

## SECTION 1 – MAJOR APPLICATIONS

None.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No: 2/01  
Address: FIRST NATIONAL HOUSE, 53 - 61 COLLEGE ROAD, HARROW  
Reference: P/2628/13  
Description: CHANGE OF USE OF THE GROUND FLOOR FROM OFFICE (CLASS B1) TO RETAIL (CLASS A1) WITH MINOR EXTERNAL ALTERATIONS AT GROUND FLOOR LEVEL  
Ward: GREENHILL  
Applicant: HARROW THE HUB INVESTMENTS LTD  
Agent: PRESTON BENNETT PLANNING  
Case Officer: SUSHILA BHANDARI  
Expiry Date: 30/10/2013

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

The proposed change of use of the ground floor of the existing building from an office (Class B1) in Harrow town centre to retail (Class A1) use is considered to be acceptable in planning policy terms for this location, and also introduces an active use at ground floor level along College Road. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, and matters of transport and highway impacts can be mitigated through the use of planning conditions. 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

The application is reported to the Planning Committee because the floor area for the proposed change of use would be greater than 400 sqm and therefore falls outside of Part 1, 1 (f) of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: 16 Minor Retail Distribution

Council Interest: None

Gross Floorspace: 625 sqm

Net additional Floorspace: 625 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £21,875 –based on the fact that the building has not been in use for 6 months within the last 12 month period (from the date of the application)

### **Site Description**

- The application site comprises the ground floor of an eight storey building located on the north of College Road, adjacent to Harrow on the Hill station.
- Planning Permission ref P/0122/13 was granted on 17/04/2013 for the “Change Of Use From Office Building (Use Class B1) To Retail Gym And Education (Use Class A1 D2 And Use Class D1).”
- To the immediate east of the application site lies the former Post Office site, which has been subject to planning applications for redevelopment previously (P/1620/08CFU), and to the north is St Ann’s Shopping Centre, which is accessed from College Road (and St Ann’s Road).
- The subject building was previously occupied by First National House bank, and as such is often referred to as this, although the applicant has now re-labelled the building the ‘Harrow Hub’.
- Pedestrian access to the building is gained directly to the front from College Road into a communal foyer area. Vehicular access is also achieved directly from College Road, down a ramp to two basement floors of car parking that provides approximately 96 car parking spaces.
- The application site is within Harrow Metropolitan Centre, as set out in the Council’s Proposal’s Map, but is not within a defined shopping Primary or Secondary frontage.
- The application site is not within in a Conservation Area nor within the setting of a Listed Building; the site is not within a Flood Risk Zone. The site is, however, within Controlled Parking Zone D, which restricts parking Mon - Sat 8:30am - 6:30pm.
- As noted above, the site is immediately adjacent to Harrow on the Hill station, which provides mainline services between Aylesbury and London Marylebone and London Underground services on the Metropolitan Line, and Harrow Bus Station is located next to this. As such, the site has an accessibility rating of PTAL 6B, which is the most accessible.

### **Proposal Details**

- The application proposes to change the use of the ground floor of the existing building from offices (use Class B1) to retail (Use Class A1).
- The proposal would also include minor alterations to the ground floor front elevation of the building to include a new shop front, installation of an ATM and bollards.

### **Revisions to Previous Application**

Following the previous decision (P/0122/13) the following amendments have been made:

- The proposal now only seeks the change of use of the ground floor of the building only.

### **Relevant History**

P/0122/13 Change Of Use From Office Building (Use Class B1) To Retail Gym And Education (Use Class A1 D2 And Use Class D1)  
Granted - 17/04/2013

P/1983/13 Conversion Of Offices (Class B1a) On Floors 3 To 7 To Fifty Four Self-Contained Flats (Class C3) (Prior Approval Of Transport & Highways Impacts Of The Development, And Of Contamination Risks And Flooding Risks On The Site)  
Granted - 21/08/2013

P/2205/13 Conversion Of Offices (Class B1a) On Floors 1 & 2 To Twenty-Four Self-Contained Flats (Class C3) (Prior Approval Of Transport & Highways Impacts Of The Development, And Of Contamination Risks And Flooding Risks On The Site)  
Granted - 02/09/2013

P/1769/13 Removal Of Condition 4 Attached To Planning Permission P/0122/13 Dated 17/04/13 To Allow Flexible Phased Implementation Of The Approved Development  
Granted - 03/10/2013

### **Pre-Application Discussion (Ref.)**

- None

### **Applicant Submission Documents**

- Planning Statement

### **Consultations**

#### Highways Authority:

In broad terms this is an ideal location for the proposed ground floor use given the ultra high level of public transport accessibility given the proximity of Harrow on the Hill train and bus stations combined with stringent parking controls over an extensive area which renders the site highly reliant on public transport which is of course encouraged and welcomed.

The A1 retail use is unlikely to generate significant additional vehicle trips owing to continued linked trips generated by other and comparable destinations to and from this town centre location with its generous public car park facilities and high public transport accessibility. This logic is further reinforced by the absence of on-site parking irrespective of the existing underground car park of 130 parking spaces which is excluded from this planning application with its use likely to be determined at a future date when submitted for planning permission. However in accord with the London Plan 2011 there should be a minimum of 2 disabled user spaces provided hence in the interim a car park management plan will be required to be secured under condition in order to confirm the method of use of the aforementioned number of disabled spaces. This minimal on-site parking provision will help to ensure that traffic generation is kept at bay.

The level of secure and accessible cycle parking spaces possibly located within the basement area should be in line with London Plan 2011 standards which require 1 space per 125 sqm GFA equating to 5 spaces. This would be secured by appropriate condition.

In accord with TfL best practice a travel plan statement rather than a full travel plan should address the broad parameters required to enhance the profile of sustainable travel to and from the site and hence this should be secured via condition for the use.

With regard to servicing the retail outlet it is anticipated that the scale and nature of retail outlet would demand a maximum of 1 large rigid type vehicle a day, and possibly 1 or 2 "Transit" sized deliveries. As there is a high level of pedestrian and bus activity at this location, Transport for London originally correctly expressed concern with the previous application (P/0122/13) with regard to vehicles possibly attempting to reverse onto the access way toward the underground car park entrance during delivery periods. This manoeuvre would also inhibit traffic movement on College Road albeit for a short period whilst a vehicle is reversing. Clearly this is unacceptable on highway movement and

safety grounds however it is now proposed for servicing to occur with vehicles predominantly stopping on the access way itself rather than reversing onto the same between the hours of 03.00 and 06.00am when the location is relatively dormant in both traffic and pedestrian terms. On balance this is considered acceptable and the timing of the servicing regime would be secured by way of suitable condition which would restrict the 'window' of delivery times to that mentioned. The remaining demands of servicing the site in terms of refuse collection will be achieved directly off College Road without the need to reverse into the site which is considered acceptable.

In summary the highway network is unlikely to suffer from any adverse impact in capacity and parking impact terms hence the proposal is acceptable on highway grounds.

### **Advertisement**

None

### **Notifications**

First Notification

Sent: 9

Replies: 0

Expiry: 14.10.2013

Second Notification

Sent: 9

Replies: 0

Expiry: 14.10.2013

### **Addresses Consulted**

51, 53-61, 63, 67, 69 and 73 College Road,  
Harrow on the Hill Underground Station, Station Approach  
W H Smith, Station Approach

### **Summary of Responses**

- 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 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.

On 11 October 2013, the Greater London Authority [GLA] published Revised Early Minor

Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

## **MAIN CONSIDERATIONS**

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

### **Principle of the Development**

The principle to change the use of the ground floor of this building has already been established on the approval to change the use of the whole building from offices to retail, gym and education, which was granted under application ref: P/0122/13.

At the time of making this decision, the development plan comprised of The London Plan (2011), the Harrow Core Strategy (2012) and the Harrow Unitary Development Plan (2004). The Council's Local Development Framework (LDF), comprising the 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 was at an advanced stage in the process of their formal adoption and therefore significant weight was afforded to these documents in assessing the principle of development proposed under application ref: P/0122/13. Since the approval of planning application P/0122/13, the AAP, DMP, SALP and LAP have been formally adopted and replace the former Harrow UDP.

Policies 2.15, 4.7 and 4.8 of the London seek to ensure that town centres are protected by ensuring the vitality and viability of the centre is sustained. The policies seek to ensure that applications for retail should be focused in town centres.

Core policies CS 1O and CS 1P (*economic development and employment*) states that the borough's business and industrial uses will be monitored and managed to meet economic needs and release of surplus stock which be managed sequentially. It states that mixed use development (such as this application) will be supported where this secures employment generating development and diversification of Harrow's economy.

Policies AAP 1 (*development within Harrow Town Centre*) of the Harrow and Wealdstone Area Action Plan 2013 are also considered to support this application. In particular AAP1 seeks to ensure that the health of the town centre is dependent on developments that contribute to meeting the needs of the town centre and enhanced retail opportunities is supported.

In the context of the proposed retail use (use Class A1), the floor area to be used for such purposes would remain exactly the same as that approved under P/0122/13. Having regard to the fact that the current adopted local plan was given significant weight in the assessment of the change of use of the whole building under application P/0122/13 and taking into consideration that there have been no significant changes in the site circumstances since the approval of P/0122/13, it is considered that the proposed change

of use of the ground floor from offices to retail would be acceptable in this case. Furthermore, in accordance with policy AAP16 the applicant has provided a robust marketing report in support of their application which concludes that there has been no interest in the current office use of the building. The proposed retail use would add vitality to this section of College Road, increase the vibrancy of this section of the town centre and would retain an element of employment use on this site, which would meet the thrust of the policies stated above. On this basis, the principle to change the use of the ground floor of the building from office (class B1) to retail (class A1) is considered to be acceptable.

### **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.'

Policies AAP1 and AAP4 of the AAP seeks to a high standard of development within the Harrow Town Centre and throughout the Heart of Harrow. Policy AAP1 states that development within all three sub areas of Harrow town centre will be required to strengthen its character, legibility and role as a Metropolitan Centre.

The principle to incorporate a new shop front has already been established in the approval of planning application P/0122/13. It is considered that the proposed new shop front would be a minor alteration to the façade of the building and overall the appearance of the new shop front would have no detrimental impact upon the appearance of the host building or the character of the area. The introduction of a new shopfront would relate well to the public realm and improve the pedestrian environment in accordance with policy 6.10 of the London Plan. In this current application, the new shop front would include the installation of an ATM and 5 No. bollards at the front of the building. These would be minor in scale and would form an acceptable form of development in this town centre location.

In conclusion, it is considered that the proposed external alterations noted above would have an acceptable impact in terms of the policies stated above.

### **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.

The site is predominantly surrounded by non-residential, commercial and other occupiers, such as the train and bus station and St Ann's Shopping Centre, in a very busy part of Harrow Metropolitan Centre. It is noted that the applicant intends to exercise their permitted development rights to convert the upper floors to residential. The proposed ground floor retail use would be no different to examples of existing developments that can be found further along College Road and along Station Road. Such a layout is considered to be acceptable in a Metropolitan Town Centre and appropriate measures

would be in place to ensure that the hours of operation and servicing of the premises are conditioned. On the basis, it is considered that the proposed change of use would not have an unreasonable impact upon the future occupiers of the building.

Other than the minor external alterations at ground floor level, no other physical changes are proposed to the building that would have an impact any neighbouring amenities.

### **Traffic and Parking**

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

The London Plan (2011) Policies 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) which has been updated following the Revised Early Minor Alterations [REMA] in October 2013 sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility. It is noted that at supporting paragraph 6.35 of policy 6.9 (as updated in 2013), that where it has been demonstrated that it is not practicable to locate all cycle parking within the development site, developers should liaise with neighbouring premises and the local planning authority to identify potential for, and fund appropriate off-site visitor cycle parking. In all circumstances, long stay cycle parking should normally be provided on site.

Policy AAP 19 of the AAP seeks to limit on site car parking and development proposals to support the use of sustainable modes of transport, in particular in areas that have a high level of public transport accessibility. Policy AAP 20 (Harrow and Wealdstone Green Travel Plan) seeks to ensure that all major developments produce a site specific travel plan to demonstrate how the development would meet the wide Green Travel Plan provisions.

As noted above, the principle to change the use of the whole building to retail, gym and education was considered acceptable under planning application P/0122/13. This current application only seeks to change the use of the ground floor of the building to retail, which would have the same floor area to that approved under P/0122/13. The Council's Highway Authority has raised no objections to the proposal subject to imposing similar conditions to that attached to planning permission P/0122/13 in relation to hours of servicing and provision of cycle storage.

The application site is located within Harrow Metropolitan Centre, which has the highest PTAL rating. The application site only comprises the ground floor of the building and does not include the basement cark parking area. On this basis, the development does not propose any on site cycle parking. However, this application is Harrow CIL liable and therefore the funding received in respect of this can be set aside for improvement to transport and cycle provision. Furthermore, there is provision for cycle parking located on College Road directly in front of the building. On this basis, it is considered that a condition requiring cycle storage is not justified in this case.

A Travel Plan would only be required for developments that are classified as major development, which was the case for planning application P/0122/13. In this case, the floor area is less than 1000 sqm and therefore the development is not termed a major



development and therefore an imposition of a condition requiring a Travel Plan would not be justified in this case. This is supported by policy AAP 20 which only requires a Travel Plan for major developments.

In the previous application, a condition was imposed requiring a car management plan for the basement car park. In this current application, the applicant has stated that the basement car park does not form part of this application and as such, the future use of this car park remains outside the scope of this application. On this basis, a condition requiring a car management plan is not warranted.

The Council's Highway Authority has no objections to the measures in place for refuse collection, which would be done from College Road.

### **Accessibility**

Policy 7.2 The London Plan requires all future development and change of use proposals to meet the highest standards of accessibility and inclusion. The Council's has adopted a Supplementary Planning Document 'Access for All' 2006, which provides detailed guidance on achieving an accessible design.

The proposed new shop front is shown to have level threshold entrance to the building. Internally the upper floors are served by a lift.

In this regard, the proposal is considered to be acceptable.

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

### **S17 Crime & Disorder Act**

Policies 7.3.B and 7.13.B of The London Plan and policy AAP 4 of the AAP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

The proposal is considered not to give rise to any conflict with regards to the above stated policies.

### **Consultation Responses**

None

### **CONCLUSION**

The proposed change of use of the ground floor of the existing building from an office

(Class B1) in Harrow town centre to retail (Class A1) use is considered to be acceptable in planning policy terms for this location, and also brings an active use at ground floor level along College Road. The proposal would not result in the unacceptable loss of residential amenity for the neighbouring occupiers, and matters of transport and highway impacts can be mitigated through the use of planning conditions. 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 approved Class A1 retail premises on the ground floor shall not be open to the public except between the hours of 06.00 to 23.00 Monday to Sunday (inclusive of Bank holidays) and shall not be open at any other time except with the prior agreement in writing of the Local Planning Authority.

REASON: To safeguard the amenity of nearby neighbouring residents in accordance with policy 7.6 (B) of The London Plan (2011).

3 The servicing of the approved Class A1 retail premises on the ground floor shall only be conducted between the hours of 03.00 to 06.00 Monday to Sundays and Bank Holidays, and shall not be serviced at any other time outside of these hours, except with the prior agreement in writing of the Local Planning Authority. The servicing and deliveries of the premises shall be carried out in accordance with the approved Retail Delivery Plan (ref: 1301-48/RDP/01) dated August 2013.

REASON: To ensure that there is no impact upon the free flow of traffic along College Road in accordance with policy AAP 19 of Harrow and Wealdstone Area Action Plan 2013.

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

Planning Statement; 28 B, 20 D, Retail Delivery Plan, 03, 12, 29

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

## **INFORMATIVES**

1 The following policies are relevant to this decision:

### **National Planning Policy Framework 2012**

### **The London Plan (2011) including Revised Early Minor Alterations to The London Plan 2013:**

2.13 – Opportunity areas and intensification areas

2.15 – Town Centres

4.3 – Mixed Use Development and Offices

4.7 – Retail and town centre development

4.8 – Supporting a successful and diverse retail sector

6.9 – Cycling

6.10 – Walking

- 6.13 – Parking
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture

### **Harrow Core Strategy (2012)**

- CS1 B Local Character
- CS1 L/M Town Centres
- CS1 N/O/P Economic Development and Employment
- CS1 Q/R/S Transport
- CS 1 Z/AA/AB Infrastructure
- CS 2 F Harrow and Wealdstone

### **Harrow and Wealdstone Area Action Plan (2013)**

- AAP 1 – Development within Harrow Town Centre
- AAP4 – Achieving a High Standard of Development throughout the Heart of Harrow
- AAP16 – Supporting the Service Sector in Harrow Town Centre
- AAP19 – Transport, Parking and Access within the Heart of Harrow
- AAP20 – Harrow and Wealdstone Green Travel Plan

### **Other Relevant Guidance:**

Supplementary Planning Document: Access for All (2006)

#### 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 INFORMATIVE:

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

#### 4 INFORMATIVE:

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](mailto:communities@twoten.com)

#### 5 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 **£21,875** 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 **£21,875** for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 625 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>

#### 6 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;

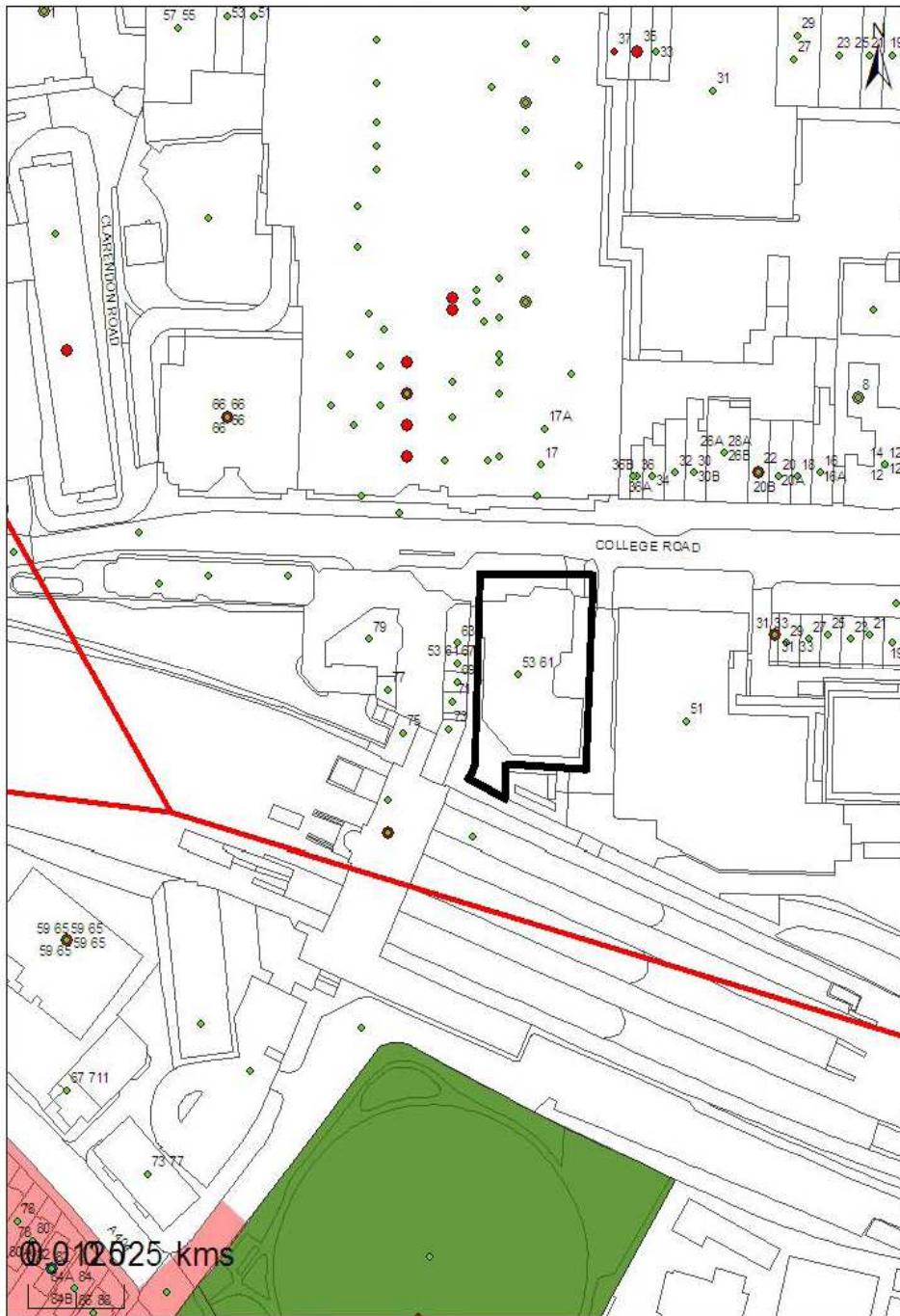
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL for this development is £62,500.00

Plan Nos: Planning Statement; 28 B, 20 D, Retail Delivery Plan, 03, 12, 29

**FIRST NATIONAL HOUSE, 53-61 COLLEGE ROAD, HARROW**



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Item No. 2/02

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

Reference: P/3112/13

Description: VARIATION OF CONDITIONS 12 AND 13 OF PLANNING PERMISSION P/1929/11 DATED 28 MARCH 2012 FOR EXPANSION OF SCHOOL FROM ONE TO TWO FORM ENTRY AND SINGLE STOREY EXTENSION TO ALLOW FOR ADDITIONAL PUPIL NUMBERS AND FOR USE OF EXTENSION FOR ANCILLARY ACTIVITIES

VARIATION OF CONDITION 12 (USE CLASS RESTRICTION) FROM 'THE EXTENSION HEREBY PERMITTED 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 EXTENSION HEREBY PERMITTED 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 13 (RESTRICTION OF USE OF SCHOOL BY PUPILS AND STAFF ONLY) FROM 'THE EXTENSION 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 EXTENSION 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: 22-NOV-13

## **RECOMMENDATION**

**GRANT** planning permission, subject to conditions:

### **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: Minor Development, all other

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 (in relation to the extension) 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 roll 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)
- Works to build four of the six classrooms approved by planning permission P/1929/11 have commenced on site and are nearing completion. However, the payments required by the associated s.106 Agreement have yet to be forwarded to the Council and the pre-commencement conditions have yet to be discharged.
- 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 12 of planning permission P/1929/11 currently limits the use of the extension for use as a school and to allow for a two form entry primary school for Krishna-Avanti Primary School only.
- This application seeks to vary this condition to allow for the provision of more than two forms of entry within the existing buildings for this academic year and to allow use by Avanti House School.
- Condition 13 of planning permission P/1929/11 currently limits the use of the extension 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 extension for an additional year, whilst retaining the restriction on the hiring of the premises.

## **Revisions to previous proposals to vary conditions**

The previous variations of conditions 14 and 19 of planning permission P1282/07/CFU (ref: P/0046/12 and P/2566/13), allowed for the main school building to be used by both Krishna-Avanti Primary School and Avanti House School and for people other than pupils and staff to use the main school building.

This application would allow the use of the extension in a similar way.

## **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

Reason 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.

P/2566/13 – 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'  
Granted – 18-Oct-2013

P/2585/13 – Variation of conditions 5 (hard and soft landscaping) and 6 (landscaping implementation) of planning permission P/1929/11 dated 28/03/2012 for extension to main school building to allow landscaping proposal to commence prior to construction of 2nd phase  
Current application – expiry 12-Dec-2013

### **Pre-Application Discussion**

- N/A

### **Applicant Submission Documents**

- None.

### **Consultations:**

#### **Highways Authority:**

There is no objection or specific comment on the variation to conditions 12 & 13 as the variations align with the most recent temporary P/0046/12 & P/2566/13 permissions that followed the original P/1929/11 two-form entry permission which secured the necessary public realm traffic flow / parking mitigations via legal agreement.

**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 objection

#### **Site Notice:**

General Notification

Expiry: 11-Nov-13

Advertisement

General Notification

Expiry: 14-Nov-13

#### **Notifications:**

Sent: 475

Replies: 3  
Expiry: 08-Nov-2013

### **Addresses Consulted:**

The notification consultations carried out were in line with previous applications at this site (and responses received) and covers properties on Camrose Avenue, Haverford Way, Broomgrove Gardens, Bideford Close, Appledore Close, Bacon Lane, Westleigh Gardens, Constable Gardens and Raeburn Road

### **Summary of Response:**

- School has a significant impact on traffic flow on Camrose Avenue. Increasing pupil numbers will add to this traffic chaos. Inconsiderate parking does not help the school. Double yellow lines and a school crossing supervisor are required.
- Extension would bring further disruptions, noise and nuisance

## **BACKGROUND INFORMATION**

### **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].

On 11 October 2011, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

In relation to the policies of the LP which are relevant to this application, only policy 3.19 has been altered since the application was submitted.

## **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 12

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 12 currently has the effect of restricting the use of the school and the extension to two forms 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.

Policy 3.16 of The London Plan supports the provision of high quality social infrastructure, including schools. Policy 3.18.C/E supports the enhancement of education provisions and encourage the extended or multiple use of educational facilities. Officers consider that this proposal would comply with these policies as the proposal would provide additional school places and would allow for school-related evening activities. These London Plan policies are amplified by core policy CS1.G and CS1.AA of the Harrow Core Strategy and policy DM46 of the DMP.

Policy 7.4 of The London Plan and policy DM1 of the Harrow DMP require development proposals to respect local character. Officers note that this proposal would not change the built form of the development and consider that the proposal would preserve the character of the area.

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 been partially implemented and the school as a whole

currently has a total of 356 pupils. Of these, 120 are Avanti House pupils.

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 roll. 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 13

At present, this condition restricts the use of the extension 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 12

The provision of two Avanti House reception classes under the proposed variation of condition 12 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 and partially implemented 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 (for the academic year 2013-2014), 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 this and previous applications for the variation of the conditions in relation to vehicle noise and highway congestion and safety are noted. In previous reports, 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 for the primary school 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. The planning permission for the extension allowed for an increase in pupil numbers to 446, and the report associated with that application concluded that the increase in pupil numbers would not have a significant impact on air quality. The proposed variation with this application would result in 356 pupils. Despite the likely increase in vehicle movements compared to the previous pupil numbers, as discussed in more detail below, it is considered that local air quality would not be harmed to an unacceptable degree.

### Condition 13

The variation would allow the school to run events and activities on the site which 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 12

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.

It is noted that the highways works contribution and the waiting restriction amendment contribution required by the s.106 Agreement attached to planning permission P/1929/11 are yet to be received. Furthermore, the amendments to the school's travel plan have not yet been received.

Although these works have yet to be implemented, this current proposal would be a temporary arrangement for this academic year and the Council will be seeking the payment of the appropriate contributions to allow for the implementation of the required works.

### Condition 13

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:

- None

### **CONCLUSION**

In summary, the proposal is considered to comply with the relevant education policies and would enable the provision of primary education only 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 12 and 13 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 12 and 13 of planning permission P/1929/11 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 extension hereby permitted 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 extension 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/1929/11 granted by the Council on 28 March 2012. 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

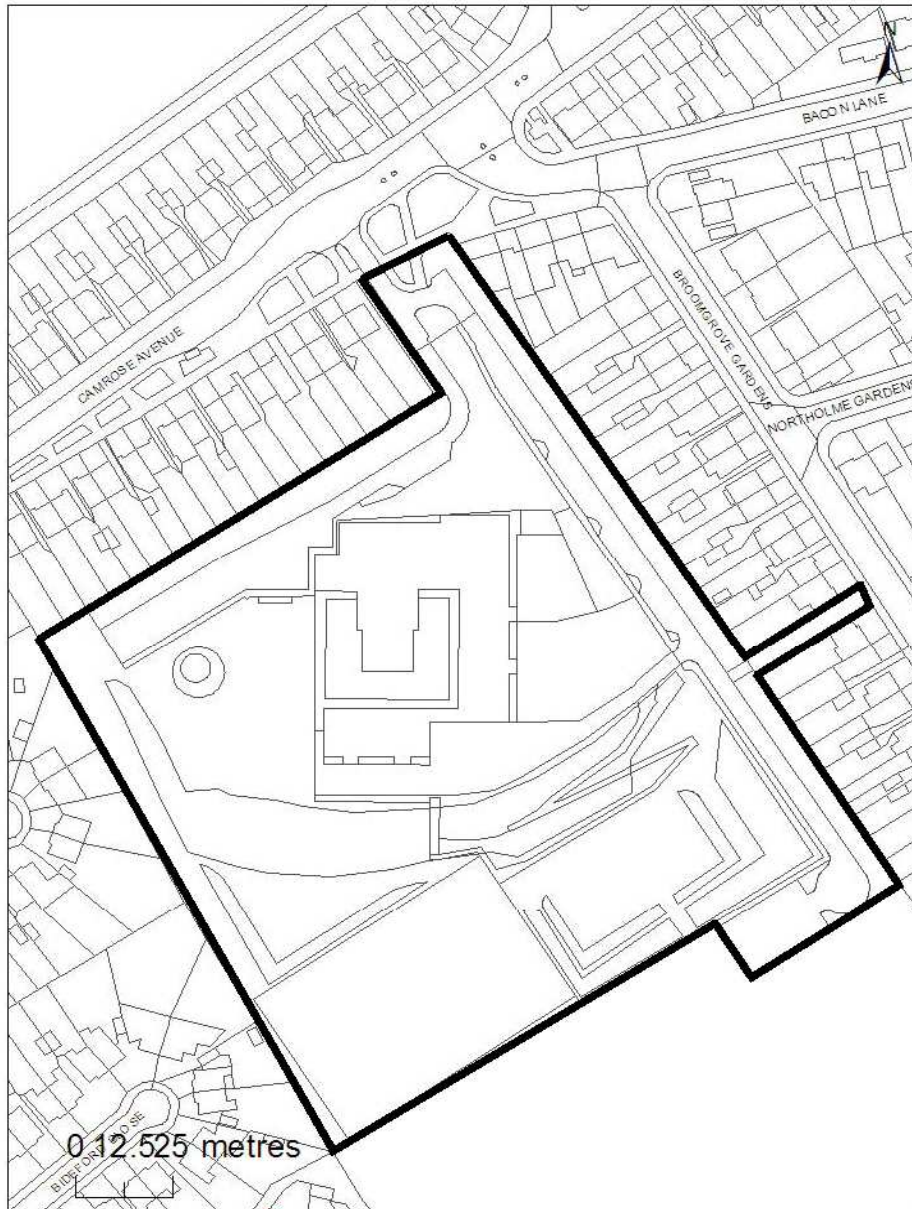
DM44 – Servicing

DM46 – New Community, Sport and Education Facilities

Plan Nos: DWG 0236 PL01



**KRISHNA-AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE**



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Item No. 2/03

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

Reference: P/2585/13

Description: VARIATION OF CONDITONS 5 (HARD AND SOFT LANDSCAPING) AND 6 (LANDSCAPING IMPLEMENTATION) OF PLANNING PERMISSION P/1929/11 DATED 28/03/2012 FOR EXTENSION TO MAIN SCHOOL BUILDING TO ALLOW LANDSCAPING PROPOSAL TO COMMENCE PRIOR TO CONSTRUCTION OF 2ND PHASE

Ward: EDGWARE

Applicant: KRISHNA AVANTI SCHOOL PRIMARY SCHOOL

Agent: MR WAI PIU WING

Case Officer: GERARD LIVETT

Expiry Date: 12-DEC-13

## **RECOMMENDATION**

**GRANT** planning permission, subject to conditions:

## **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: Minor Development, all other

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 (in relation to the extension) 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 roll 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)
- Works to build four of the six classrooms approved by planning permission P/1929/11 have commenced on site and are nearing completion. However, the payments required by the associated s.106 Agreement have yet to be forwarded to the Council and the pre-commencement conditions have yet to be discharged.
- 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 5 of planning permission P/1929/11 requires details of proposed hard and soft landscaping works to be submitted to, and approved by, the local planning authority prior to the commencement of building works.
- This application seeks to vary this condition to allow for the details of the hard and soft landscaping to be submitted and approved prior to the commencement of phase two (the provision of the final two classrooms) of the approved extension.
- Condition 6 of planning permission P/1929/11 requires the planting, seeding or turfing as detailed in the approved landscaping scheme to be implemented in the first planting and seeding seasons following occupation of the extension.
- This application seeks to vary this condition to the landscaping to be implemented after the occupation of the completed development rather than the occupation of the partially-completed development.

### **Revisions to previous proposal**

N/A

### **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

Reason 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.

P/2566/13 – 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'  
Granted – 18-Oct-2013

P/3112/13 – variation of conditions 12 and 13 of planning permission P/1929/11 dated 28 March 2012 for expansion of school from one to two form entry and single storey extension to allow for additional pupil numbers and for use of extension for ancillary activities

Variation of condition 12 (Use Class Restriction) from 'the extension hereby permitted 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 extension hereby permitted 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 13 (restriction of use of school by pupils and staff only) from 'the extension 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 extension hereby permitted shall be used for primary education only and shall not be used, hired or made available for use by any other party'  
Current application – expiry 22-Nov-2013

### **Pre-Application Discussion**

- N/A

### **Applicant Submission Documents**

- None.

## **Consultations:**

### **Highways Authority:**

No objection.

**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:**

General Notification

Expiry: 11-Nov-13

Advertisement

General Notification

Expiry: 14-Nov-13

### **Notifications:**

Sent: 474

Replies: 0

Expiry: 07-Nov-2013

### **Addresses Consulted:**

The notification consultations carried out were in line with previous applications at this site (and responses received) and covers properties on Camrose Avenue, Haverford Way, Broomgrove Gardens, Bideford Close, Appledore Close, Bacon Lane, Westleigh Gardens, Constable Gardens and Raeburn Road

### **Summary of Response:**

- N/A

## **BACKGROUND INFORMATION**

### **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].

On 11 October 2011, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

In relation to the policies of the LP which are relevant to this application, none have been altered since the application was submitted.

## **MAIN CONSIDERATIONS**

Purpose of the Variation  
Character and Appearance of the Area  
Equalities Statement  
S17 Crime and Disorder Act  
Consultation Responses

### **Purpose of the Variation**

Policy DM46 of the Harrow Development Management Policies Local Plan (DMP) supports the expansion of existing educational facilities.

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.

Policy 3.16 of The London Plan supports the provision of high quality social infrastructure, including schools. Policy 3.18.C/E supports the enhancement of education provisions and encourages the extended or multiple use of educational facilities.

In granting planning permission for the extension at the Krishna-Avanti Primary School, the Council acknowledged that the provision of the additional classrooms was acceptable in principle.

However, it was also acknowledged that the provision of the extension would result in the loss of vegetable plots, compost, orchard, tree and shrub planting. These had been designed into the original landscape masterplan and the Council considered that these should be re-provided. Conditions were therefore attached to the grant of planning permission to ensure the effective reorganisation of the landscaping.

The development of the extension has commenced, with the first four classrooms nearing completion. This means that the original conditions cannot be discharged as the details were required to be submitted and approved prior to the commencement of the development. In addition, the implementation condition required seeding and turfing to be implemented in the first season following occupation of the extension.

The applicants are now proposing to implement the permission in two phases: The first phase would be of four classrooms and the second would be of two classrooms. Construction works for the first four classrooms have been commenced on site and are nearing completion. No timetable for the construction of the final two classrooms has been indicated.

This application seeks to vary the terms of conditions 5 and 6 to allow the details of the hard and soft landscaping to be submitted and approved prior to the commencement of the second phase of the development, and for the landscaping to be implemented in the first season following occupation of the development as a whole.

Officers consider that this variation would still allow for a suitable scheme of landscaping to be approved and implemented at the school and have no objection to the principle of the variation.

### **Character and Appearance of the Area**

As noted in the previous section of the appraisal, the construction of the extension at the school has resulted in the loss of the previously-existing vegetable plots, compost area, orchard, tree and shrub planting.

Policy DM22 of the Harrow Development Management Policies Local Plan requires development proposals to include hard and soft landscaping that is appropriate to the character of the area, is well laid out, achieves a suitable visual setting, and supports biodiversity. This policy supports general design policies, including policy 7.4 of The London Plan, policy CS1.B of the Harrow Core Strategy and policy DM1 of the DMP which require development proposals to achieve a high standard of design and layout that complement and enhance their settings.

The proposed variation of the condition would ensure that suitable landscaping to enhance the development and to mitigate for the loss of the previous landscape features is implemented following completion of the final part of the extension, in line with the policy requirements noted above.

### **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**

- N/A



## **CONCLUSION**

In summary, the proposal would allow for suitable details of hard and soft landscaping to be submitted and approved prior to the commencement of the second phase of the development and for the landscaping to be implemented following completion of the extension.

This would ensure that an appropriate landscaping scheme is implemented which would complement the development on the site.

## **CONDITIONS**

1 No building works pursuant to the final two classrooms of the development hereby permitted this permission shall take place until there has been submitted to, and approved by, the local planning authority, a scheme of proposed hard and soft landscape works for the site, to include the re-provision of the existing garden. 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, to enhance the appearance of the development and to safeguard the ecology and biodiversity of the area, in line with the requirements of policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

2 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 completed development. 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 on writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

3 The permission hereby granted is supplemental to planning permission ref: P/1929/11 granted by the Council on 28 March 2012. 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

7.3B – Designing Out Crime

7.4B – Local Character

Harrow Core Strategy (2012)

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

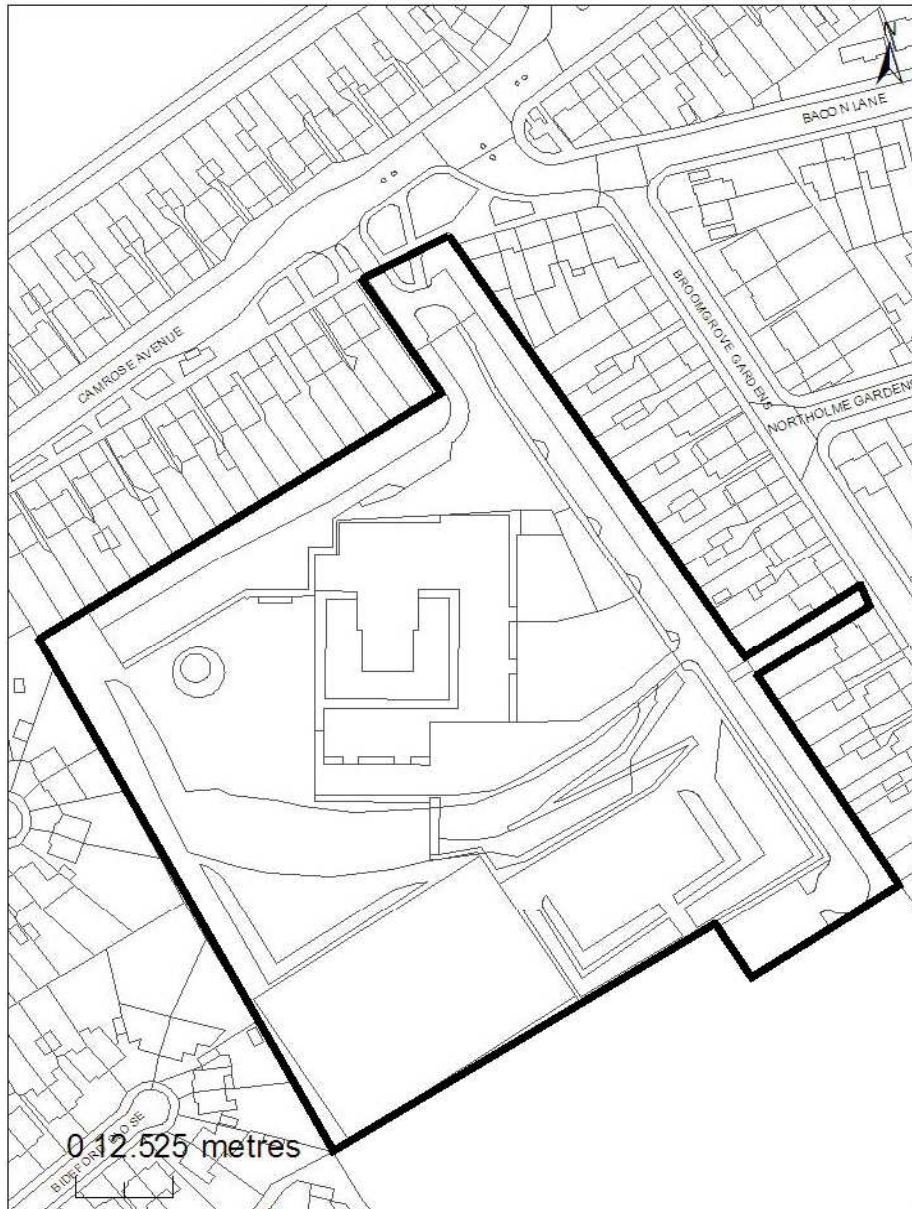
Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Development

DM22 – Trees and Landscaping

Plan Nos: DWG 0236 PL01

**KRISHNA-AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE**



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## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01  
Address: 23 JESMOND WAY, STANMORE  
Reference: P/2616/13  
Description: SINGLE STOREY REAR TWO STOREY SIDE AND FIRST FLOOR OTHER SIDE EXTENSIONS; CONVERSION OF GARAGE TO ROOM; REAR DORMER; RAISING OF GROUND LEVEL TO CREATE RAMP AT FRONT; PROPOSED RAISED DECKING AT REAR ; EXTERNAL ALTERATIONS  
Ward: CANONS  
Applicant: MR IRVING CAPLAN  
Agent: JEFF KAHANE AND ASSOCIATES  
Case Officer: NICOLA RANKIN  
Expiry Date: 28/10/2013

### RECOMMENDATION

**REFUSE** permission for the development described in the application and submitted plans for the following reason(s):

### REASON

1. The proposal, by reason of the cumulative impact of the existing and proposed extensions, overall excessive width and unacceptable roof design, would give rise to a dwellinghouse of excessive scale, mass and bulk, and would introduce an overly dominant, incongruous and obtrusive form of development that would completely subsume the original character and scale of the dwellinghouse and would not be in keeping with the predominant pattern of development in the surrounding area, to the detriment of the character and appearance of the existing dwellinghouse on site, the surrounding locality and the visual amenities of the surrounding neighbouring occupiers, contrary to policies 7.4 B and 7.6 B of The London Plan (2011), core policy CS1 (B) of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the Council's Supplementary Planning Document - Residential Design Guide (2010).

### INFORMATION

The application is reported to the Planning Committee because it has been called in by a nominated member of the committee.

Statutory Return Type: Householder  
Council Interest: None  
Gross Floorspace: n/a  
Net additional Floorspace: 82.59sqm

### Site Description

- The application site relates to a two storey detached dwellinghouse on the southern side of Jesmond Way.
- The property has a catslide roof on its north eastern side while the rest of the original roofslope is hipped.
- The property has a garage attached to the south west flank wall.
- Although there is no planning history for the site, the property has been previously extended with the addition of a first floor flat roofed side extension over the garage on the south western side of the dwellinghouse.
- The majority of the front garden is soft landscaped as is the rear garden which extends to a depth of approximately 21 metres beyond the main rear wall.
- The adjacent two storey detached dwellinghouse to the south west, No. 25, has been extended with the addition of a single storey front extension and the garage converted to a habitable room.
- The adjacent two storey detached dwellinghouse to the north east, No. 21, has been extended with the addition of first floor side extensions and a single storey rear extension and the garage converted to a habitable room.
- The land level along Jesmond Way slopes gradually downwards from north east to south west so that No. 21 is at higher level than the subject site and No. 25 at a lower level.
- The surrounding area is characterised by two storey detached and semi detached dwellings of medium scale. A number of properties along the street have been extended with the addition of subservient extensions which ensure that the original character and form of the extensions are still apparent within the street scene.

### Proposal Details

- The application proposes single storey rear, two storey side and first floor other side extensions; conversion of garage to a habitable room; rear dormer; raising of ground level to create a ramp at front; proposed raised decking at the rear and external alterations.
- The existing first floor side extension would be extended rearward with the addition of a further two storey side extension. The first floor element of the two storey side extension would align with the main rear elevation of the dwellinghouse. The front wall would be marginally brought forward so that it would align with the main front wall of the property. A new crown roof is proposed over the existing flat roofed first floor side extension.
- A further first floor side extension is proposed on the north eastern side of the elevation. This would have a width of 2.4 metres and would extend the full depth of the north eastern flank wall. It would be set back 1 metre from the main front wall of the dwellinghouse. A subservient crown roof is proposed over this element.
- A single storey rear extension is proposed on the south western side of the dwellinghouse. It would project 1.25 metres from the south western flank wall and would have a width of 7 metres. The single storey rear extension would have a flat roof to a height of 2.8 metres above the raised decking and a height of 3.66 metres from the natural ground level.
- A flat roof rear dormer is proposed in the rear roof slope. This would have a width of 5.11 metres and a height of 1.6 metres.
- It is proposed to convert the existing garage to a habitable room and the existing

garage doors on the front elevation would be retained.

- The ground level at the front of the site would be marginally raised in order to create a level front driveway.
- A raised timber decking area is proposed at the rear of the dwellinghouse. The raised timber decking would abut the shared boundary with No. 25 and would have a width of 10.8 metres and a height an approximate of 0.75 metres above the adjacent ground level to No. 25.
- Other external alterations proposed include re-landscaping and hardsurfacing of the front garden, the provision of two rooflights on the north east roofslope and the provision of one rooflight on the south west roofslope, the addition of three windows in the south west flank wall.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

- None

### **Pre-Application Discussion (Ref. P/0535/13/PREAPP)**

Proposal: Garage conversion; loft conversion; new lift with lift shaft to rear; ramp access to front door entrance

### **Garage conversion and hipped roof over first floor side extension**

- The new hipped roof is welcomed and would improve the appearance of the extension
- The garage conversion is acceptable

### **Lift shaft**

- This is unacceptable in its current form as it does not respect the hipped roof profile or design of the original dwellinghouse. It would appear as a contrived addition to the original dwellinghouse.
- Ideally consider an internal lift. Alternatively alter the design of the extension so that it would appear as a conventional extension to the dwellinghouse, with a hipped roof design that matches the height of the roof of the adjacent side extension.

### **Ramp access to front door entrance and new parking space**

- Acceptable

### **Side and rear dormers**

- Rear dormer acceptable
- Reduce the size of the side dormer to half the width (one window) so that it is set back from the front of the property, it would appear less incongruous and would be a subordinate feature in the roof.

### **(Ref: P/1804/13/PREAPP)**

Proposal:**Option A:** Reconfiguration of Roof to provide a Hipped Crown Roof; Two Store and First Floor Side Extensions; Rear Dormer; Conversion of Garage to a Habitable Room; Raised Patio at The Rear; External Alterations **Option B:** Reconfiguration of Roof to provide a Hipped Crown Roof; Two Storey Side Extension; New Hipped Roof over Existing First Floor Side Extension; Side and Rear Dormers; Alterations to the Front Garden to Provide a Level Access to the Front Entrance and Additional Hard Surfacing; External Alterations

### **Option A:**

- The conversion of the garage to a habitable room and the alterations to the front driveway are considered to be acceptable.
- The raised patio at the rear of the property is considered to be acceptable in terms of character and appearance.
- The proposed two storey side extension on the western side of the dwellinghouse is considered to be acceptable in terms of character and appearance and the provision of a hipped roof over the first floor of this element would be an improvement over the existing flat roof first floor side extension. However, a first floor side extension is also proposed to the eastern side of the dwellinghouse, resulting in a width of 12 metres at first floor level. It is considered the overall width of the resultant property when viewed in conjunction with the proposed first floor side extension on the eastern side of the dwellinghouse would be excessively disproportionate in the context of the original dwellinghouse on site. It is considered that the overall width of the property is exacerbated by the large extensive crown roof. As such, it is considered that the excessive width and crown roof design would give rise to an excessively bulky and unduly obtrusive development which would fail to respect the scale and character of the original property on site.
- It was discussed whether the introduction of a setback to the eastern first floor side extension would make the scheme more acceptable. Generally, setbacks are required on such extensions as outlined in paragraph 6.46 of the Council's SPD: Residential Design Guide (2010). In this case, whilst the introduction of a set back would help break up the scale and bulk of the property when viewed from the front, it is considered that this would not be sufficient to overcome the concerns raised above.
- The proposed rear dormer would fail to appear as a subordinate feature on the rear roofslope and should be set in further from the roof verges to create a more acceptable appearance. In order to achieve a subordinate appearance, this should be set in a minimum of 1 metre from the top corner of each roof verge.
- It is acknowledged that a number of other properties on the southern side of Jesmond Way have been extended. Nevertheless, these extensions are subservient additions to the original properties which have set backs from their front elevations or more subordinate roofs. Having regard to the character of the original dwellinghouse and the surrounding character of the street scene, the Local Planning Authority is not convinced there is a justification for the large extensions proposed in this case and the proposal would be contrary to the Harrow Development Plan in this respect.

### **Option B**

- The conversion of the garage to a habitable room and the alterations to the front driveway are considered to be acceptable.
- The raised patio at the rear of the property is considered to be acceptable in terms of character and appearance.
- It is considered that the proposed two storey side extension to the western side of the dwellinghouse would be acceptable as would the roof over the first floor side extension.
- Whilst the proposed side dormer would be set back from the front of the property, it would only be set up from the eaves by 0.45 metres. It is considered that the side dormer would be visually prominent when viewed from the east. It would be inappropriate in the context of the pattern of development in the street scene and would fail to complement the architectural appearance of the property or the surrounding locality.
- The proposed rear dormer is considered to be overly dominant on the rear roofslope

and would fail to have a subordinate appearance. The proposed rear dormer would have an unacceptable impact on the character and appearance of the existing property and the surrounding properties.

- The property has already been extended with the addition of a first floor side extension. It is considered that overall cumulative impact of the proposed large side and rear dormer together with the existing first floor side extension would have an unacceptable impact on the character of the existing dwellinghouse

### **Applicant Submission Documents**

#### ∨ Planning Statement (Summary)

- The planning application seeks permission for alterations and extensions to the dwelling at 23 Jesmond Way in order to accommodate the essential needs of the owner occupier following his serious accident a year ago which has left him tetraplegic and in poor health and requiring the needs of a live in carer to ensure that he has the best quality of life in the circumstances.
- The intention of the application is provide a well considered balance between the specific needs of the applicant against the need to ensure the extensions and alterations to No. 23 Jesmond Way do not create a dwelling which is over dominant in the immediate surrounding area or out of keeping in design terms with its neighbours.
- Notwithstanding the comments in the pre application advice report, the proposed development does not seriously increase the scale and bulk of the property when viewed against many others in Jesmond Way.
- The relationship between the property and its neighbours remains very much as can be found elsewhere and it should be noted that a 1 metre set back is provided for the first floor north eastern extension with the resultant hipped roof being substantially lower than the main roof of the house. It is considered that this offsets any increase in bulk.
- The development is no different than the development at 24 Jesmond Way, which has been approved following a planning appeal.
- The overall depth of the property results in the need for a crown roof but it is not large and will not be apparent from any public vantage point. There are other dwellings in Jesmond Way which also employ the crown roof principle.
- The circumstances of the applicant and his need for modifications to the dwelling to provide him with necessary accommodation is a material consideration.
- In the light of the special circumstances and the considerable endeavours of the applicant and the architect to create a scheme balancing the applicants requirements with a complimentary appearance to the dwelling in its setting, the Council is requested to grant planning permission at the earliest date to enable the difficulties the applicant is experiencing to be resolved in the shortest possible time.

#### ∨ Letter from NHS Trust

#### ∨ Letter from Occupational Therapist – Harrow Council

#### ∨ Disability Equality Statement

### **Consultations**

- None

### **Advertisement**

- N/A

### **Notifications**

Sent: 32



Replies: 3  
Expiry: 04.10.2013

### **Addresses Consulted**

- 21, 25 Jesmond Way
- 50-75 Stonegrove Gardens

### **Summary of Responses**

- 2 letters of support have been received in respect of the application which are summarised as follows:
- We feel that the plans in no way detract from the ambience of the road in general or from our house in particular and that the finished result indeed would be a lovely addition.
- We have noted that the other houses in the road have been extended and enhanced in a similarly attractive fashion and that these too have had the same positive impact that we expect from the renovations and extension at no. 23.
- We would encourage the Council to accept these plans without any undue delay as they are essential works which will enable a severely disabled resident to return to his home. The building works will certainly enhance the property and is completely in keeping with several other houses in Jesmond Way which have undergone similar works.

### **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**

Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
S17 Crime & Disorder Act  
Equalities and Human Rights  
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.

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

Policy DM 1 A of the Local Development Management Policies Local Plan (2013) states that: "*All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance will be resisted*". It goes on to say that:

*"The assessment of the design and layout of proposals will have regard to:*

*a: the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;*

*b: the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;*

*c: the context provided by neighbouring buildings and the local character and pattern of development;*

*d: the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;*

*e: the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;"*

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement the policies of the Harrow Development Management Local Plan (2013). This SPD therefore carries substantial weight as a material planning consideration. Paragraph 6.6 of the Council's adopted SPD: Residential Design Guide (2010) states that "extensions should harmonise with the scale and architectural style of the original building, and the character of the area" and that "An extension should have a sense of proportion and balance, both in its own right and its relationship to the original building and should not dominate the original building" (paragraph 6.11). Therefore, in terms of character and appearance, the primary emphasis in creating an acceptable extension should be on retaining the character and appearance of the original dwellinghouse and the dwellinghouses in the surrounding area.

The properties in the surrounding area are predominately of medium scale. The majority have hipped roofs and a number have been extended with modest extensions which ensure that their original character and forms are retained. No. 21 is one of the larger properties within this group of detached dwellings on the southern side of Jesmond Way. Nevertheless, it retains its original catslide roof slope on the front elevation and main hipped roof from. The other adjacent property, No. 25, retains its original hipped roof form and has a small single storey front extension. A large number of other detached dwellings along this side of the street have been extended with the addition of two storey side extensions to one side with crown roofs which appear subservient due to their subordinate roof height and set back from the front elevations of the properties. The nature of development along this part of Jesmond Way has resulted in the retention of modest gaps between the dwellings which contributes to the character of the area.

In view of the surrounding character of the street, there is no objection to the principle of extending the subject dwelling with the addition of a two storey side extension with crown roof as it is accepted that this is a characteristic feature of the predominant pattern of development in this part of the street.

The proposed two storey side extension on the south western side of the dwellinghouse would infill the gap between the existing two storey side extension and the main rear elevation of the dwellinghouse and there are no objections to this element in terms of character and appearance. The provision of a hipped crown roof over the existing flat roof two storey side extension would be an improvement in relation to the existing property and the street scene.

However, in this case it is also proposed to extend the property with a first floor side extension on the other side of the property on its north eastern side. It would be set back 1 metre from the main front wall of the property and would have a subordinate crown roof. As a result of this additional extension, the original catslide and hipped roof form of the property would be removed and the proposed crown roof would span across the entire width of the dwellinghouse, albeit with a subservient element. Officers consider that the addition of a two storey side extensions to each side of the property and the significant proposed alteration to the roof design would be inappropriate in this case and would fail to respect the scale of the host property, the width of the site and predominant pattern of development in the street. It is considered that the original form and scale of the property would be lost as a result of the extensions and alterations.

It is acknowledged that the width of the dwellinghouse would not be increased at ground floor level. However, the overall scale of the existing property is modest at first floor level due to the sloping catslide roof on its northern side and original hipped roof form. The original width of the property at first floor level is 6.8 metres and this would be increased to an overall width of 11.9 metres. This would result in almost the entire width of the site being built up at first floor and roof levels. As discussed above, the pattern of development on the southern side of Jesmond Way is characterised predominately by dwellings with modest spaces between them as a result of modest extensions and sloping catslide roofs. In this case, the addition of two storey extensions to both sides of the property would result in the closing of the existing visual gap at first floor level which would not be in keeping with the other properties along the street.

The cumulative impact of the existing extension to the south west, the two storey side extension to the north east and roof alterations would give rise to an excessively bulky and overly dominant appearance in the street scene. The proposed roof eaves to the south west would overhang the boundary with the neighbouring site No. 25 which is indicative of the excessive scale in relation to the size of the plot. It is considered the overall width of the resultant property when viewed in conjunction with the existing two storey side extension to the south west would be excessively disproportionate in the context of the original dwellinghouse on site.

It is noted that the adjacent neighbour, No. 21 is also relatively wide in relation to its plot. However, this dwellinghouse does not have a wide crown roof and retains part of its original hipped roof and catslide roof which reduces the overall scale and bulk of this property.

Paragraph 6.66 of the adopted SPD (2010) states that: "*The roof form of a house is a*

*significant part of the character of an area. Alterations may significantly alter the appearance of a house and their effect on the roof form needs careful consideration. Roof alterations and dormer windows should complement the original street character and not dominate buildings or impair their proportions or character.*" In this case, it is considered that the overall width of the property is exacerbated by the large extensive crown roof. As such, officers consider that the excessive width and crown roof design would give rise to an excessively bulky, overly dominant and unduly obtrusive development form of development which would fail to respect the scale and character of the original property on site. The additional bulk of the proposed roofline would be highly apparent from the street and would appear highly conspicuous and would be at odds with the other properties in the locality. Consequently the proposed development would appear as an unduly incongruous feature when viewed from the surrounding area.

Paragraph 6.46 of the adopted SPD (2010) requires a set back of the first floor front wall by at least 1 metre behind the adjacent front corner. Whilst, the proposed first floor extension on the north eastern side of the dwellinghouse would have a subservient crown roof and would be set back 1 metre from the main front wall of the dwellinghouse in accordance with paragraphs 6.46 of the adopted SPD (2010), it is considered that this would not be sufficient to overcome the harm outlined above.

The surrounding area is characterised predominately by dwellings which have modest gaps between them which contributes to the character of the area. Under the current application, the setting space would be significantly reduced at first floor level as a result of the additional mass proposed. The resultant property would not sit comfortably in between in its plot and would appear cramped. This would make the proposal all the more obtrusive and conspicuous. This view is supported in a recent appeal decision at 54 Elms Road under appeal ref: APP/M5450/D/13/2202468, dated 24, October 2013.

Paragraph 6.68 goes on to say that "*Generally, dormers should be subordinate features in the roof, should not overlap or wrap around the roof hips, and should never rise above the ridge. The retention of a clearly visible section of roof around the sides of the dormer window, including the upper corners, has the effect of visually containing them within the profile of the roof.*" "*Where a loft conversion is provided as part of a two storey side extension a single rear dormer across the whole width of the extended house may be unduly obtrusive. As a guide, a single rear dormer should never be wider than that which could be created if an original hipped roof was altered to provide a gable end. In this case, two or more separate dormers should be created with a minimum space of 500mm between.*"(Paragraph 6.72). Although the proposed dormer would be set in from the roof verges by at least 1 metre and would be set up from the roof eaves by 1.1 metres, it is considered that the proposed dormer would appear unduly wide as a result of first floor and two storey side extensions to both sides of the property. It would be contrary to paragraph 6.72 of the adopted SPD (2010) as the dormer would be wider than what could be accommodated on the rear roof slope, in accordance with the requirements of paragraph 6.70 of the SPD, if the original hipped roof form was altered to a gable end.

It is considered that, the excessive width of the dormer across the rear roofslope would only add to the overall unacceptable bulk of the property. The overall cumulative impact of the extensions proposed would result in a dwellinghouse where the original scale and character would be completely subsumed and lost amongst the extensions.

The proposed single storey rear extension would have a depth of 1.25 metres which would respect the scale of the property and rear garden if viewed in isolation. There is no

objection to the marginal increase in levels at the front of the site to provide a level driveway. Although the amount of hardsurfacing would be increased, a sufficient amount of landscaping would be incorporated which would reflect the character of other adjacent front gardens in the street. There is no objection to the character and appearance of the rooflights on the side roof slopes which would not be overly apparent in the street scene.

Officers note and sympathise with the applicants need to provide additional accommodation to provide wheelchair accessible spaces within the property. However, it is considered that there are alternative and more reasonable ways to adapt and extend the property without compromising the harm to the character and appearance of the area and existing property. The consideration of personal circumstances does not constitute a material planning consideration and in this case officers consider that the need for the proposed accommodation does not outweigh the harm that would be caused, particularly as personal circumstances and the ownership of property changes over time. This view is supported by a recent appeal decision at 151 Byron Road, Ref: APP/M5450/D/13/2204058, dated 5<sup>th</sup> March 2013, where the inspector concluded that personal circumstances did not outweigh the harm to the character and appearance of the area.

Overall, it is considered that the proposal, by reason of its excessive scale, mass, bulk, and unacceptable design would introduce a bulky, overly dominant, incongruous and obtrusive form of development that would completely subsume the original character and scale of the dwellinghouse and would not be in keeping with the predominant pattern of development in the surrounding area, to the detriment of the character and appearance of the existing dwellinghouse on site and the locality. The proposal is therefore considered to be contrary to policies 7.4 B and 7.6 B of The London Plan (2011), core policy CS1 (B) of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the Council's Supplementary Planning Document - 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. Following on from this, Criterion C of saved policy D5 of the HUDP (2004) seeks to "ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded".

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) 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 (c)*". "*The assessment of privacy and amenity considerations will have regard to:*

- a. the prevailing character of privacy and amenity in the area and the need to make effective use of land;*
- b. the overlooking relationship between windows and outdoor spaces;*
- c. the distances between facing windows to habitable rooms and kitchens;*
- d. the relationship between buildings and site boundaries (applying the Council's 45 degree code where relevant);*
- e. the visual impact of development when viewed from within buildings and outdoor spaces (applying the Council's 45 degree code where relevant);*

- f. the adequacy of light and outlook within buildings (habitable rooms and kitchens) and outdoor spaces (applying the Council's 45 degree code where relevant);*
- g. the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers;*
- h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution; and*
- i. the need to provide a satisfactory quantum and form of amenity space for future occupiers of residential development.*

Paragraph 6.28 of the Councils adopted SPD: Residential Design Guide (2010) outlines The 45 Degree Code which is intended to "*maintain a reasonable relationship between existing buildings and extensions, avoid an overbearing visual impact in terms of bulk and proximity to boundaries both from inside adjacent properties and neighbouring gardens and reduce potential loss of light and overshadowing to neighbouring dwellings and gardens.*" In terms of the 45 degree code in the horizontal plane, paragraph 6.31 of the adopted SPD (2010) specifies that: "*No part of any new extension should interrupt a 45° splay drawn on plan from the nearest first floor or two storey front or rear corner of any next door dwelling, or from a single storey rear corner if that rear elevation has a 'protected' window. This would include projecting roof eaves.*"

With regard to the adjacent property No. 21, the proposed two storey side extension to the south west would be buffered by the presence of the existing dwellinghouse. With regard to the proposed first floor side extension to the north east and proposed roof alterations, there would be no conflict with the 45 degree code in the horizontal plane or the 45 degree code in the vertical plane, given there are no protected windows in the adjacent flank wall of No. 21. The proposed single storey rear extension would be modest and would be set off the shared boundary with this property by 5.87 metres. As such, it is considered that the proposed extensions and roof alterations would not result in any undue impacts on the residential amenities of the neighbouring occupiers at No. 21 in terms of loss of light, overshadowing, loss of outlook or by means of an overbearing impact.

In respect of neighbouring property, No. 25, the proposed first floor extension to the north eastern side would be buffered by the presence of the existing subject dwellinghouse. The proposed two storey side extension to the south west would not project beyond the rear elevation of No. 25 and there are no protected windows in the flank wall of this property. As such, the proposed extensions and roof alterations would not conflict with either horizontal or vertical 45 degree codes. The proposed single storey rear extension would be modest and would approximately align with the main rear wall of No. 25 and therefore this element would also have an acceptable relationship with this property.

Raised decking is proposed at the rear to provide a level access to the rear of the property. The raised decking would be set off the boundary with No. 21 by 2.36 metres and this property is also at a higher level than the subject site by approximately 0.75 metres. Given this, it is considered that no undue overlooking or loss of privacy from the patio would result. In respect of No. 25, the raised timber decking would abut the shared boundary with this property. However, having regard to the marginal increase in height proposed above the adjacent ground level of No. 25 of approximately 0.16 metres, it is also considered that the occupiers of this site would not be unduly affected by loss of privacy or overlooking from the decking.

Three high level windows are proposed in the south west flank wall which would serve a

therapy room and utility room. It is considered that the windows would be acceptable if they were condition to be obscure glazed and non opening to a height of 1.7 metres above the internal floor level to preclude any overlooking to No. 25. Similarly the proposed rooflights in the side rooflights are considered to be acceptable subject to this condition being applied.

Notwithstanding the above, it is still considered that the proposed extensions, would be visually bulky and overbearing when viewed from the neighbouring rear gardens. It is acknowledged that the neighbours at the adjacent sites are supportive of the application, nevertheless as discussed above occupiers and ownership of property changes over time.

In summary, the proposal would not give rise to unacceptable impacts on the adjacent occupiers in terms of loss of outlook, light and overshadowing, loss of privacy or by means of an overbearing impact. Nevertheless, the proposal, due to its unacceptable scale and bulk would be detrimental to their visual amenities, contrary to policy 7.6 B of The London Plan (2011), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document – Residential Design Guide (2010).

### **Traffic and Parking**

Policy DM 42 of the Harrow Development Management Policies Local Plan (2013) seeks to ensure that proposals make on site provision for parking in accordance with the maximum London plan standards. Policy DM 42 (F) states: *“Proposals that would result in inappropriate on-site parking provision, having regard to the criteria in this policy, and those which would create significant on-street parking problems, prejudice highway safety or diminish the convenience of pedestrians and cyclists, will be resisted.”*

There is sufficient space on the front forecourt of the property to accommodate at least two vehicles which is acceptable and would accord with policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

### **S17 Crime & Disorder Act**

Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments. It is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

### **Equalities and Human Rights**

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

The needs of the applicant to provide additional accommodation to provide wheelchair accessible spaces within the property are duly noted. However, it is considered that there are alternative and more reasonable ways to adapt and extend the property which could still provide a high standard of accommodation to meet the applicant's needs, without compromising the harm to the character and appearance of the area and existing property.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies;

however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

### **Consultation Responses**

- We feel that the plans in no way detract from the ambience of the road in general or from our house in particular and that the finished result indeed would be a lovely addition.
- We have noted that the other houses in the road have been extended and enhanced in a similarly attractive fashion and that these too have had the same positive impact that we expect from the renovations and extension at no. 23.
- We would encourage the Council to accept these plans without any undue delay as they are essential works which will enable a severely disabled resident to return to his home. The building will certainly enhance the property and is completely in keeping with several other houses in Jesmond Way which have undergone similar works.  
The above comments are addressed and considered in detail in section 1 of the above appraisal.

### **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 refusal.

### **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

#### **The Harrow Core Strategy (2012)**

Core Policy CS 1B

#### **Harrow Development Management Policies Local Plan (2013)**

Policy DM 1 Achieving a High Standard of Development

Policy DM 2 Achieving Lifetime Neighbourhoods

Policy DM 42 Parking Standards

#### **Supplementary Planning Documents / Guidance:**

Supplementary Planning Document – Residential Design Guide (2010)

2 INFORM\_PF3

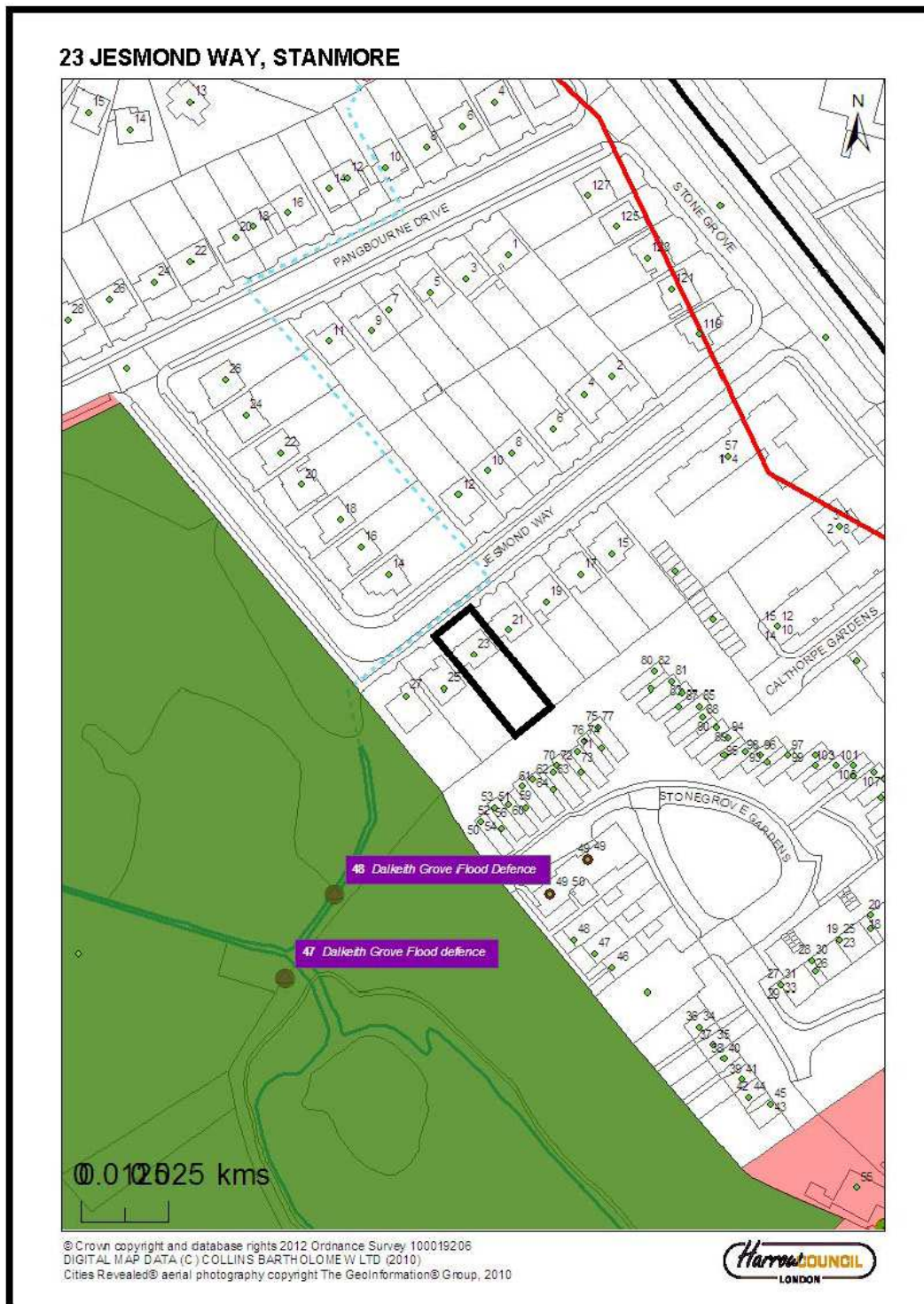
#### **Refuse with pre-application advice**

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. The application was not in accordance with the advice given at the pre-application stage.



Plan Nos: Planning Statement Ref: R13024.a; Letter from NHS Trust, dated 18<sup>th</sup> July 2013; Letter from Occupational Therapist – Harrow Council, dated 7<sup>th</sup> February 2013; Disability Equality Statement; 646\_PL\_100; 646\_PL\_110; 646\_PL\_120; 646\_PL\_130 ;



**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.