

SECTION 1 – MAJOR APPLICATIONS

ITEM NO. 1/01

ADDRESS: KRISHNA-AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE

REFERENCE: P/2566/13

DESCRIPTION: VARIATION OF CONDITION 14 (USE CLASS RESTRICTION) OF PLANNING PERMISSION REF: P/1282/07 DATED 8 APRIL 2008 FROM 'THE LAND AND BUILDINGS, EXCEPT FOR THE MULTI USE PLAYING AREAS SHALL BE USED FOR THE PURPOSE SPECIFIED ON THE APPLICATION AND FOR NO OTHER PURPOSE OR FOR THE HIRE OF THE PREMISES FOR ANY PURPOSE, INCLUDING ANY OTHER PURPOSE IN CLASS D1 OF THE SCHEDULE TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (OR IN ANY PROVISION EQUIVALENT TO THAT CLASS IN ANY STATUTORY INSTRUMENT REVOKING AND RE-ENACTING THAT ORDER WITH OR WITHOUT MODIFICATION)' TO 'THE LAND AND BUILDINGS, EXCEPT FOR THE MULTI USE PLAYING AREAS SHALL BE USED FOR PRIMARY EDUCATION ONLY AND FOR NO OTHER PURPOSE AND SHALL NOT BE USED OR HIRED FOR ANY PURPOSE, INCLUDING ANY OTHER PURPOSE IN CLASS D1 OF THE SCHEDULE TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (OR IN ANY PROVISION EQUIVALENT TO THAT CLASS IN ANY STATUTORY INSTRUMENT REVOKING AND RE-ENACTING THAT ORDER WITH OR WITHOUT MODIFICATION)'

VARIATION OF CONDITION 19 (RESTRICTION OF USE OF SCHOOL BY PUPILS AND STAFF ONLY) OF PLANNING PERMISSION REF: P/1282/07 DATED 8 APRIL 2008 FROM 'THE SCHOOL HEREBY PERMITTED SHALL BE USED SOLELY BY THE PUPILS AND STAFF AND SHALL NOT BE USED, HIRED OR MADE AVAILABLE FOR USE BY ANY OTHER PARTY' TO 'THE LAND AND BUILDINGS HEREBY PERMITTED SHALL BE USED FOR PRIMARY EDUCATION ONLY AND SHALL NOT BE USED, HIRED OR MADE AVAILABLE FOR USE BY ANY OTHER PARTY'

WARD: EDGWARE

APPLICANT: AVANTI SCHOOL TRUST

AGENT: ABT PLANNING & HIGHWAYS CONSULTANCY

CASE OFFICER: GERARD LIVETT

EXPIRY DATE: 07-NOV-13

RECOMMENDATION

DELEGATE AUTHORITY to the Divisional Director of Planning to grant planning permission subject to conditions following the end of the consultation period.

INFORMATION

This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation.

Summary

Statutory Return Type: Smallscale Major Development

Council Interest: None

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable as development relates to a school.

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable as development relates to a school.

Site Description

- The site comprises a single storey primary school sited on former playing field land to the south of Camrose Avenue, behind the residential dwellings Nos.89-123 (odd) Camrose Avenue.
- The site is accessed from Camrose Avenue via a vehicle access road, which also provides access to playing fields to the south, which are occupied by Belmont Youth Football Club.
- The school building is predominantly of timber construction and is angled diagonally in its plot, so that it faces the main access road.
- The building comprises three wings arranged around a central courtyard, which is occupied by a temple structure.
- The site has been the subject of levels changes, but originally sloped up from north to south.
- Ancillary play areas, a multi-use games surface, parking, landscaping and flood alleviation structures occupy the rest of the site.
- The Belmont FC access road, to the east of the site, includes 10 'kiss and ride' parking spaces that are used by the school.
- The school currently has two reception primary classes and the number of pupils attending the school is limited by planning condition to 446.
- The school was approved in 2008 on the basis that it would fill gradually over 6 years (30 pupils a year) and the school role is currently 356 pupils and 16 full time staff.
- Planning permission was granted in 2012 for expansion to two forms of entry incorporating a single storey classroom extension (ref P/1929/11), although this permission has yet to be fully implemented.
- Residential dwellings on Appledore/Bideford Close, Camrose Avenue and Broomgrove Gardens back onto the western, northern and eastern boundaries of the site respectively.

Proposal Details

- Condition 14 of planning permission P/1282/07/CFU currently limits the use of the

school land for the provision of a one form entry primary school only.

- This application seeks to vary this condition to allow for the provision of more than one form of entry within the existing buildings for an additional year.
- Condition 19 of planning permission P/1282/07/CFU currently limits the use of the school to only pupils and staff, and for it not to be hired to a third party.
- This application seeks to vary this condition to allow people other than pupils and staff to use the school for an additional year, whilst retaining the restriction on the hiring of the premises.

Revisions to previous proposal

Following the previous variation of conditions 14 and 19 (ref: P/0046/12), the following amendments have been made:

Variation sought to allow two form entry and to allow people other than pupils and staff to use the school for the 2013/2014 academic year.

Relevant History

P/1282/07/CFU

Construction of one form primary school, external works, access & car parking

Granted : 10-MAR-08

P/3434/08

Change of approved levels to planning permission ref: P/1282/07/CFU

Granted : 19-JAN-09

P/1314/11

Certificate of lawful proposed development: detached timber outdoor classroom

Granted : 06-JUL-11

P/1929/11

Expansion of school from one form to two form entry, comprising single storey extension to the west of the main building to create six additional classrooms and ancillary facilities; associated landscaping

Granted : 28-MAR-12

P/0046/12

Variation of condition 14 (Use Class restriction) of planning permission ref: P/1282/07 dated 8 April 2008 from 'the land and buildings, except for the multi use playing areas shall be used for the purpose specified on the application and for no other purpose or for the hire of the premises for any purpose, including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification)' to 'the land and buildings, except for the multi use playing areas shall be used for primary education only and for no other purpose or for the hire of the premises for any purpose, including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification)'

Variation of condition 19 (restriction of use of school by pupils and staff only) of planning permission ref: P/1282/07 dated 8 April 2008 from 'the school hereby permitted shall be used solely by the pupils and staff and shall not be used, hired or made available for use

by any other party' to 'the school hereby permitted shall be used for primary education only and shall not be used, hired or made available for use by any other party'
Granted – 10-SEP-2012

P/2640/12

Removal of condition 14 (the land and buildings, except for the multi use playing areas shall be used for the purpose specified on the application and for no other purpose of for the hire of the premises for any purpose, including any other purpose in Class D1) attached to planning permission ref: P/1282/07 dated 8 April 2008 for the construction of one form primary school, external works, access & car parking.

Removal of condition 19 (the school hereby permitted shall be used solely by the pupils and staff and shall not be used, hired or made available for use by any other party) attached to planning permission ref: p/1282/07 dated 8 April 2008 for the construction of one form primary school, external works, access & car parking.

Refused – 15-Jan-2013

Appeal lodged – 01-Mar-2013

Reasons for Refusal:

The proposed removal of conditions 14 and 19 would allow an unrestricted D1 use of the land and buildings, which would be capable of use by third parties. In the absence of any restriction on this use, including hours of use, or amount of people within the premises, and any management or operational strategy for the use, including a parking strategy and an event day management plan, the unrestricted D1 use of the land would be likely to give rise to unreasonable impacts on neighbouring residents amenity by way of an increase in noise and disturbance and harm to highway safety, which would be contrary to policies 6.3 and 6.13 of the London Plan 2011, saved policies D4, T6, T13, C7, R13, EP25 of the Harrow Unitary Development Plan 2004.

Pre-Application Discussion

- N/A

Applicant Submission Documents

- None.

Consultations:

Highways Authority:

Variation to condition 14: On balance, this variation is accepted on the basis of the extant '2 form entry' permission. The provision of an additional form within the buildings would therefore be acceptable in parking and highway terms.

Variation to condition 19: It is accepted that low-key events such as parent's evenings and other school related activities can be accommodated and it is encouraging that the aspect of hiring to third parties is not on the agenda. So on balance the variations appear to be reasonable.

William Ellis Residents Association: No response received to date

Environment Agency: No response received to date

Greater London Authority: No response received to date

London Borough of Barnet: No response received to date

Site Notice:

Major Development
Expiry: 14-Oct-13

Advertisement

Major Development
Expiry: 16-Oct-13

Notifications:

Sent: 1189
Replies: No responses received to date
Expiry: 11-Oct-2013

Addresses Consulted:

The notification consultations carried out were in line with previous applications at this site (and responses received) and covers properties on Raeburn Road, Westleigh Gardens, Rembrandt Road, Constable Gardens, Broomgrove Gardens, Hogarth Road, Greencourt Avenue, Millford Gardens, Dale Avenue, Cotman Gardens, Orchard Grove, Northolme Gardens, Collier Drive, Bacon Lane, Axholme Avenue, The Chase, Bideford Close, Methuen Road, Tavistock Road, Pembroke Place, Penylan Place, Camrose Avenue, Appledore Close and Haverford Way.

Summary of Response:

- None received to date

BACKGROUND INFORMATION

An appeal against the Council's refusal to remove conditions 14 and 19 in their entirety is currently with the Planning Inspectorate.

Following the adoption of the Harrow Development Management Policies Local Plan, copies of the relevant development plan policies have been forwarded to the Inspector as the appeal will be determined against those policies and not the now deleted Unitary Development Plan policies referred to in the Council's decision.

The appellants have until 30 September 2013 to consider, and make representations, upon these new policies.

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.'

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

Purpose of the Variation and Provision of Education

Character and Residential Amenity

Traffic and Parking

Equalities Statement

S17 Crime and Disorder Act

Consultation Responses

Purpose of the Variation and Provision of Education

Condition 14

In the autumn of 2011, the Government announced that an application by Avanti Schools Trust to open a free school in the borough had been successful. Since then, the Council has been working with the Trust and the Government's Department for Education (DfE) to identify a suitable site. In May of 2012, the Council agreed a temporary arrangement for the 2012/13 academic year only, whereby two Avanti House reception (5 year old) primary classes can be accommodated at Krishna-Avanti, to supplement the five classes to be accommodated at the Teacher's Centre in Wealdstone.

Since then, the applicants are proceeding with the purchase of the former Peterborough and St Margaret's School to provide a permanent home for the school. Arrangements have been made to provide temporary accommodation for Avanti House secondary pupils at that site (Peterborough and St Margaret's) from September 2013. However, the existing Avanti House primary pupils cannot yet be accommodated on that site and it is therefore necessary to continue with temporary provision at the Krishna Avanti Primary School premises for the academic year 2013/14.

Condition 14 currently has the effect of restricting the use of the school to one form of entry, so this application seeks to vary the condition to allow use for 'primary education only', thereby allowing additional forms to be accommodated within the existing classrooms.

Policy DM46 of the Harrow Development Management Policies Local Plan (DMP) supports the expansion of existing educational facilities, subject to consideration of the need for new facilities in the area, the accessibility of the site and the availability of safe setting down and picking up points within the site. Access and traffic considerations are addressed in more detail below, but it is clear that there is an urgent need to vary this condition in order to accommodate the two reception classes at the school in this academic year. Core Strategy policy CS1.AA recognises the need to deliver a new primary school in the borough.

Paragraph 72 of the NPPF states that 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities', requiring local planning authorities to take a proactive, positive and collaborative approach in this regard. The NPPF also notes that there should be a presumption in favour of the development of state-funded schools.

It is noted that the school was originally approved on the basis that it would fill gradually over a 6 year period, in order to monitor the impact and to enable local residents to get used to the presence of a school. The school has now been operational for 4 years and is has reached its current permitted capacity of 236 pupils. The extra capacity allowed by permission P/1929/11 has yet to come into effect as that permission has yet to be implemented. It is noted that, as part of this proposal, an additional two classes would be accommodated at the school this academic year, in addition to Krishna-Avanti's normal role. Detailed consideration of the likely impacts on the amenities of neighbouring residents and highway conditions is undertaken below. It is important to balance these impacts with the benefits associated with the provision of this free school within the borough, the presumption in favour of school development in the NPPF and the acknowledged need to provide sufficient educational facilities in the Borough.

Condition 19

At present, this condition restricts the use of the school to only pupils and staff. This restriction prevents the school from hosting important events, such as parent's evenings, plays, fetes and other fundraising activities – all of which are typical events at established schools. The proposal again seeks to vary the wording of this condition to allow use for 'primary education only', thereby enabling other school-related activities to be carried out by the school and at the school. The restriction on hiring the school to third parties would be retained.

Character and Residential Amenity

Condition 14

The provision of two Avanti House reception classes under the proposed variation of condition 14 would result in a total number of pupils at the school of 356 for the academic year 2013/14. This number comprises 236 pupils at Krishna Avanti Primary School and 120 pupils from Avanti House.

This number would be within the restriction currently imposed by the existing (as yet unimplemented) permission (446), although it is noted that the additional pupils would have begun at the start of this academic year, rather than the previously-approved situation whereby the school expands by 30 pupils per year. Given the limited period of one year that is sought, and that the principle of 446 pupils on the site has been established, it is not considered that an objection on the basis of pupil numbers for this year alone could reasonably be sustained.

The proposed variation to enable the two additional reception classes would increase the number of pupils at the school on a temporary basis for an additional academic year. Some increase in activity and potential disturbance would be expected from the additional pupils using the school building/playground and from the additional vehicles, which could also give rise to fumes.

The siting of the school in relation to neighbouring residential properties is similar to the majority of schools in the Borough and the relationship is therefore not inconsistent with the pattern of such land uses in the wider area. Whilst the continued increase in pupil numbers could result in an increase in noise levels, the pupils would principally occupy similar parts of the site (i.e. the buildings and play areas in the centre of the site, away from the school boundaries) and the impact would therefore not be significant. It is also noted that, once the approved school operates at full capacity, the number of pupils would be greater than that currently proposed, so the noise impacts of the proposal would in effect be less than the permitted school operating at capacity. Furthermore, the

Council's Environmental Protection Department have not reported any complaints regarding noise from the school site.

Concerns raised by neighbouring residents regarding the previous application for the variation of the conditions (P/0046/12) in relation to vehicle noise were noted. In the previous report, it was noted that the additional vehicle movements generated by the additional form are not expected to be significant. It is therefore considered that the increase in vehicle noise along the access road to the rear of properties in Broomgrove Gardens would not be unacceptable. In addition to this, fume and pollution emissions are also not expected to increase to unacceptable levels. The Environmental Statement submitted with the original application concluded that there would be a negligible impact on local air quality and this was modelled on the school being at full capacity of 236 pupils. However, the proposed variation would result in 356 pupils. Despite the likely increase in vehicle movements, as discussed in more detail below, it is considered that local air quality would not be harmed to an unacceptable degree.

Condition 19

The variation would allow the school to run events and activities on the site that involve people other than staff and pupils. These events would typically include parent's evenings, fetes and school performances. Whilst this variation would lead to some additional activity, sometimes outside of school hours, these events are unlikely to occur regularly. It is considered reasonable to allow such activities at the school, as they are typically associated with the proper functioning of an educational establishment and the modest increase in activity at these times would not unduly impact on neighbouring amenity. The restriction on the hiring of the premises to third parties would remain in place and this is supported.

Traffic and Parking

Condition 14

As discussed above, activity and vehicle movements would increase over the academic year 2013/14 due to the additional pupils associated with Avanti House (up to 356 at the school in total). However, it should be noted that permissions allow for up to 446 pupils to attend the school under the existing pick up and drop off arrangements. Therefore, whilst the proposed variation would depart from the existing situation whereby school pupilage increases by a class a year, the pick up and drop off arrangements are considered to be adequate to serve the increase.

Condition 19

As discussed above, the school related events that would be allowed following the proposed variation are considered to be appropriate. Use for these purposes would be more sporadic and would therefore have a reduced impact on the highway network and parking pressure in surrounding roads.

In summary, it is considered that the proposed variations would have an acceptable impact on the local highway network and the safety and convenience of motorists, pedestrians and local residents. The proposal would therefore comply with policy DM44 relating to servicing in this regard.

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.

S17 Crime & Disorder Act

The proposed amendments to the scheme would not give rise to any additional concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

Consultation Responses

Apart from the points raised in the above sections, other issues raised are:

- To be reported

CONCLUSION

In summary, the proposal is considered to comply with the relevant education policies and would enable the provision of education at this successful state school in the form of a new free school, as well as allowing appropriate school related events. It is considered that the impact on neighbouring amenity and highway safety would be acceptable, subject to the conditions set out below, which would ensure that the use of the school accords with this assessment.

CONDITIONS

1 The variation of conditions 14 and 19 is for a limited period of one year only from the date of this permission. At the end of the one year period, the original conditions 14 and 19 of planning permission P/1282/07/CFU shall apply.

REASON: To retain control over the use of the site in the interests of highway safety and the amenities of neighbouring residents, in line with the requirements of policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

2 The land and buildings, except for the multi use playing areas shall be used for primary education only and for no other purpose and shall not be used or hired for any purpose, including any other purpose in class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To retain control over the use of the site in the interests of highway safety and the amenities of neighbouring residents, in line with the requirements of policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

3 The land and buildings hereby permitted shall be used for primary education only and shall not be used, hired or made available for use by any other party.

REASON: To retain control over the use of the site in the interests of highway safety and

the amenities of neighbouring residents, in line with the requirements of policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

4 The permission hereby granted is supplemental to planning permission ref: P/1282/07/CFU granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

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

National Planning Policy Framework (2012)

The London Plan (2011)

3.16 – Protection and enhancement of social infrastructure

3.18 – Education Facilities

3.19 – Sports Facilities

7.3B – Designing Out Crime

7.4B – Local Character

Harrow Core Strategy (2012)

Core Policy CS1 (A, B, G, AA)

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Development

DM2 – Achieving Lifetime Neighbourhoods

DM44 – Servicing

DM46 – New Community, Sport and Education Facilities

Plan Nos: DWG 0236 PL01

KRISHNA AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

ITEM NO: 2/01

ADDRESS: WEST HOUSE, PINNER MEMORIAL PARK, WEST END LANE,
PINNER

REFERENCE: P/2618/13

DESCRIPTION: NEW TWO STOREY MUSEUM BUILDING WITH COVERED LINK TO
EXISTING WEST HOUSE BUILDING

WARD: PINNER SOUTH

APPLICANT: MS CYNTHIA WELLS

AGENT: ZMMA

CASE OFFICER: FERGAL O'DONNELL

EXPIRY DATE: 24/10/2012

RECOMMENDATION

GRANT planning permission for the development described in the application and the submitted plans, subject to conditions.

INFORMATION:

This application is being reported to Planning Committee as Harrow Council are the landowner of the application site and the development would provide more than 100sqm of floorspace. The application also represents a departure from the development plan in proposed new development on designated Open Space. The application is therefore referred to the Planning Committee as it is excluded by Category 1(h) of Part 1 and Proviso D of the Scheme of Delegation dated 29 May 2013 respectively.

Statutory Return Type: Minor Development, all Other

Council Interest: None

Gross Floorspace: 217.8sqm

Net Additional Floorspace: 217.8sqm

GLA Community Infrastructure (CIL) Contribution: £7,623 (based on £35 per sqm)

Harrow CIL contribution: N/A as the proposed use falls within Planning Use Class D2

Site Description

- The application site forms a section of the westernmost part of Pinner Memorial Park which is located to the west of Pinner District Centre.
- Pinner Memorial Park is designated as Open Space in the local plan.
- The site comprises the grounds of West House, a locally listed building, used currently as offices, a medical centre, a museum and café, and the surrounding car parking area and ancillary buildings.

- The site is accessed off West End Lane.
- The wider expanse of the Pinner Memorial Park, a locally listed garden, comprise a bowling green and mature tree cover to the south, an ornamental lake and large expanses of open space to the east and north and a dwellinghouse, West House Lodge, immediately to the north of the site.
- West End Lane is primarily characterised by residential development with generously sized detached buildings. West Lodge School is located further to the south.

Proposal Details

- It is proposed to construct a new museum building between the existing building of West House and northern boundary of the application site.
- The proposal would involve the removal of 9 car parking spaces on the site.
- The proposed building would be constructed in a contemporary style, in a broadly rectangular footprint, though the southern elevation would have two distinct planes.
- The building would vary between 14.4 and 18.5m in depth (west to east) and between 12.3 and 14m in width (north to south). The southern elevation would also have a cantilevered first floor which would link into the first floor of West House.
- The highest part of the building would be 7m and the eaves of the roof would reduce down to 3.2m at the lowest point.
- The roof of the building would have multifaceted slopes, making use of the irregular footprint of the building.
- The materials of the building would be largely contemporary in character, with brickwork, chestnut and cedar boarding and framing and sheet copper roof, fascias and gutters.

Relevant History

P/2412/06

PARTIAL DEMOLITION AND PART SINGLE AND PART TWO STOREY EXTENSION ON SOUTH SIDE TO PROVIDE CAFE EXHIBITION AND FUNCTION ROOMS NEW PITCHED ROOF INCORPORATING DORMERS OVER THE BUILDING TO PROVIDE OFFICE ACCOMMODATION AT LOFT LEVEL AND EXTERNAL ALTERATIONS
Granted: 03-NOV-06

P/1016/11

CHANGE OF USE OF SECOND FLOOR FROM AN OFFICE TO A MEDICAL FACILITY (CLASS B1 TO CLASS D1)
Granted: 21-JUN-11

Pre-application discussion (local ref: HA/2012//ENQ/00322)

Whilst this proposal would represent a departure from the development plan, the Local Planning Authority are of a view that this development could be supported in principle.

As noted above, there are concerns that the design and siting of the building does not take adequate account of the residential house next door and as a result there would be a harmful impact in this regard. The detail of the proposed re-routing of the pedestrian access into the park needs further consideration as well as the travel implications with regard to the displacement of car parking and amenity as noted above.

Applicant Submission Documents

- Design, Access and Heritage Statement

- Arboricultural Impact Assessment

Consultations

Pinner Association

No response received

Advertisement: Departure from Development Plan

Advert date: 12 September 2013

Site Notice Erected: 13 September 2013

Expiry: 04 October 2013

Notifications

Sent: 8

Replies: 0

Expiry: 25 September 2013

Summary of Responses:

None

APPRAISAL

The Development Plan

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 2013 [SALP] and Harrow Local Area Map 2013 [LAP].

Procedural Issue

Though Harrow Council own the land on which development would take place, under the application Regulation 4 of The Town and Country Planning General Regulations 1992, Regulation 3 of those same Regulations does not apply as Harrow Council does not intend to develop the land.

MAIN CONSIDERATIONS

Development on Designated Open Space

Character and Appearance of the Area and Impact of Development on Locally Listed Buildings and Gardens

Trees, Biodiversity and Development

Residential Amenity

Transport Implications

Development on Designated Open Space

Pinner Memorial Park is designated as Open Space within the local plan. The Open Space has some built development on it at the western end including West House Lodge, a residential dwellinghouse and West House, a locally listed building. West House is currently used as café, office and medical centre as well as housing the William Heath Robinson Trust collection, a collection of artworks by the internationally renowned artist and illustrator William Heath Robinson. However, the applicants have indicated that West House cannot house the entire collection of works and the proposal seeks to complement the recent restoration of West House and provide a new building to enable the William Health Robinson Trust Collection to be conserved, displayed and made accessible as well as providing additional space for the display of local artist exhibitions.

Policy 7.18.B of the London Plan [LP] states that the loss of open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Policy DM18 of the DMP expands on the policies of the LP recognising a deficiency in the availability of local open spaces and the fact that quantitative improvements are unlikely to come forward. Given the price of land in the area and other pressures on land, a strategy of quantitative retention and qualitative improvement to open spaces is the most appropriate approach for the area. Policy DM18 of the DMP also expands on the policies of the LP, recognising that the survival of local open space relies on the use and value attributed to them by the community and that qualitative improvements of Open Space can be realised through the provision of ancillary facilities. Policy DM46 of the DMP supports community facilities which are located in the areas which they are intended to serve, they are safe and accessible and would not result in adverse impacts on residential amenity.

The proposed museum would be located on part of the existing car park which serves West House. As the museum would be for a use which is clearly linked to an existing function of the Open Space, the display of works from the William Heath Robinson Trust Collection, it is considered that the proposal would constitute ancillary development of the Open Space that would potentially have positive impacts on the use and value attributed to this area of Open Space. The development should therefore be assessed against the criteria of policy DM18.C of the DMP which state that development will be supported where:

- a. it is necessary to or would facilitate the proper functioning of the open space;*
- b. it is ancillary to the use(s) of the open space;*
- c. it would be appropriate in scale;*
- d. it would not detract from the open character of the site or surroundings;*
- e. it would not be detrimental to any other function that the open space performs; and*
- f. it would contribute positively to the setting and quality of the open space.*

The applicant has indicated that the nature and amount of the space available for the display of the artworks is not adequate to display the entire collection of works, nor is the space provided entirely appropriate for the display of works or the need to provide an educational and accessible experience for users of the existing collection. Given the constraints on the existing availability of space, the mixture of uses within West House and recognised need for dedicated spaces to appropriately display different types of art, this is considered to be fair. The provision of dedicated space for the display of artworks and

greater availability of space would provide high quality spaces for the display of artworks as well as enabling further ancillary functions such as educational experiences and display spaces for local artists. Where the existing functioning of the site is constrained by the nature of the space available, the provision of a high quality, purpose built space would attract a greater number of persons to the park to enjoy the open qualities of the space and thereby facilitate the proper functioning of the space. The proposal would have positive impacts on tourism and education in the locality, and promote Pinner and the wider borough as an area of cultural improvement. As such, it is considered that the proposal would accord with criteria a and b of policy DM18.C of the DMP.

Criteria c, d and f of policy DM18.C of the DMP will be considered in more detail in section 2 of the report below, where it considered that the proposal would be proportionate in scale and that, on balance, the high quality design of the development would outweigh the moderately adverse impacts on the open character of the site and its surroundings.

The land for development is used as a car park currently which supports the use of the West House. However, as discussed in section 5 of the report below, it is considered that the development would not have adverse implications on transport issues, nor is it considered that the existing functions of the West House would be unduly affected by the loss of parking spaces. The car park with its urban characteristics and form does not contribute to the primary functions of the Open Space, to provide a tranquil and relaxing green space for the residents of the borough. The car park also functions as an informal entrance into the park from West End Lane which would be disrupted by the development proposal. However, the existing informal pedestrian entrance into the park is a poor quality environment as pedestrian mix with cars. The proposed building would maintain a pedestrian access as well as encouraging better use of a more appropriate, albeit slightly longer entrance into the park via the a circuitous route around West End Lodge.

The proposal would accord with policy DM46 of the DMP in providing a community facility in an area which it would serve, in a safe and accessible location and without detriment to residential amenity (see section 4 below).

For these reasons, it is considered that the principle of the proposed use can be supported in this instance and development would accord with policy DM18 of the DMP.

To ensure that the argument relating to the land use continues to be justified, a condition of development restricts the use to that applied for within Planning Use Class D1 i.e. a museum.

Character and Appearance of the Area and Impact of Development on Open Space, Locally Listed Buildings and Gardens

Policy and Site Context

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. Criteria c, d, and f of policy DM18.C are also relevant to this application given the nature of the proposal within designated Open Space.

Policy CS1.D of the Harrow Core Strategy 2012 and policy DM7 of the DMP are also relevant given the location of the site within a locally listed historic garden and adjacent to

the locally listed West House. These policies seek to ensure that the historic environment would not be compromised by development. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

The application site is partly defined by its open and spacious setting within the designated Open Space of Pinner Memorial Park but also within the more suburban environment of the locally listed West House and West End Lane and the dwellinghouse immediately to the north, West End Lodge.

Appraisal of Character Impacts

The design approach for the building is to provide open and spacious internal layouts within a contemporary architectural context which responds to its proposed use and subject matter. The building would provide a pitched roof and brick detailing which relates to the vernacular architecture of the locality. The scale of the building is mostly double storey, reflecting the scale of the immediate built environment, the two-storey dwellinghouse to the north and the two/three-storey West House to the south. The building would have a connection to the existing West House at first floor level. The building would also be located on an area of land which formerly served as a part of the now demolished 'wing' of West House.

The contemporary design approach, coupled with details of the vernacular architecture of the locality is considered to strike a sympathetic balance between respecting the character of the locality whilst introducing architecture of high quality, visual interest and function. The angular forms of the building, derived from the irregular footprint of the building and the multifaceted slopes of the roof would provide an irregular but interesting building fabric complemented by the use of high quality building materials such as glass, copper, brick, cedar and chestnut cladding. Though these materials may appear initially stark, each of these (with the exception of the glazing) would soften significantly through weathering, resulting in a building that would 'settle' into its context and surroundings whilst providing a legible built form of visual interest. The expanses of glazing and spacious rooms would provide an open aspect to the open expanses of the park and provide functional and inviting spaces. Taking each of these factors together, the development would provide a building of significant architectural quality.

The building has been designed to respond to the buildings immediately adjacent, the dwellinghouse and West House, in splaying away from the dwelling where the building would project beyond the main front wall and in linking into first floor of West House. The contemporary design approach also proposes to provide a clear distinction from the traditional form of development at West House.

It is considered that the scale and layout of the building would successfully relate to the surrounding environment, whilst also ensuring that important views of the locally listed West House and the dwellinghouse are not adversely affected. Linking into West House, the proposed building would have a clear relationship with West House but its angular and contemporary design would ensure the building would have a visual impact of itself rather than seeking to solely mimic the design of the West House. The Council's Conservation Officer has commented on the application and considers that the high quality design of the building coupled with the fact that building would be situated adjacent to the lower quality flank elevation of West House would ensure that the setting of this building would not be compromised by development.

The building would be located on an area of car park, which provides function to the West

House complex of uses but contributes little to the open character of the site or the surroundings. Views from the eastern end of the park through to West End Lane are not available due to the high wall along the western boundary of the park adjacent to West House. Nonetheless, development on an area of land not currently built upon would have some impact on the open qualities of the space. The car park does contribute to the setting of the open space, albeit only moderately given the quality of this space. It is considered that the loss of this space would have a moderately adverse impact on the open qualities of the Open Space.

However, given the appropriate scale, high quality design of the building, and function of the building which would attract people to the park, it is considered that the building would add visual and cultural interest to the park. The building would add to the value and use that persons using the park would attribute to the space, which should be afforded significant weight in the consideration of this application. The visual qualities and use of locally listed garden would also be enhanced by the provision of high quality architecture in the park. The Council's Conservation Officer has commented on the application and raised no objections to the impact on the quality on the historic qualities of the park.

It is proposed to landscape around the building by providing paving around the building and the area bounding West House. The landscaping around the building would potentially provide a more coherent and legible landscaping treatment for the area immediately around West House, subject to appropriate detailing. A condition is recommended to ensure the landscaping details.

For these reasons, it is considered that the proposed development would accord with policies 7.4.B, 7.6.B and 7.8.C/D/E of the LP and policies DM1, DM7 and DM18 of the DMP, in providing high quality architecture that would enhance the visual and cultural qualities of the locality whilst respecting the scale and siting of the surrounding context.

Trees, Biodiversity and Development

The building would be sited close to two trees of significance adjacent to the eastern elevation of the building, a sycamore tree and a magnolia tree. The applicant proposes to remove the sycamore tree and maintain the magnolia tree with a small reduction in its crown, using appropriate tree protection measures to ensure its health. The sycamore tree, as the applicant indicates in the Arboricultural Report, is in good health and shows good form, structure and vigour. In this context, its loss would be regrettable. However, the tree is of medium quality in terms of its amenity value and though its loss would not be supported in its own right, given the proposed development involves the provision of a significant architectural merit which would enhance the visual and cultural qualities of the park and the removal of the tree would enhance these qualities, it is considered that the loss of this tree could be accepted in this instance.

The Council's Arboricultural Officer has reviewed the application and subject to the remediation measures suggested for the protection of the Magnolia tree, considers that the development does not have any adverse impact on the existing or future health or setting of those trees of amenity value on the site.

The site is located within a Site of Nature Conservation Importance (SINC) and as such, development should ensure the protection of ecology and biodiversity on the site as well as taking opportunities to enhance biodiversity on the site. The Council's Biodiversity Officer has commented on the application and has not raised any objections subject to the measures of remediation outlined in the Arboricultural Report i.e. trees to be removed or

lopping to be examined for breeding birds immediately prior to works commencing. To offset the loss of a tree or reduction in the crowns of trees and to enhance biodiversity on the site, conditions are suggested to protect nesting birds and ensure the provision of bird and bat boxes in the building.

Subject to conditions then, the development would accord with policy 7.19 and 7.21 of the LP and policies DM20 and DM22 of the DMP.

Amenity

Policy 7.6.B 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, overshadowing, wind and microclimate. Policy DM1 of the DMP similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

The proposed building would project 12m forward of the front building line of West House Lodge and would not project beyond the rear wall of the building. Where the building would project beyond the front wall of this residential dwellinghouse, the building would be sited 5.1m from the front corner of the building, increasing to 6.6m as the building splays away from West House Lodge. The eaves of the building would be 3.5m on this elevation. Though the building would extend for a significant distance between the front elevation of West House Lodge, the layout of the building, in splaying away from the front elevation would reduce any adverse impacts arising. Furthermore, the height of the eaves of the building on this elevation would not be unduly high and the impact of the roof, which slopes away from this property would not be appreciated. A wall of over 2m much closer to West House Lodge than the proposed building already impinges on outlook from this property and it is considered that the proposed building would not result in an unreasonable additional impact on the outlook, light or overbearing impacts on this property. As there would be no windows on the northern flank of the proposed building no adverse overlooking to this property would occur.

The proposed development would be likely to direct a greater number of persons around the path to the north of West House Lodge. However, the path is a sufficient distance away from this dwelling and the increase in the number of users using this path would not be so significant as to result in adverse disturbance or activity to the occupiers of West House Lodge.

The applicants have sought opening hours from 0800 until 2300 hours during the weekdays and Sundays and from 0800 until 2400 hours on Fridays and Saturdays. These hours of opening are considered to be extensive. However, these hours of opening reflect the established opening hours of West House, which has operated for some time without evidenced detriment to the amenities of neighbouring occupiers. It is considered that subject to the other conditions of development, such opening hours would not have unreasonable impacts on the amenities of the neighbouring occupiers.

In the absence of flank windows of importance for the functioning of the commercial units within West House and in light of the distances involved, it is considered that there would be no adverse impacts on any other properties in the locality.

The development therefore accords with policy 7.6.B and policy DM1 of the DMP in ensuring that the amenities of the neighbouring occupiers are not adversely affected.

The development accord with the principles of accessibility and inclusive development, ensuring that the building would provide access for all.

Transport Implications

The development would result in the removal of 9 car parking spaces, which in association with the potential increases in use of the museum could place pressures on the availability of parking spaces in the locality. However, as the museum is already in existence, any rise in patronage would be considered moderate, based on the principle of 'linked trips' to the site. There is also some spare capacity for parking in West End Lane as well as the Chapel Lane public car park to the east of the site. In light of this, as well as the restrictions in place and the provision of cycle spaces, the Highway Authority does not raise any objections to the proposed development. As such, it is considered that the proposal would not have any adverse impact on highway safety or convenience and accord with development plan policies.

Development and Flood Risk

The site is not located within a flood zone. However, given the potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall, the Council's Drainage Team has commented on the application and recommended conditions to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. It is considered that these issues could appropriately be addressed by condition. Subject to such conditions the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and policy DM9 of the emerging DMP.

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. It is considered that this application would not have any impact on equalities.

S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the Development Management Policies Local Plan 2013 require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development proposal does not present any issues in terms of crime or safety.

Consultation responses

None

CONCLUSION

As the proposal would involve development on designated Open Space, the proposal would represent a departure from the development plan. However, it is considered that the moderately adverse environmental impacts of development on Open Space would be offset by the high quality design of the development proposed. The proposal would have a positive impact on social and economic impacts in enhancing the quality and value of the Open Space, enhancing cultural quality and access to culture in the area and potentially attracting tourism and investment to the locality.

For these reasons, 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, it is considered that a departure from the development is justified in this instance and the application is recommended for grant.

CONDITION:

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 premises shall only be used for the purpose specified in the application [D1(e) museum use] and for no other purpose, including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To ensure the use of the property is justified in planning terms within an area of Open Space, and to safeguard the amenities of neighbouring residential properties to the north of the site and ensure the proper functioning of the commercial properties within West House, in accordance with saved and policies DM1 and DM18 of the Development Management Policies Local Plan 2013.

3 Notwithstanding the details of materials shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until samples of the materials to be used in the construction of the all external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the proposed building and façade cladding materials

b: the ground surfacing

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies DM1 and DM7 of the Development Management Policies Local Plan 2013.

4 The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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 and DM1 of the Development Management Policies Local Plan 2013.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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 and DM1 of the Development Management Policies Local Plan 2013.

6 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be erected / displayed at the building hereby approved without the prior written permission of the Local Planning Authority.

REASON: To enable the Local Planning Authority to ensure that any such adverts are carried out in a manner which will not be harmful to the character and appearance of the development or the locality, thereby according with policies DM1 and DM5 of the Development Management Policies Local Plan 2013.

7 The museum hereby permitted by this development shall only be open to the public between the following times:-

a) 0800 hours to 2300 hours, Monday to Thursday inclusive,

b) 0800 hours to 2400 hours, Friday and Saturdays, and

c) 0800 hours to 2300 on Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties adjacent to the site, thereby according with policy DM1 of the Development Management Policies Local Plan 2013.

8 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the building shall be submitted to an approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority under this condition, no external lighting shall be fixed to the building or placed within the external areas of the site.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents in the adjacent dwellings or adversely affect highway safety for users of the adjoining highway, thereby according with policy DM1 of the Development Management Policies Local Plan 2013.

9 No servicing or deliveries in association with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and Saturdays; or before 1000hrs or after 1400hrs on Sundays or Bank Holidays.

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance, thereby according with policy DM1 of the Development Management Policies Local Plan 2013.

10 No plant or machinery, including that from fume extraction, ventilation and air conditioning, which may be required by reason of granting this permission, shall be installed within the building without the prior written approval of the local planning authority. Any approved plant or machinery shall be operated only in accordance the approved details.

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with policy DM1 of the Development

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies DM1 and DM44 of the Development Management Policies Local Plan 2013.

12 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water storage and attenuation and storage works have been submitted to, and approved 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 DM9 of the Development Management Policies Local Plan 2013

13 The erection of fencing for the protection of any retained tree and the lopping of any trees shall be undertaken in accordance with the recommendations outlined in the approved Arboricultural Impact Assessment by SJ Stephens Associates dated 9th July 2013 and particulars 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. No works to tree, including their removal or lopping shall occur between the months of March to August (inclusive).

REASON: To safeguard any trees near the site of amenity value and mitigate the impact of development on local ecology and in the interests of site ecology, in accordance with saved policy 7.19 of The London Plan and policy DM20 of the Development Management Policies Local Plan 2013

14 Prior to first occupation of the development hereby approved, details of bat and nest boxes to be provided within the site shall be submitted to, and approved in writing by the Local Planning Authority. The bat roosts and nest boxes shall be installed in accordance with the approved details, and shall be retained as such thereafter.

REASON: To mitigate and enhance the impact of development on local ecology and in the interests of site ecology, in accordance with saved policy 7.19 of The London Plan and policy DM20 of the Development Management Policies Local Plan 2013

15 The development hereby permitted shall be carried out in accordance with the following approved plans and documents (and any other documents required to discharge conditions): WHR/PL/ 20 Rev A; WHR/PL/ 22 Rev A; WHR/PL/ 23 Rev A; WHR/PL/ 24 Rev A; WHR/PL/ 25 Rev A; WHR/PL/ 26 Rev A; WHR/PL/ 27 Rev A; WHR/PL/ 28 Rev A; WHR/PL/ 29 Rev A; WHR/PL/ 30 Rev A; WHR/PL/ 31 Rev A; WHR/PL/ 32 Rev A;

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

INFORMATIVES:

1 INFORMATIVE:

The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and Development Management Policies Local Plan 2013 are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 5.3.B, 6.3.A/B/C, 6.10.B, 6.13.C/D/E, 7.2.C, 7.3.B, 7.4.B, 7.6.B, 7.8.C/D/E, 7.18.B, 7.19.C/D/E, 7.21.B

The Harrow Core Strategy: CS1.A/B/D/F

Development Management Policies Local Plan 2013: DM1, DM2, DM7, DM12, DM18, DM20, DM21, DM22, DM43, DM46

2 Please be advised that this application attracts a liability payment of £7,623 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £7,623 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 217.8sq.m.

3 GRANT WITH PRE-APPLICATION ADVICE

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.

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 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.

6 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

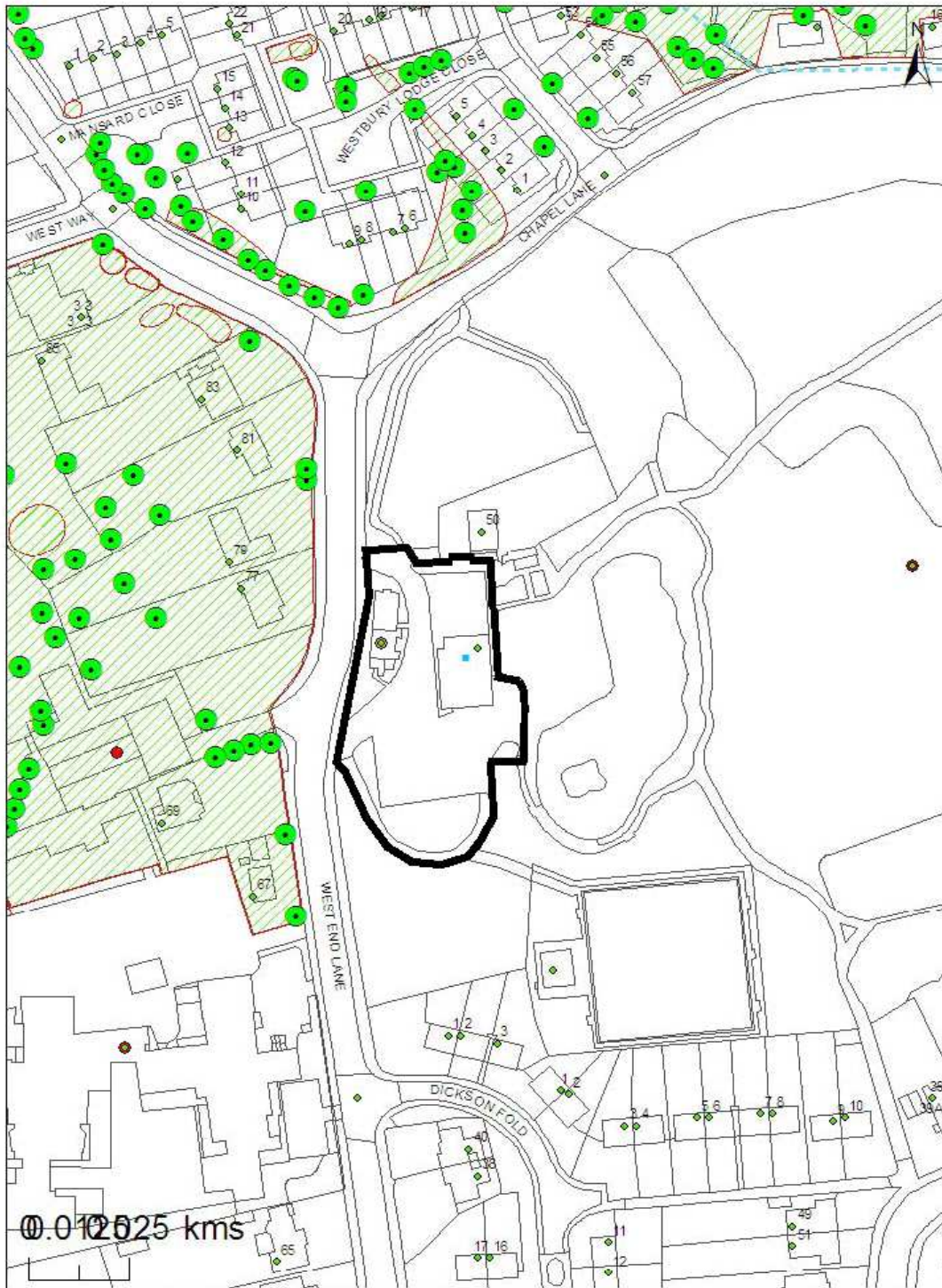
7 CONSTRUCTION METHODS

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

Plan Nos: WHR/PL/ 20 Rev A; WHR/PL/ 22 Rev A; WHR/PL/ 23 Rev A; WHR/PL/ 24 Rev A; WHR/PL/ 25 Rev A; WHR/PL/ 26 Rev A; WHR/PL/ 27 Rev A; WHR/PL/ 28 Rev A; WHR/PL/ 29 Rev A; WHR/PL/ 30 Rev A; WHR/PL/ 31 Rev A; WHR/PL/ 32 Rev A; WHR/PL/ 33 Rev A; WHR/SU/01 Rev A; Design, Heritage and Access Statement; Arboricultural Impact Assessment

WEST HOUSE, WEST END LANE, PINNER



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ITEM NO: 2/02
ADDRESS: 355 - 359 STATION ROAD AND 3-5 COLLEGE ROAD, HARROW
REFERENCE: P/1992/13
DESCRIPTION: REDEVELOPMENT TO PROVIDE NEW THIRD FLOOR TO CREATE THREE SELF-CONTAINED FLATS
WARD: GREENHILL
APPLICANT: MR N SHAH & MR R SONI
AGENT: D R Y & ASSOCIATES
CASE OFFICER: SUSHILA BHANDARI
EXPIRY DATE: 26/09/2013

RECOMMENDATION

GRANT planning permission subject to conditions:

REASON

The proposed development would provide medium scale residential accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy, the Development Management Policies Local Plan and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area. The proposal would have no impact upon the adjoining properties and it would have no impact upon the character and appearance of the area. 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 Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

INFORMATION

This application is reported to the Planning Committee because the scheme falls outside category 1(b) of the scheme of delegation as the proposal is for the creation of three flats.

Statutory Return Type: Minor dwellings

Council Interest: None

Gross Floorspace: 376.86sqm

Net additional Floorspace: 15.57sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £544.95

Harrow CIL Levy Contribution (provisional): £1,712.70

Site Description

- The application site comprises a four-storey building at the junction of College Road

and Station Road in Harrow Metropolitan Centre – within the sub area Harrow Town Centre Central within the Harrow and Wealdstone AAP.

- The existing third (top) floor is a slate Mansard roof set behind a prominent parapet.
- The premises have commercial uses at ground first and second floors (Barclays Bank and a shop on the ground floor), with residential flats in the third floor.
- To the south, along Station Road, is a three-storey with mansard terrace.
- The site is bounded to the west by William Carey Way, which provides a service road to the rear of Nos. 355 to 371 Station Road and access to Harrow Baptist Church.
- On the west side of William Carey way is a five-storey building used for office purposes.

Proposal Details

- The application proposes to demolish the existing third floor mansard extension and construct a new third floor to form three self-contained flats.
- The existing lightwell located in the centre of the third floor extension would be retained as part of the redevelopment.
- Each of the flats would comprise two bedrooms (4 persons), of which each would have the following internal gross area (GIA)
 - Flat 1 – 78.30 sqm
 - Flat 2 – 83.46 sqm
 - Flat 3 – 89.64 sqm
- Each of the units would have access to an external terrace area. In the case of Flat 1 this would be located on the north east corner of the building fronting Station Road. For Flat 2, the terrace is located on the south east corner of the building, fronting Station Road and for Flat 3, the terrace faces into the Light Well. A glass balustrade is proposed to the terrace areas.
- The elevations forming part of the flatted development would be largely glazed.
- The elevations forming part of the access stairs, store and refuse storage would be clad in composite aluminium panels.
- A flat roof is proposed over new extension, which would also include a new smoke vent located half way adjacent to the parapet wall of No.359 Station Road and an area to house 3 No. air condenser units (located centrally on the roof), which would be screened by a light grey louvered surround. 4 No. roof lights are also proposed.

Revisions to Previous Application

Following the previous decision (P/2367/08/DFU) the following amendments have been made:

- Previous scheme proposed a three storey extension (including the existing third storey which was to be replaced). The proposal now only seeks one storey replacement.

Relevant History

LBH/4928/5 – Erect of 4-storey bldg. With basement, comprising shop, offices, & bank with 2 flats over (details pursuant to outline perm)

Granted on appeal ref. App/5016/a/77/1233 d/d 15/2/78

Granted – 29/06/1978

LBH/37799 - Alterations to front and side elevations including new entrance door, reglazing existing windows, and new dutch awnings

Granted – 07/04/1979

P/2367/08 - Construction of enlarged third floor and two additional floors to provide seven

additional self-contained flats (resident permit restricted)
Granted – 11/09/2008

P/1038/09 - Internally illuminated boxed lettered fascia and projecting advertisement signs on front and side elevations of the building
Granted – 08/07/2009

P/1056/09 - External alterations to front, side and rear elevations including new door at ground floor rear elevation; replacement of two air conditioning condenser units in first floor light well.
Granted – 10/08/2009

P/2078/09 - Installation of six additional air conditioning units in first floor light well
Granted – 17/12/2009

P/0412/11 - Extension of time to planning permission p/2367/08dfu dated 11/09/2008 for construction of enlarged third floor and two additional floors to provide seven additional self-contained flats (resident permit restricted)
Refused – 11/04/2011

Reasons for Refusal:

1. The proposal, by reason of inadequate room sizes, would provide a substandard and cramped form of accommodation to the detriment of the amenities of the future occupiers of the site, contrary to Planning Policy Statement 3: Housing (2010), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010).

P/1080/11 - Non-material amendment to planning permission p/2367/08/dfu for changes to the internal layout, including removal of lifts and keeping the existing plant room on the third floor.
Approved – 11/05/2011

P/2232/11 - Details pursuant to condition 2 (materials) attached to planning permission P/2367/08/DFU dated 11/09/2008 for 'construction of enlarged third floor and two additional floors to provide seven additional self-contained flats (resident permit restricted)'
Approved – 06/09/2011

Pre-Application Discussion (Ref.)

PAM/ENQ.3583/05/05/08

- Provision of residential accommodation acceptable in principle; provision of additional floor acceptable provided the strong parapet line at second floor level was retained; fifth floor may be acceptable subject to a suitable set back; new flats would have to comply with lifetime homes

Applicant Submission Documents

- Design and Access Statement which is summarised as follows:
 - Access to third floor is currently by stair or by lift to the second floor and stairs from second to third floor – this will remain the case for the new development.
 - The current access from the street would be retained.
 - The site is well placed in the Town Centre for all amenities and transport facilities.
 - The floor area available would provide adequate space for 3 self contained flats.
 - Bin storage is within the building and refuse is taken down on collection day.

- There are a number of schools within walking distance.
- There is a lift which is DDA compliant which goes to the third floor.
- All units provide rooms areas in excess of the current London Plan requirements – each flat provides good circulation and space for storage.
- The heavy concrete floor between the offices and the new flats provides a good sound barrier.
- All habitable rooms will benefit from external windows providing natural light and outlook.
- All units have a small balcony.
- The new dwellings will achieve a minimum of level 4 of the Code for Sustainable Homes.
- Materials used on the construction of the new property to be from renewable sources where possible.
- The conversion makes good use of an existing building.
- All items relating to Lifetime Homes and London Plan have been adopted as and where possible within the confinements of an existing building.

Consultations

Highway Authority

There are no specific highway/transport concerns with the provision of three additional flats at this address. On the premise that the location is afforded a very high public transport sustainability rating there is unlikely to be a measurable impact on overall traffic generation to and from the site given the extensive on-street parking restraint mechanisms covering this highly sustainable central location in the form of a CPZ. It is therefore likely that future occupiers would not be car owners as there is little available 'uncharged for' on-street space to accommodate such demand which is further reinforced by the zero on-site parking provision.

In total 3 secure and accessible cycle parking spaces (1 per unit) should be provided in line with London Plan 2011 standards.

Advertisement

None

Notifications

Sent: 40

Replies: 0

Expiry: 04/09/2013

Addresses Consulted

The Flat, 362-366 Station Road

York House, 353a Station Road – Suites: 1a,1b, 1c, 1d, 2a, 2b, 3, 4a, 4b, 4c, 5a, 5b, 5c, 6, 7a, 7b, 7c, office a, A1, A2 and B

Flat 5 355 – 357 Station Road

Station Road – 347, 351-353, 359, 361, 354, 356, 358, 358a, 360a, 360b, 362-366, flat 362-366

College Road 2, 5, College House, 15 College Road – all floors

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 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

Principle of the Development
Character and Appearance of the Area
Residential Amenity
Traffic and Parking
Accessibility
Sustainability
Equalities Impact
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development

National Planning Policy Framework (2012), The London Plan (2011), The Harrow Core Strategy (2012) and the recently adopted Development Management Policies Local Plan (2013) all seek to increase housing supply locally, regionally and nationally, and promote the provision of high quality mix of housing.

The application site is located within the Harrow Metropolitan Town Centre and is identified as an intensification area as set out in the Harrow Core Strategy (2012) and The London Plan (2011). The detailed area plan is set out in the adopted Harrow and Wealdstone Area Action Plan (AAP) (2013) and therefore any redevelopment and changes of uses proposed within this area will be considered against the policies contained within AAP along side the recently adopted Development Management Policies Local Plan (DMP) (2013).

The application site falls within the sub area of Harrow Town Centre Central as set out in the AAP. However, it is not an allocated site.

The third floor of the existing building is currently in use as two self contained flats and associated plant. The proposal would involve the demolition of the third floor and the construction of a new third floor to provide three self-contained flats. As such, the proposal would not constitute a material change of use of the third floor from its existing use as residential (use class C3). On this basis, the proposed development of the site for residential purposes is acceptable in this town centre location and would meet the policy aspirations of the policies stated above.

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 specifies 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 AAP1 - paragraph 4.3 requires that the overall form, scale and size should be articulated in a clear simple manner and the buildings should be articulated to complement the streetscene. AAP4 establishes that development should be high quality and seek to integrate with and be respectful of the existing street grain and character. 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 on design and layout for new residential development. Substantial weight is accorded to the SPD as a material planning consideration.

This application follows on from a previous application P/2367/08, which sought to remove the existing third floor mansard roof extension and construct three additional floors on the existing building (resulting in a six storey building). An application was made to extend the time limited of this application (ref: P0412/11) which was refused for the reasons stated under the history section of this report.

Under this current application the applicant is seeking to now only construct a one storey addition to the existing building by removing the existing mansard roof extension. The proposed fourth storey elevation fronting Station Road would be broadly in line with the lower storeys of the existing building and therefore there would be no set back from the lower storey as it is currently with the mansard roof extension. Whilst it is noted that the new third floor would have no set back from the existing elevation fronting Station Road or College Road, the proposed extension would be largely constructed in glazed panels, therefore giving an overall appearance of a lightweight structure and together with the recessed balconies, would provide visual relief at this level. The development would provide some articulation at third floor level which currently the existing building does not have. It is considered that the proposal meets the aspirations of policies AAP1 and AAP4 in this regard.

The proposed smoke vent and the louvered surround housing the 3 No. AC units would be set back from the primary elevations fronting Station Road and College Road and therefore would not be visually prominent when standing at street level.

It is considered that the proposed third floor extension and the proposed new plant would have an acceptable relationship with the adjoining buildings and would not appear unduly bulky against the character and appearance of the existing building or the area. On this basis, the proposed development is considered to be acceptable in relation to the above policies.

Residential Amenity

Residential Amenity of Future Occupiers

Policy AAP4 requires all new homes to have regard to policy DM1 of the DMP and the Supplementary Planning Document on Residential Design. There are also further policies contained in the London Plan regarding residential amenities.

Room Size and Layout

Policy DM1 of the DMP seeks to ensure that “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 the development, will be resisted”.

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP and policy AAP13 of the AAP.

In addition, paragraph 59 of the National Planning Policy Framework (NPPF) (2012) states that “local planning authorities should consider using design codes where they could help deliver high quality outcomes”. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

The Mayor’s London Housing Strategy (LHS) focuses on affordable housing provision and highlights the importance of improving design quality, space standards and the design process to support this. Implementation of the LHS is informed by the London Housing Design Guide (LHDG). The LHDG applies only to publicly funded housing development and that on GLA owned land. Although it does not have formal status in the planning system, it can, in itself, be used more generally as best practice. It has informed the standards proposed in the London Plan for all housing tenures and guidance on their implementation for planning purposes set out in this SPG."

In assessing the standard of accommodation for the future occupiers of the development, each of the flats would exceed the minimum GIA of 70sqm set out in The London Plan and Appendix 1 of the Council’s Residential Design Guide SPD. Flat 1 is shown to have a GIA of 78.30 sqm and the individual rooms areas would exceed the space standards set out in the Mayors Housing SPG. Likewise, Flat 2 would have a GIA of 83.46 sqm and the individual rooms would all exceed the Mayors SPG space standards. In relation to Flat 3, bedroom 2 of this unit would have a floor area of 10.5 sqm which would be less than the 12.80 sqm recommended in the Mayors SPG. However, the shortfall in this bedroom

would be off-set by the generous floor area of the unit itself which is shown to have a GIA of 89.64 sqm (being the largest of all three units proposed). In this regard, the proposal would meet the objectives set out under policy 3.5C of The London Plan, the Mayors Housing SPG and the Council's adopted SPD.

Layout and Stacking

Paragraph 4.55 of the Residential Design Guide SPD specifies that 'the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs'.

The floor below the proposed extension is currently used as offices and therefore there would be no vertical stacking issues. It is considered that there would be no unreasonable level of disturbance between the proposed residential development and the existing office use, given that the applicant has stated that there is a concrete floor/ ceiling between the existing office and the proposed development. Furthermore, the relationship would be no worse than the existing situation between the residential units at fourth floor and the offices on the third floor.

In terms of the horizontal layout, it is noted that the lounge of Flat 1 would be sited adjacent to the bedroom of Flat 2. Whilst noting that such a layout is not ideal, it is considered that the use of appropriate sound insulation between the party walls would mitigate any noise transference between the units, which is usually controlled under Part E of the Building Regulations. In this regard, this minor infringement of the Council's Guidance would not be significant enough to warrant a refusal on grounds of the horizontal layout, given that the proposal is acceptable in all other regards.

Outdoor Amenity Space

It is noted that Policy DM27 of the DMP and paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

In this case, the applicant has shown the provision of a balcony for each of the units, which is an acceptable form of external amenity space for this town centre location. On this basis, the proposed development is considered to be acceptable in this regard.

Refuse Storage

The applicant has shown the provision of a communal refuse store for the future occupiers of the development, which would be located within the floor area of the proposed third floor extension. The applicant has stated that the refuse would be taken down to ground level on the day of collection. It is considered that the proposed location of the refuse store would be acceptable in terms of its impact upon the character and appearance of the area and for the convenience of the future occupiers of this development.

Impact on neighbouring properties

The only building that would be affected by the proposed third floor extension would be No.361 Station Road, the upper floors of which form part of the McDonalds Fast Food Restaurant. In this regard, the proposed development would have no impact upon any residential amenity. The building sited to the west of the subject site, No.15 College Road, comprises a five storey office building which is separated from the subject site by William

Carey Way, and as such, there would be no impact in relation to this building.

Traffic and Parking

Policy DM42 of the DMP gives advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The application site does not have any provision for off street parking for the existing two flats and as a result of this proposal it does not seek to provide any off-street parking. Given the town centre location and access to good level of public transport, the Council's Highway Authority raises no objection to the proposal on grounds of parking. It is noted that the Highways Authority has requested the provision of 3 secure cycle parking for the development in line with The London Plan Policy. However, access to the proposed third floor is restricted to stairs only and the ground floor of the building does not form part of the ownership of the applicant and as such it would not be feasible to request such a provision in this case. On this basis, the proposal is considered to accord with the policy stated above.

Accessibility

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes 2010* (SPD) outlines the necessary criteria for a 'Lifetime Home'

The application site would form part of the third floor of the existing building, which has its own independent access from the College Road frontage. There is a communal lift which goes up to the second floor. However access from the second floor to the new third floor would be by stairs only. In this regard, the access arrangement in place for the existing and proposed development would mean that the proposed new flats would not fully meet the 16 Lifetime Homes Standards. Notwithstanding this, the proposed units have been shown to meet other relevant Lifetime Homes Standards, such as showing adequate circulation space, turning circles and adequate sized bathrooms. Given the site circumstances stated above, it would not warrant a refusal on ground of non-conformity to all 16 Lifetime Homes Standards and such, the proposal is considered to be acceptable.

Sustainability

Policy 5.1 of The London Plan 2011 seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards will be secured through other legislation, no conditions are required in relation to sustainability measures. Accordingly, no conflict with sustainability policies in the development plan is found. Notwithstanding this, it is noted in the applicant's Design and Access Statement that the proposed new flats will achieve a minimum of level 4 of the Code for Sustainable Homes.

Equalities Impact

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. It is considered that this application does not raise any equality implications.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan, and policy DM1 of the DMP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal this is further reiterated in policy AAP4.

The entrance to the third floor would be from College Road, which is a busy thoroughfare and is afforded natural surveillance from passer bys. In this regard, the proposal is considered not to give rise to any conflict with regards to the above stated policies.

Consultation Responses

None.

CONCLUSION

The proposed development would provide medium scale residential accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy, the Development Management Policies Local Plan and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area. The proposal would have no impact upon the adjoining properties and it would have no impact upon the character and appearance of the area. 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 Development Management Policies Local Plan 2013, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown on the approved on drawings. The development shall thereafter be retained in that form.

REASON: To safeguard the appearance of the locality, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

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

000; 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; Design and Access Statement
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

1 INFORMATIVE:

The following policies and documentation were taken into consideration:

National Planning Policy Framework (2012)

The London Plan (2011)

Policies 3.5B/C/, 3.8B, 6.9B, 6.13C, 7.2C, 7.3B, 7.4B, 7.6B

Harrow Core Strategy (2012)

Core Policy CS1B/I/K

Harrow and Wealdstone Area Action Plan Development Plan Document (2013)

Policies AAP1, AAP4, AAP13

Harrow Development Management Development Plan Document (2013)

Policies DM1, DM2, DM24, DM27, DM42

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Housing: Supplementary Planning Guidance (2012)

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.

4 INFORMATIVE:

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 £544.95 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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 £544.95 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 15.57 sqm

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

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

5 INFORMATIVE:

Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

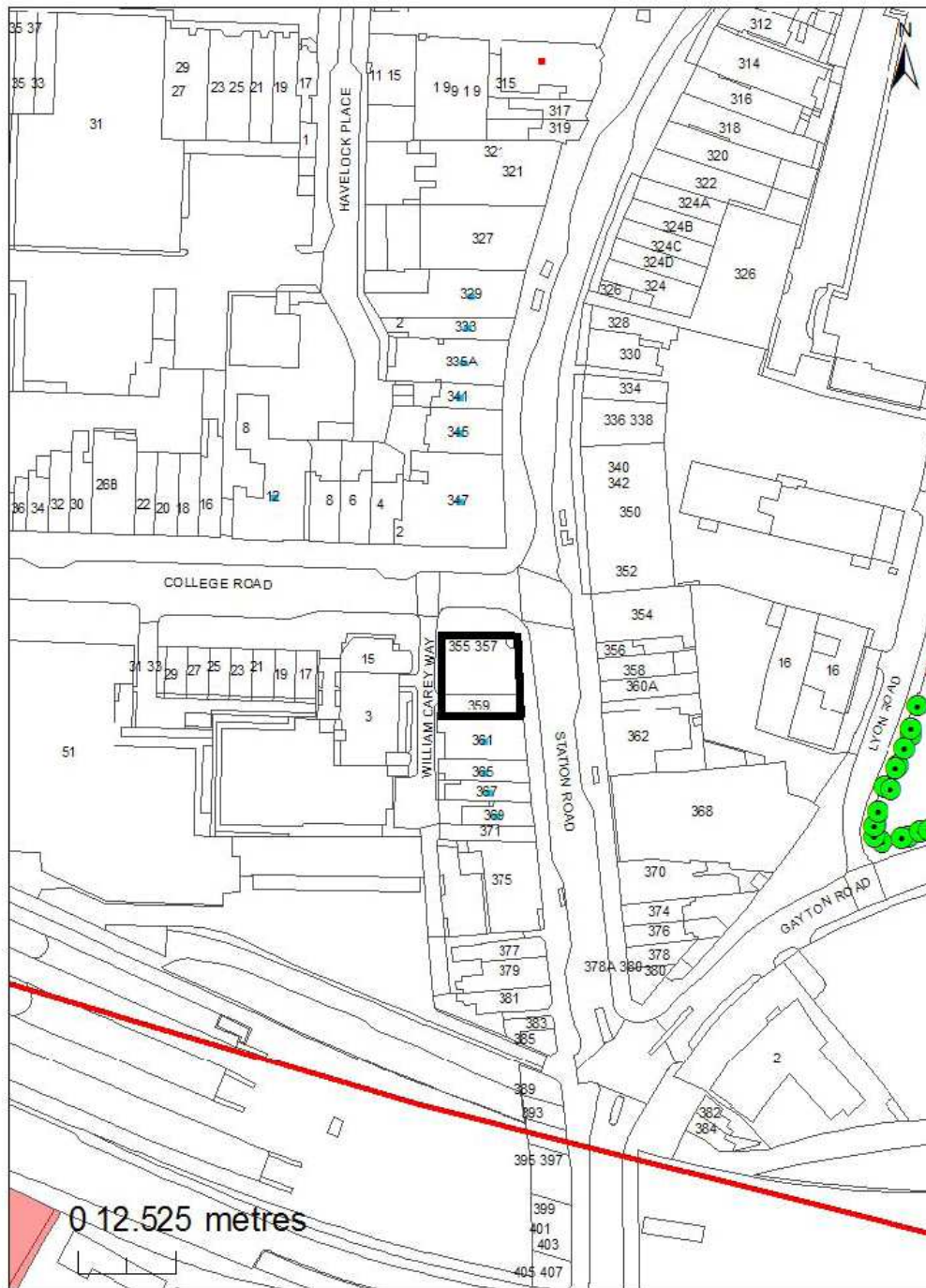
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL liability for this development is £1712.20

Plan Nos: 000; 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; Design and Access Statement

355 - 357 STATION ROAD, HARROW



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ITEM NO: 2/03
ADDRESS: WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER
REFERENCE: P/1425/13
DESCRIPTION: INSTALLATION OF NEW 5 METRE HIGH FLOODLIGHT COLUMN WITH 2 X LUMINARIES TO COURT 6; NEW LUMINARIES TO EXISTING 5 METRE COLUMN BETWEEN COURT 5 & 6 (UPDATED LIGHTING INFORMATION RECEIVED)
WARD: PINNER SOUTH
APPLICANT: ROGER HILL-CHAIRMAN
AGENT: IONIC DEVELOPMENT CONSULTANCY LTD
CASE OFFICER: SARAH MACAVOY
EXPIRY DATE: 15/07/2013

RECOMMENDATION

The decision to **GRANT** permission for the erection of floodlights to Courts four and five has been taken having regard to all relevant material considerations including the potential for disturbance by way of light spill, noise and disturbance from the proposed lights and for other matters including any comments received in response to publicity and consultation, All matters have been considered with regard to the policies and proposals in the London Plan, the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013) Plan.

INFORMATION

The application is reported to the Planning Committee due to the significant level of public interest in the application. The application therefore falls outside of Proviso E to Part 1 of the Scheme of Delegation dated 29th May 2013.

Statutory Return Type: Minor Other
Council Interest: None
Net additional Floorspace: N/A
GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A
Harrow CIL: N/A

Site Description

The West End Tennis Club is located on the northern side of Cuckoo Hill Road and consists of 6 courts and a clubhouse with a parking area at the front.

There are existing 5m and 6m floodlighting columns which provide lighting to courts 1, 2, 4 and 5.

The site is surrounded by a 4m high netting fence supported by metal poles.

The area is generally residential, characterised by large houses with extensive well

established gardens.

The site is bounded by residential dwellings as follows: 18 Cuckoo Hill Road to west; 2 Northfield Avenue to north; Nos. 9 and 11 Hillcrest Avenue, 11 Cuckoo Hill Road and Northfield Avenue itself to east.

Proposal Details

The application proposes 1 new 5m high floodlighting column with 2 luminaries facing in the direction of court number 6 adjacent to the boundary with number 18 Cuckoo Hill Road.

Two new luminaries on the existing 5m high column positioned between court 5 and court 6 are proposed which would be directed towards court 6.

The lighting would be used Monday to Sunday between the hours of 0830 and 2130.

Revisions to Previous Application

N/A

Relevant History

WEST/923/00/FUL - Provision of 9 six metre high floodlighting columns to courts 1 and 2 anti, glare screening and landscaping (revised)

REFUSED - 06-APR-01

Allowed at appeal

P/2946/07/CFU - Installation of 9 floodlighting columns to courts 4 & 5 at northern end of site.

Refused - 02-nov-07

Dismissed at Appeal

Reason for Refusal:

1) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy d23.

P/3872/08 - install of 8 floodlighting columns to courts 4 & 5 at northern end of site

Refused - 26-FEB-09

Dismissed at Appeal

Reasons for Refusal:

1) The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to harrow unitary development plan policy D4.

2) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy D23.

P/1283/10 - provision of three x 5 metre floodlighting columns to courts 4 and 5 (revised)

Granted – 22-SEP-10

Pre-Application Discussion

N/A

Applicant Submission Documents

The additional lighting would permit court 6 to be used for playing tennis to the same standard provided to courts 4 and 5. It would supplement the existing main provision and would enable tennis to be developed further.

The curfew time would remain at 9.30 for the lights to be switched off.

The technical aspects of the proposal have been validated by CU Phosco Lighting Ltd to demonstrate that there are no appreciable adverse implications on the properties surrounding the club or the surrounding area thereby complying with the Council's policies.

Consultations

Environmental Health Officer: The applicant has now supplied sufficient data that highlights any potential lighting issues and sufficient mitigating measures to counter effects. In light of this EP have no further concerns on this application as long as the installation is installed as designed.

Biodiversity Officer: The survey is recent (May 2013) and indicates that there is no suitable bat roosting habitat on site although the odd specimen of light tolerant species (pipestrelles) occasionally flit about the site. Nearest suitable bat habitat is identified as River Pinn corridor to the south although this is actually considerably closer than 150m stated. Nevertheless, any bat populations present there are unlikely to be significantly adversely impacted on because of buildings, gardens and a road between the tennis club and river corridor. Therefore I have no objections on the grounds of biodiversity.

Advertisement

N/A

1st Notification

Sent: 38

Replies: 7

Expiry: 29-Jun-2013

2nd Notification (due to receipt of new lighting information)

Sent: 38

Replies: 1

Expiry: 29-Aug-2013

Summary of Responses

In Objection:

This application is not adequate for residents to come to a decision. We are well aware that the courts are fully floodlit at present and no clear reason is given for the need for extra lighting. Any further obtrusive spillage of light into neighbouring gardens is therefore unnecessary.

This is yet another application for lighting which we believe had been satisfactorily met 6 years ago. Drip feeding applications wears down neighbours' patience. The tennis club should accept the current status of the courts.

The courts are often not in use or are underutilised in peak times (weekends and school holidays).

The argument that increased illumination will increase usage does not hold.

The arguments relating to wider usage by ethnic minorities are not correct and are an attempt at political correctness.

At a time when the quality of the visibility of the night sky is being questioned it would be against the general trend to allow further sky shine by reflection from the surface of the tennis club.

Court 6 is adjacent to neighbour at number 2 Northfield Avenue's child's bedroom. Resulting

in light being visible and shining into the bedroom as well as causing noise from play. The new floodlighting column and luminaries will be visible and unsightly. The new column will be on a neighbouring boundary. This may set a precedent. No other tennis club in Harrow have floodlights erected on a neighbouring boundary. Tennis is primarily a summer sport. Neighbour believes that they should be allowed some peace with less tennis being played in the winter months. Climate is not conducive to tennis being a winter sport. There is only one junior night a week. The club's main reason for seeking floodlighting seems to be to develop junior tennis. During the winter children will be laying football, rugby and lacrosse rather than tennis. The private members club does not provide a community facility, The club already has 4 floodlit courts, enough to accommodate at least 80 children. The additional floodlights will result in an over intensification of use. The floodlights are regularly left on until 9.30pm even if everyone has stopped playing. Neighbour was led to believe that once courts 4 and 5 were given permission, they would not seek to floodlight further courts as they knew that they would have difficulty in getting permission for floodlighting for court 6 due to the close proximity to number 18 Cuckoo Hill Road. The floodlighting percentage of 67% compares favourably with other tennis clubs in the area. The new lighting column will be adjacent to the boundary with number 18 Cuckoo Hill Road and will form a strong visual intrusion from the house and garden of number 18. The use of Court 6 illuminate will create a situation similar to that found unacceptable by the inspector in the last appeal in the position of lighting columns immediately adjacent to the boundary of a residential property. The lighting of Court 6 will enable an increase in activity adjacent to the garden of number 18 Cuckoo Hill Road for the length of the Court and there will undoubtedly be an increase in noise and disturbance. Just as the previous inspector concluded that the installation of lights that were then proposed would be close to the boundary with number 2 Northfield Avenue, be visible and have an overbearing impact on the visual amenities of number 2. There would be a similar adverse impact on number 18 Cuckoo Hill Road as a result of the proposal. The tennis use has to be a balance and the proposal pushes the level of activity to an unacceptable degree. The proposed floodlighting would material affect the use of number 18 Cuckoo Hill Road's use of their garden for pleasant summer evenings. This would be unacceptable. Court 3 remains unlit and so should court number 6. The proposed floodlighting column would only be 1m from the boundary with number 18 Cuckoo Hill Road. The trees along the boundary are deciduous. Neighbour is concerned about the height of the boundary trees and is considering considerably lopping them or even cutting them down. This would further increase neighbours awareness of the columns and the lighting. The luminaries on the existing column would be visible and would appear unsightly from every room to the rear of number 18 Cuckoo Hill Road. There is currently a sufficient level of light spillage from court 5 to court 6. Neighbours are concerned that a similar amount of light will spill into their garden and will illuminate a large part of their garden. The applicant has not supplied any calculations of spill light. This is important because the proposed new floodlighting would result in additional spill light over and above that from the previous schemes granted planning permission in 2002 and 2010. One of the proposed floodlights would be a metre away from the garden of number 18 and would spill into the garden and the other would be aimed diagonally towards 18 Cuckoo Hill

Road and towards 2 Northfield Avenue. This gives the potential for spill light which cannot be readily controlled by baffles.

The Institution of Lighting Professionals publication 'Guidance notes for the Reduction of Obtrusive Light' (2011) requires that the cumulative effect of existing lighting as well as new lighting is included in lighting calculations.

Number 2 Northfield Ave and 18 Cuckoo Hill Road already receive light overspill from the existing floodlights and this would only increase with the proposal.

The proposed CU phosco FL500 luminaire is a cut off type of luminaire which when used horizontally restricts upward light. However the beam angle and mounting height mean that if the fittings were actually mounted horizontally they would not provide adequate lighting to the back of the courts. To light the back of the courts, the floodlights would need to be installed tilted away from the horizontal position giving the risk of upward light and sky glow. This would cause light overspill to number 18 and 2 Northfield Avenue,

No details have been provided about how the floodlights would be mounted nor have they provided contours or predicted luminance on the tennis courts.

Sodium light proposed is less favourable than white light because of its worse colour properties and association with lighting on traffic routes.

Harrow Council announced in April 2013 that it will replace the Boroughs 15, 500 street lights with LED lighting. The difference in colour of the LED lighting will mean that the high pressure sodium lights and proposed lighting will be clearly distinguishable from the street lighting.

In Support:

No objection to the amended application and believe that this is a case where the good of the majority should overcome the objection of the minority.

Neighbour plays at Lowlands Lawn Tennis Club and whilst there were originally many objection to the application for all 6 courts to be floodlit, neighbour doubts any neighbours now object.

The floodlights will enable more youngsters to be able to participate in the sport. This will mean they are less likely to be obese, be healthier and less likely to be involved in crime. The benefits are good for society as a whole.

The additional facility is much needed. The Borough needs more sporting facilities. Tennis has become more popular since the Andy Murray success.

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

Impact on Outdoor Sports facilities
Character and Appearance of the Area
Residential Amenity
Biodiversity
Equalities Statement
S17 Crime & Disorder Act
Consultation Responses

Impact on Outdoor Sports Facilities

Policy 3.19 of the London Plan states that proposals that increase or enhance the provision of sports and recreational facilities will be supported. It goes on to say that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to the local community or biodiversity.

Policy DM48 of the Development Management Policies Local Plan (2013) notes that proposals that would increase the capacity and quality of outdoor sport facilities, and those that would secure community access to private facilities, will be supported provided that:

- a. there would be no conflict with Green Belt, Metropolitan Open Land and open space policies (see NPPF paragraphs 87-89, London Plan Policies 7.16 and 7.17, and Policy DM18: *Protection of Open Space*);
- b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site (see Policies DM7: *Heritage Assets*, DM20: *Protection of Biodiversity and Access to Nature* & DM21: *Enhancement of Biodiversity and Access to Nature*); and
- c. there would be no adverse impact on residential amenity (see Policy DM1) or highway safety.

B. Proposals for uses that would support outdoor sporting uses will be supported where they are:

- a. ancillary in terms of size, frequency, use and capacity; and
- b. do not displace or prejudice facilities needed for the proper functioning of the principal outdoor sports uses.
- c. Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity.

The proposal would increase the opportunities for sport on the site, in particular during the winter months. The impact of the proposal on the character of the area, neighbouring amenity and biodiversity is considered to be acceptable as set out in the report below.

Whilst the development relates to a private recreation facility, the tennis club provides the opportunity for members of the local community to participate in outdoor sports activities. The improvement of the site would therefore be of benefit to the facilities in the local area in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48.

Character of the Area

Policy 7.4 of the London Plan (2011) requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan (2011) requires buildings to make a positive contribution to a coherent public realm, streetscape and wider cityscape.

Policy DM1 of the Development Management Policies Local Plan seeks to ensure a high standard of development.

It is noted that a number of neighbouring objections have been received in relation to the impact of the proposal on the character of the area.

The well established West End Lawn Tennis club is sited within residential area and borders residential sites on its northern and western sides. The eastern and southern side of the club primarily borders the highways.

With regard to the visual impact of the proposed column and the luminaires themselves, the site is a well established tennis court which is characterised by existing vertical columns for lighting and a four metre high boundary fence with regular metal supporting posts. Thus there is already a significant vertical component to the visual appearance of the site when viewed from the adjoining highways and from within neighbouring gardens.

There are existing 5m high floodlighting columns which provide lighting to courts 1, 2, 4 and 5. The proposed new floodlighting column would be designed to match the existing 5m high floodlight columns in terms of appearance.

With regard to the views of the site from the adjacent highways, the site is obvious in its use. It is considered that lighting columns are a feature which is expected to be related to such activities and that, whilst not an overriding factor in the consideration of the application, such furniture can be expected to be part of the visual appearance of such sites. However, it is considered that the proposed floodlighting column and luminaries would be sited well away from the boundaries with both Cuckoo Hill Road and Northfield Avenue and as such would not unduly impact on the streetscene.

The proposed floodlighting column due to its modest height, location adjacent to a fence bordering number 18 Cuckoo Hill Road and the presence of some boundary vegetation at number 18 Cuckoo Hill Road would not be unduly bulky and would be in keeping with the recreational character of the site.

Therefore, it is considered that the proposed floodlighting column and luminaries would be in keeping with the character of the site and would have no undue impact on the character of the area in accordance with the NPPF (2012), Harrow Core Strategy (2012) CS1.B, policies 7.4.B and 7.6.B of The London Plan and the Development Management Policies Local Plan (2013) - Policy DM1.

Residential Amenity

It is noted that a number of neighbouring objections have been received in relation to the impact of the proposal on neighbouring amenity. Further information since the submission of the application has been received which was requested by the Council's Environmental Health Officer. Neighbours were then re-consulted following the receipt of this new lighting information which included lighting contour plans showing levels of horizontal and vertical illuminance. No further comments were received relating to the lighting aspects of the proposal following this re-consultation.

Every planning application is considered on its merits. Most new developments introduce an increased impact on the neighbouring properties to some degree. The site is a well established Tennis Club and a higher level of disturbance and light pollution is to be

expected than a residential site. The Local Planning Authority needs to assess whether in this application, the impact would be acceptable or not. Following receipt of the amended lighting information, the Council's Environmental Protection Team reviewed the information and are supportive of the application, stating that there would not be an unreasonable impact.

The proposed new floodlighting column would be located adjacent to a boundary fence shared with number 18 Cuckoo Hill Road. The tennis club is located on a ground level that is approximately 1 metre below the ground level of 18 Cuckoo Hill Road. In addition there is some boundary vegetation on the site at number 18 Cuckoo Hill Road, albeit deciduous (thus providing limited screening in the winter months). All of the above factors contribute to mitigating the impact of the new floodlighting column proposed adjacent to number 18 Cuckoo Hill Road. The neighbour at number 18 Cuckoo Road has mentioned in their objection that they may remove some of this vegetation. However, it is there at present and as such is a current site consideration.

The applicant has provided a technical drawing which depicts the fall of light.

It is noted that the Cu Phosco (the light unit manufacturer) website states that the units are angled at 65 degrees and are "specifically designed for areas where a high degree of control is required."

The design and access statement submitted by the applicant indicate 250 Watt Lamps. The proposed lights would match the existing lights on the site. A condition has been recommended restricting the hours of use of the floodlights between 8.30am and 9.30pm. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed which is the same as the condition which was placed on existing floodlights on the site.

No increase in hours of operation have been applied for in the current application. The illumination of court 6 for the time proposed would not result in any greater intensity than could be accommodated at present during summer months and it is not therefore considered that the development would result in unreasonable activity, beyond that which would be expected within such a recreation site. Therefore, there would not be additional noise and disturbance to the immediately adjacent occupiers.

There would be a minimum distance of approximately 18m from the proposed new floodlight column and new luminaries to the neighbouring dwellinghouse at number 2 Northfield Avenue which is no closer than the existing floodlights on the site and a distance of approximately 30m to the rear wall of the dwellinghouse at number 18 Cuckoo Hill Road, which has a large rear garden. These separation distances are considered to be acceptable and would sufficiently mitigate any undue impact in terms of light overspill into these neighbouring properties.

The Council's Environmental Protection Officer has not objected to the application and as such it is considered that, the application would be acceptable in terms of its impact on neighbouring amenity.

It is considered the proposal would not have an adverse impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) - Policy DM1 and would therefore have an acceptable impact on neighbouring amenity.

Biodiversity

The Council's Biodiversity Officer has not objected to the proposal and as such it would have no unreasonable impact on biodiversity. The proposal would therefore comply with the NPPF (2012), Harrow Core Strategy (2012) policy CS1.E, London Plan (2011), policy DM20 of the Development Management Policies Local Plan (2013) and the Harrow Biodiversity Action Plan (2009).

S17 Crime & Disorder Act

The proposal is not anticipated to have any impact on Crime or Disorder.

Consultation Responses

This application is not adequate for residents to come to a decision. We are well aware that the courts are fully floodlit at present and no clear reason is given for the need for extra lighting. Any further obtrusive spillage of light into neighbouring gardens is therefore unnecessary. *The Design and Access Statement received with this application states the new floodlights are to improve the clubs' facilities. Every application is assessed on its merits. Impact on neighbouring amenity has been assessed in section 3 of the report above.*

This is yet another application for lighting which we believe had been satisfactorily met 6 years ago. Drip feeding applications wears down neighbours' patience. The tennis club should accept the current status of the courts. *Every application is assessed on its merits.*

The courts are often not in use or are underutilised in peak times (weekends and school holidays). *The Design and Access Statement states that the new floodlighting is intended to provide better facilities and allow more play time. It is not a material planning concern that there may be some "peak" times or when the courts are underutilised.*

The argument that increased illumination will increase usage does not hold. *Increased illumination will allow play during the evenings in the winter.*

The arguments relating to wider usage by ethnic minorities are not correct and are an attempt at political correctness. *This is not a material planning concern.*

At a time when the quality of the visibility of the night sky is being questioned it would be against the general trend to allow further sky shine by reflection from the surface of the tennis club. *The Council's Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*

Court 6 is adjacent to neighbour at number 2 Northfield Avenue's child's bedroom. Resulting in light being visible and shining into the bedroom as well as causing noise from play. *Impact on neighbouring amenity has been addressed in section 3 above.*

The new floodlighting column and luminaries will be visible and unsightly. *Impact on the character of the area has been addressed in section 2 above*

The new column will be on a neighbouring boundary. This may set a precedent. No other tennis club in Harrow have floodlights erected on a neighbouring boundary. *Every application is assessed on its merits.*

Tennis is primarily a summer sport. Neighbour believes that they should be allowed some peace with less tennis being played in the winter months. Climate is not conducive to tennis being a winter sport. *This is not a material planning concern.*

There is only one junior night a week. The clubs main reason for seeking floodlighting seems to be to develop junior tennis. *This is one of the reasons sited in the Design and Access Statement submitted with this application as well as to improve the facilities overall. The type of tennis played is not a material planning concern.*

During the winter, children will be playing football, rugby and lacrosse rather than tennis. *This is not a material planning concern.*

The private members club does not provide a community facility. *This has been addressed in section 1 above.*

The club already has 4 floodlit courts, enough to accommodate at least 80 children. *This is not a material planning concern.*

The additional floodlights will result in an over intensification of use. The tennis use has to be a balance and the proposal pushes the level of activity to an unacceptable degree. *This is not an application for a new court, rather it is for floodlighting to allow play during the evenings, particularly in winter time. Currently, natural daylight allows the courts to be used late in the summer months without floodlighting.*

The floodlights are regularly left on until 9.30pm even if everyone has stopped playing. *This is in compliance with the planning condition placed on the existing floodlights.*

Neighbour was led to believe that once courts 4 and 5 were given permission, they would not seek to floodlight further courts as they knew that they would have difficulty in getting permission for floodlighting for court 6 due to the close proximity to number 18 Cuckoo Hill Road. *Every application is assessed on its merits.*

The floodlighting percentage of 67% compares favourably with other tennis clubs in the area. *Every application is assessed on its merits.*

The new lighting column will be adjacent to the boundary with number 18 Cuckoo Hill Road and will form a strong visual intrusion from the house and garden of number 18. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

The use of Court 6 illuminate will create a situation similar to that found unacceptable by the inspector in the last appeal in the position of lighting columns immediately adjacent to the boundary of a residential property. *Every application is assessed on its merits. The proposed column is in a different location to the application considered by the Inspector.*

The lighting of Court 6 will enable an increase in activity adjacent to the garden of number 18 Cuckoo Hill Road for the length of the Court and there will undoubtedly be an increase in noise and disturbance. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

Just as the previous inspector concluded that the installation of lights that were then proposed would be close to the boundary with number 2 Northfield Avenue, be visible and have an overbearing impact on the visual amenities of number 2. There would be a similar adverse impact on number 18 Cuckoo Hill Road as a result of the proposal. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

The proposed floodlighting would material affect the use of number 18 Cuckoo Hill Road's use of their garden for pleasant summer evenings. This would be unacceptable. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

Court 3 remains unlit and so should court number 6. *Every application is assessed on its merits.*

The proposed floodlighting column would only be 1m from the boundary with number 18 Cuckoo Hill Road. The trees along the boundary are deciduous. Neighbour is concerned about the height of the boundary trees and is considering considerably lopping them or even cutting them down. This would further increase neighbours awareness of the columns and the lighting. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

The luminaries on the existing column would be visible and would appear unsightly from every room to the rear of number 18 Cuckoo Hill Road. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

There is currently a sufficient level of light spillage from court 5 to court 6. Neighbours are concerned that a similar amount of light will spill into their garden and will illuminate a large part of their garden. *The Council's Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*

The applicant has not supplied any calculations of spill light. This is important because the

proposed new floodlighting would result in additional spill light over and above that from the previous schemes granted planning permission in 2002 and 2010. *Since the application was submitted, lighting diagrams have been provided showing spill light, neighbours were re-consulted on the application following the receipt of this new information.*

One of the proposed floodlights would be a metre away from the garden of number 18 and would spill into the garden and the other would be aimed diagonally towards 18 Cuckoo Hill Road and towards 2 Northfield Avenue. This gives the potential for spill light which cannot be readily controlled by baffles. *The Council's Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*

The Institution of Lighting Professionals publication 'Guidance notes for the Reduction for Obtrusive Light' (2011) requires that the cumulative effect of existing lighting as well as new lighting is included in lighting calculations. *The Council's Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*

Number 2 Northfield Ave and 18 Cuckoo Hill Road already receive light overspill from the existing floodlights and this would only increase with the proposal. *The impact of the proposal on neighbouring amenity has been assessed in section 3 of the report above.*

The proposed CU phosco FL500 luminaire is a cut off type of luminaire which when used horizontally restricts upward light. However the beam angle and mounting height mean that if the fittings were actually mounted horizontally they would not provide adequate lighting to the back of the courts, To light the back of the courts, the floodlights would need to be installed tilted away from the horizontal position giving the risk of upward light and sky glow. This would cause light overspill to number 18 and 2 Northfield Avenue. *The Council's Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*

No details have been provided about how the floodlights would be mounted nor have they provided contours or predicted luminance on the tennis courts. *Since the application was submitted, lighting diagrams have been provided showing spill light, neighbours were re-consulted on the application following the receipt of this new information.*

Sodium light proposed is less favourable than white light because of its worse colour properties and association with lighting on traffic routes. *The Council's Environmental Protection team have not objected to this application.*

Harrow Council announced in April 2013 that it will replace the Boroughs 15, 500 street lights with LED lighting. The difference in colour of the LED lighting will mean that the high pressure sodium lights and proposed lighting will be clearly distinguishable from the street lighting. *This is not a material planning concern.*

CONCLUSION

The proposal would provide use of court 6 in the winter months. It is considered that the proposal would not unduly impact on the character of the area or neighbouring amenity.

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 16 May 2013; WELTC/FLOOD/200; LS11312-1-5; LS11312-1-5A – V1.75; LS11312-1-5A-V3; LS11312-1-5A-V5; LS11312-1-5B – V1.75; LS11312-1-5B-V3; LS11312-1-5B-V5

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

3 The floodlights hereby approved shall not be used before 0830hrs and no later than 2130 hrs on any day for club activities and shall not be used at any other time.

REASON: In the interests of the amenities of neighbouring occupiers and the character of the area in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4) The floodlights hereby approved shall be maintained in the approved condition and no operation of the lights will occur if any fault, breakage, or other situation should arise where light would spill outside of the areas indicated on approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area and in order to comply with the provisions of DM1 and DM20 of the Harrow Development Management Policies Local Plan (2013).

INFORMATIVES

1 The following policies are relevant to this decision:-

National Planning Policy Framework (2012)

The London Plan (2011)

7.4 Local Character

7.6 Architecture

7.19 Biodiversity and Access to Nature

3.19 Sports Facilities

Harrow Core Strategy (2012)

Core Policies CS1.B/E

Core Policy CS5

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM20 - Protection of Biodiversity and Access to Nature

DM48 – Enhancing Outdoor Sport Facilities

The Harrow Biodiversity Action Plan (2009)

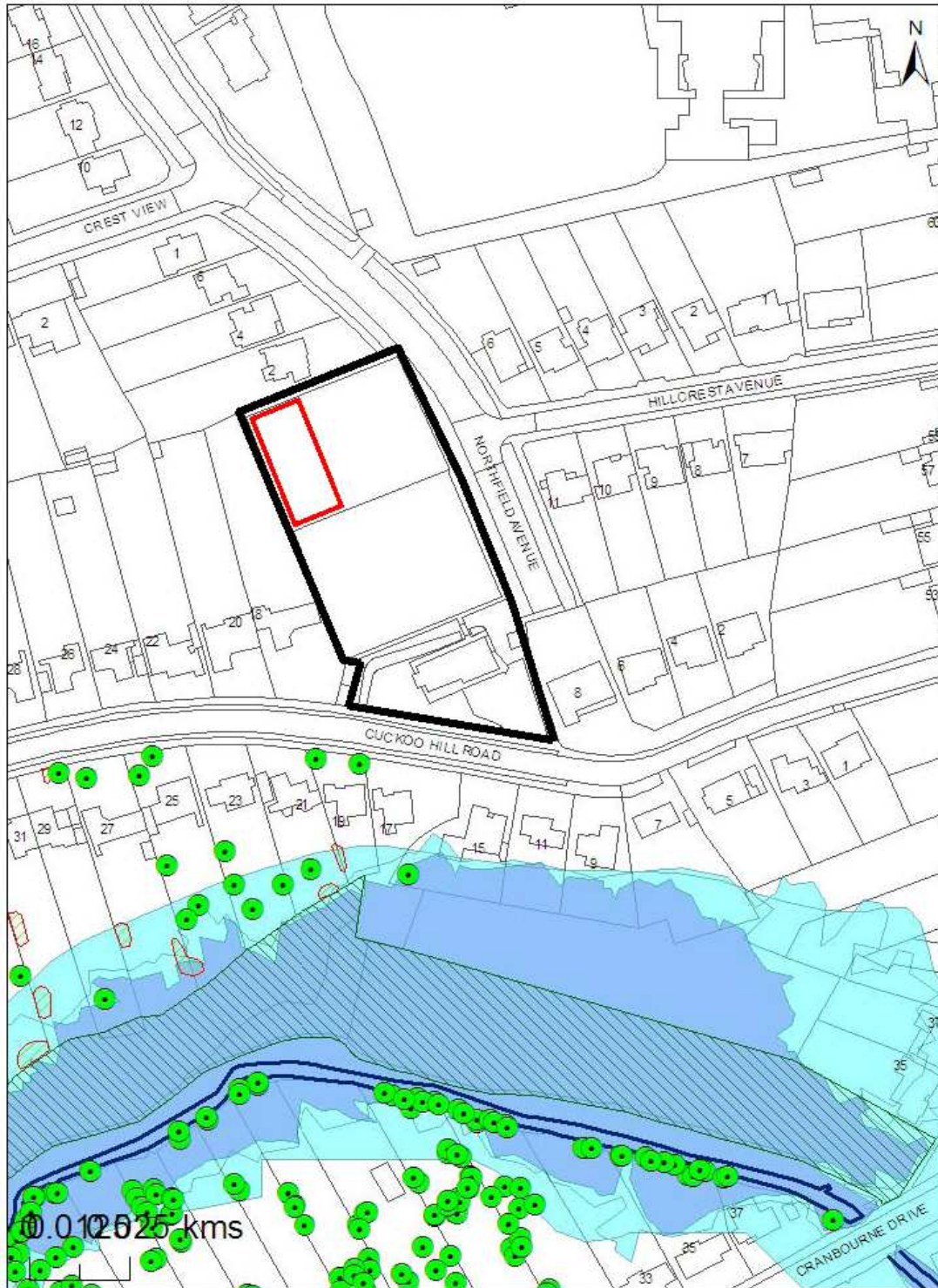
2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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 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 and Access Statement dated 16 May 2013; WELTC/FLOOD/200; LS11312-1-5; LS11312-1-5A – V1.75; LS11312-1-5A-V3; LS11312-1-5A-V5; LS11312-1-5B – V1.75; LS11312-1-5B-V3; LS11312-1-5B-V5

TENNIS CLUB, CUCKOO HILL ROAD, PINNER



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Appeal Decision

Site visit made on 15 January 2002

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport
Local Government and the Regions

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date:
23 JAN 2002

APPEAL
2576
ALLOWED

Appeal Ref: APP/M5450/A/01/1074774

West End Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner, Middlesex.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End Lawn Tennis Club (Pinner) Ltd against the decision of London Borough of Harrow.
- The application (Ref. WEST/923/00/FUL), dated 19 October 2000, was refused by notice dated 6 April 2001.
- The development proposed is the erection of nine floodlighting columns to court Nos 1 and 2.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. Prior to the determination of the application by the Council the appellant amended the proposed scheme by way of letters dated 22 November 2000, 12 March 2001 and 20 March 2001. Additional drawings Nos WELTC/FLO/01B (dated October 2000) and WELTC/FLO/03 (dated March 2001) were also considered by the Council. These letters and drawings include the use of eight triangular profile lanterns/courts (with 400 watt high pressure sodium lamps), the attachment of woven mesh shading along sections of the existing fencing to parts of courts Nos 1, 4 and 5, additional tree planting adjacent to Cuckoo Hill Road and Northfield Avenue and graphical tables of light over spill. I have taken these details into account in determining the appeal.
2. At the site inspection I informed the parties present that I had undertaken an unaccompanied inspection of the surrounding area during the hours of darkness.

Main Issues

3. I consider that this appeal raises two main issues:
 - (a) The effect of the proposed development upon the character and appearance of the area;
 - (b) The effect of the proposed development upon the living conditions of neighbouring residents.

Planning Policy

4. The development plan includes the Harrow Unitary Development Plan, which was adopted in 1994. Policy E46 requires a high standard of design for new development, with consideration given to community impact, visual appearance and the discouragement of crime. Policy E51 provides that noise levels will be considered when determining applications. Under policy R1 support is given to the preservation and improvement of land

for sporting activities and policy R2 encourages the provision of sports subject to a number of criteria. These include acceptability on the local road network and environment with regard given to external appearance, siting, amenity and nature conservation interests. Policy R9 aims to secure the further provision of outdoor sports facilities, which are limited in supply, by encouraging private recreational schemes.

5. In 2001 the Council published the Replacement Harrow Unitary Development Plan 1st Deposit Draft. Policies SD1 and D4 are similar to adopted policy E46. Policy SD1 also requires development to make a positive contribution to the quality of the built environment and to enhance the character and appearance of the Borough. Policy D25 identifies a number of criteria for assessing proposals for floodlighting. These include the effect on the character and amenity of the surrounding area, the impact of sky glow, glare and light trespass and any disturbance arising from such use. Policy R4 is similar to adopted policy R9. I have not been informed of the outcome of the public consultation on these emerging policies, and at this stage in the preparation of the plan I consider that the policies are of limited weight in determining this appeal.
6. In 1996 the Council published supplementary planning guidance relating to light pollution. This is based on the 'Guidance Notes for the Reduction of Light Pollution' published by the Institution of Lighting Engineers. I have not been informed of the extent of public consultation in respect of this supplementary planning guidance and I consider that it is of limited weight in determining this appeal.

Reasons

Character and Appearance

7. The appeal site lies within a residential area. It includes six all weather tennis courts on a split-level site with a clubhouse and car park. There is tall, dark green fencing around the courts and some boundary vegetation, including planting/fencing within the gardens of neighbouring dwellings. From adjacent roads and dwellings there are views into and across the site. Along parts of these highways there are various parking restrictions and different types of streetlighting.
8. In my opinion the proposed floodlighting columns and woven mesh shading would be apparent from neighbouring properties and highways. The development would also result in a concentration of light output on part of the site when the lights were in use. This would obviously be more apparent during the hours of darkness and would extend the hours of sporting activity on the site especially during the winter period.
9. I consider however that the floodlights and shading would be well related to the tennis courts and would appear as ancillary features to this established sporting facility. The triangular profile of the lighting units and slender columns on which they would be mounted would not be dissimilar to some of the streetlighting in the neighbouring roads. Unlike the previous appeal drawn to my attention for the felling of a 12 metre high tree in the front garden of 19 Cuckoo Hill Road (LRP25/M5450/05), the floodlights would be set well back from this street. In my opinion they would not harm the character or appearance of the area and would accord with the provisions of adopted policy E46. The strengthened planting would also make a positive contribution to the appearance of the area and accord with emerging policy SD1.

10. The appellant's suggestion of switching the lights off at 21:30 hours would bring winter use of the site in line with summer activity and in my opinion would not harm the overall character of the area. This extension of use would also accord with the Council's adopted and emerging policies that support and encourage sporting activity as well as the Government's objective of promoting sport and recreation as set out in Planning Policy Guidance Note 17 entitled 'Sport and Recreation' (PPG17).
11. The Council and a number of residents consider that the proposed floodlighting would create an extensive area of illumination and contend that the proposal is very similar to a previous appeal that was dismissed by another Inspector in 1994 (Ref. T/APP/M5450/A/94/234600/P4).
12. I note from the technical information supplied by the appellant that the type of lamp fitting proposed (Philips M/SNF 210) would enable all light distribution to be below the horizontal plane. Furthermore such fittings would permit low-glare asymmetric beams as recommended in the 'Guidance Notes For The Reduction of Light Pollution' published by The Institution of Lighting Engineers. Whilst some light would fall outside the area of the tennis courts I consider that the calculations supplied by the lighting manufacturer show that the use of 400 watt high pressure sodium lamps would limit the extent of surface illuminance and indirect light coming off the courts. The appellant's Lighting Consultant has also advised that using 400 watt lamps instead of 1000 watt lamps would reduce the lighting levels significantly and provide considerable sky glow reductions.
13. The light from the proposed lamps would also be similar in colour to the glow generated from streetlights in the adjacent highways when in use. The proposed shading on various sections of the fencing around the site would also in my opinion reduce the passage of light from the site when the floodlights were in use. In my judgement therefore light generated by the proposed development would not result in demonstrable harm to the character or appearance of the area and would accord with the provisions of emerging policy D25 relating to character, glare and sky glow. I also note that the Council's Lighting Engineer raised no objections to the application.
14. The previous scheme that was dismissed on appeal in 1994 related to courts Nos 1 and 2 and proposed the use of nine 6 metre high floodlight columns. From the representations made to me it is evident that different light fittings and lamps were proposed at that time, although it is unclear as to how many and precisely what number and type of lamp fittings/watts were intended (the Council's statement refers to 12000 watt lamps). However, I understand that the unit of illumination per square metre of the courts would have been considerably greater under the 1994 scheme and the lights would have been switched off at 2200 hours. Whilst I consider that there are some similarities with the proposal before me, in my opinion the type of light fittings, lamps to be used and proposed shading amount to significant material differences between the two schemes.
15. I therefore conclude on the first issue that the proposed development would not harm the character or appearance of the area and would accord with adopted policies E46, R1, R2 and R9 and emerging policies SD1, D4 and D25.

Living Conditions

16. The Council has also expressed concern that the floodlighting would be detrimental to the amenities of the occupiers of neighbouring dwellings. It has not however specifically

identified those properties that it considers would be affected or explained how the development would harm the living conditions of neighbouring residents. It appears to me that the Council has relied heavily upon the 1994 appeal decision. However, I have found above that there are significant material differences when compared to the scheme before me. I consider that the Council has failed to demonstrate that it has given due regard to these differences, having regard in particular to the technical information provided in support of the application and the observations of its own Lighting Engineer. In my judgement the Council has not substantiated its concerns.

17. I note however the representations from a number of residents including various reports submitted by consultants acting on behalf of some of them and the comments of the Member of Parliament for Harrow West. My attention has also been drawn to Article 8 of Part I and Article 1 of Part II to Schedule 1 of The Human Rights Act 1998.
18. During my site inspection I saw the relationship of residential properties to the appeal site. In the presence of both main parties and the respective owners. I also viewed the site from several neighbouring houses and gardens in Cuckoo Hill Road, Hillcrest Avenue and Northfield Road.
19. In my opinion the appellant has given careful consideration to the proposed siting and design of the floodlights in order to limit the impact upon neighbouring residents. The floodlights would be erected some distance from the boundaries with the adjoining properties at 18 Cuckoo Hill Road and 2 Northfield Avenue. Although 8 Cuckoo Hill Road lies immediately to the south east of the site and is at a lower level than the courts, it is set well forward of the proposed floodlights with its rear garden roughly in line with the clubhouse. The lights would be designed to concentrate light upon the two courts and I have noted above that the proposal would comply with The Institution of Lighting Engineers guidelines.
20. The Council recognises that the proposal would comply with its supplementary planning guidance and has raised no objections in respect of adopted or emerging planning policies. I agree and consider that when seen from within the houses and gardens of neighbouring properties light trespass and encroachment, including that from reflective light would be limited and would not be intrusive.
21. Some residents have also expressed concern that the proposal would increase noise and disturbance within the surrounding area and would impact upon the enjoyment of the night sky. Although the floodlights would extend playing time and activity in and around the site this would be limited to the use of two courts. The floodlights would also be switched off at 2130 hours. To my mind such activity would be most likely to occur during the winter months and would be considerably less than that likely during a summers evening when I would expect that a greater number of courts would be in use without the necessity for floodlighting. Whilst I appreciate that in general light pollution impacts upon understanding and enjoyment of the night sky no evidence has been presented to me that demonstrates the harmful effect of the proposal. I note that the proposed lights are designed to restrict sky glow and in my opinion any harmful effects would be very small.
22. In my judgement the activity and disturbance (including sky glow and reflective light) associated with this limited use of the site would not result in unacceptable harm to the living conditions of neighbouring residents and would not violate their human rights. Whilst my attention has also been drawn to the comments of another Inspector in respect of an

appeal in Epping Forest (Ref. T/APP/52155/A/80/14430/G6) I have not been provided with a copy of that decision. It is not evident as to what type of lighting was proposed in that case or the relationship of houses to the site. I do not consider therefore that meaningful comparisons can be made with the proposal that is before me.

23. I therefore conclude on the second issue that the proposed development would not harm the living conditions of neighbouring residents and would accord with adopted policy 51, the Council's supplementary planning guidelines on light pollution and emerging policy D25.

Other Matters

24. Some residents have also raised concerns in respect of traffic and parking. I consider however that the limited extension in use of the site would not result in congestion or compromise highway safety on the local highway network and I note that the Council's Traffic and Transportation Manager raised no objections. Whilst some residents also consider that the application could establish a precedent for further floodlighting on the site I have determined the application on its own merits. It would be for the Council to do the same were any subsequent application to be made. Although mention has been made of wildlife in the area no evidence has been presented to me which demonstrates that the proposal would harm such interests. My attention has also been drawn to the potential increase in crime within the area. I agree with the appellant however that the presence of additional lighting and the modest increase in activity around the site could deter criminal activity. To my mind also, any effect on property values (whatever they may be) is not a proper matter for consideration by me in this appeal.

Conditions

25. The Council has suggested several conditions and I have considered these having regard to the advice contained within Circular 11/95 entitled 'The Use of Conditions in Planning Permissions.'
26. I consider that a condition limiting the hours of use of the floodlights is necessary in order to safeguard the character of the area and the living conditions of neighbouring residents. Although the Council has suggested that the lights should not be used beyond 2200 hours, I consider that the appellant's suggested timing of 2130 hours is more appropriate and would bring the use of the site more in line with summertime use. Given the various amendments to the scheme and the technical support for the proposal I also consider that a condition relating to the type/number of lights is necessary for safeguarding the character and appearance of the area and the living conditions of neighbouring residents. In my judgement it is also necessary to impose a condition concerning the proposed strengthened boundary planting and shading in order to minimise the visual impact of the development and to reduce light spill.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Formal Decision

28. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of nine floodlighting columns to court Nos 1 and 2 at West End
-

Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner, Middlesex. The permission is granted in accordance with the terms of the application Ref. WEST/923/00/FUL dated 19 October 2000 and the plans submitted therewith, as amended by the letters dated 22 November 2000, 12 March 2001 and 20 March 2001 and drawing Nos WELTC/FLO/01B and WELTC/FLO/03. The permission is granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The floodlighting hereby approved shall not be used between 2130 hours and 0800 hours Monday to Sunday inclusive.
- 3) The lighting units shall comprise eight Philips M/SNF 210 units/court fitted with 400 watt high pressure sodium lamps. The lighting units shall also be installed and maintained thereafter so that all light distribution is below the horizontal plane.
- 4) Prior to the commencement of development details of the proposed strengthened boundary planting specifying the type, number, size and location of trees/shrubs to be planted together with details of the shading to be affixed to the existing fencing shall be submitted to and approved in writing by the Local Planning Authority. The agreed planting and shading shall be completed prior to the use of the floodlights hereby permitted. Any trees/shrubs that are removed, die, become damaged or seriously diseased within five years of planting shall be replaced with trees/shrubs of a similar size and species. The agreed shading shall also be retained on the fencing thereafter.

Information

29. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
30. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
31. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.



Inspector



Appeal Decision

Site visit made on 14 October 2008

by **David Richards** BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
11 November 2008

Appeal Ref: APP/M5450/A/08/2073769

**West End Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner
HA5 1AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End Lawn Tennis Club (Pinner) Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/2946/07/CFU, dated 6 September 2007, was refused by notice dated 2 November 2007.
- The development proposed is erection of 9 floodlighting columns to court nos 4 and 5.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site lies in a residential area. Floodlighting for courts 1 and 2 was allowed on appeal in 2002. The current proposal involves the erection of 9 floodlighting columns, similar in appearance to those already installed on courts 1 and 2, allowing courts four and five to be illuminated until 21:30. They would be six metres in height, and painted green.
3. The floodlighting columns would be sited close to the common boundary with No 2 Northfield Avenue. This is a much more direct relationship with any residential property than occurs with the existing floodlighting. I accept that 6 metre columns have been chosen to minimise the visual impact, when taller columns would be preferred for optimum illumination. However, even when unlit, the columns and floodlights would be visible in the outlook from No 2 Northfield Avenue, particularly from upstairs bedroom windows. Depending on the position of the viewer they would assume greater or lesser prominence, but there would be direct views of the two columns to the front through the principal bedroom window. Notwithstanding the proposal for additional screen netting, in my judgment the height, position and proximity of these elements would result in an unsightly and intrusive appearance, which could not be ignored, and would have an unacceptable impact on the living conditions of the occupiers. Another lamp column would stand close to the side window in the rear bedroom, and would have a similar undesirable effect.
4. This visual intrusion would be exacerbated when the floodlighting was in use. When lit, it is acknowledged that there would be some light spillage into the front garden of No 2 Northfield Avenue. While I accept that there is a street lamp opposite the drive of No 2, the proximity of the floodlights would intensify

- the illumination of the area of the courts immediately adjoining the property, extending the illuminated area of the courts much closer to a dwelling than presently occurs. In addition, some light would fall on the columns and this would exacerbate the intrusive effect of the installations in the outlook from the front of the dwelling.
5. I accept that the club has gone to great lengths to minimise light spillage and glare. The proposed Philips MVP506 A/61 flood lights with asymmetric distribution mounted horizontally on 6 metre columns would provide a high degree of light control to reduce light spill to the minimum, and small backplates could reduce this further, although they would add to the unsightliness of the columns when viewed from No 2 Northfield Avenue. I consider that there would be unacceptable conflict with saved Policy D23 of the Harrow Unitary Development Plan (UDP), which sets out criteria for the consideration of floodlighting proposals, including the appearance of installations when unlit, and the effects of glow, glare and light trespass. I note that the side boundary at the front of the dwelling is more open than at one time, following the removal of an overgrown trellis. However I am informed that it was in a poor state of repair, and there is no evidence that this was done to frustrate the planning permission.
 6. While concern over the effects of the proposal extends more widely and is shared by other residents, to my mind the adverse effects would be very localised, and would arise from the direct physical relationship between no 2 Northfield Avenue and courts 4 and 5. In my judgment, other properties would be sufficiently well separated from the club for these effects not to be material. I take a similar view of the effects of the proposal on the character and appearance of the wider area. While I understand that some would consider the floodlight installations to be an unwelcome addition to the street-scene, I do not consider in principle that they would be so out of character as to be unacceptable. Although courts 4 and 5 are at a higher level than courts 1 and 2, in my opinion the installations would not appear markedly more prominent, having regard to the land form which rises towards the north of the club site. In the wider context, I accept that they would appear as ancillary features to an established sporting facility. There is a significant tree screen along the boundary with Northfield Avenue which would help to mitigate the visual impact when viewed from this direction. While I accept that this would be less effective in winter, I do not consider that there would be material harm to the streetscene. I note also that elsewhere in Harrow and adjoining Boroughs, floodlighting has been permitted in residential areas. Notwithstanding this, I consider in this particular case that the harm to the living conditions of the occupiers of No 2 Northfield Avenue would be real and this is sufficient to justify dismissal of the appeal.
 7. Residents have also expressed concern about increased noise and disturbance. The appeal proposal would also allow evening use of the courts all year round, with potential for increased noise and disturbance. However, there are already two courts in use which are floodlit, and which I am informed have given rise to no complaints in respect of noise and disturbance. The courts subject to this appeal can be used during the summer months until late in the evening, and I see no reason why winter use should give rise to any greater noise disturbance. In any event, I do not consider that that tennis is an inherently

noisy sport. Players could be expected to behave reasonably and the club itself has an interest in maintaining good neighbour relations, with appropriate sanctions at its disposal. In summary I do not consider that the intensity of use is likely to be so great that significant noise disturbance would be caused to neighbours.

8. In reaching my decision I have taken into account support for the proposal in the locality as well as the considerable benefits to club members from permitting extended evening use of the courts, and the wider benefits arising from the promotion of sport in the community. I acknowledge that there are pressures for the club to compete for membership, and that extending the opportunities for winter play would improve its attractiveness to potential members. Improvement of available facilities would accord generally with Policy R4 of the UDP provided there is no detrimental effect on residential amenity. While I am sympathetic with these objectives, I attach greater weight to the harm to the living conditions of the occupiers of No 2 Northfield Avenue arising from visual intrusion, and conclude accordingly that the appeal should be dismissed.

David Richards

INSPECTOR



Appeal Decision

Site visit made on 2 September 2009

by **Michael Ellison MA (Oxon)**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 September 2009

Appeal Ref: APP/M5450/A/09/2105014

West End (Pinner) Lawn Tennis Club, Cuckoo Hill Road, Pinner, HA5 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End (Pinner) Lawn Tennis Club Limited ("the Appellants") against the decision of Harrow Council ("the Council").
- The application (Ref P/3872/08), dated 26 November 2008, was refused by notice dated 26 February 2009.
- The development proposed is the installation of eight lighting columns (5 metres and 6 metres height) to Courts 4 and 5 at the northern end of the site.

Procedural matters

1. The Appellants were concerned that all the material which they submitted in support of their application was not considered by the Planning Committee of the Council when they made their decision on the appeal application. If that concern is well founded, it has been remedied in dealing with the appeal, because I have had regard to all the material submitted by the parties and by interested parties which was received by the Planning Inspectorate by 31 July 2009, which was the deadline for submission of documents in connection with this case.
2. With the agreement of the parties, I accepted at the site visit copies of photographs which had been supplied to the Council by the occupiers of the house at 2 Northfield Avenue with their letter of objection to the planning application of 10 January 2009. A copy of that letter of objection had been supplied by the Council, but the accompanying photographs could no longer be traced. Copies were therefore supplied for my use by the occupiers of 2 Northfield Avenue.

Decision

3. I dismiss the appeal.

Main issue

4. The main issue in this case is the impact the appeal development would have on the living conditions of neighbouring residents at 2 Northfield Avenue.

Reasons

5. The Appellants operate a local private members tennis club as a non profit making company limited by guarantee. The Club will celebrate its centenary in 2010. It provides six all weather tennis courts surfaced with artificial grass, and has a club house which is used not just by the Club, but also for a variety of purposes by the community at large, including a playgroup, evening classes and various recreational activities.

6. Following a successful appeal in 2002, floodlighting was installed on Courts 1 and 2. This enables those courts to be used in the evenings, potentially all the year round, though the floodlights are automatically turned off at 9.30pm. Before the courts were floodlit, play could only take place beyond 8pm for around four months of the year.
7. The Appellants argue that there is increasing demand for evening use of the courts beyond the summer months, particularly from their expanding junior membership, and they therefore wish to install floodlighting to Courts 4 and 5, so that these courts can also be used until 9.30pm throughout the year.
8. The Appellants applied for planning permission in September 2007 to erect nine floodlighting columns to illuminate Courts 4 and 5. Their application was refused, and their appeal against that refusal was dismissed on 11 November 2008 under reference APP/M5450/A/08/2073769 because of concern at the impact the proposal would have on the living conditions of occupiers of the adjoining property at 2 Northfield Avenue.
9. The Club is located in a residential area, with houses adjacent to each of its boundaries. The area is characterised by detached dwellings within reasonably large plots in a landscaped setting. On the northern and western boundaries, the houses are immediately adjacent; on the eastern and southern boundaries, they are across the adjoining roads, Northfield Avenue and Cuckoo Hill Road. The property at 2 Northfield Avenue adjoins the northern boundary of the appeal site adjacent to Courts 4 and 5.
10. The present appeal application seeks to reduce the impact on the occupiers of 2 Northfield Avenue of the proposal dismissed in November 2008 in a number of ways.
 - a. The proposed number of lighting columns would be reduced from nine to eight.
 - b. The height of the three columns closest to 2 Northfield Avenue would be reduced from 6 metres to 5 metres.
 - c. The height of the Netlon anti glare screening on the chain link fence adjacent to 2 Northfield Avenue would be increased so that it would be higher than the 5 metre columns.
 - d. The position of column 1 adjacent to 2 Northfield Avenue would be changed, so that it would be 1.85 metres further away from the first floor flank bedroom windows as compared with the original proposal. It would be 0.7 metre below the bedroom window cills, and 5.4 metres and 6.9 metres from the two windows, behind the Netlon screening.
 - e. Lightweight tapered columns are proposed in place of the heavier weight columns previously intended to be used.
 - f. The columns would be finished in green anti reflective paint.

- g. The number of luminaires would be reduced from sixteen high output units to eight low output fittings, which are smaller in size than those previously proposed.
 - h. The average lighting level proposed for Courts 4 and 5 would be reduced from the 360 Lux previously proposed to 200 Lux.
 - i. The previous proposal to use back shields on the luminaires to avoid light spill has been withdrawn, because it has been established by the manufacturers that light spill can be avoided by black painting the front part of the inside reflector, which reduces stray light more effectively than any form of screening. The luminaires themselves would be painted green on the outside to match the columns and the surroundings.
11. A number of interested parties made written representations suggesting that the appeal application is little different from that which was rejected on appeal in November 2008. Given the amendments listed above, I do not accept that point at all. I consider that the Appellants have made considerable efforts to address the issue which led to the rejection of the previous appeal. The question is whether those efforts have succeeded.
12. The Development Plan for the area includes the Harrow Unitary Development Plan ("the UDP"), which was adopted on 30 July 2004. Saved UDP Policy D23 identifies a number of criteria for assessing the acceptability of floodlighting. They include the effect on the character and appearance of the surrounding area, any disturbance arising from such use, the impact of skyglow, glare and light trespass, the effect on wildlife, and the appearance of the installations while unlit. Saved Policy EP25 also provides that noise levels will be considered when determining applications. Policy SR2 supports the improvement of recreational facilities, and Policy R4 encourages the provision of further outdoor sporting facilities so long as there is no adverse impact on residential amenities or the environment. Both these Policies have also been saved to continue in operation.
13. In deciding the previous appeal, the Inspector found that the then proposals would not have an unacceptable impact on the **character and appearance** of the area. In my view that remains the case, particularly given the beneficial changes which have been made to the earlier proposals.
14. Similarly, in relation to concern about increased **noise and disturbance** from the appeal proposals, I share the view expressed by the Inspector on the previous appeal that the greater intensity of use arising from the floodlighting of two extra courts would not be likely to be so great that noise disturbance would be caused to neighbours. I am fortified in that view by the report of the noise consultants which was made available to me in dealing with this appeal. Based on a comparison of the level of noise from play on Courts 4 and 5 as well as Courts 1 and 2 with the situation when Courts 1 and 2 alone were in play, there was no increase in noise levels at 18 Cuckoo Hill Road, and at 2 Northfield Avenue the noise levels were within the guidance values contained in BS 8233:1999 and the World Health Organisation Community Noise Guidelines. The monitoring was carried out from positions inside the appeal site, close to

- the boundaries with 2 Northfield Avenue and 18 Cuckoo Hill Road rather than within the gardens of the properties themselves, which would in fact overstate the noise readings produced.
15. The photographs referred to in paragraph 2 above show children playing football on the floodlit Courts 1 and 2 on 2 January 2009. Apparently that use of the Courts was stopped as soon as the Club became aware of it. There is no evidence that this has happened on other occasions, and I cannot see that it would be likely that the Appellants would permit it to happen if they were aware of it given the potential for damage to equipment on the courts. I have discounted any suggestion that if Courts 4 and 5 were floodlit they might be used for games of football, and that increased noise could therefore be anticipated from that alternative use.
16. I consider that the efforts made to channel light from the proposed installation efficiently, together with the proposed use of high pressure sodium lamps rather than the white light source which would normally be preferred for floodlighting and the extensive use of non reflective surfaces proposed, would avoid any significant problem from **skyglow or glare**. In terms of **light trespass**, I accept the conclusions set out by Mouchel in their lighting report. Although the tennis club is within an urban area which has lit streets, because most of the club area is unlit, the Consultants have assessed the impact of the appeal proposal against the standard for Environmental Zone E2, which applies to rural, small village or relatively dark urban locations, rather than Zone E3, which would have been justified in the residential area around the appeal site. Even with the more stringent requirements for Zone E2, the degree of light trespass would be acceptable for such an area. At 2 Northfield Avenue, light spillage on the front driveway would be between 0.0 Lux and 0.8 Lux; there would be similar readings in the rear garden; and in the front garden the readings would be between 0.3 Lux and 0.9 Lux. The value for full moonlight is approximately 1 Lux, and the standard level of illumination in a cul de sac in Harrow is an average of 10 Lux, with a minimum of 3 Lux.
17. The occupiers of 2 Northfield Avenue argue that a sea of very bright and intense light would spill on to their property, but this is simply not borne out by the expert advice provided.
18. The occupiers of 18 Cuckoo Hill Road, which lies on the eastern boundary of the tennis club quarrel with the statement in the lighting report that they have no window which directly faces the tennis courts. They have no window in the side elevation, but I accept that their patio windows and back bedroom windows look towards Courts 4 and 5. This is, however, at a distance of around 30 metres from what would be the nearest of the floodlights proposed as part of the appeal development, and I see no reason to question the finding in the Mouchel report that light spill from the proposal would have no effect on this property.
19. I note that the assessments made of the impact of the proposed lighting levels has included no assessment of the impact on the lighting levels of the blocking effects of fences and screening (existing or proposed) or of hedges and trees. The assessment has therefore been prepared on a worst case scenario.

20. I consider that the appeal proposal would not have an unacceptable impact arising from skyglow, glare or light trespass.
21. In terms of the **effect of the appeal proposals on wildlife**, I accept the information contained in the ecological report from RSK Carter Ecological Limited. One species of bat has been recorded in the area (common pipistrelle). There is potential for bat foraging in hedgerows around and outside the appeal site, and minimising light spill (as proposed) is therefore important. With that mitigation, however, I consider that the appeal proposal would not have an unacceptable impact on wildlife. In fact, as the report concludes, it would have a positive impact.
22. It was the **appearance of the proposed installations while unlit** which was a major reason for the dismissal of the previous appeal, and it formed the sole reason for refusal identified by the Council in relation to the present appeal application.
23. As compared with the previous application, the lighting columns closest to 2 Northfield Avenue would now be reduced in height so that they would be below the sill level of the flank wall bedroom windows; they would be further away from those windows and located behind Netlon screening; the columns would be of a less obtrusive design; the number of luminaires would be reduced by half; they would be smaller and they would no longer have back shields.
24. I accept the point made on behalf of the Appellants that photographs submitted by the occupiers of 2 Northfield Avenue purporting to show the impact of the present appeal development bear no relationship to the actual impact which the proposal would have. They exaggerate very significantly the height of the proposed lighting columns and the size of the proposed luminaires. I have placed no reliance whatsoever on those photographs in my assessment of the impact of the appeal proposal.
25. It remains the case, however, that three of the lighting columns would be situated very close to the boundary of the appeal site with 2 Northfield Avenue. They would be visible from the dining room, the lounge, and three of the bedrooms of that property as well as from the front and rear garden. The higher level of fencing proposed to reduce the impact of the columns would itself not be a thing of beauty, and would also, in my view, have an overbearing and adverse impact on the level of visual amenity currently enjoyed by the occupiers of 2 Northfield Avenue. I consider that the lighting columns and the increased height of the fencing proposed would be unsightly and intrusive. They would have an unacceptable impact on the living conditions of the occupiers of 2 Northfield Avenue.
26. The **support which is given in saved UDP Policies for the improvement of leisure and sporting facilities** is conditional upon there being no adverse impact on existing residential amenities. I consider that there would be such an adverse impact in this case.
27. I have given careful consideration to the expressions of support for the appeal proposal, which are primarily related to the additional recreational facilities which the appeal proposal would represent. These include letters of support from Mr Gareth Thomas MP, sent at the time of the consideration of the
-

application by the Council, and from the Middlesex Tennis Association. There was also a petition in support signed by more than 400 people, some of whom were members of the Tennis Club, and some of whom were local residents. I accept that there would be real benefits arising from the appeal proposal in terms of the promotion of sport in the community.

28. While I am sympathetic to this objective, I attach greater weight to the harm which I consider the appeal proposal would do to the living conditions of the occupiers of 2 Northfield Avenue. On balance, **I conclude** that such harm would outweigh the benefits which would arise from the appeal proposal, and that is why I have dismissed the appeal.

Michael Ellison

INSPECTOR

ITEM NO: 2/04
ADDRESS: 11 GRANTCHESTER CLOSE, HARROW
REFERENCE: P/1946/13
DESCRIPTION: SINGLE AND TWO STOREY FRONT SIDE AND REAR EXTENSIONS INCORPORATING FRONT AND REAR DORMERS; REAR EXTENSION AND INCREASE IN HEIGHT OF DETACHED GARAGE; EXTERNAL ALTERATIONS
WARD: HARROW ON THE HILL
APPLICANT: MR M PANGALI
AGENT: SCP ARCHITECTS
CASE OFFICER: ANDREW RYLEY
EXPIRY DATE: 09/09/2013

RECOMMENDATION

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

REASON

The proposed single and two storey front side and rear extensions incorporating front and rear dormers, rear extension and increase in height of detached garage and external alterations would preserve the character and appearance of the area, and it would not have a harmful impact on neighbouring residential amenity. 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, the Development Management Policies Local Plan 2013 and the Supplementary Planning Document (SPD): Residential Design Guide (2010).

INFORMATION

The application is reported to the Planning Committee because under proviso E of the Council's Scheme of Delegation, the Divisional Director of Planning considers it to be potentially controversial due to objections and petition received.

Statutory Return Type: 21 – Householder Development

Council Interest: None

Gross Floorspace: 376 sqm

Net additional Floorspace: 158 sqm

GLA Community Infrastructure Levy (CIL) Contribution: £5,530

Harrow Community Infrastructure Levy (CIL) Contribution: £17,380

Site Description

- Application site is a large two-storey detached property with a detached garage

located to the north of Grantchester Close.

- The property is 11.9m wide by 12.0m in depth and 7.4m in height.
- The property has a large gable end and a dormer window fronting Grantchester Close, a dormer window on the side elevation which has a low eaves height and three dormer windows on the rear elevation.
- Detached garage is 2.6m to the eaves and 5.4m to the ridge in height.
- A Group Tree Preservation Order (TPO) covers the whole site.
- The site is not within a Conservation Area or the curtilage of a Listed Building.

Proposal Details

- The proposal is for a two storey side extension with hipped roof and two new dormer windows, one at the front and one at the rear. The side extension would be 4.0m wide and would link in with an extension to the rear of the building, which would increase its depth behind the existing kitchen by approximately 1.3m. The depth of the side extension, linking in with the rear extension, would be 8.0m.
- It is proposed to extend to the front of the existing hallway and W/C by 2.8m, and relocate an existing dormer window. As part of the front and rear extensions, the pitched roof would be replaced with a larger roof, set at a shallower angle (reflecting the deeper depth of the subject building).
- It is proposed to retain the existing garage, but to increase its depth from 6.6m to 9.5m (extending to the rear only), and increase its height from 2.72m at eaves level to 2.95m and 5.4m for the pitch of the roof to 6.3m. This would create room for a first floor within roof of the building, which would accommodate an office/study room.

Revisions to Previous Application

Following the previous decision (P/2792/11) the following amendments have been made:

- This application proposed the demolition of existing garage and the construction of a single and two storey front side and rear extensions incorporating front and rear dormers.
- The proposed extension would have lead to the total building being 25.2m in width – incorporating the existing garage – and 11.8m in depth at its maximum. The width of the total extensions to the north would have been approximately 8.7m and to the south it would be 4.4m.
- At the front there would have been two new gable ends over the entrance to the building and an integral garage.
- At the side elevations the roof would have been hipped, with 12 new rooflights proposed.
- At the rear there would have been a gable at each end of the building facing to the rear, as wells as a central gable as well, along with two new dormer windows and a new rooflight.

Relevant History

P/1732/10 Demolition Of Existing Garage; Single And Two Storey Front, Side And Rear Extensions Incorporating Front And Rear Dormers; Additional Vehicle Access And Hardsurfacing To The Front Garden; External Alterations (Amended Description)

Withdrawn - 15/09/2010

P/3438/10 Demolition Of Existing Garage; Single And Two Storey Front Side And Rear Extensions Incorporating Front And Rear Dormers; External Alterations

Refused - 11/02/2011

Reason(s) for Refusal:

1. The proposed extensions by reason of excessive bulk and massing, would result in disproportionate additions to the original dwellinghouse and overdevelopment of the plot which would be inappropriate and out of character with the pattern of development in the locality, to the detriment of the character and appearance and the visual amenities of the area, contrary to London Plan policies 4B.1 and 4B.8, saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).
2. Insufficient information has been provided regarding the proposed scheme to enable a full assessment of the impact of the proposal on the existing protected trees, which represent an important amenity feature, contrary to saved policies D10 and EP29 of the Harrow Unitary Development Plan (2004).

P/2792/11 Demolition Of Existing Garage; Single And Two Storey Front Side And Rear Extensions Incorporating Front And Rear Dormers; External Alterations

Refused - 11/01/2012

Reason(s) for Refusal:

1. The proposed extensions by reason of excessive bulk and massing, would result in disproportionate additions to the original dwellinghouse and overdevelopment of the plot which would be inappropriate and out of character with the pattern of development in the locality, to the detriment of the character and appearance and the visual amenities of the area, contrary to London Plan policies 4B.1 and 4B.8, saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).
2. Insufficient information has been provided regarding the proposed scheme to enable a full assessment of the impact of the proposal on the existing protected trees, which represent an important amenity feature, contrary to saved policies D10 and EP29 of the Harrow Unitary Development Plan (2004).

Appeal Dismissed 11/05/2012

Pre-Application Discussion (ref. P/0594/13/PREAPP)

- The proposal has been improved relative to the previously refused scheme, but, as it stands, is unacceptable and would not be supported at application stage by the Council. However, the following amendments and modifications suggested may result in a scheme that would be acceptable:
 - Roof of side extension revised to a hip, rather than a gable, as this would reduce its impact, and, along with the revisions already made (i.e. reduction in scale), would be acceptable. If this advice is accepted, this would reduce the number of dormer windows from four to two, which would also improve the aesthetics of the property.
 - It is not fully clear why the wrap around element of the side extension does not link into the rear extension completely, but rather is stepped in (i.e. the extension to the existing kitchen is deeper). Whilst this may have been design so as to reduce the prominence of the side extension, it is considered that it creates a somewhat contrived roof form, where there is a different eaves height. Officers would not object to this part of the side extension being the same depth as the rear extension proposed, so it would be flush with the kitchen at the rear. However, this would still require the roof to be hipped, so as to reduce its prominence, as per the comments above.
 - It is accepted that there are three rear facing dormer windows on the original property. However, the four as indicated on the proposed plans are considered

excessive, and therefore should be reduced to three (or even two), evenly spaced out, so as to not dominate the roof and be visually contained within it.

- With regards to the garage, whilst it is welcomed that this has been retained as a separate building, it is considered that the extent of the enlargements proposed are too great, and therefore not acceptable. It is considered that the two storey garage building would complete with the original dwellinghouse when viewed in the streetscene, and detract from the character of the host property through its over dominance. It is important that this building should remain subservient to the host dwellinghouse. Essentially, the Council would accept the garage being a one a half storey building, not a two storey building as currently proposed.
- The Council would accept the enlargement of the garage to the rear (but not the front), so long as the increase in depth would be very modest – no more than 3.3m is suggested, as this would be 50% of the depth of the original building. Furthermore, alterations to the roof to accommodate some form of living space are also considered to be acceptable in principle, but the height should be noticeably lower than the height of the original dwellinghouse as set out above, and also include a half-hip to the front and rear gables, so as to reduce the bulk of the roof.

Consultations

Arboricultural Officer: No objection.

Harrow Hill Trust: Objection. Considers that the development has matured well and may be worthy of Conservation Area status. Considers that the proposal is overdevelopment and also suggests that a business or other activity, that may generate traffic, is being planned. Notes the vociferous objections made by local residents.

Heritage Residents Association: Objection. Development would represent a disproportionate over development of the plot, not in keeping with the original concept. Acknowledges that other dwellings within the area have been modified but that this proposal would detract from the concept of having different but similar sized and styled houses. It would dominate the view of the residents adjacent to and facing it. Notes that no garage has been knocked down for development since the estate was built in 1985, the original design being 'Elizabethan' style timber framed houses, for which it won a Gold Medal [but does not state in what context/competition this was]. Other issues raised include concerns that the premises will be used in a commercial capacity, and cites lack drainage capacity and additional hardsurfacing to front of property in this context.

Sudbury Court Resident's Association: No comments received.

Notifications

Sent: 12

Replies: 2 objections and petition (objecting) with eight signatures.

Expiry: 21/08/2013

Summary of Responses

- Development not in keeping with the surrounding properties.
- Overlooking and overshadowing of adjacent properties.
- Concern raised that another planning application has been submitted at this site.

Summary of Petition

- Feel that the development is too large and not in keeping with the rest of the houses on this estate.
- Two previous applications have already been turned down by the Council and this is only a slightly reduced version.

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.'

In this instance, the Development Plan comprises The London Plan (2011), Harrow's Core Strategy (2012) and the Development Management Policies Local Plan 2013 [DMP], the Harrow and Wealdstone Area Action Plan 2013 [AAP], the Site Allocations Local Plan 2013 [SALP] and Harrow Local Area Map 2013 [LAM].

The National Planning Policy Framework [NPPF] which consolidates national planning policy has been adopted, and has now been in place for over 12 months and is considered in relation to this application. 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.

MAIN CONSIDERATIONS

Character and Appearance of the Area

Residential Amenity

Protected Trees

S17 Crime & Disorder Act

Equalities Statement

Consultation Responses

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. Development should not be harmful to amenities, should incorporate best practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

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.'

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions. This document

was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30th September to 28th October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15th December 2010. Detailed guidance on the design of householder extensions is contained in the Council's adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) which notes, at paragraph 6.11 that extensions should have a sense of proportion and balance, both in their own right and in relation to the original building and the area, and should not dominate the original building.

There have been two planning applications at this site previously. The most recent application (ref P/2792/11) proposed the demolition of existing garage and the construction of single and two storey front side and rear extensions incorporating front and rear dormers. The proposed extension would have led to the total building being 25.2m in width and 11.8m in depth at its maximum. The width of the total extensions to the north would have been approximately 8.7m and to the south it would have been 4.4m. At the front there would have been two new gable ends over the entrance to the building and an integral garage. At the side elevations, the roof would have been hipped, with 12 new rooflights proposed. At the rear there would have been a gable at each end of the building facing to the rear, as well as a central gable as well, along with two new dormer windows and a new rooflight.

This application was refused planning permission by the Council on the 11/01/2012 for the following reason:

1. The proposed extensions, by reason of excessive bulk and massing, would result in disproportionate additions to the original dwelling house and overdevelopment of the plot which would be inappropriate and out of character with the pattern of development in the locality, to the detriment of the character and appearance and the visual amenities of the area, contrary to The London Plan (2011) policies 7.4B and 7.6B, saved Policy D4 of the Harrow Unitary Development Plan (2004), Emerging Harrow Core Strategy (2011-2026) policy CS1.B and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

This refusal was subject to an appeal, which was dismissed on the 11/05/2012. The Inspector concurred with the Council's assessment of the merits of the scheme, and summed up by stating:

"I conclude on the main issue that the proposal would materially and unacceptably harm the character and appearance of the host dwelling and the surrounding area. It would therefore conflict with policies 7.4B and 7.6B of The London Plan 2011, policy D4 of the Harrow Unitary Development Plan 2004, policy CS1.B of the emerging Harrow Core Strategy 2011 – 2026 and the advice in the Council's SPD." (Paragraph 12).

Comparing the proposed scheme to the one refused by the Council, and dismissed at appeal, it is accepted that the scale of the development has been reduced, and this is welcomed. Of most significance is the retention of the detached garage as a separate building (albeit this would be enlarged – this is discussed further below), which is something that both the Council and Inspector considered to be important.

Turning to the proposed two storey side extension, which would link into an enlarged rear extension also, it is noted that this has been reduced in size in terms of both its depth and height. The extension would now be set away from the road by

approximately 3.0m at its closest point, and would be subservient to the height of the roof of the existing dwelling. A hipped roof is proposed with two new dormer windows, and this type of roof form assists in reducing the bulk of the extension.

With regards to the garage, the increase in depth would be relatively modest – 2.9m, which is less than 50% of the depth of the original building. Furthermore, the height would be noticeably lower than the height of the original dwellinghouse as set out above, and would also include a small half-hip to the front and rear gables, so as to reduce the bulk of the roof. Finally, facilities such as a shower or kitchen are not shown to be provided as part of the alterations, as these would have suggested that the building could be converted to self contained accommodation, rather than being ancillary to the main dwellinghouse. As such, its use as an office/study is considered to be acceptable.

It is noted that a number of objections have been received with regards to the design of the proposed development, including a response from the Harrow Hill Trust and the Heritage Residents Association. The concerns raised relate to the extensions being considered as overdevelopment and disproportionate in relation to the original dwellinghouse. Clearly, in relation to a number of previous schemes at this site, this was the prevailing view of the Council also. However, as set out above, the extensions proposed as part of this application, whilst clearly increasing the bulk and massing of the property, are now considered to be in proportion relative to the original dwellinghouse. The applicant has heeded suggestions provided to them as part of the pre-application advice issued in May 2013, and as such it is considered that the current scheme is consistent with the recommendations.

It is noted that there have been a number of concerns raised with the proposed works to the detached garage in particular. It is noted that the prevailing character for the estate is one of detached garages. As noted in connection with the previous schemes, the enclosure of the detached garage within the main body of the dwellinghouse is considered to be unacceptable. This scheme, however, would result in the garage remaining detached, but being expanded to the rear, and the height being increased. Whilst this would have some impact on the character of the area, it is considered that this is acceptable in this instance because: the main enlargement of the garage is at the rear, and so reduces the impact on the streetscene; the increase in the height is modest (the height of the eaves would increase by just 230mm), and would remain subservient to the main dwellinghouse; finally, the position of the subject garage is markedly different to the majority of garages within the estate – it is noted that the majority are set to the front of the dwellings they serve, often adjacent to the main road, and so are more prominent, where the subject garage is set to the side of the dwelling it serves, between this and the adjacent dwelling and set back from the main road. Accordingly, the works to the garage are considered acceptable in this regard.

It is considered that the proposal would have an acceptable impact upon the character and appearance of the area, and therefore would comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

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, overshadowing, wind and microclimate. Policy DM1 of the Development Management Policies Local Plan (2013) seeks to ensure that “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”.

Given the scale, siting and design of the proposed extensions, the only occupiers likely to be affected are No.10 and 12 Grantchester Close; other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

As previously concluded, and taking into account the modest changes made to the proposed design where the size of the extension have been reduced relative to the previous scheme, it is considered that the proposed scheme would not have an adverse impact on the amenities of the surrounding occupiers in accordance with The London Plan (2011) policy 7.6B, policy DM1 of the Development Management Policies Local Plan (2013) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

Protected Trees

A blanket Tree Preservation Order (TPO) covers the entire site, including all of the existing trees along the application site boundaries. As per the previous application, it is considered that the information submitted is acceptable, and subject to a condition that the development is carried out in accordance with the recommendations of the Method Statement and Tree Protection Plan, is considered acceptable.

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. Policy DM2 of the Development Management Policies Local Plan (2013) advises that crime prevention should be integral to the design process of a scheme, highlighting that all proposals must be safe and secure for everyone in line with Secured by Design principles.

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

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. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

Consultation Responses

The comments of the Harrow Hill Trust in relation to the area being worth of Conservation Area status are noted. At present, the area is not subject to this status, and therefore these comments cannot be given any weight as a material planning consideration.

In relation to the comments that have been made that the property is being used for commercial purposes, and that the proposed application would allow these activities to occur on a greater scale, these are noted. No complaints have been received by the Council's Enforcement Team in relation to this matter. Given that the proposed application is for an extension to a domestic property, it is considered that this matter can only be given limited weight.

Comments made in relation to the impact on drainage/sewage are noted, but as this is already a domestic property, the proposed development would not have a significant impact upon this.

CONCLUSION

The proposed single and two storey front side and rear extensions incorporating front and rear dormers; extension to and increase in height of detached garage; external alterations would preserve the character and appearance of the area, and it would not have a harmful impact on neighbouring residential amenity. 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 Development Management Policies Local Plan 2013.

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: To preserve the character and appearance of the area in accordance with policy 7.4 of the London Plan (2011) and policy DM1 of the Development Management Policies Local Plan (2013).

3 The development shall be carried out in complete accordance with the Arboricultural Report Impact Assessment Method Statement (including Tree Protection Plan) dated 05/09/2011, unless otherwise agree in writing with the local planning authority.

REASON: To protect retained trees on the site to maintain their longevity in accordance with policies DM1 and DM22 of the Development Management Policies Local Plan (2013).

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

P101, P201 Rev A, P202 Rev D, Arboricultural Report Impact Assessment Method Statement (including Tree Protection Plan) dated 05/09/2011

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

INFORMATIVES

1 INFORMATIVE: The following policies are relevant to this decision:

National Planning Policy Framework [NPPF]

Harrow Core Strategy (2012) Policy CS1.B

The London Plan (2011) Policies 7.4B, 7.6B

Development Management Policies Local Plan (2013) DM1

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 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 £5,530 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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 £5,530 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 158 sqm

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

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

5 Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by

the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

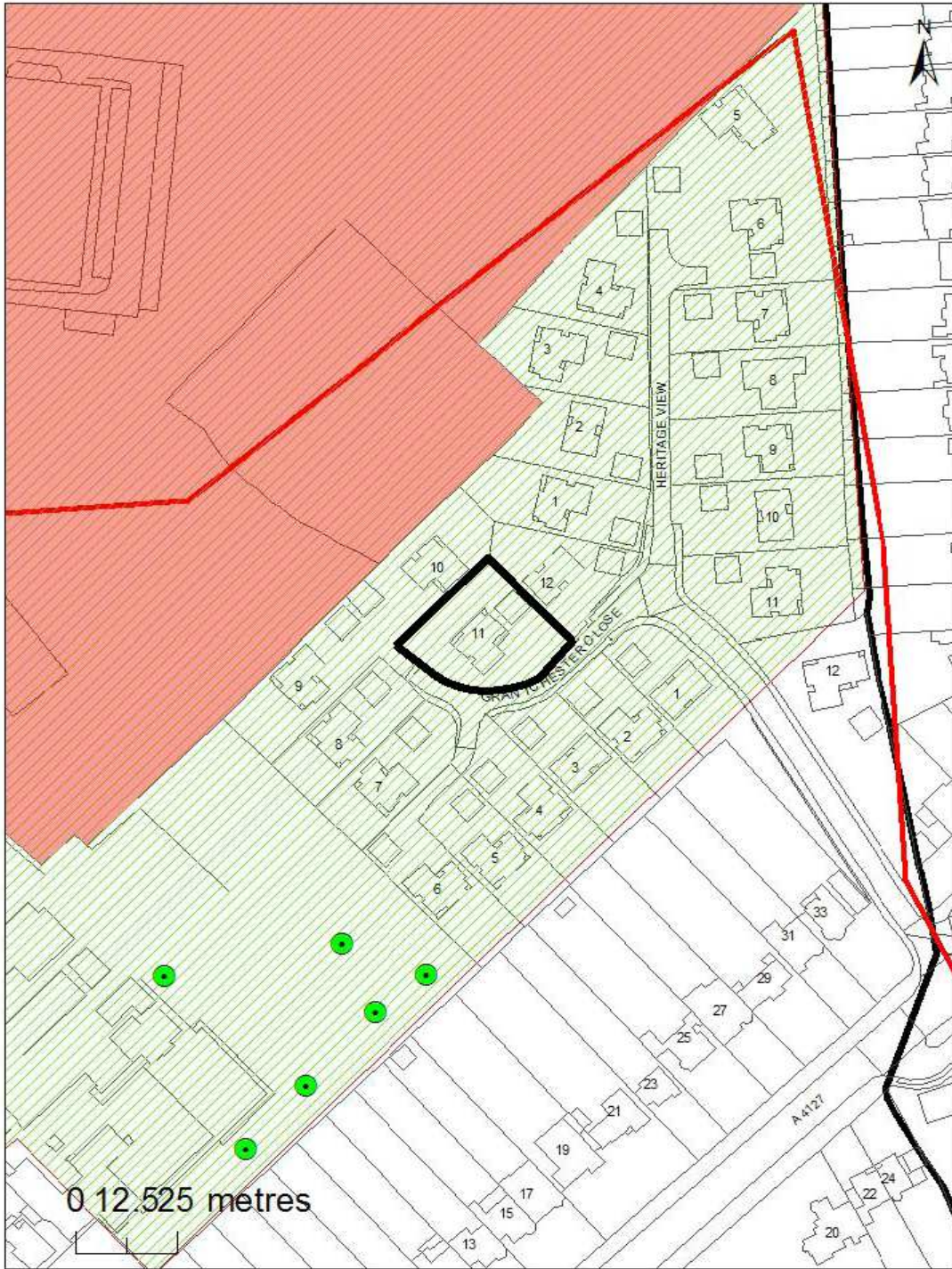
The Harrow CIL Liability for this development is: £17,380

6 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: P101, P201 Rev A, P202 Rev D, Arboricultural Report Impact Assessment Method Statement (including Tree Protection Plan) dated 05/09/2011

11 GRANTCHESTER CLOSE, HARROW



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Appeal Decision

Site visit made on 1 May 2012

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **11 May 2012**

Appeal Ref: APP/M5450/D/12/2173158

11 Grantchester Close, HARROW, Middlesex, HA1 3SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Pangali against the decision of the Council to the London Borough of Harrow.
 - The application Ref P/2792/11 was refused by notice dated 11 January 2012.
 - The development proposed is for demolition of existing garage, two storey front, side and rear extension incorporating front and rear dormers, external alterations.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the scheme on the character and appearance of the host dwelling and the character of the locality.

Reasons

3. Informally arranged dwellings from a limited range of designs and finishes; partially screened by detached double garages with barn hips located at the front of the dwellings; informal building lines; and areas of soft landscaping contribute to the individual character and appearance of this estate.
4. Other than the Appeal dwelling the dwellings in Grantchester Close are set back from the road by at least 11 metres and their garages are located in front of them. The Appeal site occupies a prominent corner position within the road and is wider and comparatively shorter than other plots in the road. Although the Appeal dwelling is just 4 metres from the road at its closest point, the property appears spacious within the road. This is due to the open areas of grass on the southwest side and to the front of the dwelling and the open gap between the dwelling and the garage.
5. With the Appeal proposal the distance between the dwelling and the road would be reduced to less than 2.3 metres at its closest point and a significant proportion of the grassed area to the side of the dwelling would be built on. At the same time the gap between the house and its garage would be lost and the dwelling would be extended to the front of the garage and the existing hall and w.c. Overall the width and mass of the dwelling would be approximately doubled, adding to the sense of enclosure within the shallow rear garden area and increasing the dwelling's prominence within the road.

www.planningportal.gov.uk/planninginspectorate

6. As a result of these factors the resultant dwelling, which would be the largest on the estate, would appear cramped on the plot and out of keeping with the character and spatial characteristics of Grantchester Close and the estate. The situation would be exacerbated by the siting of the dwelling alongside No.12 Grantchester Close. This is because the dwelling at No.12 has already been extended and together the two dwellings would form an almost continuous line of unrelieved development across of the frontage of both plots. Their combined mass and prominence when viewed from the street scene would be totally out of keeping with the surrounding development.
7. The extended dwelling at No.12 does not occupy a prominent corner site and is not as deep or as wide as the proposed resultant dwelling at No.11. In addition, No.12 has retained its detached garage which breaks up the linear design and mass of the dwelling. As such it is not comparable to the Appeal scheme.
8. Detached double garages located within the front gardens of each property are a particular design feature of the estate. With the proposal the garage at No.11 would be lost, which would be out of keeping with the concept of the original estate.
9. It is acknowledged that the extensions have been designed to a high standard and that the resultant dwelling would, in itself, be well proportioned and detailed. However due to its siting, width and mass the resultant dwelling would fail to respect or relate satisfactorily to the pattern and character of the development within the estate. It would also fail to respect the scale and mass of the existing dwelling.
10. As stated in paragraph 6.52 of the Council's Supplementary Planning Document – *Residential Design Guide* (SPD), side extensions on corner plots should reflect the pattern of development in the street scene, in particular where the character is one of openness. Consideration will be given to established character, projection of the extension beyond existing building lines, visual impact and relationship to side boundaries. Given the characteristics of the estate and the importance of the Appeal site within the street scene the resultant dwelling would appear visually overbearing and cramped on the site notwithstanding the fact that it would be sited well in excess of one metre from the side boundary.
11. Finally, consideration has been given to the benefits for the Appellant and his family which would result from the proposed additional accommodation. However they would not outweigh the harm identified above.
12. I conclude on the main issue that the proposal would materially and unacceptably harm the character and appearance of the host dwelling and the surrounding area. It would therefore conflict with policies 7.4B and 7.6B of The London Plan 2011, policy D4 of the Harrow Unitary Development Plan 2004, policy CS1.B of the emerging Harrow Core Strategy 2011 – 2026 and the advice in the Council's SPD. Collectively and amongst other things these policies and advice require new development to respect host buildings, maintain an adequate distance between buildings and site boundaries and have regard to the scale and mass of existing buildings. It should respond positively to the local context in terms of siting, density and spacing and should not harm the character of suburban areas.

Other matters

13. The proposal includes a recreational studio which would have bi-folding doors to the front and rear. If these doors were opened the use of the studio for activities involving amplified music or the playing of musical instruments could result in a material level of noise disturbance for the occupants of adjacent and nearby dwellings. This is irrespective of whether the studio was used for domestic or commercial purposes.
14. On the basis of the very limited information provided regarding the use of the proposed studio, the concerns of local residents about possible noise nuisance appear to be justified. Whilst the commercial use of the studio could be controlled through condition, little evidence has been submitted to demonstrate that any domestic use of the studio would not harm the living conditions of local residents due to noise and disturbance. As such this amounts to an additional reason for dismissing the Appeal.
15. The resultant dwelling would be a maximum of 7.46 metres in height and would be located some 8.5 metres to the south of the dwelling at No.10. At the same time there are a number of trees along the boundary between the two properties and the main aspects of the dwelling at No.10 are to the southwest and northeast.
16. The rear first floor window in the extension on the northeast side of the Appeal dwelling would only serve a shower room and the rear first floor windows of the proposed extension on the southwest side would look out towards the garage and parking area at No.10. As a result the proposed extensions would not result in a material level of over-shadowing or over-looking of the house and gardens at No.10.
17. As there are no first floor windows in the southwest elevation of the proposed resultant dwelling, the scheme would not result in a material loss of privacy for the occupants of Nos.7 & 8. Similarly the first floor windows in the northeast elevation of the proposed resultant dwelling would be either obscure glazed or high level. Accordingly they would not result in a material loss of privacy for the occupants of No.12.
18. It is noted that the proposal would involve the loss of the garage and part of the parking area to the front of it. However there would still be sufficient space on site for the parking of 2/3 cars and on-street parking is unrestricted. This should be sufficient to meet the normal day-to-day needs of the occupants of the dwelling.
19. Foul and surface water drainage would be dealt with under the Building Regulations and any covenants on the land are a private legal matter.
20. Having regard to the details submitted by the Appellant the proposed extensions would be unlikely to cause material short or long term harm to any trees. This is provided they were properly protected during the construction of the development, which could be controlled through the imposition of conditions.
21. Finally, in assessing the impact of the Appeal scheme the policies in the National Planning Policy Framework (NPPF) have been considered, however in light of the facts in this case the NPPF does not alter my conclusion.

Conclusion

22. Whilst I have found in favour of the Appellant on some points my conclusion on the main issue and in relation to noise and disturbance amount to compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

E Lawrence

INSPECTOR

ITEM NO: 2/05
ADDRESS: GARVARNIE, 4 PENKETH DRIVE, HARROW
REFERENCE: P/2982/12
DESCRIPTION: RETROSPECTIVE APPLICATION FOR SWIMMING POOL WITH HARD STANDING AND ALTERATIONS TO GROUND LEVELS; FENCING ; DETACHED OUTBUILDING; BOUNDARY WALL
WARD: HARROW ON THE HILL
APPLICANT: MR RYAN O'LEARY
AGENT: STEENE ASSOCIATES (ARCHITECTS) LTD
CASE OFFICER: CALLUM SAYERS
EXPIRY DATE: 17/06/2013

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions:

REASON

The development within the rear of the property is proportionate to the scale of the host property and represent appropriate additions that preserve the character and appearance of the Mount Park Estate Conservation Area. Furthermore, the development as a result of its location, scale and siting does not unacceptably harm the amenities of neighbouring occupiers through any loss of privacy, overlooking or disturbance. 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, the Development Management Policies Local Plan 2013, The Harrow on the Hill Conservation Area SPD (2008), Appendix F Mount Park Estate Conservation Area Appraisal and Management Strategy and the Supplementary Planning Document (SPD): Residential Design Guide (2010).

INFORMATION:

Statutory Return Type: Householder Development

Council Interest: None

Net Additional Floorspace: 35sqm

GLA Community Infrastructure (CIL) Contribution: N/A as net additional floor area would be under 100sqm

INFORMATION

The application is reported to the Planning Committee because under proviso E of the Council's Scheme of Delegation, the Divisional Director of Planning considers it to be potentially controversial due to objections and petition received.

Site Description

- Gavarnie, No.4 Penketh Drive is a detached house located on the southern side of a private access road which extends eastwards from Penketh Drive and serves Nos. 2, 3 and Gavarnie, 4 Penketh Drive.
- Gavarnie, No.4 Penketh Drive has a cottage style appearance with a large pitched roof with a crown on top.
- To the south of the application site is another private access road which extends eastwards from Penketh Drive and serves No.5, No.6 and No.7 Penketh Drive.
- The northern boundary of the application site abuts the rear gardens of 3 terraced properties, Cornermount, Coreopsis and Penketh.
- The eastern boundary of the site abuts the rear garden of Broomhill which is designated as Metropolitan Open Land.
- The site is located within the Mount Park Estate Conservation Area.

Proposal Details

The proposed application is to retain a number of works that have already been carried out on the site. The works sought to be retained are;

- It is proposed to retain the existing swimming pool within the rear garden.
- The raised decking/hardsurfacing paving that is situated around the swimming pool in the rear garden. The hard standing within the rear garden results in a site coverage of 266m². This hardstanding figure includes the pathways and the area around the detached outbuilding.
- The detached outbuilding located on the south eastern corner of the property. The detached outbuilding is circular in appearance with a cone style roof, and on the south eastern elevation a flat roof feature projects towards the eastern elevation. The outbuilding 1.9m high at the eaves and has a maximum height of 3.8m high from the existing ground level. The flat roof structure has a 2.5m high. The outbuilding is a purpose built entertainment facility for the occupiers of the application property.
- The rear garden has been subject to a considerable amount of infill earthworks, which have increased the natural ground level. The submitted plans indicate that the rear most part of the rear garden been raised by approximately 1.0m.
- The boundary wall on the southern rear elevation has been altered and it is proposed to erect a new retaining wall on this boundary. No information has been submitted with regard to the new retaining wall.

Relevant History

P/2596/11

Demolition of existing conservatory and attached garage; single and two storey side extension incorporating balcony over existing garage roof; rear dormer and insertion of two rooflights in rear roofslope

Withdrawn 07/09/2011

P/3074/11

Two storey side extension; rear dormer and two conservation style roof lights; part demolition of garage & conservatory and retention of existing garage doors

Granted 05/01/2012

P/0314/12

Two Storey Side Extension; Rear Dormer And Two Conservation Style Roof Lights; Part Demolition Of Garage & Conservatory And Retention Of Existing Garage Doors; Proposed Basement
Granted 03/04/2012

P/1109/12

Construction Of Two-Storey Side Extension And Rear Dormer; Rooflights In Rear Roof Slope And External Alterations
Refused 13/07/2012

Reason for Refusal:

1. The proposed two storey side extension by reason of its excessive size, bulk and width would be an unduly obtrusive form of development that would detract from the character and appearance of the existing property and result in the unacceptable loss of an existing open gap which is a characteristic feature of this and other properties in this conservation area. The proposal would therefore fail to preserve or enhance the character and appearance of the existing dwellinghouse and the Mount Park Estate Conservation Area, being contrary to the National Planning Policy Framework, policies 7.4B, 7.6B and 7.8D of the London Plan (2011) and saved policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004), and adopted Supplementary Planning Document: Residential Design Guide (2010), and the provisions of The Harrow on the Hill Conservation Areas SPD: Appendix 4(f) Mount Park Estate Appraisal and Management Strategy (2008).

P/1110/12

Conservation Area Consent: Demolition Of Single Storey Garage And Conservatory (Retrospective Application)
Withdrawn

P/1104/12

Construction Of Detached Garage At Side Of Dwellinghouse
Refused: 12/06/2012

Reason for Refusal:

The proposed detached double garage by reason of its siting, excessive size, bulk and height, when viewed in conjunction with either of the extant planning permissions ref: P/3074/11 and ref: P/0314/12, would result in an unduly obtrusive form of development, that would result in the unacceptable loss of an existing open gap and greenery which is a characteristic feature of this and other properties in this conservation area. The proposal would therefore fail to preserve or enhance the character or appearance of the existing dwellinghouse and the Mount Park Estate Conservation Area, being contrary to the National Planning Policy Framework, policies 7.4B, 7.6B and 7.8D of the London Plan (2011) and saved policies D4, D10, D14, D15 and D16 of the Harrow Unitary Development Plan (2004), and adopted Supplementary Planning Document: Residential Design Guide (2010), and the provisions of The Harrow on the Hill Conservation Areas SPD: Appendix 7 Mount Park Estate Appraisal and Management Study (2008)
Appeal Allowed (APP/M5450/D/12/2181629) subject to conditions: 24-OCT-12

P/3098/12

Details pursuant to condition 3 (samples) and 4 (Arboricultural Method Statement) to P/1104/12 granted on appeal dated 24/10/12 for construction of a detached garage at side of dwellinghouse

Applicants Submission Documents

- Design & Access Statement

Consultations

Conservation Area Advisory Committee:

- Levels have been changed but there is no indication of trees.
- Need section through the pool, decking area and area which will be covered to see what has happened.
- Has it been raised whether any trees have been cut down.
There is inadequate information to make a judgement.
- There are no photographs but there should be if it is retrospective.

Conservation Officer: No Objection subject to conditions

Building Control: On site it was found that that approx. 1.0m of earth was being retained by an existing timber ship lap fence at the boundary with Westbourne House, Mount Park Road. It is unlikely that the fence has any inherent strength as a retaining structure and due to prolonged exposure to the retained subsoil the timber will rot and disintegrate.

At the boundary to the rear a concrete fence panelled structure has been installed behind existing ship lap fence panelling with the boundary with No 4 Penketh Drive. Whilst this structure will offer some resistance to the pressure of the retained sub soil without structural calculations I am unable to give any further guidance on its strength. Again without protection against the moisture in the subsoil the fence will ultimately deteriorate over a period of time. From inspection the boundary between Gavarine and Coreopsis does not appear to be an issue.

Drainage Engineer:

- The owner of the property confirmed that no drainage near the retaining wall had been installed and its apparent if any plastic lining had been used but full details of the constructed wall should be requested.
- Raising ground levels with no drainage provision would have an impact on the surrounding areas. It's often a 'solution' to the problem of waterlogged gardens.
- Any additional hard standing areas should have been constructed as permeable otherwise stormwater drainage should be installed

Tree Officer:

- The willow tree within the rear garden has had the surrounding soil built up around its trunk. This would need to be removed using hand tools to a perimeter of 1.0m. Subject to such a condition there is no objection to the scheme.

Mount Park Residents Association

- Excessive lighting in the rear garden is harmful to the nocturnal wildlife in the area.
- Loss of greenery
- Damage to existing trees on the site which have been excessively pruned.
- The change in levels of the rear garden has had an adverse impact on the drainage of the site.
- Excessive hard surfacing on site which again may lead to surface runoff issues.

- The outbuildings on the raised ground level are unneighbourly and the design is out of keeping with the conservation area.
- Swimming pool does not appear to have been granted planning permission.

Harrow Hill Trust

- Many of the trees in the rear garden have already been removed, prior to a planning application being made.
- Earthworks are more substantial than that which has been shown on the plans submitted.
- The increase in ground level has resulted in the bar/hut is elevated above the boundaries with the adjoining properties and allows views into the rear gardens.
- Excessive hardstanding is contrary to the policies within the Mount Park Conservation Area.
- Retaining walls are 2.0m high and due to the fill deposited on site are beginning to buckle.
- The base/trunk of the Willow tree (subject to a TPO) in the rear garden has been partially buried, which may result in the tree being slowly killed.

Newspaper Advertisement: 20th June 2013

Expiry Date: 10th July 2013

Site Notice: 14th June 2013

Expiry Date: 5th July 2013

Notification:

Sent: 24

Expiry: 26th July 2013

Responses received: 15 objections and petition (objecting) with 29 signatures

Neighbours Notified:

Street Record, Penketh Drive, Harrow

Hill House, Mount Park Road, Harrow, HA1 3LB

Penketh, Mount Park Road, Harrow, HA1 3LB

The Site, Mount Park Road, Harrow, HA13JY

Broomhill, Mount Park Road, Harrow, HA1 3JY

Lyndsey House, 6 Penketh Drive, Harrow, HA1 3JX

Coreopsis, Mount Park Road, Harrow, HA1 3LB

Cornermount, Mount Park Road, Harrow, HA1 3LB

The Sanctuary, 7 Mount Park Road, Harrow, HA1 3JX

Southwind, 3 Mount Park Road, Harrow, HA1 3JX

1, 2, 3, 4, 5, 6, 6a, 7 Westbourne House, Mount Park Road, Harrow, HA1 3JT

Garages adjacent to flats, Westbourne House, Mount Park Road, Harrow.

Westbourne House, Mount Park Road, Harrow, HA1 3JT

Amaris, Hill Close, Harrow, HA1 3PQ

The Coach House, 2 Penketh Drive, Harrow, HA1 3JX

Chellow Glade, 5 Penketh Drive, HA1 3JX

Stoneham Lodge, Mount Park Road, Harrow, HA1 3LD.

Summary of Response(s):

- All works have been undertaken without planning permission
- No permission for works to trees
- Rear ground level at the property is 8 feet above existing with no adequate drainage

or retaining walls

- Detached outbuilding results in overlooking into neighbouring properties and result in increased levels of noise and overlooking
- Hard surfacing on site is excessive and extends for more than around the swimming pool. Such as around and within the outbuildings to be retained.
- Development is out of keeping for a normal single family size use
- Swimming pool could have a serious impact on the water infrastructure of the area.
- Nuisance of construction has not been mitigated.
- Since the works have been carried out there has been significant stormwater runoff into neighbouring properties
- Concern over the stability of the raised ground levels.
- Loss of privacy
- Outbuilding is out of character with the Mount Park Conservation Area.
- Granting permission to this would set a precedent.
- Concerns over the scale, style and effect of the development which is not in keeping with the principles of the Mount Park Conservation Area.
- Excessive lighting in the rear garden is harmful to the nocturnal wildlife
- Hardstanding around the pool would be much more audible than that previously.
- Removal of boundary landscaping results in the hut/bar being much more visible.
- The development has destroyed the green and tranquil conservation area.

Summary of Petition

- Installing a swimming pool with significant associated hard standing and etceteras
- The felling of a significant number of trees (within a TPO area), shrubs, hedges and other landscaping which have made a significant contribution to the area.
- The installation of a significant amount of lighting in the garden.

Background

A number of trees have been removed from the site previously. However, these have been reviewed by the Council Arboricultural officer and do not make up part of this application. The assessment in terms of this application in relation to trees is therefore restricted to the impacts that the development would have on the existing trees on the site.

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

Character and Appearance of the Mount Park Estate Conservation Area
Residential Amenity
Trees and Development
Land Stability and Flood Risk and Development
Equalities Implications
S17 Crime & Disorder Act
Consultation Responses

Character and Appearance of the Area and the Mount Park Conservation Area

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policy DM7 goes on to state among other things that proposal should secure the preservation, conservation or enhancement of a heritage asset and its setting. This policy broadly reflects policies 7.4.B and 7.6.B of The London Plan 2011 and gives effect to policies CS1.B, CS1.D and CS3 of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm.

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 [SPD] requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building.

The Harrow on the Hill Conservation Area SPD (2008) provides specific guidance in relation to the conservation areas that are located within the Harrow on the Hill Area. Appendix F of this SPD provides information and guidance specifically to the Mount Park Estate Conservation Area Appraisal and Management Strategy (CAAMS). The Mount Park Conservation area is noted as having a special interest due to the areas historic dwellings set in spacious gardens, which among other things leads to a quiet and tranquil atmosphere. The landscape, trees and open spaces are the most defining characteristics of the area. The area is undulating and in places, park like, prettily studded with finely grown forest trees. Its sylvan character is particularly appealing, providing the area with strong identity and an almost semi-rural feel.

The southern end of the rear garden has had the natural ground level raised. The existing plans provided do not appear to accurately reflect the variation in the ground level. However, the plans show that there is an increase in height of the ground level by approximately 1.0m between the rear boundary fence and the existing outbuilding structure. A retaining wall is currently in place along the rear boundary, although there is concern over the structural integrity of this structure. The raising of the rear garden in and of itself is considered to not unacceptably harm the character of the property or the Mount Park Conservation Area. However, given its raised nature, any structures built on this are more prominent. It was noted on the site visit that there is a significant amount of soft landscaping on the site, albeit relatively juvenile. Notwithstanding this, it is clear that the soft landscaping is a genuine attempt to screen the property and also enhance the appearance of the site. However, it does appear that the infilling of the rear garden is more substantial on site than shown on the existing plans submitted in support of the application. The infill of the rear garden has resulted in a significant amount of soil that has been deposited to the rear of the property, with a ship-slap fence on the rear boundary inside the wooden boundary fence.

Boundary Fencing

Given that the existing ground level has been raised, the applicant has erected more height to the western and southern boundary by way of bamboo style additions. These additions do assist in providing screening to and from the property, although have the potential to appear as ad hoc and unsympathetic additions within the area. However, it is considered that given the lightweight nature of the materials used, in conjunction with the soft landscaping along these boundaries, the increase in height of the fencing does not unacceptably harm the character of the property or the Mount Park Estate Conservation Area.

Swimming Pool and Hardstanding

There is an existing swimming pool that has been installed within the rear garden of the property, with tile decking around the pool and with a pathway to the existing outbuilding in the rear garden. It is noted that within the development description it has been proposed to retain the existing swimming pool. However, the installation of a swimming pool at this property has been installed under Permitted Development thresholds and therefore does not require planning permission. As such it would be unreasonable to refuse planning permission on the basis that the swimming pool is present. An article 4 directive is in place on the property which restricts certain development to the property that would otherwise be able to be undertaken under the permitted development legislation. In this instance it relates to a restriction on hardstanding being erected on site, and therefore all hardstanding currently on site in the rear garden is unauthorised.

The hardstanding that is located within the rear garden is 266m² (inclusive of hardstanding around the pool, pathway and area under the outbuilding structures). The rear garden would have a balance of 378m² of the rear garden in soft landscaping remaining. Furthermore, it is noted on site that the southern boundary has been landscaped. Whilst it is acknowledged that there is a significant amount of hardstanding located within the rear garden, there is still nonetheless a significant amount of soft landscaping retained. The hardstanding would be of a proportionate coverage of the rear garden, and with the remaining soft landscaping would continue to ensure that the property appears as an open and spacious garden which maintains the sylvan nature of the area as detailed within the CAAMS.

Outbuilding

Located in the rear garden is a detached outbuilding which is a circular style hut structure with a flat roof element projecting towards the southeastern corner of the property. The outbuilding is a purpose built feature with bar and entertainment facilities located within it. The circular element has walls, and the flat roof element projecting from this is open-sided. The existing site plan demonstrates that the outbuilding is located within the existing garden level, with the garden area raised located to the south of this. However, a site visit to the property appeared to indicate that substantially more of the rear garden has been raised than what is shown on the submitted plans. As a result of this the outbuilding appears to be situated higher within the site than the pre-existing ground levels. The outbuilding is therefore a more prominent feature within the rear garden. However, notwithstanding the raised nature of the outbuilding, it still appears as a suitable addition to the rear garden and not appear as a dominant feature or a cramped development within the rear garden. Furthermore, it is noted that the outbuilding is located within a setting of well established vegetation, which assists in screening the structure from the wider area.

The Councils Conservation Officer has reviewed the application and has concluded that the development does not unacceptably impact on the character of the Mount Park Estate Conservation Area, and subject to conditions would be acceptable. In summary, in terms of its impact upon the character and appearance of the existing residential area, it is considered that the proposal would accord with the aims and objectives of policies 7.4B, 7.6B and 7.8 of The London Plan (2011), Core Policies CS1B and CS1.D of the Harrow Core Strategy (2012), policies DM1 and DM7 of the Harrow DMP, The Harrow on the Hill Conservation Area SPD (2008), Appendix F Mount Park Estate Conservation Area Appraisal and Management Strategy, and the adopted SPD: Residential Design Guide (2010).

Residential Amenity

The proposed rear garden where the property adjoins the common boundary with The Sanctuary and The Site has been raised by approximately 1m. The existing open sided outbuilding has been erected on this raised ground level, along with a flat roof style feature off the eastern elevation. The height of both these features as demonstrated on the proposed plans are 3.8m and 2.5m respectively. However, the actual maximum height would be a further 1.0m higher from the common boundary with the adjoining properties which have not been subject to a raising of the natural ground level. As such the existing outbuilding has a maximum height of 4.8m above natural ground level and the flat roof structure 3.5m. Notwithstanding this, the applicant has planted soft landscaping along the southern boundary between the outbuilding and the property boundary. However, views of the outbuilding are likely to be had from the adjoining properties at No. 3 Penketh Drive, The Sanctuary, The Site and Hill House. This view would decrease however once the soft landscaping along the southern boundary becomes more established and mature.

The outbuilding is located at the rear of the site which adjoins three neighbouring residential properties. An objection has been received which notes that the prominent siting of the outbuilding, open sided nature, and specific use of the outbuilding would result in an increase in noise and disturbance to the amenities of neighbouring occupiers. The use of the outbuilding would remain as an ancillary use to the residential nature of the property, and any use of the outbuilding for entertainment purposes in relation to the residential use of the house would not change the use of the property. Whilst it is acknowledged that that outbuilding appears to be a purpose built entertainment area, there can be no restriction on such a use of a structure at the rear of the property. Any form of outbuilding that is erected within the rear garden, subject to scale and appearance, could be used for entertainment purposes provided it was still ancillary to the residential use of the main dwelling on site. It is therefore considered that the outbuilding within the rear garden would not give rise to unacceptable harm to the amenities of neighbouring occupiers through an increase in noise and disturbance. If such a statutory nuisance occurs then this falls outside the remit of planning legislation and is within the remit of Environmental Health.

An objection has been received regarding a loss of privacy and overlooking as a result of the development.

The residential property at No. 3 Penketh Drive is located directly to the west of the application site, and is of a similar topographical appearance as the application property. The main dwelling is to the front (north) of the site and the rear garden slopes away steeply from the rear elevation. Given this relationship, from the rear of the dwelling the rear garden of the application property is therefore somewhat more visible. Noticeable

from the rear elevation of the property at No. 3 Penketh Drive is the circular roof of the outbuilding. However, the outbuilding is set within the existing soft landscaping and away from the common boundary with No. 3 Penketh Drive. It is therefore considered that the outbuilding is not be harmful to the amenities of occupiers of this property through any overbearing nature or a loss of outlook, light or privacy.

In relation to The Sanctuary, the outbuilding is located some 15m away from the dwelling within this site. Furthermore, it is noted that there is an existing detached garage within The Sanctuary that partially screens the outbuilding from this dwelling. In addition, this boundary has already been subject to substantial soft landscaping which again would assist in screening the outbuilding from this property.

The Site is located to the south east of the application property, with the main dwelling being some 28m away from the existing outbuilding. Again, The Site has a detached outbuilding located on the common boundary with the application property. Whilst it is acknowledged that the outbuilding at The Site is located lower than the outbuilding on the application property, it does provide some screening. Further soft landscaping along this boundary within the application site would further assist in screening the development from this neighbouring property. A condition has been recommended to demonstrate how soft landscaping would be implemented and maintained onsite accordingly.

Hill House is located to the east of the application site and the existing outbuilding is some 50m from the dwelling to the rear of the house. It was noted on site that there is both a 2m high fence along the common property boundary, and some soft landscaping on the Hill House property which assist in screening the outbuilding from dwelling on site. Again, there is limited soft landscaping within the application property along this boundary, and further landscaping would assist in screening the development further. As mentioned previously, a condition has been recommended to demonstrate how soft landscaping would be implemented and maintained onsite.

The application site has boundary treatment that abuts four neighbouring properties, and each to some degree acting as a retaining wall. The earthworks that have been carried out are considered to not unacceptably harm the amenity of neighbouring properties. The safety and integrity of the earthworks are considered below under section 4 of the appraisal.

It is therefore considered that in summary, notwithstanding the objections received, and subject to safeguarding conditions, the development would not unacceptably harm the amenities of neighbouring occupiers through unacceptable noise and disturbance or through a loss of privacy or overlooking. It is therefore considered that the developments impact on residential amenity is satisfactory and would accord with London Plan (2011) policy 7.6B, DM1 and the adopted Supplementary Planning Document - Residential Design Guide (2010).

Trees and Development

Policy DM22 of the Harrow Development Management Local Policies Plan (2013) generally seeks to retain trees, especially protected trees. It is noted that on site there is a Willow Tree within the rear garden that is located within the area of land that has been subject to infill.

A number of objections have been received regarding the works that have previously been undertaken to the trees on the site. The current planning application does not

propose to regularise any works to these trees, and furthermore these matters have been dealt with through the Councils Tree Officer. However, the earthworks that have been undertaken at the site have resulted in the ground level being raised up the trunk of the Willow Tree in the rear garden, which is subject to a Tree Protection Order (TPO). Such an arrangement could lead to damage to the tree and as such a condition is recommended to ensure that the earthworks around the trunk of this tree be removed out to at least 1.0m. Furthermore, to ensure there is no damage to the Willow Tree, this would need to be done by hand tool rather than by any heavy machinery.

It is therefore considered that notwithstanding the objections received regarding harm to trees, and subject to appropriate conditions, the development would not unacceptably harm the trees that are located on the site. As such it is considered that subject to conditions the development would accord with policy DM1 and DM22 of the Development Management Local Policies Plan (2013).

Land Stability, Flood Risk and Development

Paragraph 109 of the NPPF states among other things that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and for remediating and mitigating unstable land where appropriate.

Paragraph 120 of the NPPF seeks to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

On site it was found that that approx. 1.0m of earth was being retained by an existing timber ship lap fence at the southern boundary with The Sanctuary, off Penketh Drive. Council Building Control Officers have reviewed the fence in situ, and have commented that it is unlikely that the fence has any inherent strength as a retaining structure and due to prolonged exposure to the retained subsoil the timber will rot and disintegrate. This would be of a similar situation to the property at No. 3 Penketh Drive, which has a fence retaining some of the infill earthworks on that common boundary.

It is therefore considered that given the relatively light weight nature of any retaining structures that are currently in situ, and the lack of information relating to their structural integrity, the raised ground level cannot be demonstrated as being satisfactorily retained whereby complying with the requirements of the NPPF (2012). However, it is considered that with an appropriately worded safeguarding condition, details could be submitted to demonstrate the level of retention that would be required to ensure that the infill earthworks would be satisfactorily retained. Subject to such a condition, it is considered that the proposed earthworks would be appropriately retained therefore would accord with paragraphs 109 & 120 of the NPPF (2012).

Objections have been received that as a result of the earthworks that have been carried out on site, there has been an issue of flooding surrounding the site. It is acknowledged that the alteration to the ground level is a likely contributor to exacerbating any flood risk or stormwater run off from the site and into the wider area.

The Council's Drainage Engineer has visited the site and inspected the rear garden. It was confirmed by the owner on site that no drainage facilities had been installed near the retaining wall, which may lead to degradation of the retaining structures that are already in situ. Furthermore, it was acknowledged that by raising the level of the rear garden is likely that this would lead to adverse flooding impacts on neighbouring properties if no stormwater attenuation has been installed. It does not appear that as part of the earthworks to the site that the applicant has made provision for stormwater attenuation.

Given that there has been no evidence to demonstrate how stormwater generated from the site would be satisfactorily disposed of, it is considered appropriate that a condition be recommended requiring evidence of how on site stormwater would be disposed of in an appropriate manner without unacceptably harming neighbouring properties or exacerbating floodrisk within the area. It is therefore considered that notwithstanding the objection received regarding this matter, subject to an appropriate safeguarding condition, the development would comply with policy 5.12 of The London Plan (2011) and policies DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

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. It is considered that this application would not have any impact on equalities.

S17 Crime & Disorder Act 1998

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011).

Consultation responses

The objections relating to character, impact on the Mount Park Estate Conservation area and neighbouring amenity has been addressed within the above appraisal. Those that have not been specifically addressed are covered below.

- Granting permission to this would set a precedent.
The granting of the permission would not lead to a precedent being set, as each planning application is assessed on its own merits.
- Excessive lighting in the rear garden is harmful to the nocturnal wildlife
The lighting that is within the rear of the property is ancillary to the residential use of the property.

- Light nuisance

The lighting that is within the rear of the property is ancillary to the residential use of the property.

CONCLUSION

The development within the rear of the property would be proportionate to the scale of the host property and would represent appropriate additions within the Mount Park Estate Conservation Area. Furthermore, the development as a result of its location, scale and siting would not unacceptably harm the amenities of neighbouring occupiers through any loss of privacy, overlooking or disturbance.

For these reasons, 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 carried out in accordance with the following approved plans and documents: DB256-01, DB256-02 (REV B), DB256-03 (REV A), DB256-500, DB256-501, Location Plan

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

2 Within two months of this decision being granted, details of retaining structure(s) for the raised level of the rear garden shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate retaining structure(s) that are structurally fit for purpose for the level of infill hereby granted planning permission. Within one month of any details approval the works shall be implemented and retained as such thereafter.

REASON: To ensure that the area of the application property subjected to earthworks remains stable and are not a health and safety issue for future occupiers or adjoining occupiers, in accordance with the requirements of the NPPF 2012.

3 Within two months of this decision being granted, details of on site storm water attenuation shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how on site stormwater will be dealt with on site. Within one month of any approval of such details, the measures shall be implemented and retained as such thereafter.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance the recommendations of Core Strategy (2012) policy CS1, the NPPF and policies DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

4 Notwithstanding the details shown on the approved drawings, the development hereby permitted, within two months of this decision, a revised landscape plan and landscape strategy shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B, and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

5 All planting, seeding or turfing comprised in the approved details of landscaping plans shall be carried out in the first planting and seeding seasons following the physical works required by Conditions 2 & 3 above. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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 policies DM1 and DM22 of the Harrow Development Management Policies Local Plan 2013.

6 Prior to any development on site associated with Conditions 2 and 3 of this permission, a tree root protection plan shall be submitted to and approved in writing by the Local Planning Authority. The tree root protection plan shall be implemented throughout the construction phase of any physical works associated with Conditions 2 and 3 of this permission.

REASON: To safeguard the health of existing soft landscaping located onsite and on the boundary of neighbouring properties, thereby according with policy 7.4.B of The London Plan 2011, and policy DM22 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]:

3.1.B – Ensuring Equal Life Chances for All

5.12.B/C/D – Flood Risk Management

7.4.B – Local Character

7.5.B – Public Realm

7.6.B – Architecture

7.8 – Heritage Assets and Archaeology

The Harrow Core Strategy 2012

CS1 – Overarching Policy

CS3 – Harrow on the Hill & Sudbury Hill

Harrow Development Management Local Policies Plan (2013)

Policy DM1 – Achieving a High Standard of Development

Policy DM7 – Heritage Assets

Policy DM9 – Managing Flood Risk

Policy DM10 – On site water management and surface water attenuation

Policy DM 22 – Trees and Landscaping

Adopted Supplementary Planning Documents

Supplementary Planning Document: Residential Design Guide 2010.

Harrow on the Hill Conservation Areas SPD (2008)

Appendix F, Mount Park Estate Conservation Area Appraisal and Management Strategy (2008)

2 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.

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 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

5 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.

6 CONSTRUCTION METHODS

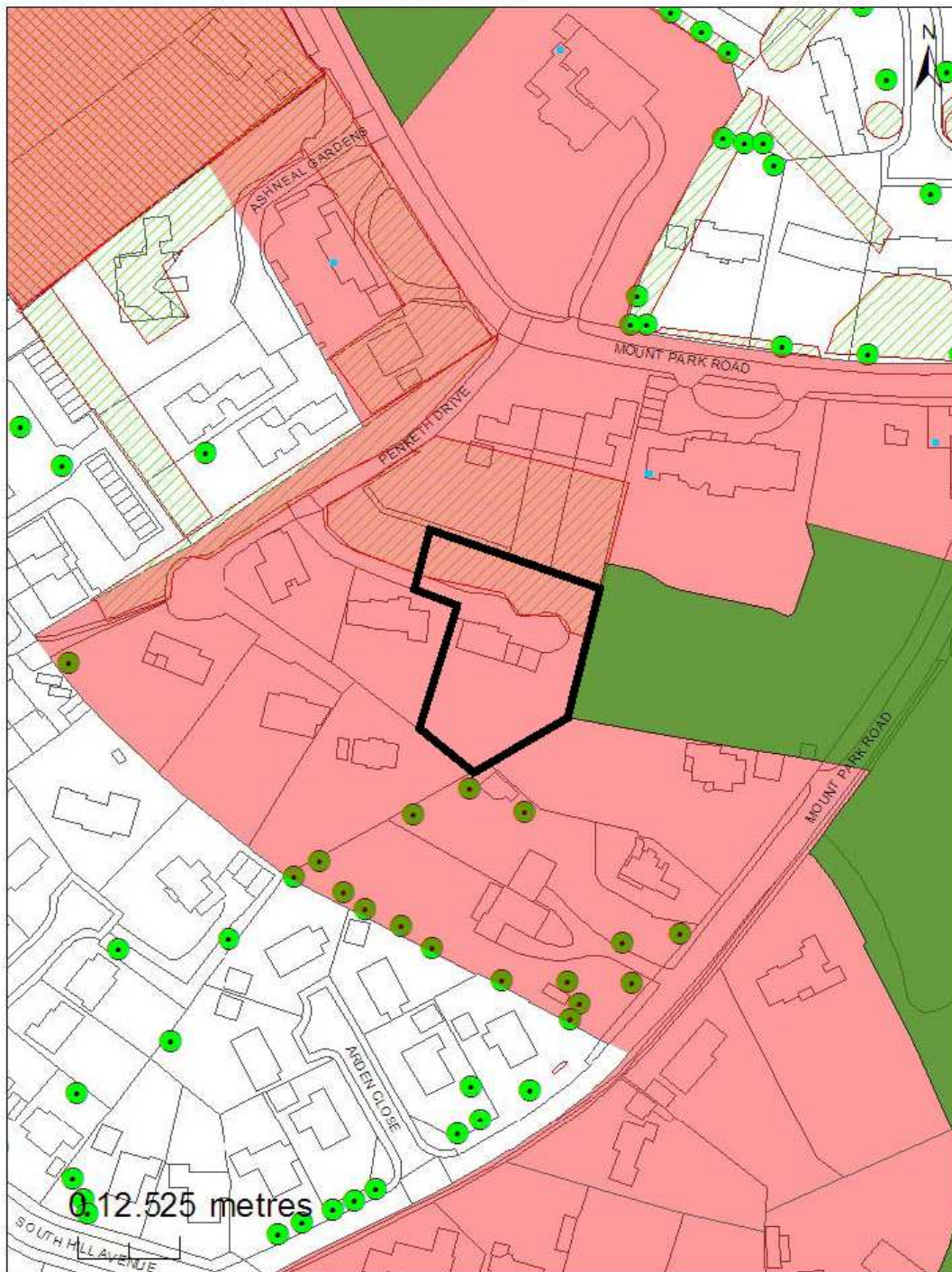
The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety

responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990).

Plan Nos: DB256-01, DB256-02 (REV B), DB256-03 (REV A), DB256-500, DB256-501,
Location Plan

GAVARNIE, 4 PENKETH DRIVE, HARROW



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Appeal Decision

Site visit made on 16 October 2012

by Sue Glover BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2012

Appeal Ref: APP/M5450/D/12/2181629

Gavarnie, 4 Penketh Drive, Harrow on the Hill, HA1 3JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan O'Leary against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1104/12 was refused by notice dated 12 June 2012.
 - The development proposed is a double garage on the side of the house.
-

Decision

1. The appeal is allowed and planning permission granted for a double garage on the side of the house at Gavarnie, 4 Penketh Drive, Harrow on the Hill, HA1 3JX in accordance with the terms of the application, Ref P/1104/12, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing no. 1162/03.
- 3) No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until an arboricultural method statement and tree protection plan including a scheme detailing the method of construction of the foundations of the garage, have been submitted to and approved in writing by the local planning authority. The method of construction shall be implemented as approved. The tree protection measures shall be implemented in accordance with the arboricultural method statement and tree protection plan prior to the commencement of construction works and shall be retained until the completion of the garage.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mount Park Estate Conservation Area.

www.planningportal.gov.uk/planninginspectorate

Reasons

3. This part of the conservation area is characterised by substantial houses of differing designs and ages, each within large gardens in a spacious wooded setting. The appeal dwelling is a relatively modest sized house with Arts and Crafts style features, but it has recently been extended to incorporate single and 2-storey extensions at the side. The house lies at the end of a private driveway within large grounds, and is otherwise surrounded by extensive vegetation.
4. This appeal proposal is for a detached double garage to be located on the site of a former car port, some 2m to the side of the single-storey extension. The garage would be modest in size, some 6m wide and 5.5m deep, with a shallow hipped 4m high roof. It would be set back from the front wall of the house, so that it would not be visible from the driveway approach.
5. The garage would appear clearly subordinate to the house as a small detached unit at the side. Although there would be some enclosure of the space between the house and the side boundary, there would remain large gardens at the front and rear, so that there would be no impression of a cramped development or a significant loss of spaciousness. There would be no sense of an enclosure of a gap between dwellings. I note also that the amount of additional hard standing at the front is small and surfaced with loose stones, so that it does not appear out of place in the woodland setting.
6. The site of the garage is open so that there would be no loss of greenery, although at the rear there is a mature cypress tree. Some of the development would fall within part of the tree's root protection area (RPA), but a large proportion of the RPA would remain free from development.
7. There is no objection by the Council's Tree Officer to the proposal, subject to conditions to require an arboricultural method statement and measures to protect trees during construction. Taking into account the position of the tree relative to the proposed development, I am satisfied that a condition could be imposed so that there would be no material harm to the long-term health of the cypress tree.
8. Taking all these matters into account, I conclude that the proposal would preserve the character and appearance of the Mount Park Estate Conservation Area. There would be no conflict with the objectives of Policies 7.4B, 7.6B and 7.8D of The London Plan, Policies D4, D10, D14, D15 and D16 of the Harrow Unitary Development Plan, the Mount Park Conservation Area Study, Mount Park Management Study, and the Residential Design Guide in this respect.
9. I have taken into account all other matters but I find none that justify dismissal of this appeal. I have imposed a condition requiring details of external materials and finishes to ensure a high quality finished appearance. There is also a condition to ensure the protection of trees to preserve the character and appearance of the conservation area. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Sue Glover INSPECTOR

ITEM NO: 2/06
ADDRESS: PARK HIGH SCHOOL, THISTLECROFT GARDENS, STANMORE
REFERENCE: P/0940/13
DESCRIPTION: VARIATION OF CONDITION 1 OF PLANNING PERMISSION EAST/298/96/VAR DATED 16-JUL-1996 TO ALLOW FOR USE OF SPORTS HALL BY MEMBERS OF THE PUBLIC FOR SPORTS PURPOSES
WARD: BELMONT
APPLICANT: MR EMLYN LUMLEY
AGENT: PEARSON ASSOCIATES
CASE OFFICER: GERARD LIVETT
EXPIRY DATE: 10 JUNE 2013

RECOMMENDATION

GRANT variation of condition, subject to the following:

REASON

The applicants have demonstrated a demand for use of the sports hall by third parties. While it is noted that the proposal could result in additional levels of noise, disturbance and traffic movements, the impacts of these could more reasonably be determined while the use is in implementation.

INFORMATION

The application is reported to the Planning Committee because the freehold of the application site is owned by the Council and is excluded by Proviso C of the Scheme of Delegation.

The application was deferred from the Planning Committee of 3 September 2013 to allow for consideration and consultation regarding additional information received from the applicant.

Statutory Return Type: Minor development, all other

Council Interest: Freehold owned by LB Harrow

Net additional Floorspace: 0 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable as development relates to a school.

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable as development relates to a school.

Site Description

- Park High School is located at the southern end of Thistlecroft Gardens, with a secondary access from Burnell Avenue
- The main school building is a two-storey brick building and was opened on 3 September

1939.

- The school has been extended with two-storey classroom additions at the east and west, and a new sports hall, which occupied part of Centenary Park, on the west side.
- The school has a hard surfaced playing area at the south of the main buildings, with additional classrooms beyond this.
- The site has a park on the west side, and a golf course on the southern side, with residential gardens on the north and east sides.
- During the summer of 2012, internal works were undertaken to provide improved kitchen and dining facilities.

Proposal Details

- The application proposes to vary the wording of Condition 14 attached to planning permission EAST/45063/92/OUT dated 03/09/1992 to allow public use of the sports hall for pre-booked sport and fitness purposes for up to 40 persons at any one time. The proposed opening hours would be 18.00 to 22.00 Monday to Friday and 09.00 to 17.00 Saturday and Sunday. The proposed sports would include badminton, five a side football, cricket, yoga and dance.

Revisions to Current Application

- When originally submitted, the proposal was described by the applicants as: Variation to wording of condition 14 of planning permission LBH/45063 dated 3/9/1992 to readThe sports hall shall be made available for public use in accordance with the details set out in the application statement.
- Additional information was received from the applicants on 3 June 2013 detailing the type of sports and other activities that would take place at the sports hall, the number of persons using the hall, the hours of operation and details of parking. The description of the proposal was changed to 'Variation of condition 14 of planning permission EAST/45063/92/OUT dated 03/09/1992 to allow public use of the sports hall for pre booked sport and fitness purposes for up to 40 persons at any one time. Proposed opening hours are 18.00 to 22.00 Monday to Friday and 09.00 to 17.00 Saturday and Sunday. Sports to include badminton, five a side football, cricket, yoga and dance.'
- Further consultation letters were sent on 10 June with the revised description and notifying of the additional information received.
- Additional information supporting the application was received from the applicant between 2 September and 16 September 2013.
- The description of the development was changed to the current description and further consultation letters were sent on 17 September. Details of the additional information received are noted in the Applicant Submission Documents section of this report.

Relevant History

EAST/45063/92/OUT – Two two-storey extensions to existing school and gymnasium building

Granted – 03-Sep-1992

EAST/298/96/VAR – Variation of condition 14 of planning permission EAST/45063/92/OUT to restrict the use of gym/sports hall to school use only

Granted – 16-Jul-1996

EAST/917/99/VAR – Revised variation of condition 14 of lbh/45063 to allow use of gym/sports hall for non school use

Refused – 16-Dec-1999

Reason for Refusal:

The proposal would result in an over intensive use of the site to the detriment of the amenity of neighbouring residents.

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- Planning Statement: Original grant of planning permission recognised that the School is on a restricted site. The original grant of permission allowed for public use of the sports hall and for the playground to be used for parking.
- The planning permission allowing for shared use of the sports hall was varied in 1996 to restrict the use to school use only.
- In 2010, the age range of pupils at the school was expanded to include Year 7 pupils.
- In 2011, the school converted to Academy status.
- There is a lack of indoor sports / leisure facilities in Harrow. Proposal would boost participation in sports and leisure activities
- There is significant local demand for indoor cricket facilities and Badminton England has identified Harrow as a priority area for the development of badminton.
- Sports hall is not intended to be used as a leisure centre or gym.
- Proposed opening hours would be 18:00 to 22:00 Monday to Friday and 09:00 to 17:00 on Saturday and Sunday. Numbers are likely to be between 20 and 30 an hour.
- Proposal would comply with relevant planning policies.
- A strict one-way system is operated by the school
- School has been approached by a number of bodies, including the Middlesex Cricket Board, Harrow Town Cricket Club and the Middlesex Championship
- School has also been approached by a cheerleading school and a ballet school
- School would be prepared to accept a temporary variation to allow a 'trial run'

Consultations

Stanmore Society: No response received

Highways Authority: On the premise that this proposed public use of the sports hall would fall outside of school operational periods which otherwise would potentially cause conflict in on-site parking demand terms, there are no material concerns on the condition that patron numbers are limited to the '40 persons per hour' suggested via a new planning condition. In this context parking provisions should be sufficient to minimise any measurable parking displacement on the adjacent highways during weekday evenings and weekends.

Site Notice

General Notification
Expiry: 2-Jun-2013

First Notifications

Sent: 101
Replies: 20
Expiry: 10-Jun-2013

Second Notifications (revised description)

Sent: 101

Replies: 20

Expiry: 24-Jun-2013

A petition, with a total of 151 signatures, was also received

Third Notifications (revised description and additional information)

Sent: 101

Replies:

Expiry: 01-Oct-2013

Addresses Consulted

Lamorna Grove: 46-76 (even)

Thistlecroft Gardens: 1-44 (inclusive)

Burnell Gardens: 1-43

Crowshott Avenue: 26-38 (even), 73-85 (odd)

Pitch and Put Golf Course, Centenary Park, Culver Grove

Summary of Individual Responses to first and second consultations

- Increased traffic volume and noise
- Lack of available parking on site
- Overintensive use
- Use at anti-social hours
- Increased litter
- Other spaces are available
- Detrimental to quality of life
- Incomplete notification carried out
- Reduction in property values
- Why has council allowed applicant to amend the application?
- Overspill parking: school has recently expanded which has exacerbated previous problems
- Roads filled with potholes and exacerbated by school traffic
- Council tax must be reduced for residents experiencing problems
- New facility to open in Camrose Avenue
- Disturbance after hall closes

Petition text: (received in response to first and second consultations)

We are concerned residents living at Burnell Gardens, Thistlecroft Gardens, Crowshott Avenue, Culver Grove and Lamorna Grove, Stanmore. Through the Centenary Park Action Group, we have learned of this proposal, submitted by the head teacher of Park High Scholl, Mr Lumley. We strongly object to any change of use or status for the sports hall, on the grounds that it will adversely affect our lives, enjoyment of our homes and may well devalue our property.

The change of use will result in the sports hall being used in unsocial hours including summer, weekends and evenings when the school is closed. The consequence being that we will have to suffer mass arrivals and departures of cars and people attending the various activities and functions. Our roads are already crowded with extra cars during the school arrival and departure times and to extend the hours when this will be happening will impact us severely. Furthermore, the school's car park does not have enough spaces for the events that take place; already teaching staff park in our roads during term times, as a result of lack

of space. In addition to the noise will be accompanied by petrol fumes, extra litter and even more congestion than we already experience in some of the narrow roads. Eg: in Burnell Gardens, cars park on both sides, including by school gates often blocking driveways or restricting drives.

Currently we are suffering from extra noise and inconvenience, due to extracurricular evening activities the school hosts. However, since these do not occur frequently, we tolerate them. Nonetheless, since the roads surrounding Park High School are residential, our acceptance cannot be continued if the activities become recurrent.

According to the Human Rights Act, article 8: the right to respect for private and family life, home and correspondence; the Harrow Council has a duty to protect our rights, by letting us enjoy peace and quiet within our own environment. The school is situated at the end of T roads - Burnell Gardens and Thistlecroft Gardens. Therefore residents have to suffer the traffic congestion in these narrow roads most of the time. Since we chose to live in the neighbourhood of a school, we will accept the normal problems of school life during term time. However, we strongly object to having these extra nuisances imposed on us during the weekends, summer and evenings as well.

Since the last application 13 years ago, so much has happened; mainly our roads became more overcrowded with extra cars parked on the streets. One of these causes is due to the residents' children, who have now grown up, and thus have cars of their own. As a result, many houses have been extended to accommodate their adult children.

Whilst we appreciate the school sends notices and requests consideration for residents, we still have had to tolerate great inconvenience and disturbance on occasions when school functions have taken place.

Centenary Park Action Group strongly urges you to take these matters into consideration. Thank you.

There is a restriction on this sports hall, put in place in 1995, restricting it to 'school use only'. The school governors, headmaster and Education Department are fully aware of this restriction.

It has been brought to our attention that the head teacher of Park High School has applied to Harrow Council to seek a change in the planning variation to the Sports Hall so that they can let it out 'legally for private functions i.e. weddings and sports clubs out of school hours which would include holidays when the school is closed and weekends.

We the undersigned object to this and wish to bring it to the attention of the Council Planning Department.

Additional Responses:

Middlesex Championship: The Middlesex Championship League have a number of clubs that re located and play within Harrow and they struggle to find decent indoor nets in the Harrow area. Lifting the planning restriction will allow Park High School to offer these much-needed indoor cricket nets to local clubs. The Middlesex Championship League formally supports Park High School in their application as rejection would have a detrimental impact on cricket in particular, and sport in general, in the Harrow Area.

Harrow Town Cricket Club: Each year we struggle to find suitable nets for training during the winter months. There is a shortage of such provision in the Borough, which has the largest number of cricket clubs in the Middlesex area.

Middlesex County Cricket Club: MCB would like to offer our full support to the above application. Many of our clubs are seeking additional facilities. MCB would also like to use the facilities for our own training and the availability of Park High School would have a positive impact on cricket in Harrow.

BACKGROUND INFORMATION

The original planning permission for the sports hall was EAST/45063/92/OUT granted on 3 September 1992.

Condition 14 of this planning permission was varied on 16 July 1996 with application EAST/298/96/VAR to restrict the use of gym/sports hall to school use only.

The effect of varying a condition attached to a planning permission is to issue a new planning permission for the development. The planning permission for the sports hall is therefore EAST/298/96/VAR, and it is the sole condition attached to that permission that this application seeks to vary.

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.'

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

Principle of the Development
Amenity and Transport Impacts
S17 Crime & Disorder Act
Equalities Statement
Consultation Responses

Principle of the Development

The principle of allowing the shared use of the sports hall and dance studio would comply with the National Planning Policy Framework and development plan policies, including London Plan policies 3.16 on the protection and enhancement of social infrastructure, 3.19 on Sports facilities, the Harrow Core Strategy policy CS1.G regarding public access to sport and recreation facilities and policy DM46 of the Harrow Development Management Policies Local Plan (DMP) regarding community, sports and education facilities.

The National Planning Policy Framework notes that the government is firmly committed to enabling publicly funded schools buildings and facilities to be used for community uses and that there should be a presumption in favour of the development of state-funded schools and that local authorities should make full use of their planning powers to support state-funded schools applications.

Notwithstanding this, development plan policies, including policies 7.2 and 7.4 of The London Plan, policy CS1.B of the Harrow Core Strategy and policies DM1 and DM2 of the DMP also require the local planning authority to safeguard the amenities of residential occupiers in the vicinity of development proposals and to achieve lifetime neighbourhoods.

Accordingly, to be considered acceptable any application for the variation of the condition to allow for community uses of the facilities needs to be considered against the potential impact of this public use on the amenities of nearby residents.

The applicants have stated, in their supporting statement, that there is a lack of suitable indoor sports facilities in the area and that there is demand for badminton, five-a-side football and cricket, as well as dance and yoga activities. Evidence and supporting documentation has been submitted detail a level of demand for the sports hall, especially for indoor cricket practice.

The Council's Open Space, Sport and Recreation Study (Open Space PPG17 Study), published in 2010, indicates that there is a deficiency of some types of sports facilities, including for badminton and other indoor sports, across the borough as a whole. However, this study also highlights the need for facilities to be provided within relatively localised areas, based on a 20 minutes' / 1 mile walk. To this end, the borough was divided into 5 sub areas for the purposes of the study.

Sport England's Sports Facility Calculator (SFC) estimates that population change over the period 2010 to 2026 will generate demand for an additional 3 courts with regards to sports hall provision, across the borough as a whole. This compares to the Facilities Planning Model (FPM) which identified a need for an additional 12 courts in the same time frame. This modelling is also across the borough as a whole. However, the Facilities Planning Model takes into consideration factors other than just capacity and includes an attractiveness weighting.

It is considered reasonable, in determining this planning application, to examine the supply and demand for indoor sports facilities in the Southeast Area of the Borough, given the emphasis on a 1 mile catchment area.

The Study noted above identifies sports hall provision at the following locations in this part of the borough:

Canons High School
The Hive

The study indicates that these facilities had some spare capacity under both the SFC and FPM calculations. Since the Study was published, the facilities at The Hive have been improved.

With regards to five-a-side football, and tennis, it is noted that there are facilities for this in the adjacent Centenary Park, albeit these being outdoor facilities. Similarly cricket nets are provided at Stanmore Cricket Club, and all-weather tennis courts are provided at Centenary Park.

However, these facilities are outdoor facilities, and the applicants have demonstrated that there is demand for indoor sports facilities in the area.

On balance, it is considered that the applicants have demonstrated that there is a demand for additional indoor sports facilities in the area.

Amenity and Transport Impacts

The vehicular access to Park High School is via two residential culs-de-sac. The school operates a voluntary one-way system for access to the school itself, with Burnell Gardens

providing the access and Thistlecroft Gardens the egress. Observations indicate that these roads, and Crowshott Avenue which is a distributor road, are relatively heavily trafficked at school drop-off and pick-up times. This traffic generation does sometimes involve vehicles turning within the streets of Thistlecroft Gardens and Burnell Gardens but is not associated with the use of the sports hall or vehicles accessing the school grounds.

When planning permission for the sports hall was granted in 1992, condition 14 allowed for the shared use of the sports hall. However, a planning decision was taken in 1996 to vary that condition to restrict the use to school use only at the request of the Council's education department following local concerns over traffic.

An application in 1999 to restore the dual use was refused by the planning committee on amenity grounds.

With this current application, considerable concern has been raised by local residents relating to noise, traffic, parking and other issues.

The proposal to vary the condition would result in increased activity at the school, and would result in increased vehicular movements on Thistlecroft Gardens and Burnell Gardens. The applicants have demonstrated that the parking associated with the use of the hall for sports purposes could be wholly contained within the school site.

The Council's Highways Authority considers that the parking provision at the school would be sufficient to accommodate evening and weekend parking associated with the use. The Highways Authority also considers that the public highways have sufficient physical capacity for the additional demand in terms of vehicles passing and re-passing.

Notwithstanding this, there is clear concern relating to the impact on residential amenity of properties in Burnell Gardens and Thistlecroft Gardens as a result of increased vehicle movements resulting from the proposal.

Policy DM1 of the Harrow Development Management Policies Local Plan requires development proposals to achieve a high standard of privacy and amenity. Criterion C notes that proposals that would be detrimental to the amenity of neighbouring occupiers will be resisted.

Policy DM46 notes that proposals for new community, sport and educational facilities will be supported where there would be no adverse impact on residential amenity (Criterion B.c).

The increased activity at the site and traffic movements would be over and above the existing highway activity, which mainly takes place at drop off and pick up times during the school term. The current proposal would result in some additional activity in the evenings, weekends and during school holidays. This vehicular activity would be outside regular school hours and would be in addition to the existing traffic movements resulting from the normal activities of residents and their visitors in the vicinity of the school and in Burnell Gardens and Thistlecroft Gardens in particular.

The feedback from residents' consultation is that existing activities out of hours gives rise to adverse impacts upon the amenity of residents.

In considering the impact of the additional traffic on the residential amenities of nearby residents, a balance needs to be struck between planning policies which support the dual

use of school facilities and planning policies that safeguard the amenities of nearby residents.

The impact of the proposal on traffic levels in the vicinity, and the consequent impacts on residential amenities, cannot be readily ascertained.

It is therefore considered appropriate for the use of the sports hall to be allowed for a temporary period of two years. This would allow the local planning authority sufficient time to ascertain the impact of the proposal on the residential amenities of local residents without granting a permanent permission. The use of a temporary permission as a "trial run" for proposal such as this is considered appropriate in advice contained in paragraph 111 of Circular 11/95: Use of conditions in planning permission.

It is also considered appropriate to limit the hours that the sports hall could be used by members of the public in order to ensure that the activity does not occur late at night or for an excessive period at weekends.

S17 Crime & Disorder Act

Representations have been received noting that the increased hours of use at the school could result in anti-social behaviour and littering in the area.

The Council has a duty, under section 17 of the Crime and Disorder Act, to consider the impact of any decision on crime and disorder. Policy 7.3 of The London Plan and policies DM1 and DM2 of the Harrow Development Management Policies Local Plan require planning decisions to provide safe and secure environments.

Any increased activity at this site could have an impact on crime and disorder in the area. However, it is considered that these impacts could be mitigated through suitable site and event management.

Therefore, a suitable condition requiring a site and event management strategy to be approved and implemented has been recommended.

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.

Consultation Responses

- Increased traffic volume and noise – this has been addressed in the amenity section of the appraisal above
- Lack of available parking on site – the applicants state that sufficient parking can be provided on the site. This has been confirmed by the highways authority/
- Overintensive use – government policy encourages the shared use of school facilities
- Use at anti-social hours – this has been addressed in the amenity section of the appraisal
- Increased litter – it is considered that the proposal would not result in increased litter
- Other spaces are available – this has been addressed in the principle of development section of the appraisal
- Detrimental to quality of life – this has been addressed in the amenity section of the appraisal
- Incomplete notification carried out – all affected neighbours have been consulted, and six site notices posted, one near the entrance to the school on Burnell Gardens, one near the entrance to the school on Thistlecroft Gardens and two each near the junction of Crowshott Avenue and Burnell Gardens and Thistlecroft Gardens
- Reduction in property values – this is not a material planning considerations
- Why has council allowed applicant to amend the application? – The council conducted additional consultation to give greater clarity to the proposal
- Overspill parking: school has recently expanded which has exacerbated previous problems – parking for the evening use of the sports hall could be accommodated on site
- Roads filled with potholes and exacerbated by school traffic – this is a highway maintenance issue and has been reported to the relevant department
- Council tax must be reduced for residents experiencing problems – this is not a material planning consideration
- New facility to open in Camrose Avenue – this is acknowledged as an alternative provision as outlined in the Principle of Development section of the appraisal
- Disturbance after hall closes – this has been addressed in the Crime and Disorder section of the appraisal

CONCLUSION

The applicants have demonstrated a demand for use of the sports hall by third parties. While it is noted that the proposal could result in additional levels of noise, disturbance and traffic movements, the impacts of these could more reasonably be determined while the use is in implementation.

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**, subject to a two year 'trial run'.

CONDITIONS

1 The use of the sports hall by members of the public for sports purposes hereby permitted shall be discontinued within two years of the date of this permission.

REASON: To allow the local planning authority to assess the impact of the use on the residential amenities of neighbouring residents and on highway safety, in accordance with policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).

2 The use of the sports hall by members of the public for sports purposes shall not take

place outside the following times:

a) 1800 hours to 2200 hours on Mondays to Fridays

b) 0900 hours to 1700 hours on Saturdays and Sundays

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 The sports hall shall not be used by more than 40 members of the public at any one time.

REASON: To safeguard the amenities of neighbouring residents and in the interests of highway safety, in accordance with policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).

4 The use of the sports hall by members of the public shall not commence until a management strategy, giving details of predicted sports and number of persons attending, and measures for managing amplified sound, has been submitted to, and approved in writing by, the local planning authority.

The use shall be managed in accordance with the approved strategy.

REASON: To safeguard the amenities of neighbouring occupiers, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan 2013.

5 The access to the parking area within the curtilage of the school shall be from Burnell Gardens with the egress to Thistlecroft Gardens.

REASON: In the interests of the amenities of neighbouring residents and in the interests of highway safety, in accordance with policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).

6 The permission hereby granted is supplemental to planning permission ref: EAST/298/96/VAR granted by the Council on 16 July 1996. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect.

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

INFORMATIVES

1 The following national planning policy guidance, policies in the London Plan, the Harrow Core Strategy and the Harrow Unitary Development Plan 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

3.19 – Sports Facilities

7.3B – Designing Out Crime

7.4B – Local Character

Harrow Core Strategy (2012)

Core Policy CS1 (A, B, G)

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Development
DM2 – Achieving Lifetime Neighbourhoods
DM46 – New Community, Sport and Education Facilities

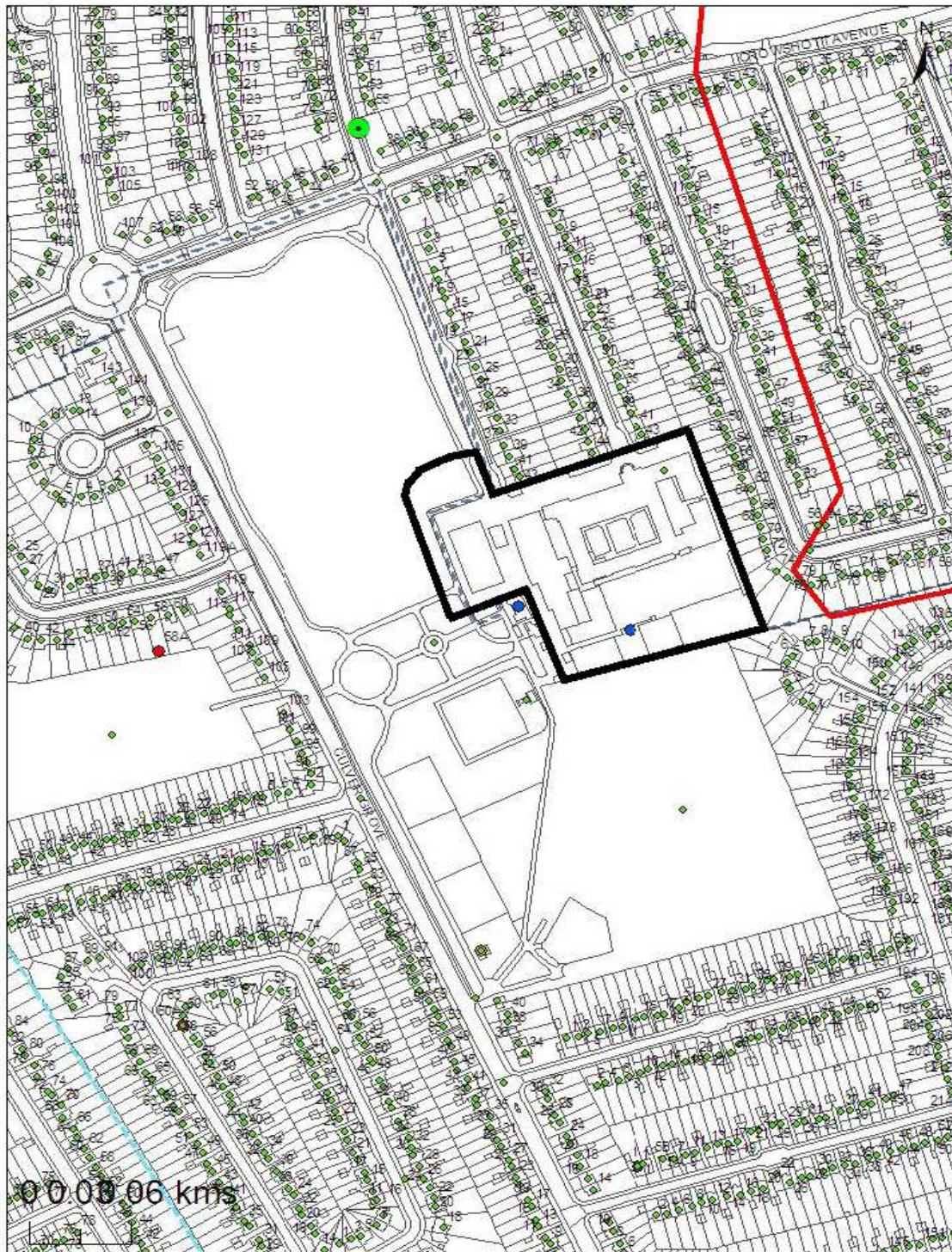
Open Space PPG17 Study (2010)

2 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: Site Plan; E2536/PL1; Unnumbered ground floor plan; Unnumbered first floor plan; unnumbered parking plan; Supporting Statement received 15-Apr-2013; Planning Statement received 03-Sep-2013; Supporting document received 13-Sep-2013; Supporting documents from Rachael Broderick and Joanne Cordery received 17-Sep-2013

PARK HIGH SCHOOL, THISTLECROFT GARDENS, STANMORE



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ITEM NO: 2/07
ADDRESS: LANESIDE, CHURCH STREET, PINNER
REFERENCE: P/1841/13
DESCRIPTION: SINGLE AND TWO STOREY SIDE EXTENSIONS TO BOTH SIDES OF DWELLINGHOUSE AND SINGLE AND TWO STOREY REAR EXTENSION; TWO REAR DORMERS; INSERTION OF ROOFLIGHTS IN FRONT AND BOTH SIDE ROOFSLOPES OF DWELLINGHOUSE; FRONT PORCH; RAISING OF ROOF RIDGE OF THE DWELLING; CREATION OF BASEMENT; CONVERSION OF DETACHED GARAGE TO ROOM WITH EXTERNAL ALTERATIONS
WARD: PINNER
APPLICANT: MS ALPA SHAH
AGENT: DS SQUARED ARCHITECTS
CASE OFFICER: CALLUM SAYERS
EXPIRY DATE: 30/08/2013

RECOMMENDATION

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

REASON

The development as a result of its appropriate location, positioning, siting, scale and design would not harm the character of the existing dwelling, would preserve the character and appearance of the Pinner High Street Conservation Area, and the setting of the Pinner House Listed Building. Furthermore the development would as a result of the appropriate scale, positioning and location, not harm the living conditions of neighbouring residential properties by way of a loss of outlook, light or privacy. 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, the Development Management Policies Local Plan 2013 and the Supplementary Planning Document (SPD): Residential Design Guide (2010).

Statutory Return Type: 21: Householder development

Council Interest: None

Net Additional Floor Area: 306sqm

GLA Community Infrastructure Levy (CIL) Contribution: £10,710.00 for the application, based on the levy rate for Harrow of £35/sqm and the calculated net additional floorspace of 306sq.m

Harrow Local Authority Community Infrastructure Levy: The proposal will attract a liability

payment of £33,660.00 (based on new additional floor area of 306sqm, which incorporates residential use).

INFORMATION

The application is reported to the Planning Committee because under Part 1 proviso E of the Council's Scheme of Delegation, the Divisional Director of Planning considers it to be potentially controversial due to the level of public in this application.

Site Description

- This property is a good early 20th century Arts and Crafts inspired house within the Pinner High Street Conservation Area. Its tall chimneys and steeply sloping roof are part of this character.
- The application site comprises a two-storey detached property on the south-western side of Church Lane. The property has a relatively large side (south eastern) and rear garden. The side garden steps down from the south eastern elevation towards the neighbouring property to the east, Corvette.
- A dropped kerb is located on the eastern end of the front garden and provides for some off-street car parking and access to a detached outbuilding.
- The properties along the south-western side of Church Lane are noted as not having a strong front building lines as the road is curved.
- Pinner House, a listed building, is located on the northern side of Church Lane, and is set back significantly from the highway, and 50m from the front elevation of the application site.
- The application is located within the Pinner High Street Conservation Area.

Proposal Details

- The application proposes a two-storey side extension, two storey rear extension, dormer windows, and front porch.

Proposed Two-storey Side Extension

- The proposed two-storey side extension would be located on the south eastern elevation and would be 12.6m deep at ground floor level, and would join to the rear of the single storey rear extension.
- The proposed extension would be 4.2m wide.
- The first floor element would be 9.3m deep, would be set in from the original rear elevation of the man property by 1.0m, and set back 2.3m from the front elevation.
- The proposed two-storey side extension would be 5.7m to the eaves with a maximum height of 8.7m.
- The two-storey side extension would be set down from the main roof ridge by 1.0m.

North Western Part Ground Floor and Part Two Storey Side Extension

- The second two-storey side extension would be located on the north western elevation and would be 1.3m wide, and project 12.6m at ground floor to the rear of the proposed rear extension.
- The proposed side extension would be set back 0.7m from the front principle building line, and would tie into the proposed front porch.
- The single storey side extension element would be 2.6m at the eaves and project back 4.0m before changing to the part two storey side extension.
- The part two storey side extension would be 5.82m high at the eaves with a maximum height of 8.8m. The part two storey side extension would be 6.8m deep.

Proposed Two Storey Rear Extension

- The proposed single storey rear extension would result in the existing roof ridge being raised by 1.2m and orientated from north south to east west.
- The proposed single storey rear extension would be 3.0m deep and would extend 11.0m across the rear elevation. The single storey rear element would be 2.9m at the eaves and 3.9m where it meets the rear elevation of the two storey rear extension element.
- The proposed two storey rear element would be 5.8m to the eaves and with a total height of 10m.

Proposed roof dormers

- It is proposed to erect two dormers in the rear roof slope of the two storey rear extension.
- It is proposed to erect a single dormer within the catslide which makes up the front roof slope of the two-storey side extension on the south eastern elevation.

Proposed Front Porch

- The proposed front porch would be set back 0.7m from the front elevation.
- The proposed front porch would tie in with the proposed part single storey side extension.
- The proposed porch would be 2.6m high at the eaves with a maximum height of 2.9m

Conversion of Detached Garage

- It is proposed to convert the existing detached garage to a habitable room.
- It is proposed to change the front door of the garage with a new timber door with high level windows. The timber doors would retain the appearance of a garage door.
- It is proposed to insert a window and a single door within the western flank elevation.

Proposed Basement

- It is proposed to create a basement area under the part of the footprint of the main house.

External Alterations

- It is proposed to change a number of windows within the property.
- It is proposed to use matching materials to construct the extensions.

Relevant History

HAR/770

Detached Dwelling house

GRANT: 18/01/1949

HAR/1872

Detached Dwelling house-amended plan

GRANT: 05/08/1949

LBH/13121

Erection of a detached domestic garage

GRANT: 09/03/1978

Pre-Application Discussion – (HA\2013\ENQ\00020)

- Principle acceptable
- Two-storey side extension had an excessive width
- Front dormer in the catslide feature was too large.
- Concern that the proposed roof of the two-storey extensions should tie in appropriately to existing roof.

Applicant Submission Documents

- Design & Access Statement.

Consultations

English Heritage (Archaeology): No Objection.

Conservation Officer: No Objection subject to conditions.

Conservation Area Advisory Committee

- There is room for a two storey side extension on the left.
- There is concern over loss of soft landscaping from the front garden.
- This site is tricky because of the proximity to Pinner House which is a listed building.
- The lane has a kerb of shrubs besides the footpath and then a grass verge so we are anxious about the garage which is on the extreme left as you face it being changed into a room.
- There is only a short drive and with such a large extension all around the house it would seem as though there would be no space for the cars for the people who live there. This is a CPZ road.
- This would be an overdevelopment and on a hillslope so this has to be taken into account as grange gardens at the bottom is considerably lower so overlooking is a consideration.
- Dormers proposed in the front, back and side sounds like an overdevelopment. It doesn't look the same house from the back as from the front and the house would look better without the rooflight on the front.
- They are introducing character through the chimney.

The Pinner Association: Objection

- The proposed development would enlarge the development on three horizontal plans and two vertical planes.
- Application fails to comply with the following policies of the Conservation Area Appraisal and Management Strategy.
- The application would substantially reduce the size of the garden and the openness.
- The proposal would be visually obtrusive and would alter the area's special interest adversely.
- No case for rebutting the presumption against infilling private open space and the natural gaps between the existing buildings. Would harm the low density feel of the part of Church Lane.
- Contrary to policies that seek to retain gardens.
- Would diminish the visual gap between the application property and 'Corvette'
- Extensions do not comply with policies.
- Impose a building of large bulk and undue dominance upon the amenity of occupiers of Corvette. The current separation provides privacy which the occupiers of 'Corvette'

need.

- Two-storey rear extension would lead to a relatively short distance between application property and those to the rear. Rear gardens are relatively narrow and the rear facing dormers would lead to real or perceived overlooking.
- Rear raised patio would lead to real or perceived overlooking into private rear garden.
- Inadequate car parking for a development of this size.

Pinner House Society: Objection

- Proposed development is excessively bulky and would adversely affect the character of the Conservation Area.

Drainage Engineer: No Objection

Highways Authority: No Objection

Newspaper Advertisement:

05/09/2013

Expires: 26/09/2013

Site Notice:

04/09/2013

Expires: 25/09/2013

Neighbourhood Notifications:

19 & 21 Grange Gardens, Pinner, HA5 5QD

Corvette, Church Lane, Pinner, HA5 3AB

Burwood, Church Lane, Pinner, HA5 3AB

Sent: 4

Replies: 16

Expiry: 16/08/2013

Summary of Responses

- Out of character with the neighbouring properties
- Not in line with the conservation regulations
- Would not provide a sympathetic backdrop to Pinner House which is an important local landmark.
- Increase in size of development would be over-development.
- Inadequate car parking provision
- Construction nuisance thought dirt and noise for basement.
- Spoil the appearance of Church Lane
- Set a precedence within the area
- Ground water flow may be compromised due to basement.
- High windows could leads to perception of overlooking
- Harm to trees
- Care when determining applications due to the proximity to Pinner House.
- Increase in rooms and decrease in car parking spaces is unacceptable
- Windows on the upstairs flank window
- Underground streams may be adversely impacted by proposed basement.
- May result in subsidence and floodrisk to adjoining properties.

- Use of outbuilding requires more clarification.
- No justification for the increase in height and re-orientation of the roof ridge.
- Area should maintain the low density feel
- Infill development is inappropriate
- View from Pinner House through the site will be destroyed.
- Sits above properties to the rear and would therefore overlook these.
- The proposal would be overbearing to the properties to the rear.
- Loss of light to properties to the rear which have shallow gardens.
- Increase in noise and disturbance
- Light pollution

APPRAISAL

Preliminary Matters

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 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

Character and Appearance of the Area and Conservation Area

Impact upon Residential Amenity

Traffic & Parking

S17 Crime & Disorder Act 1998

Equalities

Consultation Responses

Character and Appearance of the Area and Pinner High Street Conservation Area

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. Policy DM7 of the Harrow Development Management Plan (2013) provides further guidance for developments that may have an impact on heritage assets across the borough, including conservation areas.

Pinner House is located on the opposite side of Church Lane, with the building itself set

well back from the highway, and in total 50m from the front elevation of the application dwelling. The proposed extensions would be set behind the existing main front elevation of the dwelling on site, and would still allow for visual gaps either side of the original dwelling and the boundaries. Furthermore, Pinner House is located noticeably above the application site, partially due to the change in ground level between the two properties. It is considered that the distance between the two properties, in conjunction with the variation in ground level, the proposed development would not unacceptably harm the setting of Pinner House.

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 [SPD] requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. The Residential Design Guide SPD states that side extensions have considerable potential to cause harm to both the amenity of adjacent residents and the character of the street scene. The visual impact of side extensions, particularly first floor and two-storey, will be assessed against the pattern of development in the immediate locality, and the potential to dominate the appearance of the street scene. In relation to any nearby 'protected' windows on adjacent properties site considerations will be used in conjunction with the appropriate 45 Degree Code to determine the likely impact on neighbouring amenity.

The adopted Pinner High Street Conservation Area Appraisal and Management Strategy (CAAMS) (2009), states that extensions to properties should not infill private open space and natural gaps between buildings. The appraisal goes on to provide information of key views throughout the conservation area. It is noted in picture 3.28 that there are two long key views throughout the site. The key view through the site is taken from the north eastern corner of the property from Church Lane, and looks in a south westerly direction. It is acknowledged that the proposed two storey side extension on the southwestern flank elevation would encroach into this key view out of the area. However, it is considered that the two storey side extension would allow for a remaining side garden of 6.2m to the common boundary with Corvette to the east, which in turn would continue to provide a view through the site and out of the conservation area.

The adopted Pinner High Street CAAMS also demonstrates that there is a key view between the application property and the property to the west known as Burwood. Whilst it is acknowledged that the proposed two-storey side extension on this elevation will decrease the width of the view through the site between these two properties, it is considered that due to the orientation of the property in relation to the splayed boundary line, a view would be retained through this corridor.

It is proposed to raise the existing roof by 1.2m, which would enable accommodation within the roofspace. Whilst it is acknowledged that the roof ridge would be raised, and its appearance altered especially when viewed from the existing streetscene, it is considered that the alteration would continue to respect the character of the original dwelling by being a proportionate and sympathetic addition to the host dwelling. Furthermore, the two-storey side extension on the eastern elevation would be set well down from the roof ridge, which ensure that bulk of the additions would appear proportionate. The proposed two-storey side extension would be set back from the original front elevation of the existing dwelling, and set down from the main roof ridge. The proposed roof profile would be hipped and would tie in satisfactorily to the host dwelling. It is considered that the proposed two-storey side extension, by reason of its adequate set down from the roof ridge and back from the original front elevation, would result in a proportionate addition to the host dwelling that would not appear dominant or

cramped on the property.

The two storey side extension on the western elevation would be set below the proposed new roof, which would ensure that this element would be set within the envelope of the altered roof slope. The proposed two storey flank extension on this elevation would set behind the existing two storey element and therefore would not be a prominent feature within the streetscene. Furthermore, as the proposed two-storey side extension would be beyond the existing two-storey element, and would follow the existing building line, the proposed flank elevation would be longer but no closer to the adjoining property at Burwood.

It is proposed to relocate an existing chimney feature from the original dwelling, to the eastern elevation of the proposed two-storey side extension. The relocation of the chimney ensures that an important architectural feature is retained on the property, and would assist in balancing the appearance of the property within the existing streetscene.

Paragraph 6.67 of the Residential Design Guide SPD (2010) states that front or side dormers and roof extensions can be objectionable. Their potential bulk may be harmful to the character of the building and interrupt a regular pattern within the streetscene. It was noted on the site visit to the property that there were a number dormers that were located within the streetscene, and contributed to the character of the streetscene, in particularly the roof profiles. Specifically, the use of varied dormers located at the adjoining property at Burwood. The front dormer window would be set within the cat slide roof of the two storey side extension, and would be set in from the edge of roof by 1.2m and from the original flank elevation of the dwelling. The dormer would be set up from the eaves by 1.3m and down from the hipped roof element by 0.8m. The proposed front dormer within the catslide roof feature would be well contained within this roof slope. It is considered that the proposed front dormer would be appropriately sited within the front roof slope, and would not appear as an incongruous feature on the host dwelling or within the existing streetscene.

The two dormer windows that are proposed to be located within the rear roof slope of the two storey rear extension, would be set in from the edge of roof by approximately 1.0m and up from the eaves by 0.9m. Due to the shape of the roof profile, the more westerly rear dormer would be set down 1.0m from the roof ridge above, with the second dormer being set down 0.2m. It is considered that each of the two rear facing dormers would be sufficiently contained within the rear roof slope, and would leave an appropriate proportionate of roof slope unaltered. It is therefore considered that the proposed rear dormer would not appear as incongruous additions to host dwelling, the wider area or the Pinner High Street Conservation Area.

The roof lights that are proposed within the roof space are considered to be acceptable, subject to a condition ensuring that they are conservation style rooflights. Subject to such a condition, it is considered that the proposed rooflights would be acceptable and would not be harmful to the character of the host dwelling, the streetscene or the conservation area.

The proposed front porch would connect up with the single storey front extension, which would marginally project forward of the existing bay window on the original dwelling by 0.4m. Paragraph 6.35 of the Residential Design Guide SPD (2010) requires that front extension and porches, among other requirements, not project significantly forward of front bay windows. It is considered that the projection of 0.4m would not be significant,

and in any case a marginal projection would not detract from the main features of the original house. Furthermore, it is considered that the satisfactory design of the proposed front porch and front extension would not unacceptably harm the character of the existing streetscene.

It is proposed change the use of the detached outbuilding from a garage to a habitable room (Den). The outbuilding is currently used as ancillary storage to the dwelling, and based on its depth does not appear to be used as a car parking space. The change of use of the detached garage would remain as an ancillary use to the main dwelling and as such would not become a self-contained residential unit. A condition is recommended to be attached to ensure that the detached outbuilding remains ancillary and does not become a self-contained residential unit.

The proposed change in the front elevation would see a new timber door with high level windows to provide light to the outbuilding. The proposed doors and high level windows would ensure that from the public highway the detached garage would still appear as a garage and not have a residential appearance. Furthermore, the western flank elevation is proposed to install a window and a single door. The door and window would not be easily visible from the public highway and in any case would not be harmful to the property, streetscene or Pinner High Street Conservation Area.

It is considered that the proposed extensions to the existing dwelling, whilst acknowledged as being large, would sit behind the original front elevation, which has a prominent chimney feature and gable feature. The proposed extensions would sit behind this feature and ensure that it remains the focal point of the front elevation when viewed from the streetscene. Furthermore, the proposed extensions are considered to retain satisfactory visual gaps between the property from the flank boundary lines, whereby allowing visual breaks through the site and out of the Pinner High Street Conservation Area. In summary, in terms of its impact upon the character and appearance of the existing dwellinghouse, streetscene and the Pinner High Street Conservation Area, it is considered that the proposal would comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B, CS1.D, CS3 of the Harrow Core Strategy (2012), policies DM1 & DM7 of the Harrow DMP and the adopted SPD: Residential Design Guide (2010).

Impact upon Residential Amenity

The adopted SPD: Residential Design Guide (2010) states that the erection of side extensions in relation to any nearby 'protected' windows on adjacent properties site considerations will be used in conjunction with the appropriate 45 Degree Code to determine the likely impact on neighbouring amenity. Rear extensions are considered to have the greatest potential to harm the amenities of neighbouring residents.

The existing dwelling on the application property has a front and rear building line that is not flush with the adjoining dwelling to the west known as Burwood. The rear elevation of Burwood is orientated away from the application dwelling, with the rear elevation of this dwelling is some 3.1m deeper than the rear elevation of the application dwelling. Furthermore, the rear elevation is splayed away from the application site. Two small windows are located on the ground floor of the adjoining property and face the application property, both of which appear to serve a lounge on the ground floor. However, it is noted that neither of these windows provide the primary source of light to this room. Windows located on the front and rear elevation provide the primary source of light to this lounge room on the ground floor, and such it is considered that the proposed extensions would not unacceptably harm the amenities of the occupiers of this dwelling through a loss of

light or outlook.

On the eastern boundary, the nearest property boundary would be 6m away from the proposed two storey side extension. Furthermore, the dwelling on this neighbouring property would be a further 15m within the boundary from the application site. As such it is considered that this extension would not result in an unreasonable loss of amenity to properties on that boundary.

An objection was received from a property located to the rear of the application property, noting that the proposed rear facing dormers at this property would result in potential overlooking into the rear property which harm the occupiers of that property through a loss of privacy and overlooking. It was noted on site that the application site is marginally higher than those properties on the rear boundary to the southwest in Church Lane. This change in site levels would enable the proposed extensions to appear more elevated in relation to these properties, and potentially lead to perceived overlooking by neighbours to the rear. However, it is noted that the existing property has habitable rooms within the first floor of the rear elevation, and the proposed works would bring these window a further 4m towards the properties to the rear. It is acknowledged that the proposed development would involve accommodation within the roof space with rear facing box dormers, it is considered that any loss of privacy or overlooking would not be unacceptable to the amenities of the adjoining occupiers to the rear of the site.

Rear facing dormers in this location are a common feature, with the adjacent dwelling to the northwest, Burwood having two within its rear facing roof space. The site is located in a suburban location where levels of privacy between houses is less than in a less developed area. The back to back distance between the subject development and the housing to the rear on Church Lane would be approximately 24m which is not dissimilar to existing levels of privacy in the area. Given this distance, it is considered that the proposed development would not unacceptably harm the amenities of neighbouring properties through a loss of privacy, outlook or loss of light.

The proposal's impact upon residential amenity, on balance is therefore considered satisfactory and would accord with policy 7.6B of the London Plan (2011), policy DM1 of the Harrow DMP and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010).

Traffic and Parking

It is noted that a number of objections have been received on the grounds that the site is not well served by parking facilities, and therefore that the proposed use would give rise to traffic and parking issues. Furthermore, objections have stated that there is insufficient on-site parking provision for the scale of the development on site. The existing garage on the property is demonstrated as being 3.7m deep. This would not be considered as deep enough to provide a car parking space for the existing property. The proposal has been assessed by the Council's Highway Authority who has considered that in traffic generation terms the additional use intensity generated by the increase from a 3 to a 5 bedroom single family unit would not be measurably excessive and hence would not give rise to unacceptable traffic or parking impacts on neighbouring occupiers or the public highway. Furthermore, the application site is located within a Controlled Parking Zone which affords its own protection against additional parking burden from this unit and its visitors.

The proposed development should provide at least 2 secure and accessible cycle parking spaces to accord with the LP 2011. A secure bicycle storage facility has not been

provided on site. However, it is considered that there is sufficient room to provide such a facility. A condition is therefore imposed to ensure details of a secure bicycle storage is attached, and that such a facility be retained thereafter.

It is therefore considered that, notwithstanding the comments received, the proposed development would not result in an unacceptable impact on the safety and free flow of the highway. Furthermore, the proposed development would not noticeably exacerbate any existing parking pressures within the area. It is therefore considered that the proposed development would accord with policy 6.3 of The London Plan 2011 and policy DM42 of the Development Management Policies Local Plan (2013).

S17 Crime & Disorder Act 1998

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011).

Equalities

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. It is not considered that there are no equality impacts as part of this application.

Consultation Responses

- Out of character with the neighbouring properties
See Section 1 of the above appraisal.
- Not in line with the conservation regulations
See Section 1 of the above appraisal.
- Would not provide a sympathetic backdrop to Pinner House which is an important local landmark.
See Section 1 of the above appraisal.
- Increase in size of development would be over-development.
See Section 1 of the above appraisal.
- Inadequate car parking provision
See Section 3 of the above appraisal.
- Construction nuisance through dirt and noise for basement.
Construction noise and disturbance would be a temporary impact. The applicant will

be made aware of the Considerate Constructor Code of Practice.

- Spoil the appearance of Church Lane
See section 1 of the above appraisal
- Set a precedent within the area
The proposed development would not set a precedent within the area, as the application site has characteristics unique to it. Any future planning applications received within the area would be considered on their own merit.
- Ground water flow may be compromised due to basement.
Not a material planning consideration. Matters to do with ground stability and underwater water flow would be subject to engineering requirements. The application site is not located within a flood risk area.
- High windows could leads to perception of overlooking
See Section 2 of the above appraisal.
- Harm to trees
It is not proposed to remove or do any works to existing trees on site.
- Increase in rooms and decrease in car parking spaces is unacceptable
See Section 3 of the above appraisal.
- Windows on the upstairs flank window
The existing first floor window in the flank elevation serves a bathroom. It is proposed to retain this window which would continue to serve a bathroom.
- Underground streams may be adversely impacted by proposed basement.
Not a material planning consideration
- May result in subsidence and flood risk to adjoining properties.
Not a material planning consideration.
- Use of outbuilding requires more clarification.
The use of the outbuilding will be an ancillary use to the main dwelling house. A condition shall be imposed as such to secure this and retained as such thereafter.
- No justification for the increase in height and re-orientation of the roof ridge.
The existing roof has been proposed to be increased in height to allow for habitable accommodation within the loft space.
- Area should maintain the low density feel
See section 1 of the above appraisal
- Infill development is inappropriate
See section 1 of the above appraisal
- View from Pinner House through the site will be destroyed.
See section 1 of the above appraisal

- Sits above properties to the rear and would therefore overlook these.
See section 2 of the above appraisal
- The proposal would be overbearing to the properties to the rear.
See section 2 of the above appraisal
- Loss of light to properties to the rear which have shallow gardens.
See section 2 of the above appraisal
- Increase in noise and disturbance
The proposed extensions would result in an increase in the use and intensity of the dwelling. However, the property would remain as a residential use and would therefore remain an appropriate use within the area.
- Light pollution
The proposed is extensions to an existing residential dwelling within a residential area. Any lighting associated with the property would be acceptable for such a use.

CONCLUSION

The proposed extensions have not been found to negatively impact on the character and appearance of the property, the Pinner High Street Conservation Area, the setting of the Pinner House Listed Building or the wider area. Furthermore, the proposed extensions have not been found to unacceptably harm the amenity of neighbouring occupiers.

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 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 Notwithstanding the details of materials shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until details of the following have been submitted to, and approved in writing by, the local planning authority:

a: Brickwork, brick bond, roof tiles, and windows.

b: The appearance of the wooden access door.

c: The design and appearance of secure bicycle facilities

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality and Pinner High Street Conservation Area, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policies CS1.B and CS1.D of the Harrow Core Strategy 2012 and policies DM1 & DM7 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 windows, doors or other openings other than those shown on the approved plans shall be installed in any flank 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 policy 7.6B of the London Plan 2011 and policy DM1 of the Harrow Development Management Plan (2013).

4 The roof lights hereby approved shall be conservation style roof lights (i.e: flush with the existing roofline), and shall be retained as such thereafter.

REASON: To preserve the character and appearance of the Pinner High Street Conservation Area in accordance with Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

5 The change of use of the detached outbuilding hereby approved from a garage to a habitable space, shall remain as ancillary to the main dwelling on site. The outbuilding shall be retained as such thereafter.

REASON: To safeguard the amenity of the neighbouring occupiers in accordance with policy DM1 of the Harrow Development Management Local Policies Plan (2013).

6 The development hereby permitted shall be carried out in accordance with the following approved plans; 13006 P 01.01, 13006 P 01.02, 13006 P 01.03, Design & Access Statement.

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

INFORMATIVES:

1 The following national, regional and local planning policies and guidance are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):
Policies 7.2, 7.3B and 7.4B.

Harrow Core Strategy (2012):
Core Policy CS1.B. CS1.D

Harrow Development Management Policies Local Plan (2013): DM1, DM7, DM9, DM42.

Supplementary Planning Document: Residential Design Guide (2010)

Pinner Conservation Areas (SPD) 2009: Pinner High Street Conservation Area Appraisal and Management Strategy (2009)

2 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.

3 GLA Community Infrastructure Levy (CIL) Contribution (provisional): £10,710.00

Please be advised that approval of this application by Harrow Council will attract a liability payment of £10,710.00 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 proposed net increase in floorspace.

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 £10,710.00 for the application, based on the levy rate for Harrow of £35/sqm and the calculated net additional floorspace of 306sq.m

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

4 Harrow has adopted a CIL which applies Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It was adopted on the 16th September 2013 and will come into effect on the 1st October 2013.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL liability for this development is £33,660.00.

5 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.

6 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>

7 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.

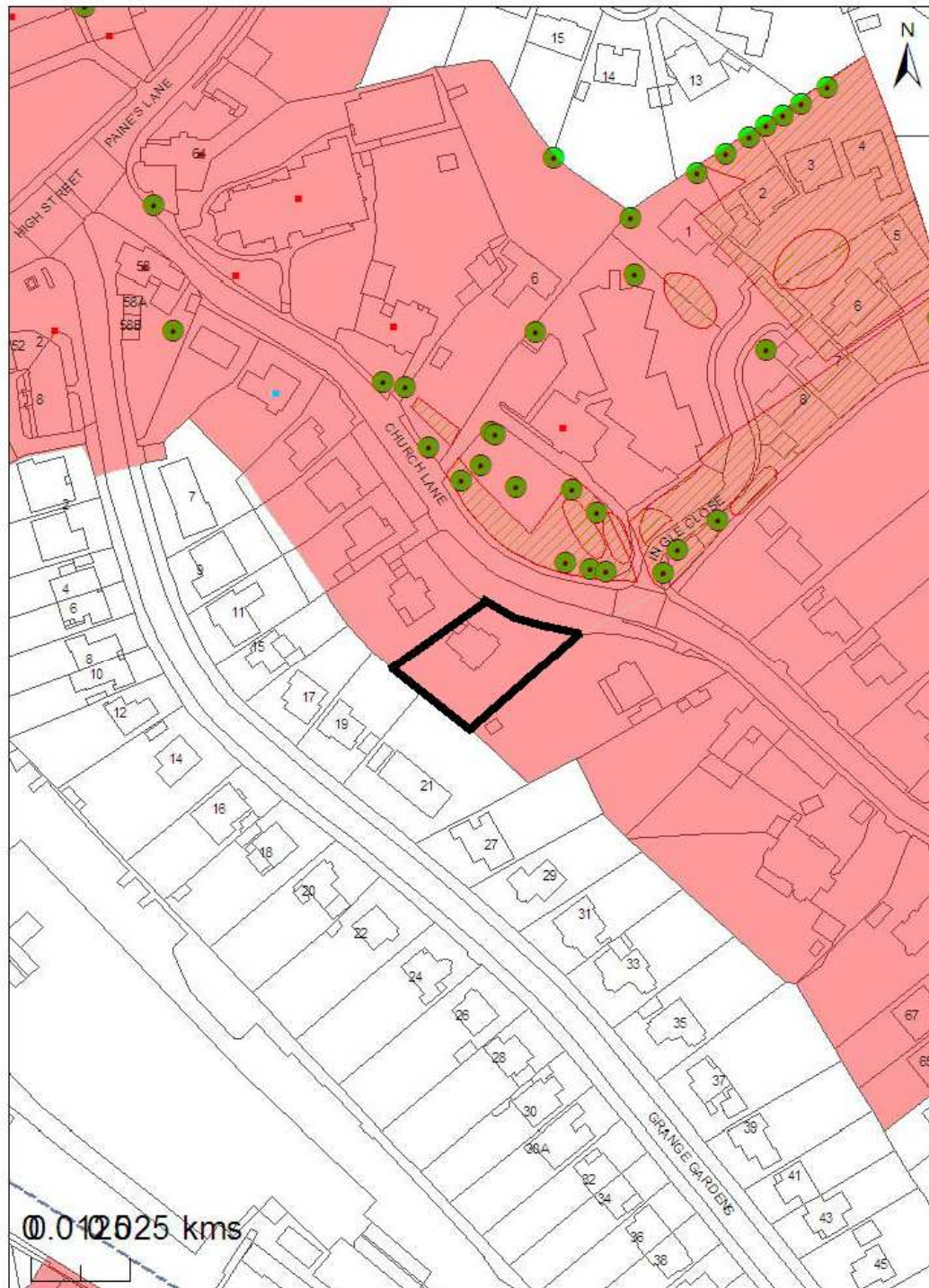
8 CONSTRUCTION METHODS

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

Plan Nos: 13006 P 01.01, 13006 P 01.02, 13006 P 01.03, Design & Access Statement.

LANESIDE, CHURCH LANE, PINNER



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ITEM NO: 2/08
ADDRESS: GLEBE PRIMARY SCHOOL, D'ARCY GARDENS, HARROW
REFERENCE: P/2529/13
DESCRIPTION: DETAILS PURSUANT TO CONDITION 12 (TRAVEL PLAN), ATTACHED TO PLANNING PERMISSION P/2342/12 DATED 06/11/2012 FOR 'ERECTION OF SINGLE STOREY BUILDING (UP TO 8.1M HIGH) WITH LINK-TO EXISTING SCHOOL BUILDING; EXTERNAL ALTERATIONS INCLUDING BOUNDARY TREATMENT ALONG GLEBE LANE; PROVISION OF 5 ADDITIONAL CAR PARKING SPACES'
WARD: KENTON EAST
APPLICANT: HARROW COUNCIL
AGENT: LOM
CASE OFFICER: NICOLA RANKIN
EXPIRY DATE: 14 OCTOBER 2013

RECOMMENDATION

APPROVE the details pursuant to condition 12 described in the application and submitted plans:

REASON

The decision to approve condition 12 pursuant to planning permission P/2342/12, dated 06.11.2012 has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), and the Harrow Development Management Policies Local Plan (2013) as well as to all relevant material considerations including any responses to consultation. The revised travel plan for the expanded school identifies a number of initiatives to be undertaken in order to encourage more sustainable modes of transport for parents, staff and pupils of the school and ensure a mode shift away from the use of private car. As outlined within the Travel Plan, it will be reviewed on an ongoing basis and will help ensure a reduction in pressure on the local highway network during peak school travel times. As such, the Travel Plan will ensure there is no detrimental impact on highway safety or on the surrounding highway network.

INFORMATION

The application is reported to the Planning Committee because this was requested by the committee members who considered that the original application on 25th October 2012 in order to ensure a satisfactory Travel Plan was implemented for the expanded school.

Statutory Return Type: Minor Development
Council Interest: The Council is the landowner.
Gross Floorspace: n/a

Net additional Floorspace: n/a

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

Site Description

- The application site comprises Glebe Primary School, on the west side of Glebe Lane and Glebe Avenue and to the north of D'Arcy Gardens.
- The site is occupied by a two storey main building, comprising four main wings set around a central courtyard.
- There is hard play space to the southern end of the site and a soft grassed playing field towards the northern end of the site. The playing field is designated as open space within the Harrow UDP and Harrow Core Strategy (2012).
- The site, including the car park area is shared with the Kenton Learning Centre, a single storey building on the eastern side of the site.
- There are currently three gated entrances to the school. There is pedestrian and vehicle access from D'Arcy Gardens. There is a further vehicular access from Glebe Avenue which provides access to the car park.
- The school has been extended by way of a first floor extension on the western wing of the main building.
- The boundaries of the site are surrounded by residential dwellings. The rear gardens of residential dwellings in Charlton Road back onto the western site boundary.
- Beyond Glebe lane and Glebe Avenue to the east of the site, there are residential dwellings which are oriented side on to the site along Tonebridge Crescent, which are located approximately 47 metres from the main building and a minimum of 25 metres from the Kenton Learning Centre.

Proposal Details

- Planning permission was granted for the construction of a single storey building (up to 8.1m high) with link-to existing school building; external alterations including boundary treatment along glebe lane; provision of five additional car parking spaces
- The subject application seeks to discharge condition 12 of the above permission. Conditions 12 states: *"The use of extension hereby permitted shall not commence until a travel plan has been submitted to, and approved in writing by the local planning authority. The use shall not commence until the details of the revised travel plan have been implemented in accordance with the approved details and thereafter retained. REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interest of highways safety in accordance with the saved policies D4 and T13 of the Harrow Unitary Development Plan 2004."*

Relevant History

EAST/580/94/LA3 Provision of ramped entrances and doors to schools and toilet block
Granted 10-Oct-1994

P/2176/04/DFU Fabric Playground Shelter
Granted 30-Sep-2004

P/19/05/DFU Single storey extension and alterations to toilet blocks
Granted 03-Mar-2005

P/951/06/CLA Two storey detached building to provide replacement Kenton Learning Centre
Granted 01-Aug-2006

P/2623/07- First Floor extension to the main teaching block
Granted 06-Nov-2006

P/2342/12 Erection of single storey building (up to 8.1m high) with link-to existing school building; external alterations including boundary treatment along glebe lane; provision of five additional car parking spaces
Granted 06 -Nov 2012

P/3081/12 Details pursuant to conditions 4 (revised elevations), 6 (surface water disposal) and 7 (surface water attenuation), attached to planning permission p/2342/12 dated 06/11/2012 for 'erection of single storey building (up to 8.1m high) with link to existing school building; external alterations including boundary treatment along glebe lane; provision of 5 additional car parking spaces'
Approved 22- Jan-2013

P/3069/12 Variation of conditions 3 (external materials) and 9 (landscaping), to allow commencement of works before conditions are discharged, attached to planning permission p/2342/12 dated 6-nov-2012 for erection of single storey building (up to 8.1m high) with link-to existing school building; external alterations including boundary treatment along glebe lane; provision of five additional car parking spaces
Approved 1st Feb 2013

P/0262/13 Details pursuant to conditions 3 (materials), 9 (hard and soft landscaping), (varied by planning permission p/3069/12) attached to planning permission P/2342/12 dated 06/11/2012 'erection of single storey building (up to 8.1m high) with link-to existing school building; external alterations including boundary treatment along glebe lane; provision of 5 additional car parking spaces' varied by planning permission P/3069/12 dated 1st February 2013.
Approved 12th April 2013

Applicant Submission Documents

- Travel Plan

Consultations:

Highways Authority: The Travel Plan is acceptable and condition 9 can be discharged.

Advertisement

- N/A

Notifications

Sent: n/a

Replies: n/a

Expiry: 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], and the Harrow Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Traffic and Parking and Residential Amenity
S17 Crime & Disorder Act
Consultation Responses

Traffic and Parking and Residential Amenity

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. Core Strategy Policy CS 1 R and draft policy 53 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development.

The planning application approved under application P/2342/12 allowed for an increase of the existing 2 form entry primary school to a 3 form entry primary school, resulting in an increase in pupils numbers from 420 to 630 in order to help meet the growing demand for primary school places within the borough. The increase in the number of pupils will take place over the next 6 years.

At peak times, in the morning and afternoon, the existing school already results in short term, localised congestion, as parents and guardians drop off and pick up children from the school. This pattern, and impact, is repeated across the Borough, and across the Country. There is potential for and a likelihood that this disruption will increase, as the pupil numbers rise. Given the local catchment of the school, the very limited scope to re-engineer surrounding roads to meet future demand, and the particular and individual patterns and circumstances of the parents and careers of pupils, the short term, localised impacts of these peaks are an inevitable and unavoidable disruption that has become part of London traffic's character. However, in order to help mitigate the impacts of a potential small increase in the amount of vehicular traffic, the school has updated their Travel Plan to include several revised initiatives to help encourage a modal shift away from the private car.

Transport for London have a School Travel Plan accreditation scheme to ensure a long term commitment to sustainable travel planning in schools. Accreditation is awarded in recognition of initiatives that a school has completed over the course of the year. The applicants have indicated that Glebe Primary School already has a Bronze level sustainable travel accreditation level and their application for silver level has also recently been approved. Some examples of initiatives identified within the current Travel Plan to be undertaken over the coming months include, workshops from TFL in responsible use of public transport for pupils, walk to school month, regular cycle and scooter training for pupils (Bikeability) as well as bike maintenance sessions (Dr Bike) and promoting car sharing schemes to parents. The school also operates an early breakfast club and after school club which will enable some flexibility for parents who wish to drop/pick up their children earlier or latter, thereby helping to reduce peak time traffic flows.

The school has made a commitment to further developing this plan and a progress report of

the initiatives in the Travel Plan is to be undertaken in June 2014 to monitor on-going progress. Provided that the travel plan is kept up to date and is reviewed annually, it is considered that the travel plan will play a strong role in influencing attitudes and behavior in relation to sustainable travel patterns for staff, pupils and their parents. Furthermore, the accreditation scheme provides a framework to build on the existing Travel Plan and increase its effectiveness year on year.

The application has been referred to the Highways Authority who has raised no objection to the proposal. Having regard to the above factors it is considered that the Travel Plan (2013) is acceptable and accordingly it is recommended that condition 12 be discharged.

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.

Consultation Responses

None

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 approval. The revised travel plan for the expanded school identifies a number of initiatives to be undertaken in order to encourage more sustainable modes of transport for parents, staff and pupils of the school and ensure a mode shift away from the use of private car. As outlined within the Travel Plan, it will be reviewed on an on going basis and will help ensure a reduction in pressure on the local highway network during peak school travel times. As such, the Travel Plan will ensure there is no detrimental impact on highway safety or on the surrounding highway network.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

Harrow Core Strategy (2012)

CS1: Overarching Principles

Harrow Development Management Policies Local Plan (2013)

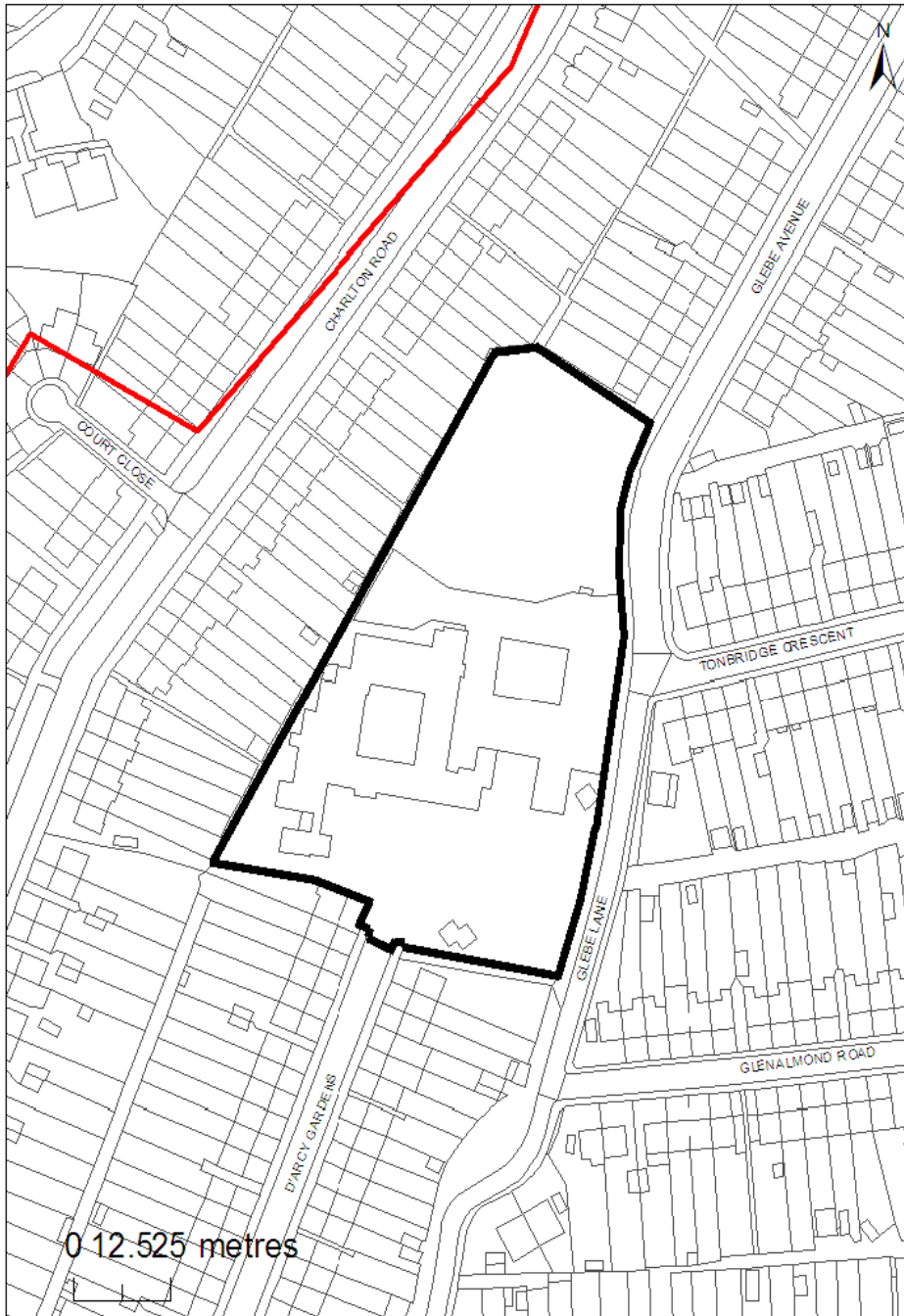
Policy DM 42 – Parking Standards

Policy DM 43 – Transport Assessments and Travel plans

Policy DM 46 – New Community, Sport and Education Facilities

Plan Nos: 2013 Glebe Primary School– School Travel Plan; TFL Rating Spreadsheet

GLEBE PRIMARY SCHOOL, D'ARCY GARDENS, HARROW



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ITEM NO: 2/09

ADDRESS: STANBURN FIRST AND JUNIOR SCHOOLS, ABERCORN ROAD,
STANMORE

REFERENCE: P/2535/13

DESCRIPTION: DETAILS PURSUANT TO CONDITION 9 (TRAVEL PLAN),
ATTACHED TO PLANNING PERMISSION P/2020/12 DATED
02/11/2012 FOR 'TWO STOREY EXTENSION WITH FIRST FLOOR
LINK TO MAIN BUILDING; ALTERATIONS TO SCHOOL
PEDESTRIAN ENTRANCE AND CAR PARK (DEMOLITION OF
TWO STOREY ANNEXE BUILDING)'

WARD: BELMONT

APPLICANT: HARROW COUNCIL

AGENT: LOM

CASE OFFICER: NICOLA RANKIN

EXPIRY DATE: 14 OCTOBER 2013

RECOMMENDATION

APPROVE the details pursuant to condition 9 described in the application and submitted plans:

REASON

The decision to approve condition 9 pursuant to planning permission P/2020/12, dated 02.11.2012 has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), and the Harrow Development Management Policies Local Plan (2013) as well as to all relevant material considerations including any responses to consultation. The revised travel plan for the expanded school identifies a number of initiatives to be undertaken in order to encourage more sustainable modes of transport for parents, staff and pupils of the school and ensure a mode shift away from the use of private car. As outlined within the Travel Plan, it will be reviewed on an ongoing basis and will help ensure a reduction in pressure on the local highway network during peak school travel times. As such, the Travel Plan will ensure there is no detrimental impact on highway safety or on the surrounding highway network.

INFORMATION

The application is reported to the Planning Committee because this was requested by the committee members who considered that the original application on 25th October 2012 in order to ensure a satisfactory Travel Plan was implemented for the school.

INFORMATION

Statutory Return Type: Minor Development

Council Interest: The Council is the landowner

Gross Floorspace: n/a

Net additional Floorspace: n/a

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

The application is reported to the Planning Committee because this was requested by the committee members who considered that the original application on 25th October 2012 in order to ensure a satisfactory Travel Plan was implemented for the expanded school.

Site Description

- The application site comprises Stanburn First and Junior Schools, on the west side of Abercorn Road.
- The site is occupied by a two/three storey main building, comprising four main wings set around a central courtyard, with a two storey annexe to the rear (west) elevation and other temporary buildings occupy the site.
- The main building has been extended to the west, by way of a two storey and first floor rear extension.
- The area to the south of the main building is hard surfaced and is in use as a playground and overspill parking area.
- The area to the west of the main building comprises a playground and playing field, which is designated as open space in the Harrow Unitary Development Plan and Core Strategy.
- The area to the east of the main building comprises the main car park and entrance to the school, from Abercorn Road.
- Residential dwellings in Wemborough Road and Belmont Lane back onto the southern and western site boundaries respectively, approximately 45 metres from the main building.
- Residential properties in Belmont Lane and Abercorn Road abut the north of the site, between 40 and 70 metres from the main building.

Proposal Details

- Planning permission was granted for a two storey extension with first floor link to main building; alterations to school pedestrian entrance and car park; provision of four additional car parking spaces (involving demolition of existing two storey annex building) under planning permission ref: P/2020/12, dated 02.11.2012.
- The subject application seeks to discharge condition 9 of the above permission. Conditions 9 states: *"The use of extension hereby permitted shall not commence until a travel plan has been submitted to, and approved in writing by the local planning authority. The use shall not commence until the details of the revised travel plan have been implemented in accordance with the approved details and thereafter retained. REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interest of highways safety in accordance with the saved policies D4 and T13 of the Harrow Unitary Development Plan 2004."*

Relevant History

LBH/3503 Erection of a two-storey four class unit

Granted 12-Aug -1968

EAST/699/00/LA3 Single storey rear extension to provide 4 classrooms, boiler house and ancillary rooms to replace existing horsa huts

Granted 08-Sep-00

P/1511/09 Solar panels on the roof of southern wing of main teaching block
Granted 26-Aug-09

P/2071/09 First floor rear extension, with demolition of linked two storey annexe to rear elevation; alterations to fenestration at rear
Granted 07-Dec-2009

P/0048/10 Temporary single storey building to north of main building for use as classrooms (six months)
Granted 12-Mar-2010

P/0043/10 Submission of details of external materials pursuant to condition 3 of planning permission p/2071/09 dated 07/12/2009 for first floor rear extension, with demolition of linked two storey annexe to rear elevation; alterations to fenestration at rear.
Approved 22-Feb-2010

P/0664/10 Variation of condition 4 of planning permission ref: p/2071/09 dated 07/12/2009 from "the demolition of the two storey annexe and the associated making good of the land and buildings shall be completed prior to the occupation of the extension hereby permitted" to "the demolition of the two storey annexe and the associated making good of the land and buildings shall be completed within 3 months of occupation of the extension hereby permitted".
Granted 18-May-2010

P/2256/11 Variation Of Condition 4 Attached To Planning Permission P/2071/09 Dated 07/12/2009 To Allow The Demolition Of The Two Storey Annexe And The Associated Works Of Making Good Of The Land And Buildings To Be Completed By The End Of August 2012
Granted 20.10.2011

P/2020/12 Two storey extension with first floor link to main building; alterations to school pedestrian entrance and car park (demolition of two storey annexe building)
Granted 02.11.2012

P/3073/12 Details pursuant to conditions 5 (surface water drainage), 6 (surface water storage and attenuation) & 8 (flood risk assessment) attached to planning permission P/2020/12 dated 2-nov-2012 for two storey extension with first floor link to main building; alterations to school pedestrian entrance and car park (demolition of two storey annexe building)
Approved 01.02.2013

P/3071/12 Variation of condition 3 (external materials), to allow the materials to be approved following commencement of development, attached to planning permission p/2020/12 dated 02-11-2012 for two storey extension with first floor link to main building; alterations to school pedestrian entrance and car park (demolition of two storey annexe building)
Granted 15.02.2013

P/0261/13 Details pursuant to condition 3 (materials) of planning permission p/2020/12 dated 02/11/12 for two storey extension with first floor link to main building; alterations to school pedestrian entrance and car park (demolition of two storey annexe building) varied

by planning permission p/3071/12, dated 15th
February 2013.
Approved 12.04.2013

Applicant Submission Documents

- Travel Plan

Consultations:

Highways Authority: The Travel Plan is acceptable and condition 9 can be discharged.

Advertisement

N/A

Notifications

Sent: n/a

Replies: n/a

Expiry: 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], and the Harrow Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Traffic and Parking and Residential Amenity

S17 Crime & Disorder Act

Consultation Responses

Traffic and Parking and Residential Amenity

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. Core Strategy Policy CS 1 R and draft policy 53 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development.

The planning application approved under application P/2020/12 allowed for an increase of the existing 3 form entry primary school to a 4 form entry primary school, resulting in an increase in pupils numbers from 630 to 840 in order to help meet the growing demand for primary school places within the borough. The increase in the number of pupils will take place over the next 6 years.

At peak times, in the morning and afternoon, the existing school already results in short

term, localised congestion, as parents and guardians drop off and pick up children from the school. This pattern, and impact, is repeated across the Borough, and across the Country. There is potential for and a likelihood that this disruption will increase, as the pupil numbers rise. Given the local catchment of the school, the very limited scope to re-engineer surrounding roads to meet future demand, and the particular and individual patterns and circumstances of the parents and careers of pupils, the short term, localised impacts of these peaks are an inevitable and unavoidable disruption that has become part of London traffic's character. However, in order to help mitigate the impacts of a potential small increase in the amount of vehicular traffic, the school has updated their Travel Plan to include several revised initiatives to help encourage a modal shift away from the private car.

The applicants have indicated that Stanburn School will seek to achieve a Bronze level sustainable travel accreditation level, a scheme introduced by Transport for London to ensure a long term commitment to sustainable travel planning in schools. Accreditation is awarded in recognition of initiatives that a school has completed over the course of the year. Some examples of initiatives identified within the current Travel Plan to be undertaken over the coming months include pedestrian skills training for pupils, walk to school month, cycle and scooter training for pupils (Bikeability) as well as bike maintenance sessions (Dr Bike) and promoting car sharing schemes to parents. The school also operates a breakfast club and after school club which will enable some flexibility for parents who wish to drop/pick up their children earlier or latter, thereby helping to reduce peak time traffic flows.

The school has made a commitment to further developing this plan and a progress report of the initiatives in the Travel Plan is to be undertaken in February 2014 to monitor on-going progress. Provided that the travel plan is kept up to date and is reviewed annually, it is considered that the travel plan will play a strong role in influencing attitudes and behavior in relation to sustainable travel patterns for staff, pupils and their parents. Furthermore, the accreditation scheme provides a framework to build on the existing Travel Plan and increase its effectiveness year on year.

The application has been referred to the Highways Authority who has raised no objection to the proposal. Having regard to the above factors it is considered that the Travel Plan (2013) is acceptable and accordingly it is recommended that condition 9 be discharged.

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.

Consultation Responses

None

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 approval. The revised travel plan for the expanded school identifies a number of initiatives to be undertaken in order to encourage more sustainable modes of transport for parents, staff and pupils of the school and ensure a mode shift away from the use of private car. As outlined within the Travel Plan, it will be reviewed on an on going basis and will help ensure a reduction in pressure on the local highway network during peak school travel

times. As such, the Travel Plan will ensure there is no detrimental impact on highway safety or on the surrounding highway network.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011):

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

Harrow Core Strategy (2012)

CS1: Overarching Principles

Harrow Development Management Policies Local Plan (2013)

Policy DM 42 – Parking Standards

Policy DM 43 – Transport Assessments and Travel plans

Policy DM 46 – New Community, Sport and Education Facilities

Plan Nos: 2013 Stanburn First and Junior School – School Travel Plan; TFL Rating Spreadsheet

STANBURN FIRST SCHOOL, ABERCORN ROAD, STANMORE



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ITEM NO. 2/10

ADDRESS: LAND ADJACENT TO THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL, BROCKLEY HILL, STANMORE

REFERENCE: P/1396/13

DESCRIPTION: DETACHED THREE STOREY DWELLING HOUSE WITH BASEMENT, USE OF VINE COTTAGE AS TRIPLE GARAGE, STORE AND RESIDENTIAL UNIT FOR CARETAKER WITH EXTERNAL ALTERATIONS, DEMOLITION OF ALL OTHER BUILDINGS ON THE SITE, ACCESS FROM BROCKLEY HILL

WARD: CANONS

APPLICANT: THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL, NHS TRUST

AGENT: PRESTON BENNETT PLANNING

CASE OFFICER: OLIVE SLATTERY

EXPIRY DATE: 11/07/2013

RECOMMENDATION

GRANT planning permission subject to:

- Conditions set out at the end of this report;
- Referral to the National Planning Casework Unit (DCLG) under The Town and Country Planning (Consultation) (England) Direction 2009.

INFORMATION

The proposal is considered to represent a material departure from the development plan, and in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the Planning Committee.

Statutory Return Type: E(13) – Minor Dwellings

Council Interest: None

Gross Additional Floorspace: 1,656 sqm.

Net Additional Floorspace: 676 sqm.

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £23,660

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): £74,360

Site Description

- The application site comprises 0.7 ha of land, formerly part of the Royal National Orthopaedic Hospital.
- The site is located within the Metropolitan Green Belt and the Harrow Weald Ridge Area of Special Character.
- The site is currently occupied by eight single and two storey former hospital buildings, three of which are locally listed including Vine Cottage, which is adjacent to Brockley

Hill. A locally listed wall also fronts the eastern boundary with Brockley Hill.

- The site has an existing access with crossover onto Brockley Hill, currently disused and gated off.
- Approximately 70% of the site is located within a designated Scheduled Ancient Monument. This is concentrated on the east of the site and comprises the remains of a Romano-British settlement.
- The site slopes down from east to west.
- The site is subject to an area Tree Preservation Order No.637.
- The site is bound by Brockley Hill to the east, a London Distributor Road.
- The site is partly bound by Brockley Hill House to the north, a residential development of five flats.
- To the north, west and south of the site is the Royal National Orthopaedic Hospital campus. This is one of two strategic developed sites in the Green Belt, as defined by the Site Allocations Local Plan (2013) and the Development Management Policies Local Plan (2013). At a special Planning Committee meeting on the 21st March 2013, the Planning Committee resolved to grant planning permission for the comprehensive, phased, redevelopment of the Royal National Orthopaedic Hospital. Planning permission was granted subject to 40 planning conditions and a S106 agreement, and a decision notice was issued on 5th August 2013.

Proposal Details

- It is proposed to construct a detached three storey dwellinghouse with a basement and to demolish all of the buildings on the site, with the exception of Vine Cottage and the locally listed wall fronting Brockley Hill.
- Internal and external alterations are also proposed to Vine Cottage, for use as a triple garage, a store and a residential unit for a caretaker.
- The proposed dwelling would be sited on the western part of the site, outside of the Scheduled Ancient Monument area and would be approximately 80 metres from Brockley Hill.
- The proposed dwelling would be irregular in shape. It would occupy a footprint of 505m² and would have a height of 10.5 metres at its front elevation and 12.2 metres at its rear elevation, due to the change in levels.
- It is proposed to implement a scheme of soft landscaping and tree planting.
- A previously existing vehicular access to Brockley Hill would be re-instated and used as the access to the proposed dwelling.
- Refuse storage would be sited adjacent to the rear (east) boundary, with collection from the hospital service road.
- It is proposed to demolish two of three Locally Listed buildings on the site. It is proposed to refurbish and retain Vine Cottage as caretakers accommodation and a garage, and the locally listed wall fronting Brockley Hill.

Revisions to Previously Refused Planning Application (P/0856/13):

- Reduction in height of the proposed building by 2.5m
- Reduction in the size of the roof pavilion by 24m² (20% of the refused scheme)
- 11.8% reduction in the footprint area
- 23% reduction in hardstanding
- Improvement to sustainability rating
- Enlarged and reduced number of windows
- Upgraded sustainability rating of the proposed materials
- Removal of solid balconies and replacement with glazed balconies

- Revised boundary treatment and associated landscaping

Relevant History

P/0466/08 - Outline: Detached two storey dwellinghouse with basement, Access from Brockley Hill, Demolition of existing buildings

REFUSED - 11-APR-08

Reasons for Refusal:

1. The proposed development, by reason of the proposed residential use, siting, excessive bulk and site coverage, would result in an inappropriate form of development in the Green Belt, which would reduce significantly the openness of the land, to the detriment of the character and appearance of the Green Belt and the Area of Special Character, contrary to policies EP31 and EP32 of the Harrow Unitary Development Plan (2004).

2. The proposed demolition of three locally listed buildings, in the absence of a justifiable reason for demolition, would be inappropriate and detrimental to the appearance and character of the area, contrary to Policy D12 of the Harrow Unitary Development Plan (2004).

P/0856/09 - Detached three storey dwelling house with basement, Use of vine cottage as triple garage, store and residential unit for caretaker with external alterations, Demolition of all other buildings on the site, Access from Brockley Hill

REFUSED 11-Sep-2009

Reasons for Refusal:

1. The proposed development, by reason of the proposed residential use, would result in an inappropriate form of development in the Green Belt, without the very special circumstances necessary to justify inappropriate development, contrary to policies EP31 and EP32 of the Harrow Unitary Development Plan (2004), PPG2: Green Belts and London Plan Policy 3D9.

2. The proposed design, by reason of excessive bulk and site coverage, would significantly reduce the openness of the land, to the detriment of the character and appearance of the Green Belt and the Area of Special Character, contrary to policies D4, EP31 and EP32 of the Harrow Unitary Development Plan (2004), PPG2: Green Belts and London Plan Policy 3D.9.

Pre-Application Discussion - HA\2011\WNQ\00029

A letter of conclusions was issued on 15th June 2011 stating:

'Officers note the refinement and progress made with the development following the earlier refusal of the planning application. Having had an opportunity to peer review, via Design for London, the revised proposals, officers are of the opinion that the exceptional and innovative nature of the proposed design, in conjunction with all of the other VSC put forward, could cumulatively amount to very special circumstances that would justify a departure from the normal application of Green Belt policy in this instance. Subject to addressing the outstanding elements above, prior to submission, the proposal as modified and with a full design justification, could therefore receive a favourable recommendation to Planning Committee. Please note that the proposal would also be referable to the GLA and the Secretary of State as appropriate as a departure from the development plan. The Local planning Authority is not able to warrant the outcome of such a process'.

Community and Stakeholder Engagement

The submitted Planning Statement advises that the applicant has initiated a number of consultation exercises including discussion with English Heritage, Design for London and residents of the adjacent Brockley Hill House.

Applicant Submission Documents

- Design & Access Statement
- Summary Design & Access Statement
- Assessment of Landscape Character, Visual Amenity and Green Belt Issues
- Appendices to Assessment of Landscape Character, Visual Amenity and Green Belt Issues — Plans | Aerial Photographs & Photosheets
- Landscape Design Statement
- Supporting Architecture & Design Statement
- Planning Statement & Appendices
- Supplementary Sustainability Statement
- Updated Tree Survey, Arboricultural Implications Assessment, Arboricultural Method Statement & Landscape Philosophy, Landscape Restoration Strategy & Masterplan and Tree Protection Plan
- Heritage Statement
- Schedule Ancient Monument Statement & SMC Application
- Archaeological Evaluation Report
- Phase 1 Habitat Survey (extended) with Biodiversity Assessment & Preliminary Bat Check

Consultations

- **Greater London Authority** - The Major of London does not need to be consulted further on this application. The Council may proceed to determine this application.
- **Transport for London** - Request that the parking provision is reduced from 6 to 4. Cycle parking should be secured in line with the London Plan requirements.
- **English Heritage** – No objection, subject to conditions
- **Highway Authority** - No objection, subject to conditions
- **Landscape Architect** - No objection, subject to conditions
- **Tree Officer** - No objection, subject to conditions
- **Conservation Officer** - No objection, subject to conditions
- **Biodiversity Officer** - No objection, subject to conditions
- **Drainage Engineer** - No objection, subject to conditions
- **CAAC** – Too far from the Conservation Area to make comment
- **London Borough of Barnet** – No comments received
- **Design Consultant** – No objections

Advertisement

Departure from the Development Plan – Harrow Observer 13/06/2013, Expiry 4/07/2013

Site Notice

Departure from the Development Plan – Posted on Harrow Observer 11/06/2013, Expiry 6/07/2013

Notifications

Sent: 41

Replies: 0

Expiry: 02/07/2013

Addresses Consulted

Brockley Hill House – No's 1, 2, 3, 4, 5

Brockley Hill Grange – No's 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

The Royal National Orthopaedic Hospital (12 individual letters sent)

Basis for Assessment

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

Principle of the Development

Impact on Green Belt Openness and Purposes of the Green Belt

Impact on the Visual Amenities of the Green Belt and on the Character and appearance of the Area, and the Area of Special Character

Impact on Heritage Assets

Impacts on Biodiversity

Residential Amenity and Accessibility

Traffic, Parking and Access

Sustainability, Flood Risk and Drainage

Equality and Human Rights Considerations

S17 Crime & Disorder Act

Consultation Responses

PRINCIPLE OF THE DEVELOPMENT

The application site is located within the Green Belt. One of the two reasons for refusing planning permission for a new dwellinghouse on this site under planning application reference P/0856/09 was 'by reason of the proposed residential use' which 'would result in an inappropriate form of development in the Green Belt'. Since this decision, there has been a material change in planning policy at National, Regional and Local level and it is therefore necessary to assess the current proposal against the up-to-date Development Plan.

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
- 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.

The National Planning Policy Framework (2012) consolidates previous National Planning Policy Statements and Guidance, including Planning Policy Guidance 2 'Green Belts'. Paragraphs 79 – 92 of the NPPF provide policy guidance in relation to 'Protecting Green Belt Land', stating that the fundamental aim is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy 7.16 of the London Plan supports the aim of the NPPF and states that 'the strongest protection should be given to London's Green Belt....Inappropriate development should be refused except in very special circumstances.' This is further supported by Policy CS1.F of Harrow's Core Strategy which seeks to safeguard the quantity and quality of the Green Belt from inappropriate or insensitive development.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to inform the determination of whether any particular development in the Green Belt is appropriate or not, by stating in paragraph 89 that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. It does however set out six exceptions to this, including:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.' (bullet point 6 of paragraph 89)

The site is a previously developed site within the Green Belt and the current proposal is for the redevelopment of the site. This paragraph of the NPPF is therefore relevant to the assessment of the current proposal. Importantly, it does not restrict residential use within the Green Belt. The aforementioned reason for refusal under planning application reference P/0856/09 is therefore no longer applicable. Subject to the proposal not having a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, the current proposal for a new dwellinghouse (with ancillary caretakers accommodations within the retained Vine Cottage) could therefore be accepted in principle.

In their submission, the applicant concludes that the proposal is 'appropriate development' as it would not have a greater impact on the openness of the Green Belt or the purpose of including land within the Green Belt than the existing development. This conclusion is based on an assessment of the proposal against policy DM16 of the Development Management Policies Local Plan. Section 2 of this appraisal considers this matter in detail.

Paragraph 88 of the NPPF states that *'When considering any planning application, local*

planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. This is supported by policy DM16 of the Development Management Policies Local Plan which states that 'proposals for inappropriate redevelopment or which, for other reasons, would harm the Green Belt or Metropolitan Open Land will be refused in the absence of clearly demonstrated very special circumstances'.

Although the applicants have concluded that the proposal is an 'appropriate development' in the Green Belt, they have nonetheless put forward an argument that 'Very Special Circumstances' (VSC) exist to justify the development and that this VSC comprises the exceptional design of the proposed scheme. Section 3 of this appraisal considers this matter in detail.

A conclusion in relation to the principle of the proposal clearly hinges on the outcome of a detailed assessment of:

- the impact of the scheme on Green Belt openness and on the purposes of including land within the Green Belt;
- the design of the scheme, as this has been put forward as a VSC by the applicants.

These matters are discussed in detail in sections 2 and 3 below.

IMPACT ON GREEN BELT OPENNESS AND PURPOSES OF THE GREEN BELT

In order for the current proposal to be considered as an appropriate development in the Green Belt, the NPPF (under bullet point 6 of paragraph 89) requires two criteria to be satisfied;

- (i) The redevelopment of the site must have no greater impact on the openness of the Green Belt than the existing situation;
- (ii) The redevelopment of the site must have no greater impact on the purpose of including land within Green Belt than the existing situation;

§ Openness of the Green Belt:

It is considered that an appropriate starting point for an assessment of Green Belt openness are the existing site circumstances.

The application site comprises 0.7 ha of land, formerly part of the Royal National Orthopaedic Hospital. It is located within the Harrow Weald Ridge Area of Special Character. The Harrow Weald Ridge provides an elevated horizon of tree cover and open countryside which spans across the north of the Borough. The area as a whole tends to be viewed as a continuous wooded ridge due to the woodland of Stanmore Common, Pear Wood and the RNOH.

The site is currently occupied by eight former hospital buildings, three of which are Locally Listed including Vine Cottage, which is adjacent to Brockley Hill. The built footprint of these buildings is 837m². With the exception of the Coach House, these buildings are sited towards the south and eastern parts of the site. All of the buildings are either single or two-storey 'cottage' style buildings. The northern and south-western parts of the site are undeveloped. There are significant changes in levels across the site but generally, the topography falls from the eastern site boundary fronting Brockley Hill towards the western site boundary. In addition to this, some parts of the site are tree covered. It is clear that the site has a varied character and that the extent to which openness is perceived across the site depends on location within and surrounding the

site.

Unlike PPG 2, the NPPF does not give specific guidance on how to assess impacts on Green Belt openness. The London Plan is also silent on this matter. However, Policy DM16 of Harrow's Development Management Policies Local Plan requires the assessment of Green Belt openness to have regard to

- a. the height of existing buildings on the site;*
- b. the proportion of the site that is already developed;*
- c. the footprint, distribution and character of existing buildings on the site; and*
- d. the relationship of the proposal with any development on the site that is to be retained.*

This policy recognises that judging impacts on Green Belt openness involves more than a mathematical exercise of comparing existing and proposed footprints, floor areas and volumes. The application document includes a report titled 'Assessment of Landscape Character, Visual Amenity and Green Belt Issues' and this cites the above policy to consider the impact of the proposal on Green Belt openness.

a. the height of existing buildings on the site;

The proposed building would be sited on the lowest part of the site. The height of the proposed building would be set at 145.39 AOD, 2.5m lower than the scheme refused under planning application reference P/0856/09. The proposed building would be 2.5m lower than the highest existing building on the site (East Gate Lodge which would be demolished) and 0.83m lower than the only building to be retained (Vine Cottage).

The height of the proposed building can be compared to the tallest existing building within the eastern part of the adjacent hospital site, Eastgate House. This locally listed building has a ridge height of 154.07m AOD and the proposed building would be set 6.68m lower than this. Furthermore, the Planning Committee resolved to grant planning permission for the comprehensive, phased, redevelopment of the Royal National Orthopaedic Hospital site at a special Planning Committee meeting held on the 21st March 2013. The maximum approved building heights of zone 3 and zone 6 (the closest blocks to the application site) are 142.5 AOD and 149 AOD respectively. The height of the proposed building would be set between these approved building heights.

b. the proportion of the site that is already developed;

Unlike the existing situation where buildings are dispersed across parts of the site, it is proposed to consolidate the built development onto the western part of the site. This is the lowest part of the site. The proposed dwellinghouse would occupy 7.17% of the total site area. When the proposed dwellinghouse is considered in association with Vine Cottage, the proposal would occupy 10.47% of the total site area.

c. the footprint, distribution and character of existing buildings on the site;

It is proposed to demolish all of the buildings on the site, with the exception of Vine Cottage and the locally listed wall fronting Brockley Hill. The current application proposes a dwellinghouse with a footprint of 505m² and to retain Vine Cottage which has a footprint of 233m². This would result in an 11.38% decrease in built footprint from the existing situation, and the built footprint would be less dispersed than the present situation.

The proposed dwellinghouse would have a contemporary design and would result in the introduction of a substantial new building to the site. Details of existing and proposed floor areas and volumes have not been provided within the application documents.

However, it is clear that the proposal would represent a significant percentage increase in both. This would give rise to a significant change to the existing site which is occupied by eight single and two storey former hospital buildings.

The majority of the proposed dwelling would be concentrated on an undeveloped part of the site towards the rear site boundary. When viewed from the highway (Brookshill), this is arguably the least visible part of the overall site due to the topography of the site and also due to the presence of Vine Cottage and the locally listed wall along the eastern site boundary. The proposed layout of the site (which includes the demolition of seven buildings) would create a permanent area of open space on a part of the site that is currently partially developed. It is considered that this would enhance Green Belt openness from a number of viewing points, particularly along Brookshill.

The proposal is to consolidate the footprint of low rise buildings into a single substantial building of three stories and a basement. Whilst the existing buildings cover a greater footprint than the proposed situation, it is considered that these existing buildings are not detrimental to the open character of the Green Belt due to their low rise form and the lightweight nature of some of these structures. In some instances, it is appropriate to consolidate built footprint/volume into one (or more) structures in order to maintain Green Belt openness. This was proposed and deemed to be acceptable at the adjacent hospital site under planning application reference P/3191/12. However, in this particular instance, it is considered that the proposed dwellinghouse by reason of its overall scale and its proximity to the boundaries on the western half of the site would have a greater impact on the openness of the Green Belt than the existing situation.

d. the relationship of the proposal with any development on the site that is to be retained.

The proposed building would be sited approximately 65m from the locally listed Vine Cottage which this application seeks to retain and the area between these two buildings would be predominantly landscaped. The two buildings would have substantially different appearance and scale. However, given the distance between both buildings, it is considered that the proposed scheme offers an opportunity to provide Vine Cottage and the locally listed wall fronting Brockley Hill with their own appropriate setting.

Summary - Openness of the Green Belt:

The proposal is for the re-development of the majority of the site. It is clear that some aspects of the proposed scheme will have a positive impact on Green Belt openness, creating new vistas as a result the removal of buildings and the planting of soft landscaping. However, other aspects of the proposed scheme will introduce new impacts to established views of the Green Belt from within the site and beyond. Officers are of the view that the proposal would have a greater impact on Green Belt openness than the existing situation, albeit that the harm arising from this would be somewhat mitigated by the benefits arising from consolidation of development on the site. It will be a matter for the Planning Committee to form their views on whether the proposal would impact on the openness of the Green Belt.

§ Purposes of the Green Belt:

Paragraph 80 of the NPPF states that the Green Belt serves five purposes and these are set out in the form of bullet points. In order to consider if the current proposal would impact on the purposes of including the application site within the Green Belt, it is therefore necessary to consider the proposal in the context of each of these bullet points.

1) To check the unrestricted sprawl of large built-up areas: It is acknowledged that

the site is immediately adjacent to the hospital development, the Royal National Orthopaedic Hospital. However, there is no physical connection between the application site and the nearby urban centres within Harrow (Stanmore), Hertsmere (Elstree) or Barnet (Edgware). The proposal would not therefore lead to unrestricted sprawl of large built-up areas.

- 2) **To prevent neighbouring towns merging into one another:** Similarly, the lack of connection between the application site and the above-mentioned centres prevent this from happening. The proposal would not therefore exacerbate the merging of neighbouring towns into one another.
- 3) **To assist in safeguarding the countryside from encroachment:** The application site is formerly part of the Royal National Orthopaedic Hospital and some encroachment is long-established through the former use of the site for ancillary hospital purposes.
- 4) **To preserve the setting and special character of historic towns:** This is not relevant to the circumstances of this site.
- 5) **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:** A number of aged and derelict buildings and associated hardstanding are dispersed across the site. The proposal would result in the consolidation of these structures and would arguably result in a tidier appearance on site than the existing unkempt situation.

Summary - Purposes of the Green Belt:

On the basis of the assessment of the development against paragraph 89 of the NPPF, the proposal is not considered to result in an unacceptable adverse impact upon the purpose of this part of London's Metropolitan green belt.

IMPACT ON THE VISUAL AMENITIES OF THE GREEN BELT AND ON THE CHARACTER AND APPEARANCE OF THE AREA, AND THE AREA OF SPECIAL CHARACTER

The NPPF states (paragraph 64) 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'. 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. Core Strategy 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'. Policy DM1 of Harrow's Development Management Policies Local Plan requires all development proposals to achieve a high standard of design and layout.

Core Strategy policy CS1.F states that 'The quantity and quality of the Green Belt, Metropolitan Open Land, and existing open space shall not be eroded by inappropriate uses or insensitive development'. Policy DM1 of Harrow's Development Management Policies Local Plan requires all proposals for the redevelopment or infilling of previously-developed sites in the Green Belt and Metropolitan Open Land to have regard to the visual amenity and character of the Green Belt and Metropolitan Open Land.

Core Strategy policy CS7.C states that 'identified views of Harrow Weald Ridge will be safeguarded from inappropriate development through the Development Management Policies Local Plan. Policy 6 of this Local Plan seeks to protect Area's of Special Character from inappropriate development.

Officers have concluded in section 2 above that the proposed development would have a greater impact on the openness of the Green Belt than the existing situation. The applicant has concluded that the proposal is an 'appropriate development' in the Green Belt, but has nonetheless put forward an argument that 'Very Special Circumstances' (VSC) exist to justify the development. This VSC comprises the exceptional design of the proposed scheme. This section of the appraisal considers this matter in detail.

Similar to the previous planning application (ref: P/0856/09), the proposal is for a contemporary building of a large scale. The submission documents advise that the design concept for the proposed dwelling was derived from a study of the geometry of the site. They also advise that the following site characteristics and development requirements were considered and have influenced the design of the scheme:

- The sun path,
- Views from and towards the site
- The topography of the site
- Access – reinstatement of the existing entrance on Brockley Hill
- External open spaces and gardens, retaining the openness of the Scheduled Ancient Monument
- Views from the site whilst retaining privacy

One of the two reasons for refusing the previous planning application was by reason of the proposed design of the dwellinghouse, its excessive bulk and site coverage which 'would significantly reduce the openness of the land, to the detriment of the character and appearance of the Green Belt and the Area of Special Character'. The siting of the proposed dwellinghouse is as per the previously refused scheme. However, the design of the building has been evolved. In particular, the application proposes an increased use of glazing, a lower building height, a reduction in the size of the pavilion floor and a revised palette of materials. In addition to this, the applicant claims that the revised proposal improves the integration of the building with the surrounding garden / landscape setting. The submitted application documents claims that the proposed scheme would provide a 'highly contemporary, innovative and exceptionally interesting design dwelling, which will complement in scale the existing character and appearance of the wider RNOH, whilst creating its own unique and iconic character and design'.

Following the previous refusal of planning permission for a new dwellinghouse on this site, a Design review Panel was convened at Design for London to enable the design of the development to be explored further. The Design Review Panel (DfL) took place on the 16th May 2011 and this was observed by Officers from Harrow Council. The amendments to the design of the dwelling since the previous refusal were noted by the Panel. A written response provided by DfL following this meeting is included within the application documents. In summary, the Review panel concluded that the design had the potential to be exceptional and, if executed well, could be an unusual and well crafted addition to Brockley Hill. Subject to refinement of the design and improved presentation of the scheme, the proposed design could therefore be exceptional.

Following this presentation, a further refinement of the scheme was undertaken and the applicant also sought to improve the quality of the presentation material. In particular, it is noted that the proposal now includes an updated landscape masterplan for the site. The applicant contends that this together with a tree protection scheme for the site and the incorporation of sustainability measures to achieve a low energy building with passive design measures is integral to the 'exceptional' design of the scheme.

Following feedback from Design for London and this further refinement of the scheme, the applicant sought a further independent review of the scheme by a leading architectural advisor. This review concluded that 'the proposal represents an exceptional piece of architecture which would sit happily in its landscape setting and wider surroundings and that it is well worthy of support'

The design of the proposed building has been the subject of much discussion by Officers. The proposal to consolidate the built development towards the western part of the site and to provide a high-quality landscaped setting is certainly considered to represent an appropriate design response to the site in terms of the visual amenities of the Green Belt and the character of the area. The design of the building is unusual and certainly, the building would be unique. Various experts in the design field, including those at Design for London have concluded that the scheme has the potential to be exceptional and a well crafted addition to Brockley Hill. Officers are mindful of this expert advice. Harrow's Design for London consultant has not objected to the proposal.

The overall success of the proposed development is not only dependent on high quality building design but is also dependent on a high quality landscape proposal for the site as this would create a setting for the proposed development. An explanation of the relationship of the proposed dwellinghouse to the site's landscape and topography are set out within the submitted 'Landscape Design Statement'. This document advises that the gardens, landscape and boundary treatment have been designed to:

- Integrate the house with its garden setting in a landscape structure that reflects the ideas embedded in the architectural design of the dwelling
- Provide outdoor living space for the family of the house and their guests
- Enhance the character of the landscape through the retention of open landscape space and appropriate garden design and landscape treatment, whilst protecting the Scheduled Ancient Monument.

The proposed landscaping would create a new north/south axis and associated views through the site, and it is considered that this would create a new carefully landscaped setting for the proposed built development. The Councils Landscape Architect has raised no objections to the proposal, subject to a number of conditions.

Visual Impacts:

The application documents include a report titled 'Assessment of Landscape Character, Visual Amenity and Green Belt Issues' and section 6 of this report includes a number of photomontages from five viewpoints, each within 40m of the site.

It is clear from visiting the site that views of the site from Brockley Hill are dominated by buildings and boundary walls and fences. Pine Cottage and the locally listed wall along the eastern site boundary are to remain in situ as a result of this proposal. On this basis, views from some parts of Brockley Hill would remain unaltered as a result of the current proposal. However, views from other parts of Brockley Hill (particularly through the entrance gates of the hospital site) would change due to the demolition of buildings on

the application site. Whilst this would give rise to a change in the streetscene, it is considered that it would not give rise to detrimental impacts to the visual amenities of the Green Belt or the character of the area. Matters relating to the heritage assets of these buildings are addressed in section 4 below.

There is no doubt that the proposed building would be visible from local view points within the hospital site and that the unusual design of the building would significantly change the character of the site when viewed from these local viewing points. As set out earlier in this appraisal, Design experts have concluded that the design of the building is capable of being exceptional and an unusual and well crafted addition to Brockley Hill.

Policy 7.21 of The London Plan seeks to ensure that existing trees are retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'. Policy DM22 of the Development Management Policies Local Plan permits the removal of trees that are the subject of a TPO only where it has been demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal. A full Arboricultural Report has been submitted in support of the application. The proposal would require the removal of fifteen trees from the site. Five other trees are also proposed for removal due to their poor condition. However, in the context of the Harrow Weald Ridge, this impact is unlikely to be significant owing to the proposed retention of the majority of trees on the site (40) and also the extent of tree cover in the surrounding area. The Councils Tree Officer has not raised any objections to the proposal, subject to a number of planning conditions.

- Distant Views:

As stated in section 1, the application site is located within the Harrow Weald Ridge, which provides an elevated horizon of tree cover and open countryside spanning across the north of the Borough. In this context, the site is generally not discernable from distant views at the north of the site, as the area tends to be viewed as a continuous wooded ridge due to the woodland of Stanmore Common, Pear Wood and the RNOH. There are no distant views from the south of the site, mainly due to the topography of the land. The proposal would require the removal of fifteen trees from the site. Five other trees are also proposed for removal due to their poor condition. However, in the context of the Harrow Weald Ridge, this impact is unlikely to be significant owing to the proposed retention of the majority of trees on the site (40) and also the extent of tree cover in the surrounding area.

The proposed building would give rise to a substantial mass and physical presence on the site. However its height would not exceed the ridge height of the tallest existing buildings within the site. The submitted 'Assessment of Landscape Character, Visual Amenity and Green Belt Issues' has confirmed that there would be no significant distant views of the proposed dwelling as the majority of its massing would be concealed by trees and by natural topography. The changes to the landscape associated with the form of development outlined would not, officers consider, erode the fundamental qualities of these views or the special features of the Harrow Weald Ridge Area of Special Character.

Conclusion

Officers note that the scheme has evolved following a previous refusal of planning permission. Having considered these refinements together with advice provided by Design for London in 2011, Officers are of the opinion that the unusual design of the dwellinghouse would give rise to a unique new dwellinghouse and that is capable of

amounting to very special circumstances that would justify a departure from Green Belt planning policies. It will be a matter for the Planning Committee to form their own views in relation to the design quality of the proposed dwellinghouse and whether or not this is capable of amounting to very special circumstances that would justify a departure from Green Belt policies.

IMPACTS ON HERITAGE ASSETS

Paragraph 129 of the NPPF states that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'. Policy CS1 of the Core Strategy states that 'proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Policy DM7 of the Development Management Policies Local Plan seeks to approve proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved.

Approximately 70% of the application site falls within a Scheduled Ancient Monument (SAM). This area is concentrated to the east of the site and comprises the remains of a Romano-British pottery settlement. A significant amount of Roman remains have been uncovered within the scheduled area and also in the unscheduled part of the site and the site is considered to be of national importance in this respect.

The proposed new dwelling would be sited entirely outside of the scheduled area. The application is accompanied by an archaeological evaluation of the site. English Heritage have commented on the application and note that the land outside the scheduled monument where the new house is proposed has had the benefit of an archaeological evaluation which confirmed the presence of buried remains of Roman pottery production in one of four trial trenches but also found post-medieval features and disturbance. They have further noted that there is potential for discovering further features associated with the archaeological interest of the scheduled monument, including pottery kilns and waster dumps. English Heritage have concluded that the development would not cause sufficient harm to archaeological remains to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding of their significance. Subject to an appropriate condition as suggested by English Heritage, it is considered that the siting of the proposed new dwelling would be acceptable with regard to archaeological concerns.

Within the SAM area, the works proposed include the demolition of the existing buildings on site and the proposed landscaping. From the submitted documents and in consultation with English Heritage, it is clear that Scheduled Ancient Monument Consent was approved (subject to planning permission being granted) in 2009. English Heritage have confirmed via e-mail that the Scheduled Ancient Monument Consent remains extant for the current application. It is therefore considered that the proposal would not have an adverse impact on this Scheduled Ancient Monument and the proposal therefore complies with policy DM7 of the Development Management Policies Local Plan.

It is proposed to demolish two of the three locally listed buildings on the site (those numbered 2 and 3 on the existing site survey plan 0509.EX1.001), with Vine Cottage and the locally listed wall fronting Brockley Hill to be retained as caretakers accommodation and garage.

The proposal to retain building No.1 (Vine Cottage) is considered to be an appropriate design response as this building fronts the highway and therefore contributes to the streetscene appearance along Brockley Hill. The applicant's Heritage Assessment concludes that the building Nos. 2 and 3 are not of adequate architectural or historical interest to warrant retention and have been the subject of significant recent alterations. In assessing the previous outline application (ref P/0856/09) in which a similar proposal was proposed, no objection was raised to the loss of these two locally listed buildings. This view remains unchanged, given the local listing of these buildings and the fact that their removal does not require planning permission. English Heritage have recommended a planning condition to require the recording and reporting of these heritage assets prior to their removal. The application was referred to the Council's Conservation Officer who has not raised any objections to the proposal subject to a similar condition.

IMPACTS ON BIODIVERSITY

The NPPF states that the planning system should contribute to and enhance the natural environment (paragraph 109) recognising that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status (paragraph 113). Policy 7.19.C of the London Plan requires development proposals to make a positive contribution to the protection, enhancement, creation and management of biodiversity, wherever possible. Policy CS1 of the Harrow Core Strategy seeks to safeguard ecological interests and, wherever possible, provide for their enhancement. Policies DM20 and DM21 of the Development Management Policies Local Plan seeks the protection and enhancement respectively of biodiversity and access to nature.

There are no international or national ecological designations on the application site, nor is the site subject to any Sites of Importance for Nature Conservation (SINCs). Areas within the north and west of the adjacent hospital site do however form part of the RNOH Grounds Site of Borough Grade 1 Importance for Nature Conservation (important from a borough perspective).

The applicant submitted an Extended Phase 1 Habitats Survey as part of the application documents. This report identifies the site as being of 'low – medium' importance for wildlife. It concludes that:

- There are no natural or semi-natural habitats on site
- There are no water bodies or hedgerows on site
- There are no evasive species
- No evidence of badger was found on site and one species of mammal (a fox) was found
- Although there is potential for bat roosts, no evidence of bats was found
- No evidence of the protected Hazel Dormouse was found
- No evidence of reptiles on site, although the report does acknowledge that the survey was not carried out at the optimum time
- No evidence of Great Crested Newts
- Seven species of birds were recorded
- A small range of invertebrates were found on site

The report suggested a number of mitigation measures to enhance biodiversity on the site. It was referred to the Councils Biodiversity Officer who raised concerns that the Extended Phase 1 Habitats Survey refers only statutory protected wildlife sites and not to non-statutory Local Wildlife Sites (LWS) such as non-statutory designated area of the

wider RNOH site and Pear Wood. Further concerns were raised that the report does not refer to London and Harrow Biodiversity Action Plans (BAPs) or local biodiversity data sources holding records protected species and sites. These concerns were forwarded to the applicant for comment.

In response to these comments, the applicant has provided an updated Extended Phase 1 Habitats Survey, together with a bat and herpetological surveys, and concludes that:

- Two UK protected species were found: grass snake and Common Toad.
- No bats were found to be associated with these buildings.
- No bat roosts were associated with these buildings.
- No bats or bat roosts were found associated with the trees to be removed.
- A single Common Pipistrelle bat was recorded foraging over the site.
- Three Biodiversity Action Plan (BAP) species were recorded (Linnet, Grass Snake, Common Toad)
- The site is adjacent to a BAP orchard habitat, and shares some habitat characteristics.

The reports were referred to the Councils Biodiversity Officer for further comment who has advised that he is satisfied that any negative impact of the proposed demolition and development would have a negligible impact on adjacent Sites of Nature Conservation Importance (SINCs). He has also advised that he is satisfied with the submitted surveys, subject to the biodiversity enhancements recommended within the biodiversity report being implemented. To this end, he has raised no objections to the proposed development subject to a number of planning conditions.

RESIDENTIAL AMENITY AND ACCESSIBILITY

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, overshadowing, wind and microclimate. Following on from this, 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.

There are few residential properties immediately adjacent to the application site, the exception being Brockley Hill House to the north of the site. The proposed dwelling would be sited a minimum of 65 metres from the nearest part of this neighbouring property. The land falls away from Brockley Hill House towards the area for the proposed dwelling, thereby resulting in a drop in levels of approximately 1.5 metres. Given this separation distance and drop in levels, it is considered that the proposed dwelling would not result in overshadowing or loss of outlook to the occupiers of Brockley Hill House.

Three roof terraces are proposed on the north facing elevation of the dwelling on the ground, first and second floors. The second floor roof terrace (the highest of the three) would be 6.3metres above the adjacent ground level at the front of the proposed dwelling. Having regard to the slope down from Brockley Hill House and the significant amount of mature vegetation between the two buildings, together with the proposed separation distance of 65m, it is considered that the proposal would not give rise to undue loss of privacy for the occupiers of Brockley Hill House. This conclusion is as per the previously refused planning application.

The hospital site bounds the south and west of the application property and it is therefore considered that no adverse amenity impacts would occur as a result of the proposal. The proposed dwellinghouse would be sited approximately 45m from the closest building block (zone 3) approved as part of the redevelopment of the hospital site. As this proposal was approved in outline, detailed layout plans have not been approved.

The comings and goings of vehicles to the adjacent hospital is considered unlikely to cause unacceptable disturbance to the future occupiers of the proposed dwelling.

In terms of accessibility, the proposal would be consistent with policies 3.8, 7.1 and 7.2 of The London Plan (2011), policies DM1 and DM2 of the Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document: Accessible Homes (2010), which require all new developments to be fully accessible and inclusive to all.

TRAFFIC, PARKING AND ACCESS

The London Plan, the adopted Core Strategy and the Development Management Policies Local Plan encourage and advocate sustainable modes of travel and requires that each development should be assessed on its respective merits and requirements. Policy DM43 of the Development Management Policies Local Plan states that 'Proposals that fail to satisfactorily mitigate the transport impacts of development will be resisted'.

The proposal would re-instate an existing vehicular access from Brockley Hill, through a gateway in the existing locally listed wall. Given that the proposal is for a single dwelling, it is considered that the vehicular access would be adequate and would not give rise to adverse impacts on the safety of pedestrian and vehicular traffic on the highway. It is also considered that the amount of traffic that is likely to be generated from the proposed development would not give rise to highway safety and convenience concerns in the surrounding area. It is noted that a number of off street parking spaces are provided, including two spaces within the integral garage and three within the garage of Vine Cottage. TfL have commented on the application and advised that the number of carparking spaces should be reduced from six to four. Although the proposed carparking provision would be above the maximum provision in the London Plan, it is considered given the location of the site and the proposed provision of staff accommodation, that this parking provision would be justified.

The subject planning application has been referred to the Highways Authority who have not raised any objections to the proposal, subject to a number of planning conditions relating to the use of electronic entrance gates fronting Brockley Hill to assist effective vehicle discharge off the highway; the submission of details of visibility splays to the public highway for written approval by the Local Planning Authority prior to the occupation of the proposed dwellinghouse and the submission of a full Construction Logistics Plan for written approval by the Local Planning Authority prior to the commencement of development.

SUSTAINABILITY, FLOOD RISK AND DRAINAGE

Policy 5.2.B of The London Plan (2011) requires all new development proposals to demonstrate that sustainable design standards are integral to the proposal and to ensure that they are considered at the beginning of the process. Policy DM12 of the Development Management Policies Local Plan supports this policy.

The applicant contends that the incorporation of sustainability measures to achieve a low

energy building with passive design measures is an integral feature of the 'exceptional' design. These measures would provide a 78.01% improvement on Part L, and this would be significantly greater than the 25% required for Code Level 4 but short of the 100% required for a Code Level 5 building. It is acknowledged that the proposed building would have high sustainability credentials. Subject to a condition requiring the development to be constructed in accordance with the target outputs outlined in the submitted Sustainability Statement, there are no objections to the proposal from a sustainability viewpoint.

The application site is not located within a flood zone. Given the proposal for a basement, the subject planning application was referred to the Drainage Department of the Council, who have raised no objections subject to a number of pre-commencement conditions.

S17 CRIME & DISORDER ACT

Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

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.

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. It is considered that this application does not raise any equality implications.

CONSULTATION RESPONSES

Responses to the consultation process have not been received. Responses received from both internal and external consultees have been included in the relevant sections of this appraisal.

CONCLUSION

Officers consider that the proposed dwellinghouse would have a greater impact on openness than the existing situation and to this end, the proposal would represent a departure from the development plan. However, Officers are of the opinion that the unusual design of the dwellinghouse would give rise to a unique new dwellinghouse and that is capable of amounting to very special circumstances that would justify a departure from Green Belt planning policies.

For these reasons, 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, it is considered that a departure from the development is justified in this instance and 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (0509 EX0 001), Existing Site Survey (0509 EX1 001), Vine Cottage – existing building to be retained (0509EX1011), Building #2 – Engineer’s Cottage – elevations of existing building (0509/EX1/012), Building #3 – East Gate Lodge – Elevations of existing building (0509/EX1/013), Building #4 – Coach House – elevations of existing building (0509/EX1/014), Outbuildings #5 #8 - elevations of existing buildings (0509/EX1/015), Proposed Site Plan (0509PL3001), 4 x CGI’s of Proposed Design, Proposed refurbishment of Vine Cottage (0509PL3011), Basement Floor Plan (0509PL3101), Ground Floor Plan (0509PL3102), First Floor Plan (0509PL3103), Second Floor Plan (0509PL3104), Roof Plan (0509PL3105), Proposed East elevation (Front) (0509PL3201), Proposed South Elevation (0509PL3202), Proposed West elevation (0509PL3203), Proposed North elevation (0509PL3204), Aerial View – Comparison between Existing and Proposed (0509PL3301), Lifetime Homes Standards Basement Floor Plan (0509PL3401), Lifetime Homes Standards Ground Floor Plan (0509PL3402), Lifetime Homes Standards First Floor Plan (0509PL3403)

Lifetime Homes Standards Second Floor Plan (0509PL3404), Design & Access Statement, Design & Access Statement Summary, Assessment of Landscape Character, Visual Amenity and Green Belt Issues (Volume 1 Report, dated April 2013), Assessment of Landscape Character, Visual Amenity and Green Belt Issues (Volume 2 Report, dated April 2013), Landscape Design Statement, Planning Statement (dated May 2013), Appendices to Planning Statement (dated May 2013), Sustainability Statement (dated 17.12.12), Arboricultural Implications Assessment and Arboricultural Method Statement Revision A (dated July 2012), Tree Protection Plan (TPP/LARNH/010 A, dated July 2012), Heritage Statement (ref JB/DM/TB/10334, dated March 2009), Schedule Ancient Monument Consent (dated March 2009), Archaeological Evaluation Report (dated 23-05-2008), Phase 1 Habitat Survey (extended) with Biodiversity Assessment & Preliminary Check for Bats (dated September 2013), Bat Check (dated 26 September 2013), Herpetological Survey (dated 26 September 2013, Application supporting documents by colvin & moggridge(MI 28/08/2013)

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

3 Notwithstanding the details have been submitted, the development of the dwellinghouse hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of

- a) the new dwelling
- b) the ground surfacing

have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

4 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. This shall include details of the proposed access gates at the east and west of the site. The boundary treatment shall be completed before the building is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

5 The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a full scheme of hard and soft landscape works for the site. This scheme shall include full details of planting on the roof of the covered parking bays, the green roof area surrounding the pavilion and the proposed living walls and green steps. It should also include detailed specifications and drawings of the proposed green and/ or brown roof and living walls, and details of the proposed irrigation scheme. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including the green roofs and living walls), shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

8 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and

to prevent any increased risk of flooding, in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

10 The development of the dwellinghouse hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

11 The development of the dwellinghouse hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

12 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved 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 future highway improvement, in accordance with policies DM1 and DM10 of the Councils Development Management Policies Local Plan 2013.

13 Site works in connection with the development of the new dwellinghouse hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, in accordance with policies DM1 and DM45 of the Councils Development Management Policies Local Plan 2013.

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

REASON: To safeguard the character of the area and the Green Belt by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and

availability of amenity space, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013.

15 The development hereby permitted shall be constructed in accordance with the target outputs outlined in the approved Sustainability Statement (dated 17.12.12). Within 3 months of the first occupation of the development, a post construction assessment demonstrating compliance with the approved Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with Policy 5.3B of The London Plan (2011) and policy DM12 of the Councils Development Management Policies Local Plan 2013.

16 No development shall take place, including any works of demolition, until a Construction Method and Logistics Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties or highway safety, in accordance with policies DM1 and DM45 of the Councils Development Management Policies Local Plan 2013.

17 The development hereby permitted shall not be commenced until visibility is provided to the public highway in accordance with dimensions and maintenance arrangements to be agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To ensure that the development does not unduly impact on highway safety, in accordance with policy DM43 of the Councils Development Management Policies Local Plan 2013.

18 A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted and approved by the local planning authority in writing.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: To safeguard the Heritage assets of archaeological interest that exist on the site, in accordance with policy DM7 of the Councils Development Management Policies Local Plan 2013.

19 No demolition shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of building recording and reporting in accordance with a Written Scheme of Investigation which has been submitted and

approved by the local planning authority in writing. No development shall take place other than in accordance with the Written Scheme of Investigation.

REASON: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF and policy DM7 of the Councils Development Management Policies Local Plan 2013.

20 No development shall commence until details of fencing, signage and other control measures to protect archaeological remains in-situ have been submitted by the applicant and approved by the planning authority. The approved programme must be implemented in accordance with the approved details and maintained for the duration of operational works.

REASON: To safeguard the Heritage assets of archaeological interest that exist on the site, in accordance with policy DM7 of the Councils Development Management Policies Local Plan 2013.

21 The velux rooflights hereby approved in the roofslope of Vine Cottage shall be conservation style roof lights (i.e flush with the existing roofline), and shall be retained as such thereafter.

REASON: To safeguard the appearance of the locally listed building in accordance with Policy DM7 of the Development Management Policies Local Plan 2013.

22 The refurbishment of Vine Cottage that is hereby permitted shall not commence until details of the proposed windows and doors (including garage doors) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locally listed building in accordance with Policy DM7 of the Development Management Policies Local Plan 2013.

23 No demolition of buildings or removal of trees or shrubs shall take place between the months of February to September inclusive, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with policy DM 21 of the Councils Development Management Policies Local Plan 2013.

24 The development hereby approved shall not be commenced until full details of a scheme relating to the incorporation of bird boxes, bat roosts and other wildlife features on the site have been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with policy DM21 of the Councils Development Management Policies Local Plan 2013.

25 No development shall take place until each tree and building which is proposed for removal, has been surveyed for bats by a suitably qualified bat ecologist. Should any tree or building indicate the presence of bats, that particular tree and / or building shall not be removed and the advice of a suitably qualified ecologist shall be sought without delay.

REASON: To ensure that if bats are present then suitable measures are put into place for their protection in accordance with policy DM21 of the Councils Development Management Policies Local Plan 2013 and to conform with all current legislation.

26 Any pits and / or trenches created during construction works shall be covered outside of working hours.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with policy DM20 of the Councils Development Management Policies Local Plan

27 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars detailed in Arboricultural Implications Assessment and Arboricultural Method Statement Revision A (dated July 2012) and Tree Protection Plan (TPP/LARNH/010 A, dated July 2012), 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 Councils Development Management Policies Local Plan

INFORMATIVES

1 The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and Development Management Policies Local Plan 2013 are relevant to this decision:

§ National Planning Policy Framework (2012)

- The London Plan (2011) 3.1, 3.4, 3.5, 3.8, 5.2, 5.3, 5.12, 5.13, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.16, 7.19, 7.21
- The Harrow Core Strategy (2012) Core Policy CS 1 and Core Policy CS 7
- Development Management Policies Local Plan (2013) DM1, DM2, DM6, DM7, DM9, DM10, DM12, DM16, DM20, DM21, DM22, DM23, DM42, DM43, DM44, DM45
- Mayor of London's Housing Supplementary Planning Guidance (2012)
- Supplementary Planning Document Residential Design Guide (2010)
- Supplementary Planning Document Accessible Homes (2010)
- Supplementary Planning Document Sustainable Building Design (2009)
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

2 Please be advised that this application attracts a liability payment of £23,660 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £23,660 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 217.8sq.m.

3 Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm
All other uses - Nil.

4 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

5 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.

6 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

7 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.

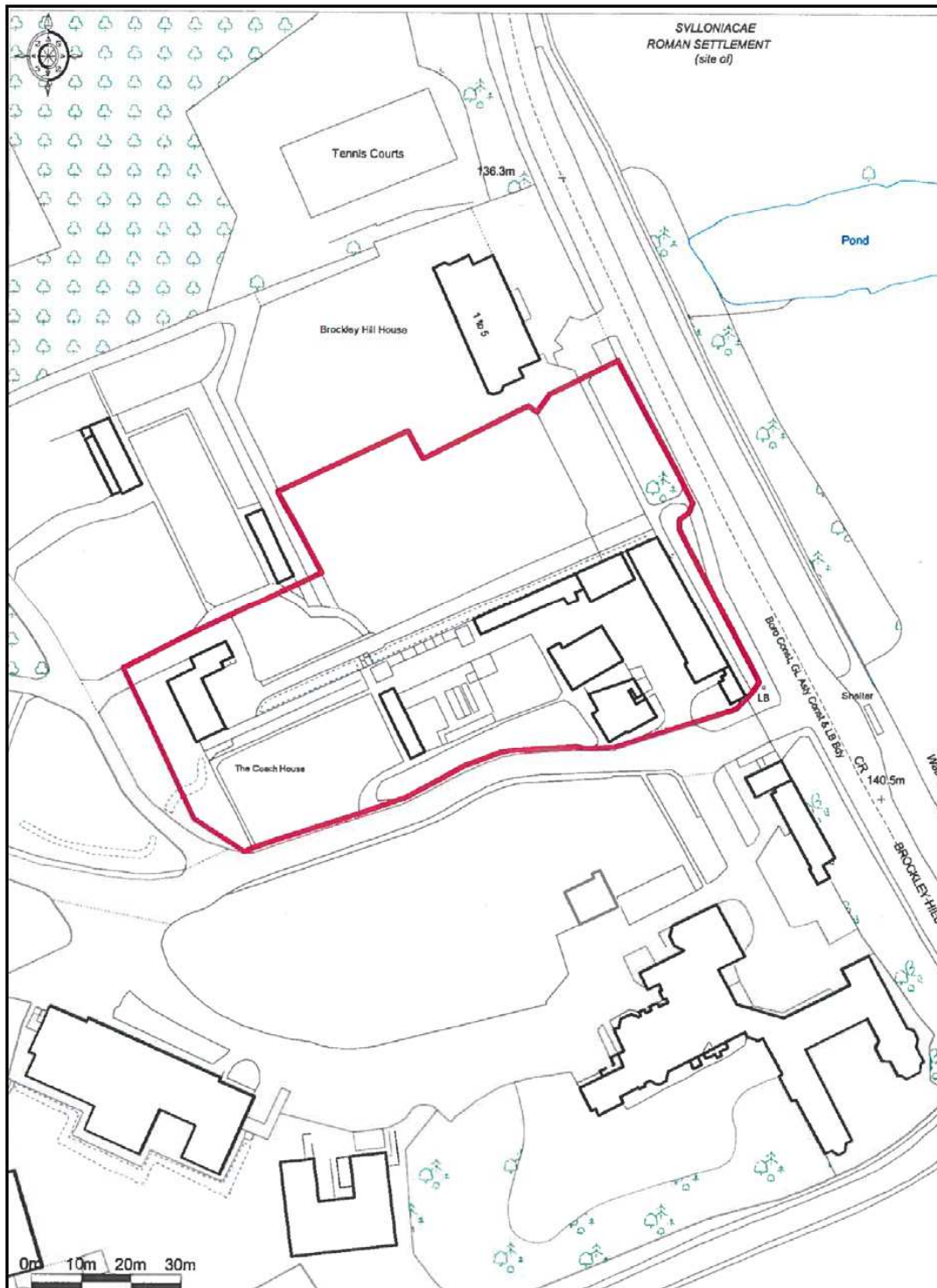
- Beginning development in breach of a planning condition will invalidate your planning permission.

- 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: Site Plan (0509 EX0 001), Existing Site Survey (0509 EX1 001), Vine Cottage – existing building to be retained (0509EX1011), Building #2 – Engineer's Cottage – elevations of existing building (0509/EX1/012), Building #3 – East Gate Lodge – Elevations of existing building (0509/EX1/013), Building #4 – Coach House – elevations of existing building (0509/EX1/014), Outbuildings #5 #8 - elevations of existing buildings (0509/EX1/015), Proposed Site Plan (0509PL3001), 4 x CGI's of Proposed Design,

Proposed refurbishment of Vine Cottage (0509PL3011), Basement Floor Plan (0509PL3101), Ground Floor Plan (0509PL3102), First Floor Plan (0509PL3103), Second Floor Plan (0509PL3104), Roof Plan (0509PL3105), Proposed East elevation (Front) (0509PL3201), Proposed South Elevation (0509PL3202), Proposed West elevation (0509PL3203), Proposed North elevation (0509PL3204), Aerial View – Comparison between Existing and Proposed (0509PL3301), Lifetime Homes Standards Basement Floor Plan (0509PL3401), Lifetime Homes Standards Ground Floor Plan (0509PL3402), Lifetime Homes Standards First Floor Plan (0509PL3403), Lifetime Homes Standards Second Floor Plan (0509PL3404), Design & Access Statement, Design & Access Statement Summary, Assessment of Landscape Character, Visual Amenity and Green Belt Issues (Volume 1 Report, dated April 2013), Assessment of Landscape Character, Visual Amenity and Green Belt Issues (Volume 2 Report, dated April 2013), Landscape Design Statement, Planning Statement (dated May 2013), Appendices to Planning Statement (dated May 2013), Sustainability Statement (dated 17.12.12), Arboricultural Implications Assessment and Arboricultural Method Statement Revision A (dated July 2012), Tree Protection Plan (TPP/LARNH/010 A, dated July 2012), Heritage Statement (ref JB/DM/TB/10334, dated March 2009), Schedule Ancient Monument Consent (dated March 2009), Archaeological Evaluation Report (dated 23-05-2008), Phase 1 Habitat Survey (extended) with Biodiversity Assessment & Preliminary Check for Bats (dated September 2013), Bat Check (dated 26 September 2013), Herpetological Survey (dated 26 September 2013), Application supporting documents by colvin & moggridge(MI 28/08/2013)

LAND ADJACENT TO RNOH, BROCKLEY HILL, STANMORE



SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

ITEM NO: 3/01
ADDRESS: 47 HIGH STREET, EDGWARE
REFERENCE: P/1121/13
DESCRIPTION: VARIATION OF CONDITION 3 (OPENING HOURS) TO PLANNING PERMISSION P/3012/11 DATED 31/08/2012 TO ALLOW OPENING HOURS FROM 08:00 HOURS TO 00:45 HOURS MONDAY TO SUNDAY INCLUDING BANK HOLIDAYS
WARD: EDGWARE
APPLICANT: VIP LOUNGE & SAFESTORE SELF STORAGE
AGENT: DOVETAIL ARCHITECTS
CASE OFFICER: NICOLA RANKIN
EXPIRY DATE: 29 JULY 2013

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

REASON

1. The proposed variation of condition 3 attached to planning permission P/3012/11, dated 31/08/2012 to increase the opening hours would give rise to potential unacceptable levels of noise and disturbance and general activity at unsocial hours that would have an unacceptable detrimental impact on the residential amenities of the occupiers of the surrounding neighbouring residential properties, contrary to policy 7.15 of The London Plan (2011) and policies DM 1 and DM 41 of the Harrow Development Management Policies Local Plan (2013).

INFORMATION

Statutory Return Type: E18 Minor Development

Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): n/a

This application is reported to Planning Committee as a petition has been received with a total of 389 signatures and as such in the reasonable opinion of the Divisional Director of Planning Services, the application should be referred to the planning committee in line with clause 13 of the Scheme of Delegation.

Site Description

- The application relates to a two and a half storey building located on the western side

of High Street, Edgware.

- The immediate surrounding locality of this part of High Street, Edgware hosts a mix of uses including, retail, offices and a warehouse/storage unit immediately adjacent and residential units and a school opposite the site.
- The opposite side of the site on the eastern side of the High Street is within the London Borough of Barnet.
- The premises known as The VIP Lounge are a banqueting and wedding venue (Sui Generis). The entrance to The VIP lounge is at ground floor level from Edgware High Street and the function and banqueting facilities sit over part of the first and second floors of the adjacent warehouse/storage unit towards the front sections of the building.
- Beyond the rear and north-west flank elevation is a car park as well as residential properties, comprising of semi detached dwellings.
- The nearest residential properties to the site are those in Handel Way which are located to the rear of the building. 20A Handel Way is the closest dwelling to the subject site, with its flank wall located approximately 5 metres from the rear wall of the VIP Lounge.
- Edgware High Street is a London Distributor Road.
- The site is within flood zone 2/3 and identified as having a medium to high probability of flooding, as shown on maps in LB Harrow Strategic Flood Risk Assessment (SFRA)(2011).
- The site is situated within an Archaeological Priority Area.
- The site is not within a Conservation Area and not within the setting of a Listed Building.

Proposal Details

- Variation Of Condition 3 attached To Planning Permission P/3012/11 Dated 31/08/2012 To allow opening from 08:00 hours to 00:45 hours Monday to Sunday including bank holidays
- Condition 3 states:
 - 3 The use hereby permitted shall not be open to customers outside of the following times:
 - a) 12:00 hours to 23:00 hours, Monday to Thursday.
 - b) 12:00 hours to 00:00 (midnight), Fridays and Saturdays
 - c) 12:00 hours to 22:30 hours, Sundays and BANK Holidayswithout the prior written permission of the Local Planning Authority.REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

Revisions to Previous Application

- None

Relevant History

EAST/412/95/FUL – Change of use of ground floor from retail to Ten Pin Bowling Alley (class A1 to D2) with parking.
Granted 08-Aug-1995

EAST/334/93/FUL - Change of use of first floor from Sui Generis to Class B1 (Photographic studio to business use).

Refused 08-Nov-1993

Reason for Refusal:

The proposed change of use would lead to a more intensive use of the premises resulting in on street parking to the detriment of highway safety and the free flow of traffic.

Appeal Allowed 09-Sep-1994

EAST/1423/02/FUL - Use of first floor as a restaurant/bar and function hall (class A3)

Refused 17-Mar-2003

Reason for Refusal:

The proposed change of use would result in increased disturbance and general activity within the car park at unsocial hours to the detriment of the amenities of the neighbouring residents.

Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development and the likely increase in parking on the neighbouring highway would be detrimental to the free flow and safety of traffic on the neighbouring highway and the amenity of the neighbouring residents.

- P/3051/11 – Display of an illuminated projecting sign and new fascia sign. Granted 28-March 2012

P/3012/11- Continued use of main function room on the first floor (490m²) (sui generis use) and change of use of first floor storage areas to two reception rooms and a function room (1403m²) together with ancillary storage areas at first floor (167m²) and second floor levels (269.01m²) including change of use of part of second floor storage areas to ancillary office, conference room and reception area (98.5m²). Installation of new shop front to no. 47 and 49 high street incorporating change of use of part of ground floor unit of no. 47 to provide an enlarged entrance area to the first and second floor uses (sui generis use); installation of new external staircase to north western side elevation; external alterations.

Granted 31/08/2012

P/2548/12 Variation of condition 3 attached to planning permission p/3012/11 dated 31/08/2012 to allow opening from 08:00 hours to 00:45 hours Monday to Sundays (including bank holidays)

Refused 24.12.2013

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

Location Statement

Event Management Plan

Green Travel Plan

Noise Impact Assessments

Design and Access Statement

Planning Statement

Planning Summary 2013

- Noise Impact Assessment – summary

The assessment has identified that there is potential for noise from music break-out from within the building, noise associated with people and vehicles arriving at and leaving the venue and noise from mechanical service to cause vehicles arriving at an leaving the venue and noise from mechanical services to cause disturbance to the residents of the

closest residential properties to the site.

It is considered, however that noise from access and egress will be insignificant as all patrons will vacate the premises via the front entrance on Edgware High Street in line with current practice at the venue (which has no history of noise complaints). The majority of guests will be collected by taxi/ coach and those driving will walk to their cars which will be parked in car parks leased from nearby commercial premises.

Noise break- out from the extension of the existing function room is considered to be insignificant due to the sound insulation currently provided by the layout of the building and the distance between this room and the nearest residential properties.

There is some potential for noise break- out from the new (smaller) function room, however, measures to be undertaken to this space will ensure that noise from music in this area will not cause disturbance at the nearest properties. It is recommended that a further noise break- out test is undertaken on completion of the building works and a noise limit set which can then be managed by the VIP Lounge.

Noise from all new plant and services associated with the extension of the building will be engineered to ensure that it complies with the requirements of the local planning authority.

- Design and Access Statement – summary

The application is to vary the opening hours approved to fall inline with the Premises Licence held by the VIP Lounge.

The proposed opening hours would allow the VIP Lounge to continue to host multi-cultural banqueting functions and services with planned functions such as Weddings, Mandap Ceremonies and Bar Mitzah's.

The earlier opening hours would allow the main guests to prepare for the event prior to the event starting. The later closing time would allow the VIP Lounge to 'wind down' the event in preparation for people leaving and staff to usher guests to their mode of transport as per the event management strategy.

The earlier closing hours means you reduce the egress time for all visitors to leave, meaning you have a greater number of people leaving over a shorter period of time which has the potential to be of greater disturbance than the same volume of people leaving over a longer period of time.

There would be a high volume of background noise with traffic, late night restaurants, fast food restaurants, take away's, pubs, nightclubs and bars all in the immediate vicinity.

Without earlier opening hours and later closing times the VIP Lounge will struggle to continue to operate the business.

Planning Summary 2013 – summary

- A noise impact has been submitted which demonstrates that there is no adverse impact on the local residents.
- Noise from Access and Egress was found to be insignificant as patrons vacated the premises via the front entrance on Edgware high Street. Noise break out from the extension of the existing function is considered to be insignificant due to the sound

insulation currently provided by the layout of the building and the distance between the rooms and the nearest residential properties.

- The VIP Lounge cannot commit to the cost of expansion (600k) based on the limited opening hours listed in condition 3. Without the earlier opening hours and latter closing times the VIP Lounge will struggle to continue to operate the business as clients looking to book the venue will be put off by the limited hours and are likely to book alternative venues.
- The VIP Lounge employ approximately 50 staff in the local area and there would be a loss of revenue to local business that both VIP and their guests spend in retail and local services such as hotels and shops.

Consultations:

London Borough of Barnet: No objection.

Environmental Health:

The applicant has submitted a noise report in which they take a look at noise from:

1. Patrons
2. Noise/music breakout
3. Mechanical plant noise.

We have the following comments to make:

There is no objection for the variation of hours of this application on the following basis.

1. Noise mitigation measure suggested in Sec 6.3 of the Technical report: R3585-1 Rev.2 are to be carried out and a report demonstrating compliance with this report must be submitted to and approved in writing by the Local Planning Authority before the variation of hours comes into operation.

2. (a) The level of noise emitted from any new plant must ***not*** be greater than 31dB LAeq 5min. as stated in Technical report R3585-1 Rev.2 Sec.6.5. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation.

Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements of Sec.6.5 of Technical report R3585-1 Rev.2 shall be submitted to and approved in writing by the Local Planning Authority.

(b) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

Highways Authority: No objection

Advertisement

Press Advert: Major Development: Expiry:06.06.2013

Site Notice: Major Development: Expiry: 20.07.2013

Notifications

Sent: 69

Objection received: 2

Supports received: 407 including one petition of support with a total of 389 signatures

Expiry: 20-08-2013

Summary of Responses

Comments received objecting to the application:

- VIP are currently ignoring their permitted hours and flouting your rules by opening earlier and staying open latter than the hours agreed upon.
- Consideration needs to be given to the fact that the premises are now much larger than the original and that there will be many more people pouring out onto the car park latter at night.

Comments in received in support of the application:

- If the VIP lounge is unable to maintain their current opening hours, it will have a detrimental economic impact on my company as a local supplier as well as other neighbouring businesses.
- VIP lounge currently deals with the largest amount of marriage licenses in Harrow, restricting its opening hours will constrain VIP lounges ability to deliver its services to its current standards and this will be detrimental to the local area.
- If the operating hours are reduced, the venue will no longer be of value to the community.
- 11pm is too early for a wedding reception to finish and no one will want to use the venue.
- There have never been any complaints from local residents about noise or any reason for the police to be called in the last 10 years while the current license has operated.

The comments of the 29 page petition are outlined as follows:

“We, the undersigned, believe that the current licensed hours (0800-0045) of the VIP lounge are proven, sustainable and successful and should be maintained to secure the future of the venue. Any restriction on these would unnecessarily damage the popularity of the VIP Lounge, a successful local business, employer and significant contributor to the local economy.”

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

MAIN CONSIDERATIONS

Residential Amenity

Traffic and Parking

S17 Crime & Disorder Act

Consultation Responses

Residential Amenity

Policy DM 1 C of the Harrow Development Management Policies Local Plan (2013) outlines 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 the future occupiers of the development, will be resisted. The assessment of privacy and amenity considerations will have regard to: h - the impact of the proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution.”* In addition to this, policy DM 41 of the Harrow Development Management Policies Local Plan (2013) outlines that proposal which enhance the evening economy of town centres will be supported subject to the impact upon the amenity of the residential occupiers within and adjoining the centre.

On the previously approved scheme P/3012/11 for the expansion of the existing facility, it was considered that the site was in an appropriate location for a high intensity Sui Generis banqueting/function facility and there was no objection in principle to an increase in capacity of the site. However, it was also noted that noise and disturbance from the intensified use of the site could be a potential issue with the proposed development, particularly in relation to the residential properties at the rear of the site in Handel Way. Such problems can manifest in the form of internally generated noise (music and amplified sound), external disturbance from patrons leaving the premises, particularly at closing times, vehicular activity and alcohol fuelled anti social behaviour. Taking into account the large increase in the capacity of the number of patrons occupying the site, the opening hours were restricted to safeguard the amenity of neighbouring residents in accordance with policy DM 1 and DM 41 of the Harrow DMP (2013).

In respect of the current application to increase the permitted opening hours for the expanded facility, the applicant has provided Noise Impact Assessments that outline that any noise impact from the proposed development can be satisfactorily controlled. Whilst it is acknowledged that proposals for the management and control of operations at the site, including the ‘Event Management Strategy’ accompanying the application, would serve to provide some additional elements of control and would help to reduce the risk of noise and disturbance from the expanded facility, officer’s consider that given the expanded facility was only granted planning permission on August 31st 2012 and the increased use has not yet commenced, it is not possible to make an accurate assessment in relation to the potential impacts of the expanded use.

It is accepted that that noise from the building itself and associated plant and services could be engineered to ensure that it does not result in unreasonable disturbance to the nearest residential properties. However, the main concern relates to potential noise and disturbance that would arise from access and egress to the premises, given the significant increase in the number of up to 700 patrons who could use the premises at any one time. The application is accompanied by a technical noise report (Ref: R3585-2 Rev 1) that considers that noise from access and egress will be insignificant as this will

be predominantly via the main front door onto Edgware High Street where there is a higher level of background noise. However, the applicants have not been able to put into practice their Event Management Strategy and demonstrate that this indeed would not give rise to unacceptable noise and disturbance through appropriate management of people leaving the premises late at night as is highlighted would be the case. As such, although the applicants claim the facility would be managed effectively, there is a concern that there is significant potential for the intensified use to result in unacceptable disturbance at unsocial hours as a result of access/egress during events, particularly to the rear of the premises where the car park is located adjacent to the properties of Handel Way. The residential properties along Handel Way are sited away from the main High Street by approximately 85 metres and would therefore receive lower levels of background noise. These properties are considered to be particularly sensitive given their proximity to the site, the closest property (29a) being only 5 metres away from the rear of the building.

As such, officers consider that the expanded facility should be brought in to use for at least a period of one year, before an extension to the opening hours could be considered. This would allow for the Local Planning Authority to monitor the impacts associated with the expanded use. Whilst there is no concern with the proposed earlier opening time of 08:00, the increase in closing time into the early morning for functions/events each day, particularly on Sundays and week days, is considered to be unacceptable at the current time and there is no sufficient evidence before the Council to demonstrate otherwise. The increase in opening hours is therefore considered to be premature and further consideration of the impacts of the development is needed to ensure that any extended opening hours would not give rise to permanent adverse impacts on nearby residents.

It is noted that a large number of signatures have been received in support of the application (389 signatures) from people associated with the VIP Lounge, generally from people who have either used the facilities in the past or have business connections with the venue. It is noted that not all of the signatories are residents within the London Borough of Harrow. It will be for members to have proper regard to all of the comments submitted, but to recognise the position on the definition of a petition contained in the Council guidelines. Officer's assessment has had regard to all of the points raised in the representations above.

Some of the representations received in support of the application have expressed concerns that the VIP lounge will not be able to attract sufficient bookings for weddings and functions which will consequently lead to a detrimental impact on other local businesses in the area. Whilst these concerns are noted, the change in opening hours, if allowed would be permanent and irreversible. If the opening hours were to be increased before the Local Planning Authority has had the opportunity to monitor the impact of the increased capacity on the surrounding local residents, this could result in irreversible unacceptable detrimental impacts on the amenities of residents in the locality in terms of noise and disturbance at unsocial hours.

Furthermore, taking account of the large increase in number of patrons of up to 700, the restriction of up to 11pm between Monday to Thursday and up to 10:30pm on Sundays and bank Holidays is considered to be reasonable and when residents would expect to enjoy lower ambient noise levels during the working week. The permitted hours would be 1 hour, 45 minutes less than the current permitted licensed hours of the premises and the permitted weekend time of 12pm on Friday and Saturday, would only be 45 minutes less. The reduction of 45 minutes at the weekend and an 1 hour 45 minutes during the week

from the licensed operating times, is not deemed to be so significant so as to have a detrimental impact on the existing business or wider local economy. Nevertheless, in any event, it is considered that the issues expressed from the applicant in connection with some potential loss of business from function bookings and knock on impact on the local economy, in this case, would not outweigh the potential harm of the proposed increased opening hours on neighbouring residents.

The comments from the neighbouring occupiers are noted in relation to concerns over existing noise and disturbance with the site and concerning the fact that the existing opening hours are not being adhered to. This has been referred to the Council's Planning Enforcement team and Environmental Health team for further investigation.

For the reasons discussed, it is considered that the proposed increase in the opening hours up to 12:45 pm each day would be likely to result in undue harm to the nearby residential properties, particularly those along Handel way and there is no evidence before officers to demonstrate otherwise. It is considered that the proposed increase in the opening hours would result in significant adverse impacts on neighbouring amenity through increased noise disturbance and associated activity, contrary to policy 7.15 of The London Plan (2011), and saved policies DM 1 and DM 41 of the Harrow Development Management Policies Local Plan (2013).

Traffic and Parking

The London Plan (2011) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. DM 42 requires new development to comply with the Council's maximum car parking standards and Policy DM 44 of the Harrow Development Management Policies Local Plan (2013) outlines that "proposals that would be detrimental to safety, traffic flow or the amenity of neighbouring occupiers will be resisted.

This variation to the opening times does not raise any specific objection or concerns as it is unlikely that in traffic terms the out of peak operation will impact on the public realm to any measurable degree. The application has been referred to the Highways Engineer who has not objected to the variation in the opening hours. The proposal would therefore not conflict with policy DM 42 or DM 44 of the Harrow DMP (2013) and the proposal would be acceptable in this regard.

S17 Crime & Disorder Act

Policy 7.3 of The London Plan seeks to ensure that development proposals address security issues and provide safe and secure environments. Saved policy D4 of the Harrow UDP advises that crime prevention should be integral to the design of a scheme.

The main entrance and exit to the building is located on the main thoroughfare on Edgware High Street and therefore affords natural surveillance from the surrounding buildings and busy road. It is considered that the security of the building and the movement of people following events can be managed by an appropriate 'event management' strategy which has been agreed through a section 106 agreement. On balance, it is considered that the proposed variation in opening times would not pose any undue impact on community safety issues as compared to the existing opening hours granted planning permission under reference P/3012/11.

Consultation Responses

Comments received objecting to the application:

- VIP are currently ignoring their permitted hours and flouting your rules by opening earlier and staying open later than the hours agreed upon.
This is addressed in section 1 of the above appraisal.
- Consideration needs to be given to the fact that the premises are now much larger than the original and that there will be many more people pouring out onto the car park later at night.
This is addressed in section 1 of the above appraisal.

Comments in received in support of the application:

- If the VIP lounge is unable to maintain their current opening hours, it will have a detrimental economic impact on my company as a local supplier as well as other neighbouring businesses.
This is addressed in section 1 of the above appraisal.
- VIP lounge currently deals with the largest amount of marriage licenses in Harrow, restricting its opening hours will constrain VIP lounges ability to deliver its services to its current standards and this will be detrimental to the local area.
This is addressed in section 1 of the above appraisal.
- If the operating hours are reduced, the venue will no longer be of value to the community.
The previous hours permitted are deemed to be reasonable in relation to the capacity of the expanded facility and it would still be able to provide a valuable service to the community. Furthermore, the LPA are not against a trial period of an increase in hours, if it can be demonstrated that the increased capacity of the venue would not result in harm to neighbouring residents and that the 'Event Management Strategy' to be adhered to as part of the section 106 agreement under application P/3012/11 is implemented effectively.
- 11pm is too early for a wedding reception to finish and no one will want to use the venue.
The venue is permitted to open until 12 on the weekend. Given the significant increase in people who can use the venue at anyone time a time of 11pm during the week is considered to be appropriate in safeguarding the amenities of the neighbours. If VIP lounge can demonstrate the use will not be harmful by managing the venue effectively then there will be an opportunity to re-consider this time in the future.
- There have never been any complaints from local residents about noise or any reason for the police to be called in the last 10 years while the current license has operated.
The complaints from local residents have been taken into account in section 1 of the appraisal. Nevertheless, the issue of concern relates to the increase in the intensity of the use. The Local Planning Authority has not had the opportunity to monitor the impacts of this as the use has not yet commenced.

INFORMATIVES

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011)

3.16 Protection and Enhancement of Social Infrastructure

4.12 Improving Opportunities for All

4.5 London's Visitor Infrastructure

4.6 Support for and Enhancement of the Arts, Culture, Sport and Entertainment Provision

5.12 Flood Risk Management

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.15 Reducing Noise and Enhancing Soundscapes

Harrow Core Strategy (2012)

Core Policy CS1 – Overarching Policy
Core Policy CS 8 – Edgware and Burnt Oak

Harrow Development Management Policies Local Plan (2013)

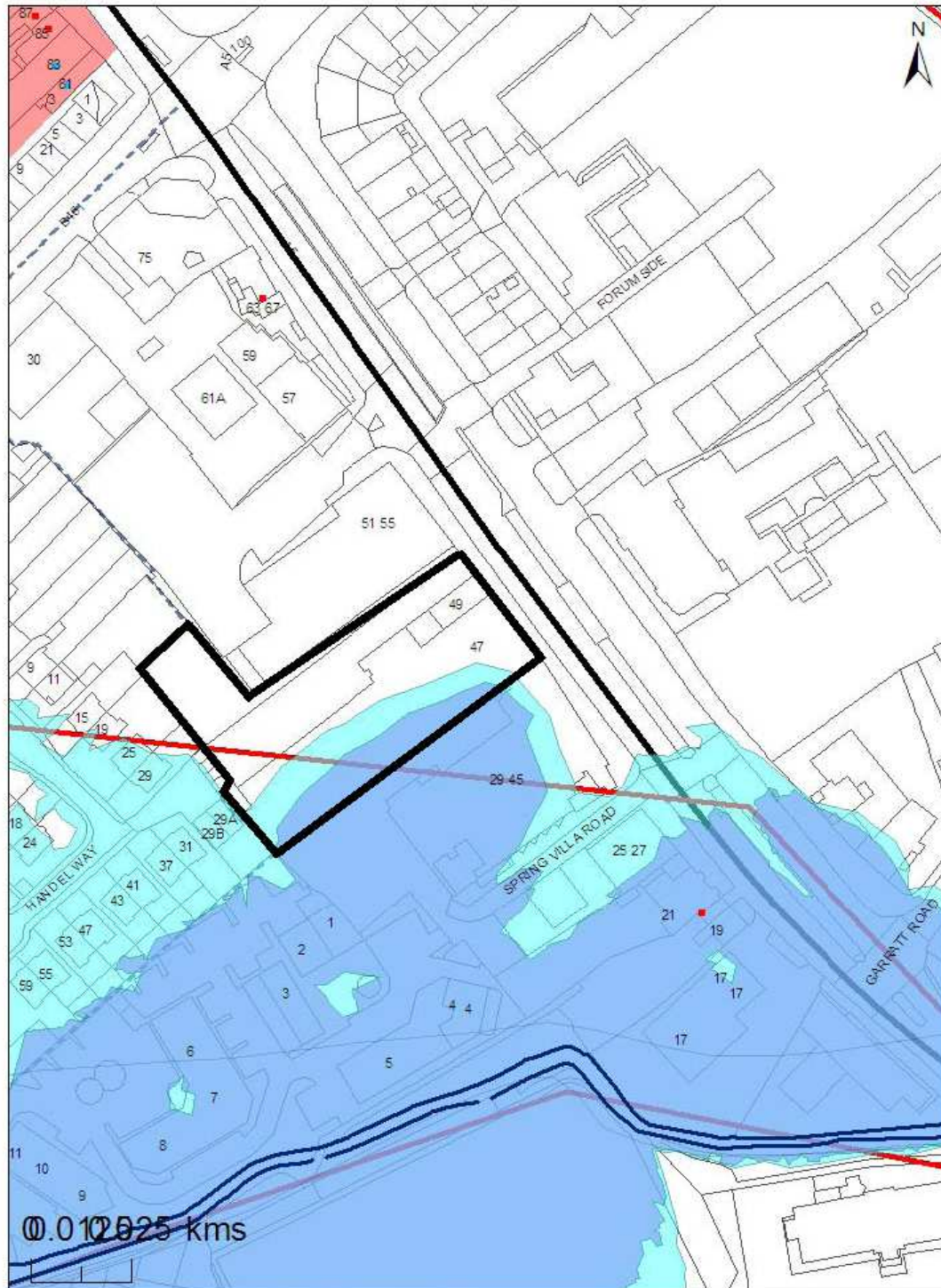
Policy DM 1 – Achieving a High Standard of Development
Policy DM 41 – Evening Economy
Policy DM 42 – Parking Standards
Policy DM 43 – Transport Assessments and Travel Plan

Supplementary Planning Guidance and other relevant guidance

Harrow Strategic Flood Risk Assessment (2011)

Plan Nos: Noise Impact Assessment – Technical Report: R3585-1 Rev 2; Consideration of Noise from Access and Egress – Technical Report R3585-2 Rev 1; Design and Access Statement; Location Statement; Planning Statement (1); Planning Statement (2); Planning Summary 2013 – Dovetail Ref: RW/2596; Document titled - Premises Licence; Event Management Plan; Green Travel Plan; 2596 PL01A (Site Location Plan); Email – titled Sundeep/The VIP Lounge, dated 31st December 2010; Letter to Michael Melbourne dated 21st August 2009; Letter to the Licensing Department, dated 25th August 2009; Document titled: Application for the review of a premises license or club premises certificate under the licensing Act 2003; Document titled: VIP Lounge Complaints; Email titled Sundeep/The VIP Lounge; Email titled CCTV footage with letters, dated 26th August 2012; Letter from the Residents of Handel Way, dated 22.07.2009;

47-49 HIGH STREET, EDGWARE



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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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APPEAL 2104
ALLOWED

Peter Pendleton Associates
Chelsea Bridge Business Centre
334 Queenstown Road
LONDON SW8 4NP

Your Ref: Peter Pendleton
Our Ref: T/APP/M5450/A/94/238081/P6

12 SEP 1994

Date: 29 SEP 1994

Dear Sirs

JAB/haw/mc

~~TOWN AND COUNTRY PLANNING ACT 1990~~, SECTION 78 AND SCHEDULE 6
APPEAL BY ROWBAIRD PROPERTY COMPANY LTD
APPLICATION NO: EAST/334/93/FUL

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Council of the London Borough of Harrow to refuse planning permission in respect of an application for change of use to B1 of the first floor of premises at 47-49 High Street, Edgware. I have considered the written representations made by you and by the Council and also those made by another party. I have also considered a representation made directly to the Council which has been forwarded to me. I inspected the site on 8 August 1994.
2. From the written representations I received and my inspection of the site and surrounding area I consider that this appeal turns on whether, when relevant national and local planning policies are taken into account, the change of use would be unacceptably detrimental to the flow of traffic along adjoining roads and to residents' amenities.
3. The appeal premises comprise a 2-storey building with floorspace of 0.46ha, built in the 1960s as ground-floor shops with a bowling alley above. Along the north-west side, below a projection of the first floor which is carried on piers, is a wide access with parking spaces along its sides. An area of open ground at the rear provides more parking space.
4. In 1973 the ground floor was a Green Shield trading stamp gift shop, and the Council granted planning permission for change of use of the bowling alley to a warehouse serving the gift shop. Subsequently however the first floor was occupied by a firm who worked exclusively on the production of photographic material and artwork for the catalogues of Green Shield, and their successor Argos. That was regularised by planning permission (ref 18564/E) granted in 1980 for continued use of the first floor as "retail photographic



studio & warehouse & design studios with ancillary offices". (The word "retail" is somewhat misleading as there is no evidence that the occupants have ever traded direct with the public.) At that time they employed only 32 people, and the Council considered their parking requirements, along with those associated with the Argos shop, could be satisfactorily accommodated on the site.

5. That firm remains on the first floor doing the same kind of work, though for other clients as well as Argos, who have vacated the ground floor. Only the front part of that is now in use, as a shop selling women's clothing; the much larger area behind retains rows of storage fixtures, but is currently unused. Nearly half the first floor is used as a warehouse, where merchandise is held before and after being photographed in the 5 large studios which occupy much of the rest. At the front, above the present shop, is a design office with some smaller units partitioned from it. There are also rooms for photographic processing and storage and a small suite of management offices. In September 1993 the firm employed 67 people there.

6. You question the Council's description of this activity as *sui generis*, arguing that it falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987. It is clearly a composite use comprising photography, photoprocessing, graphic design and typography with ancillary storage and office uses. Individually these functions could form part of a B1 use, but they are combined here to produce a very low intensity of occupation (about 40 sq m per person) which clearly distinguishes it from the generality of office and light industrial uses. Surveys quoted by the Council show that used as offices this amount of floorspace might accommodate up to 4 times as many people. The small number employed was an important consideration for them when granting permission in 1980, and I think they rightly call it *sui generis*.

7. The statutory development plan for the area comprises the Greater London Development Plan and the Harrow Borough Local Plan. Policy 61 of the latter encourages office development in district centres, subject to their suitability for that purpose, including the availability and capacity of public transport facilities, whether the roads can accommodate the traffic generated, and the availability of adequate parking facilities. Policy 121 refers to standards for parking provision which the Council will apply.

8. A Unitary Development Plan (UDP) which will replace these plans is at an advanced stage of the statutory process, and its policies carry considerable weight. The appeal site is within a Business Use Area defined in Policy EM5, where the Council will encourage the retention, development or redevelopment of land and buildings for business and light industrial (B1) uses only. Policy EM7 says that when considering applications for business development the Council will have regard to its impact on the amenity of adjoining

property, and whether the surrounding roads can accommodate the traffic generated. Policy T17 echoes Policy 121 of the Borough Plan. The parking standards contained in a Schedule are subject to revision in response to the recent Government Planning Policy Guidance Note 13, but as they stand require 92 spaces for the authorised use of the ground floor and proposed B1 use of the first floor of the appeal building.

9. The revised PPG13 was published after the public inquiry on the UDP and submission of the Inspector's recommendations. It emphasises encouragement of public transport use, and the discouragement of private cars in planning decisions. In paragraph 1.8 it advises local authorities to promote development within urban areas, and major generators of traffic demand, at locations highly accessible by means other than the private car, and to limit parking provision to discourage reliance on the car for work where there are effective alternatives. Paragraph 3.6 urges them to provide locations for offices and other employment intensive uses at locations in urban centres well served by public transport.

10. Parking spaces on the appeal site are not marked out, but the Council estimate that 38 cars can be parked at the side and rear of the building. Immediately in front of the building there is a bus-stop served by 8 weekday routes and just to the south is a pedestrian crossing with guard rails either side. Elsewhere kerbside parking is permitted except between 8 and 9.30 am and 4.30-6.30 pm on Mondays to Fridays. As the Council point out those restrictions prevent people working in the premises from parking there all day. I note that the adjoining London Borough of Barnet, who are the highway authority, have made Edgware High Road their highest priority for establishing a controlled parking zone. About 5 minutes' walk away are Edgware underground station and a public car park off Station Road. Both are as near as, or nearer than, the unrestricted residential roads where the Council fear that extra people working at the appeal premises might park.

11. I find it difficult to reconcile the Council's objections to B1 use of the first floor with their inclusion of the appeal site in the Business Areas defined in UDP Policy EM5. According to them no part of the building has ever been in such use, unlike most of those nearby, so its inclusion must have been a conscious decision. Its location, in an urban centre, with comprehensive shopping facilities in Station Road and well served by public transport seems to me to accord very closely with what PPG13 recommends for such development. That more recent advice clearly conflicts to some extent with the development plan policies and the Council acknowledge that they will need to revise the parking standards in the latter. In the circumstances of this case I consider the PPG to be a material consideration which outweighs the requirements of the development plan for a particular level of parking provision.

12. The local policies and regional guidance referred to by the Council assume that unless sufficient parking space is provided in developments, people will still use their cars but park in ways which are harmful to amenity. The PPG assumes the contrary: that limiting parking space will encourage people to use other means of transport. In my view the restrictions on rush-hour parking in the High Road and the proximity and variety of public transport available would tend to bring about the second outcome, discouraging employees from travelling to work by car. I am not convinced that a B1 use employing more people than at present work in the building would inevitably create so much more vehicular traffic as to impede the flow of traffic on adjoining roads, or be detrimental to the amenities of neighbouring residential roads.

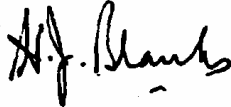
13. I have considered all other matters raised in the written representations but found nothing which led me to different conclusions on the main issues.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of the first floor at 47/49 High Street, Edware to one falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in accordance with the terms of the application (No EAST/334/93/FUL) dated 21 July 1993 and the plans submitted therewith subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

15. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



H J BLANKS BA(Oxon)
INSPECTOR

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.