

## SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: THE GRAIL, 125 WAXWELL LANE, HARROW

Reference: P/0508/14

Description: ERECTION OF A NEW TWO STOREY RELIGIOUS EDUCATION / TRAINING CENTRE FOR USE BY THE DIOCESE OF WESTMINSTER WITH ANCILLARY OVERNIGHT RESIDENTIAL ACCOMMODATION IN THE GROUNDS OF WAXWELL FARM HOUSE (USE CLASS C2); ALTERATIONS TO THE ROOF AND A SINGLE STOREY EXTENSION TO THE EXISTING ASSEMBLY HALL BUILDING TO PROVIDE A REFECTORY AND KITCHEN; DEMOLITION OF EXISTING TRIPLE GARAGE FRONTING WAXWELL LANE; RETENTION OF THE EXISTING ACCESSES ON WAXWELL LANE AND UXBRIDGE ROAD; UTILISING THE EXISTING CAR PARK AND ASSOCIATED LANDSCAPING

Ward: PINNER

Applicant: WESTMINSTER R.C DIOCESE TRUSTEE

Agent: PRESTON BENNETT PLANNING

Case Officer: CALLUM SAYERS

Expiry Date: 03/06/2014

### RECOMMENDATION

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

### REASONS

The proposal would provide a refurbishment of the existing community facilities on the site, and would provide a development better suited to providing a religious/educational provision to the local area. Furthermore, the proposed development would ensure that the quality of the Site of Nature Importance would be maintained both within the site and as a quality asset within the borough. In addition, the proposal would not unacceptably harm the open and verdant character of the application site, nor would it unacceptably harm the amenities of the adjoining residential occupiers.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the policies of the Harrow Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

Statutory Return Type: 13: Minor Major

Council Interest: None

Net additional floor space: 850m<sup>2</sup>.

GLA Community Infrastructure Levy (CIL) Contribution: N/A (The application is exempt as it is charity)

Harrow Community Infrastructure Levy (CIL) N/A (The application is exempt as it is charity)

## **Background**

The application is presented to the Planning Committee as it considered to fall outside of Proviso (d) of the Scheme of Delegation.

## **Site Description**

- The existing site is 3.3ha of land that is located to the south of Uxbridge Road and to the west of Waxwell Lane.
- The property is able to be accessed both directly from Waxwell Lane, or via a slip road, Willow Dene, which is accessed from the south side of Uxbridge Road.
- The property is irregular in shape and generally flat in level, although it is noted that there is a depression within the middle of the site.
- Apart from where the property fronts onto Waxwell Lane, the property is set off the public highways and is located behind residential properties which surround the application site on all sides.
- The surrounding area is a mixture of single family homes and flatted developments.
- The property is not located within a conservation area.
- The site is identified as a Site of Nature Conservation Importance
- A number of trees are located within the site that are subject to Tree Preservation Orders.
- The site contains The Grail which is a Grade II listed building. The Grail building which dates back to Elizabethan times has been extended many times in the past. It has an elongated and rambling plan form reflecting the different stages of development in the past.
- There are various huts and small scale structures situated informally throughout the grounds however; the principal characteristic of the site is its open and verdant character.

## **Proposal Details**

### **New Build Religious Education/Training Centre (Retreat)**

- The proposed new build retreat building would be located to the west of the existing main building on site, and to the south of the residential properties that front onto Willow Dene, which is a slip road off the Uxbridge Road.
- The retreat building will be provided as a religious education/conference building with associated residential accommodation for the Diocese's own purpose to be used primarily for children and young adults partaking in religious education.
- The programmes run at the facility would cater for school years 3 – 13 (residential from year 5) and sacramental groups from parishes with their accompanying teachers and catechists.
- The proposed building would be a two-storey building with a footprint of 648sqm. The proposed building would have an eaves height of 6.10m with a maximum height of 6.6m. The building would have a slightly curved roof profile. The proposed building would be 27.15m in depth and 27.8m wide.

- The building is proposed to have a roof finish of Rephanol high performance grey single ply clastomeric membrane with formed secret gutters. The walls would have a natural finish green feather edge sawn oak with a horizontal lapped boarding combined with green/blue woodstain finished treated lapped Scots vertical boarding with matching powder coated aluminium trims.
- The proposed windows and doors would be high performance Scandinavian redwood triple glazed with bronze finish powder coated aluminium facing. The proposed building would have velux triple glazed low profile roof lights.
- It is proposed to have a terrace located on the southern elevation of the building and would be finished in grey timer composite ribbed decking.

### **Proposed Works to Rotunda Building**

- The existing Rotunda Building is a single storey extension that links into the 1950s north and east walls of the grade II listed Waxwell Farmhouse. It would be refurbished from its previous use an assembly hall to provide a lobby/foyer/entrance with lounge seating and kitchen toilet, staff lockers and walk in sectional freezer and cold rooms to serve a refectory;
- It is proposed to remove the existing roof to the rotunda building and replace with altered roof design and link it to the listed farmhouse via the single storey extensions also being added. Rooflights to the single storey additions and the rotunda and a domed new rooflight to the rotunda are also proposed to be added.
- The existing brickwork to the building will be retained and overhauled with the new single storey addition constructed of colour render on cavity blockwork. The glazing proposed is similar to the residential building with fascia and gutter detail to match and detaher edge green oak lapped boarding or similar.
- The existing sculpture at high level on the existing residential building is to be relocated on the north east corner on a point of contact at eye level.
- The proposed roofing will be in grey single ply membrane or similar to both the dome and concealed flat roof areas with a central glazed light to the refectory and hidden roof lights to the foyer and toilets.
- The present sliding glazed doors will be removed to allow an open aspect and flow of space into the foyer from the dining area.

### **Relevant History**

HAR/4670/C

ERECTION OF CHAPEL AND EXTENSIONS TO HOUSE  
GRANTED 1955

HAR/4670/G

ERECTION OF ANNEXE TO ACCOMMODATION ETC  
GRANTED 12-Oct-1962

HAR/2800

ERECT OF LIVING ACCOM. FOR TRAINEES.  
03-Feb-1950

WEST/451/02/FUL

VARIOUS SINGLE AND TWO STOREY EXTENSIONS AND ALTERATIONS TO PROVIDE ADDITIONAL RESIDENTIAL AND VISITOR ACCOMMODATION WITH REVISED PARKING AND PEDESTRIAN ACCESS AND ANCILLARY FACILITIES, AND SINGLE STOREY DETACHED BLOCK TO PROVIDE REPLACEMENT GARAGE AND

WORKSHOP/STORAGE SPACE  
Granted – 14/10/2002

WEST/452/02/FUL  
LISTED BUILDING CONSENT: EXTENSION, INTERNAL AND EXTERNAL  
ALTERATION OF C20 PARTS; ERECTION OF REPLACEMENT  
GARAGE/WORKSHOP ON WAXWELL LANE  
Granted 14-Oct-2002

P/2954/13  
LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS  
INCLUDING TIMBER FRAME REPAIRS, CHIMNEY STACK REPAIRS; PROVISION OF  
A FIRST FLOOR TEA POINT; PROVISION OF A STAFF FLAT INCLUDING KITCHEN  
ON THE GROUND FLOOR; ALTERATIONS TO THE EXISTING COMMERCIAL  
KITCHEN; REDECORATING EXISTING WINDOWS  
Granted – 04/12/2013

P/0510/14  
LISTED BUILDING CONSENT: SINGLE STOREY EXTENSION TO LINK INTO FLANK  
WALL OF GRADE II LISTED WAXWELL FARM HOUSE TO PROVIDE A LOBBY  
ENTRANCE AND KITCHEN TO SERVE A REFECTORY; REMOVE THE EXISTING  
ROOF TO THE FORMER ASSEMBLY HALL (ROTUNDA) BUILDING AND  
REPLACEMENT  
YET TO BE DETERMINED

P/0994/14  
DEMOLITION OF EXISTING GARAGE BLOCK FACING WAXWELL LANE AND THE  
ERECTION OF A SERVICE METER STORE AND FENCE. ERECTION OF  
OUTBUILDING FOR CYCLE AND REFUSE STORAGE AND ASSOCIATED  
ALTERATIONS TO EXISTING ACCESS ON WAXWELL LANE.  
YET TO BE DETERMINED.

#### **Pre-Application Discussion (REF:HA\2012\ENQ\00211)**

- Significant increase in use of the site and proximity to residential properties may result in an in principle objection to the development
- Number of people visiting the site may result in harm to neighbouring occupiers through increased noise and disturbance.
- Siting of the new build in the middle of the site is considered to be at odds with the historic character of the site, which is open with many smaller buildings.
- The siting of the proposed new build would preserve the setting of the listed building
- The proposed siting of the new build would result in the loss of a TPO tree, which has high amenity value. The acceptability of this would be subject to assessment by the Council's Tree Officer.
- Green roof to proposed building would assist in mitigating any loss of habitat from the new build.

#### **Applicant Submission Documents**

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Ecological Statement

## Consultations

- CAAC: No Objection
- Conservation Officer: No Objection
- Highways Authority (Parking): No Objection
- Drainage Engineer: No Objection (Subject to Conditions)
- Landscape Architect: No Objection received
- Biodiversity Officer: Loss of land set within the Site of Nature Importance would be contrary to the aims and objectives of the Development Plan. However, should the loss be re-provided on site (ie; through a green/brown roof provision) then no objection.
- The Pinner Association: No Comment Received

Newspaper Advertisement: 03/04/2014  
(Major Development) Expires: 24/04/2014

Site Notice: 01/04/2014  
(Major Development) Expires: 22/04/2014  
(Setting of Listed Building)

## Neighbourhood Notifications:

Sent: 81  
Replies: 1  
Expiry: 17/04/2014

## Neighbours Consulted:

Regents Court, Flats 1 – 18, Regents Court, Uxbridge Road, Pinner HA5 3LR  
104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, Waxwell Lane, Pinner, HA5 3ES  
115, 117, 119, 121, 127, 129, 131, 133, Waxwell Lane, Pinner, HA5 3EP  
1, 2, 3, 4 Willow Dene, Pinner, HA5 3LT  
44, 44a, 44b, 45, 45a, 46, 46a, Antoneys Close, Pinner, HA5 3LP  
5, 8, 9, 10, 11 The Dell, Pinner, Pinner, HA5 3EW  
Elmcote, Flats 1 – 10, 637 Uxbridge Road, Pinner, HA5 3YZ  
639, 641 Uxbridge Road, Pinner, HA5 3LU  
16, 21 Haywood Close, Pinner, HA5 3LQ  
Staff Block, The Grail, 215 Waxwell Lane, Pinner HA5 3ER  
Bungalow, The Grail, 215 Waxwell Lane, Pinner HA5 3EP  
Hall, The Grail, 215 Waxwell Lane, Pinner.  
Chapel (Private), The Grail, 215 Waxwell Lane.  
Society of Women of Nazareth (Ladies of the Grail) The Grail, 215 Waxwell Lane, Pinner HA5 3ER

## Summary of Comments;

- Supports the application
- Would remove the unsightly garages
- Refuse and Recycling Area

## Stakeholder Consultation

The applicant has detailed within the supporting information that prior to the submission

of the current planning application, a public consultation process was undertaken, with a variety of options presented as to what development may be proposed at the site. The applicant has submitted an application that attempts to respond to the comments that were received during this process.

### **Environmental Impact Assessment (EIA)**

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

### **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, published Revised Early Minor Alterations [REMA] to The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013

### **MAIN CONSIDERATIONS**

Principle of Development

Character and Appearance of the Area and Impacts on Heritage Assets

Residential Amenity

Biodiversity & Ecology

Traffic, Parking and Accessibility

Sustainability

Flood Risk & Development

Equalities

S17 Crime & Disorder Act 1998

Consultation Responses

### **Principle of Development**

Paragraph 12 of the NPPF states that:

'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

The Core Strategy (2012) sets out Harrow's spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026. The strategy provides a positive plan for ensuring that the Borough's housing, employment, infrastructure and other needs are met over the plan period in a way that contributes to achieving sustainable development.

Policy CS1 A of Harrow's Core Strategy 2012 [CS] undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. Policy CS1.B resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy.

The site has been historically used as a religious/spiritual centre in differing capacities. The proposed new build would provide for educational facilities that would be consistent with the historical use of the site, in terms of providing religious education and training. However, the proposed use would introduce further components to the site that are not currently offered on site, and as such would result in the introduction of impacts felt on site and by neighbouring occupiers that are currently not experienced. The proposed retreat building would enable the site to be used as a conference facility with the capability of providing accommodation for visitors to the education/conference facility. Essentially the introduction of such a facility would lead to a diversification of the site in terms of what it is now able to accommodate.

Policy DM46 states that proposals for the refurbishment and re-use of existing premises for community, sport and educational facilities will be supported. As the site has been historically used for training/educational purposes, it is considered that the proposed works would be consistent with the aims of this policy. It is therefore considered that subject to compliance with other relevant policies, the principle of the proposal would be accepted.

Policy DM46B dictates that community facilities should be located within the community in which they are intended to serve. Furthermore, also states that providing the above is achieved, community facilities may be directed to town centre locations. In many cases, such a location would be highly sustainable in terms of access to public transport, and may enhance the vitality and viability of the town centre and help deliver economic diversification and growth. The proposal would utilise an existing community facility which is intended to continue to serve the local community in which is located within. The planning statement submitted in support of the application states that the application would be consistent with the aims of this policy, as it would provide a facility for the North London Diocese. Furthermore, the Pinner & Hatch End Parish are within the catchment area of the application site and would be able to utilise such a facility.

Policy DM46C goes onto state that in relation to the above, community facilities shall have no adverse impact on residential amenity or highway safety. The application site is currently accessible both from existing points on both Waxwell Lane and off the Uxbridge Road via Willow Dene. The proposed retreat would be accessed via the existing access from the south side of Uxbridge Road, where vehicles accessing this would be able to utilise the existing carparking area at the northern end of the site. It is acknowledged that the application site has a Public Accessibility Transport (PTAL) of 2, which is relatively poor. However, it is noted on site that there is ample existing parking provision for off-street parking. Furthermore, the applicant has agreed to the submission of a green travel

plan on implementation of the development.

Matters relating to highway safety are considered under section 3 of this appraisal.

DM47 states that proposals for the redevelopment of educational facilities that secure enhanced re-provision on the site, or on another site which improves accessibility will be supported.

The application site is located within a Site of Nature Conservation Importance, which as encouraged to be retained by policy DM20 of the Harrow Development Management Policies Local Plan (2013) any loss of such an asset is resisted. Such areas are at risk of development, which places pressures on the biodiversity value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on site or through contributions towards the implementation relevant projects in Harrow's Biodiversity Action Plan. It is noted that there would be a loss of a biodiversity feature within the site, which would not be encouraged by the Local planning Authority. However, mitigation measures have been proposed and are considered later within this appraisal.

It is therefore considered that the proposed scheme, subject to safeguarding conditions can be supported in principle, as it would result in the refurbishment of an existing community facility. Furthermore, the proposed scheme would be capable of providing an offset to any loss of the biodiversity asset located within the site. The proposed scheme would therefore accord with the National Planning Policy Framework 2012, policies 3.5A and 3.13A of The London Plan 2011, policies CS1.A, CS1.B CS1.J of the Harrow Core Strategy 2012, policies DM1, DM20 and DM46 of the Harrow Development Management Policies Local Plan (2013).

### **Character and Appearance of the Area and Impacts on Heritage Assets**

National Planning Policy Framework (2012) advises at paragraph 58 that planning policies and decisions should aim to ensure that developments should optimise the potential of the site to accommodate development and respond to local character and history and reflect the identity of local surroundings and materials.

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

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

Policy DM1 of the Harrow Development Management Local Policies Plan 2013 (DMP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policy DM1 reflects policies



7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and enhances the public realm. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims. Policy DM7 of the Harrow Development Management Local Policies Plan (2013) provides further guidance on managing heritage assets and requires new development not to adversely affect the character or amenity of Conservation Areas, Listed Buildings or other heritage assets.

The site is characterised as a religious site which has been used as such, albeit in varying levels of intensity over its history, and still remains at a low level of use and intensity today. The site is noted as having religious building within the site, whether this be the chapel located near Waxwell Lane, or the numerous small chalets within the grounds which are used for contemplation and meditation.

#### New Build Retreat

The proposed retreat building would be built centrally within the site, and as such would have limited views from outside of the property. The location of the proposed new build, as demonstrated within the submitted section plans of the site, demonstrate that the proposed building would sit within a depression within the site. Furthermore, the design of the new build ensures that the maximum height of the proposed building would be approximately 6.0m in height. It is considered that the appropriate location of the retreat building within the middle of the site, which is also lower than the surrounding site, in conjunction with the appropriate design of the proposed building, would not result in unacceptable harm to the open, informal and verdant character of the application site. In addition, it is noted on the proposed plans that an existing large ancillary building in a similar location to the proposed retreat building shall be removed. The removal of this building, which is noted as adding little interest to the site, would assist in the site continuing to remain as an open and verdant character.

The proposed building would be located some 35m from the existing listed building within the site, and is partially screened from this by the well established soft landscaping that is located on site. Given its sleek design and distance from The Grail listed building, it is considered that the proposed building would not unacceptably harm the setting of this heritage asset.

The retreat building would result in an increase in comings and goings with potentially up to a maximum of 64 persons attending the site. This change in what is provided by the site has the potential to change the character of the site, through the increase in intensity. The use of the retreat building could also result in an increase in vehicle traffic and also the nature of the site by way of having the introduction of a residential component. People would be permitted to reside on site for a number of days and sleep at the site whilst attending training/conference facilities throughout the day. It is noted that the existing site has an access from Uxbridge Road to a car park which provides for approximately 35 spaces. Whilst it is acknowledged that there would be an increase in the demand for access as a result of the proposal, the manner in which the facility would be operated would ensure that there would not be such an increase in the intensity of the site that would unacceptably harm its open and tranquil character by restricting the numbers to the site and the short term stay nature.

The use of the proposed development, could potentially accommodate up to 64 people at anyone time. However, it is indicated that this would be an unlikely scenario as it is more likely to be managed for 32 children to be on site at anyone time. Notwithstanding this,

the introduction of such a number of children (and anticipated associated 16 support staff) would have the potential to materially alter the character of the site as a result of an increase in noise and disturbance. Associated with the potential impact on the open and tranquil character of the site by way the increase in persons to the site at anyone time, would be the increase in noise and disturbance as a result of the increase in vehicles coming and going from the site. Whilst the impacts on the free flow and safety of the highway network are discussed in further detail later within this report, there are potential impacts on neighbouring amenity which are also discussed below.

### Rotunda Building

The application proposes a single storey extension to link into the 1950s north and east walls of the Grade II listed Waxwell Farmhouse to provide a lobby/foyer/entrance with lounge seating and kitchen toilet, staff lockers and walk in sectional freezer and cold rooms to serve a refectory. The proposal is also to remove the existing roof to the 1960s former assembly hall (rotunda) building and replace with altered roof design and link it to the listed farmhouse via the single storey extensions also being added. The existing sculpture at high level on the existing residential building is to be relocated on the north east corner on a point of contact at eye level.

The National Planning Policy Framework (NPPF) paragraph 131 states: local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Harrow Core Strategy policy CS1 part D states 'Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. The Development Management Policies Local Plan policy DM 7, part E states In addition to (A) and (B) above, when considering proposals affecting listed buildings and their setting, the Council will: a. pay special attention to the building's character and any features of special architectural or historic interest which it possesses, and the role of the building's setting in these regards'.

The proposed single storey additions are of a subservient scale to the listed building and their modern design would complement the existing 1960s Rotunda addition well. The modern design also contrasts well with the existing traditional high quality historic part of the listed building making it apparent as a clear addition. The siting adjacent the more modern 1950s parts of the listed building that are of lesser apparent historic significance than other parts of the listed building, make it a sensitive siting.

The proposals would retain the 1950s and 1960s rotunda as the extensions would relink this to the listed building. The 20th Century Society responded to express their general support of the proposals to retain and refurbish this building. However, the 20th Century Society's response also stated that 'there was a strong opinion that the roof of the

rotunda is of architectural interest and further attempts should be made to investigate its repair rather than replacing it with an entirely new design'. Since then the agent has submitted a structural report by a structural engineer to state that 'the rotunda superstructure with the exception of the roof is suitable for refurbishment' and it is their recommendation based on the condition of the roof that it should be 'removed and replaced with a modern roof'. It is also noted that the rotunda is not currently connected to the listed farmhouse and so removal of the roof would not require listed building consent. Therefore on balance removal is considered appropriate.

The proposed replacement roof would enable it to link in well with the new extensions and allow reuse of the rotunda which is of architectural interest. There will be rooflights to the single storey additions and the rotunda and a domed new rooflight to the rotunda. The modern design for the single storey extension and the rotunda is of good quality subject to appropriate materials and details of the doors. Therefore a suitable condition is recommended.

It is considered that subject to conditions, the proposed retreat building, the alterations to the roof of the rotunda building, and the single storey in fill extension would constitute development that would be appropriate within the existing site, and would preserve the special interest of the listed building. Therefore the proposal complies with the intent of the NPPF, Harrow Core Strategy policy CS1 D, policies 7.4 and 7.8 of the London Plan (2011), Core Strategy Policy CS1 A/B/K, Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).

## **Residential Amenity**

### Impact of the development on Neighbouring Amenity

Policy 7.6 of The London Plan (2011) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate". Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) requires that: "*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*". "The assessment of the design and layout of proposals will have regard to: "the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers".

The proposed retreat building is located some distance from the nearest residential properties, which front onto Willow Dene, which is a slip road from Uxbridge Road. The existing site levels of the property result in the adjoining residential properties being elevated above the area of the site which proposes to provide for the retreat building. Given the change in level, distance to adjoining neighbours being approximately 50m, and soft landscaping in conjunction with the sleek appearance of the building, it is considered that the proposed building would not result in a loss of outlook or light to the existing occupiers fronting onto Willow Dene.

The access to the retreat building would be via the Willow Dene slip road, which is accessed from the south side of Uxbridge Road. It is proposed to utilise an existing access way for users of the facility, and the existing car parking facility that is located on site. Currently, this access way would experience very low volumes of vehicles to the site. It is noted that there are a number of residential properties that front onto Willow

Dene and back onto the application site. It is considered that there would be a noticeable change in the intensity of the use of the site. Whilst it is acknowledged that the intensity of this would change, the applicant has submitted a Transport Statement, and the implementation of this and a Green Travel plan will provide a managed development within the site. The requirement and implementation of such documents are secured by condition accordingly. It is therefore considered that the proposed use would not result in unacceptable harm to neighbouring residential properties fronting onto Willow Dene caused by an increase in noise and disturbance from the coming and goings of vehicle movements to and from the site.

As mentioned previously the proposed retreat building would introduce a use to the site that currently does not exist. The proposed use would be materially different to the existing use on the site, as it would introduce the conference and residential elements to the site. By way of such facilities being present and available for use of a number of days, the ground of the site would be much more heavily used for recreation use at the end of days where the facility is in use. The use of the ground may result in a marked difference to the current quiet use of the site, potentially impacted on the amenities of neighbouring residential occupiers. Whilst it is acknowledged that the proposed use profile of the site would increase with visitor numbers proposed to potentially reach 64 children (and associated support staff), it is considered that the proposed retreat building would be a sufficient distance from the adjoining residential occupiers to ensure that their amenity would not be unacceptably harmed by way of an increase in noise and disturbance within the site.

The proposed retreat building would provide for a residential element for short term stays for school children who would be on a multi day retreat. The proposed residential element would be located on the first floor of the two-storey building. Notwithstanding the raised nature of the residential accommodation, it is considered that the distance between the propose building and the adjoining residential properties would be of a satisfactory distance, and as such would not result in a loss of privacy to adjoining residential occupiers. Furthermore, it is noted that there is well established soft landscaping surrounding the proposed building which would assist in screening the development from neighbouring residential properties and assisting in protecting their privacy.

It is therefore considered that the proposed retreat building would not result in unacceptable harm to adjoining residential properties wither by way of its physical nature or the proposed use of it within the site. In summary, the proposal would accord with policy 7.6B of The London plan (2011) and policy DM 1 of the Harrow Development Management Polices Local Plan (2013)

#### Rotunda building

The proposed replacement roof is more subservient than existing roof, and would be no higher or closer to the boundary to the northern boundary than the existing structure. Furthermore, the proposed link element and front extension to the northern 'wing' would be screened from the properties to the north by the rotunda building. It is considered that the proposed additions to the rotunda building and the Waxwell Farm House would not result in unacceptable harm to the amenities of neighbouring residential properties by way of a loss of light or outlook. It is therefore considered that the proposed alterations to the rotunda building and additions to the Waxwell Farm House would be acceptable in terms of their impacts on neighbouring occupiers.

The rotunda is proposed to be used as a refectory on site, and by way of the link element

to the Waxwell Farm House, would be able to be accessed internally from the Farm House rather than externally as it currently is. It is therefore considered that the proposed use of the rotunda building as a refectory would be acceptable and would not give rise to unacceptable harm to neighbouring residential amenity by way of noise and disturbance.

It is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers, and would not result in an unacceptable loss of outlook, light, privacy, overlooking or perception of overlooking thereby complying with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Plan (2013).

### **Biodiversity & Ecology**

Policies DM 20 and DM 21 seek to ensure the protection of biodiversity and access to nature. Policy DM 20 requires that *“The design and layout of new development should retain and enhance any significant features of biodiversity value within the site. Potential impacts on biodiversity should be avoided or appropriate mitigation sought”*. Policy DM 21 outlines that proposals should secure the restoration and recreation of significant components of the natural environment.

The application property is identified as a Site of Nature Conservation Importance (SINC), and is recorded as having a number of wildlife-friendly features. The site is noted as having a number of habitats within it, notably Acid Grassland, Orchard, Pond/Lake, Secondary Woodland, Semi-improved neutral grassland. Bats and tawny owls have been reported as being present within the site.

The applicant has submitted an ecological report in support of the planning application. As part of the assessment undertaken, it was noted that at the time of the site visit, no protected species had been identified on site. However, there appeared to be recent historical evidence of species on site. As part of the ecological report submitted, 11 recommendations were submitted in an attempt to either preserve or enhance the level of biodiversity within the site. As such it is considered reasonable for the recommendations presented within Technical Appendix WM09 to be carried forward and implemented within the development. As such, an appropriately worded condition is attached to this planning permission accordingly.

Furthermore, it is acknowledged that the proposed retreat building would result in a contiguous loss of grassland within the middle of the site. The loss of available SINC area within the borough is resisted, and as such any loss of this area would conflict with policy DM20. The Council would consider it reasonable, and as required by policy DM20, that any loss of this area shall be re-provided within the application site. Since the submission of this planning application, the applicant has agreed to a condition being imposed on the application to require that a brown roof be included on the retreat building. As such, an appropriately worded condition shall be attached to the permission accordingly.

### **Trees and Development**

Policy 7.21B of The London Plan (2011) states that *‘Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species’*. Following on from this, Policy DM22 of the Harrow Development Management Plan (2013) provides for the protection of existing trees that are subject to a TPO.

The applicant has submitted an Arboricultural Report detailing the existing trees onsite and any potential impacts from the proposed development. This document provides detail as to how trees on site would be protected throughout the construction phase. The information has been reviewed by the Councils tree officer who has confirmed that the method statement and tree protection measures are satisfactory. It is therefore considered reasonable to attach a condition requiring the method statement and tree protections to be implemented accordingly.

Subject to conditions in respect of the above matters, officers consider that the ecological and aesthetic value of the area would not be significantly harmed and the development would thereby comply with policies 7.21 and 7.19 of The London plan (2011) and policies DM 20, 21 and 22 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic, Parking and Accessibility**

Policy DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access. Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

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

### Access/Servicing Arrangements

The main and existing access and egress point onto the Uxbridge Road is to be maintained. As this access point is established and has been operational without known detriment to road traffic movement with sight line visibility to the appropriate standard, it is broadly considered to be satisfactory for the proposed 'low level' use. Coaches or mini busses would access the site through this aperture and turn within the site (albeit tight in scale) allowing such vehicles to emerge in a forward gear which is the recommended best practice in safety terms and is therefore welcomed and accepted.

The existing access off Waxwell Lane would remain for servicing the site for small deliveries with refuse collection occurring from the Uxbridge Road. The relative expected infrequency of off peak servicing is expected to be low and is not predicted to be of detriment to the adjacent highway network. It is considered reasonable to require a full delivery and servicing plan, and as such an appropriately worded condition is attached as part of this planning permission.

The existing car park has a capacity for approximately 35 vehicles which serve the existing community uses and it is noted there are no prescriptive national or regional parking standards for this type of C2 use. The proposed new build will serve as a residential centre for youth education for periods of stay for individual students of up to a week at one time. It could accommodate up to 64 students who would be delivered to the site by several mini-buses or coaches thereby lessening the demand on parking provisions and reducing multiple traffic/trip generation. In terms of a 'worst case' scenario, staff and possible private car use by patrons parents may create an expected demand of somewhere in the region of 20 parking spaces with 'drop offs' and 'pick ups' occurring outside of peak traffic hours which is specifically welcomed. This level of

demand can therefore be accommodated within the quantum of on-site parking without likely impingement on the public highway. Also the expected generation outside of peak traffic periods by patrons/kitchen & house keeping staff of several vehicles is predicted as low given and supplemented by the promotion of sustainable travel modes such as mini bussing, car sharing which would be inclusive to a Travel Plan. Again, it is considered reasonable that a condition requiring such a document be submitted to and approved by the Local Planning Authority.

In line with London Plan standards there should be a provision of 1 secure space per 20 staff and per 50 visitors equating to approximately 2 pedal cycle spaces for the proposed use. It is considered reasonable to condition the compliance with this requirement and as such a condition has been attached accordingly.

Some minimal use of the site during the weekend may occur however this is unlikely to measurably impair the surroundings in a negative manner. It is therefore considered that the proposal would have an acceptable impact on the public highway and therefore would accord with the aims and objectives of policy 6.3 of The London Plan, core policy CS 1 R of the Harrow Core Strategy, and policies DM 42 and 43 of the Harrow Development Management Policies Local Plan (2013).

### **Construction Logistics Plan (CLP)**

Given the proximity of the application site to surrounding residential properties, and the potential to cause disturbance throughout the construction phase, it is considered reasonable to require a full Construction Logistics Plan to be submitted prior to development, and a planning condition requiring this is attached accordingly.

It is therefore considered that the development would not result in any significant increase in traffic movements from the site or unreasonable impacts on highway safety and convenience, and subject to safeguarding conditions would therefore accord with policy DM42 of the DMP (2013).

### Accessibility

The Design & Access Statement as required by policy 7.2 of the London Plan (2011), has confirmed that level (ramped) access would be provided to the new retreat building at ground floor level. Furthermore, it has been confirmed that the retreat building would provide a lift to the first floor to enable wheelchair access to the residential element of the building. At first floor level and adjacent to the lift would be a wheelchair enabled bedroom with an attached wet room.

On the ground floor of the retreat building, the Design & Access Statement ensures that adequate corridor widths and access to communal rooms to provide for wheelchair access throughout the building.

The existing building does not provide wheelchair access to the first floor, and within the scope of this application it is not proposed to do so. To the rear of the existing building are stepped access to the rear garden. However, it noted that access for wheelchair users is available elsewhere.

Level access to the rotunda building currently exists, and this is proposed to be retained. Furthermore, there is no change in floor level internally and as such would continue to provide an accessible structure.

Paths within the gardens are proposed to be widened and re-surfacing to ensure inclusive access from the entrance site and across to the proposed retreat building. However, it is noted that detailed drawings or information has not been submitted to demonstrate this. As such, it is considered reasonable that a condition be imposed accordingly to require further detail of such works.

Subject to a safeguarding condition, it is considered that the proposed development would accord with the principles and objectives of Lifetime Homes and policies 3.5.B/C/D, 3.8.B and 7.2.C of The London Plan 2011, policy DM2 of the Harrow Development Management Policies Local Plan (2013), and the Council's adopted SPD: Access for All.

### **Sustainability**

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

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

Policy 5.3 seeks to ensure that future developments meet the highest standards of sustainable design and construction, whilst policies 5.9-5.15 support climate change adaptation measures.

The applicant has submitted a BREEAM pre-assessment for the proposed retreat building. The BREEAM assessment demonstrates the new build would achieve a rating of 'Very Good' is to be achieved. The submitted information demonstrates that the following would be incorporated within the development to achieve this;

- The new retreat building would have a high thermal mass
- Ground source heat pump if viable
- Heat recovery ventilation
- High performance triple glazed windows
- Use of recycled paper insulation or wool fleece insulation
- External cladding locally sourced sawn feather edge boarding and spruce or Douglas fir lapped boarding with wood stained finish
- Low energy LED lighting throughout

It is noted within the report that the 'Very Good' BREEM target is only what could potentially be achieved by the new build. The document further states that such credits cannot be confirmed as being incorporated until the development is at the detailed design stage. Whilst it is accepted that the target reached by the proposed building as detailed within the BREEM report, it does not provide steps confirmed to be actioned. Therefore, it is considered reasonable that a condition be attached requiring confirmed requirements be implemented to ensure the retreat building reaches the 'Very Good' BREEM standard.

Furthermore, it has been confirmed by the applicant that a condition be acceptable to require the retreat building has a brown roof. Whilst this would provide valuable ecological benefits to the site, it would also provide benefits to the sustainability of the



proposed building.

It is therefore considered that the proposed development, subject to an appropriately worded condition, would accord with the London Plan (2011) policies listed above.

### **Development and Flood Risk**

The site is not located within a flood zone. However, the council's Drainage Team has commented on the application and conditions are recommended to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. It is therefore considered that subject to conditions, the proposed development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and saved policy DM10 of the Harrow Development Management Policies Local Plan (2013).

### **Equalities**

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

Section 149 states:-

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is not considered that there are any equality impacts as part of this application.

### **S17 Crime & Disorder Act 1998**

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

### **Consultation Responses**

- Support the removal of the unsightly garages. However, would not want to see them replaced by something equally unattractive through the erection of a waste and recycling facility.

*Agree that the demolition of the triple garage would be of a benefit to the site and streetscene. Details of the appearance of any replacement structure is to be considered under application (P/0994/14) which would be located adjacent to Waxwell Lane.*

### **CONCLUSION**

The proposed scheme has, subject to safeguarding conditions, not been found to conflict with the strategic aims of the Local Planning Authority in terms of any loss to the borough wide asset of Site of Conservation Importance, through any loss on site being re-provided within the application site. Furthermore, the proposed development would not unacceptably harm the open and verdant nature of the site, nor the amenities of adjoining residential occupiers.

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

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

a: two storey religious education/training centre

b: the refectory building

c: the ground surfacing (inclusive of pathways)

d: the boundary treatments

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

REASON: To safeguard the appearance of the existing property and the locality and the heritage asset on site in accordance with policies DM1 and DM7 of the Harrow Development Management Plan Policies Plan (2013).

3 Prior to commencement of development, full details (including elevations and material specifications) of a secure cycle storage area to accommodate a minimum of two bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be completed prior to the first use of the development.

REASON: In the interests of promoting sustainable transport in accordance with policy DM42 of the Harrow Development Management Policies Local Plan (2013).

4 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until a hard and soft landscape plan and landscape strategy has been submitted to, and approved in writing by, the local planning authority: The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policy DM22 of The Development Management Policies Local Plan 2013.

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

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

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with policies DM1, DM42, DM43 and DM44 of the Harrow Development Management Policies Local Plan 2013.

7 Prior to the use of the development hereby permitted, a full Delivery and Service Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Service Plan thereby approved shall be adhered to thereafter.

REASON: To ensure that the development does not harm the safety and free flow of the public highway, thereby according with policies DM1, DM42, DM43 and DM44 of the Harrow Development Management Policies Local Plan 2013.

8 Prior to the commencement of development, a framework travel plan, including a detailed scheme for vehicle pick up and drop off times for the Religious Training/Conference centre shall be submitted to, and approved in writing by the local planning authority. The travel plan shall be implemented in accordance with the approved details from the commencement of the use on site and retained thereafter.

REASON: To safeguard the amenities of neighbouring residents and to ensure that highway safety is not prejudiced in accordance with policies DM1 & DM42 of the Harrow Development Management Policies Local Plan (2013).

9 Prior to the construction of the buildings hereby approved on site, details of a scheme for external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents of the development, thereby according with saved policy DM1 of the Harrow Development Management Policies Local Plan 2013.

10 Prior to commencement of development, details shall be submitted demonstrating the provision of a brown roof to the two storey religious education/training centre hereby

permitted. The detail submitted shall also demonstrate the long term maintenance of the brown roof. The provision of the brown roof and its maintenance shall be implemented prior to first occupation/use of the building and retained and maintained as approved thereafter.

REASON: To ensure no decrease in the value of the Site of Nature Importance asset within the borough, thereby according with policies DM20 and DM21 of the Harrow Development Management Policies Local Plan (2013).

11 The development of any buildings hereby permitted shall not be commenced until details of works for the disposal of surface water, surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The details as approved shall thereafter be retained in that form.

REASON : To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk, in accordance with policy DM10 of the Development Management Policies Local Plan (2013).

12 The development building hereby permitted shall only be used for religious education and ancillary short stay residential accommodation, as specified in the application [Class C2] and for no other purpose, including any other purpose in Class C2 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 enable the Council to assess any change of use would potentially impact on the amenities of neighbouring residential properties to the north of the site, car parking and servicing of the site against policies DM1 of the Harrow Development Management Policies Local Plan (2013).

13 Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the proposals for emissions savings (BREEAM "Very Good") that are documented in the Sustainability Report.

REASON: To ensure that the development ensure makes appropriate provision for the minimisation of carbon dioxide emissions in accordance with policy 5.2 of the London Plan.

14 The method statement and associated plan submitted within the Arboricultural Statement shall be implemented prior to the commencement of development on site. The tree protection measures shall be retained until the construction of the approved works hereby approved have been completed.

REASON: A number of existing trees within the site represent an important amenity feature which the local planning authority considers should be preserved, in accordance with policies DM1 and DM22 of the Harrow Development Management Plan 2013.

15 The development hereby permitted shall be carried out in accordance with the following approved plans, in addition to any details submitted and approved as required by conditions attached to this permission: LPO1, LPO2, LPO3, 12-086-LS-01 (REV B) sheets 1 - 3, 2051/11/01, 2051/11/02, 2051/11/03, 2051/11/04, 2051/11/05, 2051/11/06, 2051/11/07, 2051/11/08 (REV B), 2051/11/09, 2051/11/12, 2051/11/15, 2051/11/26, 2051/11/27, 2051/11/28, 2051/11/29, 2051/11/30, 2051/11/31, 2051/11/32, 2051/11/33, 2051/11/34, 2051/11/35, 2051/11/36, 2051/11/38, 2051/11/39, 2051/11/40, 2051/11/41, 2051/11/42, 2051/11/43, 2051/11/44, Design, Access & Sustainability Statement, Sustainability Report, Planning Statement, Heritage Statement (13/0811), Transport Statement, Flood Risk Assessment, Arboricultural Report, TPP/WFHWLP/010 A, Drawing Schedule, Cover Letter (Dated 31<sup>st</sup> January 2014), Ecological Report (dated 13<sup>th</sup> July 2012), Materials Sheet, Site Plan

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

## **INFORMATIVES**

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

National Planning Policy Framework (2012)

The London Plan (2011):

Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 6.9, 7.1, 7.2, 7.3B, 7.4B, 7.6B, 7.8 and 7.21

Harrow Core Strategy (2012):

Core Policy CS1.A/B/H/I/J/K/T

Supplementary Planning Document: Residential Design Guide (2010)

Harrow Development Management Policies Local Plan (2013) DM1, DM2, DM7, DM10, DM12, DM20, DM21, DM22, DM23, DM42.

2 Grant with pre-application advice

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

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

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

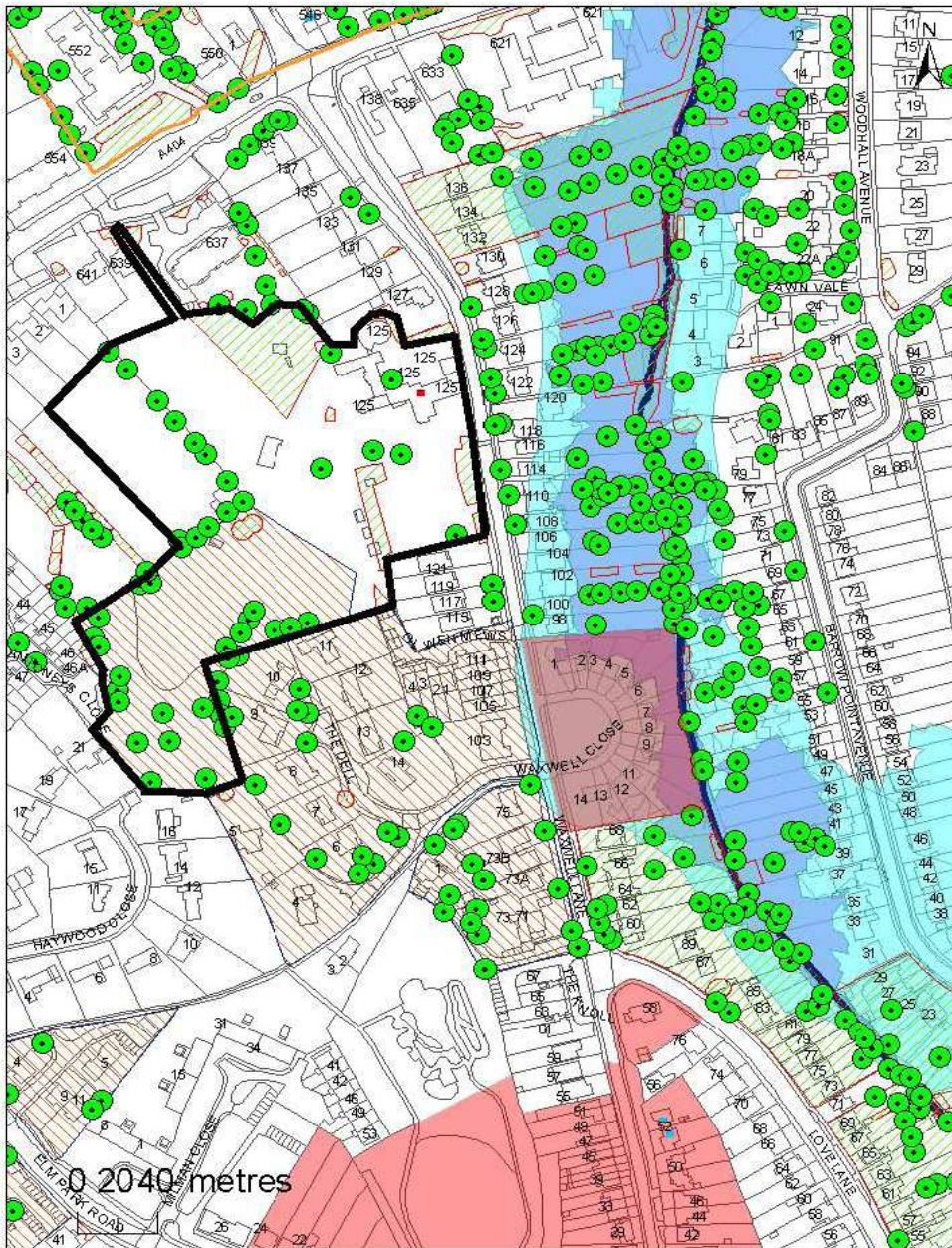
The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working

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

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

Plan Nos: LPO1, LPO2, LPO3, 12-086-LS-01 (REV B) sheets 1 - 3, 2051/11/01, 2051/11/02, 2051/11/03, 2051/11/04, 2051/11/05, 2051/11/06, 2051/11/07, 2051/11/08 (REV B), 2051/11/09, 2051/11/12, 2051/11/15, 2051/11/26, 2051/11/27, 2051/11/28, 2051/11/29, 2051/11/30, 2051/11/31, 2051/11/32, 2051/11/33, 2051/11/34, 2051/11/35, 2051/11/36, 2051/11/38, 2051/11/39, 2051/11/40, 2051/11/41, 2051/11/42, 2051/11/43, 2051/11/44, Design, Access & Sustainability Statement, Sustainability Report, Planning Statement, Heritage Statement (13/0811), Transport Statement, Flood Risk Assessment, Arboricultural Report, TPP/WFHWLP/010 A, Drawing Schedule, Cover Letter (Dated 31<sup>st</sup> January 2014), Ecological Report (dated 13<sup>th</sup> July 2012), Materials Sheet, Site Plan.

**THE GRAIL, 125 WAXWELL LANE, PINNER**



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Item No. 1/02

Address: 321 STATION ROAD, HARROW

Reference: P/1197/14

Description: EXTENSION OF THE EXISTING BUILDING ON THE SITE TO PROVIDE FOUR STOREY BUILDING FRONTING STATION ROAD. EXTENSION OF BASEMENT AND PART REDEVELOPMENT OF THE SITE TO PROVIDE PART SINGLE STOREY BUILDING AND PART SIX STOREY BUILDING FRONTING HAVELOCK PLACE COMPRISING FLEXIBLE RETAIL/MEDICAL/COMMERCIAL GROUND FLOOR UNIT (CLASSES A1/A2/D1/B1) FRONTING HAVELOCK PLACE; 26 RESIDENTIAL UNITS (USE CLASS C3) ON THE UPPER FLOORS; PROVISION OF LAND SCAPING REFUSE AND CYCLE STORAGE; EXTERNAL ALTERATIONS

Ward: GREENHILL

Applicant: MR HITEN SHAH

Agent: PRESTON BENNETT PLANNING

Case Officer: SUSHILA BHANDARI

Expiry Date: 30/07/2014

## **RECOMMENDATION A**

**GRANT** planning permission subject to conditions and the modification of the section 106 agreement dated 22 November 2012 relating to the planning permission granted under reference P/1226/12, by 16<sup>th</sup> October 2014. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms as already sealed under P/1226/12 cover the following matters and would be modified as noted below:

- i) On the basis of the updated financial viability appraisal submitted with the approved applications, the developer and the Council have agreed an average base sales value of £351.00 per square foot (calculated on net internal sales area for the residential element of the development). Upon completion of the sale of the last residential unit, the developer is to submit to the Council's Planning Department the sales value achieved for each unit and the average sales value per square foot (calculated on net internal sales area for the residential element of the development);
- ii) In the event that the average sales value achieved is in excess of £351.00 per square foot, the developer is to pay 80% of the surplus sales value above £351.00 per square foot to the Council as a contribution towards the provision of affordable



housing in the borough. Should payment be due, this should be paid to the Council within one month of the developer submitting the sales details as prescribed in clause i) above.

- iii) Public Realm improvements: Payment of £14,960 + £5,466 (uplift on new floor space based on occupancy level) towards public realm and open space improvements prior to commencement of development
- iv) Harrow Employment and Training Initiatives: Contribution of £10,000 + £3,653 (uplift on new floor space based on occupancy level) towards local training and employment initiatives prior to commencement of development
- v) The submission of a Recruitment Training and Management Plan
- vi) Health Service contributions: Contribution of £15,429 towards local health provision prior to the occupation of the residential units on the site
- vii) Public Transport Contributions: Contributions of £14,470 towards public transport expenditure prior to the occupation of the residential units on the site
- viii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- ix) Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement.

## REASON

The proposed development of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The loss of employment land on the upper floors of the property would be offset by the re-introduction of high quality commercial units on the ground floor of the property within the primary shopping frontage of the town centre and development contributions towards employment and training in the borough.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions and commercial space which would be accessible for all future occupiers of the development. The development proposal would provide a stimulus for areas identified for future investment in the town centre as well as securing contributions towards identified and required infrastructural investment in the Harrow and Wealdstone Intensification Area.

The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers, whilst the development would contribute towards the strategic objectives of reducing the carbon emissions of the borough.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011 (amended in 2013), the Harrow Core Strategy 2012 and the Harrow and Wealdstone Area Action Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed 16<sup>th</sup> October 2014 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in absence of a legal agreement to provide appropriate provision for infrastructural facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the appearance of the wider area and provide for necessary infrastructure improvements arising directly from the development, thereby being contrary to policies 3.2, 3.11, 3.12.A/B, 6.2, 7.4.B of The London Plan 2011, policies CS1.Z/AA and CS2.Q of the Harrow Core Strategy 2012 and policy AAP1 of the Harrow and Wealdstone Area Action Plan 2013.

## **INFORMATION**

This application is being reported to committee as the proposal constitutes development of non-residential floorspace exceeding 400m<sup>2</sup> and more than 2 dwellinghouses and therefore falls outside of Categories 1(b) and 1(d) of the Scheme of Delegation.

Statutory Return Type: Smallscale Major Development

Council Interest: None

Gross Floorspace: 2914 sqm

Net additional Floorspace: 1778 sqm (above existing), net increase above approved scheme P/1226/13: 197sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £6,895 based on the uplift in floor area above the approved scheme, which already attracted a CIL liability of £45,675

Harrow CIL: £21,670 – based on the uplift on floor area above the approved scheme.

## **Site Description**

- The application site is located on the western side of Station Road, to the south of the junction with St. Ann's Road. The site is within the Harrow Metropolitan Centre.
- The site extends to Havelock Place to the rear and the building has a footprint approximately two-thirds of the size of the site with car parking and storage facilities to the rear.
- The Station Road frontage of the site is located within a primary shopping frontage.
- The building is three-storey in height fronting onto Station Road. To the rear the building reduces down to two storeys. The building has ancillary plant and machinery on the roof of the two-storey part of the building and at the rear.
- The entire property is currently vacant. The ground floor was most recently occupied by Burger King and has a Class A3 authorised planning use. Access to the first and second floors is via a doorway on the northern side of the frontage.
- The first and second floors are vacant and have a Class B1 (offices) authorised planning use but planning permission was granted on 27 September 2010 to extend the time limit to implement an extant permission to convert the first and second floors of the property to 6 self-contained residential units.
- The attached building to the south is a two-storey building (but the same height as the building on the application site) and has a retail unit and a financial and professional services unit on the ground floor. The first floor of the premises has an authorised use as B1 (offices) and appears to be vacant.
- The neighbouring building to the south, No.319, is sited forward of the application

building and is a two-storey building with a hipped and pitched roof and has a retail unit on the ground floor and B1 (office) use on the first floor.

### **Proposal Details**

- It is proposed to extend the existing building on the site to provide an additional floor on the Station Road frontage and redevelop the Havelock Place side of the site to provide a five/six storey building fronting Havelock Place. It is also proposed to extend and alter the internal areas of the basement.
- The four-storey and five/six -storey buildings fronting Station Road and Havelock Place respectively would be separated by approximately a minimum distance of 8.3 metres at first floor level which would increase to approximately 13 metres at third floor level. The front and rear elements would be connected by a single storey link.
- The redeveloped buildings on site would provide two commercial units at ground floor level.
- The unit fronting Station Road would have a flexible use as A1/ A2. This unit has recently been taken occupation by Foxtons Estate Agency pursuant to permission granted under the s.73 application ref: P/3753/13. The floor area to this unit is approximately 320sqm.
- The unit fronting Havelock Place would have a flexible use as A1/A2/B1 and D1. This unit would have a floor area of approximately 270sqm.
- The upper floors of the buildings on the site would provide 26 residential units.
- The basement would also provide for ancillary residential space, bike storage and plant.
- The residential units would all be for private sale or rent and would comprise: 1 studio units, 15 one-bed units, 8 two-bed flats and 2 three-bed duplex flats.
- All of the units would meet or exceed the minimum Gross Internal Area (GIA) standards set out in the London Plan and the Council's adopted SPD: Residential Design Guide.
- Private amenity space would be provided for 9 of the units and 116sqm of communal amenity space would be provided on the first floor, on the roof of the ground floor link.
- The four residential units on the Station Road frontage would be accessed via an entrance on the northern side of the ground floor.
- The other 22 residential units within the five/six-storey building fronting Havelock Place would be accessed via an entrance on the northern side of the Havelock Place frontage.
- The Havelock Place frontage would also have a service entrance on the northern side.

### **Revisions to Previous Application**

Following the previous decision (P/1226/12) the following amendments have been made:

- Additional floor proposed bring the height of the building fronting Havelock Place to six storeys high.
- Number of units increased from 22 previously proposed to 26.
- Sub-division of the ground floor commercial unit into two units. Flexible use classes A1/A2 proposed in the unit fronting Station Road and flexible use classes A1/A2/B1 and D1 proposed in the units fronting Havelock Place.
- Reduction in size of basement area.
- Increase in floor area of the first floor of proposed building fronting Havelock Place.

## Relevant History

LBH/30169

Alterations to front elevation and change of use from public house to restaurant with two floors of offices over with parking

Granted: 03 July 1986

P/3224/04/DFU

Conversion of first & second floor offices (Class B1) to six self-contained flats (Class C3) and alterations

Refused: 07 February 2005

### Reasons for Refusal:

1 The proposed conversion, by reason of its internal arrangement resulting in conflicting stacking of bedroom and non-bedroom uses, and in the absence of detailed arrangements for the storage of refuse and recycling facilities, would constitute a substandard residential conversion leading to unsatisfactory living conditions for future occupiers.

2 The proposed conversion, by reason of the poor outlook of flats at the rear, noise and disturbance from the ground floor restaurant/take-away and potential fumes, odour and vibration from the rooftop plant and equipment at the rear, would constitute a substandard residential conversion leading to unsatisfactory living conditions for future occupiers.

3 The proposed conversion, by reason of its layout, would result in the formation of protected habitable room windows in the south flank elevation that could be prejudicial to the redevelopment of the adjacent site.

P/1838/05/DFU

Conversion of first and second floor offices (Class B1) to six self-contained flats (Class C3); Alterations; Relocation and enclosure of plant/ductwork on roof at rear

Granted: 02 September 2005

P/2056/10

Extension of time to planning permission P/1838/05/DFU dated 02/09/2005 for 'Conversion of first and second floor offices (Class B1) to six self-contained flats (Class C3); Alterations; Relocation and enclosure of plant/ductwork on roof at rear

Granted: 27 September 2010

P/2020/11

Single storey rear and basement extension to commercial premises (Use Class C3); New shopfront; External alterations

Granted: 05 October 2011

P/1226/12

Extension of the existing building on the site to provide four storey building fronting station road, extension of basement and part redevelopment of the site to provide part-single storey building and part five-storey building fronting Havelock place comprising 1,139.4sqm of retail space on the ground floor and basement (use class a1) and 22 residential units (use class c3) on the upper floors; provision of landscaping, refuse and cycle storage; external alterations [resident permit restricted]

Granted: 23 November 2011

P/2256/13

Non-material amendment to the internal layout attached to planning permission P/1226/12 dated 23 November 2012 for 'extension of the existing building on the site to provide four storey building fronting station road, extension of basement and part redevelopment of the site to provide part-single storey building and part five-storey building fronting Havelock place comprising 1,139.4sqm of retail space on the ground floor and basement (use class a1) and 22 residential units (use class c3) on the upper floors; provision of landscaping, refuse and cycle storage; external alterations [resident permit restricted]'

Refused: 28 August 2013

Reason for Refusal:

1 The proposed amendments and alterations, by reducing the bathroom sizes and floor areas of some units and altering the bedroom number of some units, would potentially result in the units being used by a greater number of persons than the approved scheme, P/1226/12, resulting in cramped and unsatisfactory living conditions. The proposed amendments would therefore fail to meet the requirements of the development plan and are therefore of significance, substance and consequence and are material to the consideration of planning permission.

P/3264/13

Non-material amendment to planning permission P/1226/12 dated 23/11/2012 for 'extension of the existing building on the site to provide four storey building fronting station road, extension of basement and part redevelopment of the site to provide part-single storey building and part five-storey building fronting Havelock place comprising 1,139.4sqm of retail space on the ground floor and basement (use class a1) and 22 residential units (use class c3) on the upper floors; provision of landscaping, refuse and cycle storage; external alterations [resident permit restricted]'

Approved: 21 November 2013

P/3474/13

Non Material Amendment To Planning Permission P/1226/12 Dated 23/11/2012 For 'Extension Of The Existing Building On The Site To Provide Four Storey Building Fronting Station Road, Extension Of Basement And Part Redevelopment Of The Site To Provide Part-Single Storey Building And Part Five-Storey Building Fronting Havelock Place Comprising 1,139.4sqm Of Retail Space On The Ground Floor And Basement (Use Class A1) And 22 Residential Units (Use Class C3) On The Upper Floors; Provision Of Landscaping, Refuse And Cycle Storage; External Alterations [Resident Permit Restricted]'

Refused: 5 December 2013

Reason for Refusal:

1 The proposed amendment to the planning permission P/1226/12 would have the effect of permitting a number of different uses of the ground floor of the property which are defined within The Town and Country Planning (Use Classes) Order 1987 (as amended) as being materially different to the original permitted use by virtue of their designation within a different Planning Use Class and Section 55 of Town and Country Planning Act 1990 (as amended) which defines 'development' as the "making of any material changes in the use of buildings or other land". The proposed amendment would be therefore be of significance, substance and consequence and material to the consideration of planning permission.

P/3753/13

Variation Of Condition 18 (Approved Plans) Attached To Planning Permission P/1226/12 Dated 23/11/2012 To Allow A Minor Material Amendment To The Approved Scheme For The Flexible/Alternative Use Of The Ground Floor And Part Basement Of The Property As Retail (Class A1) And/Or Professional Services (Class A2)

Granted: 14 February 2014

P/3988/13

Display Of 1 X Non-Illuminated Fascia Sign And 1 X Internally Illuminated Projecting Box Sign

Granted – 17/02/2014

P/3989/13 – New Shop Front

Granted – 17/02/2014

### **Applicant Submission Documents**

Design and Access Statement

Planning Statement

Daylight and Sunlight Assessment

Transport Statement

Energy Strategy

Construction Management and Logistics Plan

### **Consultations**

Highways Authority

No Objection

Drainage Engineer

No Objection

Landscape Architect

No Objection

### **Campaign for Better Harrow (summarised as follows):**

- Scheme has been designed to maximum the number of residential units. The result is that although technically compliant with space standards they would be small and mostly poorly served by natural light.
- Not clear why the proposal is not considered viable for affordable housing – what community benefit would be provided in lieu of this.
- Ambiguous claim about the development being visible in the view from the Grove open space and not from Wood Farm.
- Floor plans show very small windows.
- Grade II Listed status of the adjacent Natwest Bank will require reference of the scheme to English Heritage.
- Note that before grant of planning permission Foxtons have set up office on the ground floor.
- Suggested that development along Havelock Place should not prejudice further development of this area

## **Advertisement**

Major Development

Posted 22.04.2014

Expired 16.06.2014

## **Notifications**

Sent:272

Replies: 0

Expiry: 05/06/2014

## **Addresses Consulted**

Station Road: 286, 286a, 289, 289a, 291, 291a, 291b, 292, 293, 294, 295a, 296, 296b, 297-301, 298, 300-302, 303-305, 304-308, 305, 307, 307a, 308, 309, 309a, Upper Flat 310, 311, 311a, 311b, 312, 312b, 313, 313a, 313b, 314, Ground floor at 314, First and Second floor at 314, 315, 316, 316a, 317, 318, 319, 320, 320a, 320b, 321, 322, 321a-327, 322a, 323, 324, 324a-f, 325, 326a, 328, 330, Flat 1 329-331, 333, 333a, 334, O'Neill's Pub 335-339, 335a, 336-338, 339a, 340, 341, 341a, 341b, 342-348, 343, 343a, 344-350, 345, 345a, 345b, 345c, 347, 350, 351-353, 352

303-305 Station Road: First floor, Flats 1-5

295a Station Road: Flats 1-13

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

Trinity House, 326 Station Road: First and Second floor offices

St. Ann's Road: 2, 2a, 2b, 2c, 4, 4a, 6, 10, 10a, 10b, 8, 8a, 9, 11-15, 12, 14, 14a, 14b, 15, 16-22 (even), 18a, 18b, 19, 20a, 21, 22b, 23-25, 26-28, 27, 29, 30, 30b, 31, 32-36 (even), 33, 35-27, 38-40, St Ann's House (38-44), 42, 44, 46, 48, Kiosk Opposite 1-9, Kiosk opposite 50, Kiosk fronting 50

Natwest House, 1-9 St. Ann's Road: Ground, first and Second floor offices

Rama Apartments, 17 St. Ann's Road: All Flats

11-15 St. Ann's Road: Basement, Ground, Second, Third Floors

College Road: 2, 4, 4-10, 6, 8, 12a, 12, 14, 16, 18, 20, 22-24, 22a, Flats 26a and 28a, 30, 30a, 32, 32a, 32b, 34, 36, 36b, Granville Parade,

4-10 College Road: Flats 1-12

Havelock Place: 2, Warehouse club, The Original Pastie House, Fitness Club, Mind In Harrow (8)

## **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 Development and Land Uses  
Affordable Housing  
Housing Density and Unit Mix  
Design, Character and Appearance of the Area  
Layout and Amenity  
Traffic, Safety and Parking  
Accessibility  
Development and Flood Risk  
Sustainability  
Environmental Impact Assessment  
Statement of Community Involvement  
Development Obligations  
Equalities Impact  
S17 Crime & Disorder Act  
Consultation Responses

### **Principle of the Development and Land Uses**

This application follows on from a previous application ref: P/1226/12 for the redevelopment of the site to provide a ground floor retail use and 22 residential units on the upper floors through the conversion and extension of the existing building fronting Station Road and the construction of a single and five storey building fronting Havelock Place. The applicant has commenced development on site pursuant to this permission.

In this current application, the applicant is seeking an amendment to the approved scheme to add an additional sixth storey to the new building fronting Havelock Place and thereby increasing the total number of units on site to 26. In addition to this, the applicant also seeks sub-divide the ground floor unit into two units and seeks permission for a flexible use for each of the units as noted in the proposal section above. It is noted that a flexible use of the ground floor (use classes A1 and A2) was granted under a s.73 (Variation of Condition) application ref: P/3753/13. Pursuant to this permission, part of the ground floor of the subject site is occupied by an Estate Agency (use class A2)



Since the grant of the original application P/1226/12, the Harrow Unitary Development Plan (2004) has been replaced with 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. The 2011 London Plan has been subject to minor alterations in 2013. Further draft minor alterations (FALP) to the London Plan have been published by the Mayor in January 2014. Consultation on the draft alterations was held during January 2014 to April 2014. The FALP has been primarily prepared to address key housing and employment issues. The draft FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs. The FALP seeks to increase the minimum annual housing target for Harrow from 350 to 593 per annum.

It is noted at the time of assessing the proposal under P/1226/12, the DMP and AAP were at an advanced stage in the process of being adopted and therefore the committee report relating to P/1226/12 gave due regard to the relevant policies contained in the DMP and AAP.

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

The application site falls within the sub area of Harrow Town Centre Central as set out in the AAP. The Station Road frontage is located within a primarily shopping frontage and the rear section fronting Havelock Place is identified as a Proposals Site within the AAP. The proposed vision for Havelock Place is to provide active mixed used frontages to Havelock Place to create pedestrian through routes from St. Ann's Road to College Road and Harrow on the Hill station.

The loss of the office floor space on the first and second floors of No.321 Station Road, the change of use of the ground floor to retail and subsequently to a flexible A1/A2 use classes and the provision of residential development on this site has already been established under the previous applications. The overarching strategic housing employment and retail policies contained in the current adopted development plan are broadly reflective of policies contained within the former Harrow UDP. The only material changes are the inclusion of use classes B1 and D1 as alternative flexible uses for the sub-divided unit fronting Havelock Place and the provision of an additional storey (which is discussed in detail below).

In assessing the proposed flexible use of the ground floor unit fronting Havelock Place for uses that would fall within classes A1, A2, B1 and D1, there is no objection to the use of this unit for the purposes that would fall within use classes A1 and A2, as the principle of this has already been established under the previous s.73 application ref: P/3753/13. Such uses are in keeping with the overall retail function and viability of the Town Centre. However, at the time of this s.73 application the ground floor was retained as one unit. Whilst the frontage facing Station Road is located within a primary shopping frontage, in

sub-dividing the ground floor, the rear unit would no longer form part of any designated frontage in the Town Centre.

Policy AAP18 of the AAP relating to secondary frontages, neighbourhood parades and non-designated retail parades would apply in this case. Criterion B of this policy will permit the use of ground floor premises that are appropriate town centre, community and economic uses subject to that such use in the case of a non A class, provides an appropriate window display and that such a use would not be detrimental to the amenity of neighbouring occupiers. It is considered that the proposed options of a B1 and D1 uses for the rear unit, subject to restricting certain uses within these use classes so that only uses that are of economic or community benefit as listed below are permitted, would give rise to no conflict with policy AAP18.

Class B1 permitted uses include – office only

Class D1 permitted uses include - Clinics, health centres, day centres, art galleries (other than for sales or hire), museums and non-residential education centres.

Given that the principle to redevelop this site as a mix use scheme has already been established through the grant of previous permissions, it is considered that the proposed amendments to the approved scheme as stated above would be acceptable and would give rise to no conflict with the above stated policies.

### **Affordable Housing**

Policy CS1.J of the Harrow Core Strategy 2012 sets an aim for 40% of new housing development in the borough to be affordable housing and states that the Council will seek the maximum reasonable amount of affordable housing on all development sites with a capacity to provide for ten or more units having regard to various criteria and the viability of the scheme. Such requirements are in line with London Plan policy 3.12.A/B which requires the maximum reasonable level of affordable housing to be provided. The reasoned justification of policy 3.12.A/B of The London Plan 2011 states that boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis (The early modifications to the London Plan 2013 has not made any significant changes to this policy). However it is noted that the draft Further Alterations to the London Plan (FALP) does seek to designate Harrow and Wealdstone as an Opportunity Area and seeks to increase the minimum annual housing target for Harrow from 350 to 593 per annum.

In the original application P/1226/12, the applicant had submitted the application on the basis of 0% offer of affordable housing. The 0% affordable housing offer was considered to be justified by the applicant in stating that the provision of affordable housing on the site is not viable and any requirement to provide affordable housing on the site would render the scheme unviable and undeliverable. In support of this statement the applicant had also submitted a GLA Three Dragons toolkit assessment of the viability of the scheme.

At the time of assessing this previous application, Officers considered the viability report that was submitted to be broadly fair in respect of the viability of the scheme and that affordable housing on the site is unlikely to be realised. As set out at paragraph 3.75 of The London Plan 2011, it was considered appropriate to provide an obligation within the s106 Agreement that required the developer to submit a reassessment of the viability of the scheme prior to 80% of the residential units on the site being occupied. Any additional

revenues generated by the scheme above the assumed levels set out in the viability report should be captured by the provision of affordable housing on the site or the re-provision of affordable housing elsewhere. Subject to such an obligation, it was considered that the development would accord with policy 3.12.A/B of The London Plan 2011 and policy CS1.J of the Harrow Core Strategy 2012.

In this current application, the applicant has provided an updated viability appraisal for the proposed development taking into account the uplift in the unit numbers and the build cost associated with the additional floor. As per, the previous viability assessment, the revised viability concludes that the provision of affordable housing would not make the scheme viable. As the figures included in the viability are real time based, future fluctuations in the market trend could potentially affect the viability of the scheme and in order to realise any surplus on the sales value achieved the developer will be required to submit details on what sales value were achieved for each unit which would be assessed against the viability appraisal submitted with this application. However, having factored in that the number of market units delivered on this site would increase and taking into account that had this development been viable the developer would have been required to provide 10 affordable housing units for the scale of development proposed. Officers consider that following the submission of the final sales value achieved, if there is a surplus achieved above the base figure of £351 per square foot then the developer should pay 80% of any surplus value, as oppose to the original 50% secured under the previous application. Accordingly, it is recommended that the original s.106 agreement is amended to reflect the above changes.

Subject to such an obligation, it is considered that the development would accord with policy 3.12.A/B of The London Plan 2011 and policy CS1.J of the Harrow Core Strategy 2012.

### **Housing Density and Unit Mix**

London Plan policy 3.8 and policy AAP13 of the AAP require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. London Plan 3.4 sets out a range of densities for new residential development.

#### Density

The site is considered to be within a urban location and has a high Public Transport Accessibility Level [PTAL] of 6a. The London Plan sets out at Table 3.2 appropriate densities for various different areas. Table 3.2 sets out that a density of 70-260 units per hectare and 200-700 habitable rooms per hectare would be most appropriate for this site. The development proposes a density of 265 u/ha and 387hr/ha, which is within the levels set out in The London Plan 2011. In the context of the design and layout of the development and other site constraints, it is considered that such a density is appropriate in this location.

#### Unit Mix

The development provides a mix of studios, one-bed, two-bed and three-bed units of various sizes. For a scheme of this scale and location in a town centre location which is likely to be attractive to small family or professional groups, it is considered that the units would be appropriate and would accord with development plan policies.

### **Design, 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 surrounding area has strong urban character, without any significant coherence or commonality of design with the exception of the three-storey Victorian terrace buildings to the south of the site on Station Road. Building such as the Natwest Bank building, a Grade II Listed Building, the four-storey office building at 11-15 St. Ann's Road and Sheridan House provide significant landmark buildings in the immediate area and the differences in form and design of these buildings is indicative of the variances in the built form in the locality. In close proximity to the site, these buildings nonetheless serve to contextualise the development site. Havelock Place has developed primarily as an ancillary service road and as a result provides poor visual amenities to this location.

#### Scale and Siting

As stated the above, the principle of development in terms of its scale and siting has already been established under P/1226/12. There are no changes proposed to the external alterations and additional storey to the principal building fronting Station Road to that approved under the previous application. As such, these aspects of the proposal under the current revised scheme are considered to be acceptable.

The main change is to the building fronting Havelock Road, which would now include an additional floor, bringing the overall building height to six storeys. As in the previously approved scheme, the current proposal would maintain the 2.6 metres set in the from the side boundaries in order to achieve 100% dual-aspect units in the development and to reduce the prominence of the development in this frontage. The design considerations set out in the AAP for Havelock Place suggests heights to be within three to five storeys high. The proposed fifth floor would be set back from the lower floors by approximately 4 metres and would therefore be subservient to the main building. Furthermore, it is proposed to clad the fifth floor in rain screen cladding (sliver metallic) to reduce the overall bulk of the development along this frontage.

The application site is adjacent to buildings at the higher end of Havelock Place, such as the seven-storey Sheridan House and the four-storey office building at 11-15 St. Ann's Road. In addition, the service yard area on the western side of Station Road is unlikely to be developed and will remain open, thereby avoiding any 'canyoning effect' at the northern end of Havelock Place. Furthermore, the design of the building is considered to be of high quality. In the context of the existing high buildings adjacent to the northern end of the site, the likely openness of the western side of Havelock Place that would be maintained beyond any potential development of the Havelock Place proposal site outlined in the AAP and the high quality of the proposed building, the scale and siting of the building fronting Havelock Place is considered to be appropriate.

The two main buildings on the site would relate well to each other, providing an appropriate distance between them so that the buildings would not appear confused and would be viewed distinctly and independently. The landscaped and communal amenity area between the buildings would help provide a setting for the building when viewed internally. The building lines along Station Road are clearly established and the development proposal would provide a clear cue and strong building line along the Havelock Place frontage for future development in this location.

### Design and Appearance

Other than the addition of the fifth floor on the Havelock Place frontage the development proposal would retain the modern and contemporary appearance as approved under the previous application P/1226/12. For the purposes of this application, it is not deemed necessary to revisit the design and appearance of the development fronting Station Road, as this aspect of the proposal would remain unaltered to that previously approved. The applicant's submitted Design and Access Statement sets out the considerations that have helped develop the design ethos for the proposed development.

The building fronting Havelock Place would have a more contemporary appearance than that fronting Station Road as it is considered that the streetscene in this location offers more opportunity to provide a landmark building within the existing context of poor visual amenities in this area and the absence of any established form of development. The front and side elevations would contain modern design treatments, such as offset and irregular windows and balconies set within a 'box' grid structure. In order to achieve a visual relief, the flank elevations would incorporate an angled brick design. Above the commercial unit, a high brick upstand would be provided to distinguish the unit as a commercial unit. The residential units on the upper floor would be clearly demarcated as residential units by the design treatment. The materials proposed in the Design and Access Statement and in the revised Façade Materials Schedule dated 11.06.2014 are considered to be of high quality and would ensure an acceptable finish to the building. The grey brick would contrast with the red brick used in the landmark building to the north. However, the proposed building will have a different land use and, in the absence of any regular pattern of development or distinctive high quality brick type in locality, it is considered that the use of grey brick would not adversely affect the character of the area, provided these are of high quality. The type of brick, and all external materials would be secured by condition. The brick type would also fit in the design ethos of the building whereby 'boxes' are proposed to surround the fenestration and a significant level of glazing would be used.

### Landscaping and the Public Realm

The development would provide a green roof, along with hard landscaping with a forecourt style area, located between the buildings fronting Station Road and Havelock Place. This area would provide private and communal amenity areas and would enhance the appearance of the scheme. The Council's Landscape Architect is satisfied with the information submitted in support of the landscape proposal for the scheme. A condition is attached to ensure that landscaping scheme is implemented in accordance with the approved details.

As the buildings on the site would abut the boundaries of the site, no provision is made for the setting of the building, in common with other surrounding buildings in the town centre. Though the high quality design of the buildings would ensure that any adverse impacts upon the character of the area are minimised, the development will derive its setting from a high quality public realm adjacent to the site from which residential

occupiers and retailers will benefit. The financial contributions towards investment in the public realm which was secured under application P/1226/12 would need to be adjusted to take into account the uplift in unit numbers as set out in the Heads of Terms above.

### Refuse and Servicing

Refuse stores would be located internally, serviced from Havelock Place, and would not therefore affect the appearance of the area. These refuse stores would be adequate for the purposes of the development and would ensure servicing arrangements would not be compromised.

### Solar Panels

As discussed, below, in order to meet Code Level 4 for Sustainable Homes, the applicant is proposing to install solar panels on the roof of the proposed building and the new extension to the building fronting Station Road. These are unlikely to be perceptible at street level as such panels would be set in from the roof edges. It is noted that such panels would be visible from the surrounding taller buildings. However, it is considered that on balance, the proposed solar panels would have not adverse impact upon the character of the area or the appearance of the completed development.

In conclusion, the proposed development would provide a high quality development on the site which would appropriately address the public realm. The contemporary design of the building fronting Havelock Place would add positively to the built form within the town centre, setting out a high quality contemporary design that other developments in the town centre will set as a standard. It is considered that the development proposal would be appropriate and would accord with policies 7.4.B and 7.6.B of the London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

### **Layout and 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.

There are no specific policies within the AAP which deal with safeguarding residential amenity but eludes that development proposals would be required to meet policy DM1 of the Development Management Policies Local Plan (2013), which seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

### Neighbouring Amenity

The sites immediately adjacent to the application site are all commercial properties primarily with B1 office uses, with other commercial uses on the ground floors. The Station Road building would align with the neighbouring building to the south and would not therefore impact on this property. The rear of the Station Road building line would project beyond the rear of the neighbouring property to the north. However, given the use of this building and the relatively minor addition to the scale of the Station Road building, it is considered that this element would not adversely affect the amenities of the neighbouring properties to the north.

The lateral core (north/south axis) of the building fronting Havelock Place would align with

the neighbouring building to the north, 11-15 St. Ann's Road. The central core (west/east axis) of the building would be set away from this building by 2.6 metres. The rear part of the central core would only project 4.3 metres beyond the rear of 11-15 St. Ann's road and loss of light or overbearing impacts to the rear of this building would not be unreasonable, given these distances. The western elevation of 11-15 St. Ann's Road, facing Havelock Place features a undercroft car parking entrance on the ground floor and three windows openings at first, second and third floor adjacent to the application site. These windows are approximately one metre from the boundary of the application site and in association with the set in of the central core (west/east axis) 2.6 metres from the northern boundary of the site, the building would be 4 metres away from this part of the building. Given the use of 11-15 St. Ann's Road and these distances, it is considered that the development would not result in any unreasonable impacts upon the amenities of this property.

The neighbouring property to the south, 325 Station Road, features a two-storey projection which extends in close proximity to the rear boundary of the site. On the rear elevation there are some high level openings which appear to serve ancillary spaces for this building. As this rear projection would extend closer to the highway of the Havelock Place than the proposed building (where it would abut the southern boundary of the application site), the rear projection does not have any significant windows on the western elevation of the building and is located to the south of the application site, it is considered that the proposed development would not adversely impact upon the amenities impact of this property.

As such, it is considered that the proposed development would not adversely affect the amenities of any of the neighbouring occupiers, thereby according with policy 7.6.B of The London Plan 2011 and policy DM1 of the DMP.

#### Layout and Future Occupiers

The site is located in a town centre location and the surrounding land uses would not adversely affect the amenities of the future occupiers of the units. The assessment of the proposed residential accommodation has shown that some of the main living rooms would receive levels of daylight and sunlight below the BRE recommendation. However, the BRE guidance advises that lighting standards "should be imposed flexibly because natural lighting is only one of many factors in the site layout design". In this instance, it is considered that each of the living / dining areas would have good levels of outlook which would outweigh the lower levels of light received and in this context, the amenities of occupiers would not be prejudiced.

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy AAP13 of the AAP. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2012. Whilst the Mayor's Housing SPG provides guidance for public sector housing the internal rooms standards set out in this guidance provides a good benchmark for the delivery of good quality homes

Each of the proposed units would meet and exceed the minimum space standards set out in the London Plan and Harrow's adopted SPD: Residential Design 2010. In this regard, the proposal is considered to be acceptable.

The proposed development would, in the main, stack appropriately in a vertical fashion, with the exception of some of the units on the upper floor of the building fronting Havelock Place (issues arise in relation to six of the units). Similarly, the horizontal layout also shows some conflict in the layout of the scheme whereby some bathrooms are sited adjacent to neighbouring bedrooms. Though some level of noise transfer between the units may then be experienced through the units, given the new build nature of development, it is considered that compliance with Building Regulations would adequately ensure that the amenities of future occupiers would not be prejudiced by such minor conflicts in vertical stacking terms.

The building fronting Station Road and Havelock Place would be separated by a minimum distance of 8 to 13 metres, whilst care has been taken to ensure that the limited number of habitable windows on the rear wall of the Station Road building would not look directly towards the rear of the Havelock Place building and no overlooking between the proposed units would therefore occur. Though occupiers of the units within the Havelock Place building would have some views over the external amenity areas of the units within the Station Road building, it is considered that high levels of privacy in town centre location are unlikely to be realised and the provision of external amenity areas for those units that would experience minor levels of overlooking would be preferable to the omission of these external amenity areas in overall layout and design terms. Overlooking between units would generally be restricted by the high quality layout of the scheme and design elements such as glass louvers.

External amenity spaces would be provided for 9 of the 26 units and 116sqm of communal amenity space would be provided. It is considered that such a provision of amenity space would be relatively high for this town centre location and would be appropriate.

#### Noise

The applicant indicates within the energy report that air source heat pumps may be provided to heat and cool the retail unit. However, such mechanical plant has not been indicated on the submitted plans and would require the specific grant of planning permission. To ensure future residential occupiers and adjoining properties would not experience unreasonable levels of noise from such mechanical plant, a condition is attached in this respect.

In conclusion, the proposed development would provide a high quality layout and design and care has been taken to ensure the privacy and amenities of all occupiers would not be compromised. Accordingly, it is considered that the proposed development would give rise to no conflict with the above stated policies.

#### **Traffic, Safety 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 6.3, 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.

The application site is located within Harrow Metropolitan Centre, which has the highest PTAL rating. As stated above, the principle to redevelop this site for commercial at ground floor and residential above has already been established under application ref: P/1226/12. The original application showed the scheme to be car free and showed a provision of cycle storage arranged across the basement and ground floor for up to 39 cycles in total. This application was also supported with a Travel Assessment. This aspect of the current proposal would remain the same as the previous application. To ensure the development would not adversely affect parking pressures in the area, a condition is recommended to restrict residents of the proposed residential units from obtaining parking permits. Such a condition would ensure that existing on-street parking pressures and highway safety would not be adversely affected by the proposed development.

The development provides for extensive servicing facilities within the basement and in appropriate locations on the Havelock Place frontage and servicing arrangements would not therefore adversely affect highway safety or convenience.

As discussed above, it is likely that the proposed development will rely heavily on the public transport system within the Harrow area, thereby placing additional pressures on a system which will require substantial investment over the life of the development. It is therefore considered appropriate and necessary to provide contributions towards public transport improvements within the borough.

The Highway Authority have commented on the application and consider that the development would not adverse affect highway safety and convenience or parking in the locally. Subject to conditions and the obligations of the s106 Agreement, it is considered that the proposed development would accord with policies stated above.

### **Accessibility**

Policy AAP4 of the AAP, policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes* 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'. The Council's has adopted a Supplementary Planning Document 'Access for All' 2006, which provides detailed guidance on achieving an accessible design.

The Design and Access Statement and the submitted plans demonstrate that all residential units would be Lifetime Homes and 3 units would be wheelchair homes. The applicant also indicated that the commercial units would accord with Equality legislation standards and this would be secured under Building Regulations legislation in any event.

On this basis, the proposed development will give rise to no conflict with the above stated policies.

### **Development and Flood Risk**

The site is not located within a flood zone. However, there is potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall. The applicant has submitted details for the surface water drainage, attenuation and sewage/waste drain layout. The Council's Drainage Team is satisfied with the details submitted. Subject to a condition requiring the development to be constructed in accordance with the approved drainage plans, the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D, policy AAP9 of the AAP and policy DM10 of the DMP.

### **Sustainability**

Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Policy AAP4 of the AAP requires development proposals to incorporate sustainable building design and layout. Policy 5.2B sets out a 40% target reduction for the period between 2013 and 2016

The applicant has submitted a services and energy strategy for the building which indicate that the retail unit will achieve a 'very good' BREEAM rating. The residential units will achieve Code for Sustainable Homes Level 4 and will achieve a 42.16% reduction in target carbon emissions set out in 2010 Building Regulations. Accordingly, the development would accord with development plan policies. To ensure compliance with these standards, a condition is attached requiring a post occupation assessment of energy ratings, demonstrating compliance with the submitted BREEAM Assessment and energy report.

### **Environmental impact Assessment**

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 (as amended) and it is considered that the development does not constitute Environmental Impact Assessment (EIA) Development as the development would have relatively low environmental impacts.

### **Statement of Community Involvement**

Under the previous application P/1226/12, the applicant had submitted information

relating to pre-application discussions with local residents. Though it is understood that for this current proposal no pre-application discussions have been held with third parties prior to the submission of this application. Given that the proposed development would be broadly the same as that previously proposed, it is considered that the lack of public consultation on this revised scheme has not prejudiced anyone in making comments on the formal application.

### **Development Obligations**

As the proposal seeks an amendment to the approved scheme under P/1226/12, the original s.106 agreement relating to P/1226/12 would apply for this application. Accordingly, in addition to the obligations discussed in this report, the contributions secured under P/1226/12 need to be modified to take into account the uplift in unit numbers and occupancy level. These are considered necessary to make the application acceptable, in accordance with policy 3.2 of The London Plan 2011 and policies CS1.Z/AA and CS2.Q of the Harrow Core Strategy 2012.

### **Equalities Impact**

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

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

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

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

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

Policies 7.3.B and 7.13.B of The London Plan and policy 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 applicant has not specifically referred to the prevention of crime in the design proposal but it is considered that the development design would not result in any specific concerns in this respect. Nonetheless, it should be demonstrated that the development would accord with 'Secured by Design' principles. It is considered that this requirement could be secured by condition. Accordingly, and subject to a condition, it is considered that the proposed development would not increase crime risk or safety in the locality, thereby according with the policies stated above.

### **15) Consultation Responses**

*Scheme has been designed to maximum the number of residential units. The result is that although technically compliant with space standards they would be small and mostly poorly served by natural light.* - This has been addressed in the report above, it is also noted that most of the units exceed the minimum space standards.

*Not clear why the proposal is not considered viable for affordable housing – what community benefit would be provided in lieu of this.* – This is set out under the heads of

terms

*Ambiguous claim about the development being visible in the view from the Grove open space and not from Wood Farm.* – The applicant has provided a views assessment study which is found to be sound.

*Floor plans show very small windows.* – This has been addressed in the report above.

*Grade II Listed status of the adjacent Natwest Bank will require reference of the scheme to English Heritage.* – The setting of the proposed development against the Listed Building is considered to be acceptable as the proposed building would be set back from this Listed Building.

*Note that before grant of planning permission Foxtons have set up office on the ground floor.* – The Estate Agency has moved into the unit fronting Station Road pursuant to the s.73 application approved under ref: P/3753/13

*Suggested that development along Havelock Place should not prejudice further development of this area-* The status of the development plan and the impact that development may have in future development has been considered in section 4 of the Appraisal above

## **CONCLUSION**

The proposed development of the site would provide investment in the Harrow Metropolitan Centre and would contribute towards the identified development plan housing delivery targets. The loss of employment land on the upper floors of the property would be offset by the re-introduction of high quality commercial units on the ground floor of the property within the primary shopping frontage of the town centre and development contributions towards employment and training in the borough.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions and commercial space which would be accessible for all future occupiers of the development. The development proposal would provide a stimulus for areas identified for future investment in the town centre as well as securing contributions towards identified and required infrastructural investment in the Harrow and Wealdstone Intensification Area.

The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers, whilst the development would contribute towards the strategic objectives of reducing the carbon emissions of the borough.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011 (amended in 2013), the Harrow Core Strategy 2012 and the Harrow and Wealdstone Area Action Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and 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 Notwithstanding the details of materials shown on the approved drawings, the development hereby permitted shall be constructed in accordance with the approved revised schedule of external materials dated 11 June 2014 and shall thereafter be retained in that form.

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies AAP1, AAP2 and APP4 of the Harrow and Wealdstone Area Action Plan 2013.

3 The soft and hard landscape works for the first floor terrace area, including green roof details shall be carried out in accordance with the approved Design and Access Statement and drawing No. AL(94)101 prior to the first occupation of the building and shall thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the landscaped terrace area and green roofs would have an acceptable appearance on the character and appearance of the locality and to enhance the appearance of the building, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

5 The communal television facilities hereby permitted as detailed on the approved roof plan drawing No. AL(02)106 shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies AAP1, AAP2 and APP4 of the Harrow and Wealdstone Area Action Plan 2013.

6 Notwithstanding the approved plans, no ventilation, extraction systems or associated ducting shall be introduced onto the exterior elevations of the building without the prior written permission of the Local Planning Authority.

REASON: To ensure an appropriate standard of development which provides a high quality appearance in the interests of the visual amenity of the area, thereby according with according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow

Core Strategy 2012 and policies AAP1, AAP2 and APP4 of the Harrow and Wealdstone Area Action Plan 2013.

7 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the site shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents of the development, thereby according with policy 7.6B of The London Plan 2011 and policy DM1 of the Development Management Policies Local Plan 2013.

8 The close boarded fence in situ shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of highway safety and the amenities of the neighbouring occupiers, thereby according with policies 6.13.C/D/E and 7.6.B of The London Plan 2011, policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM1 of the Development Management Policies Local Plan 2013.

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

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with policies 7.6B and 7.15B of The London Plan 2011 and policy DM1 of the Development Management Policies Local Plan 2013.

10 The flexible Classes A1 and A2 use hereby permitted on the ground floor and part basement fronting Station Road and the flexible Classes A1, A2, D1 and B1 on the ground floor and part basement fronting Havelock Place of the development shall only be open to customers within the following hours:

0800 and 2300hrs on Mondays to Sundays and Bank Holidays;

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring and future occupiers of the residential units on the site from undue levels of noise and disturbance, thereby according with policies 7.6B and 7.15.B of The London Plan 2011.

11 The premises shall be only be used for the purposes set out as below under sub-sections a), b), c) and d) and for no other purpose, including any other purpose in Classes A1, A2, B1 and 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).

1. Class A1 permitted uses include – retail sale of goods other than hot food; as a post office, the sale of tickets or as a travel agency; the sale of sandwiches or other cold food for consumption off the premises; hairdressing; direction of funerals; display of goods for sale; hiring out of domestic or personal goods or articles; the reception of goods to be washed, cleaned or repaired, where the sale, display or service is to visiting members of the public.
2. Class A2 permitted uses include – financial services; professional service (other than health or medical services); any other services (but excluding use as a betting office)
3. Class B1 permitted uses include – office only

4. Class D1 permitted uses include - Clinics, health centres, day centres, art galleries (other than for sales or hire), museums and non-residential education centres.

REASON: The exclusion of the site as a betting site (use Class A1) and restrictions of specific types of uses that fall within use Classes B1 and D1 is required to safeguard the amenity of neighbouring and future occupiers of the site, to ensure such uses would be appropriate within the town centre environment and to prevent an over proliferation of use uses within the Town Centre in accordance with policies 7.6B and 7.15.B of The London Plan 2011, policy AAP4 and AAP17 of the Harrow and Wealdstone Area Action plan 2013.

12 A window display in relation to the ground floor units fronting Station Road and Havelock Place shall be provided and permanently maintained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the premises retains an appropriate shopfront window display in order maintain the vitality of this part of the town centre in accordance with policies AA4, AAP17 and AAP18 of the Harrow and Wealdstone Area Action Plan 2013,

13 No construction / works in connection with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and Saturdays or at any time on Sundays or Bank Holidays.

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with policies 7.6B and 7.15B of The London Plan 2011 and policy DM1 of the Development Management Policies Local Plan 2013.

14 The development and associated construction activity shall be carried out in accordance with the submitted Construction Management and Logistics Plan (Ref: GJP/MS/SRH/001 and shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and the amenities of the neighbouring occupiers, thereby according with policies 6.13.C/D/E and 7.6.B of The London Plan 2011, policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM1 of the Development Management Policies Local Plan 2013.

15 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses parking pressures locally and sustainability requirements of policies AAP19 and AAP20 of the Harrow and Wealdstone Area Action Plan 2013.

16 The development hereby permitted shall be carried out in accordance with the Transport Statement. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development, an assessment of the methods contained within the Transport Statement shall be undertaken submitted to the local planning authority for approval in writing.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and policies AAP19 and AAP20 of the Harrow and Wealdstone Area Action Plan 2013.

17 The proposed works for the disposal of surface water, surface water attenuation and

storage works shall be completed out in accordance with the details shown on drawing No.15547/50 REV C and shall thereafter be maintained.

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

18 Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Energy Report and BREEAM Assessment; which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with the National Planning Policy Framework 2012, policies 5.2.B/C/D/E of The London Plan 2011, policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013 and adopted Supplementary Planning Document: Sustainable Building Design 2009.

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

Design and Access Statement; Planning Statement; AL(02)107; AL1(04)600; 0110 REV A; 0111 REV A; 0210 REV A; 0310 REV A; AL1(04)400; AL1(04)800; AL2(04)400; AL2(04)800; AL(01)100; AL(02)099; AL(02)100; AL(02)101; AL(02)102; AL(02)103; AL(02)105; AL(02)106; AL(03)210; AL(04)200; AL(02)104; Daylight and Sunlight Assessment (15<sup>th</sup> April 2014); Transport Statement (Ref:PB2307 April 2014); Energy Strategy Overview (9845\_SUST\_01) REV 2; Construction Management & Logistic Plan (Ref: GJP/MS/SRH/001; Thames Water Consent Letter Dated 24 February 2014; 15547/50 REV C; AL(94)101; Schedule of Façade Materials Dated 11.06.2014.

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:

Policies 3.1, 3.5, 3.8, 3.12, 5.1,5.2, 5.3, 5.7, 5.9, 5.10, 5.12, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.15

The Harrow Core Strategy (2012)

Core Policies CS1

Harrow and Wealdstone Area Action Plan (2013)

AAP1, AAP2, AAP4, AAP8, AAP9, AAP13, AAP16, AAP17, AAP18, AAP19, AAP20

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM10, DM12, DM24, DM27, DM42, DM45.

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Supplementary Planning Document – Access for All (2006)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in



Domestic Properties (2008).

Housing: Supplementary Planning Guidance (2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 5 INFORMATIVE:

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

## 6 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 **£6,895** of Community Infrastructure Levy, in addition to the liability payment of £45,675 required for planning permission P/1226/12. 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 **£6,895** for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of **197 sqm (for uplift in floor area only above that approved under P/1226/12)**

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>

#### 7 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 contribution for this development is £21,670 (for uplift in floor area only above that approved under P/1226/12).

#### 8 INFORMATIVE:

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

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

#### 9 INFORMATIVE:

THAMES WATER ADVICE

Waste Comments

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or

by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ -

#### 10 INFORMATIVE:

The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: Design and Access Statement; Planning Statement; AL1(04)600; 0110 REV A; 0111 REV A; 0210 REV A; 0310 REV A; AL1(04)400; AL1(04)800; AL2(04)400; AL2(04)800; AL(01)100; AL(02)099; AL(02)100; AL(02)101; AL(02)102; AL(02)103; AL(02)105; AL(02)106; AL(03)210; AL(04)200; AL(02)104; Daylight and Sunlight Assessment (15<sup>th</sup> April 2014); Transport Statement (Ref:PB2307 April 2014); Energy Strategy Overview (9845\_SUST\_01) REV 2; Construction Management & Logistic Plan (Ref: GJP/MS/SRH/001; Thames Water Consent Letter Dated 24 February 2014; 15547/50 REV C; AL(94)101; Schedule of Façade Materials Dated 11.06.2014.



Item No: 1/03  
Address: 19 HIGH STREET, WEALDSTONE, HARROW  
Reference: P/2418/12  
Description: DEMOLITION OF EXISTING PUBLIC HOUSE (USE CLASS A4) AND REDEVELOPMENT TO PROVIDE PART 3 PART 4 AND PART 5 STOREY BUILDING COMPRISING 27 FLATS AND GROUND FLOOR RETAIL SPACE (USE CLASS A1) 17 CAR PARKING SPACES CYCLE PARKING AND LANDSCAPING.  
Ward: MARLBOROUGH  
Applicant: MR NILESH LUKKA  
Agent: DWA ARCHITECTS  
Case Officer: BRIAN CORCORAN  
Expiry Date: 09/01/2013

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by 16 January 2015. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms would cover the following matters:

- i) 3 X 1 bed flats and 3 X 2 flats are provided as an affordable housing provision subject to a review mechanism
- ii) Public realm/highways contribution
- iii) Cycle parking on street
- iv) Training and Economic Development Contribution
- v) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- vi) Planning Administration Fee: Payment

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 16 January 2014 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Planning Obligation to provide affordable housing within the development; to fund the provision of infrastructure directly related to the development; and to provide necessary commitments in relation to the provision of, cycle parking on street, training and economic development, and legal/administrative matters, would fail to secure the provision of the above and would fail to adequately

mitigate the impact of the development on the wider area, contrary to the National Planning Policy Framework, Policies 3.11 and 8.2 of The London Plan, Policies CS1 J, CS1 Z of the Harrow Core Strategy, Policies DM11, DM19, DM43, and DM50 of the Harrow Development Management Policies Local Plan document, and the provisions of Harrow's Planning Obligations supplementary planning document.

## **INFORMATION**

This application is being reported to committee as the proposal constitutes development of non-residential floorspace exceeding 400m<sup>2</sup> and more than 2 dwellinghouses and therefore falls outside of Categories 1(b) and 1(d) of the Scheme of Delegation.

Statutory Return Type: Smallscale Major Development

Council Interest: None

Net additional Floorspace: 198sqm (Commercial) 2072sqm (residential)

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £72,718

Harrow CIL Contribution (provisional): 100 X 198 = £19,800 (Commercial)

110 X 2072 = £227,920 (Residential)

## **Site Description**

- The application site comprises the former Sam Maguire Public House on the west side of the High Street in Wealdstone.
- The existing building is a modest three storey brick built building, which is set back from the High Street.
- The building is currently vacant and having become a target for anti-social behaviour, is somewhat rundown in places.
- The application site lies within the 'Heart of Harrow' in Wealdstone District Centre. Wealdstone High Street is a mix of uses, predominantly retail but with a range of other A Class and ancillary uses. The application site itself does not form part of the Primary or Secondary Shopping Frontage.
- The High Street is a London Distributor Road.
- At the rear of the site lies Ellen Webb Drive, and the main West Coast Rail Line into Harrow and Wealdstone Station.
- The application site is not within a conservation area or within the setting of a Listed Building.

## **Proposal Details**

- The application proposes to demolish the existing public house and re-develop the site to provide a part 3, part 4, part five storey building.
- It would comprise of 27 flats and ground floor retail space (Use Class A1).
- 17 Carparking spaces are also proposed as well as cycle storage (32 spaces) and landscaping.
- The proposed flats would comprise of 15 X 1 bed flats and 12 X 2 bed flats.
- 3 X 1 bed and 3 X 2 bed of the flats would be affordable.
- All the flats would meet the Gross Internal Area (GIA) standards set out in The London Plan (2011) and the Mayor's Housing Supplementary Planning Guidance (SPG).
- Access to the building would be provided from High Street, Wealdstone.
- The front of the proposed building would have a width of 20.2m for four storeys. The fifth floor would have a width of 9.9m.
- The proposed building would have a maximum height of 15.3m at five storeys, reducing to 12.45m at four storeys. The overall length of the building would be in

excess of 72m.

- The four storey and five storey blocks of the building would be separated by approximately 18m. They would be connected by a three storey link which would have a height of 9.8m.
- The front area of the ground floor of the building would provide 198.42sqm of retail floor space.
- Refuse storage, cycle storage (32 spaces) and undercroft carparking (17 spaces) would also be provided on the ground floor.

### **Revisions to Previous Application**

N/A

### **Relevant History**

P/3573/06 - Outline for Scale, Appearance and Access: Construction of Two Storey Building for Class A1 Retail Use (shop).

Refused 26-02-2007

Appeal Dismissed 08-11-2007

P/4120/07 - Use of Site for Open Market Trading; Market Stall Storage Building; Refuse Storage Enclosure.

Granted - 05/02/2008

P/3309/08 - Fourth Floor Extension To Provide Two Flats.

Refused - 19/03/2009

P/3388/08 – Demolition of Public House; Construction of Four Storey Care Home with Two Retail Units on Ground Floor.

Withdrawn – 28/11/2008

P/3469/08 - Use of Site for Open Market Trading; Market Stall Storage Building.

Refused - 18/12/2008

P/1313/09 - Fourth Floor Extension to Provide One Two Bedroom Flat.

Refused - 06/10/2009

P/1856/09 - Redevelopment to Provide Part 3, Part 4, Part 5 Storey Hotel Building with 79 Bedrooms With Cafe (A3 Use) At Ground Floor Level And 2 Parking Spaces.

Granted - 20/07/2011.

P/3195/10 - Details Pursuant to Conditions 2 (Refuse/Waste), 4 (Samples) and 7 (Details of Servicing) Attached to Planning Permission P/4120/07/DFU Dated 05/02/2008 for Use of Site for Open Market Trading; Market Stall Storage Building; Refuse Storage Enclosure.

Approve 01/02/2011

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

N/A

### **Applicant Submission Documents**

- Design and Access Statement
- Flood Risk Assessment

- Daylight and Sunlight Report
- Energy Strategy
- Travel Plan

## **Consultations**

### Housing Officer

We can agree the offer of 6 no. units in principle based on the information we have before us, however we cannot agree to this without a review mechanism.

### Highways Authority

The Change of Use (CoU) from Use Class A4 (Drinking Establishment) to A1/C3 (Retail/Residential) is unlikely to measurably affect overall traffic generation to and from the site given the "parking restraint orientation" of this central and highly sustainable location in transport terms. It is therefore unlikely that parking generated from this CoU would measurably impact on surrounding residential roads due to the extensive surrounding Controlled Parking Zone (CPZ) in Wealdstone which inherently acts as a parking deterrent thereby encouraging sustainable modes of travel to and from the site.

17 carparking spaces are proposed for the 27 flats provision. This figure complies and is within London Plan 2011 requirements and is therefore considered appropriate in the context of this location. Given the extensive on-street parking restraint mechanisms which cover this highly sustainable town centre location (in public transport terms) it is therefore probable that future residential occupiers would be reliant more so on public transport/other sustainable travel modes and less likely to be private car owners as there is little available 'uncharged for' on-street space in the locality to accommodate such demand. Alternatively the neighbouring multi-storey car park and on-street pay and display facilities would be an alternative 'paid for' option. Customers to the small scale A1 use element would have the same modal choices and parking facilities available to them with much of the patronage being incidental to existing retail attractions in the area and hence it is unlikely that a measurable increase in retail activity would specifically result from the A1 proposal.

There are 32 secure cycle parking spaces provided for this address and this complies with London Plan 2011 standards and is therefore welcomed.

Refuse provisions are located in a suitable location in terms of refuse collection accessibility and hence are broadly acceptable in this respect. However, under the site management regime, the bins should be placed within 25m of the public highway on collection days in order to negate the need for a refuse vehicle to reverse into the site with collections undertaken off peak to minimise disruption to traffic movement.

A Servicing Delivery Plan and Construction Management Strategy should be secured via a post permission condition given the constraints of site within Wealdstone Town Centre and the traffic sensitivities associated with this highly trafficked location.

In summary there is no objection.

### Environment Agency

Although the proposed development is within 20 metres of a watercourse and in Flood Zone 2, in this instance our concerns can be addressed by your use of our [Flood Risk Standing Advice](#) (FRSA).



In this case cell E5 of the consultation matrix applies.

You need to choose the 'More vulnerable' development (excluding landfill/waste facilities & caravans) up to 1ha in size' option from cell E5 and follow the advice given. You will need to apply the sequential test to the application and then check that the Flood Risk Assessment requirements in the table have been met.

Drainage Engineer

I can confirm that the Flood Risk Assessment (FRA) is satisfactory now however, Drgs AL(2)040 revB and AL(2)041 revB should still be amended. The proposed elevations and cross sections are showing 52.50 as ground floor levels, please request the applicant to change these to 52.65 AOD.

Also, the planning permission should be conditioned regarding Fowl Water (FW) and Surface Water (SW) disposal.

30-05-2014

### **Advertisement**

Advert placed 18-10-2012 (Major Development)

### **Notifications**

Sent: 110 (Two separate rounds of consultation on 11-10-2012 – 01-11-2012 and 05-06-2014 - 19-06-2014)

Replies: 3 (Two objecting and one supporting)

Expiry: 19-06-2014

### **Summary of responses**

#### **Objecting**

- The proposed building would not blend in with existing buildings.
- Proposal would lead to overlooking of nearby gardens.
- A hotel would be more beneficial to the surrounding area.
- All of Harrow is being turned into flats.

#### **Supporting**

- The proposal would bring social and economic improvement to the area.
- The proposal would contribute to the housing need in the borough.
- The site is well served by public transport.

### **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, published Revised Early Minor Alterations [REMA] to The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012,

Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

## **MAIN CONSIDERATIONS**

Principle of the Development  
Design, Character and Appearance of the Area  
Housing Density and Unit Mix  
Residential Amenity  
Development and Flood Risk  
Accessibility  
Parking/Highways Considerations  
Sustainable Buildings  
S17 Crime & Disorder Act  
Environmental impact Assessment (EIA)  
Consultation Responses

### **Principle of the Development**

The National Planning Policy Framework sets out a presumption in favour of “sustainable development”. The NPPF defines “sustainable development” as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF sets the three tenets of sustainable development for planning to be; to play an economic, social and environmental role. The NPPF, following the deletion of the Planning Policy Statements and Guidance Notes, continues to advocate that new development should firstly be directed towards previously developed land, recognising that “sustainable development” should make use of these resources first. The adopted Harrow Core Strategy 2012 sets out the spatial vision for the borough and along with The London Plan, identifies the Harrow and Wealdstone area and the corridor between these areas as an Intensification Area which should be the focus for regeneration, providing a significant portion of new development in the borough, including almost half of all new homes over the plan period. The Harrow and Wealdstone area has been identified as an Intensification Area in recognition of the ability of this area to deliver the highest levels of “sustainable development” in terms of the available infrastructure and contribution that pooled resources can make to infrastructure in this area.

The site constitutes previously developed land and the application seeks to redevelop the site to provide further residential flats on the upper floors, whilst retaining the commercial retail use on front area of the ground floor.

The provision of a retail use on the ground floor would continue to provide an active retail function on the ground floor and would therefore have a positive impact on the vitality and viability of the area. The development of the site to provide for further residential above the commercial units, is considered to result in a more efficient and effective use of the site. The proposed height of the development would accord with the aspirations of the Harrow & Wealdstone Area Action Plan (2013), and impacts on the character of the area are considered below. The redevelopment of the site, in light of the previously developed nature of the land, is acceptable in principle and it is considered that the proposed land uses i.e. retail with residential above, would be appropriate in this location.

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

Policy 7.4B of The London Plan (2011) 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 AAP3 and AAP4 of the AAP seek a high standard of development within Wealdstone District Centre and throughout the Heart of Harrow. Policy AAP3 states that development within all three Wealdstone sub areas will be required to strengthen the district centre, including the High Street's vibrancy and vitality, and improve the environment and identity of the Wealdstone area as a location for business and family living.

Policy AAP6 sets out that development heights within the town centre should be in scale to the site surrounding area. Proposals for taller buildings above the prevailing height will need to be justified.

At the front of the site, the proposed building would occupy a prominent location within the High Street. Whilst the current Public House building is set in a staggered position in relation to the High Street, the proposed building would be sited on the building line as established by No.17 High Street, approximately 3.0m behind No.19A High Street.

The proposed building would be a maximum of five storeys in height and broadly speaking the same width as the current building. The application building would be of a contemporary design, with a mix of red brick, reddish/brown render and floor to ceiling dark glazing on the ground floor. On the front elevation the first and second floor would be finished in a red brick. The third and fourth floor would be rendered. The result would be an interesting addition to the High Street, a building which picks up on some of the established vernacular of the area, in particular the use of red brick, but which makes a statement in its own right.

To the rear of the site, Ellen Webb Drive is not a primary streetscene in terms of Wealdstone (forming the back of the High Street), it does however form a key vista into Wealdstone from the adjacent West Coast Main Railway Line. Given the significant number of people that travel into Harrow on this line, and arguably an even greater number of people travelling into and out of London via Harrow, it is considered that any development in this location should improve the aesthetic qualities of the urban landscape in the location. As such, following discussions with Officers, the application has been revised to amend the details of the design of the building, in order to add some visual and architectural interest to it, so it would form more of a visual marker to this part of Harrow. As a result, the proposal now comprises a mix of three, four and five stories in this section. The top of the building being significantly narrower than its base. The materials palette would include a mix of red brick and render, and an appropriate solid to void relationship with medium vertically emphasised glazed windows.

The modern design of the building is considered to be a positive enhancement to the area. A combination of facing red brickwork juxtaposed with stone blockwork would provide an interesting and contemporary building that would help to improve the appearance of the area.

In terms of landscaping, the existing level of hardsurfacing within the application site is

high, and in its current condition, with limited poor quality, soft landscaping. Whilst bearing in mind policy DM22 of the Harrow Development Management Policies Local Plan (2013), the level of proposed landscaping must be considered in the context of the existing situation and the requirement for some off-street disabled persons car parking and access road. The Council's Landscape Architect has no objection to the scheme, noting the site constraints, but highlighting that the existing Birch trees to the front of the site must be retained (which are proposed to be). A suitable planning condition is recommended to ensure that these trees would be protected during construction works.

The combination of the variety in scale of the building, the set back of the building line from the High Street and the revisions to the fenestration and design of the main elevations of the building, has led to a scheme that is now considered to be acceptable in design terms. It is recommended that conditions are imposed controlling precise details of materials to be used to ensure that the development is finished to a high quality

### **Housing Density and Unit Mix**

London Plan Policy 3.8 and Policy AAP5 of the Area Action Plan (2013) require development proposals within the Heart of Harrow to demonstrate the contribution they will make to delivering the overall objectives of the Heart of Harrow.

#### Density

The site is considered to be within an urban location and has a high Public Transport Accessibility Level [PTAL] of 6a. The London Plan sets out at Table 3.2 appropriate densities for various different areas. Table 3.2 sets out that a density of 70-260 units per hectare and 200-700 habitable rooms per hectare would be most appropriate for this site. The development proposes a density of 224 u/ha and 469hr/ha which is within the levels set out in The London Plan 2011. In the context of the design and layout of the development and other site constraints, it is considered that such a density is appropriate in this location.

#### Unit Mix

The London Plan policy 3.9 and Policy DM24 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

The development provides a mix of one-bed and two-bed of various sizes. For a scheme of this scale and location in a town centre location which is likely to be attractive to small family or professional groups, it is considered that the units would be appropriate and would accord with development plan policies.

### **Residential Amenity**

The GIA's of the proposed units and the stacking of rooms presented would offer an acceptable standard of accommodation

Given the scale, siting and design of the proposed building, the occupiers likely to be affected are the occupiers of No.19a and 19b High Street, and the Bannister House flats to the north of the site; other nearby dwellings would remain sufficiently removed not to be impacted to any significant extent.

As set out above, the design of the proposed building in terms of its massing and scale has changed during the course of the application.

The adjacent building to the north at No.19A and 19B High Street is a four-storey building with two retail shops at ground floor and six self-contained flats on the upper three floors (two on each floor). Planning permission has been granted on appeal for a two-storey block of two flats towards rear of site. The block will be 10m long, 6.6m wide and 6.2m high with a flat roof. The consented block at the front would not have any side (i.e. south) facing windows.

The proposed building would have a maximum height of five storeys on its High Street frontage and this would extend backwards by approximately 15m. At this point the building would drop down to three storeys in height, for a length of around 15m. It is this three storey section that would be closest to the adjacent plot to the north.

At the rear of the site, where the building is positioned close to Ellen Webb Drive, the height of the building would be five storeys. Given the orientation of the proposed building to the south of Bannister House flats, it is considered that there would be some additional impacts as a result of the development. However, as the proposed building would be just four storeys in height at the rear, the fourth floor of which would be narrower than the lower floors of the building, thus mitigating any harm to residential amenity. In addition, the distance between the two buildings would further reduce the impact of the proposal on residential amenity.

The proposed ground floor commercial use shall be controlled through the imposition of a planning condition which would restrict the hours of operation from 06:00hours to 23:hours Monday to Saturday inclusive and 10:30 hours to 22:30 hours on Sundays and Bank Holidays. In addition, a further planning condition has been included requesting the submission of a Full Delivery and Service Plan to be submitted to the Council for approval prior to the development commencing. This would avoid any loss of residential amenities for the neighbouring occupiers.

Given the potential for some impacts on adjacent residential occupiers from the proposed development, the applicant has submitted a Daylight Assessment report. The assessment concludes that all of the modelled window locations on High St and Headstone Dr are predicted to experience a reduction in the level of sunlight received as a result of the proposed development. However, all of these receptor locations meet the BRE sunlight criteria based on the proposed scenario. As such, in accordance with the BRE guidance, sunlighting on High St and Headstone Dr is not considered to be significantly adversely affected as a result of the scheme and a recommendation of refusal of the application is not merited in this instance.

The results of the overshadowing analysis identified that gardens/amenity areas adjacent to the application site boundary would receive more than two hours of sunlight on 21<sup>st</sup> March with the proposed development in place. As such they are considered adequately sunlit throughout the year.

It is considered that whilst the proposed development would have some additional impacts on the amenities of the occupiers of the Bannister House flats and 19A High Street, this impact would not be of such significance that it would warrant the refusal of planning permission. The applicant has submitted an assessment that indicates that in terms of access to sunlight and daylight, that the proposed development would not result in any additional adverse impacts. It is considered that the orientation of the two buildings, coupled with the distance between them and the relative heights, would result in an acceptable arrangement in planning terms.

### Layout and Future Occupiers

The site is located in a town centre location and the surrounding land uses would not adversely affect the amenities of the future occupiers of the units. All of the proposed residential units would be dual-aspect. Each of the proposed units would meet the minimum space standards set out in The London Plan and the Mayor's Housing SPG (2012).

The proposed development would, in the main, stack appropriately in a vertical fashion. In any case, the new build nature of the development would mean that compliance with Building Regulations would adequately ensure that the amenities of future occupiers would not be prejudiced by such minor conflicts in vertical stacking terms.

Overall, it is considered that the proposal would not have an undue adverse impact on the residential and visual amenities of adjoining occupiers or the future occupiers of the subject site in accordance with Policy DM1 and DM 26 of the Harrow Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010). It is recommended that a planning condition is imposed that would require details of finished floor levels of the building, to ensure that the development is built to the approved height.

### **Development and Flood Risk**

Policy DM9 of the Harrow Development Management Policies Local Plan (2013) states that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding, including surface water.

The Environment Agency EA have been consulted on the application and advised that although the proposed development is with 20 metres of a watercourse and in Flood Zone 2, in this instance our concerns can be addressed by your use of our [Flood Risk Standing Advice](#) (FRSA).

In this case cell E5 of the consultation matrix applies.

You need to choose the 'More vulnerable' development (excluding landfill/waste facilities & caravans) up to 1ha in size' option from cell E5 and follow the advice given. You will need to apply the sequential test to the application and then check that the Flood Risk Assessment requirements in the table have been met.

The Council's Drainage Engineer has advised that the Flood Risk Assessment is satisfactory.

### **Accessibility**

The submitted plans indicate that the flats would be built to Lifetime Homes standards. The development would therefore accord with Policies 3.5, 7.2C and 7.6 of The London Plan (2011), Core Policy CS1.K of the Harrow Core Strategy (2012), Policy DM2 of the Harrow Development Management Policies Local Plan (2013) and the guidance contained in the Council's adopted Accessible Homes SPD (2010).

The applicant has indicated that the retail unit would accord with Equality legislation standards and this would be secured under Building Regulations in any event. It is therefore considered unnecessary to attach conditions requiring the development to

accord with accessibility standards as this would be secured under other legislation.

### **Parking/Highways Considerations**

Policy 42 of the Harrow DMP Local Plan (2013) states that proposals that make on-site provision for parking will be supported where the number of vehicle parking spaces (including those with electric vehicle charging points) would have regard to the maximum London Plan standards.

The Council's Highway's Authority has advised that the change of use from the existing Use Class A4 (Drinking Establishment) to Use Classes A1/C3 (Retail/Residential) would be unlikely to measurably affect overall traffic generation to and from the site given the parking restraint orientation of this central and highly sustainable location in transport terms. Furthermore, a total of 17 parking spaces are proposed, which would comply with The London Plan (2011) requirements. Given the extensive on-street parking restraints which cover this highly sustainable town centre location (in public transport terms), it is probable that future residential occupiers would be reliant on public transport and less likely to be private car owners.

In addition, there are 32 secure cycle parking spaces provided for this address and this complies with London Plan 2011.

Refuse provisions are located in an suitable location in terms of refuse collection accessibility as detailed in the Consultations Section above. A Service Delivery Plan and Construction Management Plan have also been secured through the imposition of planning conditions as suggested by the Highways Authority.

Subject to the suggested conditions, it is considered that the proposed development would accord with Policies 6.2, 6.3 and 6.13 of The London Plan and Policy DM42 of the Harrow Development Management Policies Local Plan (2013).

### **Sustainable Buildings**

Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Policy DM12 of the Harrow DMP Local Plan (2013) states that the design and layout of development proposals should utilise natural systems such as passive solar design and, wherever possible, incorporate high performing energy retention materials, to supplement the benefits of traditional measures such as insulation and double glazing. In addition, the Council has a Sustainable Building Design Supplementary Planning Document (2009).

The applicant has submitted a Sustainability Statement and an Energy Statement that seeks to identify how the proposed development would achieve various sustainable development credentials.

The Energy Statement reviews various technologies that may help to achieve lower CO<sub>2</sub> emissions and reduce the energy usage of the building. It sets out how the building would achieve BREEAM Very Good Standards. This identifies that the use of the building could achieve a 20% reduction in CO<sub>2</sub> emissions below baseline levels. It sets out that an Air Source Heat Pump (ASHP) would be the most appropriate and feasible way to achieve this.

On the basis of the applicant's Energy Statement, it is considered that the Sustainable Building Design Vision contained within the SPD would be adequately addressed. However, to ensure this is the case, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Buildings Research Establishment Environmental Assessment Method (BREEAM) standards. This condition would require details of the siting and appearance of any such measures, along with details of possible noise levels.

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

Policies 7.3B and 7.13B of The London Plan and Policy DM2 of the Harrow DMPLP (2013) require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. The applicant has not specifically referred to the prevention of crime in the design proposal but it is considered that the development design would not result in any specific concerns in this respect. It is considered that the proposal would not have an impact with respect to this legislation. Unfortunately, since the building has become vacant and fallen into disrepair, it has become something of a hub for anti-social behaviour. The development would bring back into use a vacant and somewhat derelict site that, in its current form, is a target for vandalism. As such its redevelopment is to be welcomed. Nonetheless, it should be demonstrated that the development would accord with 'Secured by Design' principles. It is considered that this requirement could be secured by condition. Accordingly, and subject to a condition, it is considered that the proposed development would not increase crime risk or safety in the locality, thereby according with policies 7.3.B and 7.13.B of The London Plan 2011 and Policy DM2 of the Harrow DMPLP (2013).

### **Environmental Impact Assessment**

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 (as amended) and it is considered that the development does not constitute Environmental Impact Assessment (EIA) Development as the development would have relatively low environmental impacts.

### **Consultation Responses**

- The proposed building would not blend in with existing buildings – *This has been discussed in section 2 of the foregoing report.*
- Proposal would lead to overlooking of nearby gardens - *This has been discussed in section 4 of the foregoing report.*
- A hotel would be more beneficial to the surrounding area – *The applicant is entitled to amend the proposals. The Planning Authority will then determine the application in accordance with adopted policy and guidance.*
- All of Harrow is being turned into flats – *There is no principle objection to the re-development of this site for flats. This is supported in The London Plan (2011).*
- The proposal would bring social and economic improvement to the area. *This has been discussed in the Principle of Development Section of the foregoing report.*
- The proposal would contribute to the housing need in the borough - *This has been discussed in the foregoing report.*
- The site is well served by public transport - *This has been discussed in the Parking/Highways Section of the Report.*

### **CONCLUSION**

The proposed mixed use development would bring a dilapidated and vacant site back into active use. The proposal is acceptable with regards to its visual impact, impact on



amenity on adjacent occupiers and other associated impacts. The location of the proposal, within Wealdstone and in immediate proximity to a mainline railway station, would allow good public transport links to central London (and Wembley). The modern contemporary design of the proposed development would respond appropriately to the local context

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

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: AL(0)004 Rev A, AL(0)005 Rev A, AL(0)006 Rev A, AL(0)007 Rev A, AL(0)008 Rev B, AL(0)009 Rev A, AL(0)40, AL(2)040 Rev C, AL(2)041 Rev C, AL(0)102, AL(0)901.

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

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

a: the ground surfacing

b: facing materials of new building

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

REASON: To safeguard the appearance of the locality in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 Notwithstanding the details on the approved drawings, the construction of building hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance of the locality in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance of the locality in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

6 Prior to the commencement of development details of the means of protection of the Street Trees (Birch) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall include details of

- (i) type of protective fencing
- (ii) height of protective fencing
- (iii) location of protective fencing

The construction of the development shall be carried out in strict accordance with the approved details.

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

7 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

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

8 No site works or development shall commence until details of the levels of the building, road and footpath in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

10 The development of any buildings hereby permitted shall not be commenced until the disposal of surface water and surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under Policies DM9 of the Harrow Development Management Policies Local Plan (2013) and Policy AAP9 of the Harrow Area Action Plan (2013).

11 Prior to the use of the development hereby permitted, a full Delivery and Service Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Service Plan thereby approved shall be adhered to thereafter.

REASON: To ensure that the development does not harm the safety and free flow of the public highway, thereby according with policies DM1, DM42, DM43 and DM44 of the Harrow Development Management Policies Local Plan 2013

12 The retail use hereby permitted shall not be open to customers outside the following times:-

06.00 hours to 23.00 hours, Monday to Saturday inclusive, and 10.30 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

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

## **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

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

Policies 3.18, 5.1,5.2, 5.3, 5.7, 5.9, 5.10, 5.12, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.13

The Harrow Core Strategy (2012)

Core Policies CS1

CS2 Harrow and Wealdstone

Harrow and Wealdstone Area Action Plan (2013)

AAP3, AAP4, AAP5, AAP6, AAP9

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM9, DM10, DM12, DM15, DM22, DM23, DM24, DM26, DM42, DM50

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document Residential Design Guide (2010)

Supplementary Planning Document Access for All (2010)

## **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

## **3 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 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.

Harrow CIL Charges are: £227,920 - Residential, £19,800 - Commercial.

6 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 £72,718 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).

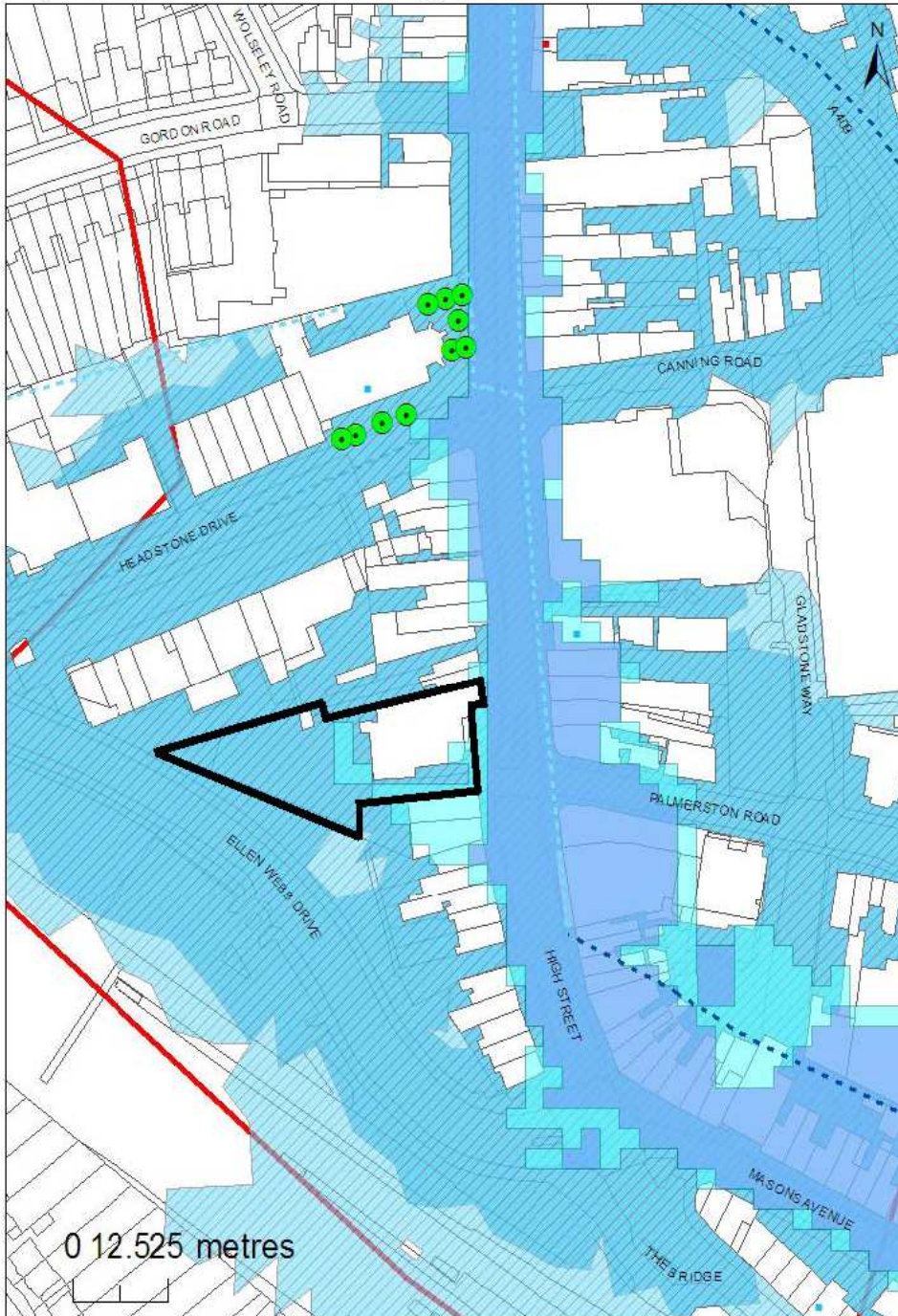
Your proposal is subject to a CIL Liability Notice indicating a levy of £72,718 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 2270sqm

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>

Plan Nos: AL(0)004 Rev A, AL(0)005 Rev A, AL(0)006 Rev A, AL(0)007 Rev A, AL(0)008 Rev B, AL(0)009 Rev A, AL(0)40, AL(2)040 Rev C, AL(2)041 Rev C, AL(0)102, AL(0)901A.

# 19 HIGH STREET, WEALDSTONE



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No: 2/01  
Address: 17 GLANLEAM ROAD, STANMORE  
Reference: P/3175/13  
Description: THREE STOREY DETACHED DWELLINGHOUSE WITH SINGLE STOREY REAR PROJECTION AND BASEMENT (RETROSPECTIVE APPLICATION); PROPOSED ALTERATIONS INCLUDING REMOVAL OF FRONT ATRIUM AND REDUCTION TO SECOND FLOOR  
Ward: CANONS  
Applicant: Mr J Halai  
Agent: Malcolm Pawley Architects  
Case Officer: VICTOR UNUIGBE  
Expiry Date: 25/12/2013

### RECOMMENDATION

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

### INFORMATION

This application is reported to Planning Committee as, in the opinion of the Director of Planning, it is potentially controversial and is of significant public interest and therefore falls outside Category 1 of the Scheme of Delegation.

This application was previously reported to the 18<sup>th</sup> December 2013 Committee meeting, but it was deferred for Officers to have further discussions with the applicant, so as to address concerns addressed by neighbours.

Officers have discussed the viability of a proposal put forward by the neighbours with the applicants, which is the reduction of the depth of the first floor front elevation of the unauthorised 'as built' subject property. This would be in addition to the reduction of the depth of the second floor front elevation and removal of a front atrium proposed in this application. The applicants submitted during the discussions that significant expenses and structural works would be required to implement the neighbours' proposal, and that the changes in this application represent acceptable modifications for the unauthorised property.

The application report has been updated to reflect the outcome of these discussions.

### Summary

Statutory Return Type: E(13): Minor Dwellings  
Council Interest: None  
Gross Floorspace: 708 square metres

### **Site Description**

- The application site is occupied by a three storey modern detached dwellinghouse located on the northern side of Glanleam Road.
- The dwellinghouse currently has a glazed atrium, which projects 2 metres forward of the main front wall, and is the full height of the subject dwellinghouse.
- The second floor is finished in timber cladding and is setback from the main walls at lower levels, which are finished in white render.
- The dwellinghouse has wraparound corner windows in the front elevation at first and second floor levels.
- The frontage of the property has been primarily hardsurfaced and forms a carriage driveway with a central planted area.
- The dwellinghouse is built forward of and at a lower level than the adjacent dwellinghouses at Nos.15 and 17.
- There is a single storey rear projection at the rear of the dwellinghouse and steps down to a basement.
- At the rear of the dwellinghouse are a series of terraced patios, with steps leading up to the garden at the rear of the site.
- There are balconies with clear glazed balustrades on the first and second floor at the rear, the first floor balcony having an obscure glazed screen on its western side.
- The majority of the rear elevation of the property contains floor to ceiling glazing.
- The surrounding area is characterised by medium to large two-storey detached dwellings of different shapes and architectural styles with large rear gardens.
- The Green Belt and the Harrow Weald Ridge Area of Special Character lie immediately to the north of the site.
- At the rear of the site, adjacent to two trees that are subject to a Tree Preservation Order, a single storey outbuilding and raised decking have been constructed.

### **Proposal Details**

- Retention of the dwellinghouse described above with the following alterations:
- Removal of the front atrium and its replacement with glazed front doors with side bars and a first floor full height window with a powder-coated grey aluminium panel between the ground and first floor and render above the first floor window.
- Set in of the second floor front elevation by an additional 1 metre, making a total set in of 1.9 metres from the main front elevation.
- Provision of privacy screens to the first floor balconies on east and west elevations (full details of such screens not supplied).

### **Revisions to previous application**

Following the previous refusal of planning permission (P/2123/10), the amendments noted in the 'Proposal Details' section above have been made.

### **Relevant History**



**P/2812/07** – Replacement 3 storey detached house with single storey rear projection and basement – Withdrawn: 10/10/2007.

**P/3505/07** – Replacement three storey detached house with single storey rear projection and basement (revised) – Granted: 14/12/2007.

**P/0641/08** – Details of external materials, hard and soft landscaping, boundary treatment and refuse storage pursuant to conditions 2, 4, 7 and 13 of planning permission P/3505/07.

**P/2123/10** – Three storey detached house with single storey rear projection and basement (retrospective application) – Refused: 22/12/2011.  
Appeal Dismissed – 28-Feb-2013.

**Reasons for Refusal:**

1. The dwellinghouse as constructed on site, by reason of excessive size, bulk and prominent siting in comparison to neighbouring properties, is unduly obtrusive and overbearing in the streetscene and has an unsatisfactory relationship with neighbouring properties, to the detriment of the character and appearance of the area, contrary to The London Plan (2011) policies 7.4B and 7.6B, saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).
2. The dwellinghouse as constructed on site, by reason of its increased size, bulk, rearward projection and glazing in comparison to the approved proposal, results in the overshadowing of and a loss of light and outlook to the occupiers of adjacent properties, and actual and perceived overlooking of neighbouring occupiers from first and second floor windows and balconies, to the detriment of neighbouring residential amenity, contrary to The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).
3. The application has failed to demonstrate how the dwellinghouse and associated hardsurfacing at the front and rear utilises sustainable drainage systems (SUDS), or why there are practical reasons for not doing so, in order to ensure that the surface water run-off from the development is managed and does not result in flooding of this or adjacent sites, contrary to the objectives of policy 5.13A of The London Plan (2011) and saved policy EP12 of the Harrow Unitary Development Plan (2004).

**ENF/0352/09/P**

Without planning permission the construction of a three storey detached dwelling house with a single storey rear projection and basement ("the unauthorised development")

An Enforcement Notice was issued on 18/10/2013 and was to be effective from 29/11/2013.

The requirements of the Notice are: Demolish the Unauthorised Development; Restore the ground levels at the Land to the pre-existing levels; Permanently remove from the Land all materials and debris arising from compliance with the steps above

Period for Compliance: Twelve (12) calendar months after the Notice takes effect.

An appeal (PINS reference APP/M5450/C/13/2209244) was lodged under ground (f) [Requirements of Notice are excessive] on 21/11/2013 with a start date of 27/11/2013. The appeal was dismissed by the Inspector on 24/03/2014, on the basis that the applicant did not make a ground (a) appeal – that planning permission should be granted – and that it would not be appropriate for the appellant to put forward arguments on the

planning merits of the appeal under ground (f) – that the requirements of the Enforcement Notice are excessive. The Enforcement Notice has therefore become effective.

### **Pre-Application Discussion (P/0693/13/PREAPP)**

- The atrium must be removed and the scale and prominence of the building must also be reduced. Officers consider that the proposed amendments adequately address the concerns of the Inspector in regard to visual impact.
- As concluded by the Inspector, the existing flank wall window arrangement is acceptable, subject to conditions requiring the obscure glazing and window splays to be retained in perpetuity. In relation to the overlooking from the rear terraces, the Inspector advised that this could be overcome by the imposition of conditions relating to balcony screening at the ends of the balconies. However, officers consider that these details should be included on the application submission for clarity and completeness.
- You are advised to submit full drainage details with the application to enable officers to make an assessment of this aspect of the scheme.

### **Applicant Submission Documents**

- **Design and Access Statement:** Application seeks to regularise the as built property by removing the three storey front elevation atrium, reducing the second storey by 1 metre from the front building line and installing privacy screens to the rear terrace at first floor level. Permeable paving would be provided at the rear to ensure surface water run-off does not increase from pre-development rate
- **Energy Performance Certificate:** Energy Efficiency Rating 'B'.

### **Consultations:**

**Warren House Estate Residents' Association:** No response received.

**Stanmore South Tenants' Association:** No response received.

**Highways Authority:** No objection.

**Drainage Engineers:** Additional surface water storage and attenuation is required.

### **Notifications:**

Sent: 9

Replies: 2 (including one letter with 6 signatories)

Expiry: 29/11/2013

### **Addresses Consulted:**

Glanlead Road: 8, 10, 12, 14, 16, 18, 20, 22.

### **Summary of Response:**

General appearance, design, size, height and scale are incongruous with surrounding properties and amendments do not sufficiently mitigate the harm the building does to the street view. The previous Inspector's conclusion still applies.

Removal of atrium does not sufficiently mitigate the harm to the street view as the significant bulk and mass of the building, caused in part by the protrusion at first floor level, would remain. Second floor is too high and dwarfs No. 19.

No amendments to the rear balconies have been proposed. No modifications to the wrap-around windows have been proposed. Concerns relating to adjacent properties and those facing No. 17, including intrusive cameras and lighting, floodlighting and exposed dangerous drops between adjacent properties, have also not been addressed.

Front building line would not be changed and eaves are too high. Boundaries are not accurately shown on the drawings.

Drainage cannot rely on pipes on third party land.

## **BACKGROUND INFORMATION**

The amendments proposed to the unauthorised 'as built' development are intended to overcome the harm the dwellinghouse causes to the character of the area and the amenities of neighbouring occupiers.

An Enforcement Notice requiring the complete demolition of the property was to have come into effect on 29 November 2013. An appeal against the Enforcement Notice was lodged before that date and on ground (f). The appellants have stated that the steps proposed with the current planning application would be sufficient to remedy the breach of planning control.

The appeal was dismissed by the Inspector, so the Enforcement Notice takes effect from 24 March 2014, which is the date of the decision of the appeal.

Should planning permission be granted, and the works required by the recommended conditions be completed in accordance with the terms of the conditions, then the Enforcement Notice would be redundant, irrespective of the outcome of the appeal.

## **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 7.21 has been altered since the application was submitted.

## **MAIN CONSIDERATIONS**

Character and Appearance of the Area

Residential Amenity

Trees and Drainage

Highways

Accessibility

Equalities Statement

s17 Crime and Disorder Act

Consultation Responses

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

The Council has adopted a Supplementary Planning Document: Residential Design Guide (2010) that supports design policies 7.4 and 7.6 of The London Plan, policy CS1.B of the Harrow Core Strategy and policy DM1 of the Development Management Policies (DMP).

The design policies of the development plan require that new development proposals should respect the scale and character of the area, and require the Council to ensure that all development proposals achieve a high standard of design and layout, taking into consideration, amongst other things, site and setting, and context, scale and character. New development should have regard to the character and landscape of the locality, and buildings should complement the wider area, and should respect the scale and character of the surrounding area.

Planning permission for a modern, flat-roofed dwellinghouse at the site was granted in 2007, and the principle of a modern design has been accepted.

However, with regard to the dwellinghouse that has been constructed, the Council considered that this was unduly obtrusive and overbearing in the street scene due to its excessive size, bulk and prominent siting and unsatisfactory relationship with neighbouring properties.

In dismissing the appeal against the refusal to grant retrospective permission for the 'as built' house, the Inspector noted that the approved dwelling (in 2007) was similar in form to the as built property. However, the dwellinghouse as built is set forward of the neighbouring property, No. 15 Glanleam Road, by 0.29 metres. The height of the main roof is similar to the ridge level of No. 15, and is significantly higher than the apex of the front gable of No. 19.

The Inspector noted that the 'as built' house is dominated by a centrally positioned glazed atrium, which projects forward of the main front wall of the dwellinghouse by 2 metres and has a height of 9.78 metres..

The Inspector considered that the modern style of the dwellinghouse increased its prominence in the street scene. This impact was heightened by the front atrium. The inspector concluded that the scale, forward projection and modern form of the dwellinghouse represents an awkward and obtrusive addition to the street scene and failed to achieve the high standard of design required by the National Planning Policy Framework and the design policies of the development plan.

With the current application, the applicants propose to remove the atrium in its entirety and to reduce the depth of the second floor from the front elevation of the dwellinghouse by 1 metre.

It is noted that following the deferment of the application at the 18 December 2013 meeting, Officers have had further discussions with the applicants about the viability of reducing the depth of the first floor in line with the proposed reduction of the second floor, as a further measure of addressing the concerns of neighbours in respect of the bulk of the dwellinghouse. However, the applicants have submitted an estimate of costs for the works that show that whilst reducing the depth of both the first and second floors is structurally feasible, the extent of works required is such that it would have very

significant cost / expense implications. It would almost require less expense to totally demolish the dwellinghouse, which is the subject of the Enforcement Notice.

Officers consider that the changes proposed in this current application would reduce the overall impact of the dwellinghouse in the streetscene, and would reduce the overall scale and bulk of the dwellinghouse. As noted above, the atrium has been considered particularly obtrusive and its removal would result in a flat-fronted building that would have less impact on the streetscene.

The applicants have submitted a photographic study drawing plan (drawing number 17GR/FC) that shows the odd numbered properties (Nos. 1 to 41, including the subject property) on the northern side of Glanleam Road. The applicants have submitted the plan following comments from the neighbours that a set back at first floor is the dominant feature of the properties on the northern side of Glanleam Road. The plan shows that there is no set back at first floor at the properties on the northern side of Glanleam Road. The applicants have submitted that if a notional front building line on the northern side is drawn on the plan from the first floor level of the property at No.15, six properties (Nos. 1, 3, 7, 17, 19 and 39) would project forward beyond the notional line. The subject property (No.17) would therefore not be the only property to have a forward projection beyond the notional front building line.

The proposed reduction in depth of the second floor would also have the impact of making it less visible when viewed from ground level, further reducing the impact of the overall bulk of the building in the streetscene.

Officers consider that these changes would significantly contribute to overcoming the harm to the character and appearance of the area as identified above.

Given that the harm has been clearly identified, officers recommend that the required works to remove the atrium, restore the front elevation and to reduce the depth of the second floor be completed within six months of the date of the grant of permission.

The period for compliance with the Enforcement Notice, which has now come into effect, is twelve months. However, that Notice requires the total demolition of the property and the restoration of the site. Given that the works required to carry out the changes proposed in this application would be relatively minor, and would not result in the loss of the family home, six months is considered an appropriate period in which to complete the works.

The applicants are proposing to use permeable paving for the front garden, which would overcome some of the concerns regarding drainage at the site. No details of the type of paving have been supplied, and a condition requiring the paving materials to be approved and installed within six months is recommended.

When planning permission was granted for a replacement dwellinghouse at the site, permitted development rights in classes A (extensions and alterations), B (extensions to the roof), C (alterations to the roof) and F (hard surface in front garden) were removed.

In this case, officers consider that these restrictions should apply in order to restrict any further increase in the overall bulk of the property. However, officers consider that the construction of a porch, which would be permitted development under Class D at the property, could, to a certain extent, re-introduce part of the harm that is caused by the

current atrium. It is therefore recommended that permitted development rights in Class D be removed as well.

The applicants have constructed an outbuilding in the rear garden which is not included in this application. Had the original permission been properly implemented, then this outbuilding would have been permitted development. However, given that the substantive dwellinghouse is currently unauthorised, this outbuilding requires planning permission. An informative advising that planning permission for the outbuilding is required. In order to safeguard the openness of the site and to restrict further outbuildings that could be detrimental to the amenities of neighbouring occupiers, it is recommended that permitted development rights in Class E should also be removed.

### **Residential Amenity**

The dwellinghouse as constructed has a greater impact upon the residential amenities of neighbouring occupiers than the approved scheme. The dwellinghouse as constructed has additional elements such as wraparound corner windows at first and second floor levels and additional flank windows, and omits others such as obscure glazing to first floor flank windows and timber screening at the side of first and second floor balconies at the rear.

The dwellinghouse as constructed on site is more prominently sited in terms of its position further forward and rearward of the adjacent properties than was portrayed in the approved plans of the earlier scheme. As a result, the property, which contains a high proportion of glazing, particularly at the rear, affords clear views over the front, side and rear of the adjacent properties at both Nos.15 and 19. The wraparound corner windows at first and second floor levels, the clear glazing in flank windows (which were subject to a condition requiring obscure glazing on the previously approved scheme) and the additional flank windows, particularly at upper levels, in combination with the large balconies at the rear which do not benefit from the full height and depth timber screens proposed as part of the approved scheme, have resulted in a development which results in actual and perceived overlooking of neighbouring occupiers from first and second floor windows and balconies, to the detriment of neighbouring residential amenity, contrary to The London Plan (2011) policy 7.6B, policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

With the current application, annotations of the submitted drawings indicate that privacy screens would be provided to the first floor balconies, which would overcome some of the concerns regarding overlooking as described above. However, full details of these screens have not been provided, and therefore a condition requiring details of the privacy screens to be submitted, approved and for the approved details to be implemented within six months is recommended.

Similarly, the advice given in discussions prior to this application also required the flank windows to be obscure glazed. This measure would also address the issues regarding overlooking described above. Therefore, a similar condition requiring details of obscure glazing to be submitted, approved and for the approved details to be implemented within six months is recommended.

The submitted drawings indicate wrap-around windows on the front elevation of the second floor and a central door to the flat roof over the first floor. These features would result in significant overlooking, and perceived overlooking, of neighbouring properties

and gardens. Therefore, a condition requiring amended drawings omitting that door and the wraparound windows to be submitted approved and implemented. An operational condition preventing the use of the flat roof over the first floor as a balcony or roof terrace is also considered appropriate.

### **Trees and Drainage**

With regards to the previous application, the Council's arboricultural officer raised no objection to the development. Given that the works proposed with this application would mainly be to the front of the property, it is considered that the proposal would have no impact with respect to the safeguarded trees at the rear of the site.

The applicants have submitted details of drainage at the property. The Council's drainage engineers note that insufficient surface water storage and attenuation facilities have been provided. A condition regarding the provision of surface water storage, attenuation and drainage is therefore recommended, in accordance with policy 5.13 of The London Plan and policies DM9 and DM10 of the DMP in order to ensure that the development does not give rise to flooding during a storm of critical duration.

### **Highways**

The dwellinghouse has a carriage driveway similar to that which formed part of the previously approved scheme, to which the Council's Highways Engineer did not object. The proposal is therefore considered to be acceptable in this regard and would comply with policy 6.13 of The London Plan and policy DM42 of the DMP.

### **Accessibility**

The development as built complies with the requirements of Lifetime Homes, as required by policies 3.5 and 7.2 of The London Plan, policy CS1.K of the Harrow Core Strategy and policy DM2 of the DMP.

### **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

- General appearance, design, size, height and scale are incongruous with surrounding properties and amendments do not sufficiently mitigate the harm the building does to the street view. The previous Inspector's conclusion still applies – *Officers consider that the proposed changes would significantly overcome the previous concerns*
- Removal of atrium does not sufficiently mitigate the harm to the street view as the significant bulk and mass of the building, caused in part by the protrusion at first floor level, would remain. Second floor is too high and dwarfs No. 19 – *Officers consider that the proposed changes would significantly overcome the previous concerns*
- No amendments to the rear balconies have been proposed. No modifications to the wrap-around windows have been proposed. Concerns relating to adjacent properties and those facing No. 17, including intrusive cameras and lighting, floodlighting and exposed dangerous drops between adjacent properties, have also not been addressed. – *Officers consider that the provision of the privacy screens to the balconies at first floor level and the use of obscure glazing in the flank windows would significantly address the concerns regarding overlooking. External lighting is not development and cameras can be installed without planning permission. These aspects of the proposal are dealt with by other legislation.*
- Front building line would not be changed and eaves are too high. Boundaries are not accurately shown on the drawings – *Officers consider that the proposal would reduce the harm of the building in the streetscene. The exact position of boundaries is a civil matter between adjoining occupiers.*
- Drainage cannot rely on pipes on third party land – *Details of surface water storage, attenuation and drainage would be required to be submitted, and the works implemented.*

## CONCLUSION

It is considered that the proposed changes to the existing, currently unauthorised, development, and the attached planning conditions, would significantly overcome the harm that is caused to the character and appearance of the area and the residential amenities of neighbouring occupiers.

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

## CONDITIONS

1 The removal of the front atrium and the reduction in depth of the second floor, as shown on the approved drawings, shall be completed within a period of six (6) months from the date of this permission.

The external materials to be used in the altered part of the dwellinghouse shall match those of the existing dwellinghouse.

REASON: To ensure a satisfactory form of development and to safeguard the residential amenities of neighbouring occupiers, pursuant to policies 7.4 and 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

2 Privacy screens for the first floor rear balconies of the development hereby permitted shall be installed within six months of the date of this permission in accordance with details to be submitted to, and approved in writing by, the local planning authority.



The privacy screens shall be retained and maintained in accordance with the approved details.

REASON: To safeguard the residential amenities of neighbouring occupiers, pursuant to policy 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 Obscure glazing for the flank windows of the development hereby permitted shall be installed within six months of the date of this permission in accordance with details to be submitted to, and approved in writing by, the local planning authority.

The obscure glazing shall be retained and maintained in accordance with the approved details.

REASON: To safeguard the residential amenities of neighbouring occupiers, pursuant to policy 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 Surface water storage, attenuation and drainage works for the development hereby permitted shall be installed within six months of the date of this permission in accordance with details to be submitted to, and approved in writing by, the local planning authority. The drainage works shall be retained and maintained in accordance with the approved details.

REASON: To ensure that the development does not give rise to flood risk, pursuant to policy 5.13 of The London Plan (2011) and policies DM9 and DM10 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the character of the area and the amenities of neighbouring occupiers, pursuant to policies 7.4 and 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies (2013).

6 Notwithstanding the details in the submitted drawings, revised drawings omitting the front door and wrap-around windows for the front and front side elevations of the second floor of the dwellinghouse hereby permitted shall be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details within six months of the date of this permission and thereafter retained.

REASON: To safeguard the residential amenities of neighbouring occupiers, pursuant to policy 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

7 The roof area of the first floor at the front of the dwellinghouse hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the residential amenities of neighbouring occupiers, pursuant to policy 7.6 of The London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

8 Other than as required by conditions 1, 2, 3, 4, 5 and 7, the development hereby

permitted shall be completed in accordance with the following approved plans:  
LP01; P01; P02; P03; P04; P05; P06; P07; P08; P09; DL03; C01  
REASON: For the avoidance of doubt and in the interest 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)

3.5 Quality and design of housing developments

3.8 Housing Choice

5.12 Flood risk management

5.13 Sustainable drainage

6.13 Parking

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local character

7.6 Architecture

7.16 Trees and new development

### Harrow Core Strategy (2012)

Core Policy CS1 (A, B, K)

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

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM9 Managing Flood Risk

DM10 On Site Water Management and Surface Water Attenuation

DM22 Trees and Landscaping

DM23 Streetside Greenness and Forecourt Greenery

DM27 Amenity Space

DM42 Parking Standards

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: accessible Homes (2010)

## 2 INFORMATIVE

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

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

## 3 INFORMATIVE: MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £24,780 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 £24,780 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 708 sqm

You are advised to visit the [planningportal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) website where you can download the appropriate document templates.

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

#### 4 INFORMATIVE: HARROW COMMUNITY INFRASTRUCTURE LEVY

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

Harrow's Charges are:

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

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

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

All other uses - Nil.

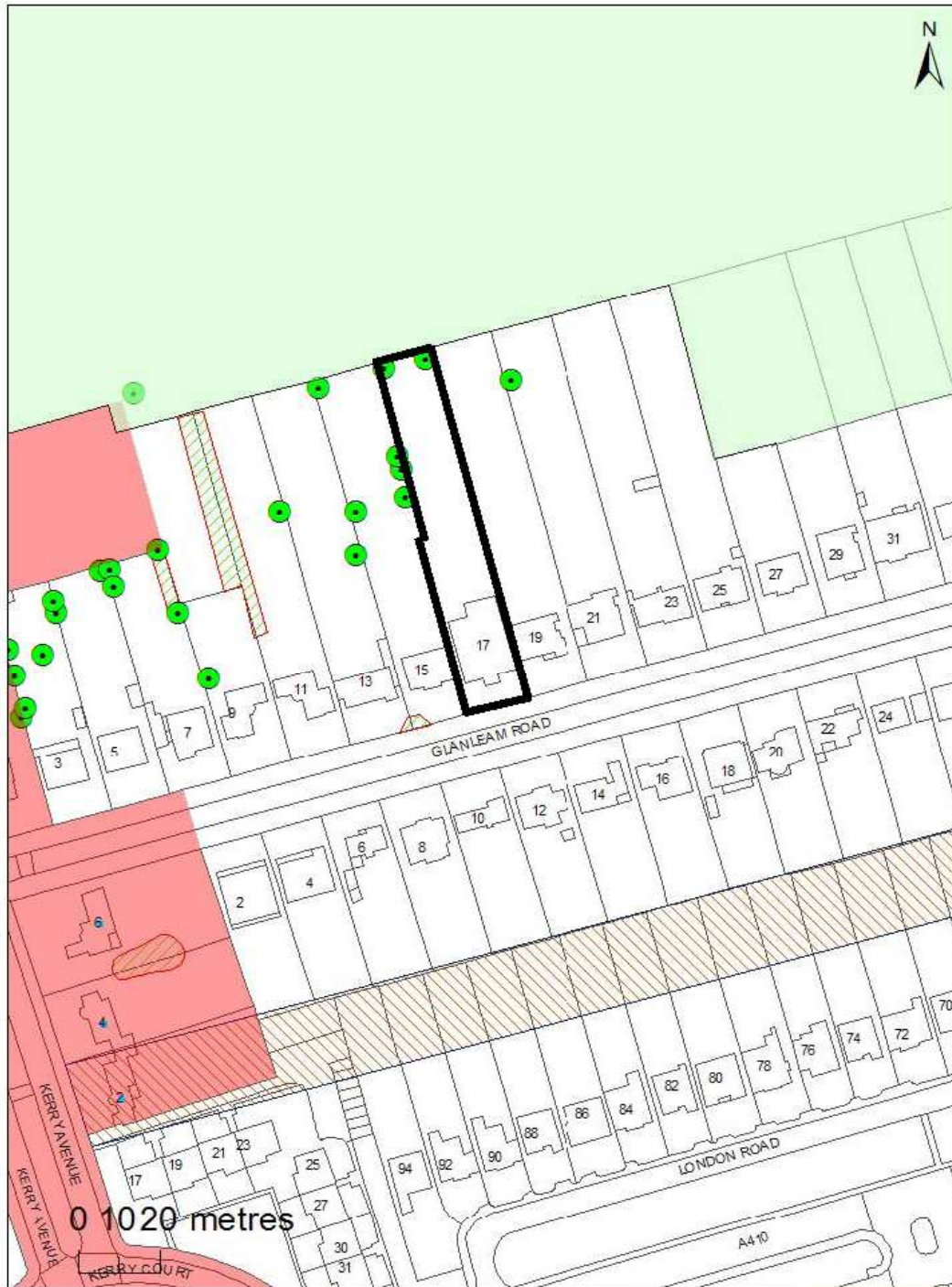
The Harrow CIL Liability for this development is: £77,880.

#### 5 INFORMATIVE

The applicant is advised that the outbuilding in the rear garden is unauthorised, and planning permission is required for its retention.

Plan Nos: LP01; AB01; AB02; AB03; AB04; AB05; AB06; AB07; AB08; AB09; P01; P02; P03; P04; P05; P06; P07; P08; P09; DL03; C01; Design and Access Statement; SAP Energy Assessment

# 17 GLANLEAM ROAD, STANMORE



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



Item No: 2/02  
Address: CLOISTER WOOD, 540 UXBRIDGE ROAD, HATCH END  
Reference: P/1163/14  
Description: EXTENSIONS AND ALTERATIONS TO ALL SIX FLATS WITHIN THE BUILDING TO INCLUDE:- FRONT EXTENSION AND PORCH; SINGLE AND TWO STOREY REAR EXTENSIONS; FIRST FLOOR REAR EXTENSION AND ALTERATIONS TO REAR ROOF ELEVATION; EXTERNAL ALTERATIONS; REPLACEMENT RETAINING WALL WITH RAILINGS TO FRONT BOUNDARY; TIMBER FENCE AND ALTERATIONS TO SIDE BOUNDARIES CYCLE AND REFUSE STORAGE AND ASSOCIATED LANDSCAPE WORKS  
Ward: PINNER  
Applicant: MR & MRS TS & FT SHEIKH  
Agent: DAVID KANN ASSOCIATES  
Case Officer: CALLUM SAYERS  
Expiry Date: 16/05/2014

## **RECOMMENDATION**

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

### **REASON:**

The proposal would result in appropriate extensions to the existing building that would not unacceptably harm the character of the site or wider area, and furthermore would not result in unacceptable harm to the amenities of the neighbouring occupiers. The proposal would also provide a satisfactory level of accommodation for future occupiers, which is a significant improvement to the level of accommodation for future occupiers than what is currently existing on site.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the policies of the Harrow Development Management Policies Local Plan 2013, Harrow & Wealdstone Area Acton Plan (2013), and to all relevant material considerations, and any comments received in response to publicity and consultation.

Statutory Return Type: Minor Dwellings

Council Interest: None

Net additional floor space: 119m<sup>2</sup>

GLA Community Infrastructure Levy (CIL) Contribution: £4,165.00

Harrow Community Infrastructure Levy (CIL) Contribution: £13,090.00

## **Background**

The application is reported to the Planning Committee because under proviso E of the Council's Scheme of Delegation, the application is considered to be potentially controversial due to objections received.

## **Site Description**

- The application site comprises a two storey detached building located on the prominent corner junction of Uxbridge Road and Poplar Close.
- The original detached dwellinghouse has been converted into 6 flats.
- The original building has been extended at the side and rear with single storey extensions and rear dormers at roof level.
- The existing front garden is largely hard surfaced, with two large planting borders located along the frontage of Uxbridge Road.
- The rear garden benefits from soft landscaping and a variety of trees.
- Poplar Close is characterised by detached bungalows.
- Opposite the site on the southern side of Uxbridge Road is a large flatted development.
- Surrounding area is characterised by residential development.
- The site is not within a Conservation Area or in the curtilage of a Listed Building, nor a recognised Flood Zone.

## **Proposal Details**

### **Residential Extensions**

It is proposed to erect a single storey rear extension. This element would project from the western elevation of the existing two-storey rear outrigger, and would be 12.8m in width. The existing rear elevation is noted as being staggered, as such at its deepest point the rear extension would be 7.5m, and at its shallowest (on the western flank) would be 4.8m deep.

It is proposed to erect a two-storey outrigger to the rear elevation of the existing dwelling. The outrigger would be located on the western flank elevation of the existing outrigger element, and would mirror it in terms of scale and design. This outrigger would be 4.8m wide, 5m high to its eaves and a maximum height of 7.2m. The rear elevation would have a bay style window similar to that which is located on the existing two-storey outrigger.

It is proposed to provide external alterations to the rear elevation of the existing property, which would result in a rear access door and windows to the ground floor of the existing two-storey outrigger element. To the west of the proposed part two-storey outrigger would be a dual pitch roof feature with full French doors to provide light and outlook to the living/dining area of the flat at this location.

The existing property has two rear facing dormers, which are proposed to be relocated within the existing roof slope. The proposed rear dormers would be no larger than the existing dormers.

It is proposed to provide a new front porch to the property, which would provide level access to the ground floor. Five of the proposed six flats would be accessed via the proposed front porch, with flat 6 on the ground floor having its own access. The proposed porch would have a dual pitch roof which would be 2.6m at the eaves and a total height

of 3.85m. The proposed porch would have a total width of 3.7m and would have double doors.

It is proposed to cease the use of the access to the property directly from Uxbridge Road, and solely utilise the access from Poplar Close. It is proposed to provide soft landscaping along the Uxbridge Road boundary and provide a sliding security gate on the Poplar Close access.

An 1800mm high timber fence would be erected along the property boundary with Poplar Close and a replacement 1.15m retaining wall with metal railing would be provided along the Uxbridge Road frontage.

### **Living Accommodation**

The existing property is currently set out in six self-contained flats. It is proposed to provide for 6x2 self contained flats within the property. Each of the flats would be 2 bedroom, 3 person flats. The three ground floor flats would be provided private amenity space to the rear of their respective properties, with the three flats above the ground floor having access to the communal amenity space to the rear of the site.

It is proposed to provide one car parking space per proposed residential unit.

### **Relevant History**

WEST/978/02/FUL

Single Storey Side/ Rear Extension Adjacent Poplar Close, Rear Dormers And Conversion To Provide 5 Flats With Forecourt Parking

GRANTED: 08/11/2002

WEST/841/97/FUL

Alterations To Roof To Form Rear Dormer Windows And Single Storey Rear Extension

GRANTED: 20/02/1998

P/1902/08

Demolition Of Block Of 6 Flats And Construction Of Two-Storey Building Bedroom Flats Plus 135m<sup>2</sup> Of Office Floor Space

REFUSED: 26/08/2008

### **Reasons for Refusal:**

1. The proposed development by reason of its unacceptable layout, scale, bulk and massing, would be out of character with the existing established pattern of development in the immediate vicinity, would be overbearing in appearance and result in a loss of outlook and privacy to adjoining occupiers to the detriment of the character and appearance of the area and neighbouring amenities, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).

2. The proposal by reason of excessive density and site coverage, insufficient amenity space and increased residential and vehicular activity would represent an over-intensive use, and amount to an overdevelopment of the site with excessive levels of disturbance, to the detriment of the amenities of neighbouring residents and the character of the area, contrary to policy 3A.3 of the London Plan (2004), policies D4, D5 and T13 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance;

Extensions: A Householders Guide (2008).

3. The proposed siting of the storage of refuse and recycling bins on the frontage facing Poplar Close, together with insufficient information in respect of the size of the bins, elevations of the proposed bin store and provision of facilities for the proposed office use, would be harmful to the visual and residential amenities of potential occupiers of the site and neighboring occupiers and the character and appearance of the locality, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

4. The proposed office use by reason of potential disturbance and general activity within the site, would be an inappropriate form of development in this residential location and would result in an over-intensive and un-neighbourly use of the site, to the detriment of neighbouring residents and the future occupiers of this site, and the character and appearance of the area, contrary to policies D4 and EM22 of the Harrow Unitary Development Plan (2004).

5. The proposal by reason of its unacceptable layout, design and poor outlook and failure to comply with Lifetime Homes standards would provide substandard accommodation to the detriment of the amenities of future occupiers of this site, contrary to policy 3A.5 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006) and 'Access for All' (2006).

6. The proposal would result in the significant damage of protected trees of significant amenity and landscape value, which would be detrimental to the character and appearance of the locality, contrary to policies D4 and D10 of the Harrow Unitary Development Plan (2004).

P/1902/08

Demolition Of Block Of 6 Flats And Construction Of Two-Storey Building Bedroom Flats Plus 135m<sup>2</sup> Of Office Floor Space.

REFUSED: 26/08/2008

#### Reasons for Refusal:

1. The proposed development by reason of its unacceptable layout, scale, bulk and massing, would be out of character with the existing established pattern of development in the immediate vicinity, would be overbearing in appearance and result in a loss of outlook and privacy to adjoining occupiers to the detriment of the character and appearance of the area and neighbouring amenities, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).

2. The proposal by reason of excessive density and site coverage, insufficient amenity space and increased residential and vehicular activity would represent an over-intensive use, and amount to an overdevelopment of the site with excessive levels of disturbance, to the detriment of the amenities of neighbouring residents and the character of the area, contrary to policy 3A.3 of the London Plan (2004), policies D4, D5 and T13 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).

3. The proposed siting of the storage of refuse and recycling bins on the frontage facing Poplar Close, together with insufficient information in respect of the size of the bins, elevations of the proposed bin store and provision of facilities for the proposed office use, would be harmful to the visual and residential amenities of potential occupiers of the site and neighboring occupiers and the character and appearance of the locality, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).



4. The proposed office use by reason of potential disturbance and general activity within the site, would be an inappropriate form of development in this residential location and would result in an over-intensive and un-neighbourly use of the site, to the detriment of neighbouring residents and the future occupiers of this site, and the character and appearance of the area, contrary to policies D4 and EM22 of the Harrow Unitary Development Plan (2004).

5. The proposal by reason of its unacceptable layout, design and poor outlook and failure to comply with Lifetime Homes standards would provide substandard accommodation to the detriment of the amenities of future occupiers of this site, contrary to policy 3A.5 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006) and 'Access for All' (2006).

6. The proposal would result in the significant damage of protected trees of significant amenity and landscape value, which would be detrimental to the character and appearance of the locality, contrary to policies D4 and D10 of the Harrow Unitary Development Plan (2004).

P/0127/10

Certificate Of Existing Use /Operation: Conversion And Retention Of Flat No. 2 On Ground Floor As Two Self-Contained Flats.

GRANTED: 21/05/2010

P/2738/10

Creation of Three Additional Flats (9 In Total); Rear Extension Plus Covered Walkway; External Alterations; Landscaping And Provision Of Three Additional Parking Spaces.

REFUSED: 21/12/2010

#### Reasons for Refusal:

1. The proposed development, by reason of its siting partly within a residential garden and on undeveloped land, unacceptable design, scale and massing, would represent an inappropriate form of development, and would be incongruous and overbearing in the streetscene, which would detract from the established pattern of development and the character of the locality, contrary to Planning Policy Statement 3: Housing (2010), policy 4B.1 of the London Plan (2008), saved policies D4, D5 and EP20 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Guidance, Designing New Development (2003).

2. The proposal, by reason of excessive hardsurfacing and little scope for soft landscaping and unsatisfactory location of the bin storage to the front of the property, would be visually obtrusive and unattractive, and would detract from the appearance of the area, streetscene and the visual amenities of neighbouring residents, contrary to saved policies D4, D5 and D9 of the Harrow Unitary Development Plan (2004).

3. The proposal, by reason of inadequate internal space and room sizes and inappropriate layout and lack of private amenity space, would provide substandard accommodation to the detriment of the amenities of the future occupiers of the site, and the character of the area, contrary to PPS3: Housing (2010), policies 3A.6 and 4B.1 of the London Plan (2008), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

4. The proposal would result in the loss of and lead to post-development pressure on protected trees of significant amenity and landscape value which would be detrimental to the character and appearance of the locality, contrary to saved Policies D4 and D10 of the Harrow Unitary Development Plan (2004).

P/3834/13

Extensions And Alterations To All Six Flats Within The Building To Include:- Front Porch; Single Storey Front Extension, Single And Two Storey Side And Single Storey Rear Extensions; First Floor Rear Extension With Pitched Roof Over; Replacement Of Two Rear Dormers And Insertion Of Two Rooflights In Rear Roofslope; External Alterations; Replacement Retaining Wall With Railings To Front Boundary; Timber Fence And Alterations To Side Boundaries; Cycle And Refuse Storage; Associated Landscape Works; Repositioning Of Vehicle Access To Poplar Close  
WITHDRAWN

### **Pre-Application Discussion (REF:P/0643/14/PREAPP)**

- Alterations to previously refused scheme appear to have been overcome and likely to be acceptable in this context.
- Vertical stacking issues have been resolved.

### **Applicant Submission Documents**

- Design and Access Statement

### **Consultations**

- English Heritage (Archaeology): No Objection
- Highways Authority (Parking): No Objection
- Drainage Engineer: No Objection
- Landscape Architect: No Objection

Newspaper Advertisement: N/A

Site Notice: (General) 08/05/2014  
Expires: 29/05/2014

### **Neighbourhood Notifications:**

Flats 1 – 6 Cloister Wood, 540 Uxbridge Road, Hatch End, Pinner, HA5 3PY  
Flats 1-4, 542 Uxbridge Road, Hatch End, Pinner, HA5 3QA  
542 Uxbridge Road, Hatch End, Pinner, HA5 3QA  
1, 2, 3, 4 Limesdene Close, Pinner, HA5 3PX  
Southwood, Poplar Close, Pinner, HA5 3PZ  
Gaycroft, Poplar Close, Pinner, HA5 3PZ  
The Moritz, Poplar Close, Pinner, HA5 3PZ  
Chatsworth, Poplar Close, Pinner, HA5 3PZ  
Shandon, Poplar Close, Pinner, HA5 3PZ  
Rosegarth, Poplar Close, Pinner, HA5 3PZ  
Romika, Poplar Close, Pinner, HA5 3PZ

Sent: 22

Replies: 9

Expiry: 27/05/2014

### **Summary of Comments;**

- Actual and perceived overlooking
- Lack of parking within the development site which will lead to increased pressure on neighbouring streets. Increase in noise and vehicle pollution.
- Proposed rooms are too small.

- Overcrowding of the site with six families.
- The development would be out of character with the rural tree/shrub lined roads surrounding it.
- Extensions to the property would be an overdevelopment of the building and be out of character with the area, be unduly obtrusive and overshadow properties in Lime Dean.
- Remaining garden would be too small.
- Increased loads on civic amenities
- Increase in traffic would result in impediments to emergency services.
- Visitors to the property would park on Poplar Close
- Entrance gate would result in vehicles being within the live carriageway whilst waiting for the gate to open.
- Health concerns over harmful materials being released during construction/demolition phase.
- Parking issues for existing residents as a result of heavy vehicles during construction period.
- Poor condition of Poplar Close may result in it caving in from all the large construction vehicles and resulting in an environmental disaster.
- Approval of such an application would set a precedent within the area.
- Anti-social behaviour from tenants
- Untidy land
- Proposed accommodation would not receive adequate light or privacy
- Plumbing from units would run under adjoining living spaces
- Foundations required for the extension would require deep foundations, and there is the presence of aquifers within the area
- A large tree is located within the rear garden which may be damaged by foundations.
- Is the provision of cycle storage a requirement?
- What leisure space provision for the future occupiers
- The Council has refused all previous scheme and the current scheme is relatively unchanged to these and should be refused accordingly.
- Loss of woodland area.
- Impact on the resale of properties.
- Loss of open space in high flood plains causing overspill and increase in insurance premiums
- Increased risk of trespass
- Increase in light pollution from increase in car in such a small area
- Overdevelopment of the site, property is for a single family home
- Increase in vermin and rubbish
- Horse Chestnut Tree under TPO in the rear garden provides habitat for woodpeckers and proposal would stress the tree
- Proposed run of fencing along Poplar Close would be stark and unattractive, and this element would need to be softened.
- Appears a car park would be located within Poplar Close.
- Cycle shed and bin storage may be an eyesore from Poplar Close

## **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, published Revised Early Minor Alterations [REMA] to 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.

## **BACKGROUND INFORMATION**

Historically the application property was granted planning permission to be converted into five flats (West/978/02/FUL). However, the property was subsequently converted into six flats, contrary to what permission as granted. At the point when the Local Planning Authority became aware that the property has been converted into six flats, a period of four years had passed from the date of the unauthorised conversion. As four years had passed, the property had become immune from planning enforcement, and the Local Planning Authority was unable to take any enforcement action against the unauthorised development. A lawful development certificate was issued on this basis in 2010.

The existing property has previously been converted into 6 self contained flats within the existing building. It is noted within the existing plans that many of the flats, fall significantly short of the internal space provisions as provided for within the London Plan (2011). For example, Flat 6 as existing is a one bedroom flat and is 23.6sqm, which is significantly below the 51sqm required for this type of flat. This also results in individual rooms sizes being unacceptable small and cramped. Further to the cramped living conditions, especially on the ground floor, the existing flats would not be inclusive for all in terms of accessibility. The vertical stacking arrangements between the existing flats are also noted as being unacceptable, with conflicting rooms uses above and below each other, which give rise to harm to the existing occupiers through unacceptable levels of noise transfer. Furthermore, the floor to ceiling height of the accommodation is noted as being significantly below the 2.5m threshold for habitable rooms in sloping or stepped ceilings, and as existing sits at 1.9m.

The existing standard of accommodation at the property is considered to be of an extremely poor quality, and fails to provide a satisfactory level of accommodation for existing or future occupiers of the property. The existing accommodation would fail to comply with the London Plan (2011) and Mayors Housing SPD (2012) space standards, and the requirements of Harrow Councils Residential Design SPD (2010). The current planning application seeks to enlarge the existing site and in turn provides a higher level of residential accommodation for the future occupiers of the site.

## **MAIN CONSIDERATIONS**

Principle of Development  
Character and Appearance of the Area  
Residential Amenity  
Accessibility

Traffic and Parking  
Sustainability  
Trees and Development  
Equalities  
S17 Crime & Disorder Act 1998  
Consultation Responses

### **Principle of Development**

Paragraph 12 of the NPPF states that:

‘This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.’

The Core Strategy (2012) sets out Harrow’s spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026. The strategy provides a positive plan for ensuring that the Borough’s housing, employment, infrastructure and other needs are met over the plan period in a way that contributes to achieving sustainable development.

Policy CS1 A of Harrow’s Core Strategy 2012 [CS] undertakes to manage growth in accordance with the spatial strategy. The spatial strategy directs residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. Policy CS1.B resists development on garden sites, recognising the propensity for such proposals to lead to unmanaged, incremental growth that undermines the spatial strategy.

Policy DM1 of the DMP gives advice that “all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.” Policy DM26 of the DMP also gives advice that with regards the conversion of houses and other residential premises to multiple homes, “the design of any external alterations should not detract from the appearance of the property or the streetscene”.

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

The proposed extensions are considered to be acceptable in principle. However, their acceptability in terms of impacts on the character of the property and area, as well as impacts on the amenity of neighbouring occupiers must also be considered. These considerations are set below. Furthermore, the property is currently in a residential use and in a flatted accommodation arrangement. The increase in intensity of the site and provision of further bed spaces is acceptable in principle. However, the quality of the residential accommodation and its impacts on neighbouring residential properties must also be considered, and this is outlined below.

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

National Planning Policy Framework (2012) advises at paragraph 58 that planning policies and decisions should aim to ensure that developments should optimise the potential of the site to accommodate development and respond to local character and

history and reflect the identity of local surroundings and materials.

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

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

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

The development is located on the northern side of Uxbridge Road and on its junction with Poplar Close, which is residential in nature. However, it is noted that there is mixed character in terms of dwelling types, with traditional terrace style dwellings, detached dwellings and also flatted accommodation of multiple units opposite.

It is proposed to alter the front elevation of the existing property to incorporate a new entrance to the property, which would constitute a new dual pitched porch. This element would be located centrally within the front elevation. A second access door would be located on the western side of the front elevation, which would be relocated slightly from the existing arrangement. On the eastern elevation, a single door will be removed, and the access along the flank elevation to the rear amenity space would be retained. The proposed alterations to the front elevation would consolidate the amount of entrances to the property, which would be an improvement to the existing elevation, as the property would appear to provide less individual households. The proposed porch is of an appropriate scale and proportionate set within the front elevation, and would not appear as an obtrusive addition to either the existing property or the streetscene.

The proposed part two-storey rear extension would be located on the western side of the existing outrigger element at the rear elevation. The proposed extension would mirror the existing outrigger feature in terms of the width and roof profile.

A second dual pitch roof feature would be erected on the original rear elevation, which would have a similar height to the two outrigger features

The proposed single storey rear extension would project from the western flank elevation of the proposed part two-storey rear element, and project across the rear elevation of the existing attached garage feature. The proposed single storey rear extension would have a flat roof with a height of 2.95m. The proposed rear extension would comply with paragraph 6.63 of the Residential Design Guide SPD (2010). However, the proposed extension would have a maximum depth of 7.5m, which would be 3.5m deeper than what is recommended under paragraph 6.59 for detached dwellings. However, it is noted that

given the staggered original rear elevation of the property, the rear extension would only project 4.5m, which is 0.5m deeper than what is continued within the Residential design Guide SPD (2010). Whilst it is acknowledged that the single storey rear extension would exceed the recommend depth for this type of extension to a detached dwelling, it is noted that the extension would in fill the rear of the building, from the western flank of the existing two-storey outrigger. The proposed extension would not project any deeper than the existing rear most elevation of the building. As such, it is considered that the proportionate depth and height of the proposed single storey rear extension would not result in a dominant addition to the rear elevation of the property, and as such would not unacceptable harm the character of the existing building. Furthermore, it is noted that the rear garden which is currently fenced off from the building, will be incorporated into the development site. This area being included significantly increases the size of the site, and assists in ensuring that the proposed extension would not appear as cramped within the site.

It is proposed to erect a part two-storey rear extension to the existing building, which would project from the original rear elevation and from the western flank of the existing two-storey outrigger feature on the eastern side of the rear elevation. The proposed extension would effectively be a replication of the existing outrigger feature, whereby mirroring it in appearance and scale. The proposed extension would create a valley between it and the existing two-storey outrigger, and importantly would be no higher or deeper than the existing feature. The proposed part two-storey rear extension would be 4.9m from the existing western elevation of the dwelling, and as such would ensure that at first floor level, there would still be ample rear elevation of the existing building still visible. As such it is considered that the proposed extension would not result in an overly dominant addition to the rear elevation of the existing dwelling. Adjacent to the proposed part two-storey rear extension it is proposed to provide a dual pitch feature which that would be located on the original rear elevation of the dwelling. The dual pitched roof would be marginally below the roof ridge of the two outriggers on the rear elevation and would be set back some 5.9m beyond the rear most elevation of the two storey element. Furthermore, it is noted that the rear garden which is currently fenced off from the dwelling, will be incorporated into the development site. This area being included significantly increases the size of the site, and assists in ensuring that the proposed extension would not appear as cramped within the site.

It is proposed to relocate the two rear facing box dormers from their current location to a more central position within the roof slope. Neither of the two box dormers would increase in size. Three roof lights flush with the rear roof slope would be evenly spaced across the rear roof slope. The relocation of the rear facing dormers would line up within the valleys of the three dual pitch roof features on the rear elevation. The positioning of the dormers in such an arrangement, provides a sense of order and symmetry to the rear elevation. Furthermore, the proportionate size and siting of the rear dormers ensure that they would remain visually contained within the rear roof slope and comply with paragraph 6.74 of the Harrow Residential Design Guide SPD (2010).

Notwithstanding the above, the proposed rear extensions are visible from Poplar Close, which is along the western boundary of the site. However, the most visible element would be the part two storey rear extension, which is on the opposite side of the property from Poplar Close. The proposed single storey rear extension is compliant with Residential Design Guide SPD (2010) in terms of its height and would therefore not result in an unacceptable impact on the existing streetscene of Poplar Close. It is therefore considered that the proposed rear extensions would not result in unacceptable harm to

the existing character of the Poplar Close street scene.

The proposed rear extensions would not be easily visible from Uxbridge Road, and as such is considered to not have an unacceptable impact on the existing streetscene. Furthermore, a soft landscaping programme is required by a condition, which would enable some soft landscaping along the Poplar Close (also rest of the site) which would enable an improvement to the appearance of the site and screen some of it from the public highway.

The proposed boundary treatments are considered to be typical examples of fencing within the area, and as such are considered to not unacceptably harm the character of the existing streetscene. Furthermore, a condition requiring detail of soft landscaping has been attached which will enable further soft landscaping to be introduced to improve the appearance of the development.

The proposed development is considered to have an acceptable impact on the character of the existing dwelling, site and streetscene. As such the proposal would accord with policies 7.4 and 7.8 of the London plan, Core Strategy Policy CS1 A/B/K, Policy DM1 of the Harrow Development Management Policies Local Plan (2013), and the Residential Design Guide SPD (2010).

## **Residential Amenity**

### Impact of the development on Neighbouring Amenity

Policy DM1 of the DMP seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded.

The proposed part two-storey rear extension and single storey rear extension would be located to the west of the exiting two-storey outrigger on the eastern end of the rear elevation of the property. The proposed extensions are no higher or deeper than this existing feature, and as such are screened from the properties to the east that front onto Limedene Close. As the proposed works are largely screened from the properties fronting Limedene Close, it is considered that the proposed part two-storey and single storey rear extensions would not result in an unacceptable loss of amenities to the adjoining occupiers through a loss of light or outlook. The rear extensions are proposed to have rear facing windows, overlooking the rear garden of the application property. Objections have been received commenting on the loss of privacy and overlooking into neighbouring properties. The proposed part two-storey rear extension would have bay type window feature at first floor, which would effectively mirror what is existing on the rear of the existing outrigger. Whilst it is acknowledged that the proposed part two-storey rear extension would introduce further windows to the rear elevation of the property, they would replicate an existing situation. Furthermore, the windows would be further away than the existing windows in the rear of the existing outrigger, and would continue to be at an oblique angle from the properties fronting onto Limedene Close. The proposed windows would also be in excess of 21m from the property at the northern end of the site. Given the distance to this property, which is similar to a traditional back-to-back residential arrangement, it is considered that the proposal would not lead to an unacceptable impact on the occupiers of this property through a loss of privacy or overlooking.

Located to the west is Poplar Close and on the western side of this is 542 Uxbridge Road. This property is approximately 10m from the western boundary with the application



site. It is considered that the separation of this neighbouring property, and its orientation ensure that there is no unacceptable harm to the amenities of the occupiers of this property through any loss of light or outlook. It is noted that on the western flank elevation of the part two-storey rear extension would be a habitable window facing No. 542 Uxbridge Road. This would provide for a source of outlook and light to a single bedroom for proposed flat 3 on the first floor. The proposed window would face the front elevation of No. 542 which fronts onto Poplar Close, it would be approximately 14m from the front elevation of this property. Notwithstanding this, it is considered that on balance the proposed accommodation would provide satisfactory living conditions for the future occupiers of the unit and would not unacceptable harm the amenity of neighbouring occupiers.

The existing rear facing dormers are proposed to be repositioned within the existing roof slope, which would result in them being moved in an easterly direction closer to the rear of the properties that front onto Limesdene Close. The proposed rear facing dormers currently serve habitable rooms and would continue to do so in their relocated positions. Whilst it is acknowledged that the proposed dormer would be closer to the properties fronting Limesdene Close, they would continue to be at an oblique angle to these properties as they are as existing. Furthermore, any impact that would be felt would be similar to what is experienced currently. Given that the proposed rear dormers would not increase the amount of glazed openings within the rear roof slope, it is considered that any loss of privacy or overlooking currently experienced would not be exacerbated by the proposal. Furthermore, the proposed rear facing dormers would not result in any loss of light or outlook for the properties fronting onto Limesdene Close, as they would be screened by the existing two-storey outrigger element.

The front porch is located centrally within the front elevation of the property. The proposed extension is located some 20m from the nearest dwellings. It is considered that the proportionate size and appropriate location of the proposed front porch would not give rise to any unacceptable harm to adjoining residential occupiers.

It is acknowledged that objections have been received relating to the over intensive use of the site. However, the existing property is currently in use as six self contained flats, and with the size of the rooms could accommodate up to 15 bed spaces within the site, and the proposed development would materially increase the use profile of the existing property to potentially 18 bed spaces. It is noted that the local area is of a mixed character, with some single family homes and also flatted developments. Furthermore, the property is currently in a flatted arrangement, which results in a baseline in the intensity of the site. As such, it is considered that the proposed development would not unacceptably exacerbate any existing levels of noise and disturbance experienced within the area.

It is considered that the proposed development would not unacceptably harm the amenities of neighbouring occupiers through loss of privacy, overlooking or perception of overlooking and would therefore accord with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Plan (2013), and the adopted SPD: Residential Design Guide (2010).

## **Future Occupiers**

### **Room Size and Layout**

Policy 3.5C of The London Plan specifies that Boroughs should ensure that, amongst other things, “new dwellings have adequately sized rooms and convenient and efficient room layouts”. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Policy DM26 of the DMP specifies that “proposals will be required to comply with the London Plan minimum space standards.

In view Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

The table below illustrates the extent to which the proposed development would comply with the recommended room sizes of the London Housing Supplementary Planning Guidance (2012).

Type and GIA	Kitchen/Living/Dining	Bedroom
Flat 1 (2 bedroom, 3 person) 73.5sqm (61sqm)	3 Person 27sqm (26sqm)	Double 17sqm (12sqm) Single 7.9sqm (8sqm)
Flat 2 (2 bedroom, 3 person) 66sqm (61sqm)	3 Person 26sqm (23sqm)	Double 12.7sqm (12sqm) Single 7.2 (8sqm)
Flat 3 (2 bedroom, 3 person) 69sqm (61sqm)	3 Person 28sqm (26sqm)	Double 14.2sqm (12sqm) Single 9sqm (8sqm)
Flat 4 (2 bedroom, 3 person) 58sqm (61sqm)	3 Person 24.3sqm (26sqm)	Double 11.5sqm (12sqm) Single 6.5sqm (8sqm)
Flat 5 (2 bedroom, 3 person) 68sqm (61sqm)	3 Person 25sqm (26sqm)	Double 10.75sqm (12sqm) Single 9.3sqm (8sqm)
Flat 6 (2 bedroom, 3 person) 70.5sqm (61sqm)	3 Person 32sqm (26sqm)	Double 11sqm (12sqm) Single 8.5sqm (8sqm)

As demonstrated within the above table, the gross internal floor area and rooms provided within most of the proposed flats, would comply with the minimum internal floor areas. However, it is acknowledged that there are examples within the development where the minimum floor areas would not be met. Furthermore, objections are noted as being received commenting on the cramped nature of the accommodation provided within the development.

Proposed Flat 1 is noted as having an internal floor area of 73.5sqm, which significantly exceeds the minimum floor areas for a 2bed, 3 person flat as required by the London plan (2011). Furthermore, the habitable rooms meet the minimum requirements (the double room exceeds), and provide future occupiers with a satisfactory layout.

Proposed flat 2 is noted as having a single room that is marginally below the minimum

floor area for single rooms. However, it is noted that the overall floor area of the unit exceeds the minimum requirements, and also both the living rooms and double room also exceed the minimum standards. Furthermore, the satisfactory layout of this room and the designated storage space for the occupiers of this flat would enable this room to provide a satisfactory level of accommodation for future occupiers.

Proposed Flat 3 exceeds the minimum floor areas for the overall unit and also for each of the habitable rooms. The level of accommodation provided for future occupiers is considered to be satisfactory for this flat.

Proposed flat 4 is approximately 3sqm short of the minimum gross internal floor area for a 2b, 3 person flat. Furthermore, both bedrooms within this flat are also marginally short of the requirement for a double and single room. However, it is noted that there the layouts of these rooms would provide functionable and useable space for future occupiers. Furthermore, it is noted within the proposed plans that this unit would provide for dedicated storage space, which allows the habitable spaces to be used more effectively. On balance, it is considered that the level of accommodation for the future occupiers of this flat would be acceptable.

Proposed Flat 5 would exceed the minimum floor areas for a 2 bedroom, 3 person flat. However, it is noted that there is a marginal shortfall of both the living room areas and the double bedroom. Given that the overall floor area would exceed the required gross internal floor area, and that the shortfall in floor areas are marginal, the proposed accommodation is considered to be on balance, satisfactory for future occupiers. Furthermore, the dedicated storage space and functionable layout of the unit would ensure future occupiers would not experience cramped living conditions.

Proposed flat 6 on the ground floor is noted as having a gross internal floor area in excess of the 61sqm required for this tenure of flat, and the habitable living rooms and single room would exceed the minimum guidance set for such rooms. However, it is noted that the double room is marginally short of the 12sqm requirement. Notwithstanding this marginal shortfall, the double room proposed an ensuite and fitted wardrobe to assist in providing a functionable and useable layout for this room. Again, this proposed flat would benefit from dedicated storage space for future occupiers.

Lastly, and as mentioned previously, the existing property is arranged as six one bedroom flats. The level of existing accommodation provided is considered to be woefully inadequate, with units significantly below the gross internal floor areas for unit sizes as required by the London Plan (2011) and the Residential Design Guide SPD (2010). Whilst one of the proposed units, and a number of individual room sizes would be marginally below these thresholds, they would provide a vast improvement to the standard of accommodation for future occupiers in comparison to what currently exists on site currently. In terms of the level of accommodation with regard to the compliance with internal space standards, it is considered that on balance the proposal would provide a far more acceptable level of accommodation than existing.

Standard 5.4.1 of the Housing SPG (2012) requires that in habitable rooms there should be a floor to ceiling height of 2.5m. Rooms within sloping or stepped ceilings should achieve a minimum ceiling height in at least 60% of the area of the room. It is noted that the accommodation within the roof would have a floor to ceiling height of 2.3m, which would fall short of the required 2.5m. Whilst it is acknowledged that this would constitute a non-compliance with the Mayors Housing Guidance (2012), it would be an

improvement to the existing floor to ceiling heights of 1.9m for the habitable accommodation within the roof space. It is therefore considered that the proposed floor to ceiling space would, in this instance would be an improvement to the existing residential accommodation that is currently provided on site. Furthermore, it is noted that the shortfall in this space is marginal and would not result in a cramped feeling for future occupiers of this habitable space.

Each of the rooms provided would have an adequate outlook and receive a satisfactory level of natural light.

It is proposed to undertake external alterations to the rear elevation of the property at first floor, to provide French doors with a Juliet balcony to proposed flat 4. These doors would provide light and outlook to the living dining room of this flat. Whilst this would provide a suitable level of light and outlook to this flat, it does raise a conflict with the single bedroom located within proposed flat 3. The single bedroom within this flat has one window on the flank elevation of the proposed part two-storey rear extension, and faces west across the rear elevation of proposed flat 4. The proximity of this window to the rear elevation of the living and dining room would result in a potential loss of privacy to the occupier of the single bedroom of flat 3, which would be unacceptably exacerbated by the full length nature of the French door. However, it is considered that should the full length French doors be replaced with more traditional rear facing windows and this would alleviate concerns with any loss of privacy to the occupiers of this room. As such, it is considered that an appropriately worded condition requiring a revised rear elevation showing a traditional rear facing window would be appropriate.

It is therefore considered that, notwithstanding the objection received relating to the level of proposed accommodation, that on balance the proposed accommodation would be satisfactory and as such would comply with policy 3.5 of The London Plan 2011, standard 5.4.1 of the Housing SPG (2012), policies DM1 and DM26 of the Harrow DMP (2013).

#### Layout and Stacking

Paragraph 5.12 of the Residential Design Guide SPD specifies that 'the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs'.

The proposed floor plans demonstrate that there would be an acceptable vertical stacking between the proposed flats across the floors, with like for like rooms above and below each other. As such it is considered that the proposal would not lead to unacceptable noise transfer between the properties, which would therefore not give rise to noise nuisance between the individual flats.

The proposal would thereby accord with policy DM1 of the Harrow DMP (2013) and the Residential Design Guide SPD (2010).

#### Refuse Storage

Policies DM26 of the DMP requires that bin and refuse storage must be provided "*in such a way to minimise its visual impact if stored on forecourts (where such provision cannot be made in rear gardens), while providing a secure, convenient and adequate facility for occupiers and collection, which does not give rise to nuisance to neighbouring occupiers*".

The applicant has stated that the refuse and waste facilities would be located within the front garden of the site, which in principle would be an acceptable location. The applicant has provided plans detailing the location and the scale and design of both refuse storage facilities and secure bicycle storage. However, given this provision is located within the front garden of the development, further detail is required as to the appearance of these facilities. As such, it is considered reasonable that a condition be attached to require such information.

The proposed cycle storage would appear sufficient to provide secure storage for 6 bicycles for the development, which would comply with London Plan (2011) requirements.

### Outdoor Amenity Space

Policy DM26 of the DMP also requires new development *'to make adequate arrangements for the provision of amenity space for future occupiers of the development'*.

Paragraph 5.16 of the Residential Design Guide SPD (2010) states that providing amenity space for residents of flats would be encouraged. It is proposed for flats 1, 2 and 6 will have direct access to private amenity space to the rear of each of the respective properties. Whilst this is acceptable in principle, no detail has been provided to demonstrate the amenity space would be private, defensible and functional. However, further detail could be provided to demonstrate this, and as such it is considered reasonable that this detail can be secured by way of an appropriately condition. The remaining three flats (3, 4 and 5) that are located on the first and second floor would have access to the remainder of the rear which would be provided as communal amenity space. There is sufficient space to provide an adequate amount of amenity space for the development, and the space would be functional and useable and this is secured by way of condition.

Given the above, it is considered that subject to a appropriately worded condition, that the proposal would have no significant adverse implications for host and neighbouring residential amenities, and would accord with policies 7.4B and 7.6B of The London Plan (2011), policies DM1 and DM26 of the DMP and the Council's adopted Supplementary Planning Document 'Residential Design Guide (2010)' in that respect.

### **Accessibility**

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

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

Wheelchair access to the first floor is not proposed, and as the property is currently set up it does not provide for this. Lifetime Homes (LH) standards are outlined so that they should be applied where applicable. This means that where access is negotiated via stairs, issues such as a level access clearly cannot be considered but other LH standards should be. In this instance it is considered unreasonable to require level access and wheelchair accessibility for the first floor flats to be met.

The Design & Access Statement as required by policy 7.2 of the London Plan (2011), has confirmed that level access would be provided to the site at ground floor level from the parking area. It is not proposed to provide any wheelchair accessible units within the property. The supporting information has not provided any information that the proposal would comply with the sixteen Life Time Homes Criteria. However, it is considered that this could be demonstrated with revised floor plans, and as such a condition requiring this detail has been attached accordingly.

Subject to a safeguarding condition, it is considered that the proposed development would accord with the principles and objectives of Lifetime Homes and policies 3.5.B/C/D, 3.8.B and 7.2.C of The London Plan 2011, policy DM2 of the Harrow Development Management Policies Local Plan (2013), and the Council's adopted SPD: Accessible Homes 2010.

### **Traffic and Parking**

Policies DM26 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The site already consists of 6 flats and in pure scale terms it is proposed to alter the 4x1 & 2x2 bed flats to 6x2 bedroom units. Formally marked on-site parking provisions appear to be maintained at a level of 6 spaces in a reconfigured frontage hardstanding space. In terms of the LP 2011 a maximum of 6 spaces could be sought so the proposal is still within this acceptable band towards the upper maximum. It is highlighted that 6 flats are already in existence hence a baseline of activity is already in place which has a bearing on limiting net additional impacts pertaining to parking demand and traffic generation from the proposal.

It is accepted that such parking can occur at present and that if the 6 revised flats are fully occupied then there is some potential to exacerbate current road conditions. However although in 'real world' terms the proposal may generate some additional parking demand some of that generated is likely to be contained informally within the site itself which we cannot control or prevent. This would in itself lessen potential impacts on Poplar Close and although there may be some minor imposition on the roadway any potential additional burden is not envisaged to be significant enough to bring forward a sustainable and defensible refusal reason on this basis.

The formal removal of the direct access onto the Uxbridge Road is welcomed on safety grounds and from a visual inspection it is apparent that it has been rarely, if ever, used as a vehicular access. The use of the sole access off Poplar Close is therefore the preferred option with emergence onto the Uxbridge Road thereafter.

Secure and readily accessible cycle parking is provided, at one space per unit, in line with the London Plan 2011 requirements. This has been provided on site and is therefore considered acceptable.

It is therefore considered that the development would not result in any significant increase in traffic movements from the site or unreasonable impacts on highway safety and convenience, and subject to safeguarding conditions would therefore accord with policies DM26 and DM42 of the DMP (2013).

## **Trees and Development**

Policy 7.21B of The London Plan (2011) states that '*Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species*'. Following on from this, Policy DM22 of the Harrow Development Management Plan (2013) provides for the protection of existing trees that are subject to a TPO.

The applicant has submitted an Arboricultural Report detailing the existing trees onsite and any potential impacts from the proposed development. This document provides detail as to how trees on site would be protected throughout the construction phase. It is noted that historically a tree subject to a tree protection order was located on site. However, this tree was removed from the site prior to the submission of the planning application. Advice from the Councils Arboricultural Officer indicates that the tree that was removed from the site has been replaced, more or less within the same area as the removed tree. This tree is located in what is currently described as the rear garden, and would be included within the rear amenity space for the entire development site. Given the distance of the proposed rear extensions from the replacement tree, it is considered that the proposed extensions would not unacceptably harm the tree. The remaining trees on site are not protected in anyway and as such the loss of these cannot be prevented through the planning application process.

## **Equalities**

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

Section 149 states:-

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is not considered that there are any equality impacts as part of this application.

## **S17 Crime & Disorder Act 1998**

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

## **Consultation Responses**

- Actual and perceived overlooking  
*Considered under Section 4 of the above appraisal.*
  
- Lack of parking within the development site which will lead to increased pressure on neighbouring streets. Increase in noise and vehicle pollution.  
*Considered under Section 6 of the above appraisal.*

- Proposed rooms are too small.  
*Considered under Section 4 of the above appraisal.*
- Overcrowding of the site with six families.  
*Considered under Section 4 of the above appraisal.*
- The development would be out of character with the rural tree/shrub lined roads surrounding it.  
*The character of the area is considered to be of an urban setting, with a mixed character of property types. However, it could be considered that it would not have a rural character.*
- Extensions to the property would be an overdevelopment of the building and be out of character with the area, be unduly obtrusive and overshadow properties in Limedene Avenue.  
*Considered under Section 4 of the above appraisal.*
- Remaining garden would be too small.  
*Considered under Section 4 of the above appraisal.*
- Increased loads on civic amenities  
*Not a material planning consideration*
- Increase in traffic would result in impediments to emergency services.  
*Highways Authority have reviewed the scheme and considered that the proposal would not give rise to unacceptable harm to the safety and free flow of the public highway.*
- Visitors to the property would park on Poplar Close  
*This is potentially possible under the existing arrangements. However, it is considered that the uplift in occupancy within the development would not unacceptably increase any insidious parking within the locality.*
- Entrance gate would result in vehicles being within the live carriageway whilst waiting for the gate to open.  
*Highways Authority have reviewed the scheme and considered that the proposal would not give rise to unacceptable harm to the safety and free flow of the public highway.*
- Health concerns over harmful materials being released during construction/demolition phase.  
*Not a material planning consideration. However, any harmful materials that would be located within the building would have to be removed and disposed of by suitably qualified contractors.*
- Parking issues for existing residents as a result of heavy vehicles during construction period.  
*Construction Management Plan to be submitted and approved by Local Authority. Such a document will outline where parking would be located during construction. Furthermore, the applicant will be reminded of their obligations under the Considerate Contractors Code.*
- Poor condition of Poplar Close may result in it caving in from all the large



construction vehicles and resulting in an environmental disaster.  
*The Highways Authority have raised no objection to the proposal.*

- Approval of such an application would set a precedent within the area.  
*The approval of the above scheme would not result in a precedent being set within the area. Each planning application is assessed and considered on its on merits.*

- Anti-social behaviour from tenants  
*There no evidence to suggest that the proposal would lead to an increase in anti-social behaviour from tenants of the property.*

- Untidy land  
*The proposal provides for waste and recycling facilities within the front garden. The provision is considered appropriate for the quantum of future occupiers.*

- Proposed accommodation would not receive adequate light or privacy  
*Considered under Section 4 of the above appraisal.*

- Plumbing from units would run under adjoining living spaces  
*Not a material planning consideration under the Town & Country Planning Act (1995).*

- Foundations required for the extension would require deep foundations, and there is the presence of aquifers within the area  
*The requirements for the foundations of any extensions are not controlled under the Town & Country Planning Act (1995). Any requirements for the structural integrity of built structures and land stability and controlled under Building Regulations.*

- A large tree is located within the rear garden which may be damaged by foundations.  
*The tree in the rear garden is of a sufficient distance from the proposed building works so as not to be unacceptably harmed. In any case, this tree is not subject to any protection measures.*

- Is the provision of cycle storage a requirement?  
*The London Plan (2011) requires cycle storage for developments to encourage sustainable modes of transport. The proposed scheme shall provide one secure cycle storage space per unit.*

- What leisure space provision for the future occupiers  
*The rear garden has been provided as communal amenity space for the future occupiers. This quantum is considered to be acceptable.*

- The Council has refused all previous scheme and the current scheme is relatively unchanged to these and should be refused accordingly.  
*Each planning permission is assessed on its merits.*

- Loss of woodland area.  
*The property is not identified as a woodland area. Whilst there maybe some loss of trees, a condition has been imposed to require further detail for soft landscaping within the site.*

- Impact on the resale of properties.

- Loss of open space in high flood plains causing overspill and increase in insurance premiums

*The proposed site is not located within a flood zone. Any matters relating to insurance premiums are not material planning considerations.*

- Increased risk of trespass

*The proposed application cannot directly relate to trespass. Should trespass occur, then this is a civil matter and the Police should be called.*

- Increase in light pollution from increase in car in such a small area

*The property already has a level of car parking at the front of the site, and it is this area which will continue to be utilised for off-street carparking. The potential increase in intensity of the site is considered to not significantly increase the amount of vehicles to the site.*

- Overdevelopment of the site, property is for a single family home

*The property is currently arranged as six self contained flats, and as such this use of the site is considered as the baseline for any increase in change and intensity.*

- Increase in vermin and rubbish

*The proposed plans clearly show the waste and recycling provisions within the front garden, adjacent to the Uxbridge Road. The facilities are considered to be acceptable.*

- Horse Chestnut Tree under TPO in the rear garden provides habitat for woodpeckers and proposal would stress the tree

*The Councils Tree Officer has confirmed that this tree does not have a TPO on it. An Oak tree that has now been removed from site was subject to a TPO. A replacement tree has now been provided on site.*

- Proposed run of fencing along Poplar Close would be stark and unattractive, and this element would need to be softened.

*The principle of having a boundary fence is considered acceptable. However, further details of the materials of this fence and any soft landscaping shall be sought through an appropriately worded condition.*

- Appears a car park would be located within Poplar Close.

*There is no car parking proposed at the rear of the site. All car parking would be located within the front of the site.*

- Cycle shed and bin storage may be an eyesore from Poplar Close

*The proposed cycle storage would be located within an outbuilding type enclosure, which would have an appearance similar to an ancillary structure for a residential use of the site. Further details of this are able to be sought under an appropriately worded condition.*

## **CONCLUSION**

The proposed scheme has not been found to conflict with the strategic aims of the Local Planning Authority in terms of providing housing within the borough, in relation to both the location of housing and the tenure mix. Furthermore, the proposed development would not unacceptably harm the amenities of adjoining residential occupiers, and would be an

appropriate addition to the existing streetscene.

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

## **CONDITIONS**

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

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

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

- a: appearance of the cycle and refuse storage facilities
- b: the ground surfacing
- c: the boundary treatment

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

REASON: To safeguard the appearance and character of the Area, and to enhance the appearance of the development in accordance with the National Planning Policy Framework, policies 7.4.B, 7.6.B, of The London Plan 2011, policy CS1.D of The Harrow Core Strategy 2012 and policies DM1 of the Harrow DMP (2013).

3 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until a hard and soft landscape plan and landscape strategy has been submitted to, and approved in writing by, the local planning authority: The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policies DM1 and DM22 of the Harrow Development Management Policies Local Plan 2013.

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

construction period. The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. measures to control the emission of dust and dirt during construction
5. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with policies DM1, DM42, DM43 and DM44 of the Harrow Development Management Policies Local Plan 2013

6 The development hereby permitted shall not commence until a statement demonstrating where practical that the homes within this scheme will be built to 'Lifetime Home' standards, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the homes have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that, where the development is capable of meeting 'Lifetime Home' standard housing in accordance with policies 3.5, 3.8 and 7.2 of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012 and policy DM2 of the Harrow Development Management Policies Local Plan 2013.

7 Notwithstanding the details shown on drawing Nos. S/UR/27 and S/UR/29, the proposed development hereby approved shall not commence until there has been submitted to, and approved in writing by, the Local Planning Authority revised elevations and first floor plan drawings omitting the full length French doors and Juliet Balcony within the part first floor rear extension, and their replacement with conventional windows. The development shall be carried out in accordance with the approved drawings and thereafter be retained.

REASON: The proposed rear facing full length windows are considered to unacceptably harm the amenities of neighbouring occupiers through overlooking, perceived overlooking and a loss of privacy. Amendments are required in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

8 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until details of the outdoor rear garden areas allocated to each flat are submitted to and approved in writing by the Local Planning Authority. The outdoor private garden areas shall be bounded by a solid, visually impermeable fencing to a height of 2.0 metres. The fencing required by this condition shall be erected prior to the occupation of the flats and shall be retained thereafter.

REASON: To safeguard the privacy of residents using the garden areas, in accordance with policies DM1 & DM26 of the Harrow Development Management Policies Local Plan (2013)

9 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

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

10 The development hereby permitted shall be carried out in accordance with the following approved plans: S/UR/20, S/UR/21, S/UR/22, S/UR/23, S/UR/24, S/UR/25, S/UR/26, S/UR/27, S/UR/28, S/UR/29, S/UR/30, S/UR/31, Design & Access Statement.

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

## INFORMATIVES

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

National Planning Policy Framework (2012)

The London Plan (2011): 7.2

Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 6.9, 7.1, 7.3B and 7.4B.

Harrow Core Strategy (2012):

Core Policy CS1.A/B/H/K

Harrow Development Management Policies Local Plan (2013) DM1, DM2, DM12, DM23, DM42.

London Plan Housing Supplementary Planning Guidance (November 2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning

permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

#### 5 Mayoral CIL

Please be advised that this application attracts a liability payment of **£4,165.00** of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of **£4,165.00** for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 119m<sup>2</sup>.

#### 6 Harrow CIL

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

Harrow's Charges are:

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

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

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

All other uses - Nil.

The Harrow CIL Liability for this development is: **£13,090.00**

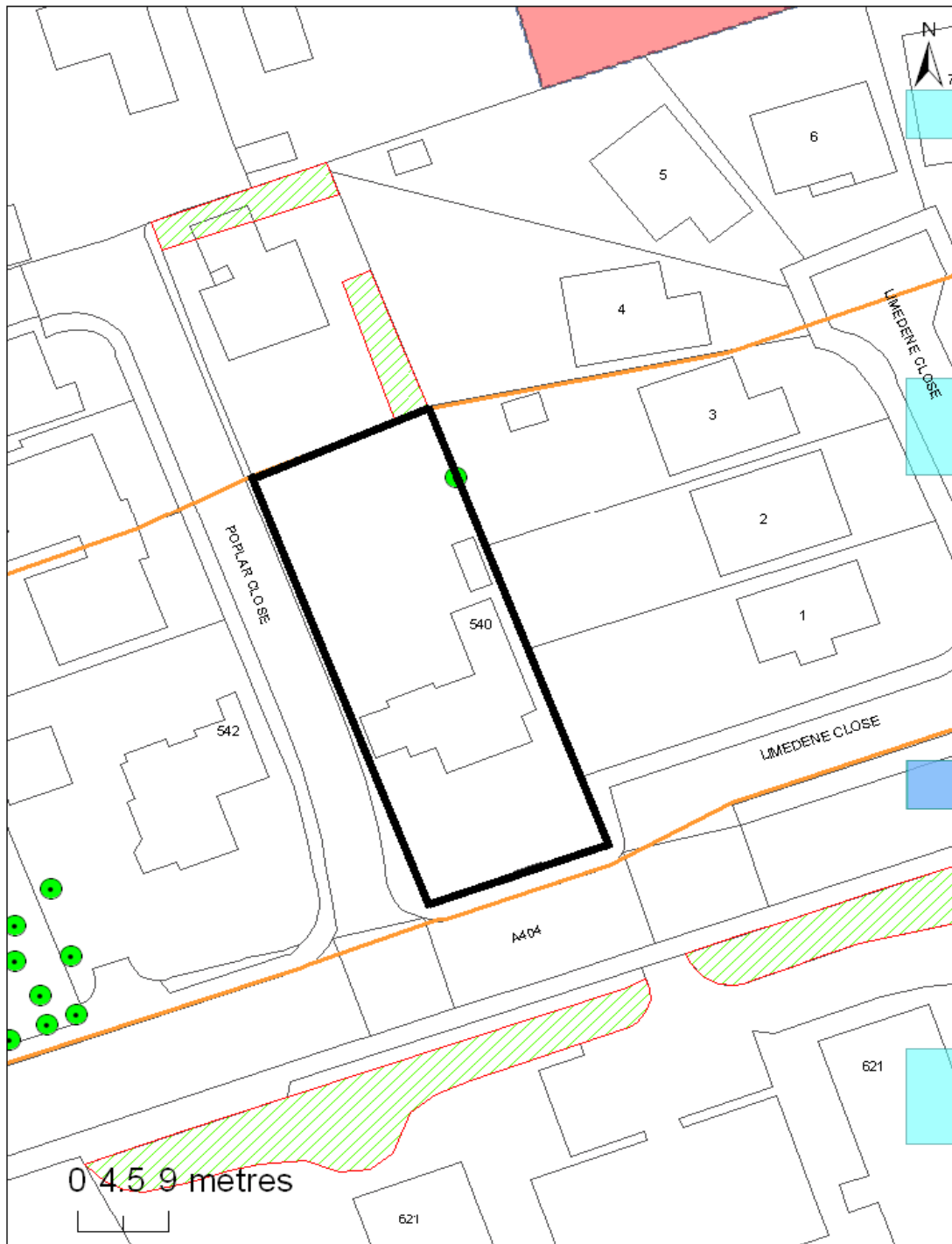
#### 7 Grant with pre-application advice

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

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

Plan Nos: S/UR/20, S/UR/21, S/UR/22, S/UR/23, S/UR/24, S/UR/25, S/UR/26, S/UR/27, S/UR/28, S/UR/29, S/UR/30, S/UR/31, Design & Access Statement.

# CLOISTER WOOD, 540 UXBRIDGE ROAD, HATCH END



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Item No: 2/03

Address: NEWTON FARM NURSERY, INFANT AND JUNIOR SCHOOL,  
RAVENSWOOD CRESCENT, SOUTH HARROW

Reference: P/1885/14

Description: CONSTRUCTION OF A SINGLE AND TWO STOREY BUILDING TO  
NORTH OF EXISTING SCHOOL WITH BALUSTRADES AT ROOF  
LEVEL; ASSOCIATED WORKS TO INCLUDE ALTERATIONS TO  
LAYOUT OF EXISTING CAR PARK AND ADDITIONAL PARKING  
SPACES; NEW HARD PLAY AREAS; HARD AND SOFT  
LANDSCAPING; NEW INTERNAL BOUNDARY TREATMENT; RE-  
SITING OF POLY TUNNEL AND CYCLE STORE (INVOLVING  
REMOVAL OF EXISTING MOBILE BUILDING AND DEMOLITION OF  
EXISINTG ATTACHED CONSERVATORY) (IN ASSOCIATION WITH  
THE EXPANSION OF THE EXISTING PRIMARY SCHOOL FROM A  
ONE FORM ENTRY PRIMARY SCHOOL TO A TWO FORM ENTRY  
PRIMARY SCHOOL).

Ward: ROXBOURNE

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 20<sup>th</sup> August 2014

## **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Newton Farm Nursery, Infant and Junior School, Ravenswood Crescent, South Harrow, HA2 9JU.

## **INFORMATION**

The application is reported to the Planning Committee because the Council is the applicant and landowner and the proposal is greater than 100 m<sup>2</sup> and therefore falls outside of category 1(h) of the Council's scheme of delegation.

## **Legal Comments**

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the



Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB of Harrow who intends to carry out the development on the land at Newton Farm Nursery, Infant and Junior School, Ravenswood Crescent, South Harrow, HA2 9JU.

The grant of planning permission for this development falling within Regulation 3 shall ensure only for the benefit of LB Harrow.

Statutory Return Type: Minor Development

Council Interest: The Council is the landowner.

Gross Floorspace: 913sqm

Net additional Floorspace: n/a

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

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): This does not apply to educational uses.

## **BACKGROUND**

### **The Harrow School Expansion Programme**

Harrow Council has a statutory responsibility to provide sufficient school places for its area. Like most London Boroughs, Harrow is experiencing a significant increase in demand for school places. The increasing demand is primarily birth rate driven but is complicated by other factors such as migration, household occupancy, size of families, etc. The main pressure on school places is currently in the primary sector, though pressure is also being experienced in the special educational needs sector and will be experienced in the secondary sector when the additional pupil numbers progress through to the high schools.

Harrow Cabinet agreed its school place planning strategy in February 2010 to meet the increasing demand for school places. Harrow is a congested urban borough and there is very limited effective scope to build new schools. In July 2011, Cabinet agreed on a Primary School Expansion Programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient primary school places through the creation of additional permanent places, supplemented by the opening of temporary additional classes as required to meet the peak and variations in demand.

Harrow has been opening additional temporary reception classes since 2009, with an increasing trend in the number of places opened. Phase 1 of the primary school expansion programme was implemented in September 2013 with 8 schools in the borough permanently increasing their reception intakes and 9 temporary additional reception classes were also opened. Statutory proposals for phase 2 of the Primary School Expansion for up to 15 schools that would permanently expand in September 2014 or September 2015 are being considered for approval to implement by Harrow Cabinet in March and April 2014. A third phase of primary school expansions is expected to be needed to meet demand from 2016 onwards.

Planning for primary school places is done on a planning area basis. Newton Farm

Nursery, Infant and Junior School is in the South West Primary Planning Area. The projections for this planning area indicate increased demand above the 540 permanent reception places available in September 2013 requiring at least two school to be permanently expanded by a form of entry. Newton Farm Nursery, Infant and Junior School was approved by harrow Cabinet on 13 March 2014 for permanent expansion with effect from September 2015.

### **Site Description**

- The application relates to Newton Farm, Nursery, Infant and Junior School located to the east of Ravenswood Crescent.
- The site is accessed from Ravenswood Crescent via a pedestrian and vehicle access road which runs between No. 72 and 74 Ravenswood Crescent
- To the south of the school buildings are the Newton Farm school playing fields and to the east of the site are allotments and Newton Park. These spaces are allocated as designated open space as identified in the Harrow Local Area Map (2013).
- The site is fairly flat. However, the land level rises fairly steeply towards the northern boundary of the site by approximately 2 metres.
- A rear access road runs between the northern boundary of the school site and the residential properties along Drake Road.
- The school consists of a rectangular shaped single storey building towards the north western part of the site.
- The building is a frame construction with brick cladding and a painted timber fascia. The existing windows and doors are white UPVC.
- The hard surface playgrounds are sited on the southern and eastern side of the existing school buildings. There are mature trees and soft around the perimeter of the site.
- The car park is situated towards the western boundary of the site and currently provides for 20 spaces.
- There is a prefabricated single storey mobile building situated on the northern side of the school building.
- The site is secure with fencing along the side boundaries.

### **Proposal Details**

- The application proposes construction of a single and two storey building to north of existing school with balustrades at roof level; associated works to include alterations to layout of existing car park and additional parking spaces; new hard play areas; hard and soft landscaping; new internal boundary treatment; re-siting of poly tunnel and cycle store (involving removal of existing mobile building and demolition of existing attached conservatory) (in association with the expansion of the existing primary school from a one form entry primary school to a two form entry primary school).
- The proposed single and two storey building would run parallel to the northern boundary of the site. The ground level in this part of the site would be excavated and would be lowered by approximately 2 metres so that it is at the same height as the ground level around the existing school building.
- The proposed building would have a maximum width of 42 metres and a maximum depth of 13 metres.
- The building would have a flat roof with a height of approximately 7.7 metres. Additional balustrades would be installed on the flat roof to a height of 1.1 metres.
- Retaining walls are proposed on the northern side of the building as well as a soft landscaped buffer zone along the northern boundary.
- The existing parking area on the north western side of the site would be enlarged and

the layout would be modified in order to facilitate an increase in space from 20 to 29 spaces.

- New areas of hard and soft landscaping are proposed, including the provision of a hard surfaced mini soccer court to the east of the site which be approximately 33 x 22 metres in size. This would involve re-location of the cycle storey towards the eastern boundary. The existing poly tunnel would be re-located towards the north eastern corner of the site. New hard surfaced circulation space would be provided around the outside of the new building and around the new games court.
- A 1.2 metre fence would be installed on the southern side of the building to contain reception outdoor learning spaces.
- The existing mobile building would be removed and the rear conservatory demolished.
- The proposed extensions and other alterations are in association with the expansion of the school from a 1 Form Entry (210 pupils) to a 2 Form Entry (420 pupils). The proposed increase in numbers of pupils and staff will be incremental and will gradually increase over the next 7 years.

### **Relevant History**

None

### **Pre-Application Discussion**

N/A

### **Applicant Submission Documents**

#### ∇ Design and Access Statement (summary)

- The whole school site was assessed and the proposed location afforded the most benefits including the following:
  - Location makes use of an underutilised external space and has potential to connect with the existing school.
  - Minimal disruption to, and improvement of, the current internal reconfiguration of the school.
  - Reduced impact on external hard play space.
  - There is some loss of soft play space but this is to be replaced with a surface suitable for sports and play throughout the year.
  - Allows construction to take place in a functioning school environment whilst minimising risk to pupils and disruption.
  - New build provides additional teaching space and WC facilities to bring provision broadly in line with BB99 guidance.
  - Build zone and form selected to respond to site constraints, including existing trees and proximity to the boundary and minimise impact on existing play space.

#### ∇ Statement of Community Involvement (summary)

- Harrow Council have consulted on the primary school expansion programme and held consultation evenings at the schools about the increase in pupil numbers for the schools on the 3<sup>rd</sup> and 10<sup>th</sup> October. There were separate meetings for parents and teachers and the wider local community. Additionally the expansions were considered by Cabinet at its meeting at its meeting on 21<sup>st</sup> November 2013.
- A community consultation evening was held to consult on building proposals on 20<sup>th</sup> January 2014. This was run as a drop in session and the local community were invited to examine plans and discuss proposals with representatives of the School, Council, Framework Contractor and Architect.

- Most feedback received concerns regarding transport and traffic and this is dealt with in the accompanying report and travel plan.
- ∨ Drainage Report
- ∨ Sustainability Statement
- ∨ Travel Plan
- ∨ Transport Assessment

### **Consultations:**

**Highways Authority:** Overall the proposed mitigations for the expansion of Newton Farm school accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated. There are no transport related reasons to refuse the Planning Application for the expansion of the school.

**Drainage Authority:** Awaiting final comments.

**Environmental Health:** Awaiting final comments.

**Landscape Architect:** A landscape masterplan should have been submitted with the application, as part of the overall strategy. Removal of the trees would greatly open the site up and the softening provided by the greenery would be lost.

Conditions are recommended in relation to a detailed landscape masterplan, with hard and soft landscape and planting plan would be required.

**Arboricultural Officer:** The details submitted in relation to the above are acceptable. I have no objections provided the development is carried out in accordance with the details of the Arboricultural Report including tree protection plan and method statement provided.

**Secure By Design Officer:** I welcome the comments within the Design and Access statement and the commitment to achieve Secured By Design Part 2, physical security. This is achievable should they follow the advice and standards within the Design and Access Statement.

**Sport England:** Sport England do not wish to comment on this particular application.

### **Advertisement**

General Site Notice x 5 Development - Expiry: 14.07.2014

### **Notifications**

Sent: 194

Replies: 0

Expiry: 08.07.2014

### **Addresses Consulted**

- 18-128 (evens) Ravenswood Crescent
- 49-119 (odds) Drake Road
- 42-90 (evens) Drake Road

### **Summary of Responses**

- None

## **APPRAISAL**

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

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

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

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

## **MAIN CONSIDERATIONS**

Principle of Development

Impact on Character and Appearance of the Area

Residential Amenity

Traffic and Parking

Sustainability

Accessibility

Biodiversity, Trees and Landscaping

Flood Risk and Drainage

S17 Crime & Disorder Act

Consultation Responses

Equalities and Human Rights

### **Principle of Development**

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 of the NPPF should be taken as a whole in defining what amounts to sustainable development. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality build environment that reflect the community needs and support its health, social and cultural well being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.

The National Planning Policy Framework (2012) outlines at paragraph 72 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. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools".

Furthermore, on the 15/08/11 the DCLG published a policy statement on planning for schools development which is designed to facilitate the delivery and expansion of state

funded schools. It states:

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state funded school places, increasing choice and opportunity in state funded education and raising educational standards.....The Government wants to enable good schools to open and new schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state funded school sector to meet both demographic needs and the drive for increased choice and higher standards”.

“It is the Government’s view that the creation and development of state funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” Policies 3.16 and 3.18 of The London Plan (2011) seek to ensure inter alia that development proposals which enhance social infrastructure, education and skills provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on residential amenity or highway safety.

The educational use of this site is long established. The proposal would result in the removal of time served buildings on the site and the provision of permanent educational facilities with a high standard of design and layout to provide much needed school places within the existing community. Overall, it is considered that the impact on residential amenity would be acceptable and that the proposal would not be detrimental to highway safety. Against the backdrop of existing provision, the proposed development will result in an improvement in the quality of the physical facilities on the site and the removal of time served temporary accommodation. The development will be constructed for educational use and it is considered to be fit for its purpose (from a planning perspective). Furthermore, Harrow has a clear, demonstrable need to create more school places to meet a growing demand for educational space identified in the development plan.

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

The National Planning Policy Framework emphasises that in the pursuit of sustainable development, proposals which would replace poor design with better design and would provide positive improvements in the quality of the built environment should be encouraged (Paragraph 9).

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.

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

#### Siting, design, layout and scale

The proposed two storey extension block would not be readily visible from public vantage points as the site is enclosed by residential properties to the north and west and would be sited over 64 metres from the allotments and open space to the east and as such would not be particularly visually prominent from this area.

Whilst the existing buildings are single storey, the ground floor sports hall is a one and half storey structure (to a height of 5.44 metres). The proposed two storey building would have a height of 7.7 metres and therefore is considered not to be out of place in relation to the adjacent building. Views from adjacent public spaces and neighbouring residential properties would be seen within the context of the existing school buildings on the site and would not be over prominent or out of keeping and as such would not be detrimental to the character and appearance of the locality and area.

The primary relationship of the proposed two storey building is with properties to the north along Drake Road, particularly in relation to No's 77-95. A public access road runs along the northern boundary of the site which would give rise to a separation distance of approximately 15 metres from the northern elevation and the rear garden boundaries of the closest neighbouring properties. The building would be sited between approximately 36 and 39 metres from the rear facades of the properties along Drake Road. Notably, the existing ground level on the northern side of the site would be reduced so that the ground level of the proposed teaching block would align with the adjacent ground level around the existing building. This would mean that the adjacent levels of the neighbouring properties would be approximately 2 metres higher, thereby significantly reducing the views and impact of the building for neighbours.

The overall separation between the main rear elevations of the houses and proposed classroom block is considered to be consistent with spacing and separation that is typical of many suburban areas across Harrow. The siting and size of the proposed classroom block is not considered to be overly dominant (see Section 3 below), or at odds with the wider character and relationships between buildings that might be found within this suburban location.

Having regard to conclusions within the application supporting Design and Access Statement in relation to building location, officers are satisfied that the height and location of the proposed two storey block is logical, and whilst obviously at a different scale to the surrounding domestic uses, is considered to respond to the challenge of layout and floor space appropriately. As such, in officers, the proposed two storey building would not unduly impact on outlook for the closest neighbouring occupiers along Drake Road.

The Design and Access statement highlights the intention is to provide a new building,

clearly detached from the existing building. The main teaching block will be articulated in yellow brick, whilst the ancillary space will be finished in a light coloured render. Officers consider that this combination of materials will help break up the scale and massing of the building and this approach is considered to be acceptable. A condition is therefore recommended in respect of materials to ensure the extension would harmonise with the appearance of the existing school buildings.

Although the proposed windows on the extension would be larger than the adjacent windows on the existing building, the design and access statement highlights that this design approach has been driven by the need for natural ventilation and energy efficiency. As such, it is proposed to finish the windows in dark grey in order to reduce their visual impact which officers consider to be acceptable.

The other proposed external alterations including relocation of the cycle store and poly tunnel, associated hard and soft landscaping and new car park area would have a minimal impact on the character and appearance of the area and are considered to be acceptable.

Overall, it is considered that the proposed extension and alterations are acceptable and would be in keeping with the character and appearance of the area. As such, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Residential Amenity**

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”. Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) requires that: “*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*”. “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers”.

#### Amenity impacts in relation to scale, massing and siting

The proposed extensions and external alterations would not give rise to a detrimental impact on neighbouring residential amenities. As outlined above the principal relationship would be with the properties directly to the rear along Drake Road (No.'s 77-95). However, this relationship is not considered to be detrimental to the closest neighbours because of the height of the building and adjacent neighbouring land level and the distances between the properties and teaching block. As discussed above, the building would be set down below the neighbouring land level between approximately 1 metre on the buildings eastern side and 2 metres on the buildings western side which would significantly reduce its visual impact.

The building would be sited some 47 metres from the rear boundaries of the closest properties along Ravenswood Crescent to the west and as such would not result in any significant undue impacts on the residential amenities of these neighbours.

It is acknowledged the new two storey building will undoubtedly change the views and outlook from a small number of surrounding properties. However, the planning system is



not able to safeguard or protect specific views from private houses. The separation between the existing and proposed buildings has been set out above and it is considered to be sufficient so as not to result in any undue harm on neighbouring amenity in terms of loss of light, outlook and overshadowing. It is acknowledged that the proposal would result in a loss of some trees along the northern boundary. However, the application proposes a landscape buffer zone adjacent to the northern boundary which could help to soften the appearance of the building over time and provide some mitigation for residents as well as an attractive setting for the building. Subject to conditions on final materials and landscaping details, the development should successfully integrate into the character of the surrounding suburban context.

The accompanying Design and Access statement highlights that the design of the proposed teaching block has been influenced by the need to reduce the impact of proximity to the boundary and a dual aspect building was discounted for this reason as well as issues of perceived overlooking. In this regard, the main classroom windows would face south towards the existing school building and would therefore not give rise to any issues of perceived or actual overlooking. The proposed first floor windows facing north towards the neighbouring rear gardens would serve group and WC rooms and circulation space which does not form part of the primary accommodation. As such, officers consider that the north facing windows would not result in any unreasonable impacts with regard to overlooking and loss of privacy to neighbouring properties and rear gardens. Nevertheless, in the interests of the amenities of the adjacent occupiers, a condition is recommended so that the first floor windows are obscure glazed and non opening above a height of 1.5 metres from the internal finished floor level.

Overall, officers consider that the proposed extension would not give rise to any detrimental impacts on the residential amenities of the neighbouring occupiers in terms of loss of light, overshadowing, loss of privacy or overlooking.

Given the minor nature of the other external alterations proposed, they would not result in any material impacts on neighbouring amenity.

#### Increase in Intensity of Use

The National Planning Policy Framework places particular emphasis on meeting the need for school places. Within urban areas, the growth of school places will result in some additional impacts upon nearby residential properties. The NPPF nevertheless requires that particular weight be applied to the need to expand and alter schools. The proposal would not give rise to any significant changes in terms of hard and soft play space provision and the proposal is not anticipated to give rise to additional undue noise impact. Accordingly, it is considered that whilst some increase in daytime noise may arise as a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and would not outweigh the strong emphasis given to expanding schools within national planning policy and the support within the Local Plan.

#### Vehicle Access and Traffic

There are no proposed changes to site access for either vehicles or pedestrians. Currently there are 20 car parking spaces situated adjacent to the north western boundary of the site. 9 additional spaces are proposed in the same area. Given the modest number of additional spaces proposed, officers consider that the additional vehicle movements within the site would not give rise to unreasonable detrimental impacts in terms of noise and disturbance, particularly as the use of the site as a school

predominantly between the hours of 9am to 5pm.

### Construction Phasing

The development would be constructed in its entirety over one phase. It is inevitable that noise and disturbance would increase during the construction process; however the impacts would be temporary and can be mitigated to some extent. A detailed construction management strategy has been submitted with the application, including a detailed timetable for implementation. The document details working practices including managing and maintaining site access routes, the site compound location, delivery times and security procedures in order to help safeguard the residential amenity of neighbouring occupiers as much as possible. Officers consider that the management and mitigation measures proposed would be sufficient to reduce the impacts on the amenities for neighbouring occupiers during the construction phase to acceptable levels.

In summary, the proposal would accord with policy 7.6B of The London plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

At peak times, in the morning and afternoon, the existing school already results in short term, localised congestion, as parents and guardians drop off and pick up children from the school. This pattern, and the impact upon non school traffic, is repeated across the Borough, and across the Country. There is potential for and a likelihood that this disruption will increase, as the pupil numbers rise. A number of representations submitted at the pre application stage, reported a concern over the transport impacts of the development. Outside of this time, service vehicles and visitors to and from the existing and the proposed school are unlikely to give rise to significant interference of traffic using the surrounding roads.

Given the local catchment of the school, the very limited scope to re-engineer surrounding roads to meet future demand, and the particular and individual patterns and circumstances of the parents and careers of pupils, the short term, localised impacts of these peaks are an inevitable and unavoidable disruption that has become part of London traffic's character. There is little scope to re-engineer London's Road to deal with such peak hour use. They do not justify significant engineering of the local highway network; instead these adverse impacts are required to be weighed in the balance, alongside the significant policy support to enhance and improve schools, contained in the NPPF and Local Plan.

Policy DM 43 of the HDMP LP (2013) requires that proposals for major development should provide a transport assessment in order to quantify the impacts of the proposal upon public transport, the highway network, the cycle network and upon conditions for pedestrians. Although the proposal is not a major development, the application is supported by a Travel Assessment and Travel Plan to address the proposed expansion of pupils and staff over the next 7 years. The Transport Assessment (TA) in support of the application was undertaken by an independent travel consultant. The details and recommendations of the TA, including traffic surveys and assessments have been

referred to the Council's Highways Authority to consider the potential impact of the development and this is discussed in detail below.

Newton Farm Nursery, Infant and Junior School is located in a predominately residential area. The main gates are approached from Ravenswood Crescent via a driveway with a pedestrian footway. There is a dedicated pedestrian gate at the main entrance on Ravenswood Crescent. A pedestrian-only gate is accessible via a footpath from Drake Road and from another path extending to Alexandra Avenue, though this latter path is only lightly used by pupils.

Additionally, pedestrian access can be gained via the Malvern Avenue, which is to the south of the school. The route would either be via the lane behind houses fronting Ravenswood Crescent to reach the main entrance, or if the gate is open, across the school playing fields.

Drake Road and Ravenswood Crescent have a 20mph speed limit but with a minimal level of supporting traffic calming measures. Parking is not restricted on these roads. All the junctions in the school's proximity are protected by double yellow lines (DYLs). In addition, the school entrance on Ravenswood Crescent is protected by "school keep clear" zig-zags.

Staff and service vehicles use the entrance on Ravenswood Crescent in order to access the school grounds. The school does not allow parents to drive on to the site to drop-off or pick-up children, so that activity is carried out mainly on Ravenswood Crescent and Drake Road.

#### Transport impact and proposed mitigations

The hands up survey with school children has indicated that the existing transport modal split shows that the majority of pupils walk to school (63%). Dependency on the car is therefore quite low overall. The Public transport accessibility level is low accounting for the low level of public transport use.

There are no controlled parking zones (CPZs) in the immediate vicinity of the school and there are no single yellow lines, the only restrictions being the double yellow lines on the immediate approaches to junctions. The school does not provide for on-site pick-ups/drop-offs, and therefore demand for parking in particular at Ravenswood Crescent and Drake Road is generated by school pick-ups. It was observed that the alleyway connecting Kings Road and Ravenswood Crescent was constantly used by parents to access the school. However, the alleyway was closed after 4.00pm, indicating that closure time is determined to take account of school pedestrian traffic.

During the peak period on Drake Road a number of cars were observed stopping to set down passengers who then walked toward the school, clearly intending to pick up children. At times this made it very difficult for vehicles to pass each other, and caused queues of vehicles along the street. Also, three-point turns were observed in the road directly adjacent to the secondary entrance footway. This would be a cause for concern with respect to safety, considering that the car was backing onto the footway with heavy pedestrian traffic.

Vehicles access Ravenswood Crescent via Kings Road. Kings Road gets very busy during morning and afternoon peak times with cars parked on either side of the road. Therefore, vehicles at times get held up before reaching Ravenswood Crescent

The streets surrounding the school already experience congestion during the school-run periods, due to parking activity inhibiting traffic movement. According to the analysis, the school expansion would generate an additional 65 car trips over the morning peak hour.

The additional parking demand will increase congestion, both as increased numbers of vehicles manoeuvre in and out of parking places, and particularly if parking at junctions increases.

Setting aside the congestion impact due to the increased parking, the increase in the traffic flow likely as a result of the school expansion by itself, while relatively large in comparison to existing flows, is actually small and therefore is likely to have minimal impact on junction performance and road network capacity.

The expansion of the school will have no measurable impact on traffic conditions as the relative increase in traffic volume is relatively small. Therefore the additional vehicle volume is unlikely to cause any significant problems. However, the expected increases in illegal and inconsiderate parking will have an impact on the movement of all traffic, including pedestrians.

The problems related to the level of car use and parking and traffic congestion in the peak periods, which are of most concern to local residents, can be effectively reduced predominantly through the development of an effective School Travel Plan with the necessary education and training initiatives and the endorsement and ownership of the Head Teacher. Reducing the number of people that travel by car is the main focus of the mitigations and will have the biggest impact.

In addition a number of physical mitigations are proposed in the TA and the observations of the Highways Authority are shown in the table below.

Physical measures	Observations
It is recommended to improve lighting and surfaces, and provide continued maintenance and cleansing, on the pedestrian approaches to the school gates.	This is supported to encourage an increase in the proportion of walking pupils and parents
The TA suggests a parking review around the school including an extension to the DYL controls at the northern end of Ravenswood Crescent on the northern side of the road should be considered, to reduce the likelihood of cars queuing back into Kings Road. In addition it may be necessary to consider loading	A localised review of the parking restrictions around the school as suggested is supported.

restrictions to allow effective enforcement as part of any review process.	
Provision of a fixed CCTV camera at the Ravenswood Crescent gate could be considered to allow effective enforcement there.	It should be noted that the council has recently procured two state of the art enforcement vehicles specifically to improve enforcement around schools.

An extension of restrictions allows the possibility of a greater range of enforcement. However, whilst enforcement can only be taken against contravention of properly-introduced restrictions such as “school keep clear” zig-zags, single and double yellow line restrictions, etc. it should be borne in mind that waiting restrictions include a standard exception for stopping to set-down or pick-up passengers and an offence would therefore only be committed if the vehicle stopped for a period, for example while a child is taken into the school.

Therefore the Council’s current enforcement practices for schools will need to be reviewed to ensure that there is a sufficiently frequent enforcement presence either in the form of mobile CCTV vehicles or parking attendants to act as a deterrent. Experience has shown that the presence of Civil Enforcement Officers (CEOs) is more likely to change the behaviour of drivers. The use mopeds and is considered most effective way of responding to enforcement requests rather than using bicycles as suggested in the TA. In addition it should be noted that the council has recently procured two state of the art enforcement vehicles specifically to improve enforcement around schools.

### School Travel Plans

Harrow places a strong emphasis on School Travel Plans (STP) and associated walking and cycling measures that deliver health benefits and a reduction in air pollution.

The council travel planning officer’s work closely with schools to produce a School Travel Plan document. This work is done in partnership with the schools, parents and children to change travel habits and travel modes and use any infrastructure schemes developed in accordance with the travel plan that will encourage walking, cycling or public transport use.

At the moment this programme is targeted at primary and middle schools to change and influence children’s attitudes about the use of the cars at an early stage of their development and officers of the Council regularly go into schools to talk about the problems that the school run can cause and to promote viable alternative modes of transport.

Transport for London operates an accreditation scheme known as STARS (Sustainable Travel Accredited And Recognised) which provides a robust framework for achieving sustainable transport targets and for increasing effectiveness year on year.

Newton Farm School’s current STP is accredited to Silver standard by TfL’s STARS (Sustainable Travel Accredited & Recognised) scheme. The next level of accreditation is

gold which can be achieved by demonstrating at least 6% reduction in car use or by having 90% of pupils traveling sustainably, engaging in more initiatives and activities, including consultation, and demonstrate a high level of innovation in travel activities and an outstanding level of participation in one form of initiative.

However, it is also recognised that the aim of increasing sustainable travel requires a culture change to influence attitudes and change behavior and therefore it is important to target primary schools so that people's attitudes about the use of the cars can be influenced at an early stage of development.

The details of the Travel Plan have been referred to the Highways Authority and taking account of the potential increase in traffic set out in the transport assessment officers recommend that the school, with support from Harrow's dedicated School expansion Programme Travel Plan Advisor achieve gold accreditation in the first accreditation cycle and then maintain this level. Accordingly, a condition is recommended for ongoing monitoring of the school travel plans in order to ensure on going targets and improvements within the Travel Plan accreditation scheme are being met over the course of the school expansion

#### Proposed Construction Activities and mitigation

It is expected that, as a worst case scenario not more than 10 trucks per day will access the site during the peak construction period. Construction vehicles will be able to access Ravenswood Crescent at its northern and southern junctions with Kings Road, the uncontrolled parking, particularly around the bends of Ravenswood Crescent, may make access by construction vehicles difficult.

For this reason an informal one-way arrangement for construction vehicles is proposed, either northbound or southbound. Northbound would make the turns into the school drive slightly easier. Additionally, it may be necessary to prohibit parking on a temporary basis at places along Ravenswood Crescent, particularly at the bends at either end.

In order to mitigate the impact of construction vehicle movements a condition is recommend so that they are restricted during morning and evening peak hours. Subject to this condition and coupled with the relatively small numbers expected, construction traffic would have negligible impact in the local road network and officers consider the application would be acceptable in this regard.

Measures to manage internal traffic have been identified in the construction phasing and management plan in order to avoid any congestion within the school site which is considered to be acceptable. An informative is also recommended reminding the applicant of Harrow Council's Considerate Contractors Scheme.

#### Cycle Parking

In terms of bicycle parking, London Plan (2011) standards requires the provision of one space per 10 staff or pupils. Cycle and scooter parking places can be monitored through the schools travel plan and additional spaces provided should demand dictate. It is noted that the school TP shows the school has 20 cycle parking spaces available. However, more spaces would be required to accommodate the increase in pupils in accordance with LP standards. Given there is significant interest in cycling as the preferred mode of travel, officers consider this means of travel should be actively encouraged and that the number of spaces should meet the requirements of The London Plan (2011). Accordingly, a condition would be attached, should approval be granted,

requiring full details of proposed cycling parking facilities in accordance with London Plan standards and that additional spaces should be provided should demand dictate.

Overall the proposed mitigations for the expansion of Newton farm school accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated. That mitigation may also reduce the existing impacts experienced by residents close to the school. There are no transport related reasons to refuse the Planning Application for the expansion of the school.

In view of the above, it is not considered that the scheme would result in such a significant impact on the surrounding highway network that refusal could be justified. Overall the proposed expansion of Newton Farm School and the proposed mitigations in conjunction with existing Council initiatives accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated.

The transport impacts accordingly need to be weighed against the contribution that the proposals will make towards meeting forecast educational need. Subject to ongoing monitoring of the travel plan which can be secured by a condition, for the reasons outlined above the transport impacts of the proposal are considered to be acceptable, having regard to the aims and objectives of policy 6.3 of The London Plan, core policy CS 1 R of the Harrow Core Strategy, and policies DM 42 and 43 of the Harrow Development Management Policies Local Plan (2013).

### **Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 B outlines the targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations. Currently the target is a 40% reduction for all major development proposals. Policy 5.2 C outlines that "Major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions are to be met within the framework of the energy hierarchy".

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. Its states that development will need to "*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*"..."*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*". Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The layout and proportion of teaching spaces has been driven by natural ventilation and day lighting requirements. All light fittings will be energy efficient. Windows in the new extension will have an integrated louvre panel to allow for secure night time ventilation. As assessment has been carried out in terms of overheating and it has been demonstrated that all rooms are within acceptable levels. The fabric of the building is

intended to achieve low U values and all materials are intended to have an A rating under the BRE Green guide. Overheating caused by solar gain is also avoided due to the southern windows having high G values. For these reasons and subject to the above condition, officers therefore consider that the proposal is in accordance with policies 5.2 and 5.3 of The London Plan, core policy CS1 T, policies DM 12 and DM 14 of the Harrow Development Management Policies Local Plan and the Councils adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) seeks to ensure development proposals provide site planting and increase biodiversity, for sustainable urban drainage and improve the character and appearance of the area. The proposals would result in the loss of some trees and soft landscaping on the northern side of the building to accommodate the development. Whilst, it is acknowledged that the need for external hard play space for the expanded school limits opportunities for increasing green space, officers consider there is some potential for additional planting within the site which is also indicated in the accompanying Design and Access Statement. Accordingly, a condition is recommended for further details of hard and soft landscaping to be submitted and approved by the local planning authority. Subject to this condition, it is considered that the proposal will result in enhancement and diversification of the site and will make a positive contribution to the character of the area in accordance with policy 5.11.

### **Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow Development Management Policies Local Plan (2013) seeks to ensure that buildings and public spaces are readily accessible to all.

Level access will be provided to the building both internally and externally. Corridor widths would all have a minimum width of 1800mm and all doors would have a minimum clearance of 900mm. Disabled WCs are provided in the new building and two disabled parking spaces will be provided close to the entrance. A future location for a lift has been identified within the building and this can be installed in the future should funds become available. Having regard to the scale and amount of works proposed, together with existing site circumstances, these measures are considered to be satisfactory and would meet the requirements of policy 7.2 of the London Plan (2011) and policy DM 2 of the Harrow DMPLP (2013).

### **Biodiversity, Trees and Landscaping**

Policy 7.21B of The London Plan (2011) states that "Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species".

Policy DM 22 of the Development Management Policies Local Plan states that:

*"A. The removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal."*

*"B. Development proposals will be required to include hard and soft landscaping that:*

*a. Is appropriate to the character of the area;*

*b. Is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours;*



- c. *Achieves a suitable visual setting for the building(s);*
- d. *Provides for sufficient space for new or existing trees and planting to grow; and*
- e. *Supports biodiversity.”*

*“Proposals for works to trees in conservation areas and those the subject of tree preservation orders will be permitted where the works do not risk compromising the amenity value or survival of the tree.”*

The existing school buildings are surrounded by a number of mature trees. None of the trees on the site are protected by a tree preservation order but nevertheless they make a positive contribution to the amenity value of the adjacent area as well as providing wildlife habitats.

The application is accompanied by an Arboricultural Impact Assessment which concludes that majority of the trees on the site can be retained with the exception of four trees to the north in order to facilitate the new building. It is proposed to replace the trees on a one for one basis, with three heavy standard trees (12 to 14cm) around the site in order to mitigate the loss and replace any lost visual amenity and wildlife habitat potential. Officers consider that the adverse impact in relation to the loss trees is required to be weighed in the balance, alongside the significant policy support to enhance and improve schools, contained in the NPPF and Local Plan. On balance, officers consider that the improvement to educational facilities and measures to support the expanded school in this case would outweigh the loss of trees in this location, particularly as the loss can be mitigated to some extent by new soft landscaping.

The application has been referred to the Council’s Arboricultural Officer and landscape Architect who are satisfied with the conclusions of the report, subject to a condition that the recommendations within the report are adhered to through the construction process including the method statement and proposed tree protection plan as well as provision of a hard and soft landscape strategy for the site. Accordingly, conditions are recommended in respect of this.

Subject to conditions in respect of the above matters, officers consider that the ecological and aesthetic value of the area would not be significantly harmed and the development would thereby comply with policies 7.21 and 7.19 of The London plan (2011) and policies DM 20, 21 and 22 of the Harrow Development Management Policies Local Plan (2013).

### **Flood Risk and Drainage**

The NPPF (2012) outlines the need to manage flood risk from all sources (paragraph 100). Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban drainage (SUDS) hierarchy. Similarly, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *“proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off. Substantial weight will be afforded to the achievement of greenfield run off rates”*.

Newton Farm School lies in flood zone 1 and therefore has a low risk of fluvial flooding. However, the site does lie within a critical drainage area and as such is at risk from flooding due to surface water. As such, there are no restrictions in planning policy for

constructing an extension on the site, subject to surface water management controls.

Surface water attenuation tanks are proposed adjacent to the extension block and within the car park area in order to achieve a discharge rate of 5 l/s which will meet the required greenfield run off rates. Flow rates will be managed through the use of hydro brake flow control devices. Foul water from the site will discharge to the proposed drainage network, while sections of the existing network will be diverted. The proposed details of surface water attenuation and arrangements for foul water have been referred to the Council's Drainage Engineers who are satisfied with the principal of the proposals, subject to further details being provided by condition. Accordingly it is recommended that conditions are attached in relation to the specific details of surface water drainage and attenuation.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy DM 10 of The Harrow Development Management Policies Local Plan (2013).

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

Policy 7.3 of The London Plan (2011) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed site is within a residential area and is enclosed on all sides by residential properties. As such, the school receives very good levels of natural surveillance. Access control is currently in use on gates and main entrances. All ground floor windows and other accessible windows and doors will meet PAS 24:2012 as required for Secure by Design accreditation. Given, the size of the proposed extension and alterations proposed, the measures identified are considered to be satisfactory to achieved enhanced security at the site. The details have been referred to the Crime Prevention Design Adviser who considers that the development should be able to achieve certification in respect of physical security (SBD – Part 2) only. Accordingly, a condition is recommended in respect of this.

### **Consultation Responses**

- None

### **Equalities and Human Rights**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

### **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in

response to notification and consultation as set out above this application is recommended for grant.

## **CONDITIONS**

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

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

2 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work above DPC level of the buildings hereby permitted is carried out.

a: the building

b: the ground surfacing

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

REASON: To safeguard the character and appearance of the locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

3 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: Planning, Design and Access Statement Ref: 1504-5.4-002 DAS.docx; 1504-PP-02; 1504-PP-03; 1504-PP-06; 1504-PP\_07; 1504-PP-08; 2014 Newton Farm, Nursery, Infant and Junior School Travel Plan; Document titled "Overview of Harrow Councils Primary School Expansion Programme – Harrow's Approach"; Document titled "School Expansion Programme 2014-14"; Transport Assessment by Mott MacDonald (dated April 2014); LO1525/DR01 Rev P2; Arboricultural Impact Assessment by A.T. Coombes Associates (dated 30<sup>th</sup> January 2014); Statement of Community Involvement (May 2014); Untitled document – aerial site plan; Document titled Mott MacDonald, dated 26.02.2014; Construction Method, Phasing Plan and Logistics Statement; Sustainability Statement Ref: KSc/7111909/JP Rev 01 (dated 20 May 2014); 1504-PP-05 Rev A; 1504-PP-04 Rev A; 1504-PP-01 Rev B

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

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

6 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Newton Farm Nursery, Infancy and Junior, Harrow by A.T Coombes Associates. This will include that replacement tree planting is provided and that the details are submitted for approval under condition 4 of this permission, arboricultural supervision is undertaken throughout the project and the development shall be carried out in accordance with the Method Statement and Tree Protection Plan. The tree protection measures shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

7 The buildings hereby permitted shall not be occupied until details of works for the disposal of surface water and sewage have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

8 The development of any buildings hereby permitted shall not be commenced until details of works for the disposal of surface water and surface water storage and attenuation works have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

9 The Newton Farm Nursery, Infant and Junior School Travel Plan (2014) shall be implemented in accordance with the approved details upon the first occupation of the development hereby approved. Thereafter a Travel Plan review shall be undertaken and a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority annually and not later than 31<sup>st</sup> August for each year of the expansion. The mitigation measures identified in the Travel Plan shall be implemented for the duration of the development.

REASON: To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan policies 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

10 The details of the Construction Method and Logistics Statement hereby approved shall be adhered to throughout the construction period and construction vehicles shall not access the site during peak morning hours (08:30-09:30) or afternoon times (15:00-16:00).

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with policy 7.6 of The London Plan 2011 polices DM 1 and DM 42 of the Harrow Development Management Policies Local Plan (2013).

11 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site/development in accordance with Secured By Design Certification Part Two (physical security only) shall be implemented on site and the Secured by Design Certification Part Two (physical security only) shall be submitted to and approved in writing by the local planning authority.

Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets and communal entrance doorsets shall be made secure to standards, independently certified, set out in PAS 24:2007 or WCL 1 'Security standard for domestic doorsets';

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS 7950:1997 or WCL 4 'Security standard for domestic windowsets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy DM 2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998

12 The development hereby permitted shall not be occupied until a scheme for the provision of secure cycle parking spaces in accordance with the London Plan (2011) has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not commence until the cycle parking scheme has been implemented in accordance with the approved details and thereafter retained.

REASON To encourage occupants of the development to use methods of transport other than the private car in accordance with London Plan polices 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

14 The first floor windows in the northern elevation of the approved development shall:  
a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.5 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

### **National Planning Policy:**

National Planning Policy Framework (2012)

Policy Statement – Planning for Schools Development (DCLG, 15/08/11)

### **The London Plan (2011):**

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

5.2 - Minimising carbon dioxide emissions

5.3 – Sustainable design and construction

5.7 – Renewable energy

5.10 – Urban Greening

5.11 – Green roofs and development site environs

5.13 – Sustainable Drainage

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.11 – Smoothing traffic flow and tackling congestion

6.13 – Parking

7.1 – Building London’s neighbourhoods and communities

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.6 – Architecture

7.21 – Trees and Woodlands

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

CS1: Overarching Principles

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

Policy DM 1 – Achieving a High Standard of Development

Policy DM 2 – Achieving Lifetime Neighbourhoods

Policy DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 12 – Sustainable Design and Layout

Policy DM 14 – Renewable Energy

Policy DM 22 – Trees and Landscaping

Policy DM 42 – Parking Standards

Policy DM 43 – Transport Assessments and Travel Plans

Policy DM 46 – New Community Sport and Educational Facilities

### **Other Relevant Guidance:**

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)

## **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### 3 PARTY WALL ACT:

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

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

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

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

Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

### 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan Nos: Planning, Design and Access Statement Ref: 1504-5.4-002 DAS.docx; 1504-PP-02; 1504-PP-03; 1504-PP-06; 1504-PP\_07; 1504-PP-08; 2014 Newton Farm, Nursery, Infant and Junior School Travel Plan; Document titled "Overview of Harrow Councils Primary School Expansion Programme – Harrow's Approach"; Document titled "School Expansion Programme 2014-14"; Transport Assessment by Mott MacDonald (dated April 2014); LO1525/DR01 Rev P2; Arboricultural Impact Assessment by A.T. Coombes Associates (dated 30<sup>th</sup> January 2014); Statement of Community Involvement

(May 2014); Untitled document – aerial site plan; Document titled Mott MacDonald, dated 26.02.2014; Construction Method, Phasing Plan and Logistics Statement; Sustainability Statement Ref: KSc/7111909/JP Rev 01 (dated 20 May 2014); 1504-PP-05 Rev A; 1504-PP-04 Rev A; 1504-PP-01 Rev B





Item No: 2/04  
Address: NORBURY FIRST AND MIDDLE SCHOOL, WELLDON CRESCENT,  
HARROW  
Reference: P/1961/14  
Description: PROVISION OF ONE TEMPORARY MOBILE BUILDING  
Ward: GREENHILL  
Applicant: HARROW COUNCIL  
Agent: LOM ARCHITECTS  
Case Officer: NICOLA RANKIN  
Expiry Date: 18<sup>th</sup> July 2014

### **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Norbury First and Middle School, Welldon Crescent, Harrow, HA1 1QQ.

### **INFORMATION**

The application is reported to the Planning Committee because the Council is the applicant and landowner and the proposal is greater than 100 m<sup>2</sup> and therefore falls outside of category 1(h) of the Council's scheme of delegation.

### **Legal Comments**

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB Harrow who intends to carry out the development on the land at Norbury First and Middle School, Welldon Crescent, Harrow, HA1 1QQ.

The grant of planning permission for this development falling within Regulation 3 shall ensure only for the benefit of LB Harrow.

Statutory Return Type: Minor Development

Council Interest: The Council is the landowner.

Gross Floorspace: 156sqm

Net additional Floorspace: n/a

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

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): This does not apply to educational uses.

### **Site Description**

- The application relates to Norbury First and Middle School located to the west of Welldon Crescent and to the north of Oakley Road.
- The school is bound by residential properties to the north along Hindes Road to the west along Headstone Road and to the south east by semi detached properties fronting Welldon Crescent.
- The main pedestrian access is from Welldon Crescent to the east of the site whilst the vehicle access to the school car park is from Oakley Road to the south. There is also a further pedestrian access point from Oakley Road.
- The school consists of mix of single and two storey buildings which are situated towards the southern part of the site.
- The existing school buildings are of a CLASP construction, a steel post frame which is overlaid with concrete at low level and shingles at first floor. There is a relatively new extension to the building which is rendered in blue and has a distinctive wedge shaped form.
- Hard surfaced play spaces are located to the north and south east of the school buildings. There is a small soft play space to the north where there are a number of large mature trees situated on the boundary with the neighbouring properties fronting Hindes Road.
- Parking is located adjacent to the vehicle access road to the west. There are a total of 20 parking spaces.
- The external surfaces of the building are comprised of a mixture of brick and render.
- Hard surfaced play areas are located on the west and eastern side of the school building.
- The site is secure with fencing along the side boundaries.
- The majority of the site lies within flood zone 1. Part of the site, towards the north and east, where existing buildings are located lies within flood zone 2, 3a and developed 3b as identified in the Harrow Strategic Flood Risk Assessment (2011).

### **Proposal Details**

- The application proposes the provision of a temporary mobile building.
- The proposed mobile building would be 16.7 metres in length and 9.8 metres in depth.
- The mobile would have a flat roof to a height of 3.5 metres.
- It is proposed to locate the mobile building adjacent to the western boundary of the site and existing school building. It would be sited 4.5 metres from the western boundary.
- Access ramps would be provided to the front elevation.

### **Relevant History**

P/3177/08 EXTENSION TO SCHOOL TO PROVIDE PERFORMING ARTS STUDIO  
Granted 7<sup>th</sup> November 2008

P/1448/14 CONSTRUCTION OF A TWO STOREY EXTENSION AND SINGLE STOREY INFILL EXTENSION TO THE NORTH OF THE EXISTING BUILDING WITH ASSOCIATED BALUSTRADES AND LOUVRES AT ROOF LEVEL; SINGLE STOREY LOBBY EXTENSION TO EAST ELEVATION OF EXISTING BUILDING WITH ASSOCIATED SCHOOL SIGNAGE; ASSOCIATED HARD AND SOFT LANDSCAPING; EXTERNAL ALTERATIONS; NEW SIGNAGE TO TWO STOREY EXTENSION; (IN ASSOCIATION WITH THE EXPANSION OF THE EXISTING 2 FORM ENTRY PRIMARY SCHOOL TO A 3 FORM ENTRY PRIMARY SCHOOL)

Granted 18<sup>th</sup> June 2014

### **Pre-Application Discussion**

- N/A

### **Applicant Submission Documents**

- Design and Access Statement

### **Consultations:**

**Drainage Authority:** Awaiting final comments.

### **Advertisement**

N/A

### **Notifications**

Sent: 197

Replies: 0

Expiry: 28.05.2014

### **Addresses Consulted**

- 93-131 (odds) Welldon Crescent
- 88-96 (evens) Welldon Crescent
- 88-112 (evens) Hindes Road
- 77-125 (odds) Headstone Road
- 11/12/14 Oakley Road
- 44-52 (evens) St Kilda's Road
- 45-55 (odds) St Kilda's Road

### **Summary of Responses**

- None

### **APPRAISAL**

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

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

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

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

## **MAIN CONSIDERATIONS**

Principle of Development  
Impact on Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
Accessibility  
Flood Risk and Drainage  
S17 Crime & Disorder Act  
Consultation Responses  
Equalities and Human Rights

### **Principle of Development**

The National Planning Policy Framework (2012) outlines at paragraph 72 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. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools”.

Furthermore, on the 15/08/11 the DCLG published a policy statement on planning for schools development which is designed to facilitate the delivery and expansion of state funded schools. It states:

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state funded school places, increasing choice and opportunity in state funded education and raising educational standards.....The Government wants to enable good schools to open and new schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state funded school sector to meet both demographic needs and the drive for increased choice and higher standards”.

“It is the Government’s view that the creation and development of state funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” Policies 3.16 and 3.18 of The London Plan (2011) seek to ensure inter alia that development proposals which enhance social infrastructure, education and skills provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on

residential amenity or highway safety.

Plans have previously been approved to expand the school and this was considered under application P/1448/14. As a result of a new building to expand the school, a new temporary structure is proposed to facilitate the building works required to expand the school. The proposed temporary building would house two classrooms and will be required until the works for the new extension to the school approved under planning application P/1448/14 is completed. It is anticipated that construction will be completed by September 2015. Overall, it is considered that the impact on residential amenity would be negligible and that the proposal would not be detrimental to highway safety. As such, the principle of the development is considered to be acceptable.

### **Impact on 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.

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

The structure would have an acceptable appearance within the context of the surrounding school buildings. Given the need for an additional classroom space in the borough, it is considered that a temporary period for the mobile would be acceptable. Nevertheless in the interests of the character and appearance of the locality, a condition is recommended to ensure the mobile is removed following completion of the extension which is anticipated to be September 2015.

Overall, it is considered that the proposed temporary mobile building is acceptable and would be in keeping with the character and appearance of the area. As such, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Residential Amenity**

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”. Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) requires that: “*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*”. “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of

proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers”.

The mobile building would have a height of 3.5 metres. It would be screened by vegetation from the neighbouring occupiers along Headstone Road and would be sited some 25 metres from the rear elevations of these properties. Having regard to these factors, it is considered that the proposal would not result in any undue impacts on the residential amenities of the occupiers in terms of loss of light, overshadowing or loss of outlook.

In summary, the proposal would accord with policy 7.6B of The London plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council’s parking standards and cycle parking standards.

There is no impact on traffic or the travel plan for the school as a result of the temporary mobile building. Total numbers of teaching and pupils will remain as existing. Furthermore access for pedestrians and vehicles would be unaffected by the proposals.

### **Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the harrow Development Management Policies Local Plan (2013) seeks to ensure that buildings and public spaces are readily accessible to all.

A ramp would be provided as an integral part to the unit to facilitate wheelchair access should this be required. The doors to the front will be fully wheelchair accessible. Having regard to the scale and amount of works proposed, these measures are considered to be satisfactory and would meet the requirements of policy 7.2 of the London Plan (2011) and policy DM 2 of the Harrow DMPLP (2013).

### **Flood Risk and Drainage**

Policy DM 9 outlines that proposal requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all sources of flooding including surface water. The design and layout of proposals must contribute to a flood risk reduction. Furthermore, proposals should ensure that there is a dry means of escape for occupiers of the building.

Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban drainage (SUDS) hierarchy. Similarly, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *“proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off. Substantial weight will be afforded to the achievement of greenfield run off rates”*.

The majority of the school site lies in flood zone 1 and therefore has a low risk of fluvial flooding. However, parts of site, where the existing school buildings are located lie within flood zone 2/3a and 3b 'developed' as identified in the Harrow Strategic Flood Risk Assessment (2012) as having a medium to high probability of flooding.

Nevertheless, the proposed mobile would not be located within an area of flood risk and therefore its location is not considered to give rise to undue impacts in terms of increased flood risk on or off the site and is considered to be acceptable.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policies DM 9 and 10 of The Harrow Development Management Policies Local Plan (2013).

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

It is considered that the application would have no adverse impacts in this regard.

### **Consultation Responses**

- None

### **Equalities and Human Rights**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

### **CONCLUSION**

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

### **CONDITIONS**

1 The development hereby permitted shall be 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 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: HD/CRS/06 Rev D; 1506-PP-01; Design and Access Statement ref: 1506-5.4-002 DAS temp mobile

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

3 The temporary single-storey modular building hereby approved shall be removed by 1<sup>st</sup> October 2015 and the land restored to its former state.

REASON: To safeguard the character and appearance of the area and to permit reconsideration in the light of the circumstances then prevailing, pursuant to policies 7.4 and 7.6 of The London Plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

### **INFORMATIVES**

1 The following policies are relevant to this decision:

#### **National Planning Policy:**

National Planning Policy Framework (2012)

#### **The London Plan (2011):**

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

5.12 - Flood Risk Management

5.13 – Sustainable Drainage

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: Overarching Principles

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

Policy DM 1 – Achieving a High Standard of Development

Policy DM 9 – Managing Flood Risk

Policy DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 12 – Sustainable Design and Layout

Policy DM 42 – Parking Standards

Policy DM 46 – New Community Sport and Educational Facilities

#### **Other Relevant Guidance:**

Harrow Strategic Flood Risk Assessment (Level 1) - (2009)

Harrow Strategic Flood Risk Assessment (Level 2) – (2011 & 2012)

Harrow Surface Water Management Plan (2012)

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### **3 PARTY WALL ACT:**

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal



agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

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

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

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

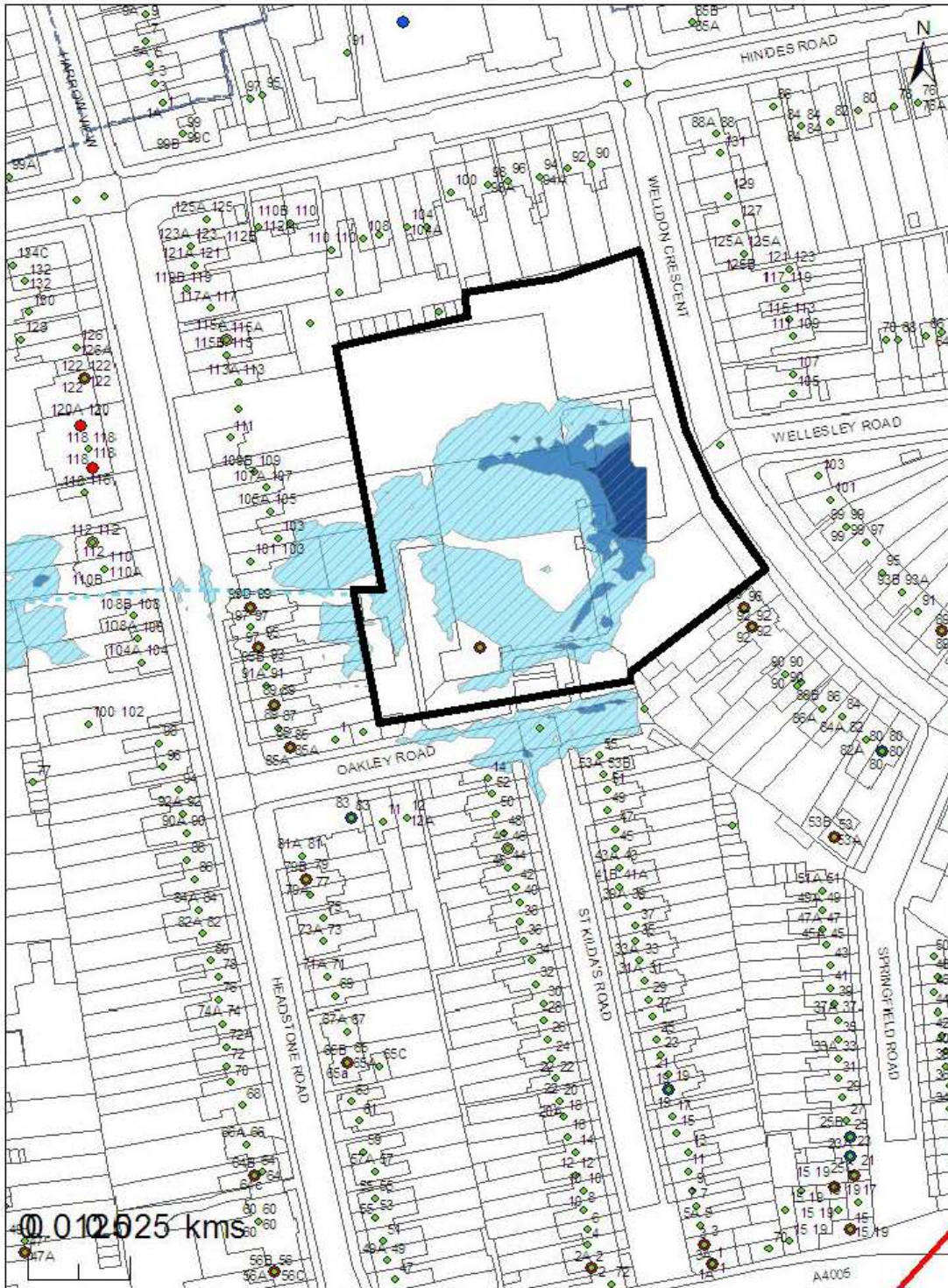
#### 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan Nos: HD/CRS/06 Rev D; 1506-PP-01; Design and Access Statement ref: 1506-5.4-002 DAS temp mobile

# NORBURY SCHOOL, WELLDON CRESCENT, HARROW



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Item No: 2/05

Address: WOODLANDS FIRST AND MIDDLE SCHOOL, BRANSGROVE ROAD, EDGWARE, AND CAMROSE PRIMARY SCHOOL WITH NURSERY, ST DAVIDS DRIVE, EDGWARE

Reference: P/1960/14

Description: CONSTRUCTION OF A SINGLE STOREY EXTENSION TO WOODLANDS PRIMARY SCHOOL TO WEST OF EXISTING SCHOOL BUILDING; ASSOCIATED WORKS TO INCLUDE NEW HARD PLAY AREAS; HARD AND SOFT LANDSCAPING; EXTERNAL ALTERATIONS; NEW CAR PARKING SPACES (IN ASSOCIATION WITH THE EXPANSION OF THE SCHOOL FROM 96 PUPILS TO 120 PUPILS BY 2017) ;  
CONSTRUCTION OF SINGLE STOREY EXTENSIONS TO CAMROSE PRIMARY SCHOOL TO SOUTH WEST AND NORTH WEST OF EXISTING BUILDING; ASSOCIATED WORKS TO INCLUDE RAMPS AND CANOPIES; HARD AND SOFT LANDSCAPING; NEW PLAY AREAS BOUNDARY TREATMENT (IN ASSOCIATION WITH THE EXPANSION OF THE SCHOOL FROM 240 PUPILS TO 470 PUPILS BY 2017)

Ward: EDGWARE

Applicant: HARROW COUNCIL

Agent: ELLIS WILLIAMS ARCHITECTS

Case Officer: NICOLA RANKIN

Expiry Date: 18<sup>th</sup> July 2014

## **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Woodlands First and Middle school, Bransgrove Road, Edgware, HA8 6JP and Camrose Primary School with Nursery, St Davids Drive, Edgware, HA8 6JH.

## **INFORMATION**

The application is reported to the Planning Committee because the Council is the applicant and landowner and the proposal is greater than 100 m<sup>2</sup> and therefore falls outside of category 1(h) of the Council's scheme of delegation.

## **Legal Comments**

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB Harrow who intends to carry out the development on the land at Woodlands First and Middle school, Bransgrove Road, Edgware, HA8 6JP and Camrose Primary School with Nursery, St Davids Drive, Edgware, HA8 6JH.

The grant of planning permission for this development falling within Regulation 3 shall ensure only for the benefit of LB Harrow.

Statutory Return Type: Minor Development

Council Interest: The Council is the landowner.

Gross Floorspace: sqm

Net additional Floorspace: n/a

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

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): This does not apply to educational uses.

## **BACKGROUND**

### **The Harrow School Expansion Programme and expanding SEN provision**

Harrow Council has a statutory responsibility to provide sufficient school places for its area. Like most London Boroughs, Harrow is experiencing a significant increase in demand for school places. The increasing demand is primarily birth rate driven but is complicated by other factors such as migration, household occupancy, size of families, etc. The main pressure on school places is currently in the primary sector, though pressure is also being experienced in the special educational needs sector and will be experienced in the secondary sector when the additional pupil numbers progress through to the high schools.

In Harrow there is provision for pupils with Special Educational Needs (SEN) in mainstream schools, including specialist resource provision in some schools and special schools. A shortfall in local provision increases the cost pressures placements at provision outside of the borough.

The government is introducing significant changes to the special educational needs and disability system and processes, as well as to the role of the local authority and its relationship with schools and stakeholders. The local authority retains statutory responsibility to ensure that there is sufficient high quality provision. However, it is no longer so clearly the provider of services, but a commissioner of services. The local authority's new role is to champion vulnerable children and young people, parents and families and promote educational excellence.

In this context, to meet the growth in Harrow, in partnership with stakeholders, the special school SEN Placements Planning Framework has been developed. The framework aims to ensure that there is sufficient and sustainable high quality provision in Harrow. At its

meeting on the 18<sup>th</sup> July 2013, Harrow Cabinet approved the Special School SEN Placements Planning Framework as the framework to inform proposals for increased provision over the next 3 to 5 years.

Demographic projections indicate Harrow is poised for a dramatic increase in primary and secondary school age children in the coming years, with a corresponding increase in the number of pupils with special educational needs. Special needs statements increased by 93 places (9%) between 2006 and 2011, and this rate of increase is rising. With special schools in Harrow nearing capacity, placement offers are less able to respond to parental preference and in some cases are having to make placements outside of the borough.

Harrow is working with a dedicated Special School SEN Placement Framework for special school placement planning and has secured millions of pounds of national funding to expand specific schools. Woodlands and Camrose school has been identified as one of the most eligible schools for expansion in the current phase. The school caters for pupils with severe and complex needs, including autism, aged 11-19 year olds. The biggest growth in demand is for pupils with autism. Camrose school has nearly reached capacity not just in terms of classroom and break out space but also in its associated infrastructure such as dining and storage space, teaching facilities and hygiene space.

The proposed joint expansion of Woodlands SEN school High School and Camrose Primary School is one of 17 proposed expansions in the current phase of the Council's borough wide policy to provide a place for every child at a good local school. The programme includes 10 other local primary school expansions, a secondary school expansion, 2 other SEN school expansions and the addition of SEN units to 3 mainstream schools. Currently the Woodlands SEN High school has 96 pupils with plans to accommodate 120 and Camrose Primary School has 240 pupils with plans to accommodate 470.

### **Site Description**

- The application relates to Woodlands SEN school and Camrose Primary School.
- Woodlands SEN school is located on Bransgrove Road, Harrow. The school site is landlocked on the east and north boundaries by residential properties along Bromsgrove Road and Merlin Crescent respectively.
- The school's south boundary runs along Camrose Primary school who at present share facilities which are accessed via the physical link between both schools to the east.
- To the west the school is bounded by playing fields.
- The school only has street frontage access on Bransgrove Road which is primarily a residential road.
- Woodlands school is a modern design and is predominantly one storey with a two storey area to the south which physically connects to Camrose Primary School as they share kitchen facilities.
- Camrose Primary school is located on St David's Drive, Harrow.
- To the north it shares its boundary with Woodlands SEN School and playing fields.
- To the east and south it is bounded by residential buildings.
- Camrose primary school was built in the 1930s and some small extensions have been built over the years
- The site is split into two levels and is split by a slope located between schools which slopes upwards from north to south.

- Most of the adjacent play areas for each school are hard surfaced.
- To the west lies large grass playing fields which form designated open space as identified by the Harrow Local Area Map (2013) as does a small section of existing hard surfacing to both woodlands and Camrose.
- The Edgware Brook runs adjacent to the northern boundary of the site and a small section of the northern part of the site lies within flood zone 2 as identified by the Harrow Strategic Flood Risk Assessment.

### **Proposal Details**

- The application proposes the construction of a single storey extension to woodlands primary school to west of the existing school building; associated works to include new hard play areas; hard and soft landscaping; external alterations; new car parking spaces (in association with the expansion of the school from 96 pupils to 120 pupils by 2017) and the construction of single storey extensions to Camrose Primary School to the south west and north west of existing building; associated works to include ramps and canopies; hard and soft landscaping; new play areas boundary treatment (in association with the expansion of the school from 240 pupils to 470 pupils by 2017)
- The proposed single storey extension to the south west would have a maximum width of 9.9 metres and a maximum depth of 8.5 metres. The extension would have a flat roof to a height of 3.7 metres. Two polycarbonate canopies would be attached to the front elevation of the building. The canopies would project to a maximum depth of 3 metres from the front elevation.
- The proposed extension to the north west would have a depth of approximately 2.9 metres and a width of 5.3 metres. It would have a flat roof to a height of approximately 3.8 metres. The extension would provide space for a specialist teaching space.
- There will be two new play spaces for reception and nursery classes of Camrose. A 1.2 metre high internal boundary fence would be installed around the play areas.
- The proposed extension woodlands would be attached to the west elevation of the existing school building and an existing hard surfaced area. It would have a maximum depth of 21 metres and a maximum width of 27.5 metres. The building would provide for three additional classrooms, a studio, library and ancillary office space and SEN accommodation.
- The proposed roof would be partially flat and partially mono pitched to link into the existing roof design. The building would have a maximum height of 5.4 metres.
- 10 new car parking spaces would be provided to the eastern boundary
- A new play space will be allocated to the south west of the site, adjacent to the boundary, to accommodate the loss of play space.
- Other external alterations include the provision of new fenestration in the rear elevation of the building.

### **Relevant History**

#### Woodlands

P/1722/11 Creation Of Six Additional Car Parking Spaces To East Of Main Building  
Granted 24/08/2011

#### Camrose

EAST/1582/02/FUL- Demolition of Little Stanmore first school building and part single part two storey replacement building linked to school building fronting St. David's drive with parking. Granted 14/02/2003.

P/1722/11- Creation Of Six Additional Car Parking Spaces To East Of Main Building

P/2426/12 New Canopy At North East Elevation; Installation Of Gates And Fence And Paving  
Granted 03/12/2012

### **Pre-Application Discussion**

- N/A

### **Applicant Submission Documents**

- ∨ Design and Access Statement (summary)
- The aim of the design is to produce functional extensions to both schools that reflects the dynamics of delivering education in the 21<sup>st</sup> century. The architectural language adopted for the next extensions will be modern and contemporary using the latest teaching/learning techniques and state of the art technology, whilst respecting the existing school.
- The new extensions will also be designed to be flexible, to accommodate future changes in curriculum and policy where possible. Above all, the new facilities seek to promote educational excellence and architecture of the highest quality, a building that performs well and reflects the vision and aspirations of the school.
- These proposed improvements would better equip Woodlands SEN High School and Camrose Primary School to accommodate local demand in the future and be more able to deliver positive outcomes for local children, families and communities.
- ∨ Travel Plan
- ∨ Transport Assessment
- ∨ Statement of Community Involvement (summary)
- Harrow Council have consulted on the Primary School Expansion Programme and held consultation evenings at the schools about the increase in pupil numbers for the schools on 2<sup>nd</sup> October 2013.
- The proposals were considered by Harrow Council cabinet at a meeting on the 21<sup>st</sup> November 2013.
- A community consultation evening was held to consult on proposals on the 4<sup>th</sup> February 2014. This was run as a drop in session and the local community were invited to examine plans and discuss proposals with representatives of the school, Council, Framework contractor and Architect. Residents were invited to comment on the scheme and record comments on sheets or by email. Another consultation evening was held on 20<sup>th</sup> March to show a further revised scheme. The only concerns were in relation to traffic and parking which is considered by the TA and TP.
- ∨ Drainage Report
- ∨ Sustainability Statement

### **Consultations:**

**Highways Authority:** Overall the proposed mitigations for the expansion of Woodlands and Camrose school accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated. There are no transport related reasons to refuse the Planning Application for the expansion of the school.

**Drainage Authority:** Awaiting final comments.

**Landscape Architect:** A landscape masterplan should have been submitted with the application, as part of the overall strategy. Conditions are recommended in relation to a detailed landscape masterplan, with hard and soft landscape and planting plan would be required.

**Arboricultural Officer:** The details submitted in relation to the above are acceptable. I have no objections provided the development is carried out in accordance with the details of the Arboricultural Report including tree protection plan and method statement provided.

**Secure By Design Officer:** I welcome the comments within the Design and Access statement and the commitment to achieve Secured By Design Part 2, physical security. This is achievable should they follow the advice and standards within the design and access statement.

### **Advertisement**

General Site Notice x 5 Development Expiry: 14.07.2014

### **Notifications**

Sent: 128

Replies: 0

Expiry: 03.07.2014

### **Addresses Consulted**

- 24 – 74 (evens) Bransgrove Road
- 31-87 (odds) Bransgrove Road
- 1-8 Newgate Gardens
- 35-57 (odds) Merlin Crescent
- 14-36 (evens) St David's Drive
- 1-41 (odds) St David's Drive

### **Summary of Responses**

- None

### **APPRAISAL**

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

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

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

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



## **MAIN CONSIDERATIONS**

Principle of Development  
Impact on Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
Sustainability  
Accessibility  
Biodiversity, Trees and Landscaping  
Flood Risk and Drainage  
S17 Crime & Disorder Act  
Consultation Responses  
Equalities and Human Rights

### **Principle of Development**

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 of the NPPF should be taken as a whole in defining what amounts to sustainable development. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality built environment that reflects the community needs and support its health, social and cultural well being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.

The National Planning Policy Framework (2012) outlines at paragraph 72 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. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools”.

Furthermore, on the 15/08/11 the DCLG published a policy statement on planning for schools development which is designed to facilitate the delivery and expansion of state funded schools. It states:

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state funded school places, increasing choice and opportunity in state funded education and raising educational standards.....The Government wants to enable good schools to open and new schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state funded school sector to meet both demographic needs and the drive for increased choice and higher standards”.

“It is the Government’s view that the creation and development of state funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” Policies 3.16 and 3.18 of The London Plan (2011) seek to ensure inter alia that development proposals which enhance social infrastructure, education and skills

provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on residential amenity or highway safety.

The educational use of this site is long established. The proposal would result in the removal of time served buildings on the site and the provision of permanent educational facilities with a high standard of design and layout to provide much needed school places within the existing community. Overall, it is considered that the impact on residential amenity would be acceptable and that the proposal would not be detrimental to highway safety. Against the backdrop of existing provision, the proposed development will result in an improvement in the quality of the physical facilities on the site and the removal of time served temporary accommodation. The development will be constructed for educational use and it is considered to be fit for its purpose (from a planning perspective). Furthermore, Harrow has a clear, demonstrable need to create more school places to meet a growing demand for educational space identified in the development plan.

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

The National Planning Policy Framework emphasises that in the pursuit of sustainable development, proposals which would replace poor design with better design and would provide positive improvements in the quality of the built environment should be encouraged (Paragraph 9).

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.

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

### Siting, design, layout and scale

The proposed single storey extension block in Camrose School to the south west would not be readily visible from public vantage points and the other extension would be screened by the presence of the existing building.

The proposed extension to Woodlands would only be seen in distant views from the playing fields to the west.

However, the proposed extensions to both Woodlands and Camrose would be reflective of the existing design and appearance of the school and officers consider that views from adjacent public spaces and neighbouring residential properties would be seen within the context of the existing school buildings on the site and would not be over prominent or out of keeping and as such would not be detrimental to the character and appearance of the locality and area. A condition is therefore recommended in respect of materials to ensure the extension would match with the appearance of the existing school buildings

The other proposed external alterations including alterations to windows and doors, internal boundary treatment, associated hard and soft landscaping and new car park area would have a minimal impact on the character and appearance of the area and are considered to be acceptable.

Overall, it is considered that the proposed extension and alterations are acceptable and would be in keeping with the character and appearance of the area. As such, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Residential Amenity**

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”. Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) requires that: “*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*”. “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers”.

#### Amenity impacts in relation to scale, massing and siting

The proposed single storey extension to the south west at Camrose school would be sited between 23 and 35 metres from the rear elevations of the closest neighbouring occupiers in St David’s Drive. It would be sited between approximately 15 and 20 metres to their rear garden boundaries. However, the proposed extension would be single storey and would have a modest height of 3.7 metres. As such, having regard to these factors, it is considered that the proposed extension would not give rise to undue impacts on the amenities of the neighbouring occupiers in St Davids Drive. A further small area is allocated for play space in front of the extension but given the modest size of the space is considered not to result in unreasonable noise and disturbance for the closest neighbouring occupiers, particularly having regard to existing background noise levels which would already be experienced from school play times.

The proposed extension to the north west would be screened by the existing building and would therefore not result in any impacts on the residential amenities of the neighbouring occupiers.

The proposed single storey extension to Woodlands would be sited some 40 metres from the properties to the north along Bransgrove Road. Furthermore, the extension would be no higher than the existing building. For these reasons, officers consider that the proposed extension would not give rise to any detrimental impacts on the residential amenities of the neighbouring occupiers in terms of loss of light, overshadowing, loss of

privacy or overlooking.

Overall, officers consider that the proposed extension would not give rise to any detrimental impacts on the residential amenities of the neighbouring occupiers in terms of loss of light, overshadowing, loss of privacy or overlooking.

Given the minor nature of the other external alterations proposed, they would not result in any material impacts on neighbouring amenity.

#### Increase in Intensity of Use

The National Planning Policy Framework places particular emphasis on meeting the need for school places. Within urban areas, the growth of school places will result in some additional impacts upon nearby residential properties. The NPPF nevertheless requires that particular weight be applied to the need to expand and alter schools. The proposal would not give rise to any significant changes in terms of hard and soft play space provision and the proposal is not anticipated to give rise to additional undue noise impact. Accordingly, it is considered that whilst some increase in daytime noise may arise as a result of the development, the additional noise and disturbance is not considered to significantly undermine residential amenity and would not outweigh the strong emphasis given to expanding schools within national planning policy and the support within the Local Plan.

#### Vehicle Access and Traffic

There are no proposed changes to site access for either vehicles or pedestrians. A further 10 additional parking spaces are proposed along the eastern boundary adjacent to Woodlands school. Given the modest number of additional spaces proposed, officers consider that the additional vehicle movements within the site would not give rise to unreasonable detrimental impacts in terms of noise and disturbance, particularly as the use of the site as a school predominantly between the hours of 9am to 5pm.

#### Construction Phasing

The development would be constructed in its entirety over one phase. It is inevitable that noise and disturbance would increase during the construction process; however the impacts would be temporary and can be mitigated to some extent. A detailed construction management strategy has been submitted with the application, including a detailed timetable for implementation. The document details working practices including managing and maintaining site access routes, the site compound location, delivery times and security procedures in order to help safeguard the residential amenity of neighbouring occupiers as much as possible. Officers consider that the management and mitigation measures proposed would be sufficient to reduce the impacts on the amenities for neighbouring occupiers during the construction phase to acceptable levels.

In summary, the proposal would accord with policy 7.6B of The London Plan (2011) and policy DM 1 of the Harrow Development Management Local Plan (2013).

#### **Traffic and Parking**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core Strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

At peak times, in the morning and afternoon, the existing school already results in short term, localised congestion, as parents and guardians drop off and pick up children from the school. This pattern, and the impact upon non school traffic, is repeated across the Borough, and across the Country. There is potential for and a likelihood that this disruption will increase, as the pupil numbers rise. A number of representations submitted at the pre application stage, reported a concern over the transport impacts of the development. Outside of this time, service vehicles and visitors to and from the existing and the proposed school are unlikely to give rise to significant interference of traffic using the surrounding roads.

Given the local catchment of the school, the very limited scope to re-engineer surrounding roads to meet future demand, and the particular and individual patterns and circumstances of the parents and careers of pupils, the short term, localised impacts of these peaks are an inevitable and unavoidable disruption that has become part of London traffic's character. There is little scope to re-engineer London's Road to deal with such peak hour use. They do not justify significant engineering of the local highway network; instead these adverse impacts are required to be weighed in the balance, alongside the significant policy support to enhance and improve schools, contained in the NPPF and Local Plan.

Policy DM 43 of the HDMP LP (2013) requires that proposals for major development should provide a transport assessment in order to quantify the impacts of the proposal upon public transport, the highway network, the cycle network and upon conditions for pedestrians. Although the proposal is not a major development, the application is supported by a Travel Assessment and Travel Plan to address the proposed expansion of pupils and staff over the next 7 years. The Transport Assessment (TA) in support of the application was undertaken by an independent travel consultant. The details and recommendations of the TA, including traffic surveys and assessments have been referred to the Council's Highways Authority to consider the potential impact of the development and this is discussed in detail below.

Woodlands SEN School is a mixed SEN (Special Education Needs) primary school for pupils aged 3 to 11. The proposal for the expansion will increase the number of pupils from approximately 96 to 120. Staff numbers will increase from around 87 to 110, assuming a similar staff/pupil ratio and including non-teaching staff.

Camrose Primary School is a mixed primary school for children from Reception to Year 6 in one form of entry. The proposal for the extension will increase the numbers of forms of entry to two, thus increasing the number of pupils from approximately 210 to 420. Staff numbers will increase from around 55 to 110, assuming a similar staff/pupil ratio and including non-teaching staff.

These increases will come about incrementally; starting with one additional form of entry in the lowest year of the school and increasing as those children move up to the next year and another class of children join the lowest year. Assuming the first additional children joined the school in September 2013, the school will only be at full capacity when that first additional form of entry reaches their final year in September 2019.

As part of the School Expansion Programme, the London Borough of Harrow commissioned an independent consultant to produce a Transport Assessment (TA) to support the planning application for the expansion of Woodlands First and Middle School.

The details and recommendations of the TA, including traffic surveys and assessments have been reviewed and these formal highway observations form the view of the highway authority concerning the potential impact of the development and any mitigating measures considered necessary.

Woodlands SEN School and Camrose Primary School share a site which is located within a predominately residential area. Each school has its own entrance one on Bransgrove Road serves Woodlands School, while the other in Camrose School is accessed from St David's Drive. However, since the schools are interconnected some Camrose School staff use pedestrian access on Bransgrove Road, and vice versa, but this route is not available for children.

Bransgrove Road is a no-through-road with traffic calming measures. The parking is unrestricted along the road except for a short stretch marked with "school keep clear" zig-zag lines around the school access point. The majority of residents have their own driveways.

St David's Drive is also a no-through-road with unrestricted parking except for around the school access point and at the junction by "school keep clear" zigzag marking and double yellow lines (DYLs) respectively. The majority of the residents have their own driveways.

Based on site observations, the footway width on St David's Drive, Bransgrove Road and Merlin Crescent appeared to be adequate for the parents and pupils to approach and leave the school.

Since Woodlands School is an SEN school, children normally arrive and leave the school ground in school buses. A small number of parents collect children in their own cars. Therefore children and parents do not use the pedestrian access on Bransgrove Road to any noticeable extent. Both pedestrian entrances to the schools have electronically timed gates and are protected from the road by a single 2m panel of guard-rail at each location. Within the site the routes for pedestrians are well defined and protected from vehicle movements by fences.

Woodlands SEN and Camrose Primary Schools have each their own car parking areas, located in front of schools' main reception entrances. The vehicular accesses to the car parking areas are adjacent to the pedestrian entrances described above. Although the schools share the same site the parking areas are not inter-connected. Car parking areas on the schools' grounds are for the school staff-use only.

There are currently ten Harrow Council minibuses serving Woodlands school on a daily basis. All buses can fit into the parking area, but it was reported to be very tight squeeze. Other vehicles cannot enter or leave when buses are waiting for children. For the safety of pupils, access gates are closed while children start alighting or boarding the buses. Approximately six parents collect children in their own vehicles.

In the event of a school trip or activity requiring minibuses or coaches for Woodlands School pupils, whether it is the Harrow buses or school-owned. buses, these wait in and collect children from the school car park. At times, for big trips, hired coaches wait for children on Merlin Crescent.

The vehicular access to Camrose School is kept locked after the schools start times until about 3.40pm. Bransgrove Road and St David's Drive both have traffic calming speed

humps outside of the main school exits. Merlin Crescent has speed cushions about every 40-50m. All these roads are within the "Little Stanmore" 20mph zone.

#### Transport impact and proposed mitigations

The hands up survey with school children in Camrose School in 2012 indicated that the existing transport modal split shows that the majority of pupils walk to school (55%). Dependency on the car is therefore quite low overall. The Public transport accessibility level is reasonably low accounting for the low level of public transport use.

A similar survey was undertaken in Woodlands SEN School in 2009 and is recorded in the school's 2009 travel plan. The survey results show that minibus is the predominant mode for the children and further suggest that most of the pupils are happy traveling on the buses provided.

Merlin Crescent is moderately used by through traffic keeping it busy at the peak times. Observations did not show a noteworthy congestion build up on this road. The flow of traffic on Merlin Crescent was sometimes hindered during peak times by vehicles parking on either sides of the road making passing difficult. With vehicles parked on either sides of Bransgrove Road and St David's Drive the width of the carriageway is adequate for one vehicle to pass at any time

Domestic refuse collection also takes place on a Friday in this area, during the morning peak period at the same time as school arrivals, which exacerbates existing congestion problems.

In total it is anticipated that the two schools could generate around 148 additional staff and parent trips in the morning peak hour. This volume of traffic, in itself, is not a cause for concern even if it does all pass along Merlin Crescent, since the road network and nearby junctions are not close to capacity.

Within Bransgrove Road the only effect will be additional staff parking for Woodlands School, which will have a minimal impact. Within St David's Drive, which is already full during the peak time to the extent that traffic flow is affected, there may be a small additional impact from drivers seeking to get as close as possible to the school, including increased levels of parking on school keep clear zig-zags and across private accesses. These locations normally provide natural gaps in parking to allow vehicles to give way to oncoming vehicles, but increased parking in them will reduce such opportunities.

Increased parking around the junction of Merlin Crescent with St David's Drive and St Bride's Avenue, which are already controlled with DYL restrictions, would cause a considerable increase in disruption to through traffic. Generally, parking elsewhere on these roads and further afield will not cause any further problems for through traffic, except potentially on Camrose Avenue where heavy parking on both sides, should this occur, could cause a low level of difficulties for through traffic including buses.

Woodlands SEN School currently has no cycle storage facilities, while staff report a small existing demand. Any increase in cycling to Woodlands School, which could be expected only among staff, will further increase the demands for storage facilities for which no provision exists. The lack of cycle storage spaces at the moment may already have limited the level of cycling to the school. At Camrose School the current provision of cycle storage facilities meets the demand. However, the school expansion may require

the additional cycle storage capacity to be introduced.

The problems related to the level of car use and parking and traffic congestion in the peak periods, which are of most concern to local residents, can be effectively reduced predominantly through the development of an effective School Travel Plan with the necessary education and training initiatives and the endorsement and ownership of the Head Teacher. Reducing the number of people that travel by car is the main focus of the mitigations and will have the biggest impact.

The area is already within a 20mph zone supported by traffic calming measures, and parking around junctions is controlled by double yellow line restrictions. Consequently there are no obvious physical measures that could be implemented to mitigate the traffic impact of the school expansion. One exception to this might be the introduction of loading restrictions to

apply where waiting is already restricted, in order to assist in parking enforcement.

Additionally, parking levels on Camrose Avenue should be monitored and consideration given to the introduction of waiting controls (and loading controls if necessary) to ensure safe and smooth movement of vehicles there.

An extension of restrictions allows the possibility of a greater range of enforcement. However, whilst enforcement can only be taken against contravention of properly-introduced restrictions such as "school keep clear" zig-zags, single and double yellow line restrictions, etc. it should be borne in mind that waiting restrictions include a standard exception for stopping to set-down or pick-up passengers and an offence would therefore only be committed if the vehicle stopped for a period, for example while a child is taken into the school.

Therefore the Council's current enforcement practices for schools will need to be reviewed to ensure that there is a sufficiently frequent enforcement presence either in the form of mobile CCTV vehicles or parking attendants to act as a deterrent. Experience has shown that the presence of Civil Enforcement Officers (CEOs) is more likely to change the behaviour of drivers.

The use mopeds and is considered most effective way of responding to enforcement requests rather than using bicycles as suggested in the TA. In addition it should be noted that the council has recently procured two sate of the art enforcement vehicles specifically to improve enforcement around schools.

### School Travel Plans

Harrow places a strong emphasis on School Travel Plans and associated walking and cycling measures that deliver health benefits and a reduction in air pollution.

The council travel planning officer's work closely with schools to produce a School Travel Plan document. This work is done in partnership with the schools, parents and children to change travel habits and travel modes and use any infrastructure schemes developed in accordance with the travel plan that will encourage walking, cycling or public transport use.

At the moment this programme is targeted at primary and middle schools to change and influence children's attitudes about the use of the cars at an early stage of their development and officers of the Council regularly go into schools to talk about the problems that the school run can cause and to promote viable alternative modes of



transport.

Woodlands SEN School and Camrose Primary School current STPs – last updated in 2009 and 2012 respectively – are not accredited to by TfL's STARS (Sustainable Travel accredited & Recognised) scheme. This scheme rewards schools for efforts made toward reducing the travel impact of their activities, and has three accreditation levels, Bronze,

It is therefore recommended that the school, with support from Harrow's School Travel Plan Advisor, should achieve Bronze accreditation prior to implementation of permission, and Silver accreditation in a further two annual accreditation cycles (noting that accreditation takes place once per year and therefore two cycles might take up to three years from the implementation of planning permission).

Further, it is recommended that the school should strive towards Gold accreditation with the objective of achieving this within a further 2-5 annual accreditation cycles. Accordingly, a condition is recommended for ongoing monitoring of the school travel plans in order to ensure on going targets and improvements within the Travel Plan accreditation scheme are being met over the course of the school expansion.

#### Cycle Parking

In terms of bicycle parking, London Plan (2011) standards requires the provision of one space per 10 staff or pupils. Cycle and scooter parking places can be monitored through the schools travel plan and additional spaces provided should demand dictate. Currently Woodlands school has no cycle parking spaces and no details have been provided in respect of Camrose. It is recognised that a large number of children are not able to cycle. However, it is considered that cycle parking facilities should also be provided for staff and in this regard a condition is recommended for details of secure cycle parking spaces to be provided in line with London Plan standards.

#### Proposed Construction Activities and mitigation

It is expected that, as a worst case scenario not more than 10 trucks per day will access the site during the peak construction period. It is further expected that the construction vehicles would access and exit the school site from the vehicular entrance at Bransgrove Road. Bransgrove Road is a no through residential road with generally low traffic level. Based on site observation this street gets busy only during the morning peak (8.00-9.00am) and the school finish time (3.00-4.00pm).

In order to mitigate the impact of construction vehicle movements a condition is recommend so that they are restricted during morning and evening peak hours. Subject to this condition and coupled with the relatively small numbers expected, construction traffic would have negligible impact in the local road network and officers consider the application would be acceptable in this regard.

Measures to manage internal traffic have been identified in the construction phasing and management plan in order to avoid any congestion within the school site which is considered to be acceptable. An informative is also recommended reminding the applicant of Harrow Council's Considerate Contractors Scheme.

Overall the proposed mitigations for the expansion of Woodlands and Camrose school accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated. That mitigation may also reduce the existing impacts experienced by residents close to the school. There are no transport related

reasons to refuse the Planning Application for the expansion of the school.

In view of the above, it is not considered that the scheme would result in such a significant impact on the surrounding highway network that refusal could be justified. Overall the proposed expansion of Woodlands and Camrose School and the proposed mitigations in conjunction with existing Council initiatives accords with current transport policies and the impact on the surrounding transport infrastructure can be effectively mitigated.

The transport impacts accordingly need to be weighed against the contribution that the proposals will make towards meeting forecast educational need. Subject to ongoing monitoring of the travel plan which can be secured by a condition, for the reasons outlined above the transport impacts of the proposal are considered to be acceptable, having regard to the aims and objectives of policy 6.3 of The London Plan, core policy CS 1 R of the Harrow Core Strategy, and policies DM 42 and 43 of the Harrow Development Management Policies Local Plan (2013).

### **Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 B outlines the targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations. Currently the target is a 40% reduction for all major development proposals. Policy 5.2 C outlines that "Major development proposals should include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions are to be met within the framework of the energy hierarchy".

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to "*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*"... "*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*". Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The layout and proportion of teaching spaces has been driven by natural ventilation and day lighting requirements. All light fittings will be energy efficient. Windows in the new extension will have an integrated louvre panel to allow for secure night time ventilation. As assessment has been carried out in terms of overheating and it has been demonstrated that all rooms are within acceptable levels. The fabric of the building is intended to achieve low U values and all materials are intended to have an A rating under the BRE Green guide. For these reasons and subject to the above condition, officers therefore consider that the proposal is in accordance with policies 5.2 and 5.3 of The London Plan, core policy CS1 T, policies DM 12 and DM 14 of the Harrow Development Management Policies Local Plan and the Council's adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) seeks to ensure development proposals provide site planting and increase biodiversity, for sustainable urban drainage and improve the character and appearance of the area. The proposals would result in the loss of some trees in order to accommodate the development. Whilst, it is acknowledged that the need for external hard play space for the expanded school limits opportunities for increasing green space, officer consider there is some potential for additional planting within the site which is also indicated in the accompanying Design and Access Statement. Accordingly, a condition is recommended for further details of hard and soft landscaping to be submitted and approved by the local planning authority. Subject to this condition, it is considered that the proposal will result in enhancement and diversification of the site and will make a positive contribution to the character of the area in accordance with policy 5.11.

### **Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow Development Management Policies Local Plan (2013) seeks to ensure that buildings and public spaces are readily accessible to all.

The proposed extensions will be fully wheelchair accessible. Level access will be provided to the building both internally and externally. Corridor widths would all have a minimum width of 1800mm and all doors would have a minimum clearance of 900mm. Disabled WCs are provided in the new building and there would be adequate turning and circulation space within the building for wheelchair users. Having regard to the scale and amount of works proposed, together with existing site circumstances, these measures are considered to be satisfactory and would meet the requirements of policy 7.2 of the London Plan (2011) and policy DM 2 of the Harrow DMPLP (2013).

### **Biodiversity, Trees and Landscaping**

Policy 7.21B of The London Plan (2011) states that "Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species".

Policy DM 22 of the Development Management Policies Local Plan states that:

*"A. The removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal."*

*"B. Development proposals will be required to include hard and soft landscaping that:*

- a. Is appropriate to the character of the area;*
- b. Is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours;*
- c. Achieves a suitable visual setting for the building(s);*
- d. Provides for sufficient space for new or existing trees and planting to grow; and*
- e. Supports biodiversity."*

*"Proposals for works to trees in conservation areas and those the subject of tree preservation orders will be permitted where the works do not risk compromising the amenity value or survival of the tree."*

The existing school buildings are surrounded by a number of mature trees. None of the trees on the site are protected by a tree preservation order but nevertheless they make a positive contribution to the amenity value of the adjacent area as well as providing wildlife habitats.

The application is accompanied by an Arboricultural Impact Assessment which concludes that majority of the trees on the site can be retained with the exception of 12 small sized trees in order to facilitate the new extension to the south west at Camrose. 2 C category trees would be lost in order to facilitate new parking bays at Woodlands. It is proposed to replace the trees on a one for one basis, with three heavy standard trees (12 to 14cm) around the site in order to mitigate the loss and replace any lost visual amenity and wildlife habitat potential. Officers consider that the adverse impact in relation to the loss trees is required to be weighed in the balance, alongside the significant policy support to enhance and improve schools, contained in the NPPF and Local Plan. On balance, officers consider that the improvement to educational facilities and measures to support the expanded school in this case would outweigh the loss of trees in this location, particularly as the loss can be mitigated to some extent by new soft landscaping.

The application has been referred to the Council's Arboricultural Officer and landscape Architect who are satisfied with the conclusions of the report, subject to a condition that the recommendations within the report are adhered to through the construction process including the method statement and proposed tree protection plan as well as provision of a hard and soft landscape strategy for the site. Accordingly, conditions are recommended in respect of this.

Subject to conditions in respect of the above matters, officers consider that the ecological and aesthetic value of the area would not be significantly harmed and the development would thereby comply with policies 7.21 and 7.19 of The London plan (2011) and policies DM 20, 21 and 22 of the Harrow Development Management Policies Local Plan (2013).

### **Flood Risk and Drainage**

The NPPF (2012) outlines the need to manage flood risk from all sources (paragraph 100). Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban drainage (SUDS) hierarchy. Similarly, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *"proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off. Substantial weight will be afforded to the achievement of greenfield run off rates"*.

Policy DM 9 outlines that proposal requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all sources of flooding including surface water. The design and layout of proposals must contribute to a flood risk reduction. Furthermore, proposals should ensure that there is a dry means of escape for occupiers of the building.

The majority of the Woodlands and Camrose sites lies in flood zone 1 and therefore has a low risk of fluvial flooding. A small section to the north of the sites lies within flood zone 2. However, this flood zone area does not extend into the proposed development areas. As such, there are no restrictions in planning policy for constructing an extension on the

site, subject to surface water management controls.

Surface water attenuation tanks are proposed adjacent to the extension block and within the car park area in order to achieve a discharge rate of 5 l/s which will meet the required greenfield run off rates. Flow rates will be managed through the use of hydro brake flow control devices. Foul water from the site will discharge to the proposed drainage network, while sections of the existing network will be diverted. The proposed details of surface water attenuation and arrangements for foul water have been referred to the Council's Drainage Engineers who are satisfied with the principal of the proposals, subject to further details being provided by condition. Accordingly it is recommended that conditions are attached in relation to the specific details of surface water drainage and attenuation.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy DM 10 of The Harrow Development Management Policies Local Plan (2013).

### **Open Space**

London plan policy 7.18 sets out that "The loss of local protected open spaces must be resisted unless equivalent or better quality provision is made with the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate. Core policy CS1 F of the Harrow Core Strategy outlines that Harrow's open spaces will be managed as an interconnected, multifunctional environmental resource that contributes to biodiversity, adaptation to climate change, and to people's health and well-being. The quantity and quality of existing open space shall not be eroded by inappropriate uses. It goes on to state that *"The reconfiguration of existing open space may be permitted where qualitative improvements and/or improved access can be secured without reducing the quantity of the open space."*

Policy DM 18 of the Harrow Development Management Policies Local Plan outlines that *"Proposals for ancillary development on land identified as open space will be supported where a – it is necessary or would facilitate the proper functioning of the open space, b – it is ancillary to the use of the open space, c – it would be appropriate in scale and d – it would not detract from the open character of the site or surroundings"*.

The proposed extension at Woodlands would be built on an area of designated open space. However the area is existing hard surface playground and does not form part of the playing field. However, the equivalent area of open space lost as a result of the footprint of the extension is proposed to be re-provided as permanent open space adjacent to the north western elevation of Woodlands school. An existing astro turn area adjacent to the western boundary would be converted hard play space also. However, given the replacement would be like for like and there would be no loss in the quality and quantity of overall open space provided on the site, the proposals are considered to be acceptable. A condition is recommended to secure the permanent retention of this area of open space.

Officers consider that the proposal for development on open space, would therefore not conflict with the objectives of policy 7.18 of The London Plan (2011), policy DM 18 of the Harrow DMP LP (2013), policy CS1 F of the Harrow Core Strategy (2012) and the broad objectives of the NPPF, aimed at safeguarding open space from development.

## **S17 Crime & Disorder Act**

Policy 7.3 of The London Plan (2011) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed site is within a residential area and is enclosed on all sides by residential properties. As such, the school receives very good levels of natural surveillance. Access control is currently in use on gates and main entrances. All ground floor windows and other accessible windows and doors will meet PAS 24:2012 as required for Secure by Design accreditation. Given, the size of the proposed extension and alterations proposed, the measures identified are considered to be satisfactory to achieved enhanced security at the site. The details have been referred to the Crime Prevention Design Adviser who considers that the development should be able to achieve certification in respect of physical security (SBD – Part 2) only. Accordingly, a condition is recommended in respect of this.

## **Consultation Responses**

- None

## **Equalities and Human Rights**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work above DPC level of the buildings hereby permitted is carried out.

a: the building

b: the ground surfacing

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

thereafter be retained.

REASON: To safeguard the character and appearance of the locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

3 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: Woodlands and Camrose School Flood Risk Assessment Ref: SJC/771601; Woodlands School Travel Plan (dated May 2014); Design and Access Statement; Transport Assessment for the Expansion of Woodlands SEN School and Camrose Primary School (May 2014); Statement of Community Involvement (May 2014); Document titled Overview of Harrow Councils Primary School Expansion Programme; Preliminary Ecological Appraisal Ref: 77601-REP-ENV-100-ECO; Arboricultural Impact Assessment at Camrose Primary School, by A.T Coombes Associates (dated 19<sup>th</sup> May 2014); Arboricultural Impact Assessment at Woodlands Primary School, by A.T Coombes Associates (dated 23<sup>rd</sup> May 2014); AE(0-) A01; AG(9-)A03; AE(0-) A02; AE(0-) A03; AE(0-) A04; AE(0-) A10; AE(0-) A11; AG(0-)A02; AG(0-) A03; AG(0-) A04; AG(0-) A05; AG(0-)A31; AG(0-) A32; AG(0-) A63; AG(9-) A01; S-100-10 Rev P2; S-100-11 Rev P2; Mechanical, Electrical and Public Health Design & Energy Strategy Proposal; AG(0-) 21; AG(0-) A01 Rev A; AG(0-) A06 Rev A; AG(0-) A61 Rev A; AG(0-) A62 Rev A

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

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

6 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment at Camrose Primary School (dated 19<sup>th</sup> May 2014) and Woodlands SEN Primary School (dated 23<sup>rd</sup> May 2014), Harrow by A.T Coombes Associates. This will include that replacement tree planting is provided and that the details are submitted for approval under condition 4 of this permission, arboricultural supervision is undertaken throughout the project and the development shall be carried out in accordance with the Method Statement and Tree Protection Plan. The tree protection measures shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in

accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

7 The buildings hereby permitted shall not be occupied until details of works for the disposal of surface water and sewage have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

8 The development of any buildings hereby permitted shall not be commenced until details of works for the disposal of surface water and surface water storage and attenuation works have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

9 The Woodlands School Travel Plan (2014) shall be implemented in accordance with the approved details upon the first occupation of the development hereby approved. Thereafter a Travel Plan review shall be undertaken and a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority annually and not later than 31<sup>st</sup> August for each year of the expansion. The mitigation measures identified in the Travel Plan shall be implemented for the duration of the development.

REASON: To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan policies 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

10 The use of the extensions hereby permitted shall not commence until a travel plan for Camrose Primary school has been submitted to, and approved in writing by the local planning authority. The use shall not commence until the details of the revised travel plan have been implemented in accordance with the approved details and thereafter retained.

REASON: To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan policies 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

11 The details of the Construction Method and Logistics Statement hereby approved shall be adhered to throughout the construction period and construction vehicles shall not access the site during peak morning times (08:30-09:30) or afternoon times (15:00-16:00).

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with



policy 7.6 of The London Plan 2011 polices DM 1 and DM 42 of the Harrow Development Management Policies Local Plan (2013).

12 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site/development in accordance with Secured By Design Certification Part Two (physical security only) shall be implemented on site and the Secured by Design Certification Part Two (physical security only) shall be submitted to and approved in writing by the local planning authority.

Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets and communal entrance doorsets shall be made secure to standards, independently certified, set out in PAS 24:2007 or WCL 1 'Security standard for domestic doorsets';

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS 7950:1997 or WCL 4 'Security standard for domestic windowsets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy DM 2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998

13 The development hereby permitted shall not be occupied until a scheme for the provision of secure cycle parking spaces in accordance with the London Plan (2011) has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not commence until the cycle parking scheme has been implemented in accordance with the approved details and thereafter retained.

REASON To encourage occupants of the development to use methods of transport other than the private car in accordance with London Plan polices 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

14 Notwithstanding the provisions of Part 32 of The Town and Country Planning (General permitted Development) Order (2010), the area of proposed 'Designated Open Space re provided' identified on drawing No. AG (0-) 21 shall be permanently retained as open space, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the quality and function of the open space will be maintained for the occupiers of the school in accordance with policy DM 18 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

### **National Planning Policy:**

National Planning Policy Framework (2012)

Policy Statement – Planning for Schools Development (DCLG, 15/08/11)

### **The London Plan (2011):**

3.16 – Protection and Enhancement of Social Infrastructure

- 3.18 – Education Facilities
- 5.2 - Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewable energy
- 5.10 – Urban Greening
- 5.11 – Green roofs and development site environs
- 5.13 – Sustainable Drainage
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.11 – Smoothing traffic flow and tackling congestion
- 6.13 – Parking
- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.21 – Trees and Woodlands

**Harrow Core Strategy (2012)**

CS1: Overarching Principles

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

- Policy DM 1 – Achieving a High Standard of Development
- Policy DM 2 – Achieving Lifetime Neighbourhoods
- Policy DM 9 – Managing Flood Risk
- Policy DM 10 – On Site Water Management and Surface Water Attenuation
- Policy DM 12 – Sustainable Design and Layout
- Policy DM 14 – Renewable Energy
- Policy DM 22 – Trees and Landscaping
- Policy DM 42 – Parking Standards
- Policy DM 43 – Transport Assessments and Travel Plans
- Policy DM 46 – New Community Sport and Educational Facilities

**Other Relevant Guidance:**

- Supplementary Planning Document Sustainable Building Design (2009)
- Supplementary Planning Document: Access for All (2006)

**2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

**3 PARTY WALL ACT:**

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

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

Procedures under this Act are quite separate from the need for planning permission or

building regulations approval.

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

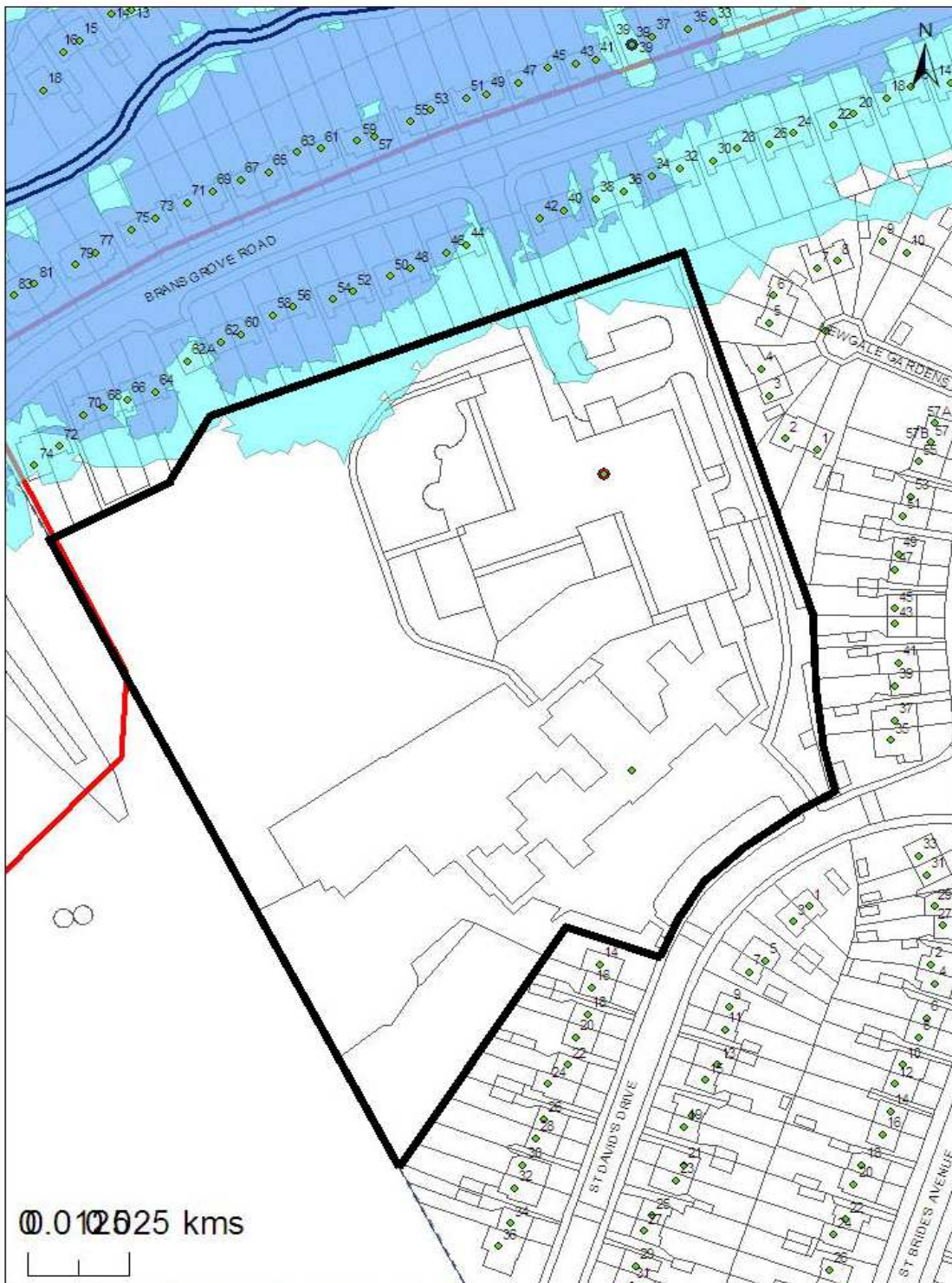
#### 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan Nos: Woodlands and Camrose School Flood Risk Assessment Ref: SJC/771601; Woodlands School Travel Plan (dated May 2014); Design and Access Statement; Transport Assessment for the Expansion of Woodlands SEN School and Camrose Primary School (May 2014); Statement of Community Involvement (May 2014); Document titled Overview of Harrow Councils Primary School Expansion Programme; Preliminary Ecological Appraisal Ref: 77601-REP-ENV-100-ECO; Arboricultural Impact Assessment at Camrose Primary School, by A.T Coombes Associates (dated 19<sup>th</sup> May 2014); Arboricultural Impact Assessment at Woodlands Primary School, by A.T Coombes Associates (dated 23<sup>rd</sup> May 2014); AE(0-) A01; AG(9-)A03; AE(0-) A02; AE(0-) A03; AE(0-) A04; AE(0-) A10; AE(0-) A11; AG(0-)A02; AG(0-) A03; AG(0-) A04; AG(0-) A05; AG(0-)A31; AG(0-) A32; AG(0-) A63; AG(9-) A01; S-100-10 Rev P2; S-100-11 Rev P2; Mechanical, Electrical and Public Health Design & Energy Strategy Proposal; AG(0-) 21; AG(0-) A01 Rev A; AG(0-) A06 Rev A; AG(0-) A61 Rev A; AG(0-) A62 Rev A

# WOODLANDS FIRST AND MIDDLE SCHOOL, BRANSGROVE ROAD, EDGWARE



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Item No. 2/06  
Address: 53 - 61 COLLEGE ROAD, HARROW  
Reference: P/1883/14  
Description: REMOVAL OF EXISTING 8TH FLOOR PLANT ROOM AND CONSTRUCTION OF A NEW 8TH FLOOR TO CREATE 9 FLATS (USE CLASS C3); EXTERNAL ALTERATIONS TO THE EXISTING BUILDING INCLUDING INSTALLATION OF CLADDING, ADDITION OF BALCONIES AND CANOPY OVER ENTRANCE; SINGLE STOREY INFILL EXTENSION AT GROUND FLOOR LEVEL WITHIN THE OPEN WELL TO PROVIDE A PRIVATE GYM (USE CLASS D2) FOR THE BUILDING; ASSOCIATED LANDSCAPING; RENDER TO EXISTING BOUNDARY WALLS TO MATCH BUILDING  
Ward: GREENHILL  
Applicant: HARROW THE HUB INVESTMENTS LTD  
Agent: PRESTON BENNETT PLANNING  
Case Officer: SUSHILA BHANDARI  
Expiry Date: 16/07/2014

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

The proposed development would provide medium scale residential accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area.

The external alterations would enhance the dated appearance of the existing building by introducing materials that are of high quality and modern in appearance which would set the standard for future developments in the town centre. The proposal would have no impact upon the adjoining properties and it would have no impact upon the character and appearance of the area.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013 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 proposal involves the

creation of 9 residential under which would not fall within Part 1(b) of the Scheme of Delegation.

Statutory Return Type: 13 Minor dwellings

Council Interest: None

Net additional Floorspace: 780sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £27,300

Harrow CIL: £77,000 (Residential only, use class D1 does not attract any CIL)

### Site Description

- The application site comprises an eight storey building located on the north of College Road, adjacent to Harrow on the Hill station.
- 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 remove the mechanical plant located on the 8<sup>th</sup> floor of the building and create a new floor comprising 9 self-contained flats and the construction of a infill extension at ground floor level within the open well area to provide a new gym with a roof terrace/ podium garden,
- The proposal would also include external alterations to the building comprising the installation of a new cladding system, addition of balconies to the inner (rear) elevations and new canopy over entrance, associated landscaping and render to existing boundary walls to match the building.
- The proposed new flats on the 8<sup>th</sup> floor would comprise 6 x 1 bedroom (2 person) units and 3 x 2 bedroom (4 person) units. The internal gross internal floor area (GIA) for each unit is as follows:
  - Unit 1 = 77 sqm (2 bedrooms)
  - Unit 2 = 83 sqm (2 bedrooms)
  - Unit 3 = 76 sqm (2 bedrooms)
  - Unit 4 = 52 sqm (1 bedroom)

- Unit 5 = 50 sqm (1 bedroom)
- Unit 6 = 51 sqm (1 bedroom)
- Unit 7 = 57 sqm (1 bedroom)
- Unit 8 = 50 sqm (1 bedroom)
- Unit 9 = 50 sqm (1 bedroom)
- All units with the exception of Units 4 and 9 would be dual aspect. All units would have access to an external private balcony area.
- 9 parking spaces would be allocated for the new units within the existing double floor basement parking area.

### **Revisions to Previous Application**

- N/A

### **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

P/2628/13 Change Of Use Of The Ground Floor From Office (Class B1) To Retail (Class A1) With Minor External Alterations At Ground Floor Level  
Granted 22/11/2013

P/0060/13 New Shop Front  
Granted 12/03/2014

P/0061/14 Installation of Five Bollards at Front Entrance  
Granted 12/03/2014

P/0062/14 Installation Of A Cash Machine (Atm) In Shopfront  
Granted 12/03/2014

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

- **P/0533/14/PREAPP**

In summary there is no objection to the proposed new 8th floor and the infill extension at ground floor. The principle to clad the exterior of the existing building is also considered acceptable. However, there are concerns over the proposed white render and as such an alternative form of material should be put forward in any formal submission, for example

Rainscreen cladding.

## **Applicant Submission Documents**

**Design and Access Statement** – sets out the design strategy and vision for the development and the access arrangement for the site.

**Planning Statement** – sets out the planning history relating of the site, the proposed development and the policy justification for the proposed development.

**Assessment of Impact on Landmark Viewing Corridors** – sets out the predicted impact of the proposal on the landmark viewing corridors in Harrow.

**Daylight and Sunlight Assessment** – sets out the daylight and sunlight assessment in relation to the proposed residential units.

## **Consultations**

Highways Authority

No objection

## **Advertisement**

None

## **Notifications**

Sent: 7

Replies: 0

Expiry: 15.07.2014

## **Addresses Consulted**

**51 (former Post Office) 63, 67, 69, 71 and 73 College Road,**

## **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/ Setting of Harrow Hill

Residential Amenity

Traffic and Parking

Housing Mix

Accessibility

Sustainability

Equalities Impact

S17 Crime & Disorder Act

Consultation Responses

### **Principle of the Development**

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

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

The 2011 London Plan has been subject to minor alterations in 2013. Further draft minor alterations (FALP) to the London Plan have been published by the Mayor in January 2014. Consultation on the draft alterations was held during January 2014 to April 2014. The FALP has been primarily prepared to address key housing and employment issues. The draft FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs. The FALP seeks to increase the minimum annual housing target for Harrow from 350 to 593 per annum.

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

The proposal to remove the existing 8<sup>th</sup> floor mechanical plant and the construction of a new 8<sup>th</sup> floor to provide a residential development on this floor is considered to be acceptable in principle as the proposal would not result in any loss of office floor space. There is no objection in principle to provide an infill extension at ground floor level for a gym. On this basis, the proposed development of the site for residential purposes is acceptable in this town centre location and would meet the policy aspirations of the policies stated above.

## **Character and Appearance of the Area/ Setting of Harrow Hill**

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 subject site is located within the landmark viewing corridor of Harrow Hill and St Mary's Church. Policy AAP8 of the AAP seeks *inter alia* that development proposals within the Heart of Harrow should not adversely affect views of or from Harrow Hill. The proposal would also be required to be assessed against policy DM3 of the DMP relating to protected views and vistas. Policy DM3 of the DMP states *inter alia* that for development proposals that are sited within the protected views corridor not to exceed the specified threshold height.

### New 8<sup>th</sup> Floor

The proposed new 8<sup>th</sup> floor would replace an existing 8<sup>th</sup> floor comprising of mechanical plant for the existing building. As a result of this replacement floor the height of the overall building would marginally increase in height by approximately 200mm. This increase in height would not be perceptible at street level. The remodelling of the façade at this level to bring the perimeter walls in line with the rest of the building would not substantially increase the bulk of the building at this level. The applicant has supported this application with an assessment on the potential impact of the proposed modification to the building and the new 8<sup>th</sup> floor on the protected views as set out under Schedule 3 (Harrow Protected Views) of the DMP. This concludes that given the marginal increase in the height of the building and the modifications being within the confines of the existing building envelope, the proposal would not have any significant impact upon the important landmark viewing corridors in Harrow.

Given the marginal increase in the height of the building and perimeter walls at 8<sup>th</sup> floor level, the proposal is not considered to have any undue impact upon any protected landmark viewing corridors. Accordingly, the scale, design and character of the proposed development would give rise to no conflict with the above stated policies.

### External Alteration

The external alterations to the building would overhaul the overall appearance of the building. At ground floor level a dark textured tile is proposed to emphasise the building's main entrance and lobby area. A stainless steel canopy is proposed over the main entrance to define the entrance to the building. The upper floors are proposed to be clad in a form of rain screen cladding which would be light (linen) in colour. The cladding system would be laid out to varying sizes to break the scale of the building and provide some form of texture and visual relief in the overall appearance of the building. The proposed cladding system would also be laid in to form the reveals at windows and balconies. The existing dark window frames would be retained and only the glazing

elements would be replaced where necessary.

Whilst the choice of materials for the building would be a contrast to the current established pattern of development which is predominately characterised by brick façades, a modern design and appearance in this location is not considered unacceptable. On the contrary, the choice of materials would be high quality and would set a new benchmark for future similar modern development proposals in the Town Centre, thereby paving the way for future high quality development. Accordingly, it is considered that the proposed external alterations would meet the Council's aspirations for the delivery of high standard of development in Harrow Town Centre as set out in the policies stated above.

#### Infill Extension

The proposed infill extension would be enclosed by the existing building and would not be visible in the streetscene. This aspect of the proposal would have minimal impact upon the character and appearance of the area or the building. It is proposed to incorporate a podium/ roof garden over this infill extension to provide a visual and external amenity for the building itself. It is considered that these elements of the proposal would be acceptable in terms with the above stated policies.

#### Landscaping.

As well as the podium/ roof top garden the proposal would incorporate a landscaped area around the perimeter of the building above ground floor level. This would add to soften the overall appearance of the building. Subject to a detailed landscaping condition to ensure that appropriate and feasible landscaping treatment is provided, it is considered that the proposal would be in accordance with policies AAP1 and AAP2 of the AAP.

#### Refuse Storage

Policy AAP4 of the AAP requires that development proposals makes satisfactory provision for the disposal and storage of waste and recycling materials. The applicant's Design and Access Statement states that the refuse and recycling store would be located within the existing basement floor car parking area and close to the residential access point. The principle to locate the refuse bins within the basement car park is considered acceptable, however, no details of where exactly the refuse store would be located and access hereto has shown on the proposed plans. On this basis, a condition is attached requiring further details to show the exact location of the refuse and recycling store and how access to this storage would be achieved. Subject to the imposition of this condition, the proposal would give rise to no conflict with the above stated policy.

#### Boundary Render

The existing side boundary walls are to be rendered and painted to match the exterior of the host building. Subject to ensuring the colour matches that of the new exterior cladding of the upper floors, this aspect of the proposal would have no detrimental impact upon the character and appearance of the area or the host building.

In conclusion, it is considered that the proposed development would be acceptable in terms of its impact upon the character and appearance of the area and would give rise to no conflict with above stated policies.

### **Residential Amenity**

#### Residential Amenity of Future Occupiers

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.

There are no specific policies within the AAP which deal with safeguarding residential amenity but eludes that development proposals would be required to meet policy DM1 of the Development Management Policies Local Plan (2013), which seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy AAP13 of the AAP. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2012. Whilst the Mayor’s Housing SPG provides guidance for public sector housing the internal rooms standards set out in this guidance provides a good benchmark for the delivery of good quality homes

The proposed GIA’s for each of the units would meet the minimum GIA set out in the London Plan and the adopted Residential Design Guide SPD and in some cases exceeding the minimum standards for 1 and 2 bedroom units. The three 2 bedroom units all exceed the minimum GIA of 70sqm for a 2 bedroom, 4 person unit. Units 4, 6 and 7 also exceed the minimum GIA of 50sqm for a 1 bedroom, 2 person unit. Units 5, 8 and 9 would meet the minimum of 50sqm.

In assessing the internal standards of the individual rooms to each unit, most of the units would broadly meet the minimum standards set out in the Mayors SPG. However, it is noted that at least three of the units do have some deficiencies in the floor areas. Firstly Unit 1, the bedrooms to this unit would have an area of just under 11sqm. However this would be offset by the generous combined living/ dining/ kitchen area which would have an area of just under 40sqm. Unit 3 of the proposed development is shown to have a combined living/ kitchen area of 25sqm, which would be short of the minimum of 27sqm required for a 4 person unit. However, this would be offset by a generous sized bedroom of 14sqm. Finally Unit 6, the combined living/ kitchen area is shown to be just under 22sqm, short of the 25sqm required for a 2 person unit. However, this would be offset by a generous sized bedroom with a floor area of 17.6sqm. Overall, having regard to the fact that all units within the proposal would meet the minimum GIA standards set out in The London Plan and the adopted Residential Design SPD, it is considered that the short fall in the individual room areas discussed above would not warrant a refusal on such grounds.

#### Layout and Stacking

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

kitchens and bathrooms, as well as communal areas such as halls and stairs’.

The floor below the proposed extension is currently used as offices and therefore there would be no vertical stacking issues.

In terms of the horizontal layout, it is noted that the bedroom of Unit 5 would be sited adjacent to the living/ kitchen area of Unit 6, the living/kitchen area of Unit 4 would be sited adjacent to a bedroom of Unit 3 and the living/kitchen area of Unit 3 would be sited adjacent to a bedroom of Unit 2. Whilst noting that such a layout is not ideal, it is considered that the use of appropriate sound insulation between the party walls would mitigate any noise transference between the units, which is usually controlled under Part E of the Building Regulations. In this regard, this minor infringement of the Council’s Guidance would not be significant enough to warrant a refusal on grounds of the horizontal layout, given that the proposal is acceptable in all other regards.

### Outdoor Amenity Space

Policy AAP13 of the AAP seeks to *inter alia* ensure that development proposals provide an appropriate form of useable outdoor space. This is further reinforced under paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

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

### Impact on neighbouring properties

There are no immediate residential developments adjoining the site which would be affected by the proposed development. It is noted that the adjoining site at No.51 College Road (The former Post Office Site) is an allocated site (No.17) in the AAP for a mixed use redevelopment of the site to provide a target of 40 jobs and 400 new homes. The subject proposal would include a number of habitable room windows that have an outlook over this neighbouring site, mainly serving bedrooms. The main living/ dining/ kitchen areas would have an outlook to either the front or rear of the building. It is considered that the location of these windows in the flank elevation of the building should not frustrate the redevelopment of the neighbouring site at No.51 College Road and on this basis an informative is attached advising the applicant that any habitable room windows including the balconies in the flank elevations facing No.51 College Road would not be protected in future for the purposes of the Council’s guidance in the event that should a redevelopment proposal come forward for the neighbouring site.

### **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 6.3, 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.

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.

In broad terms this is an ideal location for the proposed additional residential use given the high level of public transport accessibility and 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 building has an underground car park consisting of some 130 spaces which are to be utilised as per previous planning consents. The additional 9 flats would possibly demand an additional 9 parking spaces in accord with the LP 2011 which would be accommodated within the same however owing to this very high PTAL there is scope for a 'car free' principle to apply. However, in the event parking is provided then this quantum would not measurably impinge on the adjacent highway network hence is not considered of concern.

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 unit equating to 9 spaces. The applicant has suggested this quantum which is welcomed.

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.

### **Housing Mix**

Policy 3.8B of The London Plan (2011) requires councils to take account of housing requirements, and to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types.

Core Policy CS1.1 of the Core Strategy notes that new residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods.

Policy AAP13 of the AAP will support proposals that secure an appropriate mix of housing on site and which contribute to the creation of inclusive and mixed communities.

In this case, the proposal would provide 6 one-bedroom flats and 3 two-bedroom flats. This balance of provision is considered suitable in this town centre location. As such, the proposed housing mix would give rise to no conflict with the policies stated above.

### **Accessibility**

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

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

The applicant's Design and Access Statement (DAS) states that all units will be built to Lifetime Homes Standards and at least one unit would be able to achieve Wheelchair Homes Standard. However, the DAS primarily makes reference to the proposed units being compliant with Part M of the Building Regulations. In terms of Lifetimes Homes Standards, these standards seek an enhancement above the basic Part M requirements. The submitted drawings do not indicate on plan how the relevant 16 Lifetime Homes Standards set out in the adopted Accessible Homes SPD would be met. It is considered that the internal floor areas could achieve Lifetimes Homes, but may require minor internal alterations to the bathroom layouts to meet the relevant standards. On this basis, a condition is attached requiring the submission of details to show that all units would meet the relevant 16 Lifetime Homes Standards as required by the above stated policies.

### **Sustainability**

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

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

### **Equalities Impact**

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

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

Policies 7.3.B and 7.13.B of The London Plan and policy 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 entrance to the eighth floor would be from College Road, which is a busy thoroughfare and is afforded natural surveillance from passer bys. In this regard, the proposal is considered not to give rise to any conflict with regards to the above stated policies.

## Consultation Responses

None

### CONCLUSION

The proposed development would provide medium scale residential accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area.

The external alteration would enhance the dated appearance of the existing building by introducing materials that are of high-spec quality and modern in appearance which would set the standard for future developments in the town centre. The proposal would have no impact upon the adjoining properties and it would have no impact upon the character and appearance of the area.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013 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 Notwithstanding the details shown on the approved drawings, the materials to be used in the construction of the external surfaces of the development hereby approved shall be carried out in accordance with the document titled 'Cladding and Materials Study' dated June 2014, which comprises the following materials:

- a) External Cladding - Ground Floor Level Facing College Road – Argeton Terzo Volcano Grey or similar.
- b) External Cladding – Upper Floors (including window reveals and balconies) – Marley Eternit Equitone (Tectiva) in colour 'Linen'. Cladding panels to be laid out to vary sizes.
- c) Canopy Over Entrance – Stainless Steel
- d) Boundary Walls – rendered and painted to match the colour of the upper floors of approved development.
- e) Ground Floor Infill Extension – To match the upper floor of the approved development as listed above.
- f) Window Frames – To be retained as existing and replacement to match existing.

The development shall be carried out in accordance with this condition and shall thereafter be retained in that form.

REASON: To safeguard the appearance of the locality and to ensure a satisfactory form of development in accordance with policy 7.4B of The London Plan 2011, policy CS.1B of the Harrow Core Strategy and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

3 Notwithstanding the submitted details in the Design and Access Statement, the residential units hereby permitted shall not be occupied until there has been submitted to,



and approved in writing by the Local Planning Authority a scheme showing the proposed location of the storage for the refuse and recycling bins and access thereto. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

4 The development in relation to the construction of the 8<sup>th</sup> floor hereby permitted shall not commence until details to demonstrate that the homes within this scheme will be built to 'Lifetime Home' standards, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the homes have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that, where the development is capable of meeting 'Lifetime Home' standard housing in accordance with policies 3.5, 3.8 and 7.2 of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012 and policy DM2 of the Harrow Development Management Policies Local Plan 2013.

5 Notwithstanding the submitted details, before the first occupation of the residential units hereby permitted, details of the facilities for the secure parking of 9 bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the development accords with the strategic objectives of national planning policy, The London Plan 2011 and the Harrow Core Strategy 2012 in encouraging sustainable modes of travel are optimised, thereby according with policy 6.13.C/D/E of The London Plan 2011 and policy AAP19 of the Harrow and Wealdstone Area Action Plan 2013.

6 Notwithstanding the details shown on the approved drawings, the residential units hereby permitted shall not be occupied until details of the landscaped areas to the roof of the ground floor and the proposed infill extension shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

The development shall be carried out in accordance with the details approved, and shall thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the landscaped roofs would have an acceptable appearance on the character and appearance of the locality and to enhance the appearance of the building, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and policies AAP1 and AAP2 of the Harrow and Wealdstone Area Action Plan 2013.

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

REASON: To safeguard the appearance of the locality, in accordance with policy 7.4B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and policies

AAP1 and AAP2 of the Harrow and Wealdstone Area Action Plan 2013.

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

Assessment of Impact on Landmark Viewing Corridors March 2014; BRE Daylight and Sunlight Dated 15 May 2014; Design and Access Statement March 2014; Planning Statement May 2014; PP\_001; PP\_002; PP\_003; PP\_004; PP\_005; PP\_006; PP\_007; PP\_008; PP\_009; PP\_010; PP\_011; PP\_012; PP\_013; PP\_114; PP\_115; PP\_118; PP\_119; PP\_120; PP\_121; PP\_122; PP\_123; PP\_124; PP\_125; PP\_126; PP\_127; PP\_128; PP\_129; PP\_130; PP\_131; PP\_132; PP\_133; PP\_134; Covering Letter Dated 18 June 2014; Cladding and Materials Study June 2014

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

The following policies and documentation were taken into consideration:

National Planning Policy Framework (2012)

The London Plan (2011)

Policies 3.5B/C/, 3.8B, 6.9B, 6.13C, 7.2C, 7.3B, 7.4B, 7.6B, 7.13B

Harrow Core Strategy (2012)

Core Policy CS1

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

Policies AAP1, AAP2, AAP4, AAP8, AAP13, AAP19, AAP20

Harrow Development Management Development Plan Document (2013)

Policies DM1, DM2, DM3, DM24, DM27, DM42

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Housing: Supplementary Planning Guidance (2012)

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### **3 PARTY WALL ACT:**

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB  
Please quote **Product code:** 02 BR 00862 when ordering  
Also available for download from the CLG website:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>  
Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

#### 5 INFORMATIVE:

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

#### 6 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 **£27,300** 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 **£27,300** for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of **780 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>

#### 7 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;

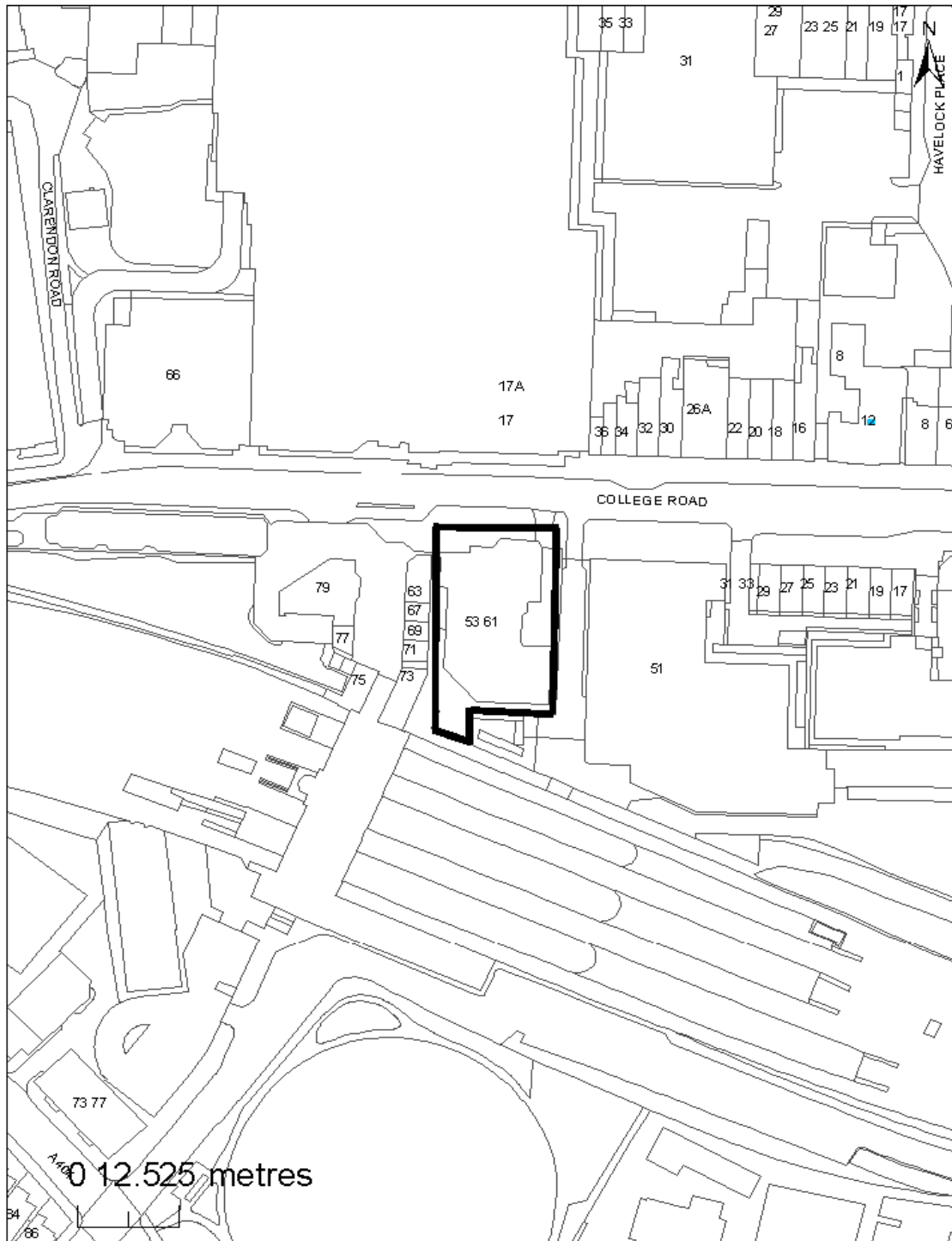
Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student

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 contribution for this development is **£77,000**.

Plan Nos: Assessment of Impact on Landmark Viewing Corridors March 2014; BRE Daylight and Sunlight Dated 15 May 2014; Design and Access Statement March 2014; Planning Statement May 2014; PP\_001; PP\_002; PP\_003; PP\_004; PP\_005; PP\_006; PP\_007; PP\_008; PP\_009; PP\_010; PP\_011; PP\_012; PP\_013; PP\_114; PP\_115; PP\_118; PP\_119; PP\_120; PP\_121; PP\_122; PP\_123; PP\_124; PP\_125; PP\_126; PP\_127; PP\_128; PP\_129; PP\_130; PP\_131; PP\_132; PP\_133; PP\_134; Covering Letter Dated 18 June 2014; Cladding and Materials Study June 2014

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



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### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01

Address: HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW

Reference: P/1228/14

Description: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS INCLUDING REMOVAL OF WALLS AND INTERIOR FIXTURES AND FITTINGS AND PART REINSTATEMENT AND RECREATION OF FEATURES AND REPLACEMENT OF WINDOWS (PARTIALLY RETROSPECTIVE)

Ward: GREENHILL

Applicant: THE JASPAR FOUNDATION

Agent: HERITAGE COLLECTIVE LLP

Case Officer: LUCY HAILE

Expiry Date: 28/05/2014

#### RECOMMENDATION

**REFUSE** Listed Building Consent for the development described in the application and submitted plans for the following reason:

#### REASON

The proposal is unacceptable by reason of the substantial overall harm to the special interest of the court house caused by the alteration, loss and relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character, that is unnecessary and not outweighed by the public benefits of bringing the building back into use. The proposals fail to preserve or enhance the special interest of the listed building and therefore conflicts with National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133 and 134; the London Plan policy 7.8 C and D (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014) and the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

#### INFORMATION

The application is reported to the Planning Committee because the application is not covered by the Scheme of Delegation part 1, item 2 since it concerns extensive internal alterations to a listed building and is not a case where a companion application for planning permission has been submitted to the Council.

Statutory Return Type: 23  
Council Interest: None

Gross Floorspace: N/A

Net additional Floorspace: N/A

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

### **Site Description**

- The application site comprises the former Harrow Magistrates Court on the west side of Rosslyn Crescent which became grade II listed on 20<sup>th</sup> October, 2003.
- The list description is as follows and was an accurate description of the site prior to recent unauthorised works:
- 'Court house, 1932-5, by W.T. Curtis (Middlesex County architect) and H.W.Burchett
- EXTERIOR: The building is in a neo-Georgian style. The principal street (south) facade is long and low with a projecting central pavilion. An entablature with stone architrave and cornice runs along the front, continued on the east and west sides. The central pavilion is articulated by brick pilasters. The entrance breaks forward from this with paired pilasters, stone columns in antis and stone pediments with a carved cartouche. End bays are marked by smaller pedimented, pilastered breaks. East and west facades are of similar design, with projecting end bays. There are four replacement windows on the east side. The rear (north) facade is two and a half storeys above ground level, with high level basement glass brick cell windows visible. There is a single storey projecting central bay and two pedimented, pilastered entrances at east and west ends. The former is raised, with a modern metal access ramp. To its left is a round arched window. A further entrance on the northeast corner serves the basement cells. There are first floor balconies on the northeast and northwest corners, the latter reached by a projecting hexagonal stair tower. The building faces south and is largely single storey, with a second storey above the north range, with floor levels rising at the north end.
- MATERIALS: The building is red and brown brick with stone dressings. External windows are wooden sashes. The entrance hall has semi-circular metal lunettes. The two principal court rooms have round arched clerestory metal windows, three on each of their east and west sides. External doors are timber. Each element of the plan is separately treated with largely hipped roofs, roman tiles on the four sides, plain tiles for the central court rooms and hall. There is a central stone cupola with balustrade on the front range. Chimneys are brick, including two positioned prominently at each end of the front range.
- PLAN: The plan is rectangular, the front range projecting slightly at its east and west ends. The two principal courtrooms are positioned on the west and east sides of a central corridor, running from north to south (now partitioned at its north end), leading from the entrance lobby on the south side. An internal corridor surrounds the courtrooms, leading to offices along the four external sides of the building. A third court room on the east side occupies the space of the former magistrates' luncheon room and a portion of the east corridor. The caretakers' flat occupying the first floor of the north side is reached by a stair in the northeast corner and has been converted to offices. The basement is occupied by the cells, servicing and storage.
- INTERIOR: walls and ceilings are painted plaster, with some modern suspended ceilings added. Floors are carpeted. Original varnished or painted timber doors survive, including a segmental pedimented doorcase and double door to central principal office in the north corridor. Original fireplaces remain. The two main court rooms are mirror images of each other. They retain original wooden fittings: seating, magistrate's bench and dock, with only minor alterations. There have high coved ceilings, decorative plaster work and painted carved wooden royal coats of arms above the magistrate's seat. Glazed screens have been added. The central lobby has

an arched roof and columns, and a domed roof light at its partitioned north end.

- **ADDITIONAL FEATURES:** The front boundary is marked by a low brick wall and metal railings.
- **HISTORY:** The building was formerly known as Wealdstone Police Court, renamed Harrow Magistrates Court during the 1950s. One of a number of suburban police courts designed by the noted Middlesex County Council architects' department, this is a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior.
- **SOURCES:** Audrey Chamberlain, 'Goodbye Gore: A history of the Petty Sessional Division of North West Middlesex, Harrow' (1986); Bridget Cherry and Nikolaus Pevsner, Buildings of England: London 3: North West, London: Penguin, 1991, p.300'.
- The site also comprises an ancillary single storey outbuilding to the rear which is considered to be curtilage listed as it appears to date to pre-1947, though is not present on the 1932-1941 OS map.

### **Context**

- Since the court use ceased in June 2011, the court house fell into disrepair and was added to English Heritage's 'Heritage at Risk Register' where it remains.
- The Jasper Foundation took over ownership in 2012.
- Council advice was sought, and the Council duly advised on the requirement for Listed Building Consent for various works via email on 25th April, 2012.
- Repair works were conducted inside and outside the building which were underway in July 2012.
- Pre-application advice was sought in July 2012 (our ref: HA/2012/ENQ/00167) to change the building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3).
- Following this, in late 2012 unauthorised alterations were conducted to the Listed Building to change the building from the Magistrates Court use to a community centre and flats, for which a Listed Building Consent was submitted retrospectively (our ref: P/2728/12) to retain these works.
- As this application brought these unauthorised works to the attention of the Council, an investigation under Listed Building Enforcement case reference: ENF/0623/12/P was triggered, which is still underway.
- This Listed Building Consent application, the refused Listed Building Consent application of 30/09/2013, and the comments contained in this report are relevant to the enforcement investigations at this site.
- The first Listed Building Consent application submitted to cover these works was invalid primarily due to inaccuracies presented in the pre-existing plans, as explained via email to the agent on 11th December, 2012.
- In light of the recent unauthorised works and the invalid Listed Building Consent application, pre-application advice was again sought (our reference: P/0216/13/PREAPP) for which a letter of conclusion was sent out in March 2013.

### **Unauthorised works**

- Without the legal required benefit of having sought or received Listed Building Consent the following internal and external works listed below have taken place, including many alterations to the historic floor plan and removal, destruction or relocation of historic fixtures and fittings.
- Supporting statements for this proposal claim these changes are mostly required to accommodate the proposed reuse of the building as a community centre for the Jasper Foundation to focus on elderly members of the Asian community for supervised



health and cultural activities such as yoga, folk dancing and singing, and the facilities within the building will also be available to hire.

## GROUND FLOOR

### Both court rooms

- Court rooms enlarged to their original size.
- Court rooms are no longer such intact mirror images of each other due to removal, relocation, destruction (in whole and in part) of fixtures
- One original door and architrave has been relocated in each court room to create a second entranceway on the south elevation wall of each court room where there has only ever been one door and architrave.
- A sympathetically designed later addition timber door and doorway leading to both court rooms from the central corridor has been removed disrupting a floor plan that closely followed the original.
- In both court rooms, along the walls used to enlarge the court rooms to their original size, original fabric from internal features of the court rooms has been cut about to create timber panelling to these walls.
- Most original cast iron radiators, and where there were in places associated designed timber recesses, have been removed from the court rooms and elsewhere on the ground floor. Replacement radiators of a poorer and plainer quality have been installed in intermittent new locations.
- The full width, approximately 1m high, original timber barrier with gates as shown on the original floor plans across the rear of both court rooms has been removed. They are no longer apparent on site though have possibly been cut about to create the timber panelling for the walls for the enlarged court rooms.
- There was a relatively modern glazed enclosure fixed above the original timber screen in both courtrooms which has been removed and apparently destroyed.
- An apparently later timber barrier with adjoining glass screen above on the east side of court room 1 and the west side of court room 2 have been removed and apparently destroyed.
- In most cases if items of furniture have been moved, if they have not been destroyed, they have been relocated as freestanding items of furniture that continue to be moved about between site visits by the Council or as cut about items in a 'store' which is not labelled on the plans.
- Placed a new floor over the steps to the basement cells both the side rooms to the court rooms.

### Court room 1 (west)- least altered of the two court rooms

- The original door to court room 1 that was part of the workings of the court room and was visible on the north-east side of the magistrate's seat has been infilled on the court room side to appear as though it was never there.
- Behind the magistrate's seat in court room 1 was a false 'architrave to a doorway' that mirrored the doorway on the other side bringing symmetry to this elevation, as shown on the original plans. This has been removed.
- An original bench fixed to, and part of the east wall, and shown on the original floor plans has been removed and apparently destroyed.
- The base of the staircase to the magistrate's bench has been partly removed.
- Most recently, not correctly shown on the current 'existing ground floor plan', the central benches have been unfixed and resited to a ground floor corridor of the building and another relocated to the upper stage.

#### Court room 2 (east) – most altered of the two court rooms

- All fixtures and fittings to court room 2 have been removed, relocated, substantially altered and/or destroyed, with the exception of one bench relocated to the southern wall and painted carved wooden royal coats of arms above the magistrate's seat, including:
- The original staircase to the magistrate's seat on the west side has been changed from a winding design to a straight one, entailing removal and cutting about of fabric.
- A new staircase has been installed to the magistrate's bench on the east side with original fabric from the court room apparently cut about to create this.
- The original timber panelled barrier with gate at raised platform level to the magistrate's seat, with timber desk with drawers behind, has been cut about with almost two thirds of the original timber desk and timber panelled barrier being cut off into two pieces and relocated to a proposed classroom and the remainder, including timber gate, apparently removed from site/destroyed.
- At lower level in front of the magistrate's seat, the original designed timber recesses for two integral short, elongated radiators and the radiators themselves have been removed and apparently destroyed.
- The original central, timber blue padded seating fixed to the south side of the timber barrier facing into the court room, with three seats, has been relocated to a proposed classroom.
- Directly to the north of this, an original large fixed desk and one set of side drawers as book ends either side of this, have been removed.
- The large desk seems to have been destroyed and the two sets of drawers relocated to the side room containing the staircase to the basement.
- The original designed timber barrier backing onto the rear of this large timber desk (with original timber shelf facing southwards to act as a desk to the bench sited behind) has been removed and apparently destroyed.
- The original central benches have been re-sited. One was sited in court room 1 whilst another was sited in a corridor when the last application was refused, but since then the other has now been relocated to the corridor as well. One of these two original benches had an original integral rear timber shelf fixed to it which has now been cut off and apparently destroyed, though may still be in a storeroom on site.
- Original integral fixing on the east side has been removed ie seating and witness stand, and apparently destroyed.
- The dock on the west side (possibly not original) with glass screen above has been removed and apparently destroyed.
- Whilst the plans and supporting statements provided state that all original court room fixtures and fittings are remain within the court house albeit sometimes relocated, this is not the case. Some items are missing or part/fully destroyed. Some cut about parts of former fixtures are kept are stored in the room just off court room 2 above the staircase to the basement - it s not always clear what fixture they came from.
- Despite the proposed court room 2 plan labelling certain items 'relocated to corridor', or 'classroom' or 'store' - this is not shown on the wider related existing or proposed ground floor plan of the building, so that it is not clear where they have been/are to be resited.

#### Other ground floor changes:

- The partial remains of an original wall between the corridor and the third court room on the east side has been knocked down.
- Original wall with attractive white painted timber panelling to the proposed north-eastern meeting room has been removed.

- The original Milners safe shown as safe/strong room on pre-existing plans in the south-east corner has been removed (including walls, shelves and heavy cast iron entrance door) and adjacent walls destroyed, and the area converted to a disabled WC. It is claimed the safe door was stolen.
- Including the two walls listed above, 14 original walls indicating the original layout of the court house have been removed (in whole or in part).
- Numerous original doors and doorways which indicated the original layout and use of the court house have been infilled and new doors added.
- Unpainted timber doors have been painted e.g. the outside of the southern entrance door to court room 2.
- The two sets of original double timber doors with glazing of typical 1930s design, facing each other on the west and east to the central southern lobby area have been removed and one side infilled with a new wall and the other partly infilled.
- Two original fireplaces have been relocated to new locations.
- Two windows on the east elevation have been replaced.
- Basement level historic security windows to cells have been replaced with timber windows.
- Characteristic original timber parquet flooring shown on pre-existing photographs has been removed and replaced with a carpet.
- Since the last application was refused, incorrectly shown as still attached on the existing floor plans, the original main doors from the central corridor to the central northern most room have been unlawfully removed and are now lying on the ground in an adjacent room. Since these are shown as being retained on the proposed ground floor plan this is not considered as part of the proposal for this application.

#### BASEMENT

- The east area has been altered including total or partial removal of 13 walls (not including removal of men's cells) to create a flat and office areas although, they are all labelled as office areas on the proposed plans.
- All men's cells and visitor rooms have been removed. These were not original but were in the same area as the originals.
- Six new doorways have been introduced and two infilled.
- The area labelled as a proposed 'WC' to the far west (to the east of the basement fireplace) has had a bath installed and to the far east has had a shower installed.
- Two walls parallel one another have been installed in front of the two staircases to the court rooms to create a store area.
- Stairs from court room 2 to the cells have been blocked at the court room side.

#### FIRST FLOOR

- Two flats have been installed by altering the original floor plan to install a new corridor, remove part of an original chimney breast and remove 4 original walls.

#### OUTBUILDING

- Windows replaced from Crittal to UPVC and various internal alterations.

#### Proposal Details

- The application proposes to largely retain the unauthorised changes outlined above with the exception of the following amendments (those underlined being revisions since the previous part retrospective listed building consent application submission, reference P/0955/13 was refused):

## GROUND FLOOR

### Both court rooms

- Pre-existing door opening (architrave and door) facing onto central corridor to be reinstated.
- Unpaint entrance doors to the court rooms that were not painted before.

### Court room 1

- Reinststate the original false 'architrave to a doorway' on the west side of the northern wall to court room 1.
- Re-reveal the original door on the court room side of court room 1 ie on the east side of the north wall, as per the original design intent.
- Low level timber panel and gate to be recreated and reinstated to former public gallery area.
- Low level timber panel, gate and bench to be recreated and reinstated to former 'dock' area.
- Low level landing step to be reinstated.
- Seating that was originally in court room 2 to be relocated to corridor

### Court room 2

- Rather than as proposed previously removing the floor covering the top of the staircase to the basement, a transparent panel is to be inserted above this to reveal the part of the steps below.
- Pre-existing winder configuration to the west staircase to the magistrate's seat to be reinstated.
- New east side steps to the magistrate's bench to be removed.
- Records (photographs/plans/specifications) of court room to be submitted.
- Plans and photographs of pre-existing court rooms to be permanently displayed.

### Other ground floor changes:

- Within the southern lobby area, a recess is proposed to indicate the location of pre-existing double doors on the west side.
- It is proposed to submit records of pre-existing 'Milners' safe and 'Milners' safe crest to be installed on wall in location of pre-existing safe door.
- Fire place surround to the south-eastern most room to be returned.
- Two new doors to side rooms to be removed and reinstated in their original locations.

### Basement

- Rather than as before where a clear glass panel was just to be inserted in the new partition wall inserted directly in front of the staircases to reveal a view of the staircase to court room 1 and a doorway opening was to be created in the new partition directly in front of the staircases to allow access to the staircase to court room 2, now clear glass panels are to be inserted to the new partition in front of both staircases to the basement to allow view of both stairs.
- The proposal is now to block one new door opening and reinstate a door opening where it was removed.
- Plans have been submitted of the pre-existing men's cells as a record.

### First floor

- No further changes proposed.

## Revisions to Previous Application

- Underlined above.

## Relevant History

P/2728/12 – Internal and external alterations

Invalid – 12/12/2012

P/0955/13 - Listed building consent: internal and external alterations including removal of walls and interior fixtures and fittings and part reinstatement and recreation of features and replacement of windows (partially retrospective)

Refused 30/09/2013

### Reason for Refusal:

The proposal is unacceptable by reason of the substantial overall harm to the special interest of the court house caused by the alteration, loss and relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character, that is unnecessary and not outweighed by the public benefits of bringing the building back into use. The proposals fail to preserve or enhance the special interest of the listed building and therefore conflicts with National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan policy 7.8 C and D (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010) and the guidance contained within the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014).

## Pre-Application Discussion

Ref. HA/2012/ENQ/00167 – July 2012

- Proposals are for the change of use of the Listed Building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3) at first floor level, and alterations to Listed Building. The proposed community use would be as a drop in centre focusing on members of a specific group of the local community. The court rooms would be community halls and a dining room in the other former court room. Ancillary rooms would be used on the first floor, basement and ground floor as offices and private visiting rooms. The first floor would be converted into ancillary flats for a caretaker and administrator.
- Summary and conclusion: The principle of the reuse of this building is welcomed and encouraged. There are concerns with the current proposal that would need to be addressed for the proposal to comply with national and local conservation policy: 1) Level of alteration proposed to court rooms 1 and 2. 2) Loss of cells in the basement. 3) Loss of the original layout, loss of original door handles and proposed secondary glazing.
- In terms of the proposed first floor flats for onsite residential accommodation for employees, Officers consider that subject to strict controls in place to ensure that the units are not available on the open market, and that they are only used on a temporary (as opposed to long term) basis, that in principle they are acceptable.

P/0216/13/PREAPP – March 2013

- Proposals: The proposals are to change the use of the building from a Magistrates

Court (Sui Generis) to a Community Centre (Class D1) with two/four flats (Class C3) and retain the associated unauthorised works to the Listed Building which include the following:

- Courtroom alteration works including relocation and destruction of original fittings
  - Partial and complete removal of walls
  - Infilling and removal of original doors and doorways
  - Removal of an original Milners' safe on the ground floor
  - Relocation of two original fireplaces
  - Changes to windows
  - Removal of all original cells and visitor rooms in the basement
  - Installation of four flats within the building – two on the first floor and two in the basement
- Summary and conclusion: Currently the proposal would not receive Listed Building Consent as the extent of alterations to the Listed Building is harmful to its special interest and this harm is not outweighed by, or wholly necessary, in order to achieve the public benefits of bringing the building back into use. Many amendments are required to the proposal to ensure it retains or recreates more historic fabric and features as outlined within appendix 2, to make it more likely that the proposal would receive Listed Building Consent.

P/3560/13/PREAPP - December 2013

This proposal was the same as the refused Listed Building Consent application reference P/0955/13) was refused on 30/09/2013 with the exception of the following amendments:

- 1) proposed reinstatement of two doors on the ground floor
- 2) proposed removal of two new doors on the ground floor
- 3) new recess to be formed to indicate location of previous doors near the main entrance door
- 4) 'Milners' safe crest to be installed on wall in location of pre-existing safe door
- 5) low level timber panels and gates to be recreated in court room 1.

Summary and conclusion: These amendments would make the scheme an improvement upon the last proposal as it would help return some special interest that has been lost by recent unauthorised works to the listed building.

However, for the last pre-application meeting (our reference P/0216/13/PREAPP) the letter of conclusion dated 15<sup>th</sup> March, 2013 helpfully set out the Council's requirements in detail for a proposal that the Council would be likely to consider acceptable in order to meet the requirements of national and local policy in relation to listed buildings. Unless a scheme is proposed that is in line with these recommendations it is considered unlikely that the Council would be able to support proposals for the listed building to help address the unauthorised works. It is recommended therefore that a scheme is submitted which complies with the pre-application advice of March, 2013. The Council's enforcement case (our reference: ENF/0623/13/P) remains open for this site.

### **Applicant Submission Documents**

- Design and Access Statement
- Heritage Statement

### **Consultations**

The following groups were consulted and any response was due by 6th June, 2014 but none has been received:

- The Georgian Group
- Society for the Protection of Ancient Buildings
- Victorian Society
- Harrow Hill Trust
- Ancient Monuments Society

The following were also consulted and any response was due by 15th July 2014:

- Rosslyn Crescent Management Company
- Harrow Civic Residents' Association
- Head Petitioner of Previous Petition of Support received as part of application reference P/0955/13

### **Advertisement**

Site Notice

Harrow Observer

Harrow Times

All expire: 27th June, 2014

### **Notifications**

20 Rosslyn Crescent

Reply due 15th July, 2014

### **Addresses Consulted**

N/A

### **Summary of Responses**

- **London and Middlesex Archaeological Society responded on 5th June, 2014:**

This Committee met and discussed the above case at its meeting on Tuesday, 27 May 2014 and made the following observations:

The Committee welcomed this attempt to overcome the difficulties that have arisen over the unauthorised works to convert the Listed Courthouse into a Social Centre for the Asian community.

However, the Committee did not consider these revised proposals satisfactory, and recommended against the grant of Consent. The Committee felt that it might be appropriate for the Applicants/Appellants to engage the services of a consultant Architect specialising in historic buildings. The need for such an appointment is that a better, proper analysis of the building is required, to inform the conversion project – a project which could be a very valuable and exciting re-use of this heritage asset.

At the heart of the building are the two Court Rooms, and the Committee would suggest that the priority is that these be restored and adapted. Panelling and furnishings should be re-instated although there must be some flexibility to allow for the use of these spaces.

Obvious uses would include weddings and other ceremonies, and diwali and other festival events. Such uses would suit the dignity of these spaces and would bridge the difficult gap of retaining the “English Courtrooms” while imaginatively re-using them.

Beyond these rooms, the crucially important point is the symmetry of the building

and, here again, the proposed use can actually fit very well, with the requirement for separate Gents and Ladies lounges and other facilities.

While therefore the scheme is still unsatisfactory and unconvincing, the Committee felt that there is the potential for a sensitive, but imaginative and exciting, re-use of this building by the Asian community; however this probably all relies upon the appointment of the right Architect/Heritage Consultant as suggested above.

- Harrow Civic Residents Association responded on 24th June 2014 to state:

'Harrow Civic Residents' Association represents people living in three roads including Rosslyn Crescent, where the former magistrates' court building is situated, and nearby Frogna Avenue.

Our neighbourhood is a mixed residential and light industrial zone and the courthouse is one of the few buildings of significant historic and architectural interest in the area.

When the court closed we were very concerned about the building's fate and therefore pleased when a new owner came forward and started to repair the exterior.

From the front the building looks very good and we were impressed with the care that was taken with restoring and re-painting original features such as the sash windows at the front.

However, we were dismayed to discover the extent of changes made to the interior including the removal of many original courthouse features and fittings – changes made without the necessary Listed Buildings Consent.

While we are pleased the building is in use and support the nature of work done by the Jaspar Centre, we feel the unauthorised changes were made knowing full well they were against planning regulations.

The Jaspar Foundation was well aware of the nature of the building it was taking on and the difficulties in changing its use were naturally reflected in the price paid for the premises.

Yet it set about completely destroying and discarding original elements, irretrievably damaging the integrity of what was once a well-preserved example of a 1930s court designed by a well-known architect.

The foundation has submitted a previous application for listed building consent and we believe Harrow Council's planning committee was absolutely right to refuse it on the grounds that the changes caused "substantial overall harm to the special interest of the court house" and led to an "unnecessary loss of character that was not outweighed by the public benefits of bringing the building back into use"

It has now submitted a revised application. While we welcome the belated attempt to restore some of the features that were destroyed, this application is not that different from the first as most of the unauthorised changes will remain.

We understand some of the original sash windows were removed and replaced with UPVC windows that are completely out of character with the building. Any UPVC windows should be replaced with wooden sash windows.

This latest application also makes no mention of restoring other features like floors and radiators that were integral to the character of the building.

Now that the damage has been done what we would like to see is the foundation work with heritage and planning officers at Harrow Council to agree a plan that will see **as many unauthorised changes as possible** are reversed.

Having made numerous changes without permission, we don't feel the foundation can pick and choose the ones it puts right.

We'd like the foundation and council to work together to negotiate an acceptable solution that ensures the building is restored but can also be used. This is what should have happened in the first place'.



## APPRAISAL

### MAIN CONSIDERATIONS

#### Internal and external alterations

The proposal sees the reuse of the former court house as a community centre with flats by retaining all recent unauthorised alterations, including extensive internal alterations listed above under 'recent unauthorised works', with the exception of amendments listed above under the 'proposed details' heading. In assessing the acceptability of the proposals, the need to preserve the special significance of the listed court house must be balanced against public benefits, having particular regard to national and local planning policy and guidance.

#### Significance of the Listed Court House

According to paragraph 129 of the National Planning Policy Framework (NPPF)

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise'. According to the NPPF's definition of 'significance', this is 'the value of the heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'.

The court house's significance is archaeological, architectural and historic and was affected by recent works. Prior to recent unauthorised works, the 2003 list description (above) outlined its significance but was not exhaustive. It highlights the 1932-35 court house as 'one of a number of suburban police courts designed by the noted Middlesex County Council architects' department,...a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior and notes 'the two main court rooms are mirror images of each other. They retain original fittings: seating, magistrate's bench and dock, with only minor alterations' [emphasis added]. The Local Planning Authority's July 2012 pre-application advice letter of conclusion made specific reference to these court rooms as 'its principal rooms of interest, and its basement cells...being a fundamental reminder of former use'.

Part of this court house's 'unusually intact interior' was its historic floor plan (ie layout of rooms, doors and walls) which told the story of the working of the court house, indicating historic circulation patterns. The original Milners' safe was fundamental to the former court house's operation. The numerous 1930s style cast iron radiators enhanced the court rooms' quality as they were originally created and sited to fit within designed timber recesses to complement the carefully crafted interior.

The court house's later fittings and alterations provided significance by adding layers of history. For example, the later court room witness stand and glass screens illustrated how court house use developed over time, rather than statically illustrating one point in time. Non-original security measures to the basement windows provided evidence of its former use to house prisoners and the hierarchical nature of the different court house levels. Later replacement cells provided evidence of the continuous segregation of male and female prisoners and the basement layout, though part altered, maintained historic circulation patterns such as continuous direct access from cells to courtrooms.

According to Heritage Statement provided there is 'doubt as to whether the fitted [court

room] furniture is original since the style, joinery and finish appear more akin to the 1960s'. No evidence is provided to support this assertion and the original plans, list description and site inspections prior to, and after works, indicate the fitted furniture was original, with the exception of some clear later court room furniture described in the site description section that were nevertheless of historic interest.

Brief reference is made in the Heritage Statement to court room fixtures possibly not being true legal 'fixtures' protected by the listed status of the building as they were only minimally fixed. But they were: fixed to the courtroom, referenced in the list description and were integral court house function and can therefore be considered part of its special interest.

### Substantial Harm to Significance

In light of this significance, relevant policy and guidance includes the National Planning Policy Framework (NPPF) paragraph 131 which states 'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Similarly, paragraph 132 applies which states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset'.

Similar London Plan policy applies. Policy 7.8 C states: 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and 'Development affecting heritage assets...should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Likewise development management policy 7 A states: 'Proposals that secure the preservation, conservation or enhancement of a heritage asset..., or which secure opportunities for sustainable enjoyment of the historic environment, will be approved'. And preference 'is to be afforded to proposals that both conserve and sustain heritage assets'; and 'a. pay special attention to the building's character and any features of special architectural or historic interest which it possesses'.

Contrary to the above policies this part-retrospective proposal causes substantial harm to the listed court house due to the extensive destruction/cutting about (in whole or in part), removal and relocation of much internal historic fabric and features and altering the historic layout. The cumulative impact of the many alterations made serve to remove, alter and relocate historic fixtures and fittings, resulting in an erosion of the original floor plan and loss of court house character. Together these remove the pre-existing special 'in tact' character of the listed building referenced in the list description. This causes substantial overall harm to its significance as a good example of a largely unaltered 1930s court house. This is despite some amendments further to the previously refused scheme (our reference P/0955/13) which would see some recreation of fixtures and features unlawfully removed.

- Main Court Rooms (1 and 2)

These were the principal rooms of interest, significant according to the list description for their largely intact character, mirroring one another. The proposed (largely retrospective) changes remove, relocate, cut up, alter and/or irreversibly destroy this intact character, (albeit with part recreation and revealing of features), so the rooms no longer mirror one another. Such alterations undoubtedly cause substantial harm to the heritage asset.

This justification for substantial harm squares up with guidance provided in paragraph 017 of the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014 and attached as appendix B) on how to assess whether there is substantial harm. This states it will be 'a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. ... For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed... even minor works have the potential to cause substantial harm'

This conclusion is in line with the London and Middlesex Archaeological Society response which stated that 'the Committee did not consider these revised proposals satisfactory, and recommended against the grant of Consent' since 'At the heart of the building are the two Court Rooms, and the Committee would suggest that the priority is that these be restored and adapted. Panelling and furnishings should be re-instated although there must be some flexibility to allow for the use of these spaces'.

Individually the changes to both court rooms are also harmful. The timber panelling to the new walls to the enlarged court rooms do not preserve special interest as original fabric from listed fixtures has been cut about to create this, probably from original timber screens according to plans HMC-02-02.3 REV A and plan HMC-02-02.1 REV A. Whilst reusing historic fabric helps retain character, this is not offset by the harm caused to integrity and significance by permanently destroying original intact features referenced as significant within the list description.

Removal of the original full width timber screen and gate across the rear of each court room is harmful since they told the story of the working of the court rooms. They appear to have been destroyed as they are no longer present on site, so their careful craftsmanship has been permanently lost contrary to supporting Planning Practice Guide paragraph 180: 'Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric' and Development Management Local Plan Policy DM7 part g: 'the reversibility of any change should be considered'. The proposal in this amended scheme would now see this screen and gate recreated and reinstated in court room 1, as well as the unlawfully removed historic side witness stand, a side bench and the base of a staircase recreated and reinstated which would be an enhancement on the harm caused by the unauthorised works. However, there would still be harm that could not be overcome given the original, authentic fabric, craftsmanship and design has been destroyed.

Removal of all the original high quality cast iron radiators and associated timber recesses which formed part of the timber panelled court room designs harms special interest by undermining original design quality and intention. The originals are not all shown on the pre-existing plans yet are evident in photographs taken of the building before the unauthorised works provided as part of this application submission. Many more originals that have been lost throughout the ground floor is shown by these photos. Harm caused by removal is increased by the replacement radiators of an obviously poorer, cheaper and plainer quality, with no apparent integral fitted design present before in the court rooms.

Removal of the relatively modern court room fixtures of glass screens and timber barriers both court rooms also harms special interest. Contrary to the heritage statement's claim

that these are of 'no interest', as the Twentieth Century Society stated in response to the last refused Listed Building Consent application, these later additions were of importance as they 'formed part of the history of the court rooms' and indicated how the use of the court rooms had changed over time.

For each court room the access from the court room to the basement has been blocked by placing a new floor covering over the steps to the basement, such that it is no longer apparent that there were steps from the court rooms to the basement. The proposal is to retain this covering for court room 1 and, in this amended scheme rather than remove the covering, only insert a viewing panel to show the steps to the basement for court room 2. This again harms understanding of an important historic circulation route, in this case of prisoners to and from the cells.

One original door and architrave has been relocated in each court room to create a second entranceway on the south elevation wall of each court room where there has only ever been one door and architrave. It is noted that this original door in each court room was not in its original location having at some stage during the use of the court house been relocated. However, whilst it is positive that this original door in each court room has been retained and reused, the chosen location is harmful as it harms understanding of historic circulation patterns and use of the court rooms. The supporting heritage statement claims as justification that since the late 20th century there have always been two doorways on this elevation, however, this is misleading and inaccurate. The second 'doorway' that they refer to for each court room was actually just a very wide waiting area entranceway formed as part of the reconfigured court room layout and facing onto the corridor. They were not doorways since they were too wide for this, did not contain doors, and did not open out onto either court room.

The Heritage Statement claims court room 1 presents 'preserved example of an inter-war court room' suggesting all features are being retained, which it states 'will significantly reduce the harm brought about by the loss of features from court room 2'. However, this claim is misleading. The above alterations happened to both court rooms which were largely intact mirror images of each other. Therefore this increases the harm as there is no longer evidence of even one intact court room.

In contrast, court room 2's character has been substantially lost as it is more or less an empty hall now having been fully emptied of court room fixtures with the exception of some wall panelling, a timber bench and painted carved wooden royal coats of arms. This includes benches, desks, timber barriers, glass screens, radiators and associated timber recesses, drawers, original steps to the magistrate's seat and side seats. The proposal for this court room does not satisfactorily mitigate since it is only to reinstate original winding steps to the magistrate's seat and now, since the last refused scheme, remove the steps to the stage that were unlawfully installed on the other side.

The heritage statement claims the level of 'permanent harm' is negligible since some items are capable of reinstatement but this view is not supported. It seems all furniture labelled as having been 'removed' with no reference to relocation or reuse, has been destroyed such as court room 2's side seats, stairs to the magistrate's seat, timber screen at magistrates level and part of the magistrate's seat's desk. Although some items have been re-sited (e.g. central timber benches) or are in storage above the basement stairs (though the store location is not labelled on the plans) suggesting harm is minimised, many such items have been cut about, some so much it is not clear what item of furniture they belonged to. The alterations are therefore not fully reversible since whilst items can

always be recreated, original fabric, craftsmanship and authenticity can not. Regardless, even if some items can be reinstated PPS 5 guidance note states paragraph 180: 'reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible'.

Also, although the individual ground floor plans for the court rooms indicate where the items of court room furniture to be relocated are to be moved to, the wider ground floor plans does not show these relocated fixtures or fittings. Relocation does harm special interest by taking away from character and the authenticity and understanding of layout and use. Nevertheless, the principle of moving some items of the court rooms within the building is accepted in order to allow the flexible reuse of the building. However, it would be important that their precise location was specified and recorded and that these were fixed as before in order to ensure these remain as fixtures within the building. Those fixtures that have been and are proposed to be retained in storage would be a harmful change to approve since such an item is no longer a fixture, and if approved as such would not have protection under the listed building legislation.

- Other Ground Floor Changes

The cumulative effect of the other changes to the ground floor plan is the loss considerable historic fabric, character and legibility of the historic workings and layout of the court house. Fourteen original walls (in whole and in part) have been removed, numerous original doors and doorways have been infilled and one fireplace has been resited. This is contrary to guidance contained in paragraph 182 of the Planning Policy Practice Guide which states 'The plan form of a building is frequently one of its most important characteristics and internal partitions,...and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements...will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations'.

Similarly this extensive removal of fabric is contrary to paragraph 179 of the Practice Guide which states: 'The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion'. Similarly, DM 7 B part b. states the impact of proposals affecting heritage assets will be assessed having regard to: b. relevant issues of design, appearance and character including ...historic fabric, use, features, ...layout, [and] plan form.'

Individually, other ground floor changes have harmed significance. Removal of remains of original walls to court room 3 disrupts the legibility of one of the main rooms of this court house. Retention was all the more important, as most of the defining walls to this room had already gone. This proposal would not be to reinstate it. Also, a particularly decorative wall was removed to the pre-existing magistrate's office and so the loss of this is more significant as it provided interest and marked the boundary of a grander court house room. The sets of original double timber doors facing each other now removed in the central southern lobby is harmful as the characteristic 1930s doors marked the main courthouse entrance. The removal of the parquet flooring also harms character.

The original Milners safe shown on the original floor plans of the court house. It was integral to the original workings of the court house and acted as a fundamental, interesting and valuable reminder of this. It is claimed that the original Milners safe door was stolen but that it was opted to demolish the remainder and convert this area to a disabled WC. As the Twentieth Century Society stated in response to the previous refused scheme, its

loss 'is particularly regrettable' and 'certain proof of theft' is essential but not yet apparent to justify removal. A crime reference number has been provided in support of this. The police confirmed over the phone that the crime reference report made no reference to a safe/strong room door being removed and instead specifically stated that 'There was no attempt to enter the building itself'. This justification for the removal of the safe therefore is unclear.

- Basement

The significance of the basement has been harmed by proposals. Its historic character as a segregated space for female and male prisoners with associated interview rooms and direct access to court rooms, is harmed by this proposal since numerous walls, all men's cells and interview rooms are destroyed, doorways are blocked and new ones inserted and access to the court rooms has been blocked by the insertion of a new wall to create a self-contained flat (labeled as office, WCs and storage on proposed plans). Another wall inserted directly in front of the stairs, within which it is now proposed to insert a viewing panel on both sides to the stairs that once led to the court rooms, still further disrupts the historic floor plan. Whilst the removed cells were not original, they were in the same space as the originals and were an important part of the working court house character.

Replacement of the secure concrete and obscured basement windows with transparent timber ones has undermined the legibility of character of the basement as a secure space to house prisoners. These basement windows were considered to be of special interest in their own right. These were 'secure' basement windows used to help house the prisoners in the basement and ensure they could not be seen, and their removal and replacement with traditional timber style to match the other original windows undermines special character further. It is not clear that the original elevations of the basement windows show traditional timber framed windows (if reference is made to these plans). A clearer copy of these original elevations may clarify this point. Whether original fabric or not, the concrete windows were there when listing took place and formed part of the special interest and overall significance of the building and their loss has resulted in harm to that significance.

- First floor

Harming significance further, two flats have been installed in a more invasive way than proposed at the pre-application advice meeting of July 2012 since more historic fabric has been removed and more historic layout disrupted. A new corridor has been installed, part of an original chimney breast removed and four original walls removed whereas within the original pre-application proposal only two would have been removed. It is not clear why the less harmful reuse of the first floor proposed at the pre-application stage could not have been implemented instead.

- Outbuilding

The loss of the Crittal windows to this outbuilding, which complemented the high quality and 1930s character of the courthouse, and replacement with UPVC undermines the traditional setting of the listed courthouse. No justification for replacement has been provided.

### Limited Public Benefits and Unnecessary Harm

The heritage statement points out that reuse as a community centre brings public benefits via provision of its facilities, and it provides a new building use. Certainly the principle of reuse is encouraged since as per the pre-application advice and consultation response, use as a community/day centre could have been compatible with retaining special interest. As the London and Middlesex Archaeological Society stated in response 'While

therefore the scheme is still unsatisfactory and unconvincing, the Committee felt that there is the potential for a sensitive, but imaginative and exciting, re-use of this building by the Asian community'. Economic vitality is recognised as paragraph 131 of the NPPF states 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality' should be considered.

However, the level of alteration to achieve such benefits is excessive and the harm is not outweighed by these public benefits. NPPF paragraph 132 states 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building...should be exceptional'. The harm caused is 'substantial' and the above does not provide 'clear and convincing justification' for such change which the NPPF states should be 'exceptional'.

The statement of proposed use submitted as part of the previous refused scheme has demonstrated that the proposed changes are excessive for court room 2. If left intact the room had capacity for 74 people, a compromise of partial retention of fixtures would have allowed 118, whereas current capacity is 145. So, the room would have been viable for reuse to a high capacity whilst fully retaining special interest, and even relatively minor alterations would have greatly increased capacity.

Justification provided also does not take a required flexible approach to proposed reuse balanced against the need to preserve heritage value contrary to NPPF paragraph 129 which states proposals should 'avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal'. As the London and Middlesex Archaeological Society stated, imaginative use is needed but has not been demonstrated. For example, it does not take account of the possibility of splitting community events so that some capacity is filled in rooms of lesser significance where walls were recently removed to create larger open spaces. Reinstatement of original walls on the ground floor would be desirable to retain the plan layout of the building. These walls are currently recorded by the retention of nibs at ceiling level. The removal of most of these walls in order to create more flexible space for the new use of the building is understood. These are of lesser significance than the court rooms and their loss in order to maintain the heritage value of the courtrooms could be considered acceptable.

Individual harmful changes are unnecessary. Removal of the west set of double original doors to the central southern ground floor lobby could have been simply locked shut and concealed by a curtain rather than replaced with a solid wall. Now, they could be recreated and reinstated and a curtain pulled in front. The opposite set could be recreated and the entrance desk set back behind them. In the basement some male cells could have been retained. Even if the safe door had been lost to theft, the remainder could have been usefully retained without harming the proposed reuse of this area as WCs and a couple of men's cells could have been kept as a record.

It is stated that a record of lost features has in part been provided and could be fully provided where necessary in order to address the harm to special interest. For example, in court room 2 it is stated a permanent record would be on display of the court room. However, the NPPF is clear that this is not a relevant justification for works since it states 'the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Paragraph 015 of the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014) states 'if there is only one viable use, that use

is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes'. The heritage statement does not provide evidence of consideration being made of other possible viable uses, for example by providing evidence of marketing. There is simply a statement that the original use is no longer viable, which is agreed. Similarly, it does not provide evidence that could usefully support the suggestion that this is the 'optimum viable use' as it does not give consideration to other possible charitable funding for the building or different layouts for the proposed reuse that would enable a lesser impact on areas of high architectural and historic significance.

As conducted the proposal therefore does not propose the optimum viable use and the public benefits do not outweigh the harm. In the instances where the works to this building cause less than substantial harm to its significance this is therefore contrary to paragraph 134 of the NPPF which states 'harm should be weighed against the public benefits of the proposal'. Since the harm caused to this listed building by this proposal is substantial, this proposal is also contrary to the NPPF paragraph 133 which states 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- 1) the nature of the heritage asset prevents all reasonable uses of the site; and
- 2) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- 3) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- 4) the harm or loss is outweighed by the benefit of bringing the site back into use.

In this case, another use or a separate source of funding could have come forward if this use had not gone ahead which could have kept the court house in use without so much harmful change. SAVE Britain's heritage publication 'Silence in Court The Future of the UK's Historic Law Courts' have found that whilst there is a need to be creative, court houses allow for multiple possibilities for reuse whilst retaining special interest. The building was not on the market for long and this application does not demonstrate such marketing. Without evidence of this it is not clear that this use is the optimum viable use. Not allowing for other less harmful possibilities is contrary to Development Management Policy DM E part B which states 'all opportunities [should be exploited] to secure the future of listed buildings particularly those on the 'heritage at risk' register'. A lack of marketing is also contrary to the Planning Practice Guidance paragraph 016 (updated 06/03/2014) which states 'The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation'.

The public benefit of introducing new public community hall by reusing this new building in this way is limited since there was already a good supply of such facilities in Harrow. The Council's LDF working document entitled 'Infrastructure Assessment and Delivery Plan' 2011 states 'overall there is a good range of community halls across the Borough' (paragraph 5.10.5). It states 'there are currently 40 community centres and community halls in the Borough. These provide for a wide range of local events and activities including dance, music, arts, indoor sports, yoga, martial arts, bridge, scouts & guides, youth clubs, toddler groups and faith meetings, alongside others' (paragraph 5.10.1) and 'the number of facilities in Harrow is comparable with other London boroughs, and...the results of recent residents' surveys do not suggest a perceived need for additional



community hall provision' (paragraph 5.10.3). Also, paragraph 5.10.4 of this document outlines the various permissions given by the Council for new community centres in the borough including Cedars Youth Centre and the North Harrow Community Centre.

The heritage statement claims one public benefit of this scheme is that 'there is no reason why the building would need to remain on the 'building at risk' register'. However, the building now remains on English Heritage's 'heritage at risk' register precisely because of these unauthorised harmful alterations. The entry explaining their presence in their 'heritage at risk' register reads: 'Unauthorised works have been carried out, including the removal of original fixtures and fittings. A listed building enforcement case is open...' As a result of these changes, this court house remains on English Heritage's 'at risk' register for the foreseeable future.

#### Works Proposed to Reduce Harm

Some of the proposed works (part-retrospective) limit or part-reverse the recent harm to significance. However, this appraisal shows that whilst important, these works are minimal and so do not cause the overall harm to be less than substantial.

#### a) Amendments since the last proposal

Since the previously refused scheme, this proposal would see greater reinstatement of historic features unlawfully removed and historic layout. On the ground floor this comprises reinstating some unlawfully removed features in court room 1, reinstating historic doors to the court rooms from the central corridor, relocating a fireplace in its original place on the ground floor, reinstating two historic doorways and infill another doorway and inserting a Milners crest where there used to be the Milners safe and unpainting the doors to the courtrooms. To the basement the new glass panel would be inserted in front of the newel in front of the stairs to the court rooms and reinstate original layout. All these changes would help reinstate understanding of the lost original and historic working floor plan, though the authentic materials have sometimes been lost. Whilst these are welcome changes, these proposals do little on balance to mitigate against the above outlined substantial harm.

#### b) Proposals remaining unchanged since the last proposal

The three replica original timber windows replacing UPVC ones is an enhancement. The recent unauthorised relocation of one original door and architrave in each court room to create a second entranceway on the south elevation wall of each court room is inappropriate since reflecting the former working of the court rooms, there has only ever been one doorway on the south elevation. The proposal to now relocate these doorways to the wall adjoining the central corridor of each is necessary though since it would more closely follow the original design, and would help offset the harm caused by the recent removal of a non-original, but historic and sympathetically designed, later addition timber door and doorway leading to both court rooms from the central corridor.

Part of the proposal (retrospective) to restore the court rooms to their original size causes the loss of the evidence of the layers of history of these court rooms but this does allow for reinstating the original court room size and character. So, this aspect of the proposal does on balance preserve the special interest of the listed building.

Within court room 1 the proposal to recreate the false 'architrave to a doorway' on the west side of the northern wall to court room 1 and re-reveal the door on the court room side of court room 1 ie on the east side of the north wall is necessary. Similarly, some proposals for court room 2 are necessary: namely, re-revealing the stairs leading from this

courtroom to the basement, recreating the original winder configuration to the proposed west staircase to the magistrate's seat and removing the new east side steps to the magistrate's bench. This is because they would reinstate special interest by revealing original design features / layout of the court house that have been unnecessarily concealed, removed or altered. However, whilst these proposals again include recreating lost features, original craftsmanship and authenticity cannot be recreated and so this harm cannot be fully undone. Recreating lost features can never fully reinstate what was there before.

### **Consultation Responses**

The objections received are addressed in the appraisal above with the exception of the Harrow Civic Residents' Association objection that some windows have been replaced with UPVC which is not the case.

### **CONCLUSION**

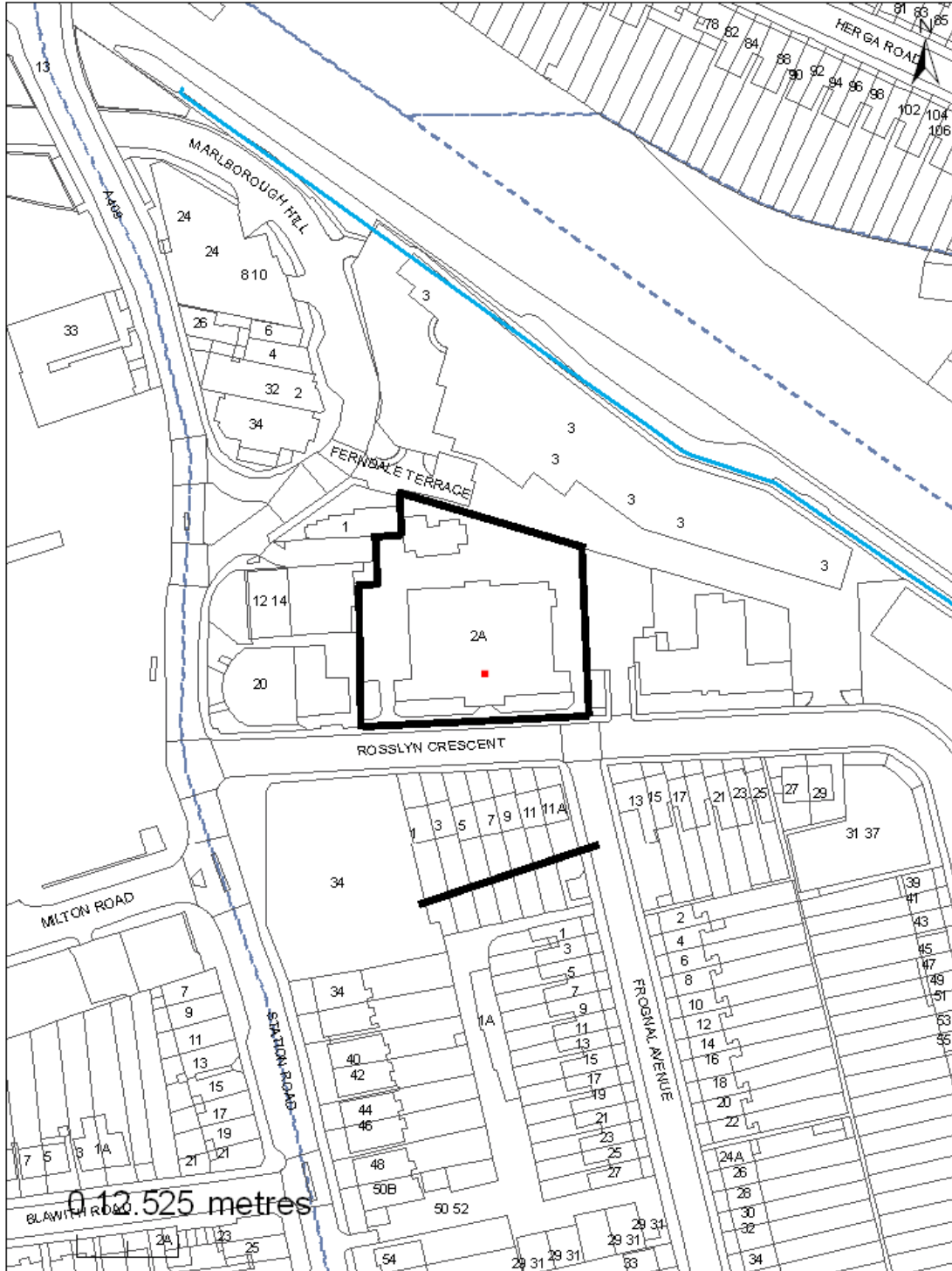
In summary, the recommendation to refuse Listed Building Consent has been taken having regard to relevant heritage related national planning policy, policies of The London Plan 2011, the Harrow Core Strategy and Development Management Policies as listed below, as well as to all relevant material considerations including the responses to consultation. This is because this part-retrospective proposal causes substantial overall harm to the special interest of the court house caused by partial or complete loss and/or relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character. This harm is unnecessary and is not outweighed by the public benefits of bringing the building back into use. This is notwithstanding the minor proposed amendments to the proposal that are desirable and would see some minimal recreation and reinstatement of features of interest.

### **INFORMATIVES**

1 The decision to refuse Listed Building Consent has been taken having regard to National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133 and 134; the London Plan (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), Harrow Core Strategy policy CS1 part D (February 2012), and the guidance contained within the Planning Practice Guidance for Conserving and Enhancing the Historic Environment (updated 06/03/2014) and the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

Plan Nos: DESIGN AND ACCESS STATEMENT APRIL 2014; HERITAGE STATEMENT; JM024-201 REV B; JM024-202 REV B; JM024-203 REV B; JM024-111; JM024-112; JM024-121; JM024-131; HMC-02-01.1.2 REV A; HMC-02-01.1.3 REV A; HMC-02-01.2.1 REV B; HMC-02-01.2.2 REV A; HMC-02-01.1.1 REV B; HMC-02-01.2.3 REV B; HMC-02-01.2.4 REV A; HMC-02-01.2.5 REV A; JM024-301 REV G; JM024-302 REV G; JM024-303 REV G; JM024-401 REV B; JM024-402 REV B; JM024-403 REV B; JM024-501 REV B; JM024-502 REV B; JM024-503 REV B; HMC-02-02.1 REV A; HMC-02-02.3 REV A; HMC-02-02.2 REV A; HMC-02-02.4 REV A; HMC-RB REV C; HMC-ROO REV D; HMC-RO1 REV B; HMC-2-FB01 REV B; HMC-2-FG01 REV B; HMC-2-FF01 REV B; HMC-02-05.1 REV B; HMC-02-05.3 REV B; HMC-02-05.2 REV A; HMC-02-05.4 REV A; HMC-02-MC15.1; PRE-EXISTING PHOTOS PAGES 1-52; PHOTOGRAPHS AS BUILT PAGES 1-14

**HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW**



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## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.