outcome of that collaborative process. Formal pre-application advice by the Planning Service was not therefore provided in this case.

Applicant Submission Documents

- **Design and Access Statement**
- The overall design intent is to turn the Lowlands into a destination park with a clear, captivating character. The proposed re-levelling of the park forms an integral part of this proposition.
- The levelled area will enable Lowlands to be used in a rich variety of ways, from picnics on the green, family ball games, space for extended audiences and summer fête style stalls

- The proposed building will increase the utility of the park and will provide a family-friendly environment.
- The design of the building has been dictated by the proposed uses and its height is required to accommodate lighting apparatus
- The building would be a modest public building that would complement the character of the Conservation Area but that is adaptable for the proposed uses as a café and performance space
- The proposal would be fully accessible
- Design has been amended in the light of public consultation events

Consultations

London Underground Ltd: No response

Harrow Hill Trust: No response

Conservation Area Advisory Committee: It is noted that the Council hope that this would be a centre for people to use. Landscape, position, roads and paths have been approved before. It is very important to get the pedestrian entrance right. It is proposed to use this as a café performance space and loos – The café and the loos are essential. The performance space is seasonal. The café is very small.

In terms of architecture, this looks like an aircraft hanger. The whole thing is misconceived. This would need constant maintenance and care to be barely OK but it would not get this. There is not even a consistent volume. It looks forbidding. If there was a long low-lying roof it would be better. The location is OK but it is the building that is poor. It has the potential to be a really strong building if it is in the vernacular. It is the wrong setting for this proposal which would be monolithic. Cafes in parks they do keep the money coming in. How are discussions with TFL coming along? This is really an opportunity to enhance the road.

A nice building design that is agreeable is needed. As you come down the steps this would be very noticeable. It is very important to be sensitively designed. The roof would not be good as you come out of the station.

Creating the right statement building for Harrow in this location is very important. People will take a view about Harrow from this proposal. What statement about Harrow would you have here? This is not appropriate. It is very agricultural. It would be like many defunct pavilions in recreational grounds which are miserable to look at. This could quickly deteriorate.

This is the sort of thing you would see in Shoreditch or the inner London townscape bit where it would make a statement against other buildings but we are not sure that in an open space this is the right sort of building. It is imposing itself against the open space. It should be subservient to the landscape. This does not need to shout. The green space is the bit that needs to be shouting. This on its own would change the character of the space. It should be there discretely, well-mannered and beautifully detailed.

It needs to be horizontal, flat roof and light-weight. It should have a flat, green roof and be of timber and very vernacular in design. There should be more glass. The café should be a pod under a flat roof. It should be a simple, subservient building. This is pretending to be something it is not. There should be lightwells. The planting on the roof would complement that within the park.

Landscape Architect: No objection

Design and Conservation Officer: Supports the principle of installing a performance space and café building but raises concerns in relation to design and scale of the building proposed – considered inappropriate in its context. Also raises concerns regarding the durability of the materials proposed.

Highways Authority: No objection

Drainage Engineers: Further details of drainage would be required

Advertisement

Character of a Conservation Area / Setting of a Listed Building

Expiry: 26-Jun-2013

Site Notice (x 2)

Expiry: 26-Jun-2013

Notifications

Sent: 115

Replies: 2

Expiry: 24-Jun-2013

Addresses Consulted

84, 84a, 84b Lowlands Road

Technology House, 73-77 Lowlands Road

Harrow College, Lowlands Road

White House, Harrow College

Landsdowne House, 1 Landsdowne Road

Harrow on the Hill Underground Station

W H Smith, Station Approach

Lansdowne Road: 1-7 (odd)

Whitehall Road: 10-50 (even), 1-25 (odd)

Lowlands Road: 42-84 (even)

Pickwick Place: 11-27 (odd)

Maxted Park: 6, 7, 8, 9

Summary of Responses

- Need for such a café is open to question given the number of facilities in the town centre
- Use would be seasonal, which makes it difficult to justify a permanent structure
- Building would be subject to vandalism
- Council could provide a Café at site 19 at Harrow on the Hill Car Park West or use a mobile facility
- Proposal does not provide a diagonal path from the south corner direct to the station
- Building should be on north east side
- Temporary stages could be used
- No requirement for hills in an open space
- Play equipment is not suitable and could be difficult to maintain
- Why have more benches not been proposed?

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

The NPPF has been in place for 12 months since the 27th March 2012. Therefore, as stated at paragraph 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Paragraph 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

1) Principle of the Development

This application represents part of a programme for the redevelopment of Lowlands Recreation Ground. The project is co-funded by the Greater London Authority under the Outer London Fund (OLF).

This programme includes the removal of the fencing along Station Approach and the provision of play equipment. These works are not included in the planning application as they are permitted development by virtue of Parts 9, 12 and 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

The overall aim of the programme is to provide a new urban park in Harrow Metropolitan Centre which would provide performance space and a café. In addition, new play facilities and significant new tree planting would be provided. Lowlands Road Recreation Ground is designated as Metropolitan Open Land (MOL) to which Policy 7.17 of the London Plan and Policies DM16 and DM17 of the DMP apply. The design and access statement accompanying the planning application contains the aspiration to turn what is a currently under-utilised part of London's (and Harrow's) stock of MOL into a "destination" park. In principle, officers consider this aspiration, and the extent of works proposed, is consistent with London Plan Policy 7.17 and policy DM17 of the DMP.

The Harrow Core Strategy sets out the strategic vision for the development of the borough.

Part of this vision is the enhancement of the borough's open spaces and the creation of an interconnected Green Grid. Core Policy CS1.F sets out the aspiration that Harrow's

open spaces and Green Grid will be managed as an interconnected, multifunctional environmental resource that, amongst other things, contribute to people's health and wellbeing. The policy also allows for the reconfiguration of existing open space where this would deliver qualitative improvements and greater access.

This overarching policy is supported by the Harrow and Wealdstone Area Action Plan (AAP), which seeks, through policy AAP7 to create new public realm to support the realisation of the plan's aspirations for a vibrant, diverse and attractive Metropolitan town centre.

Lowlands Recreation Ground is identified as Site 20 in the AAP, with the key objectives of establishing the south side of the railway as a highlight for Harrow, increasing the use and access to this town centre green space and the creation of outdoor performance space and complementary uses such as café and / or outdoor cinema screen to increase the attractiveness of the space as an "urban park".

The proposal under consideration with this planning application has evolved through the work of the OLF project team, who undertook consultation with a wider range of stakeholders during the development of the proposals. The application itself represents an important part of the delivery of this identified policy objective for Harrow.

In addition to the strategic vision for the site outlined in the Core Strategy and emerging Area Action Plan as described above, the proposal is considered to comply with policies 2.18, 7.17 and 7.18 and policies DM16 and DM17 of the Development Management Policies Local Plan (DMP) relating to the protection and enhancement of Metropolitan Open Land.

The proposed alterations to the ground levels and the introduction of steps and other features would not change the openness of the site, and its function as Metropolitan Open Land would be maintained, as required by policy DM16 of the DMP. The principle of this part of the proposal has been established with the grant of the previous planning permission; reference P/0218/13, on 11 March 2013.

Whether the new building proposed is appropriate to the MOL, is considered to be a matter for the design and impact upon openness and the conservation area – rather than a matter of principle. The proposed building would have a footprint of 110 square metres, which represents just over 1% of the total area of the recreation ground. Policy DM17 of the DMP states that proposals for the beneficial use of land in Metropolitan Open Land will be supported where the use would not have a greater impact on the openness of the Metropolitan Open Land.

The site is currently an under-used recreation ground. The works proposed, including the proposed new building, seek to create a high quality and multi-purpose accessible open space in the Heart of Harrow. Therefore, there is no objection to the principle of the development.

It is noted that there have been previous applications to redevelop this land for a new building for Harrow College (reference P/0707/08/CFU). This application was recommended for approval, subject to the completion of a Legal agreement. The Planning Committee approved that recommendation on 14 May 2008. However, negotiations regarding the Legal Agreement did not conclude and the application file was closed in 2012. The proposed development for college use of the MOL is now unlikely to proceed.

Investment in and enhancement of this open space is accordingly considered acceptable in principle.

2) Character and Appearance of the Area / Setting of a Listed Building

The site is within the Roxborough Park and The Grove Conservation Area and is adjacent to the Listed Buildings at Harrow College. Paragraph 58 of the NPPF states, amongst other things, that in promoting good design, Local Planning Authorities should ensure that new development "...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation."

Development plan policies, including policies CS1.A/B/D of the Harrow Core Strategy, policy 7.8 of The London Plan and policy DM7 of the DMP seek to preserve and enhance Conservation Areas and the setting of Listed Buildings.

The Council's Conservation Area policies are supported by the Roxborough Park Conservation Area Character Appraisal and Management Strategy, which forms part of the Harrow on the Hill Conservation Areas Supplementary Planning Document.

The proposed changes to the levels of the recreation ground would change the topography of the area but have a limited impact upon perceived openness.

The existing levels on the site fall towards the north and west, reflecting the site's location on the lower slopes of Harrow Hill. The works seek to exploit this change in levels to create a "bowl" within the park, with terraced areas that provide interest and informal seating. From the south, this "bowl" will appear as a depression in the land which, alongside new planting, will not adversely impact upon views towards the town centre or change the setting of the Listed Building within the College, or the character of the Conservation Area.

The new building and associated terrace and stage areas, sited towards the western side of the site and close to the existing mature trees represents a distinct and deliberate "statement" – associated with its proposed use and function during events. The design and access statement highlights that its role as a "performance" structure has dictated key design parameters – particularly the need for a specific internal height to the stage/performance area for stage lighting etc. Representations received from the CAAC express the view that the proposed building is misconceived and inappropriate to the conservation area and the sites location. Further concern is expressed in relation to the materials proposed, and their long term resilience. Some of these concerns are shared by the response of the Councils conservation officer. The CAAC in particular, suggest an alternative building form with a flat (or green) roof building of simpler and more lightweight construction.

The NPPF encourages good design and challenges Local Planning Authorities to promote where appropriate innovative design, whilst recognising and protecting the significant qualities of conservation areas (alongside other heritage assets. The deliberate and distinct architectural style and form of the proposed building has evolved through a collaborative design process which has included public consultation. The robust form, including the asymmetric pitched roof of the building will be an obvious new addition to Lowlands Road open space and marks a distinct departure from the style and form of "traditional" park pavilions seen elsewhere in the borough. The building is nevertheless sited well away from the site edges, and will be seen within the central space through the lower canopy of the existing and new trees. In views from the east, the backdrop provided by the tree canopies, and the buildings on station approach, will have a strong influence

on the appreciation of the character of this part of the site. From the South, along Lowlands Road, the building is sited at a lower level than the roadway, and against a backdrop of post war architecture in Harrow Metropolitan Town Centre. It is in views from the north, particularly the entrance to the park from the underground station, and in views eastwards from station approach, that the buildings architectural style will be seen alongside more traditional (if distant) building forms, within and beyond the conservation area. These views will also be accompanied by views of the Grove open space (to the South of Lowlands Road) and the college Campus beyond to the East.

Clearly the views of the CAAC and the Conservation officer differ from the views of the applicants and Project Board members who act as sponsors within the Council and GLA. Members site visit, prior to the meeting, will accordingly aim to focus upon the special characteristics of the area, and will aim to consider the impact of the building on the character of the conservation area and the setting of the Listed Building on the college site from a number of viewpoints. As a piece of architecture, officers consider that the building has merit, and will be a new and distinctive structure which, because of its scale, height and form, will be an obvious addition to the MOL. Officers consider that, on balance, the impact of the building, its daytime and evening use and the greater use of the open space promoted by the project, will have a positive impact on the character and appearance of the conservation area. Specific elements of the building, including materials, and details of lighting are important considerations that have not yet been fully resolved by the application – and in the event that members accept the conclusions of officers, will need to be addressed by further detailed submissions.

As the site is within a Conservation Area, it is considered appropriate that a condition requiring all advertisements on the building to be approved by the local planning authority be added. Any proposed advertisements could then be assessed against the criteria of policy DM5 of the DMP.

3) Residential Amenity

Policy DM1 of the Development Management Policies Local Plan requires development proposals to safeguard the residential amenities of neighbouring occupiers.

There are no residential properties adjoining the site, although there are houses on the north side of Lowlands Road, some 60m from the new level area created. Given recent changes to Permitted development, the offices on Station Approach might also, at some point in the future, benefit from residential use – although their current lawful use is as offices/car parking.

The only potential harm to the residential amenities of the occupiers of those existing/future dwellings could be from noise and amplified music arising from events at the performance space and from increased activity at the site, particularly in the evenings.

The use of the space for performance has the potential to disrupt office and residential amenity. This “event” use, including the hours of use of the performance space, and levels of amplified music, would be controlled by events licences. Notwithstanding this, it is considered appropriate to control the hours that the building could be used in order to provide a permanent safeguard to the residential amenities of neighbouring occupiers. In addition, a condition requiring an event management strategy to be approved and implemented is considered appropriate as an additional safeguard to the amenities of neighbouring occupiers given the potential for third parties to operate the building in the future.

The building itself is expected to require ventilation and extraction for the cafe element but officers consider it unlikely, given the separation from neighbouring uses, that such plant will give rise to noise or disturbance. Chiller's/cooling units running late at night, and ventilation extract plant will nevertheless need careful siting and a condition requiring further details of such equipment, if required, is accordingly considered expedient in the event that the proposals are otherwise supported.

The use of the public space falls within the wider control of the Council as landowners, and it considered that this would provide an additional safeguard for the residential amenities of the occupiers of nearby properties.

4) Traffic and Parking

Policy CS1.Q of the Harrow Core Strategy requires the Council to consider the transport implications of development proposals,

The proposal would have no direct impact with respect to traffic flow and parking in the area. The associated highway improvements (that do not require planning permission) have been developed in collaboration with TfL/GLA and the Highways Team and should represent an improvement in road safety.

It is therefore considered that the proposal would have no detrimental impact on highway safety.

5) Development and Flood Risk

The proposal includes outline details of drainage arrangements for the land. The applicants have stated that the type of drainage, be it through the use of soak-aways or storage and filtration units, will depend on further site investigation.

These details are not considered sufficiently precise to determine the likelihood of the proposals resulting in increased surface water run-off from the site. The site is not within the flood plain as defined by the Borough SFRA such that a flood risk assessment is not required. Notwithstanding this, it is considered appropriate to require that a suitable surface water drainage solution is provided to avoid surface water run-off from the site, as required by policy 5.13 of The London Plan and policy DM10 of the DMP.

6) Accessibility

There would be no change to the overall accessibility of the site. However, it is noted that the proposed access ramp does not have the required 150mm upstand to prevent wheelchair run-off. A suitable condition requiring details of this to be provided is recommended to ensure the proposal complies with policy 7.2 of The London Plan and policy CS1.E of the Harrow Core Strategy.

7) S17 Crime & Disorder Act

Policy 7.3 of The London Plan and policy DM1 of the Harrow Development Management Policies Local Plan require the Council to be mindful of the impact of development proposals on crime and disorder in the area.

The proposal has been designed in consultation and in accordance with advice of the Metropolitan Police with regard to creating a safe and secure environment. The building has been designed with 'fins' that would deter vandalism and graffiti. On balance, it is considered that the proposal would have no impact with respect to this legislation.

8) Equalities Statement

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. Given the design process that has been followed to date, for the purposes of planning considerations, the proposals are not considered to adversely and differentially impact upon the protected characteristics of any specific group in accordance with section 149 of the Equalities Act 2010.

9) Consultation Responses

The application has prompted limited, but strongly felt views on the merits of the project, and the design considerations/approach. These have been addressed in the discussion in the sections above. Officers considered response (in italics below) to the other points made in the representations received to date are set out below:

Need for such a café is open to question given the number of facilities in the town centre – *the provision of a café would increase the utility of the park as a destination in itself*

Use would be seasonal, which makes it difficult to justify a permanent structure – *the building would provide for space that could be used for rehearsals as well as performance and this justifies a permanent structure*

Building would be subject to vandalism – *the applicants claim that the building has been designed to deter vandalism*

Council could provide a Café at site 19 at Harrow on the Hill Car Park West or use a mobile facility – *no proposal for a café at this site has been submitted. This application is to be determined on its merits as presented.*

Proposal does not provide a diagonal path from the south corner direct to the station – *the design of the park it intended to accommodate a number of conflicting uses and to allow the park to be a destination rather than a short cut*

Building should be on north east side – *The siting of the building will need to be considered by members as part of its impact - the topography of the site makes such a location more prominent*

Temporary stages could be used – *the building would provide for space that could be used for rehearsals as well as performance and this justifies a permanent structure*

No requirement for hills in an open space – *the space is designed to be a multi-functional space used for different activities throughout the daytime/week.*

Play equipment is not suitable and could be difficult to maintain – *the play equipment has been provided following discussions with the Council’s recreation specialists*

Why have more benches not been proposed? – *the proposal includes seating areas through the banked seating*

CONCLUSION

The proposal whilst generally well supported has prompted strong views on merits of the project and in particular, the style, form, siting and size of the building proposed. The applicants and the project team sponsoring the application, consider that the proposals would improve the attractiveness and utility of the open space and would assist in the delivery of a vibrant, diverse and attractive Metropolitan Town Centre, as required by policy CS1 of the Harrow Core Strategy and as amplified by emerging policy AAP7 of the Harrow and Wealdstone Area Action Plan Development Plan Document. Members will be required to form their own view on the extent to which the building’s deliberate form and siting preserve or enhance the character and appearance of the Roxborough Park and The Grove Conservation Area, and the setting of the Statutorily Listed Buildings at the adjacent Harrow College, as required by policy CS1 of the Harrow Core Strategy, policy 7.8 of The London Plan and policy DM7 of the Harrow Development Management Policies Local Plan. Officers’ assessment of the building and the landscaping works impact on the Conservation area is considered positive – such the application can be approved.

The proposal would certainly safeguard and enhance the contribution of this area of Metropolitan Open Land, as required by policy CS1 of the Harrow Core Strategy, policy 7.17 of The London Plan and policy DM16 of the Harrow Development Management Policies Local Plan.

In addition, the proposal would facilitate further works at the recreation ground that will support new amenities on the site, which would increase the attractiveness of the space as an “urban park”, and the Town Centre as a destination for visitors and investors. Subject to appropriate controls, provide for within (and beyond) the Town and Country Planning regime – and addressed by conditions – the impact of the proposals on the amenities of surrounding businesses and residents, and upon highway conditions is also considered to be appropriate. There are no other adverse impacts which would otherwise suggest that the application should be refused. Conditional approval is accordingly recommended.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 Other than as required by conditions 3, 4, 5 and 6, the development hereby permitted shall be carried out in accordance with the following approved plans:

227_001; 227_002; 227_003; 22t_010; 227_200; 227_201; 227_202 Rev P1; 227_220; 227_310 Rev P1; 227_311 Rev P1; 227_320; 227_321 Rev P1; 227_330 Rev P1; 227_331 Rev P1; 227_332 Rev P1; Design and Access Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development of the building hereby permitted shall not proceed above damp proof course until details and samples of the external materials, including the colour of any

painted surfaces, have been submitted to, and approved in writing by, the local planning authority.

The development shall be completed in accordance with the approved details and thereafter retained.

REASON: To ensure a satisfactory form of development, as required by policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

4 The surfacing of the 'Boulevard' shown in drawing number 227_310 Rev P1 shall not commence until details and samples of the bricks, have been submitted to, and approved in writing by, the local planning authority.

The development shall be completed in accordance with the approved details and thereafter retained.

REASON: To ensure a satisfactory and resilient form of development, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 The development of the access ramp shown in drawing number 227_310 Rev P1 shall not commence until details of a 150mm upstand for the ramp have been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure compliance with equalities legislation and to provide a satisfactory form of development, as required by policy CS1.E of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

6 The development of the building hereby permitted shall not proceed above damp proof course until details of the external lighting of the building have been submitted to, and approved in writing by, the local planning authority.

The development shall be completed in accordance with the approved details and thereafter retained.

REASON: To ensure a satisfactory form of development, as required by policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

7 The development hereby permitted shall not be made available for use until refuse bins for use by members of the public, have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority.

The development shall be completed in accordance with the approved details and thereafter retained.

REASON: To ensure a satisfactory form of development, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

8 The development hereby permitted shall be completed in accordance with details of surface water drainage, including measures for storage and attenuation, which shall be submitted to, and approved in writing by, the local planning authority prior to the installation of the drainage system.

REASON: To ensure that satisfactory drainage is provided and to prevent surface water run-off, as required by policy 5.13 of The London Plan 2011 and policies DM9 and DM10 of the Harrow Development Management Policies Local Plan (2013).

9 The performance space comprising the building and the adjoining stage area hereby permitted shall not be used outside of the following times:

a) 0900 hours to 2100 hours on Sundays to Fridays inclusive

b) 0900 hours to 2100 hours on Bank Holidays

c) 0900 hours to 2200 hours on Saturdays

for uses that require the performance space doors to be open.

For uses with the performance space doors closed, the following hours are permitted:

d) 0900 hours to 2200 hours on Sundays to Fridays inclusive

e) 0900 hours to 2200 hours on Bank Holidays

f) 0900 hours to 2300 hours on Saturdays

REASON: To safeguard the amenities of nearby occupiers, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

10 The performance space comprising the building and the adjoining stage area hereby permitted shall not be used for purposes other than music, dance, theatre, cinema, religious and cultural festivals or as an art gallery without the prior written approval of the local planning authority.

REASON: To safeguard the amenities of nearby occupiers, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

11 The Café hereby permitted shall not be open to members of the public outside the following times:

0700 hours to 2200 hours Monday to Sundays, inclusive.

REASON: To safeguard the amenities of nearby occupiers, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

12 The development of the building hereby permitted shall not proceed beyond damp proof course until details of the extract system and any associated external flues and any external refrigeration or air conditioning equipment have been submitted to, and approved in writing by, the local planning authority.

The development shall be completed in accordance with the approved details and thereafter retained.

REASON: To ensure a satisfactory form of development, as required by policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

13 The building hereby permitted shall not be first used for any public performance until an event management strategy, giving details of predicted events, number of persons attending, hours of operation, crowd management, measures for managing amplified sound and cleaning the site after events, has been submitted to, and approved in writing by, the local planning authority.

The public performances shall be managed in accordance with the approved strategy.

REASON: To safeguard the amenities of neighbouring occupiers, as required by policy DM1 of the Harrow Development Management Policies Local Plan 2013.

14 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any regulations revoking and re-enacting those regulations with or without modification), no advertisements that would otherwise fall within Class C of Schedule 1 to those regulations or within Part 1 of Schedule 3 of those regulations shall be installed on the building hereby permitted without the prior written approval of the local planning authority.

REASON: To ensure a satisfactory form of development, as required by policies DM1, DM5 and DM7 of the Harrow Development Management Policies Local Plan 2013.

INFORMATIVES

1 The decision has been made having regard to the National Planning Policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the policies of the Harrow Development Management Local Plan 2013 as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan (2011)

2.18 – Green infrastructure: the network of open and green spaces

5.13 – Sustainable Drainage

7.3 – Designing Out Crime

7.4 – Local Character

7.5 – Public Realm

7.8 – Heritage Assets and Archaeology

7.17 – Metropolitan Open Land

7.18 – Protecting local open space and addressing local deficiency

Harrow Core Strategy (2012)

Policies CS1.A/B/D/E/F/Q

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM5 – Advertisements

DM7 – Heritage Assets

DM9 – Managing Flood Risk

DM10 – On Site Water Management and Surface Water Attenuation

DM16 – Maintaining the Openness of the Green Belt and Metropolitan Open Land

DM17 – Beneficial Use of the Green Belt and Metropolitan Open Land

Harrow and Wealdstone Area Action Plan (2013)

AAP1 – Development within the Heart of Harrow

AAP7 – Creating a New Public Realm

Supplementary Planning Document: Harrow on the Hill Conservation Areas, including Roxborough Park and The Grove Conservation Area Appraisal and Management Strategy (2008)

2 SURFACE WATER DRAINAGE

The applicant is advised to liaise with the Council's Drainage Engineers (Tony Donetti on 020 8416 8347 tony.donetti@harrow.gov.uk) to ensure that a suitable form of surface water drainage is provided.

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4 GRANT WITHOUT PRE-APPLICATION ADVICE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

5 MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £3,850 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

The charge has been calculated on the floorspace of the proposed building.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

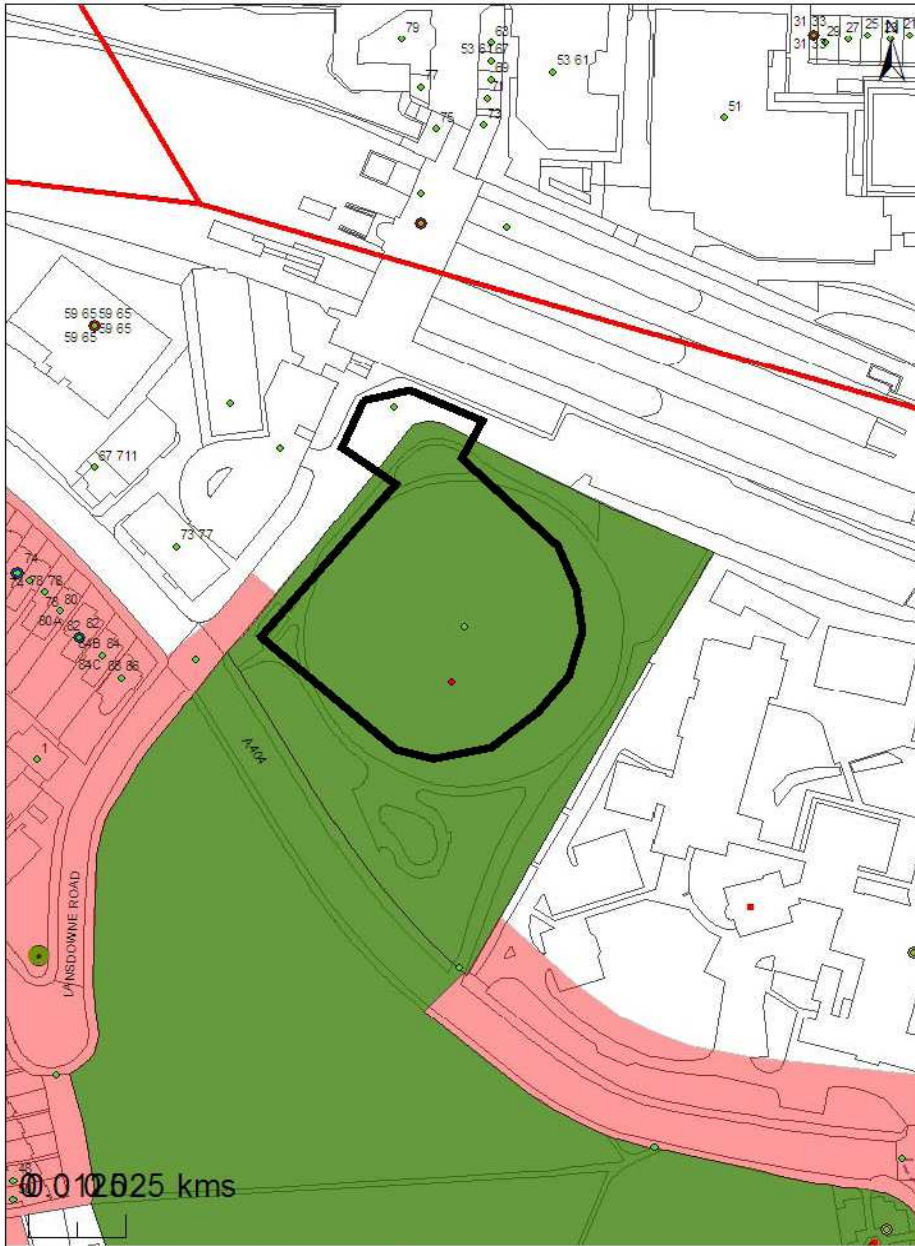
Your proposal is subject to a CIL Liability Notice indicating a levy of £3,850 for the application, based on the levy rate for Harrow of £35/sqm and the calculated new floorspace of 110sqm.

You are advised to visit the [planningportal](http://www.planningportal.gov.uk) website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Plan Nos: 227_001; 227_002; 227_003; 22t_010; 227_200; 227_201; 227_202 Rev P1; 227_220; 227_310 Rev P1; 227_311 Rev P1; 227_320; 227_321 Rev P1; 227_330 Rev P1; 227_331 Rev P1; 227_332 Rev P1; Design and Access Statement

LOWLANDS RECREATION GROUND, LOWLANDS ROAD, HARROW



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Item No. 2/06
Address: 143 LONG ELMES, HARROW WEALD
Reference: P/1145/13
Description: FIRST FLOOR SIDE TO REAR EXTENSION
Ward: HARROW WEALD
Applicant: MR SANJAY KARIA
Agent: S.S. & PARTNERS
Case Officer: LUNGILE MNGADI
Expiry Date: 04/07/2013

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to grant planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the emerging Harrow Development Management Policies Local Plan 2013 and national planning policy encouraging considered optimisation of sites to accommodate development, as well as to all relevant material considerations. The proposed development is considered to be acceptable in terms its impact on the character and appearance of the area. It would not adversely affect the amenities of neighbouring occupiers or have any undue impacts on traffic, parking or refuse collection. The development is therefore considered to be acceptable.

INFORMATION

The application is reported to the Planning Committee because it lies on land owned by an employee of the Council, and is therefore excluded by provisions Part 1 C (ii) from the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: (E)21 – Householder Development

Council Interest: None

Net additional Floorspace: 21.62 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): None as its below the threshold.

Site Description

- The application site is occupied by a two storey detached single family dwellinghouse with an existing single storey side to rear extension. The single storey side extension has a width of 2.28m, extending to the shared boundary with No 141 Long Elmes, and length of 6.85m; the single storey rear extension has a width of 7.26m and a depth of 3m. The existing forecourt comprises hardstanding capable of accommodating two

cars, and the rear garden is approximately 25m long with a garage at the end, that can be accessed from Greer Road.

- The other semi to the west, No 145 Long Elmes is a corner property and it adjoins Greer Road to the west. This property has a single storey side and rear extension, the rear extension has a 3m depth.
- The semi to the east is No 141 Long Elmes, this property has an attached garage that lies on the shared boundary with No 143, as well as a single storey rear extension, also with a depth of 3m, which is offset from the shared boundary by 2.5m and has a side window facing the application site.

Proposal Details

- The application seeks to build a first floor side to rear extension above the existing single storey side to rear extension.
- The proposed side extension would be 2.28m wide, extending to the shared boundary with No 141 Long Elmes, and would be 5.85m long, this extension would be set 1m behind the frontage of the property. The proposed first floor rear extension would be 3.6m wide and 2.3m deep. The rear extension is set 3.6m from the shared boundary with No 145 Long Elmes.
- The first floor side to rear extension would have an eaves height of 5.3m to match the existing roof of the main house; the extension would have a ridge height of 7.5m, which is set 0.5m below the ridge roof height of the main house which is 8m high.

Relevant History

EAST/506/00/FUL - Single storey side to rear extension
Grant – 09/06/2000

LBH/10599 - Erection of domestic garage
Grant – 26/11/1974

Pre-Application Discussion

None.

Applicant Submission Documents

Design and Access Statement

Consultations

None

Notifications

Sent: 3

Replies: 0

Expiry: 15-06-13

Addresses Consulted

145 Long Elmes

141 Long Elmes

2 Greer Road

APPRAISAL

The Government has adopted a National Planning Policy Framework (NPPF) on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

Emerging Development Management Policies Local Plan 2013 [DMP]

The DMP which forms part of the Local Development Framework [LDF] is at a very advanced state of preparation with the consultation period after the Examination in Public [EiP] running from 21st March 2013 until 3rd May 2013. The Council received the Inspector's final Report into the Development Plan documents on 28 May 2013 and the Inspector's report has found that the DMP is sound. In light of this and in line with NPPF paragraph 216, it is considered that the policies of the DMP can be afforded significant weight in the consideration of planning applications.

Harrow's Development Plan comprises The London Plan (2011), Harrow's Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004) [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

Whilst this application has been principally considered against the adopted Development Plan, some regard has also been had to relevant policies in the Development Management Policies DPD (Pre-submission Draft) which forms a part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

MAIN CONSIDERATIONS

1) Character and Appearance of the Area

National Planning Policy Framework (2012) advises in paragraph 58 that planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development whilst responding to local character and history and reflecting the identity of local surroundings and materials.

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

Core Policy CS1(B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Emerging Policy DM 1 states that development and all change of use proposals must achieve a high standard of design and layout; this includes the massing, bulk, scale and height of the proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers.

It is considered that the proposed first floor side to rear extension would harmonise with the scale and architectural style of the original building. The extension is set back from the frontage with a resultant stepped down roofline and lower ridge height. The size of the width of both the side and rear extensions appear subordinate in bulk to the main house. Furthermore the extension would be constructed using materials to match those of the existing house, and the proposed window openings would match those of the existing house. The proposal is in accordance with the Design Principles and Elements laid out in the Residential Design Guide, as well as The London Plan (2011) policies 7.4B and 7.6B, Core Policy CS1 (B), and Emerging Policy DM 1.

2) Residential Amenity

Policy 7.6B, subsection D, of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

Emerging Policy DM 1 states that the provision of appropriate space around buildings will frequently be informed by the character and pattern of development in the area, which will in turn be relevant to the appropriate gaps and distances needed to safeguard privacy and amenity of neighbouring occupiers.

Although the proposed extension extends to the shared boundary with No 141 Long Elmes, it would not result in any loss of light or outlook because it would be separated from this property by the attached garage. Furthermore, the proposal respects the 45 degree code both on the horizontal plane and the vertical plane in relation to both No 141 and No 145 Long Elmes. There are no new windows proposed in the side walls and for this reason no anticipated overlooking. A condition has been attached to ensure that no window / opening is inserted in the side elevations of the development in order to safeguard the amenities of the adjoining occupiers. The proposal is in accordance with the Amenity Considerations laid out in the Residential Design Guide,

3) Traffic, Parking and Refuse

The proposed extension to an existing single family dwelling house does not cause or worsen traffic or refuse generated; furthermore the existing parking provision on the fore court and the garage would not be affected by the proposed works. The proposal would not have any impact on the car parking requirements or the refuse requirements.

4) S17 Crime & Disorder Act

Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments. It is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of dwellinghouse and the locality in accordance with Policy DM 1 of the emerging Harrow Development Management Policies Local Plan 2013.

3 The roof area of the existing single storey rear extension shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and comply with The London Plan (2011) policies 7.4B and 7.6B, Core Policy CS1 (B) of the Harrow Core Strategy (2012), and Emerging Policy DM 1 of Harrow Development Management Policies Local Plan 2013.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: 692/13/1A and 692/13/2B.

REASON: For the avoidance of doubt and in the interests of proper planning.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows, doors or other openings shall be installed in any side wall of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with The London Plan (2011) policies 7.4B and 7.6B, Core Policy CS1 (B), and Emerging Policy DM 1 of Harrow Development Management Policies Local Plan 2013.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the emerging Harrow Development Management Policies Local Plan 2013 and national planning policy encouraging considered optimisation of sites to accommodate development, as well as to all relevant material considerations. The proposed development is considered to be acceptable in terms its impact on the character and appearance of the area. It would not adversely affect the amenities of neighbouring occupiers or have any undue impacts on traffic, parking or refuse collection. The development is therefore considered to be acceptable.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

7.3 – Designing Out Crime

7.4 – Local Character

7.6 – Architecture

The Harrow Core Strategy (2012)

Core Policy CS 1(B) – Overarching Policy

Core Policy CS 7(A) – Stanmore & Harrow Weald

Emerging Harrow Development Management Policies Local Plan 2013

Policy DM1 - Achieving a High Standard of Development

Supplementary Planning Documents / Guidance:

Supplementary Planning Document – Residential Design Guide (2010)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 PARTY WALL ACT:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB
Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 COMPLIANCE WITH PLANNING CONDITIONS

IMPORTANT INFORMATIVE: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 692/13/1A and 692/13/2B.

143 LONG ELMES, HARROW WEALD



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01
Address: TREVOSSE, 116 ROWLANDS AVENUE, HATCH END
Reference: P/1381/13
Description: TWO STOREY SIDE EXTENSION
Ward: HATCH END
Applicant: MR & MRS ATUL PATEL
Agent: SURENDRA
Case Officer: GERARD LIVETT
Expiry Date: 18 JULY 2013

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans, for the following reason.

REASON

The proposed two storey side extension, by reason of the introduction of significant mass at first floor level, would effectively close the gap between the application property and the neighbouring dwellinghouse, No. 114 Rowlands Avenue, which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality, contrary to policy 7.4B of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

INFORMATION: This application is being reported to committee as the applicant is a member of staff of the Council.

Statutory Return Type: Householder Development

Council Interest: None

Net additional Floorspace: 11.4 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): n/a

Site Description

- The subject site is rectangular shaped and located on the eastern side of Rowlands Avenue.
- A two-storey detached dwellinghouse is located within the front part of the site. This dwelling is of brick construction with a hipped, tile clad roof.
- Single storey side and rear extensions have been added to this dwellinghouse.
- The rear part of the site is occupied by a lawn covered rear garden. This garden has

an approximate depth of 25 m and an approximate width of 10 m.

- The front garden is largely covered in lawn. A driveway along the southern boundary does however connect the internal garage in the dwellinghouse with road. A low brick wall demarcates the front boundary of the subject site.
- This area contains a predominance of detached dwellings of a similar size to the subject dwelling.

Proposal Details

- The application proposes a two-storey side extension.
- The two storey side extension is to follow the existing front building line of the garage set back from the main front elevation of the dwelling by 0.28 metres.
- It is to be approximately 5.5 metres in depth by 2.1 metres in width with a subordinate roof.

Revisions to Previous Application

- Following the previously refused application (P/1162/12) the following amendments have been made:
 - The width of the two storey side extension is to be reduced by 0.4m
 - Set back from front elevation reduced from 0.56m to 0.28m

Relevant History

HAR/19534

Detached house and garage

Granted – 30/07/1962

LBH/1427/1

Erection of single storey rear extension to lounge

Granted – 13/08/1971

LBH/43281

Single storey rear extensions

Granted - 15/08/1991

EAST/44232/92/FUL

Retention of single storey rear and side extensions.

Granted – 13/02/1992

P/0031/12

Two storey front and first floor/ two storey side extension

Refuse - 02/03/2012

Reasons for Refusal:

1. The proposed two storey front extension, by reason of excessive forward projection and unsatisfactory design, would be unduly obtrusive in the street scene, to the detriment of the character and appearance of the dwellinghouse and the area, contrary to Policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), saved Policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

2. The proposed first floor side extension, by reason of excessive bulk and depth, would be unduly obtrusive and give rise to an unreasonable sense of enclosure to the adjoining

residents at 114 Rowlands Avenue, and would thereby be detrimental to their visual and residential amenities, contrary to Policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

P/1162/12 – Two storey side extension

Refused – 11-Nov-1012

Appeal dismissed – 11-Apr-2013

Reason for Refusal:

1. The proposed two storey side extension, by reason of its siting close to the common boundary with No.114 Rowland Avenue, would give rise to a development which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality, contrary to policy 7.4B of The London Plan (2011), core policy CS 1B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

Formal Pre-Application Discussion

- No formal pre-application advice has been sought.

Applicant Submission Documents

- None

Consultations

- Hatch End Association: No response received

Advertisement

- None

Notifications

Sent: 3

Replies: 0

Expiry: 19-Jun-2013

Neighbours consulted:

114 Rowlands Avenue, Wings, 118 Rowlands Avenue

1 Highbanks Road

Summary of Responses

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

The NPPF has been in place for 12 months since the 27th March 2012. Therefore, as stated at para 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Para 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

1) Character and Appearance of the Area

The London Plan policies 7.4B and 7.6B, core policy CS 1B of the Core Strategy, policy DM1 of the Harrow Development Management Policies Local Plan and the adopted Residential Design SPD require all new development proposal to achieve a high standard of design.

In this case, it is noted that there are recommendations in the SPD regarding the factors that should be considered in determining whether a development proposal demonstrates the high standard of design, as required by the development plan.

With the previous application, reference was made to paragraph 6.37 of the SPD, which recognises that side extensions have considerable potential to cause harm to the character of the street scene.

This section of the SPD also notes that proposed side extensions should reflect the pattern of development in the street scene.

Paragraph 6.45 of the SPD notes that the primary consideration for detached houses is their locality and space around the building.

Notwithstanding this, the primary recommendation of the SPD is that each planning application needs to be assessed on its merits and in the light of site circumstances and other material considerations.

It is noted that there is a variation in the building line with the adjacent property no. 114. The extension is to be set off the boundary by 1.2 metres at the front of the extension with the gap narrowing to 0.8 metres towards the rear, and that the first floor front wall of the two-storey side extension is to be setback by 0.28 meters.

In this case, a similar development was proposed under reference P/1162/12, and refused on 7 September 2012.

In dismissing the appeal against the refusal of that application, the Inspector noted that:

'The proposal would introduce significant mass at high level that would effectively close the gap between the houses. It would fail to respond positively to local context in terms of siting and spacing, and would not respect the pattern, grain or scale of the existing development in the area.

'I do not consider that the set back of some 2.5 metres of the front elevation of No 116 behind that of No 114 would be sufficient to mitigate the impact of the proposed extension.'

In the light of the Inspector's comments, it is considered that any proposal for a first floor side extension at this property could not be supported as this would introduce significant mass at high level that would effectively close the gap between the application property and No. 114 Rowlands Avenue.

Therefore, it is considered that, notwithstanding the minor changes to the scheme, the revised proposal has failed to overcome the in principle reason given by the Inspector in dismissing the appeal, and therefore the proposal would be detrimental to the character and appearance of the property and the area.

2) Residential Amenity

The proposed two storey side extensions would be screened from No. 118 by the existing dwellinghouse. As such, the proposed extension would not cause unreasonable loss of light or outlook or result in any unreasonable impact on that property.

Paragraphs 6.28-6.32 of the SPD specify that first floor and two storey front and rear extensions should not interrupt a 45 degree splay line in a horizontal plane, taken from the nearest first floor or two storey rear corners of any next door dwelling. These same paragraphs also specify that side extensions should also not conflict with a 45 degree vertical splay line taken from the bottom edge of 'protected' windows on neighbouring properties.

There are no windows on the flank elevation of No. 114 from which to take 45 degree vertical splay lines.

The current proposal would not breach a 45 degree horizontal splay line taken from the two storey rear corner of No. 114.

Had the proposal otherwise been considered acceptable, the proposal would have had no significant impact with respect to the residential amenities of neighbouring properties.

3) Traffic and Parking

The proposed extension would result in the loss of one parking space from the loss of the garage. Parking for at least one vehicle would however remain on the front of the property, which is acceptable in terms of policy 42 of the DMP.

4) Equalities Statement

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

5) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

6) Consultation Responses

- None

CONCLUSION

The proposed two storey side extension, by reason of the introduction of significant mass at first floor level, would effectively close the gap between the application property and the neighbouring dwellinghouse, No. 114 Rowlands Avenue, which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations and consultation as set out above: this application is recommended for refusal.

INFORMATIVES

1 The decision to refuse planning permission has been taken having regard to the National Planning Policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy and the policies of the Harrow Development Management Policies Local Plan 2013 (listed below), as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan (2011)
Policies 7.3B, 7.4B, 7.6B, 7.8D

Harrow Core Strategy (2012)
Core Policy CS1.B

Harrow Development Management Policies Development Plan Document (2013)
Policies DM1, DM42

Supplementary Planning Document: Residential Design Guide (2010)

2 REFUSE WITHOUT PRE-APPLICATION ADVICE

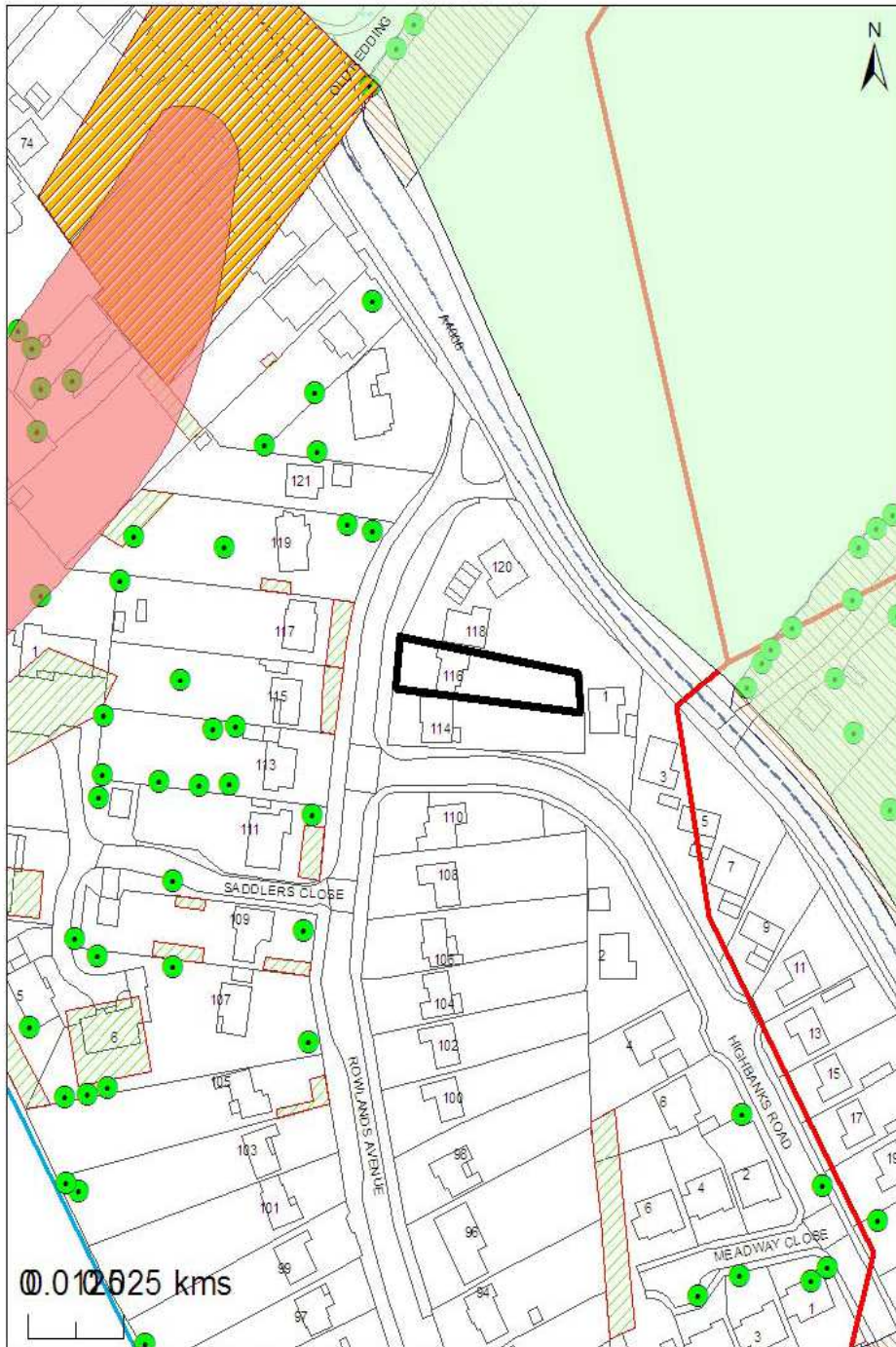
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National

Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: P 101 Rev 01; P 102 Rev 00

TREVOSSE, 116 ROWLANDS AVENUE, HATCH END



© Crown copyright and database rights 2012 Ordnance Survey 100019206
DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)
Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.