

SECTION 1 – MAJOR APPLICATIONS

None.

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01
Address: 23 VERWOOD ROAD, HARROW
Reference: P/0051/15
Description: SINGLE STOREY REAR EXTENSION (RETROSPECTIVE)
Ward: HEADSTONE NORTH
Applicant: MRS DEEPA UPRETI
Case Officer: GRAHAM MANSFIELD
Expiry Date: 04/03/2015

RECOMMENDATION

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

REASON: The extension is a proportionate and appropriate addition to the dwellinghouse. It maintains the character and appearance of the area and there are no unreasonable impacts on neighbouring residential amenities. The development is in accordance with policies contained in the National Planning Policy Framework 2012, London Plan 2011, Harrow Core Strategy 2012, Harrow Development Management Policies Local Plan 2013 and the Harrow Residential Design Guide Supplementary Planning Document 2010.

INFORMATION

This application is reported to planning committee as the applicant is an employee of Harrow Council under Part 1 Proviso B of the scheme of delegation dated 29th May 2013.

Statutory Return Type: 21 (Householder)

Council Interest: None

Gross Floorspace: 79.5sqm

Net additional Floorspace: 15sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A, as proposed development will add less than 100sqm to the property

Harrow CIL: N/A, as proposed development will add less than 100sqm to the property

Site Description

- The subject property is a two storey mid-terraced single family dwellinghouse on the north side of Verwood Road
- The application site and neighbouring properties on Verwood Road were built in the early 1970's and have had permitted development rights removed.
- The attached property to the east (no. 25 Verwood Road) has a conservatory attached to the rear elevation

- The attached property to the west (no. 21 Verwood Road) has an existing single storey rear extension with a flat roof.
- The property is located in a critical drainage area of Harrow
- The property is not a listed building and is not in a conservation area

Proposal Details

- The proposal is for a single storey rear extension which has now been completed
- The single storey rear extension is 3.0m in depth and covers the full width of the rear elevation
- The single storey extension has a flat roof and is at height of 3.0m adjacent to the boundaries of no. 21 and 25 Verwood Road

Revisions to Previous Application

- N/A

Relevant History

LBH/7218; Erection of 18 houses and 18 lock up garages with access road; GRANT – 04/04/1972

P/1652/13; Certificate Of Lawful Development; Single Storey Rear Extension REFUSE – 29/08/2013

- 1 The dwellinghouse was built pursuant to planning permission LBH/7218 for the erection of 18 houses and 18 lock up garages with access road which was granted on 4th April 1972. Condition 6 attached to this permission removed permitted development rights under class 1 of schedule 1 of the Town & Country Planning General Permitted Development Order 1963.
- 2 The proposal is therefore not lawful development.

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- N/A

Consultations

- N/A

Advertisement

- N/A

Notifications

Sent: 5

Replies: 0

Expiry: 29/01/2015

Addresses Consulted

15 Verwood Road, Harrow, HA2 6LD

21 Verwood Road, Harrow, HA2 6LD

25 Verwood Road, Harrow, HA2 6LD

27 Verwood Road, Harrow, HA2 6LD

Summary of Responses

- N/A

MAIN CONSIDERATIONS

Character and Appearance of the Area

Residential Amenity

Critical Drainage

Equality and Human Rights

S17 Crime & Disorder Act

Consultation Responses

Character and Appearance of the Area

The 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.

Policy 7.4B of The London Plan (2011) states that 'Buildings, streets and open spaces should provide a high quality design response that (amongst other factors), (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, (d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, (e) is informed by the surrounding historic environment. Core Policy CS1.B of the adopted Harrow Core Strategy 2012 states that all developments shall respond positively to the local and historic context.

Policy DM1 of the Council's Development Management Policies Local Plan 2013 states that 'All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted'

The single storey rear extension has a depth of 3.0m from the original rear elevation and therefore complies with paragraph 6.59 of the Residential Design Guide SPG (2010), which requires that single storey rear extensions for semi-detached dwellings should not exceed 3.0m. Furthermore, the single storey rear extension has a flat roof with an appropriate height of 3.0m. This ensures that the single storey rear extension element remains as a proportionate addition to the rear elevation of the existing dwelling, and does not appear as a dominant addition.

In summary the single storey rear extension respects the character and appearance of the property and local area and accords with The National Planning Policy Framework, Policy 7.4B of The London Plan (2011), Core Policy CS1.B of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the guidance contained in the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

Residential Amenity

Policy 7.6B, subsection D, of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Following on from this, Policy DM1 of the Development Management

Policies Local Plan states that 'all development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted'.

The single storey rear extension is adjacent to both the boundaries of no. 21 and 25 Verwood Road. It is considered that there is very little impact in terms of amenity on the occupiers of no. 21, this is due to the fact the extension at no. 23 is adjacent to the existing 3.0 metre deep single storey extension at no. 21.

The property at no. 25 Verwood Road has an existing conservatory which is approximately 2.8metres in depth. It is considered that the potential harm in terms of overshadowing and outlook on the occupiers on no. 25 is not unreasonable as only 0.2m of the flank wall of the extension at no. 23 is exposed.

The rear garden of 23 Verwood Road abuts the southern boundary of 15 Verwood Road. It is considered that the single storey rear extension at no. 23 does not impact on the occupiers of no. 15 Verwood Road in terms of loss privacy due to the fact that the south flank wall of no. 15 Verwood Road contains no windows facing the rear garden and single storey extension at no. 23 Verwood Road. Furthermore, the distance maintained between the houses ensures that negative impacts are mitigated.

In summary, the proposal respects the amenities of the neighbouring occupiers in accordance with Policy 7.6B of The London Plan (2011), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and guidance contained in the council's adopted Supplementary Planning Document: Residential Design Guide (2010).

Critical Drainage

The application site is located in a critical drainage area of Harrow. Policy DM10 was introduced to address surface water run off and flood risk from developments. As the proposal has already been built it is not possible to attach a condition to deal with potential surface water run off rates. However, on balance it is considered that this would not constitute a reason for refusal.

Human Rights and Equalities

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.

S17 Crime & Disorder Act

It is considered that the proposed development would not adversely impact upon community safety issues

Consultation Response

N/A

CONCLUSION

The development has not been found to negatively impact the character and appearance of the property and the area. Furthermore, the development has not been found to have an unacceptably harmful effect on the amenity of the neighbouring occupiers.

For all the reasons considered above, and weighing up the development plan policies and proposals and other material considerations, this application is recommended for grant. Appropriate conditions have been attached to ensure that the amenity and privacy of the neighbouring occupiers is safeguarded in the future.

CONDITIONS

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

REASON: To safeguard the amenity of neighbouring residents.

2 The development hereby permitted shall be retained in accordance with the following approved plans: Site Plan; 23/M/S/1 'All existing plans and elevations'; 23/M/S/1 'All proposed plans and elevations'; 23/M/S/1 Revision C 'Section detail of extension'

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

INFORMATIVES

1 The following policies are relevant to this decision.

National Planning Policy

National Planning Policy Framework 2012

The London Plan 2011

7.4.B Local Character

7.6.B Architecture

The Harrow Core Strategy 2012

CS1.B Local Character

Harrow Development Management Policies Local Plan 2013

DM1 Achieving a High Standard of Development

DM10 On Site Water Management & Surface Water Attenuation

Adopted Supplementary Planning Documents

Supplementary Planning Document Residential Design Guide 2010

2 INFORM_PF2

Grant without pre-application advice

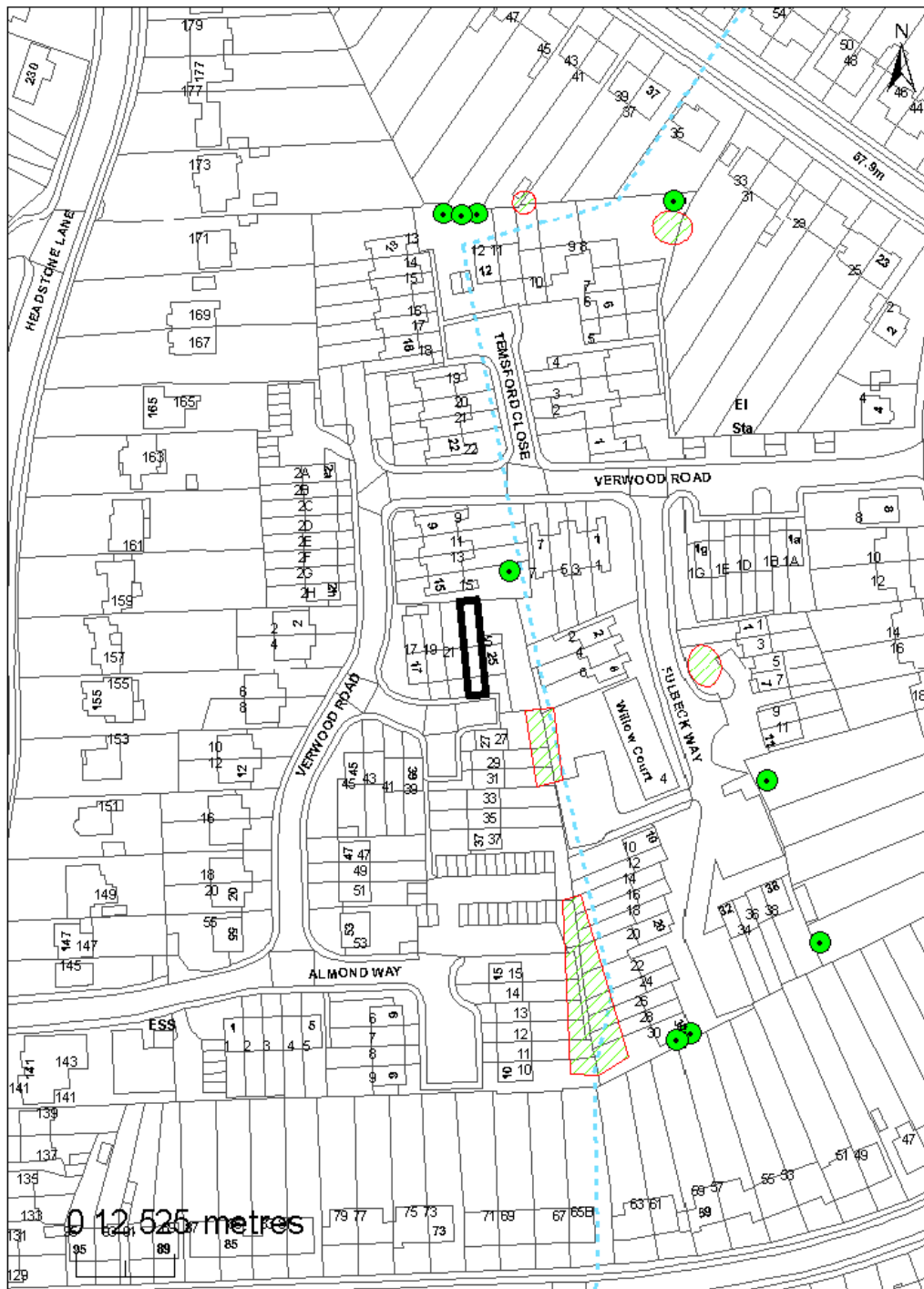
Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow has a pre-application advice service and actively encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Site Plan; 23/M/S/1 'All existing plans and elevations'; 23/M/S/1 'All proposed plans and elevations'; 23/M/S/1 Revision C 'Section detail of extension'

23 VERWOOD ROAD, HARROW



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Item No: 2/02
Address: UNIT 1B, 140 NORTHOLT ROAD, HARROW
Reference: P/4375/14
Description: INSTALLATION OF MEZZANINE FLOOR
Ward: ROXBOURNE
Applicant: PEARSON PROPERTY PENSIONS FUND LIMITED
Agent: BLUE SKY PLANNING
Case Officer: MONGEZI NDLELA
Expiry Date: 30/01/2015

RECOMMENDATION

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

REASON

The proposal to provide a mezzanine floor within an existing retail unit on this edge of centre site would not result in unacceptable harm to the town centres in Harrow in terms of retail impact. The proposal would be acceptable in relation to neighbouring residential amenity and traffic in the local area.

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 Development Management Policies Local Plan (2013), and to all relevant material considerations.

INFORMATION

The application is reported to the Planning Committee because the proposal involves a minor development of over 400m² of non-residential floorspace which would not fall within Part 1(d) of the Scheme of Delegation.

Statutory Return Type: E(16) Minor Retail

Council Interest: None

Net Additional Floorspace: 777m²

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

Harrow CIL: N/A

Site Description

- The property concerned is a large retail unit located in the Northolt Retail Park.
- The unit is currently occupied by Staples, a national retail supplier of office furniture and equipment.
- The entrance to the unit is located toward the south, adjacent to the entrance area for the neighbouring retail unit.
- The unit is 1,290m² in area which includes a southern projection toward the rear of the unit.
- The front elevation consists of glazing at the entrance area and additional glazing adjacent to the north of the entrance area whilst the remainder of the façade comprises of exposed brick. The glazed part of the front elevation does not extend beyond 3m in height.
- The unit is situated to the north of a terrace of three retail units, and lies next to a vacant outlet, formerly occupied by Dreams, a furniture store. To the South of the terrace is a Dunelm Mill unit, which sells soft furnishings.
- A canopy covers the entry into the site and also covers the entry area to the adjacent unit.
- A Waitrose superstore is located to the south within the same retail park but in a separate building.
- Communal parking to the retail park is to the east of the unit with spaces for 153 vehicles.
- The western boundary of the site is flanked by Industrial units of Brember Road Industrial Estate.
- To the north and east of the site are site are large scale flatted residential developments.
- The application site is also in close proximity to South Harrow District Centre and within walking distance from South Harrow underground station and bus services.

Proposal Details

- The application to install 777m² of mezzanine floorspace in the main area of the unit.

Revisions to Previous Application

- N/A

Relevant History

- WEST/324/95/FUL – Retail Foodstore Class A1 3272m², Petrol Filling Station, Access, Parking, Retention of Offices, Store Car Park (Revised)
Granted: 28/02/1996.
- WEST/405/98/FUL – Detached Building To Provide Two Units of Non-Food Retail Floorspace Totalling 2978m² (Net) With Access and Parking.
Granted: 19/10/2000.
- P/1238/04/CVA - Variation of Condition 20 of Planning Permission WEST/407/98/FUL to Permit the Sale of Sports Goods, Clothing and Footwear.
Granted: 09/07/2004.
- P/0286/08/CVA - Installation of a Mezzanine Floor (in new subdivided retail store).
Granted: 19/03/2008.
- P/1628/08VA - Variation of condition 20 to planning permission west/407/98/ful and

condition 2 of planning permission P/0286/08/cva to allow sale of non-food comparison retail goods.

Granted: 27/06/2008

- P/1635/08VA - Variation of condition no. 2 of planning permission P/0286/08/cva to allow sale of non-food comparison retail goods.

Granted - 27/06/2008

- P/4381/14 – External Alteration to Unit

Granted - 06/01/2014

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- Transport Assessment.

Summary:

The document considers the traffic and transportation issues associated with the proposals taking on board prevailing conditions looking at the potential impact on accessibility, parking, servicing and on the local highway network;

- Retail Assessment.

Summary:

The document assesses the compliance of the proposed development with planning policy requirements for town centre uses, in particular, the sequential approach to site selection and retail impact considerations.

Consultations

None

Advertisement

None

Notifications

Sent: 57

Replies: 0

Expiry: 05/01/2015

Summary of Responses

- N/A

APPRAISAL

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

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

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

In this instance, the Development Plan comprises The London Plan 2011, the Harrow

MAIN CONSIDERATIONS

Principle of Development
Traffic and Parking
Residential Amenity
Accessibility
S17 Crime & Disorder Act
Equalities Statement
Consultation Responses

Principle of Development

NPPF Paragraph 24, London Plan Policy 4.7, Harrow's Core Strategy Policy CS1 and Development Management Policy DM 35 all seek to direct new retail development to locate within town centres consistent in use and scale with the role and function of the centre. At 777m² the proposed retail development would be considered suitable to locate within the higher order centres of Harrow's town centre hierarchy, with South Harrow or other District Centres being a suitable location for this scale of new development, in support of their accessibility and wider functions. Where no suitable in-centre sites are available, Edge of Centre sites may be permitted.

Policy DM35: New Town Centre Development, requires proposals on edge-of-centre sites to demonstrate, through site search and selection, that the location is the most sequentially preferable, and that there would be no harm to the town centre, through the submission of a retail impact assessment (over 2,500m²). The retail statements conclusions that the site should be considered an Edge of Centre site given its proximity to South Harrow District Centre (circa 300m from the primary shopping area), and the existing retailing nature of the site and the linked trips this generates with the centre is supported.

Given the proposal is for a mezzanine floor to an existing retail unit, there is no realistic scope for disaggregation, but it is noted that the sequential test has been carried out on the minimum size requirements for the units operator - 1,672m², as opposed to the larger 2,077m² which the unit would be, should permission be granted. This approach is supported, as it gives rise to a larger selection of sites to consider in more sequentially preferred locations. All sites that are vacant in South Harrow centre have been discounted, alongside those suitable and reasonably available as identified and allocated in Harrow's Local Plan. The submitted sequential assessment therefore shows that there are no suitable and available sites for this development in a sequentially more preferable location, and Policy would support these conclusions. The proposed store area is under the 2,500m² required for an impact assessment, and the retail statement highlights this point. Notwithstanding this, the impact upon the higher order centre of Harrow (Metropolitan Centre) would be 0.15% trade reduction, which it is agreed would be de minimus.

Based on the above, there are therefore no objections to the principle of this development.

Traffic and Parking

Policies DM42 seeks to ensure that on site parking provision is adequate for proposals that may require such a use. The development is likely to increase demand at the site which will in turn have traffic and parking implications. The Transport Assessment has

demonstrated that there could be up to 18 vehicular movements each-way during a typical Saturday afternoon peak hour with a lesser increase at other times. It is noted that the traffic flows will be distributed each way along A312 Northolt Road and as it is anticipated that there would not be any noticeable traffic conditions.

The application does not propose any changes to the current quantum of parking on site. There may potentially be an increase in demand associated with the proposals, which based on a 20 to 30 minute average duration of stay would suggest a demand for 10 spaces during Saturday afternoon peak hour with lesser demand at other times. The Transport Assessment has demonstrated that these levels of increases would not affect the availability of parking. Furthermore, the Council's Highways Authority has confirmed that they have no concerns with the proposals.

As such, the use is considered acceptable in Highway terms.

Neighbours Amenity

Policy DM1 of the Harrow Development Management Local Policies Plan (2013) seeks to ensure a high quality of development that would not be harmful to the amenity of neighbouring occupiers.

The proposals do not result in any changes to the external elevations of the building. Therefore, there is no change within these proposals that will harm neighbouring amenity. Accordingly, it is considered that the proposed development would be acceptable and would accord with policy 6.13 of the London Plan 2011, and policies DM1, DM35 and DM42 of the Harrow Development Management Local Policies Plan 2013.

Accessibility

Policy 7.2.C of the London Plan 2011 requires all future development to meet the highest standards of accessibility and inclusion.

The entrance to the store remains unchanged by these proposals and therefore will give no rise to any conflict with the access to the unit and, as such the proposal is considered acceptable with the above stated policy.

S17 Crime & Disorder Act

It is considered that the proposed development would not result in any adverse impact upon crime or safety in the locality

Equalities Implications

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

Section 149 states:-

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

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

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

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

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

particular any potential impact on protected groups. The proposed change of use has no impact with regard to section 149 of the Equalities Act 2010.

Consultation Responses

N/A

CONCLUSION

The proposed development is considered to be acceptable in principle as it would provide an appropriate use for an edge of centre site. Furthermore, the use of the site as a retail establishment has been clearly defined and the applicants have demonstrated that there are no sequentially preferable sites.

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 & Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Experian Ordnance Survey Plan; PL01, PL02, PL03, PL05, PL06 Rev A, Retail Statement and Transport Statement

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

3 The development hereby permitted shall not commence until details of a scheme to provide a lift, in order to facilitate access for disabled people to the Mezzanine floor, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure adequate provision of facilities for use by disabled persons in accordance with policy DM2 of the Development Management Policies Local Plan 2013.

INFORMATIVES

INFORMATIVE:

1 The following policies are relevant to this decision.

National Planning Policy Framework 2012

The London Plan 2011: 6.13.C/D, 7.2, 7.4, 7.6.

The Harrow Core Strategy: CS1,

Harrow Development Management Plan Policies (2013) DM1, DM2, DM35, DM42, DM43.

2 INFORMATIVE:

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.

3 INFORM_PF2

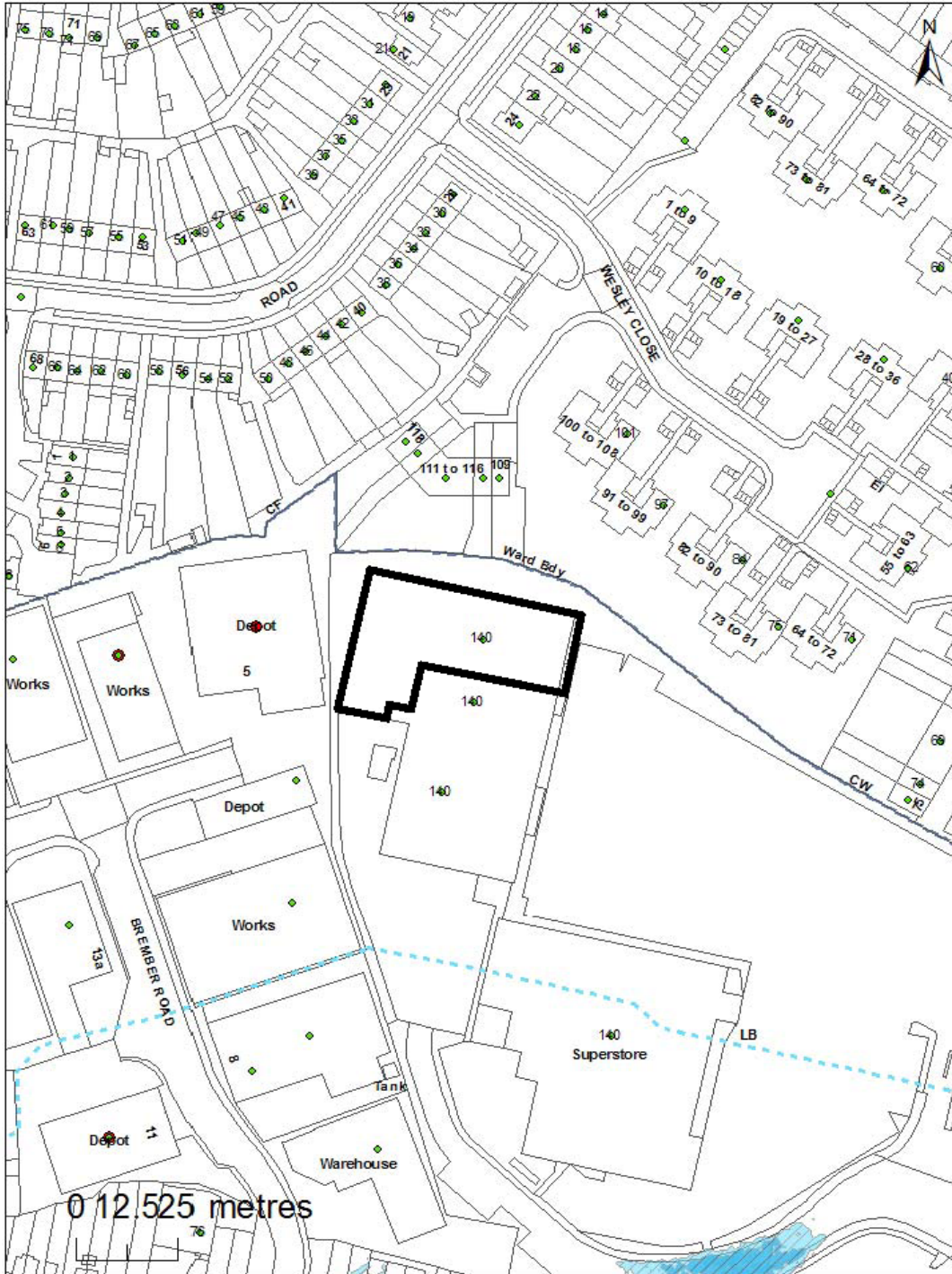
Grant without pre-application advice

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

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

Plan Nos: Experian Ordnance Survey Plan; PL01, PL02, PL03, PL05, PL06 Rev A, Retail Statement and Transport Statement

UNIT 1B, NORTHOLT ROAD, HARROW



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Item No: 2/03
Address: 274 - 278 NORTHOLT ROAD, HARROW
Reference: P/4606/14
Description: CHANGE OF USE OF FIRST AND SECOND FLOORS FROM EDUCATION (CLASS D1) TO RESIDENTIAL (CLASS C3) TO PROVIDE EIGHT FLATS; EXTERNAL ALTERATIONS TO INCLUDE THE PROVISION OF BALCONIES WITH GLASS BALUSTRADES AT REAR; BIN AND CYCLE STORAGE
Ward: ROXETH
Applicant: MR AKHTAR AZIZ
Agent: MILAN BABIC ARCHITECTS
Case Officer: SUSHILA BHANDARI
Expiry Date: 03/02/2015

RECOMMENDATION

GRANT planning permission subject to conditions:

REASON

This is a four storey building currently comprising ground floor retail, 1st and 2nd floors in D1(education use) catering for primarily for adult and overseas students. Due to the changes in national immigration policies, the education institute operated by Helios International College has seen a decline in the number of students and consequently the College is currently operating from the 1st floor only. The applicant has submitted a marketing report to substantiate that there has been no interest generated in re-letting the 2nd Floor on its own or as both floors together. The site has been marketed since January 2012 as D1 use or potentially as B1 use (subject to planning). Based on the evidence submitted, it can be demonstrated that the existing use is no longer required and that there has been no interest for an alternative employment use.

The conversion of the 1st and 2nd Floors of this building would provide a high quality residential development comprising a mix of 1 bed (2 person) and 2 Bed (3 person) units, providing 8 units in total with external alterations to the existing building which enhances the urban environment in terms of material presence, attractive streetscape, and good routes, access and makes a positive contribution to the local area, in terms of quality and character.

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 Development Management Policies Local Plan (2013), and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION

This application is being reported to committee as the proposal constitutes development of more than 2 dwellinghouses and therefore falls outside of Categories 1(b) of the Scheme of Delegation.

Statutory Return Type: 13 Minor dwellings

Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

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

Harrow CIL: Nil

Site Description

- The site comprises a three storey end of terrace building located on the north-east side of Northolt Road within the South Harrow District Centre.
- The ground floor is used as an Iceland Supermarket (Use Class A1).
- The records held by the Local Planning Authority show that the first and second floor have been in use as a private college establishment (Use Class D1) pursuant to planning permission granted under P/2304/10.
- The subject site is located outside of the designated business use area of South Harrow.
- This section of Northolt Road is characterised by a mixture of commercial and residential development.

Proposal Details

- The application proposes to convert the first and second floors from D1 (education) to C3 (residential), giving a total of 8 self contained units.
- Each floor would comprise a total of 4 units which would be made up of 2x 1 Bed (2 person) and 2x 2 Bed (3 person) units.
- All of the 1 bed units would have a gross internal floor area (GIA) of 50sqm. Two of the 2 bed units would have a GIA of 61sqm and the other 2 bed units would have a GIA of 64.1sqm.
- The proposal seeks external alterations to the building which would include the removal of bricked sections below the existing windows (1st and 2nd floors only) in the front elevation and the installation of new zinc standing seam cladding and the installation of new polyester powder coated double glazed metal windows to the existing openings. Provision of new fenestration and balconies at the rear.
- It is also proposed to provide a new galvanised steel flat roofed canopy over the open walkway at first floor level at the rear and associated safety wall and balustrade to provide a link between the main building and the existing two storey stair core.
- Access to the new flats would be from the existing entrance to the upper floors from the Northolt Road frontage. It is proposed to replace/ upgrade the existing entrance with a new timber entrance door with a new brickwork surround and a powder coated aluminium entrance canopy.
- Other external alterations would also include the insertion of a new door in the rear elevation at ground floor level to provide rear access, insertion of two new openings in the northern flank wall of the main building and replacement windows in the southern flank elevation.
- A refuse store is proposed within the rear yard/ car park which would accommodate two large Eurobins. A cycle store is also proposed at the rear.

Revisions to Previous Application

- N/A

Relevant History

WEST/1196/02/FU

Change of use: offices (class B1) to mixed use as training/education (class D1) and offices (class b1) on first and second floors

Granted – 14/03/2003

P/2920/03/CFU

Use of first floor as banqueting suite (class D2)

Refused - 08/07/2004

Allowed on Appeal - 10/09/2005

Reason for Refusal:

1. The proposed change of use would result in increased disturbance and general activity at unsocial hours to the detriment of the amenities of neighbouring residents.

P/1335/06

Variation of condition 2 of appeal permission app/m5450/a/04/1157717 to permit opening to customers from 9:00 hrs Sunday to Thursdays until 01:00 hrs the following day and from 09:00 hrs Friday and Saturdays until 02:00 hrs the following day

Refused - 26/09/2006

Reason for Refusal:

1. The proposed variation of condition to allow extended opening hours would give rise to additional activity, noise and disturbance at unsocial hours that would be detrimental to the residential amenity of neighbouring occupiers.

P/1887/07

Change of use from storage & offices to eleven flats with third floor extension and alterations to elevations

Refused - 10/09/2007

Reasons for Refusal:

1. The proposed development, by reason of failing to clearly demonstrate that the site is no longer suitable or required for office use (use class B1), would result in an unacceptable loss of B1 office space contrary to policy EM15 of the Harrow Unitary Development.

2. The proposed development, by way of inadequate accessibility and poor internal layout, would fail to meet the requirements of Lifetime Homes Standards, contrary to policy H18 of the Harrow Unitary Development Plan 2004 and the Council's Supplementary Planning Document on Accessible Homes (April 2006).

P/2587/08

Change of use from storage and offices to eight flats with third floor extension and alterations to elevations.

Refused - 9/10/2008

Reasons for Refusal:

1. The proposed development, by reason of failing to clearly demonstrate that the site is no longer suitable or required for office use (use class B1), would result in an unacceptable loss of B1 office space contrary to policy EM15 of the Harrow Unitary Development (2004).

2. The application fails to provide onsite renewable energy generation to address 20% of

the total energy demand of the development and therefore is considered to be an unsustainable form of development, contrary to policy 4A.1, 4A.7, 4B.1 of The London Plan 2008 and policy D4 of the Harrow Unitary Development Plan (2004).

3. The proposed development, by way of inadequate accessibility and poor internal layout, would fail to meet the requirements of Lifetime Homes Standards, contrary to policy 3A.5 of the Consolidated London Plan (Alterations Since 2004) 2008 and the Council's Supplementary Planning Document on Accessible Homes (April 2006).

P/1229/10

Certificate of lawful existing use: Use of first and second floors as education use (use class D1) and offices (use class D1)

Refused 05/08/2010

1. The existing use of the first and second floors as education/ training (class D1) is not in accordance with Condition 2 imposed under planning permission WEST/1196/02/FUL, which states that the floor area to be used for D1 purposes must not exceed 227 square metres.

2. North London ITEC vacated the premises on the 28th March 2007. The applicant took occupation of the first and second floors since 23 October 2009 and therefore the use of the first and second floors as education/ training (class D1) has not been in continual use in breach of this planning condition for more than 10 years.

3. The existing use is therefore not lawful.

P/2304/10

Change of use of first and second floor levels from mixed use office and education (use class B1/ D1) to education (use class D1)

Granted - 22/11/2010

Pre-Application Discussion (Ref.)

P/2349/14/PREAPP

It is considered that the principle to change the use of the second floor to residential is dependant on the applicant being able to demonstrate the lawful use of the site and therefore justify the loss of this use either against policy DM32 or DM47 of the DMP. On this basis, it is not possible to confirm at this stage whether the principle of development would be acceptable.

In terms of the proposed third floor extension and the external alterations to the existing building, for the reasons discussed above, this aspect of the proposal would not be supported in principle on the grounds that the proposals would not respect the established pattern and scale of development in the immediate vicinity.

It is also considered that the refuse and cycle storage arrangements by reason of their location within the rear service area and the lack of direct access thereon would present an unacceptable form of layout which would prejudice the amenities of the future occupiers of the site.

Should an application be forthcoming in its current form it is unlikely to be supported by Officers.

Applicant Submission Documents

- **Design and Access Statement** - this documents sets out the design approach, the access arrangements and sustainability of the proposal.
- **Marketing & Property Report** – sets out the marketing that was undertaken for the

property and provides details on the public response to the marketing. See appraisal for more information.

Consultations

The South Harrow Residents Association: No comment received.

Highways Authority: No Objection

Advertisement

None

Notifications

Sent: 14

Replies: 1

Expiry: 09.01.2015

Addresses Consulted

1, 2, 3, 4 - Crane Close

268, 268a, 270a, 274-278, Dawson House 276-278, 280, 280b, 290, 290a - Northolt Road

South Harrow Baptist Church, 272 Northolt Road

Summary of Responses

- No objection to the building being converted into flats.
- Only worry with the parking area at the rear – the area is in a terrible state
- Insufficient lighting
- How will the developers stop customers parking in residential bays
- Impact on servicing if residents park in spaces

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.

Further Alterations to London Plan (FALP) now post examination and may be given significant weight

MAIN CONSIDERATIONS

Principle of Development and Land Uses
Design, Character and Appearance of the Area
Residential Amenity
Traffic and Parking
Accessibility
Development and Flood Risk
Sustainability
Housing Density and Unit Mix
Equalities Impact
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development and Land Uses

The site is currently in use for education purposes (use class D1). The loss of this use has to be assessed against policy 3.18C of The London Plan 2011 which seeks to resist the loss of educational facilities, unless it can be demonstrated that there is no ongoing or future demand for such a facility. Policy 3.16B of The London Plan is also of relevance which seeks the protection and enhancement of social infrastructure (such as colleges). This is reinforced under policy DM47 of the Development Management Policies Local Plan (2013) (DMP) which also sets additional requirements to be met, such as evidence of marketing, that there are other adequate similar facilities within walking distance that offer equivalent provision or that the activities carried out cannot be made consistent with acceptable living conditions for nearby residents or the redevelopment of the site would secure an over-riding public benefit.

In terms of the loss of the education use on this site, Council records show that the college that is operating from the site mainly caters for the adult population, providing courses primarily aimed at overseas students. When the college was originally set up in 2009, it operated from both the first and second floors of the building. However, since this period the central government have introduced tighter measures on student immigration and consequently the college, which primarily relied upon overseas students as its form of funding has seen a marked decline in new student enrolment. The college has reduced its operations down to one floor of the building now and the upper floor remains vacant. The applicant has submitted a marketing report in support of this application. The site was marketed from February 2012 as either a D1 or B1 use to November 2014. A marketing "To Let" board was affixed to the premises. A full set of particulars were also sent to potential occupiers and agents active within the sector of the market. Over 500 sets of details were circulated through an estate agents consortium. During discussions with the parties that were interested in renting the floors as offices the applicants offered a rent free period and some form of expenditure on the offices to upgrade them as an incentive including splitting them into smaller suites. Despite this, the agents were unable to secure viewings and in their view, these enquires were not genuine. Overall they had no interest from language schools that developed past initial phone calls. Most interest came from developers seeking to buy the site to convert the floors into residential. The agents received 112 calls in total. In conclusion, the agents consider that the use of the site as offices or as a language school is likely to remain empty. They feel this is compounded by the competition provided by higher grade spaces in Harrow. This demonstrates that there has been no genuine interest from any prospective tenants to

rent both or just the upper floor as a D1 use or potentially as offices (subject to planning).

It is also considered that the change of use would provide an over-riding public benefit through the delivery of high quality new homes in a sustainable location (criterion d).

In conclusion, it is considered that the loss of the education use on this site, which primarily caters for adult aged overseas students can be supported for the reasons discussed above. As such, the proposed change of use would give rise to no conflict with the aspirations of the policies set out above.

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.'

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."

Northolt Road is characterised by a mixed pattern of development depicting the era that the buildings were built. The subject site is a purpose built end of terrace building up to 3 storeys high. The block of terraced properties that it is attached to is two storeys high.

The external alterations to the existing building would overhaul the appearance of the building. A new canopy is proposed over the entrance to the flats from Northolt Road to define the entrance to the building. The proposed zinc cladding below the existing window sections and the insertion of new fenestration would enhance and modernise the overall appearance of the existing building.

It is considered that the proposed external alterations would meet the Council's aspirations for the delivery of high standard of development as set out in the policies stated above.

Landscaping.

As the building 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. Through the external enhancements to the building would ensure that any adverse impacts upon the character of the area are minimised.

Refuse Storage

Policy DM1 of the DMP requires that development proposals makes satisfactory provision for the disposal and storage of waste and recycling materials.

The proposed refuse store would be located within the rear yard forming part of Iceland Supermarket car park and which can be accessed via a service road directly off Northolt Road. The siting of the refuse store would not therefore affect the appearance of the area. The refuse store would be adequate for the purposes of the development and

would ensure servicing arrangements would not be compromised.

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.

Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

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

Type and GIA	Kitchen/Living/Di	Bedroom
Flat 1 (2 bedroom, 3 person) 61sqm (61sqm)	3 Person 26sqm (26sqm)	Double 12sqm (12sqm) Single 8sqm (8sqm)
Flat 2 (1 bedroom, 2 person) 50sqm (50sqm)	2 Person 24.6sqm (23sqm)	Double 12.2sqm (12sqm)
Flat 3 (1 bedroom, 2 person) 50sqm (50sqm)	2 Person 23.2sqm (23sqm)	Double 13.9sqm (12sqm)
Flat 4 (2 bedroom, 3 person) 64.1sqm (61sqm)	3 Person 27.7sqm (26sqm)	Double 14.1sqm (12sqm) Single 8.2sqm (8sqm)
Flat 5 (2 bedroom, 3 person) 61sqm (61sqm)	3 Person 26sqm (26sqm)	Double 12sqm (12sqm) Single 8sqm (8sqm)
Flat 6 (1 bedroom, 2 person) 50sqm (50sqm)	2 Person 24.6sqm (23sqm)	Double 12.2sqm (12sqm)
Flat 7 (1 bedroom, 2 person) 50sqm (50sqm)	2 Person 23.2sqm (23sqm)	Double 13.9sqm (12sqm)
Flat 8 (2 bedroom, 3 person) 64.1sqm (61sqm)	3 Person 27.7sqm (26sqm)	Double 14.1sqm (12sqm) Single 8.2sqm (8sqm)

The proposed 1 bedroom units would each meet the minimum GIA of 50sqm as set out in the London Plan and the adopted Residential Design Guide SPD. In assessing the internal standards of the individual rooms to each unit, all of the units would meet and in some cases exceed the minimum standards set out in the Mayors SPG.

With regards to the proposed 2 bedroom, 3 person units, two of the units would have a GIA of 61sqm which would meet the minimum standard of 61sqm as set out in the London Plan and the adopted Residential Design Guide SPD. The other two units would have a GIA of 64.1sqm which would exceed the minimum standard. The internal standards of the individual rooms to each of these units would also meet and in some cases exceed the minimum standards set out in the Mayors SPG.

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

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 proposed development would stack appropriately in a vertical fashion therefore there would be no vertical stacking issues.

Outdoor Amenity Space

Policy DM1 of the DMP 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, due to the site constraints, the applicant has shown the provision of balconies for the units located at the rear of the building only. It is considered that the lack of an external amenity area for the front facing units would be offset by the generous sized open plan living areas and the town centre location which provides other forms of amenity. On this basis, the proposed development is considered to be acceptable in this regard. However, as detailed below, a condition is attached requiring some form of privacy screen to be erected between the individual balconies of each flat to prevent any unreasonable level of overlooking between the proposed flats. A condition is also attached requiring the first and second floor windows serving the stairwell at the rear to be removed and replaced with high level windows to prevent any undue overlooking of the rear facing units.

Impact on neighbouring properties

The subject site backs onto South Harrow Baptist Church and therefore there would be no impact arising from the proposed development in terms of residential amenity.

The upper floors of the subject building broadly align with the rear facing first floor elevation of No.280b Northolt Road which contains a window serving a kitchen to this first floor flat. It is considered that the proposed external amenity area/ balcony for Flats 1 and 5 would be sited within close proximity of this window of the neighbouring flat and could

give rise to direct/ perceived overlooking of this window. In order to prevent such overlooking, a condition is attached requiring amended floor plans and elevations to show firstly that proposed balconies are set away from the party boundary by a distance of at least 4m and that the overall depth of the amenity area for the first floor units is reduced to the same depth as the balconies for the second floor units (1.6m in depth). In addition to this, a condition is also required for some form of privacy screening to be erected at least a minimum height of 1.8m along the flank elevations of the balconies to prevent any overlooking of No.280b Northolt Road and to protect the privacy of the future occupiers of this site.

Subject to the applicant adhering to the requirements of the above conditions, the proposed development would have an acceptable impact upon adjoining neighbouring buildings

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

The proposal is to be car free and shows the provision of cycle storage at ground floor level for up to 8 cycles in total. Given the sustainable location of the subject site, it is considered that a car free development could be supported in this case. Furthermore, the stringent parking controls over an extensive area would most likely render the site highly reliant on public transport. The Council's Highways Authority has raised no objection to the proposed development.

It is noted that there has been an objection raised with regards to the management of the parking spaces for the proposed flats and customer parking for Iceland Supermarket. Concerns have also been raised in respect of the condition of this car park and the servicing of the ground floor commercial unit should cars be parked in the car park. As stated above the development is a 'car free' development. The parking area shown on the proposed drawings show the existing retail parking which is to be retained as existing. The management of this parking area would still remain under the control of the ground floor commercial unit. As such, the servicing of the ground floor unit would not be impacted upon. With regards to the condition of the car park, this is outside of the scope of this application.

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.

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 Design and Access Statement and the submitted plans demonstrate that all residential units would be Lifetime Homes and the existing building benefits from a Lift serving all floors. At ground floor level, there is an existing stair lift within the lobby area to accommodate the change in levels between the entrance lobby and the lift area.

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 it is sited within a critical drainage area. The proposed development would not increase the footprint of the existing building. The Council's Drainage Authority has raised no objection to the proposed development and accordingly the proposal would give rise to no conflict with National Planning Policy, The London Plan policy 5.12.B/C/D 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. 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 sets out the measures to achieve a sustainable development.

Housing Density and Unit 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.I 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. This is reinforced under policy DM24 of the DMP.

The proposal would provide a mix of unit sizes (1 and 2 Bed sized units). In this regard, the proposal would give rise to no conflict with the above policies.

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 DM2 of the DMP 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 proposed flats would be from Northolt 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. However, it is considered that given the location of the refuse and cycle stores at the rear within the car park area of the retail unit, a condition should be imposed requiring details to be submitted with regard to lighting and security to ensure that that the proposal does not give rise to any safety issues for the future occupiers of the site.

Consultation Responses

All comments raised have been addressed in the above appraisal.

CONCLUSION

This is a four storey building currently comprising ground floor retail, 1st and 2nd floors in D1(education use) catering for primarily for adult and overseas students. Due to the changes in national immigration policies, the education institute operated by Helios International College has seen a decline in the number of students and consequently the College is currently operating from the 1st floor only. The applicant has submitted a marketing report to substantiate that there has been no interest generated in re-letting the 2nd Floor on its own or as both floors together. The site has been marketed since January 2012 as D1 use or potentially as B1 use (subject to planning). Based on the evidence submitted, it can be demonstrated that the existing use is no longer required and that there has been no interest for an alternative employment use.

The conversion of the 1st and 2nd Floors of this building would provide a high quality residential development comprising a mix of 1 bed (2 person) and 2 Bed (3 person) units, providing 8 units in total with external alterations to the existing building which enhances the urban environment in terms of material presence, attractive streetscape, and good routes, access and makes a positive contribution to the local area, in terms of quality and character.

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 shown on the approved drawings, the development hereby permitted shall not commence until samples of the materials/ or details 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 proposed zinc seam cladding
- b: the windows/ doors including details for the glazed balcony screens
- c: the proposed entrance canopy and brick surround to front entrance
- d: the cycle store

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

3 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until there has been submitted to, and approved in writing by the local planning authority, revised floor plans and elevations to show the following amendments to the proposed rear balconies/ amenity area:

- a) A set in of at least 4 metres of the proposed external amenity area to Flat 1 and the balcony of Flat 5 from the party boundary shared with No.280 Northolt Road.
- b) A reduction in depth of the external amenity area of the first floor flats (Nos. 1 and 2) to a maximum depth of 1.6 metres.
- c) Provision of privacy screening to a maximum height of 1.8 metres along the flank elevations of the proposed external amenity area/ balconies.

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

REASON: The proposed external amenity area and balconies are sited within close proximity to the neighbouring building and would allow direct overlooking of this neighbouring flat. The amendments to the external amenity area and balconies is required to safeguard the residential amenities of the adjoining occupiers and to ensure that there is no undue overlooking arising within the development in accordance with policy 7.6B of The London Plan 2011, policy CS.1B of the Harrow Core Strategy and policy DM1 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 there has been submitted to, and approved in writing by the local planning authority, revised floor plans and elevations to show the following amendments to the proposed openings in the southern flank elevation of the existing two/three storey projecting element forming the rear stairwells:

- a) The omission of the proposed first and second floor windows and replacement with high level windows and brickwork to match the existing building.
- b) Obscure glazing to the first floor window of the rearmost stairwell
- c) Provision of a secure banister/ railing along the open walkway

The development shall be carried out in accordance with the approved details and shall thereafter be retained. No other windows/ or doors shall be installed in the flank elevations of the building other than those shown on the approved drawings pursuant to this condition.

REASON: The proposed openings would be sited within close proximity to the proposed rear windows and external amenity areas of the proposed flats and would allow direct overlooking of these units. The amendments to the openings are required to safeguard the residential amenities of the future occupiers of this site. The amendment to the open walkway is required to ensure safe access and prevent any access to the existing flat roof over the ground floor unit, in accordance with policy 7.6B of The London Plan 2011, policy CS.1B of the Harrow Core Strategy and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

5 The development hereby approved shall not be occupied until there has been submitted, and approved in writing by the local planning authority, details for the external lighting for the rear elevation/ access for the proposed development. Details shall include lighting specification, location and elevation detail. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that there is adequate lighting to the rear of the building in order to safeguard the security of the future occupiers of this site in accordance with policies 7.3B, 7.6B and 7.13B of The London Plan 2011, policies DM1 and DM2 of the Harrow Development Management Policies Local Plan 2013.

6 Prior to the construction of the building hereby approved on site beyond damp course level, additional details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of Lifetime Homes standard housing in accordance with policy 7.2.C of The London Plan 2011, policy DM2 of Harrow Development Management Policies Local Plan 2013 and Supplementary Planning Document: Access for All 2010.

8 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 plans.

REASON: To safeguard the appearance and character of the surrounding area, in accordance with policy 7.4.B of The London Plan 2011 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

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

Design and Access Statement; JDD/DHSH-E1; JDD/DHSH-E2; JDD/DHSH-E3;

JDD/DHSH-E4; JDD/DHSH-E5; JDD/DHSH-E6; JDD/DHSH-E7; 802/200; 802/201; 802/202; 802/203; 802/204; 802/205

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 [NPPF] 2012

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

Policies 3.1, 3.5, 3.8, 3.16, 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, 7.13

The Harrow Core Strategy (2011)
Core Policy CS 1

Development Management Policies Local Plan (2013)
DM1, DM2, DM10, DM22, DM24, DM27, DM42 and DM47

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

Mayors Housing Supplementary Planning Guidance (2012)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 PARTY WALL ACT:

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

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

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

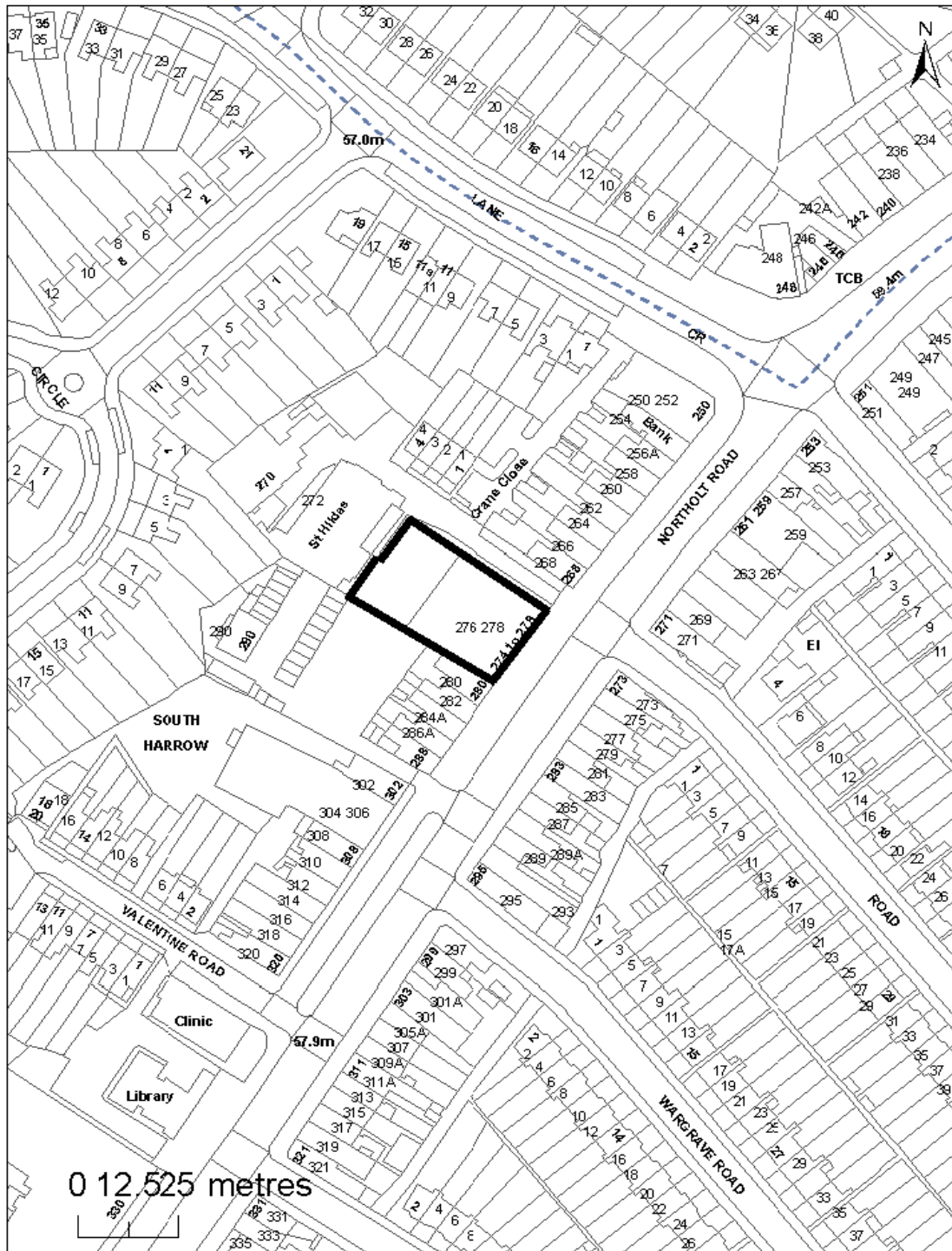
5 Grant with pre-application advice

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

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

Plan Nos: Design and Access Statement; JDD/DHSH-E1; JDD/DHSH-E2; JDD/DHSH-E3; JDD/DHSH-E4; JDD/DHSH-E5; JDD/DHSH-E6; JDD/DHSH-E7; Letter Dated 29.10.2014 From Helios International College; Marketing & Property Report; 802/200; 802/201; 802/202; 802/203; 802/204; 802/205

274-278 NORTHOLT ROAD, HARROW



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Item No: 2/04
Address: 25 – 25A CORBINS LANE, HARROW
Reference: P/4599/14
Description REDEVELOPMENT TO PROVIDE 9 FLATS IN TWO X TWO STOREY BUILDINGS WITH ACCOMMODATION IN ROOF; NEW VEHICLE ACCESS; LANDSCAPING AND PARKING; CYCLE AND BIN STORAGE (DEMOLITION OF EXISTING DWELLINGS)
Ward: ROXETH
Applicant: WE BLACK LIMITED
Agent: PRESTON BENNETT PLANNING
Case Officer: CALLUM SAYERS
Expiry Date: 30/01/2015

RECOMMENDATION

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

REASON

The proposed development would provide suitable living accommodation for future occupiers and would increase the housing stocks of the borough. Furthermore, the proposed development would not unacceptably harm the character of the area or the amenities of existing neighbours therefore according with to policies 3.3, 3.4, and 3.5 and of The London Plan policies CS1.O/P of The Harrow Core Strategy 2012, policies DM1 of the Harrow Development Management Policies Local Plan (2013).

INFORMATION:

This application is reported to Planning Committee as it creates more than two residential units. The application is therefore referred to the Planning Committee as it is excluded by Proviso 1b of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: 13: Minor Dwellings

Council Interest: None

Gross Floorspace: 662sqm

Net Additional Floorspace: 481sqm

GLA Community Infrastructure (CIL) Contribution: £16,835.00

Harrow Community Infrastructure (CIL) Contribution: £52,910.00

Site Description

- The existing site contains a two detached dwellinghouses located on the south-

eastern side of Corbins Lane, but are accessed via a narrow unadopted road known as Findon Close.

- The property is irregular in shape and generally flat in level.
- Residential properties are located to the north and west of the site. Along the southern boundary is Findon Close.
- To the east of the site, and located between Findon Close and Corbins Lane is a row of terrace properties in residential use.
- The surrounding area is a mixture of single family homes, flatted developments, and also the Listed Building of St Paul's Church.
- The property is not located within a conservation area.

Proposal Details

- The proposed replacement build on site would be located broadly in a similar position to the existing dwellings on site, albeit covering a larger footprint and projecting deeper into the site.
- It is proposed to erect two separate residential blocks on the site, one of which would provide living accommodation within the roof space.
- The development would be accessed via a single central access onto Findon Close, before accessing Corbins Lane. It is proposed to provide 9 car parking spaces within the development, with three in the front garden and six to the rear of the site.
- Communal amenity space would be provided for within the rear garden.
- Refuse storage would be provided within the front garden adjacent to Findon Close. Cycle storage is proposed within the rear garden adjacent to the rear carparking provision.

Block A

- Block A would be located nearer the southern boundary of the application site. It would set behind the front elevation of proposed Block B, whereby following the curvature within Findon Close.
- Would be 10.5m wide and 16.5m deep, it would be 5.8m to the eaves and a maximum height of 9.4m. Block A would have an entrance from the front elevation to one of the proposed flats, with a further access on the flank elevation providing access to the remainder of the flats.
- Block A is characterised by a crown roof and a centrally located projecting gable feature facing towards Corbins Lane. Two box dormers would be located within the rear roof slope. Proposed Block A would provide for five, two bedroom flats, which would include accommodation within the roof slope.

Block B

- Block B would be located to the north of the proposed Block A, and adjacent to the common boundary with No. 23a Corbins Lane.
- This block would be 10.5m wide and 16.0m in depth. It would be 5.3m high at the eaves and have a maximum height of 8.3m.
- Proposed block B would be characterised by having a crown roof with a projecting gable on the southern end of the front elevation. Block B would have an entrance on the front elevation fronting Corbins Lane, and another on the southern flank elevation to provide access to the remainder of the flats.
- Proposed Block B would provide for four, two bedroom flats.

Relevant History

P/0189/14

Redevelopment to provide 10 self-contained flats in two storey building with accommodation roof, new vehicle access; landscaping and parking; cycle and bin storage (demolition of existing dwellings).

Refused: 22/04/2014

Reasons

1) The proposed dwellinghouses would be sited on residential garden land which is excluded from the definition of previously developed land in the National Planning Policy Framework (2012). As such the principle of the development is at odds with the Harrow Core Strategy of directing new residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic

previously developed sites and would therefore harm its implementation contrary to the National Planning Policy Framework (2012), policy 3.5A of The London Plan (2011) and policies CS1.A and CS1.B of the Harrow Core Strategy (2012).

2) The proposed scheme, as a result of being capable of providing more than ten residential units, fails to provide a provision of affordable housing to the boroughs housing stocks. In the absence of a robust viability assessment to demonstrate the scheme would be unviable to provide such a provision, the scheme fails to address the key aims of policy 3.13 of the London Plan (2011), Policy CS1.J of the Harrow Core Strategy (2012), Policies DM24 and DM50 of the Harrow Development Management Policies Local Plan (2013), Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

3) The proposed building, by reason of its excessive bulk, size and scale, unsatisfactory design, layout and excessive hardstanding, would give rise to an unsatisfactory, inappropriate and visually dominant and obtrusive form of development which would be at odds with the predominant pattern of development within the immediate Corbins Lane context, to the detriment of the character and appearance of the surrounding area and the visual amenities of neighbouring occupiers. The proposal is contrary to policies 7.1D, 7.4B and 7.6B of The London Plan (2011), core policy CS1 B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010).

4) The proposed development, would result in a poor layout between the units on the first floor and those within the loft space by reason of unacceptable stacking. This would result in a substandard level of accommodation between the two flats leading to unreasonable levels of disturbance. The proposal would therefore be detrimental to the amenities of the future occupiers of these units contrary to the Policy CS1K of the Harrow Core Strategy 2012, policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document Residential Design Guide 2010.

5) The proposed development by reason of failing to provide details of achieving a reduction in carbon emissions, fails to accord with the key aims of the NPPF (2012), policy 5.2c of the London Plan (2011), Policy CS1.T of the Harrow Core Strategy (2012), and Policy DM12 of the Harrow Development Management Policies Local Plan (2012).

6) The proposed development would, by reason of its relationship with No. 23a Corbins Lane, would result in unreasonable levels of overlooking, perceived overlooking, overbearing impact and loss of light and outlook to those occupiers. The proposal would therefore be detrimental to the amenities of the neighbouring occupiers contrary to policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Documents Residential Design Guide 2010.

Pre-Application Discussion:

- N/A

Amendments to scheme post pre-application scheme

- Reduction in proposed units from 10 down to 9.
- Splitting of the proposed development into two separate blocks rather than one.
- Car parking provision split to be provided both in the front and rear of the site

Applicant Submission Documents

- Design and Access Statement
 - Development is located within a suburban area with an eclectic character
 - Development would provide 9x2 bedroom units
 - Each of the units would comply with Lifetime Homes Standards
 - Each unit would have a car parking space. Electric parking dock provided and a designated disabled car parking space.
 - Current scheme has been split into two blocks to respond to concerns raised by Planning Inspector.
 - Proposed development would not harm neighbouring residential amenity
- Sustainability Statement
 - New build would be energy efficient and meet Code Level 4
 - Timber sources from sustainable sources and where possible materials sourced locally.
 - Waste and recycling provided
 - Reuse of materials onsite where appropriate

Consultations

- Environment Agency: No Comment Received
- Highways Authority (Parking): No Objection
- Drainage Engineer: No Objection
- Landscape Architect: No Objection subject to a condition
- The South Harrow Residents Association: No Comment Received

Newspaper Advertisement: N/A

Site Notice: N/A

Neighbourhood Notifications:

22, 24, 26, 28, 30, 30a, 32, 34, 36 Corbins Lane, Harrow, HA2 8EH
23, 23a, 27, 29, 31, 33, Corbins Lane, Harrow, HA2 8EL
25, 25a, 26, 27, 28 Grovelands Close, Harrow, HA2 8PA
Flats 30 – 35 Grovelands Close, Harrow, HA2 8PA
St Pauls Vicarage, Findon Close, Harrow, HA2 8NJ
Avenida, Findon Close, Harrow, HA2 8NJ

Sent: 76

Replies: 2

Expiry: 05/01/2015

Summary of Comments;

- Hedges shown on applicant plans are actually on No. 23a property.
- New hedge is shown against the external wall of neighbouring property. Will cause damp to penetrate the house and hinder inspection.
- Kitchen will be overlooked
- Damage to Findon Close from overuse and construction
- Findon Close should not be obstructed as is a private drive not a public road.
- Not enough parking provided.
- Hours of work should be controlled and reasonable
- Green space is disappearing
- Road is congested and damaged with over use
- Air quality is suffering
- Feeling of community is disappearing

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

As detailed above under relevant history, a previous scheme for development on the site was refused under P/0189/14 on the 22/04/2014. Subsequently the refused application was appealed to the Secretary of State, and was dismissed. The applicant has submitted a revised planning permission which attempts to both address the reasons for refusal under P/0189/14 and also the points that were raised within the Appeal Decision.

MAIN CONSIDERATIONS

Principle of Development
Character and Appearance of the Area
Residential Amenity
Accessibility
Traffic and Parking
Equalities
S17 Crime & Disorder Act 1998
Consultation Responses

Principle of Development

Garden Land 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.

In relation to garden development, CS policy CS1 B states that proposals that would harm the character of suburban areas and garden development will be resisted. The reasoned justification in paragraph 4.5 states that *'Residential gardens are an integral part of suburban character and are an important component of the quality of life enjoyed by many outer London residents. Collectively, the Borough's gardens provide natural drainage, in some areas are part of the functional flood plain, and are recognised as an important local habitat in Harrow's Biodiversity Action Plan (2008). Private residential gardens are excluded from the Government's definition of previously developed land. In view of their local importance and the propensity for such sites to lead to unmanaged incremental growth, the spatial strategy directs the Borough's development needs to be met on previously developed sites and therefore the Council will resist development on garden land'*.

The Council has developed Supplementary Planning Document: Garden Land development. Accordingly, it is considered that this document should be afforded significant weight in the consideration of this application.

The Garden Land Development SPD provides clarity on the purposes of policy CS1.A/B whereby the Council seeks to resist development on 'garden land'. The harm arising from garden land development does not just relate to issues of character, though this issue is considered further below, but to ensuring the strategic objectives of the development are delivered. The deliverability of the Core Strategy is, in part, dependent on the appropriate development of the borough and to resist garden land development and the Garden Land SPD gives effect to these policies and objectives. The objectives of the Core Strategy are wide-ranging and set a significant challenge for the borough to provide appropriate levels of growth in housing, employment, infrastructural requirements, social cohesion and economic prosperity whilst ensuring that the environmental impacts of development are enhanced.

The Garden Land SPD also provides clarity at paragraph 3.1 on 'what is garden land' and in the context of this application, confirms that 'garden land' includes gardens of houses. However, paragraph 3.7 of the SPD (2013) recognises that proposals for the redevelopment of an existing dwelling or group of dwellings should take into account their original footprint as well as their appropriate enlargement potential. Paragraph 3.7 clarifies this further by stating "*the Council will allow any enlargement in footprint that is equivalent to whichever is the larger of either:*

- I. the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling (s); or*
- II. the footprint of an extension (excluding outbuildings) that would be consistent with Harrow's Residential Design Guide SPD.*

Paragraph 3.8 goes onto say that "*In the consideration of (i) and (ii) regard will be had to any footprint already exercised as permitted development, or implemented from planning permission(s), in respect of the existing dwelling (s) to be demolished.*"

Both existing properties are detached dwellings which do not appear to have been extended. It is noted that there are detached outbuildings located on site, which are specifically excluded from being included as a form of permitted extension to a dwellinghouse. Notwithstanding this, it is noted that both properties have been through the prior approval process, with no objection being raised to an 8.0m deep single storey rear extension to each of the dwellings. The ability of the applicant to implement these are therefore a material consideration in terms of the footprint able to be implemented on site as detailed above within the guidance above.

In dismissing the appeal, the Inspector noted that it was the excessive depth, width and scale that lead to the scheme being at odds with the prevailing pattern of development. It was for this reason that the Planning Inspector considered that the proposal was contrary to The Garden Land SPD. The applicant has attempted to address this matter. To this end, the proposed scheme has been split into two separate blocks of residential accommodation. The splitting of the two blocks, and incorporating a 5.7m gap between each block, along with a staggered building line, assists in breaking up the building form on site. Whilst it is acknowledged that the proposed buildings would still be large within the application property, the current scheme ensures that the development does not provide one long continuous elevation fronting onto Corbins Lane.

It is therefore considered that in light of the Planning Inspectors decision on the previous scheme, the in principle objection was in relation to the failure of that scheme to accord with the prevailing pattern of development and character of the local area. However, it is noted that the current scheme has been revised, and overcomes this issue in terms of the bulk and scale of development in this location. Accordingly, it is considered that the reason for such an objection has been overcome, and the proposal would be acceptable in principle with the policies detailed above.

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 western side of Corbins Lane, 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.

The proposed development would be located with a similar building line to the existing two detached houses, albeit with the southern block (Block A) stepped back. It is acknowledged that the scheme would be marginally forward of the front elevation of the property to the north, which is known as 23a Corbins Lane. Whilst this proposal does not respect the building line set by the property to the north, there is not a strong front building line from along this side of Corbins Lane. In this instance it is considered that the proposal, in relation to its building line within Corbins Lane is acceptable.

In dismissing the previous scheme, the Inspector cited that the proposal failed to provide a development that would accord with the character of the site or area. Specifically, it was noted that the excessive width and depth of the proposed development would result in an unrelenting development within the site and streetscene. The applicant, within the current scheme, has attempted to overcome the concerns by the Inspector. To this end, the current proposal would be the erection of two separate blocks, which provides a gap between them, and ensure that a single wide frontage is not presented to the public highway.

Whilst it is acknowledged that the proposed new builds would be marginally deeper than the previously refused scheme, the excessive bulk of the development has been considerably addressed. The proposed scheme would now constitute two separate blocks, both set off from the common boundaries and with a 5.5m gap between each other. Proposed Block A would be set slightly behind Block B, which would follow the curve of Findon Close. The previous scheme proposed a front elevation that would have presented a continuous 25m wide elevation within the site. The current scheme now proposes two distinctly separate blocks, both with a front elevation of 10.5m in width. Furthermore, the proposed front elevation have an adequate level of architectural detailing to ensure that each elevation is visually interesting, and not provide a blank elevation to the existing streetscene.

The proposed buildings would be two-storeys in height, with living accommodation within the roof space of proposed block A. In terms of the height of the proposed development, it is broadly in keeping with the height of the existing residential properties along this side of Corbins Lane. In respect of this element, it is considered that the proposed height of the development would be acceptable within the existing streetscene.

Within the previously refused scheme, the car parking provision was located within the front of the site. It was considered both within the refused scheme and in the appeal decision, that that this would be harmful to the character of the existing street scene. The current scheme has addressed this concern by providing three car parking spaces in the front garden, and with the remaining 6 to the rear of the site. This would allow for significantly more soft landscaping to be provided in the front garden, enhancing both the setting of the development and the streetscene. It is considered that this arrangement would overcome the concerns relating to excessive hardstanding within the front garden, and as such would not unacceptably harm the character of the existing streetscene. The relocation of the 6 car parking spaces within the rear of the site is considered to be appropriate, as this would be a similar arrangement to the development to the south west

of the property on the rear boundary.

It is considered that the proposed development would provide a development that would not appear as an overdevelopment of the site, and would be appropriate within both the existing site and streetscene. The proposed development is therefore considered to overcome the previous reasons for refusal relating to character and appearance, and as such 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).

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 new builds would be located centrally within the existing site, and would be located 3.7m from the common boundary with No. 23a Corbins Lane to the north. Whilst it is noted that the proposed development would only marginally project forward of the building line with No. 23a Corbins Lane, it would project significantly beyond the original rear elevation of No. 23a.

It is noted that an existing single storey detached garage is located on the common boundary with No. 23a Corbins Lane, which would be removed as part of this application. However, it is noted that the proposed building, notwithstanding its set off of 3.5m from the common boundary, would project some 5.5m beyond the rear elevation of the two-storey side extension of this property.

New development should respect a 45 degree code when measured from adjoining properties, which assists in ensuring that development would;

- i) Maintain a reasonable relationship between existing buildings and extensions;*
- ii) Avoid an overbearing visual impact in terms of bulk and proximity to boundaries from inside adjacent properties and from neighbouring gardens; and*
- iii) Reduce potential loss of light and overshadowing to neighbouring dwellings and garden.*

Whilst it is acknowledged that this code should not be applied in a mechanical nature, paragraph 6.31 of the Residential Design Guide SPD (2010) clearly sets out the how this should be applied. The horizontal line has been demonstrated within the supporting information submitted with the application, and it appears to have been taken from the edge of the rear two-storey side extension. As such, the footprint of the proposed building would comply with the relevant 45 degree code. Furthermore, it is noted that the footprint of the proposed development has been moved forward within the site, and as such would not project beyond the rear elevation of No. 23 Corbins Lane as much as the previously refused scheme would have. It is considered that given the appropriate rearward projection of 5.5m beyond the rear elevation of No. 23, in conjunction with the 3.7m set off from the common boundary, the proposed development would not result in an unreasonable loss of light, outlook or overbearing impact to the occupiers of this property. Furthermore, it is noted that the proposed development would be orientated away from the rear elevation of No. 23 Corbins Lane, as a result of following the existing boundary line. It is therefore considered that the proposed development would not unacceptably harm the amenity of the occupiers and would overcome the previous reason for refusal regarding this reason, and as such would accord with policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Residential Design Guide SPD (2010).

The proposed rear elevation would be approximately 21m from the rear elevation of the property to the west of the application site that fronts onto Grovelands Close. This is considered to be an acceptable distance and would be similar to a traditional residential relationship between two back to back properties. The proposed plans indicate that the proposed development would have its northern flank elevation aligning with the common boundary with No. 23a Corbins Lane. As such the rear facing windows of the development would be orientated away from the rear garden of No. 23a. The proposed

plans indicate that the proposed flats nearest this boundary would have flank windows facing No. 23a that serve habitable rooms. However, within the Inspectors decision, it was considered that the relationship of the proposed flank windows and the property at No. 23 Corbins Lane would be acceptable. The submitted plans indicate that the secondary windows in the flank elevation facing towards No. 23a Corbins Lane are all obscurely glazed. As such the high level, secondary windows, subject to a condition ensuring they be obscurely glazed, are considered to be acceptable.

The proposed development would have habitable rooms that would be facing east towards Corbins Lane. It is noted that the rear elevation of No. 27 Corbins Lane would be approximately 19.2m from the front elevation of the southern element of the proposed new building. However, given the landscaping that would be along this boundary, and also the orientation of the proposed building, this would not lead to an unacceptable loss of outlook, overlooking or perceived overlooking.

The proposed development would result in approximately 62 units per hectare, as detailed within the London Plan (2011) Density Matrix (Table 3.2). This falls below the range provided within this table, which recommends between 70-130 units per hectare. However, it is firstly noted that this table, as mentioned within the commentary, should not be applied mechanically. The proposed development would materially increase the use profile of the existing property. However, it is noted that the local area is of a mixed character, with some single family homes and also flatted developments. As such, it is considered that the proposed development would not unacceptably exacerbate any existing levels of noise and disturbance experienced within the area, and would further accord with the prevailing pattern of development within the local area.

It is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers, and would therefore would 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) 67sqm (61sqm)	3 Person 26sqm (26sqm)	Double 12.4sqm (12sqm) Single 9.5sqm (8sqm)
Flat 2 (2 bedroom, 3 person) 64sqm (61sqm)	3 Person 25sqm (26sqm)	Double 12.2sqm (12sqm) Single 7.8sqm (8sqm)
Flat 3 (2 bedroom, 3 person) 66sqm (61sqm)	3 Person 30sqm (26sqm)	Double 13.0sqm (12sqm) Single 8.1sqm (8sqm)

Flat 4 (2 bedroom, 3 person) 64sqm (61sqm)	3 Person 26sqm (26sqm)	Double 12.0sqm (12sqm) Single 7.8sqm (8sqm)
Flat 5 (2 bedroom, 3 person) 77.8sqm (61sqm)	3 Person 21sqm (At full height) (26sqm)	Double 12.1sqm (12sqm) Single 8.2sqm (8sqm)
Flat 6 (2 bedroom, 3 person) 68sqm (61sqm)	3 Person 25.9sqm (26sqm)	Double 13.5sqm (12sqm) Single 8sqm (8sqm)
Flat 7 (2 bedroom, 3 person) 66sqm (61sqm)	3 Person 25.7sqm (26sqm)	Double 14sqm (12sqm) Single 9sqm (8sqm)
Flat 8 (2 bedroom, 3 person) 67sqm (61sqm)	3 Person 30sqm (26sqm)	Double 13.5sqm (12sqm) Single 8.0sqm (8sqm)
Flat 9 (2 bedroom, 3 person) 65sqm (61sqm)	3 Person 26sqm (26sqm)	Double 12.3sqm (12sqm) Single 8.9sqm (8sqm)

As demonstrated within the above table, the gross internal floor area and rooms provided within each of the proposed flats, would comply with the minimum internal floor areas. Each of the rooms provided would have an adequate outlook and receive a satisfactory level of natural light. The proposed floor plans have demonstrated that habitable rooms within the loft space would have adequate room that would be of a satisfactory height for future occupiers. It is considered that the proposed living accommodation provided within the nine flats, in terms of size and layout would be considered acceptable and would accord with the relevant policies listed below.

It is therefore considered that 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’.

Some overlapping of proposed flat 5 above proposed flats 3 and 4. However, this would be a similar situation with the vertical stacking proposed under the previously refused scheme (P/0189/14). However, as noted in the inspectors decision when refusing this scheme, it was considered that a suitably worded condition could be attached to ensure that noise mitigation levels could be achieved to ensure no noise nuisance to future occupiers. Accordingly, a condition has been recommended with regard to this matter.

The proposal would thereby, subject to an appropriately worded safeguarding condition, 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. The proposed cycle storage would appear sufficient to provide secure storage for 10 bicycles for the development, which would comply with London Plan (2011) requirements. The proposed refuse facility appears likely to meet the requirements of the residential units onsite. It is considered that this element could be secured by way of condition.

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 to provide the rear garden area as communal amenity space for the entire development. There is sufficient space to provide an adequate amount of amenity space for the development, and the space would be functional and useable. Furthermore, the ground floor units of the development would each have 1.2m high railings and soft landscaping to provide private, defensible amenity spaces.

Given the above, it is considered 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'.

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, within one wheelchair unit provided on the ground floor of the development. Furthermore, the staircase would be of a design that could incorporate a chairlift in future. The Design & Access Statement does not demonstrate that the Lifetime Home Criteria would be achieved in each of the proposed units. However, the proposed units are of a good size and functional layout, and as such Lifetime Homes would be able to be demonstrated. Accordingly, it is considered acceptable to impose an appropriately worded condition would secure this detail.

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 9 parking spaces provided are within the London Plan 2011 maximum parking standards for this quantum of development and hence this level of provision is considered acceptable given the reasonable transport sustainability of the location with the need to minimise any adverse parking displacement onto the local highway. The on-street parking controls within the surrounding Controlled Parking Zone also assist in deterring long term parking on the public realm.

The Electric charging point is welcomed however there should be a 20% active and passive provision resulting in 4 spaces being adaptable for this purpose. One disabled compliant space is also a requirement under the LP 2011. This has been shown on the proposed site block plan.

Currently there are two access points to the individual dwellings located off Findon Close and it is proposed to consolidate the two to a singular access point to serve the new parking location. The main access from Corbins Lane which serves Findon Close will remain unaltered. This consolidation of access points is considered acceptable in principle. The 1.2m high boundary fencing onto Findon Close is considered satisfactory as it provides reasonable inter-visibility between users of the road and potential new occupiers of the site.

Traffic generation will potentially increase as compared to the 2 existing dwelling units

however the 9 units are statistically unlikely to generate more than 3-4 movements at am and pm peak traffic periods. On average one vehicle movement into/out of the site every 15-20 minutes hence their impact is considered relatively de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

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).

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

- Hedges shown on applicant plans are actually on No. 23a property.
A condition will be attached to the decision requiring further details of soft landscaping. The applicant will then be required to identify types of soft landscaping to be planted and/or retained.
- New hedge is shown against the external wall of neighbouring property. Will cause damp to penetrate the house and hinder inspection.
The proposed soft landscaping would be located within the applicant's property. Any issues with regard to maintenance etc will be a civil matter between the applicant and the neighbouring property.
- Kitchen will be overlooked
It is acknowledged that there will be some level of overlooking that would occur. However, the kitchen would not be considered to be a habitable room and such cannot be protected.
- Damage to Findon Close from overuse and construction
A condition has been imposed to require the applicant to provide a Construction Method Statement. This will need to demonstrate the mitigation measures to be put in place to ensure construction measures do not damage the local highways/roads. Any ongoing maintenance of Findon Close would be a civil matter.
- Findon Close should not be obstructed as is a private drive not a public road.
A condition cannot be imposed to ensure that Findon Close remains unobstructed. However, the Construction Method Statement should provide detail to where site parking would be located.
- Not enough parking provided.
The application provides one car parking space per unit, which is within the London Plan

(2011) tolerances.

- Hours of work should be controlled and reasonable

The applicant will be reminded by way of an informative on the Decision Notice of their responsibility under the Considerate Contractor Code of Compliance.

- Green space is disappearing

The proposed development would lead to a larger footprint on the site than exists currently. However, as determined by the Planning Inspectorate, the scheme does not constitute Garden Development.

- Road is congested and damaged with over use

The nine units are not considered to exacerbate the existing highway situation.

- Air quality is suffering

The increase of 9 residential units within the context of the area is unlikely to exacerbate air quality within the area.

- Feeling of community is disappearing

The development would remain residential which is consistent with the surrounding uses within the area. Furthermore, the proposed residential properties would provide three bedspaces which are considered to be family units.

CONCLUSION

The proposed development would provide suitable living accommodation for future occupiers, and would increase the housing stocks of the borough. Furthermore, the proposed development has not been found to unacceptably harm the character of the area or the amenities of existing neighbouring 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 The development hereby permitted shall be carried out in accordance with the following documents and plans: 13/3312/6, 13/3312/7, 13/3312/8, 13/3312/10 (REV A), 13/3312/12, 13/3312/13, 13/3312/14, 13/3312/15, 13/3312/16, Site Plan, Sustainability Statement, Design & Access Statement.

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

3 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above ground floor damp proof course level 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: External materials

b: Shared ground surfaces

c: Rainwater goods

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2011 and policy DM1 of The Development Management Policies Local Plan 2013.

4 The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

5 All planting, seeding or turfing comprised in the approved details of landscaping shall

be carried out in the first planting and seeding seasons following the occupation of the building, 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 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in accordance with policy DM22 of The Development Management Policies Local Plan 2013.

7 Notwithstanding the approved plans, prior to development beyond damp course proof level, details for a scheme for works for the disposal of surface water and surface water attenuation and storage works on site as a result of the approved development shall be submitted to the local planning authority to be approved in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under the National Planning Policy Framework 2012 and policy DM10 of the Harrow Development Management Policies Local Plan 2013.

8 The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2011 and policy DM1 of The 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. 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
- vi. measures to ensure Findon Close does not become damaged during the construction phase.

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

10 The 9 residential units in this development, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with policies 3.8 and 7.2 of The London Plan 2011, policy DM1 of the Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document: Accessible Homes (2010).

11 Notwithstanding the approved plans, prior to occupation the windows in the north west flank elevation of Block B facing over No. 23b Corbins Lane, shall be obscurely glazed and non-openable below 1.7m from internal floor level. The windows shall be retained as such thereafter.

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

12 Prior to the construction of the buildings hereby approved on site beyond damp course level, details of sound insulation between the first and second floors of Block A shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be retained as such thereafter.

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

13 Prior to the construction of the building hereby approved on site beyond damp course level, additional details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

14 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in accordance with policies DM1 and DM10 of the Councils Development Management Policies Local Plan 2013.

15 Site works in connection with the development of the new dwellinghouse hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, in accordance with policies DM1 and DM45 of the Councils Development Management Policies Local Plan 2013.

INFORMATIVES:

1 INFORMATIVE:

The following the policies are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 3.3, 3.5, 5.1, 5.2, 5.12, 6.3, 6.9, 6.13, 7.3.B, 7.4.B, 7.6.B, 7.8.C/D/E

Harrow Core Strategy 2012: CS1.B/K/O/P, CS4.D

Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM9, DM10, DM12, DM42.

Supplementary Planning Document: Residential Design Guide 2010

Supplementary Planning Document: Sustainable Building Design 2009

Supplementary Planning Document: Accessible Homes 2010

2 INFORM_PF2

Grant without pre-application advice

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

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

3 INFORMATIVE:

Please be advised that this application attracts a liability payment of £31,115.00 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 £16,835.00 for the application, based on the levy rate for Harrow of £35/sqm and the residential floor area of 481sq.m.

4 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: £52,910.00

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

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

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

6 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.

7 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

8 SUDS

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which

seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

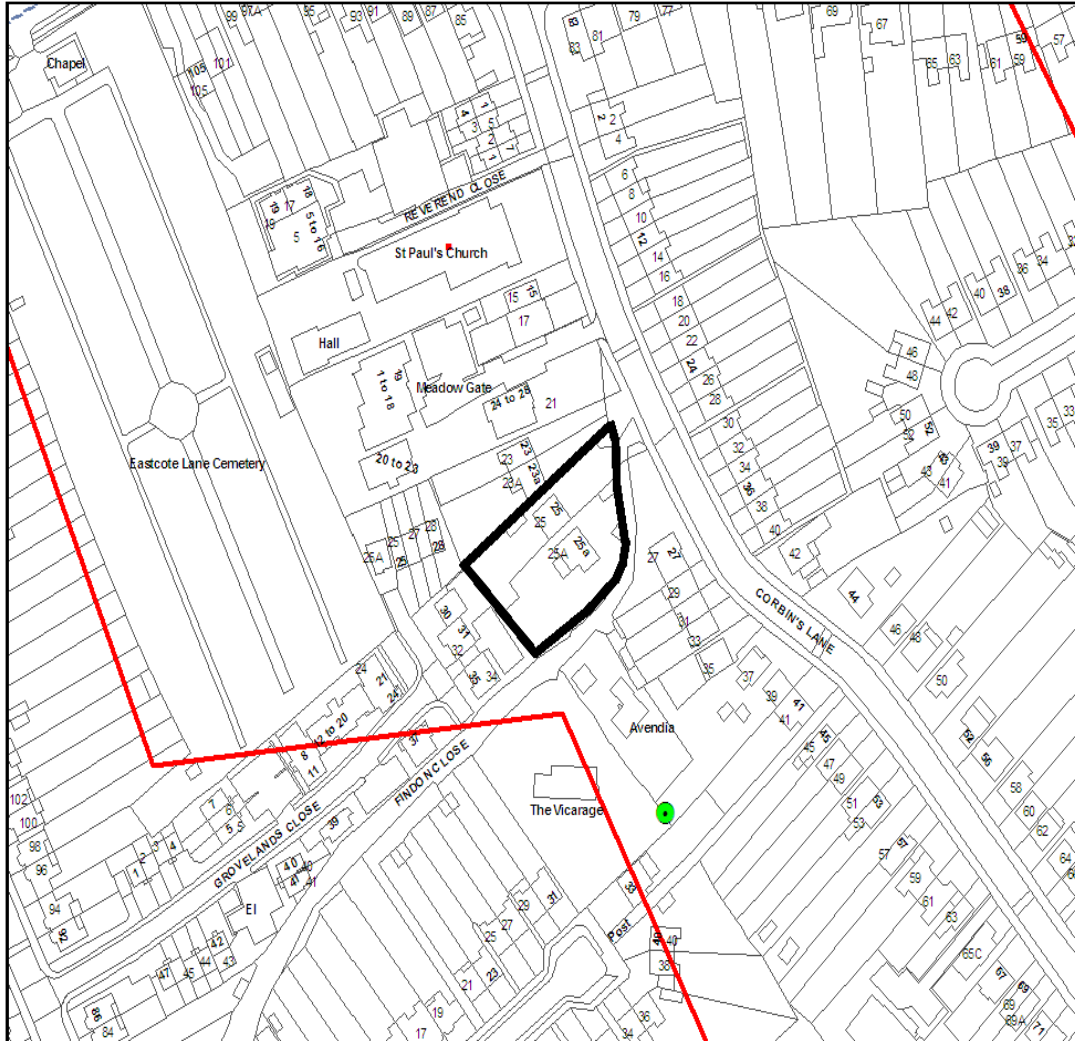
Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information

Plan Nos: 13/3312/6, 13/3312/7, 13/3312/8, 13/3312/10 (REV A), 13/3312/12, 13/3312/13, 13/3312/14, 13/3312/15, 13/3312/16, Site Plan, Sustainability Statement, Design & Access Statement.

25 CORBINS LANE, HARROW



Item No: 2/05
Address: UNITS 1 & 3, LEEWAY CLOSE, HATCH END, PINNER
Reference: P/4168/14
Description: REDEVELOPMENT: CONSTRUCTION OF A BUILDING CONTAINING THREE FLATS FRONTING WOODRIDINGS CLOSE; CONSTRUCTION OF TWO STOREY REAR BLOCK TO CONTAIN TWO FLATS WITH BOX DORMER WINDOWS AND ROOFLIGHTS; COMMUNAL GARDEN, BOUNDARY FENCING AND BIN/CYCLE STORAGE AND EXTERNAL ALTERATIONS.
Ward: HATCH END
Applicant: MR LYNN TOSH
Agent: MICHEAL BOROUGHS ASSOCIATES
Case Officer: MONGEZI NDLELA
Expiry Date: 07/01/2014

RECOMMENDATION

GRANT planning permission subject to conditions.

The proposed development would re-use a previously developed site in a more sustainable and efficient manner, and would provide a satisfactory mix and increase in the housing stock for the borough in a highly sustainable location. Furthermore, the proposed development would provide suitable living accommodation for future occupiers, and would not unacceptably harm the character of the area or the amenities of future or existing neighbouring occupiers therefore according with policies The London Plan 2011, The Harrow Core Strategy 2012, and Harrow Development Management Policies Local Plan 2013.

INFORMATION:

This application is reported to Planning Committee as it creates more than two residential units. The application is therefore referred to the Planning Committee as it is excluded by Proviso 1b of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: E(18) Minor Development

Council Interest: None

Gross Floorspace: None

Net Additional Floorspace: 278m²

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £9,730.

Harrow Community Infrastructure Levy (CIL): £30,580.

Site Description

- The application site comprises 0.03ha of land located to the rear (north) of Nos.384-

412 Uxbridge Road, a commercial parade.

- The site is currently cleared of buildings, having previously been occupied by single storey building in use by a picture framing business.
- The site is within Hatch End Local Centre and to the south of the site is the service area for the rear of the shopping parade.
- The shopping parade is three storey in form, with a mixture of retail and food drink uses on the ground floor and residential flats above.
- To the south west of the site is a development which includes four flats to the rear of 406-412 Uxbridge Road known as Olympic House.
- To the west of the site, beyond Woodridings Close, are two storey residential maisonettes.
- To the north of the site, beyond Leeway Close is No.1 Woodridings Close, a two storey residential property with a rear garden abutting the street.
- To the north and east are the other commercial properties on Leeway Close, principally two storey, with the larger scale telephone exchange building beyond.
- The levels at Woodridings Close drop from north to south and therefore there are changes in levels between the application site and the adjoining Olympic House.
- The site is located with Harrow's Revised Metropolitan District and Local Centres. The site is also located within a Critical Drainage Area.
- The site is not located within a Conservation Area.

Proposal Details

- The proposed development is intrinsically linked to the adjoining site, in which Olympic House is currently located, and within the ownership of the applicant. The application is effectively to consolidate the two sites and create an extended residential development. Olympic House was granted planning permission on 26th May 2010 and comprises of four flats and commercial floorspace at ground floor level.
- It is proposed to construct a three-storey building to comprise of three flats, known as Block 1, and a two-storey building to comprise of two dwellinghouses, known as Block 2.
- Block one will be located toward the west of the site. Block 1 would be 10m in height, would have a width of 11.2m (at the north elevation) and a depth of 7.0m. The building will include a gabled roof structure running east to west parallel with Leeway Close. Block 1 will consist of a one bedroom flat (Flat 1) at the ground floor with a floorspace of 51m², a two bedroom flat (Flat 2) at first floor level with a floor area 61m². The second floor, within the roofspace, will comprise of a studio flat (Flat 3) with a floor area of 38m².
- Block 2 is proposed to be located toward the east of the site and will comprise of a two-storey building. The building is proposed to have a height of 5.6m, a width of 14.4m and a depth of 6.25m. The building would have pitched slopes with a flat roof between the roofslopes. The building will consist of two flats. Flat 4 is a two bedroom flat to be located at the ground floor. The unit will have a floor area of 75m² and be accessed via Leeway Close. Flat 5 is a one-bedroom flat proposed at first floor level and will have a floorspace of 53m². The unit will also be accessed via the Leeway Close elevation.
- The proposals include a communal garden, for the occupants of Block 1 and Flat 5, to be located to the east of the building. The communal garden will cover an area of 60m². Flat 4 will be afforded private amenity at the side elevations with a total 22.5m² of garden area.
- It is proposed that both blocks are finished with red-brick to match the adjacent Olympic House. The development will consist of white-framed windows, painted timber doors and velux windows in the roofspace. The proposed pitched roofs will consist of red slate tiles
- The cycle storage area to Block 1 is incorporated within the building whilst Block 2 will contain separate cycle storage for each unit the ground floor would also incorporate refuse and cycle storage for both buildings properties.
- Refuse storage would be provided for the Block 2 at the Leeway Road elevation whilst the proposed refuse store for Block 1 is proposed adjacent to building within the amenity area at the southern elevation of the site.
- Access to Block 1 would be gained from either Woodridings Close or Leeway Close whilst the access to Block 2 will be from Leeway Close.
- No vehicle access or parking is proposed.

Revisions to Previous Application:

- N/A

Relevant History

- LBH/24963 - Change of use from light industrial to storage and packaging assistant.
Grant: 15/03/1984
- LBH/29374 - First floor extension to provide office assistant.
Refused: 13/03/1986

- P/3102/12 - Redevelopment to provide three units (173 sqm floorspace) of office/light industry (class b1 use) and four flats in a three storey building together with internal refuse and bicycle storage areas.

Refused: 25/03/13

Reasons for Refusal

1. The proposed building, by reason of excessive scale, massing and inappropriate and poor design, would result in a prominent, visually imposing, dominant and obtrusive form of development on this narrow site, which would be out of proportion and scale with neighbouring buildings and would not provide adequate space for soft landscaping, to the detriment of the character and appearance of the area, contrary to policies 7.4B and 7.6B of The London Plan (2011), core policy CS1 B of the adopted Harrow Core Strategy (2012), saved policies D4 and D9 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

2. The proposed development, by reason of excessive scale, bulk and fenestration in relation to No.1 Woodridings Close and Olympic House, would be unduly obtrusive and overbearing, resulting in a loss of outlook and overbearing impact to, and overlooking of, those properties, to the detriment of the amenities of the occupiers of those properties, contrary to policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

Appeal Dismissed: 20/08/13

P/4168/14 - Redevelopment to provide 2 x two storey detached houses with accommodation in roof; refuse & cycle storage; associated landscaping.

Withdrawn: 25/06/2014

Pre-Application Discussion (P/2517/14/PREAPP)

- The scale and location of the proposed buildings are considered acceptable and address the issues raised by the Planning Inspector (Ref: APP/M5450/A/13/2194764).
- Need to demonstrate that there is at least 2.5m headroom over 60% of the top floor floorspace of Block 2 to ensure that the development complies with the London Plan standards.
- The redline plan needs to include the entirety of the site to ensure that the proposal is within application site.
- The first floor window on the west elevation should be removed to avoid overlooking/loss of privacy
- The layout to the ground floor of Block 2 needs to be reconfigured to ensure that the bedrooms do not face the service road to the south of the site. Furthermore, all windows at the ground floor elevation should be high level windows.
- The first floor north dormers should be removed to avoid the perception of overlooking to the rear gardens of no.1 Woodridings Close.
- 63sqm was well below the GLA floorspace requirement. This was not necessarily fatal but to succeed it would be necessary to show the units had adequate storage;
- We should make sure that ceiling height satisfied the GLA standard.

Applicant Submission Documents

- Design and Access Statement.

Summary

The document sets out the recent planning history of the site and the efforts undertaken by the applicant to work with the Council to ensure an acceptable scheme was submitted. The document also discusses the design concept alongside the adjacent Olympic House and how the current proposal bases its design upon the materials and styles used at Olympic House. The document has also considers objections raised during the application process.

Consultations

Drainage Engineer – Conditions recommended relating to surface water attenuation and disposal, and sewage disposal.

Landscape Architect – Conditions recommended relating to landscaping, levels, hard and soft material details and boundary treatments.

Hatch End Association – Object to the Proposal:

The application is considered an overdevelopment to the site. The site is cramped and the development would be detrimental to neighbouring residential amenities. The lack of parking facilities for new residents and visiting vehicles is almost non-existent. The nearby public car park is essentially for shoppers or business owners, not for local residents who live nearby.

Advertisement

- N/A

Notifications

Sent: 34

Replies: 1

Expiry: 09/02/2015

Summary of Responses

- The proposals are considered an overdevelopment;
- The proposal will lead to additional parking problems;
- Access around the site will be severely restricted during the building phase.

APPRAISAL

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
'If regard is to be had to the Development Plan for the purpose of any determination to be under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and Development Management Policies 2013 [DMP].

MAIN CONSIDERATIONS

Principle of Development
Character and Appearance of the Area
Residential Amenity
Traffic, Parking and Servicing
Drainage and Flood Risk
Accessibility
Sustainability
S17 Crime & Disorder Act
Consultation Responses

Principle of Development

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.

The application has been submitted on the back of an extensive history to develop the site. This has involved several planning applications and pre-application discussions. It is noted that application P/3102/12 was refused and subsequently dismissed at appeal. The Planning Inspector did however accept that the principle of a residential development was acceptable at the site and it is under this context that the principle of the development is deemed acceptable, subject to detailed character and amenity issues addressed in the sections below.

Character and Appearance of the Area

The London Plan policy 7.4B states that buildings should provide a high quality design response that has regard to existing spaces and streets in orientation, scale, proportion and mass. The London Plan Policy 7.6B states that architecture should make a positive contribution to the streetscape. Core policy CS1 states that all development shall respond positively to the local context.

Development Management Policy DM 1 (2013) states "All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."

Paragraph 4.8 of the SPD Residential Design Guide (2010) states "The design and layout of new development should recognise the character of the area in which it is situated

and, in applying minimum density and other policy requirements, respond to the positive features of that character. In instances where the surrounding area lacks an identifiable character with positive attributes, or the proposal site is severed from its surroundings (i.e by railway lines, mayor roads, industrial areas), the design of new development may establish a distinctive new local identity.”

The physical scale and siting of the development has been informed by the Planning Inspector’s comments of the previously dismissed appeal. Block 1 is located to the west of the site, adjacent to Woodridings Close. The building mirrors the scale, height and design on the neighbouring Olympic House. As such, its scale and siting is informed by the adjacent building, effectively doubling the frontage of the Olympic House building. The building has a similar height to the nearby residential dwellings on Woodridings Close. Block 2 takes on the appearance of a subordinate building to the rear of the site. The building is sited approximately 8.6m to the rear of Block 1 and is approximately 3.3m less in height. As such, the scale and siting of the two blocks are considered to be appropriate at these locations and the gap between the blocks gives an element of openness to an otherwise constrained site. Furthermore, it is noted that the buildings are sited away from Leeway Close thereby giving some relief to this elevation. The Inspector noted that the previous proposal gave ‘little scope landscaping and would thus fail to provide an appropriate setting for the development’. The applicants have scaled back on the footprint of previous proposals and allowed for some relief on the site which prevents an overbearing appearance of the buildings. As such, it is considered that the scale and siting of the proposed buildings are considered appropriate.

The proposals effectively seek to consolidate the Olympic House site with the application site, giving it the appearance of a single development that fronts onto Woodridings Close and continues toward the rear, along Leeway Close. Olympic House is made of red brickwork with steep red tiled slanting roofs to echo the cat slide roofs found at the properties located opposite the site on Woodridings Close. As such, in terms of design, the proposal sits well in a location that is between typical Metro-land suburban housing and the commercial characteristics of Hatch End Centre. The front of the site, toward Woodridings Close, retains a more suburban appearance whilst the rear (where Block 2 is located) is more commercial in character. The designs of the buildings arguably lend themselves to this contrast of ‘suburban’ and ‘commercial’ at this location. As such, it is considered that the building does not have an overtly residential appearance to the extent that broadly, it would not be harmful within its context.

It is noted that objections have been received stating the proposal is an overdevelopment of the site. The site is narrow and constrained and thus the proposal to develop the site could be perceived as an overdevelopment. The current proposals are a notable decrease on previous proposals to develop the site. Significantly, the Inspector noted that previous proposals failed to address the area’s spacious qualities as they lacked a set back from Leeway Close or sufficient space around the buildings. It is considered these concerns have now been addressed and furthermore, the height and massing of the proposal is considered acceptable at this location. Based on the context of the site’s planning history, the current proposals are not considered to be an overdevelopment.

The proposed broad scale, design and form would not therefore have an undue adverse impact on the appearance of the area, rather it would have an acceptable impact on the streetscene, and would continue to respect the character and context of the locality, thereby according with policy 7.4.B and 7.6.B of The London Plan 2011 and policy DM1 of the Harrow Development Management Plan (2013).

Landscaping and Public Realm

Significantly, the proposals bring forward an extensive amount of landscaping for a site of this size. The set back of the buildings from the Leeway Close elevation and the gap between the two buildings provides for adequate landscaping whilst contributing to the area's spacious qualities. The proposed plans demonstrate that there would be a mix of hard and soft landscaping within the site, and it is considered that the proposal would provide a suitable mix of landscaping for the property. Further detail of the soft landscaping will be sought by way of a safeguarding condition. A small amount of hard landscaping is proposed at the entry areas to the buildings from Leeway Close however, as little detail is provided with regard to the appearance of the hardstanding materials, it is considered reasonable to attach a condition requiring samples of these materials.

Residential Amenity

Policy 7.6B, subsection D, of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Development Management Policy DM1 states that “*all development and change of use proposals must achieve a higher quality of privacy and amenity for future occupiers of development will be resisted*”.

Previous proposals for the site have failed to address residential amenity to Olympic House and no.1 Woodridings Close. It was noted during the appeal that the proposal failed to address the prominence of the building from bedroom windows at Olympic House. Furthermore, the proposal for a three storey building would appear overbearing when seen from rear windows of Olympic House. The previous proposals also failed to address the 45 degree code set out in the Council’s SPD. The applicants have attempted to mitigate the concerns that were raised by the Inspector. The siting of the proposed buildings places a gap between the buildings, which addresses the 45 degree code and ensures there not an overbearing effect of the rear bedroom windows to Olympic House. Block 2 is sited a sufficient distance from Olympic House to ensure there is no overbearing impact. Importantly, Block 2 is significantly reduced in height compared to Block 1 which further reduces any potential overbearing impacts. It is noted that the ground floor flat to Block 2 has French Doors at the bedrooms that arguably can be overlooked from Olympic House. However, there is a distance of 10.8m between the buildings and Laurel screening is proposed to mitigate any issues around overlooking. As such, it is considered that the Inspector’s concerns have been addressed in relation to Olympic House.

The Inspector also noted that the height and scale of the previous proposal would harm the living conditions of the neighbouring occupier at no.1 Woodridings Close. First, it was noted that the proposed buildings siting in close proximity to the boundary with Leeway Close would have appeared overbearing when seen from the rear garden of no.1 Woodridings Close and secondly, the proposed fenestration of the previous building would have resulted in overlooking to that property. Block 2 is now essentially a single storey building with accommodation in the roofspace and significantly, is set back from Leeway Close by 1.2m. As such, this addresses the Inspector’s concerns relating to an overbearing impact when viewed from the rear garden of no.1 Woodridings Close. Furthermore, Block 2 will have rooflights in the roofspace and therefore, will not result in any overlooking into the garden of no.1 Woodridings Close. This addresses the Inspector’s concern regarding overlooking into the property. As such, the applicant has clearly demonstrated that they have addressed the concerns raised in previous applications, and in particular, the Appeal Decision.

It is noted that objections have been received in relation to neighbouring amenities. However, the Inspector considered the previous proposals, which were considerably larger than the current submission, would only impact Olympic House and no.1 Woodridings Close. These impacts have now been addressed and therefore the proposals are not considered to adversely affect neighbouring amenities.

Standard of Living Accommodation

- 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 DM 26 of the DMP specifies that proposals will be required to comply with the London Plan minimum space standards.

The room sizes of the current scheme are shown in the table below, along with the minimum floor areas for rooms as recommended by the Mayors Housing SPG.

	Gross Internal Floor Area (GIA)	Kitchen/Living/ Dining	Bedroom
Mayors SPG 2012 - Minimum floor areas	1 person (37sqm)	1 person 37 sqm	Double 12sqm Single 8sqm
	1 bedroom, 2 person (50 sqm)	2 person 23 sqm	
	2 bedroom, 3 person (61sqm)	3 person 25 sqm	
	2 bedroom, 4 person (70sqm)	4 person 27 sqm	
Flat 1, 1 bedroom, 2 person	50 sqm	23 sqm	Double 12sqm
Flat 2, 2 bedroom, 3 person	61 sqm	29 sqm	Double 15 sqm Single 8 sqm
Flat 3, 1 person	38 sqm	N/A	N/A
Flat 4, 2 bedroom, 4 person	75sqm	27 sqm	Double (1) 12 sqm Double (2) 14 sqm
Flat 5, 1 bedroom, 2 person	53 sqm	28 sqm	Double 16 sqm

Each of the proposed units would meet the GIAs required by the London Plan 2011 and the Council's adopted SPD: Residential Design Guide 2010. It is therefore considered, that the proposed accommodation would provide a satisfactory level of accommodation for future occupiers. In regard to Flat 5, the applicant has demonstrated that over 60% of the floorspace will have a head height of at least 2.5m. In terms of the internal layouts of the units, each of the units would provide relatively good internal circulation and units would have 'like-for-like' room uses above and below. All of the units are dual aspect which is encouraged in the Borough. It is therefore considered that the proposed development would provide a satisfactory level of accommodation for future occupiers.

Outdoor Amenity Space

Paragraph 5.16 of the Residential Design Guide SPD (2010) states that private amenity

space for residents of flats should be encouraged. The proposal would provide a communal amenity area between the two buildings. The area would have 60m² of garden area to be used by Flats 1, 2 3 and 5 whilst Flat 4 will benefit from 22.5m² of private 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.

Given the above, it is considered that the proposal would have no significant adverse implications for host and neighbouring residential amenities. In addition, it is considered that the proposed development would provide an adequate level of accommodation for future occupiers of the site, and would not unacceptably harm the amenities of neighbouring residential occupiers. The proposal therefore complies with policies 3.5C, 7.4B and 7.6B of The London Plan (2011), Policy CS1.K of the Harrow Core Strategy, Policies DM1 and DM26 of the DMP and the Council's adopted Supplementary Planning Document 'Residential Design Guide (2010)' in that respect.

Traffic, Parking and Surfacing

The London Plan and the adopted Core Strategy encourage and advocate sustainable modes of travel and requires that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided etc.

No car parking is proposed as part of the development. Neighbours have expressed concern about the development impacting on the current parking situation around the site. However, the proposal seeks only five units, and given the nature of the site and its location in an area with reasonable transport links, it is unlikely that people with cars would be willing to live in a location with an uncertain parking provision. The site is in a District centre location and there are extensive parking controls on surrounding roads. It is noted that the adjacent Council car park cannot be relied upon to provide for the development, as charging could be implemented here in future. It is however considered that the 'car free' nature of the scheme should discourage car owners from occupying the flats and, given the reasonable public transport accessibility of the site, on balance the proposal would be acceptable. Secure cycle parking would be provided in line with London Plan requirements. However this is not entirely clear and thus a condition will be added to ensure this provision is suitably provided.

Concerns have also been raised in regard to the highway safety during the construction phase of the development. As such, a condition has been attached to the permission requiring a construction management plan to be submitted and approved in writing prior to the commencement of development.

Development and Flood Risk

The site is not located within a flood zone. However, is located within a Critical Drainage Area and given the potential for the site to result in higher levels of water discharge into the surrounding drains, could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall. The Council's Drainage Team has commented on the application and recommended conditions to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. It is considered reasonable that this matter could be addressed by way of appropriately worded safeguarding conditions. Subject to such conditions the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D, and policy DM10 of the DMP.

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.

The Design and Access statement notes that the development has been designed to Lifetime Homes Standards however this has not been clearly demonstrated. It appears that the units would have adequate turning and circulation areas and potentially, appropriate door widths and bathroom facilities. It is considered that to ensure that this is implemented and retained thereafter, an appropriately worded condition has been attached.

Subject to a condition, the proposed development would therefore accord with policy 7.2.C of The London Plan 2011, policy CS1.K of the Harrow Core Strategy 2012, policy

DM2 of the Harrow Development Management Policies Local Plan 2013, the adopted SPD: Accessible Homes 2010 in providing accessible units for all persons.

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.

S17 Crime & Disorder Act

Given the former workshop use of the site, it is considered that proposed development would result in an improved situation in terms of additional natural surveillance to Leeway Close from the proposed residential uses. The development could be designed to be appropriately secure and no concerns are raised in relation to Secured by Design considerations.

Consultation Responses

The proposals are considered an overdevelopment;

See Section 2

The proposal will lead to additional parking problems;

See Section 4

Access around the site will be severely restricted during the building phase.

See Section 4

The concerns raised by the Hatch End Association are addressed in Sections 2, 3 and 5.

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 92 of the Town and Country Planning Act 1990.

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

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

3 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above ground floor damp proof course level 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: External appearance

b: Shared ground surfaces

c: Rainwater goods and soil pipes

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2011 and policy DM1 of The Development Management Policies Local Plan 2013.

4 The development 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 which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, 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 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in accordance with policy DM22 of The Development Management Policies Local Plan 2013.

7 Notwithstanding the approved plans, the development hereby permitted shall not commence until details for a scheme for works for the disposal of surface water and surface water attenuation and storage works on site as a result of the approved development shall be submitted to the local planning authority to be approved in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained. REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development, in accordance the recommendations of Core Strategy (2012) policy CS1, the NPPF and policies DM1, DM9 & DM10 of the Harrow Development Management Local Policies Plan (2013).

8 The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2011 and policy DM1 of The 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. 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.

10 All residential units in this development, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with policies 3.8 and 7.2 of The London Plan 2011, policy DM1 of the Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document: Accessible Homes (2010).

INFORMATIVES:

1 INFORMATIVE:

The following the policies are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 3.5, 3.8, 5.1, 5.12B/C/D, 7.2C, 7.4.B, 7.6.B, 7.8.

Harrow Core Strategy 2012: CS1

Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM10, DM26.

Supplementary Planning Document: Residential Design Guide 2010

Supplementary Planning Document: Accessible Homes 2010

2 INFORM_PF1

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 INFORMATIVE:

Please be advised that this application attracts a liability payment of £9,730.00 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 £9,730.00 for the application, based on the levy rate for Harrow of £35/sqm and the residential floor area of 278sq.m.

4 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: £30.580.00

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

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

6 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

7 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

8 SUDS

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

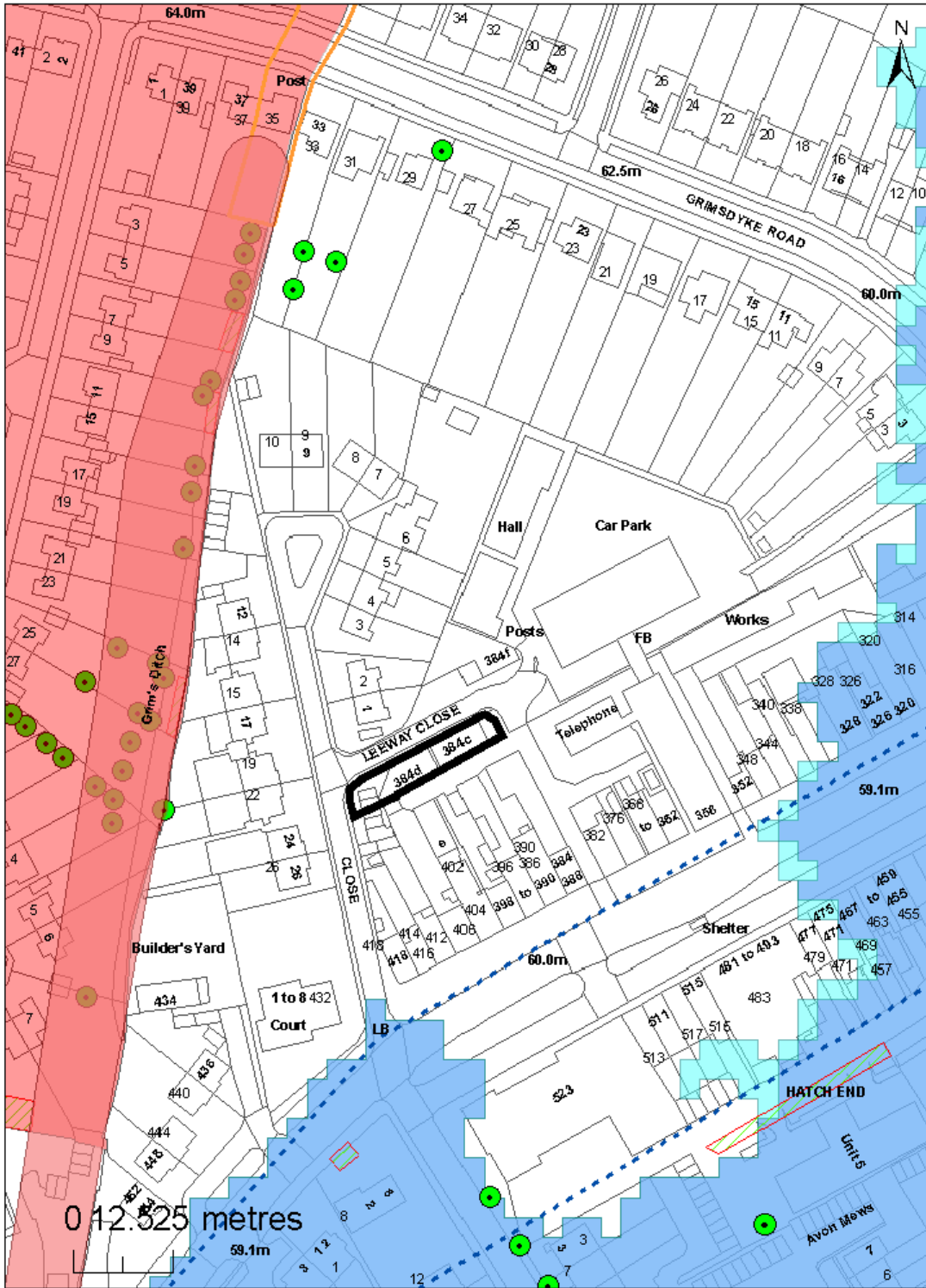
SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles. The applicant can contact Harrow Drainage Section for further information

Plan Nos: 1116/L.01 (REV A), 1116-TP.82 (REV E), 1116-TP.83 (REV C), 1116-TP.84 (REV B), 1116-TP.85 (REV B), 1116-TP.86 (REV C), 1116-TP.89 (REV B), 1116-TP.90 (REV A), 1116-TP.91 (REV A), 1116-TP.92 (REV C), 1116-TP.93, Design & Access Statement.

UNIT 1 LEEWAY CLOSE, HATCH END, HARROW



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Item No: 2/06

Address: AVANTI HOUSE SCHOOL (FORMER PETERBOROUGH AND ST MARGARET HIGH SCHOOL), COMMON ROAD, STANMORE

Reference: P/4466/14

Description: MODIFICATION TO SECTION 52 PLANNING OBLIGATION RELATING TO PLANNING PERMISSION LBH/0/35339/E DATED 25TH JUNE 1990 (PRINCIPAL AGREEMENT), TO INCREASE THE NUMBER OF PUPILS PERMITTED ON SITE FROM 240 TO 420

Ward: STANMORE PARK

Applicant: AVANTI HOUSE TRUST

Agent: DTZ CONSULTANTS

Case Officer: VICTOR UNUIGBE

Expiry Date: 12/01/2015

RECOMMENDATION

APPROVE modification to the principal Section 52 Agreement dated 25th June 1990 relating to the limitation of students numbers subject to the completion of a Deed of Variation. Authority to be given to the Divisional Director of Regeneration and Planning in consultation with the Director of Legal and Governance Services for the sealing of the Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed

of Variation would cover the following matters:

1. Under the Second Schedule, covenant item 7, replace the limit on pupil numbers 240 with 420, subject to the submission to the Council on an annual basis, a plan indicating credible gradual improvement in the STP performance. Such improvement should demonstrate evidence of the exploration of car sharing, parking and ride measures.
2. The School to make every reasonable endeavour to achieve a STP capable of Gold Status by 30th September 2018.
3. Payment of reasonable Legal Fees in the preparation of the legal agreement.

REASON

Having regard to the policies and proposals in the National Planning Policy Framework (NPPF) (2012), The London Plan (2011) (as altered in 2013 and 2014), the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013), it is considered that the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of a Sustainable Travel Plan working towards a Transport for London Gold Status and associated traffic mitigation measures.

INFORMATION

This application is reported to the Committee as the Council has received a number of objections to the application, and it is in the opinion of the Divisional Director of Regeneration and Planning, controversial and of significant public interest. It therefore falls outside of proviso E of the Scheme of Delegation.

Statutory Return Type: Other

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 is occupied by Avanti House School and is located on the eastern side of Common Road, a busy main road that links Harrow Weald and Bushey Heath.
- Avanti House School is a free all through school for pupils aged 4 to 18. The school is housed on two separate sites, splitting the primary and secondary elements. The secondary school pupils are presently housed on the application site.
- The school buildings comprise a single-storey Nursery unit and two two-storey buildings, one of which forms the main administrative block to the east and is locally listed. There is a games court to the north and a car park to the south-east corner.
- The site is situated within the Green Belt. It is also situated within a designated area of Historic Parks and Gardens.
- The boundaries of the site are enclosed by dense belts of mature trees, a number of which are protected by Tree Preservation Orders (TPOs).
- The site is bounded by detached residential properties set within spacious plots to the north and east on Tanglewood Close. Farther to the north-west on the other side of Common Road is low density residential development and open space.
- The main entrance caters for both vehicular and pedestrian accesses. The pedestrian access is separated from the road and leads to the school buildings.
- The subject site was previously occupied by Peterborough and St Margaret's School, an all through girls' school, which closed in summer of 2013. The secondary pupils of Avanti House School relocated to the site in September 2013. It is intended that the secondary pupils will remain on the site until July 2015, when they relocate to a permanent site elsewhere in the borough.
- It is intended that from September 2015, the site will become the permanent location for the primary school, which is a 2 Form Entry (2FE).
- There are a number of covenants attached to a Section 52 legal agreement (dated 25th June 1990) for a planning permission (reference LBH/0/35339/E), which permitted the change of use of the site from a residential home to a School. In so far as the site land is used as a school, Covenant item 7 of the Second Schedule of the agreement restricts the number of pupils under the age of nineteen years that attend the school to 240.
- It has been submitted that there are 320 secondary pupils temporarily accommodated on the site, a number that exceeds the agreed limit set in the Section 52 legal agreement.

Proposal Details

- This application proposes to vary Covenant item 7 of the Section 52 legal agreement in order to increase the number of pupils permitted on site from 240 to 420 pupils.
- The variation is proposed in order to regularise the existing temporary roll of 320 secondary school pupils on the site, as well as to allow for a full capacity of the primary school when it is accommodated on the site from September 2015.
- It is proposed that the primary school will start with an initial contingent of 240 pupils in Reception and Year 1 to 3 classes, growing year on year until reaching full capacity of 420 pupils by September 2018.
- The school proposes to vary the legal agreement to also allow for the removal of Covenant item 6 of the Second Schedule, which restricts further development on the unbuilt part of the site land in perpetuity. However, it is instructive to note that the clause in respect of covenant item 6 was modified in 2005 (the 2005 Variation), such that the restriction against further development on the land no longer exists. The variation required by this application in that respect is therefore not necessary.

Revisions to Previous Application

N/A.

Relevant History

The site benefits from an extensive planning history. The relevant history is outlined below.

LBH/0/35339/E – Change of use from residential home to School with new two storey wing and three temporary classrooms with parking and alterations to junction with Common Road and alterations to the access arrangements on the Land – Granted: 26 June 1990 (SUBJECT TO S52 AGREEMENT). This application is most relevant to this current application.

P/1794/03/CCO – Retention of revised car parking provision, new landscaping and additional fencing – Granted: 21 March 2005.

P/1049/06/CFU – Single storey nursery Unit – Granted: 20 February 2007.

P/2128/14 – Installation of temporary portakabin modular building (two storey) to be used as additional classroom accommodation for a period of 53 weeks – Withdrawn: 22 August 2014.

P/4588/14 – Installation of temporary portakabin modular building (single storey) to be used as additional classroom accommodation for a period of 53 weeks – This application is referred to the Planning Committee for determination.

Pre-Application Discussion

- The School held informal discussions with the Council prior to submitting this application. The School was advised that any uplift in student numbers would need to be justified by the School by way of a School Travel Plan.

Applicant Submission Documents

- Planning Statement: - This sets out the site history, the proposed modifications and policy justification for the proposal.
- Draft Framework Travel Plan – this document provides data relating to travel modes

to and from the School by students and staff, and sets out the key objectives and targets to be put in place by the School in addressing sustainable travel modes.

- 2014 Avanti House School Transport Assessment – this document considers the implications of development related travel on the operation of the surrounding highway and transport networks.

Consultations

Highways Authority:

No objection to the proposal subject to the imposition of a condition that the school achieves a gold level of accreditation by full occupation.

Notifications

Sent: 45

Replies: 4

Expiry: 21/01/2015

Addresses Consulted

Cedar House, Woodside, Common Road, Stanmore, HA7 3HZ

1, 2, 3 Tanglewood Lodge, Chestnut Cottage, Heath Lodge, Tanglewood Cottage, Longcote, Tanglewood Close, Stanmore, HA7 3JA

Heriots Wood, Heathfield Lodge, The Common, Stanmore, HA7 3HG

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, Alpine Walk, Stanmore, HA7 3HU

Ashdown, Fernwood, Moorside, Woodlands, 1, 2, 3 Heathfield Cottages, Yogi Bhavan, Pangbourne, Magpie Hall Road, Bushey, WD23 1NX

Kestrel Grove Cottage, Kestrel Grove Nursing Home, Cottage 1, Cottage 2, Hive Road, Bushey, WD23 1JQ

Summary of Responses

- The proposed change to 420 primary school pupils across a broader age range will have a massive impact on traffic activity around the area. There would be vastly more pupils, generating more car trips, and a younger age bracket, making more car trips.
- It is difficult enough to get out of Tanglewood Close around school pick-up time – this would be exacerbated by the increase in pupil numbers.
- The proposed increase in pupil number to 420 is significantly higher than the covenanted number of 240, which is currently being broken by the school. The current number of 320 is not an established status quo from which to consider an increase to 420.
- The proposed start time of the breakfast club of 7.00am is far too early for young pupils. It is indicative of the underlying unsuitability of the site to cater for 420 pupils.
- There are no 'on and off' road cycle routes that exist, which could possibly be used by young children, without grave danger to their safety.
- In terms of the submitted Transport Assessment, the figures for trip generation for the proposed 420 pupil school on the Common Road site have been derived from responses for 56 pupils at the Camrose Avenue site obtained in June 2014. This discloses a major logical fallacy at the heart of the study, as firstly, the sites are not comparable to their wider catchment area due to differing geographics, and secondly, a sample based on the 56 pupils who responded is not statistically significant.
- Regardless of whether the application is approved, the traffic on Common Road needs to be looked at, as the current increase in numbers has already caused an adverse impact to traffic.

- When the age profile of the pupils' changes, fewer pupils will take the bus and more will be brought by car. There is the need to ensure that this traffic flow is somehow managed correctly – with speed reducing measures, staggering of drop off and pick up times and almost definitely a school bus service.
- There is the need to remind the school about ensuring parents do not use Tanglewood Close for drop off or pick up parking for turning around and most especially for parents' evening. In the past, marshals were put on site to ensure parents did not use the road and this worked well. This traffic marshalling program should be continued.
- It will be crucial for the school to establish two or three pick-up points that are central to the pupils' homes catchment areas, with a school bus service to reduce the traffic increase.
- In terms of the related application (reference P/4588/14) for the installation of a temporary portakabin, natural screening to a height of 2.5 metres on the perimeter fence with Tanglewood Close is required. There is also need to impose a legal agreement stipulating the removal of the portakabin after the requested 53 week period.

With regards to the last point expressed above about the proposed installation of a temporary portakabin, it is instructive to note that this would be appropriately addressed in the separate report for that application, which is presently being referred to the Committee.

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) (2012), 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 Harrow 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. From this date, the REMA are operative as formal alterations to The London Plan and therefore form part of the development plan for Harrow.

Further Alterations to London Plan (FALP) are now post examination and may be given significant weight. 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 FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs.

MAIN CONSIDERATIONS

Principle of the Development (Modification) and Impact on Traffic and Parking
Equalities Impact
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development (Modification) and Impact on Traffic and Parking

Paragraph 72 of the NPPF sets out 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 (LPAs) should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It goes on to state that the LPAs should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy 3.18C of The London Plan will support development proposals which enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. The amendments to Policy 3.18 by the draft FALP seek to provide further support for new free schools in London and identify a need for 4,000 extra primary classes by 2020. This is further emphasised under Policy DM 46 of the Harrow DMP. Policy DM 43 in the case for major development sites will require a Transport Assessment to be undertaken. It goes on to state that any impact identified in the Transport Assessment should be mitigated through the implementation of Travel Plans, which should include the desirability of achieving a modal shift away from private car use towards sustainable modes of transport.

The principal planning agreement dated 26th June 1990 (reference LBH/0/35339/E) imposed a pupil number limitation of 240. The proposed deed of variation, which is the subject of this application, now seeks to modify the deed by increasing the number of students on roll to 420 particularly for the 2FE primary school, which will permanently occupy the site from September 2015.

As stated above in the 'Proposal details' section, the school proposes to vary the legal agreement to allow for the removal of Covenant item 6 of the Second Schedule, which restricts further development on the unbuilt part of the site land in perpetuity. The school submits that the existing facilities on the site are no longer fit for purpose and that there are considerable works required to improve them in order to continue the use of the site for education purposes, which is already established as the lawful use of the site. It is instructive to note that the clause in respect of covenant item 6 was modified in 2005 (the 2005 Variation), such that the restriction against further development on the land no longer exists. The variation required by this application in that respect is therefore not necessary although planning permission will be required for the construction of any additional permanent or temporary buildings on the site. Nevertheless, the school has demonstrated by way of the provision of a 'Site Sequential Test' that it would be unfeasible for further development to be located on an alternative site, and that site searches in the preferred areas have proved unsuccessful.

The proposed expansion in pupil numbers will take place in phases over the three years with a yearly net increase of 60 pupils. Alongside this proposed expansion, the school will be aiming to achieve a higher status for sustainable transport and travel arrangements for all its pupils in accordance with the 'Sustainable Travel: Active Responsible, Safe'

(STARS) programme administered by the Transport for London (TFL). The School's current roll of secondary pupils on site for this academic year (according to the accompanying Planning Statement) is 320, which exceeds the permitted maximum threshold of 240. The objections from neighbouring residents in relation to the current roll of 320 pupils on site are noted. Whilst this current roll number exceeds the permitted maximum number of 240, it is however instructive to note that this relates to the temporary accommodation of the secondary pupils on the site, who will be relocating to another site after July 2015.

The school has submitted a Travel Plan and Transport Assessment, which have been approved by the Council's Travel Plan Officer. It is noted that Avanti House school is a free school with an expectation that part of its selection criteria would be based on local catchment. The school has submitted in the Travel Plan that the geographical and catchment area spread of the current Reception and Year 1 pupils show that the majority of pupils (52%) reside within the adjoining postcode areas of the site, indicating the potential for these pupils to be walked to school by an adult. However, it is reasonable to expect that a significant proportion of its student population would travel to and from the School by use of some form of transport mode. It is acknowledged that local residents have raised strong concerns in terms of traffic generation during drop off and pick up periods. It is instructive to note that there is a current provision of 42 parking spaces on the site. It has been demonstrated in the Transport Assessment that with the current roll of 320 secondary pupils, a maximum total parking / set down and pick up of 42 cars reaches capacity at the usual school finishing time of 3.15pm. The school has a dedicated minibus service with an on-site provision of three parking bays, a coach bay and coach turning circle, which would be retained. The Transport Assessment submits that the existing access into the school would be widened and demarcated spaces provided to maximise capacity for pick up / set down. The Transport Assessment also submits that there will be an adherence to a provision of 1 cycle space per 8 staff or pupil in line with the proposed cycling standards of the FALP. It is considered that this provision would help in the promotion of the use of alternative sustainable modes of transport to the school.

Further to the above, the school actively seeks through the implementation of the Travel Plan to reduce journeys to and from School by car and encourage more sustainable modes of travel. The School has submitted a number of initiatives in the Travel Plan to incorporate a working partnership with parents and pupils to move towards more sustainable modes of transportation. Such initiatives include the maintenance of a marshalling programme during school drop-off and pick up periods. This would involve a number of 5 Marshalls on site to direct and manage traffic entering, circulating and exiting the school site. Other initiatives include the establishment and operation of a school car share scheme, provision of travel information on the school website, working in partnership with Travel Plan Officers in the Council and at other local schools, actively encouraging the use of existing local public transport services for access to the school, promotion of walking and cycling as viable modes of travel amongst pupils and staff and engaging with parents through the school website / newsletters / emails over demands for the school minibus facility and identify suitable collection / drop off locations to either 'Park and ride' or for remote drop-off / pick-up with minibus journeys to and from the school.

It is instructive to note that with regards to related travel for the current roll, the Council's Travel Plan Officer has observed traffic around the school for a few days this school year and considered that the proactive arrangement put in place by the school both to stagger

car movements and at the same time control congestion around the school was satisfactory. Given that the school also proposes two separate stagger start and finish times for the Years 1 to 3 pupils and Years 4 to 6 pupils, Officers consider that the undertaking of these key measures by the school will help to reduce the numbers of pupils arriving by car and reducing traffic/ congestion on nearby residential roads. This would significantly help to address the concerns expressed by the neighbouring residents in respect of parking and congestion problems in the area arising from the current and proposed rolls of pupils on the site. Whilst inevitability there will still remain some form of car travel to and from the site given that a proportion of pupils would come from outside the local area, however, in order for the School to meet its aspirations to achieve a gold STARS status by 2018, the school will be required to proactively reduce car reliance.

The school has indicated that there will be a future scheme to incorporate a single storey building where the present nursery unit is sited as part of the proposed expansion for increasing the student number limit on the site. There is no restriction on constructing development on any unbuilt part of the site given the removal of the covenant that previously restricted related development. Nevertheless, planning permission will be required for any additional buildings on the site and the school has been made aware of this requirement. The school proposes the reorganising of the existing internal layout of the buildings on the site as part of meeting the demand for the proposed increase in pupil roll number. This does not require permission given that the main building on site is locally listed and not statutorily listed.

It is considered that the School's objective to reduce travel by car and move towards more sustainable modes of travel can be achieved through a more pro-active partnership between the School and the Council through the annual monitoring of the Travel Plan, which would be secured under this deed of variation application. The School is committed to providing an up-dated Travel Plan on an annual basis for the Council to monitor. This annual Travel Plan monitoring provision would enable the Council to scrutinise the progress being made by the school more robustly and enable it to work together with the school in achieving a gold STARS status. Even though the Travel Plan Officer has agreed to the Travel Plan (and Transport Assessment) submitted, the Travel Plan Officer has recommended that any updated annual Travel Plan should demonstrate evidence of the exploration of car sharing, park and ride measures as proposed in the Travel Plan. This provision is therefore recommended to be added into this modified deed of variation.

On balance, whilst taking note of local residents' concerns with the existing traffic and parking situations, it is considered that the implementation of the submitted Travel Plan and the submission of updated Travel Plans on an annual basis would see the reduction in car reliance over time and a move towards more sustainable travel options. The proposed expansion in school population is considered acceptable with regards to the above stated policies. Subject to the completion of the deed of variation in line with the obligations set out above the proposal is considered acceptable. Officers considered that the proposed measures, which have been agreed to by the Council's Travel Plan Officer would provide confidence to local residents that the school is seeking to seriously reduce car dependency in favour for more sustainable modes of travel and to reduce overall traffic flow in the locality.

Equalities Impact

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

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

to:

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and policy DM 2 of the Harrow DMP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

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

Consultation Responses

The comments received from neighbouring residents have been addressed in the above appraisal.

CONCLUSION

Having regard to the policies and proposals in the NPPF, The London Plan (2011) (as altered in 2013 and 2014), the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013), it is considered that the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the implementation of the submitted Travel Plan and the provision of updated Sustainable Travel Plan on an annual basis, working towards a Transport for London Gold Status and associated traffic mitigation measures.

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, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3 and 7.13

The Harrow Core Strategy (2012):

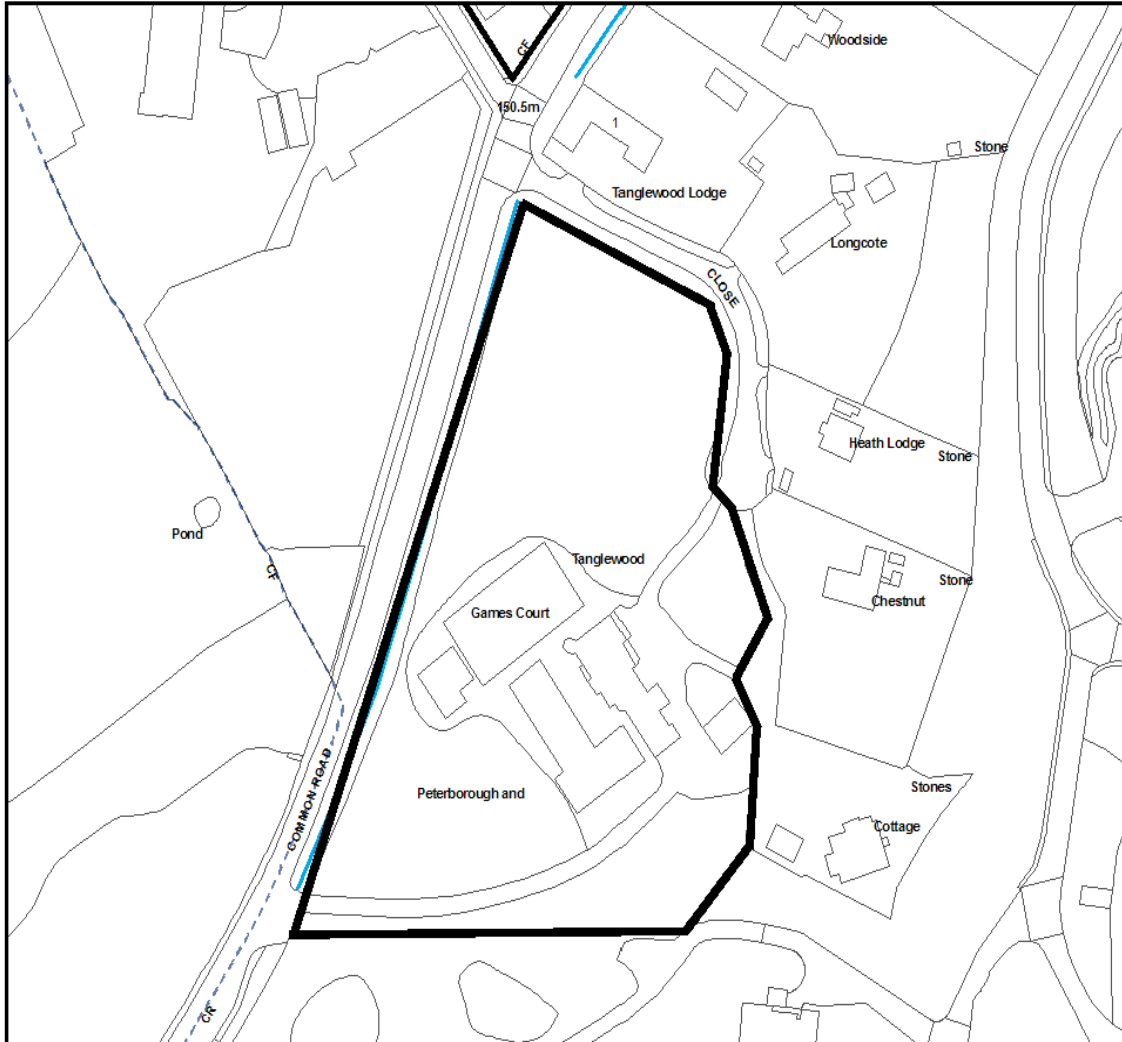
Overarching Core Policy CS1

Development Management Policies Local Plan (2013):

Policies DM 2, DM 43 and DM 46

Plan Nos: Transport Assessment (November 2014), Planning Statement (7th November 2014). Draft Framework Travel Plan (November 2014).

AVANTI HOUSE SCHOOL, COMMON ROAD, STANMORE



Item No: 2/07

Address: AVANTI HOUSE SCHOOL (FORMER PETERBOROUGH AND ST MARGARET HIGH SCHOOL), COMMON ROAD, STANMORE

Reference: P/4588/14

Description: INSTALLATION OF SINGLE STOREY TEMPORARY PORTAKABIN MODULAR BUILDING TO BE USED AS ADDITIONAL CLASSROOM ACCOMMODATION FOR A PERIOD OF 53 WEEKS

Ward: STANMORE PARK

Applicant: AVANTI HOUSE TRUST (MR NITESH GOR)

Agent: DTZ CONSULTANTS

Case Officer: VICTOR UNUIGBE

Expiry Date: 19/01/2015

RECOMMENDATION

GRANT planning permission subject to conditions.

INFORMATION

This application is reported to the Committee as the Council has received a number of objections to the application, and it is in the opinion of the Divisional Director of Regeneration and Planning, controversial and of significant public interest. It therefore falls outside of proviso E of the Scheme of Delegation.

Statutory Return Type: Other

Council Interest: None

Gross Floorspace: N/A

New additional Floorspace: 354.5 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable, as the development is not proposed as a permanent building.

Site Description

- The application site is occupied by Avanti House School and is located on the eastern side of Common Road, a busy main road that links Harrow Weald and Bushey Heath.
- Avanti House School is a free all through school for pupils aged 4 to 18. The school is housed on two separate sites, splitting the primary and secondary elements. The secondary school pupils are presently housed on the application site.
- The school buildings comprise a single-storey Nursery unit and two two-storey buildings, one of which forms the main administrative block to the east and is locally

listed. There is a games court to the north and a car park to the south-east corner.

- The site is situated within the Green Belt. It is also situated within a designated area of Historic Parks and Gardens.
- The boundaries of the site are enclosed by dense belts of mature trees, a number of which are protected by Tree Preservation Orders (TPOs).
- The site is bounded by detached residential properties set within spacious plots to the north and east on Tanglewood Close. Farther to the north-west on the other side of Common Road is low density residential development and open space.
- The main entrance caters for both vehicular and pedestrian accesses. The pedestrian access is separated from the road and leads to the school buildings.
- The subject site was previously occupied by Peterborough and St Margaret's School, an all through girls' school, which closed in summer of 2013. The secondary pupils of Avanti House School relocated to the site in September 2013. It is intended that the secondary pupils will remain on the site until July 2015, when they relocate to a permanent site elsewhere in the borough.
- It is intended that from September 2015, the site will become the permanent location for the primary school, which is a 2 Form Entry (2FE).
- There are a number of covenants attached to a Section 52 legal agreement (dated 25th June 1990) for a planning permission (reference LBH/0/35339/E), which permitted the change of use of the site from a residential home to a School. In so far as the site land is used as a school, Covenant item 7 of the Second Schedule of the agreement restricts the number of pupils under the age of nineteen years that attend the school to 240. The variation of this covenant is the subject of a separate current application.
- Covenant item 6 of the Second Schedule restricts further development on the unbuilt part of the site land in perpetuity. However, it is instructive to note that the clause in respect of covenant item 6 was modified in 2005 (the 2005 Variation), such that the restriction against further development on the land no longer exists.

Proposal Details

- This application proposes the installation of a single storey portakabin modular building on an existing gravel and grass area adjacent to the eastern boundary of the site.
- The portakabin building would form temporary accommodation for a maximum period of 53 weeks to house four additional classrooms, a reception area and toilet units.
- The building would be 29.6 metres deep, 12.37 metres wide and 3.4 metres high with a flat roof. It would have an internal area of 354.5 square metres and it would have grey coloured and plastisol-coated galvanised steel cladding exterior.
- The building would have two access points to the north and south elevations, which would incorporate landing platforms for external ramps, steps and handrails.
- The school submits that the temporary portakabin building is needed as a decant facility because considerable internal works would be carried out to upgrade and refurbish the existing buildings / facilities, which are no longer fit for purpose.

Revisions to Previous Application

- N/A

Relevant History

The site benefits from an extensive planning history. The relevant history is outlined below.

LBH/0/35339/E – Change of use from residential home to School with new two storey

wing and three temporary classrooms with parking and alterations to junction with Common Road and alterations to the access arrangements on the Land – Granted: 26 June 1990 (SUBJECT TO S52 AGREEMENT). This application is most relevant to this current application.

P/1794/03/CCO – Retention of revised car parking provision, new landscaping and additional fencing – Granted: 21 March 2005.

P/1049/06/CFU – Single storey nursery Unit – Granted: 20 February 2007.

P/2128/14 – Installation of temporary portakabin modular building (two storey) to be used as additional classroom accommodation for a period of 53 weeks – Withdrawn: 22 August 2014.

P/4466/14 – Modification to Section 52 planning obligation relating to planning permission LBH/0/35339/E dated 25th June 1990 (principal agreement), to increase the number of pupils permitted on site from 240 to 420 – This application is referred to the Planning Committee for determination.

Pre-Application Discussion

- The School held informal discussions with the Council prior to submitting this application. The School was advised that any uplift in student numbers would need to be justified by the School by way of a School Travel Plan.

Applicant Submission Documents

- Transport Assessment
- Arboricultural Survey / Tree Schedule
- Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement
- School Travel Plan
- Design and Access Statement
- Planning Statement
- Ecological Appraisal

Consultations

Internal Consultees:

Conservation Officer:

No objection to the proposal. As long as the proposed development is temporary and conditioned as such, then the public benefits of ensuring the ongoing school use of the site offsets the temporary harm to the setting of the locally listed main building and the area.

Tree Officer:

No objection to the proposal, given that the single storey nature of the proposed development would not result in any constraints to the nearby trees.

Drainage Engineers:

Details for the disposal of sewage, surface water and surface water attenuation/storage works are required for submission and approval, before the commencement of any development, if approved.

External Consultees:

The Garden History Society:

No comments received.

Stanmore Society:

No comments received.

Notifications

Sent: 7

Replies: 3

Expiry: 08/01/2015.

Addresses Consulted

1, 2, 3 Tanglewood Lodge, Chestnut Cottage, Heath Lodge, Tanglewood Cottage, Longcote, Tanglewood Close, Stanmore, HA7 3JA.

Summary of Responses

- The structure would be at odds with the semi-rural and uncluttered character of the locality.
- The proposal, even if time limited to just over a year, would be contrary to Green Belt policy and harmful to the openness of the part of the site where it is to be located.
- The building would be detrimental to the character, being not in keeping and damaging to the setting of the Listed Building.
- The portakabin, when viewed from neighbouring houses, would appear to be visually obtrusive, to the detriment of neighbouring residential amenity.
- The building would allow for intrusive views into neighbouring houses to the detriment of neighbouring residential amenity.
- If the Council is minded to grant permission, the Council should impose a Section 106 legal agreement stipulating the removal of the portakabin after the requested 53 week period.
- The school should plant sufficient hedges, bushes, trees and other plantation, so as to fully screen the portakabin from view of neighbouring houses.

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) (2012), 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 Harrow 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. From this date, the REMA are operative as formal alterations to The London Plan and therefore form part of the development plan for Harrow.

Further Alterations to London Plan (FALP) are now post examination and may be given significant weight. 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 FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs.

MAIN CONSIDERATIONS

Principle of the Development

Impact on the Openness and Visual Amenity of the Green Belt

Impact on the Locally Listed Building and Character and Appearance of the Area

Residential Amenity and Accessibility

Impact of Development on Trees

Flood Risk

Equalities Impact

S17 Crime & Disorder Act

Consultation Responses

Principle of the Development

Paragraph 72 of the NPPF sets out 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 (LPAs) should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It goes on to state that the LPAs should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy 3.18C of The London Plan will support development proposals which enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. The amendments to Policy 3.18 by the draft FALP seek to provide further support for new free schools in London and identify a need for 4,000 extra primary classes by 2020. This is further emphasised under Policy DM 46 of the Harrow DMP.

The school submits that the temporary portakabin building is a decent facility for the existing pupils on the site, while the facilities on the site are no longer fit for purpose and that there are considerable works required to improve them in order to continue the use of the site for education purposes, which is already established as the lawful use of the site. As stated above in the 'Site Description' section of this report, it is instructive to note that the clause in respect of covenant item 6 of the 1990 legal agreement was modified in 2005 (the 2005 Variation), such that the restriction against further development on the land no longer exists. As a result, there is no restriction for the construction of any additional permanent or temporary buildings on the site to house the current or any future expanded roll of pupils on the site.

Given the above considerations, there is no principle objection to the installation of the proposed single storey portakabin building on a temporary basis, and in line with the policies outlined above.

Impact on the Openness and Visual Amenity of the Green Belt

Paragraph 87 of the NPPF specifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to inform the determination of whether any particular development in the Green Belt is appropriate or not, by stating in paragraph 89 that ‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. It does however set out six exceptions to this, including:

- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy 7.16B of The London Plan states that “the strongest protection should be given to London’s Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances”. This is reiterated in policy CS.1 F of the Harrow Core Strategy. Policy DM16 of the Development Management Local Plan Policies also emphasizes the importance of maintaining the openness of the Green Belt. Policy DM16 (A) gives advice that the redevelopment or infilling of previously-developed sites in the Green Belt will be supported where the proposal would not have a greater impact on the openness of the Green Belt, and the purposes of including land within it, than the existing development, having regard to:

- a. the height of existing buildings on the site;
- b. the proportion of the site that is already developed;
- c. the footprint, distribution and character of existing buildings on the site; and
- d. the relationship of the proposal with any existing buildings on the site that is to be retained.

The applicant has submitted that there are very special circumstances that could justify the proposal on Green Belt land. They are:

- i. The provision of additional facilities on the site would have benefits not only in terms of the expanded education provision and greater number of school places, but would also have benefits in terms of the educational experience of pupils by providing improved facilities, maximising the efficiency of shared facilities and avoid the need for pupils to move between sites.
- ii. There are no reasonably available alternative sites that are available now and the existing school site is the only and best option to meet the needs of the school.
- iii. There is a clear and demonstrable need for the additional education provision that the Avanti House School provides.

The proposed portakabin building would be temporarily installed for a maximum period of 53 weeks and it would have a single storey maximum height of 3.4 metres. The building would however account for an internal floor area of 354.5 square metres and a footprint of 357 square metres on a gravel and grass area adjacent to the eastern boundary of the site. Notwithstanding the single storey height of the building, it is acknowledged that the footprint of the building is such that it would significantly enclose the open gravel and grass space between the existing school buildings and the eastern part of the site. The open space helps to maintain the openness of the Green Belt and views into it eastwards from Tanglewood Close.

Even though the proposed building would be comparable in footprint with the existing locally listed building on the site, it is considered that the single storey and temporary

nature of the building are such that it would not significantly detract from the function of the site in maintaining the openness of the Green Belt. It is considered that the applicant has demonstrated very special circumstances that could justify the proposal. It is instructive to note that a separate related application (reference P/4466/14) has been reported to the Committee for the proposed variation of the 1990 legal agreement to increase the number of pupils permitted on the site from 240 to 420. As part of the assessment provided for that application, the applicant has demonstrated by way of the provision of a 'Site Sequential Test' that it would be unfeasible for further development to be located on an alternative site, and that site searches in the preferred areas have proved unsuccessful. The proposed building is required as a decant facility whilst the existing buildings and facilities are improved to allow for the accommodation of an increased roll of pupils when the primary school arm of Avanti House School permanently moves into the site from September 2015.

Overall, and on balance, it is considered that the temporary nature of the proposal is such that it would not constitute an inappropriate development within the Green Belt. The applicant has demonstrated very special circumstances to justify the development and it is considered that the temporary nature of the proposal is such that it would not be detrimental to the permanence of the openness and visual amenity of the Green Belt, thereby according with the objectives of the relevant policies outlined above.

Impact on the Locally Listed Building and Character and Appearance of the Area

The NPPF attaches great importance to the design of the built environment, stating,

“good design is a key aspect of sustainable development...and should contribute positively to making places better for people”. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that *‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’.*

Paragraph 131 of the NPPF states that: “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’’. Paragraphs 133, 134, 135 and 137 are also relevant.

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. Policy 7.6B of The London Plan specifies 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 7.8C/D of The London Plan gives advice that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate, and that

development affecting heritage assets should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy CS1.B/D of the Core Strategy 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 DM 1 of the DMP gives advice that all development proposals must achieve a high standard of design and layout. Proposals that fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.

The proposed building would be sited 18.4 metres to the east of the locally listed main school building. The building would therefore be within the setting of the locally listed building, which is a non-designated heritage asset. The building would be within a registered Historic Park and Garden, which is a designated heritage asset.

The local listing description for the locally listed building reads as: 'Built circa 1890, additions in 1914 by H. Goalett. Two storey decorative tile clad gables and sections of first floor'. The locally listed building has historic interest given its age and architectural interest given the decorative qualities of the elevations, which have attractive Arts and Crafts style finish. The part open setting of the building towards the east contributes positively to its heritage qualities given it allows for views towards the building from the eastern boundary adjacent Tanglewood Close.

It is acknowledged that the design of the portakabin building would not be in keeping with the design and appearance of the locally listed building and the other buildings on the site. The proposed building but would have a plain, modular and blocky design with no architectural interest or quality. Its siting and footprint are such that they would impede views towards the locally listed building from the eastern boundary. Furthermore, the siting of the building on a part grass area would result in the coverage of a soft landscaped area that complements the setting of the locally listed building.

However, the design and siting of the portakabin building are proposed as temporary and cost-effective measures to allow much needed internal works for the refurbishment, improvement and reconfiguring of the main locally listed building. The temporary nature of the proposal is such that any adverse harm to the preservation of the settings of the locally listed building and the historic park and garden would be short term. The Council's Conservation Officer has not expressed an objection to the proposal given the above considerations, and has commented that as long as it is conditioned that the proposed building is removed after the maximum required period of 53 weeks, then the public benefits of ensuring the ongoing school use of the site outweighs the harm caused to the designated heritage assets on the site and the character and appearance of the area.

The proposal would therefore not be contrary to the policies outlined above in respect of the preservation of the heritage assets on the site and the character and appearance of the surrounding area.

Residential Amenity and Accessibility

Policy 7.6B, subsection D, of The London Plan states that "new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and

microclimate”.

Policy DM 1 of the DMP seeks to ensure that proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted.

Neighbouring Amenity

The proposed building would not encroach beyond the eastern boundary of the site, which borders the Tanglewood Close highway. The building would be partly screened off from views on the highway and from the front gardens of the neighbouring residential properties on Tanglewood Close by the dense belt of trees on that boundary.

In terms of separation distances from the closest neighbouring properties, the building would be sited approximately 60 metres away from Tanglewood Cottage to the south, 35 metres and 48 metres away from Cheshnut Cottage and Heath Lodge to the east, and 83 metres away from Tanglewood Lodge to the north. The building would clearly not have any adverse impact on the residential amenities currently enjoyed at those neighbouring properties.

The comments from the neighbouring residents in respect of the obtrusive appearance of the building from their front gardens are noted. Notwithstanding the present tall tree screening on the northern and eastern boundaries of the site, the applicant has proposed to provide additional tree planting on the boundaries to screen off the building more from the views of the neighbouring properties. This measure is considered acceptable and an appropriate landscaping condition is therefore recommended in that respect.

Accessibility

The London Plan requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policies DM 1 and DM 2 of the DMP seek to ensure that buildings and public spaces are readily accessible to all.

The submitted elevation / floor plan drawings and Design and Access Statement demonstrate that the portakabin building has been designed to be inclusive in terms of access and provision of facilities. External door widths and turning circles in the proposed units would be sufficient and the proposed entrances would have level thresholds in the form of the external ramps with associated handrails.

It is considered that the applicant has suitably demonstrated that the proposal would be consistent with planning policies requiring the highest standards of accessibility and inclusion as set out above.

Impact of the Development on Trees

The group of trees adjacent to the northern and eastern boundaries of the site have significant amenity value and a number of them are protected by TPOs.

The proposal would not result in the removal of any of the trees, and the submitted drawings and Tree report indicate that the proposed building would be sited away from the Root Protection Area (RPA) of the trees. The Council's Tree Officer has commented that given the single storey nature of the building, which would have a maximum height of 3.4 metres, there would be no significant 'above-ground' constraints in relation to the trees. The single storey nature of the building is such that it would not require any pruning

of the tree canopies to provide clearance from the building.

Given the above considerations, the proposal would ensure the continued retention and protection of the trees adjacent to the northern and eastern boundaries, and it would therefore accord with policy DM 22 of the DMP.

Flood Risk

The subject site is within a critical Drainage Area, which is a designated flood zone as specified by policy DM 10 of the DMP and the NPPF. It is therefore considered expedient to attach a condition that requires the submission of details in respect of sewage and surface water disposal and attenuation before the commencement of any works.

The provision of suitable drainage facilities would ensure the reduction and mitigation of the effects of any localised flood risk, in accordance with the objectives of policy DM 10 of the DMP and the guidance contained in the NPPF.

Equalities Impact

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

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and policy DM 2 of the Harrow DMP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

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

Consultation Responses

The comments received from neighbouring residents have been addressed in the above appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations as set out above, this application is recommended for refusal.

CONDITIONS

1 The single storey portakabin modular building hereby permitted shall be removed and the land restored to its former condition within fifty-three weeks of the date of this

permission.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing

2 The development hereby permitted shall not commence until details of works for the disposal of surface water and surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and guidance set out in the National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012).

3 The development hereby permitted shall not commence until details of works for the disposal of sewage have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and guidance set out in the National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012).

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until there has been submitted to, and approved in writing by, the local planning authority, a scheme of additional soft landscape works to be implemented along the eastern boundary of the site. The additional 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 approved details and shall thereafter be retained.

REASON: To safeguard the character and appearance of the surrounding area, and to enhance the appearance of the development, in accordance with policies DM 1 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 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 surrounding area, and to enhance the appearance of the development in accordance with policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013).

6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of Policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: TSLP220109092 rev1, 001 Rev A, 002 Rev A, 003 Rev A, HD/9717/01, Design and Access Statement (dated November 2014) Transport Assessment (October 2014), Planning Statement (18th November 2014). 2014 Avanti House School Draft Travel Plan, Preliminary Ecological Appraisal (dated 13/12/2013), Tree Schedule (Ref: 260214 0227 TS V1 004).

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 3.18, 7.2, 7.3, 7.4, 7.6, 7.8, 7.16, 7.21

The Harrow Core Strategy (2012):

Overarching Core Policy CS1

Development Management Policies Local Plan (2013):

Policies DM 1, DM 2, DM7, DM 10, DM 16, DM 22 and DM 46

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 COMPLIANCE WITH PLANNING CONDITIONS PRECEDENT:

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.

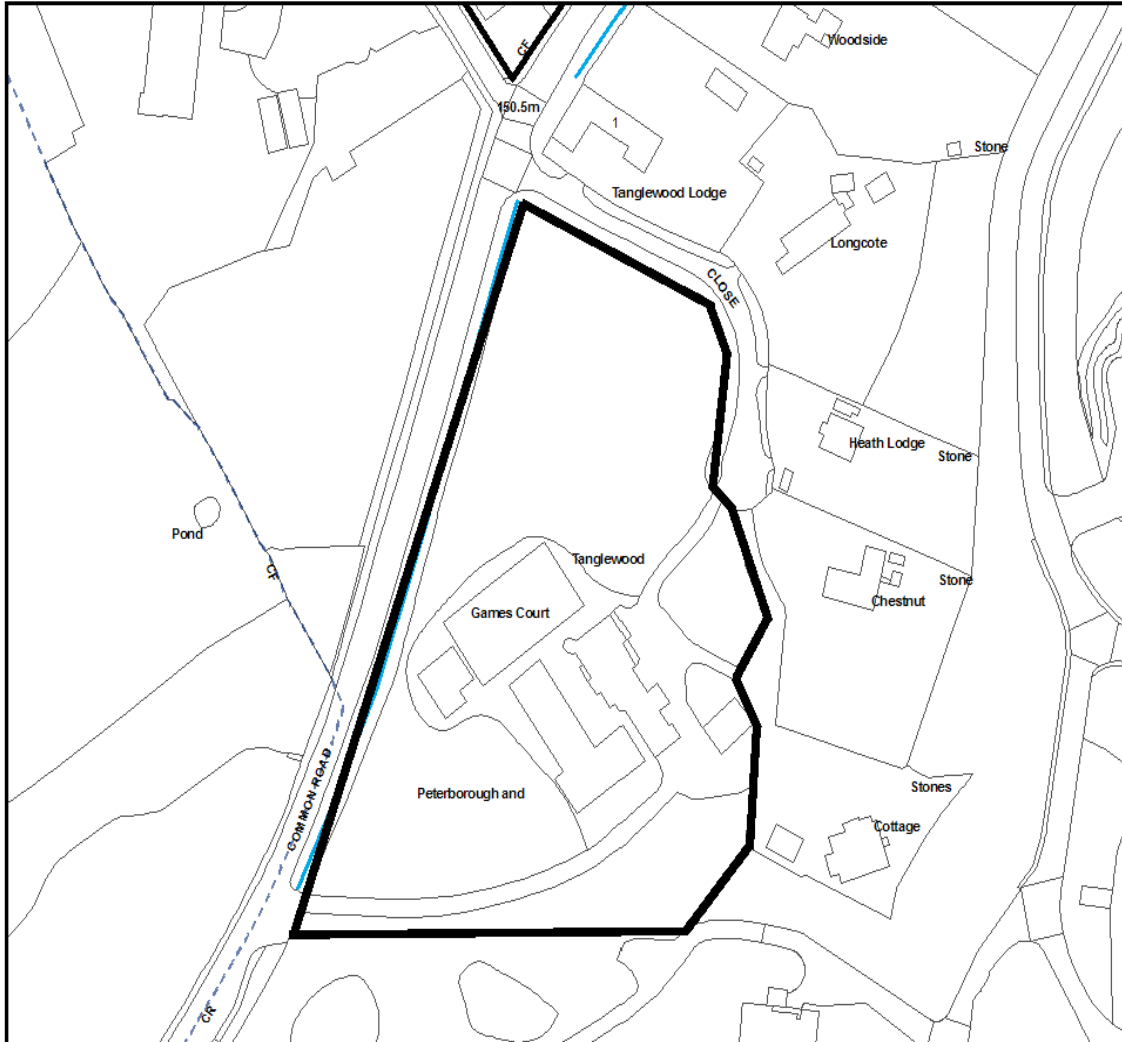
5 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

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

prior to submitting any future planning applications.

Plan Nos: TSLP220109092 rev1, 001 Rev A, 002 Rev A, 003 Rev A, HD/9717/01, Design and Access Statement (dated November 2014) Transport Assessment (October 2014), Planning Statement (18th November 2014). 2014 Avanti House School Draft Travel Plan, Preliminary Ecological Appraisal (dated 13/12/2013), Tree Schedule (Ref: 260214 0227 TS V1 004).

AVANTI HOUSE SCHOOL, COMMON ROAD, STANMORE



Item No: 2/08

Address: JOHN LYON SCHOOL, MIDDLE ROAD, HARROW

Reference: P/4247/14

Description: MODIFICATION TO SECTION 106 PLANNING OBLIGATION RELATING TO PLANNING PERMISSION WEST/695/94/FUL DATED 23RD JUNE 1995 (PRINCIPAL AGREEMENT) TO INCREASE THE NUMBER OF PUPILS ON ROLL FROM 525 TO 710 (PREVIOUSLY MODIFIED BY DEED OF VARIATION DATED 24.09.2007 TO 600 PUPILS) AND TO PUT IN PLACE A ENHANCED SCHOOL TRAVEL PLAN FOR FUTURE PUPIL POPULATION

Ward: HARROW ON THE HILL

Applicant: THE JOHN LYON SCHOOL

Agent: FREETHS LLP

Case Officer: SUSHILA BHANDARI

Expiry Date: 24/12/2014

RECOMMENDATION

APPROVE modification to the principal Section 106 Agreement dated 23rd June 1995 relating to the limitations of students numbers subject to the completion of a Deed of Variation. 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 Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

1. Under Second Schedule, paragraph 2 replace the limit on pupil numbers 525 (previously modified by deed of variation dated 24.09.2007 to 600 pupils) with 710, subject to a 'Nil Detriment' clause whereby should the School fail to achieve the targets set out against the baseline line School Travel Plan (STP) submitted in 2015 and subsequent annual updated STP's, the LPA after allowing the School reasonable opportunity to rectify such deviation to take appropriate action to require the School to reduce the pupil numbers back to 600 over a 3 year phased basis.
2. To submit to the Council on an annual basis a plan indicating credible gradual improvement in the STP performance.
3. The School to make every reasonable endeavour to achieve a STP capable of Gold Status by 31st October 2022.
4. Payment of reasonable Legal Fees in the preparation of the legal agreement.

REASON

Having regard to the policies and proposals in the NPPF, The London Plan 2011 (as altered in 2013 and 2014), the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, it is considered that the impact of the proposed

increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of an enhanced Sustainable Travel Plan working towards a Transport for London Gold Status and associated traffic mitigation measures.

INFORMATION

This application is reported to the Committee as the Council has received a number of objections to the application, and it is in the opinion of the Divisional Director of Planning Services, controversial and of significant public interest. It therefore falls outside of proviso E of the Scheme of Delegation.

Statutory Return Type: Other

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 several School buildings located on the top end of Middle Road (both sides).
- The School provides secondary level education for boys between 11 to 18 years of age.
- The site is bounded by residential development to the east, south and west and by Metropolitan Open Land to the North.
- The site is located within Roxeth Hill Conservation Area and Harrow on the Hill Area of Special Character.

Proposal Details

- The application proposes to increase the number of pupils for full time education from its current roll of 600 to 710 pupils.
- The expansion would be undertaken within the demise of the existing buildings on the School site.

Revisions to Previous Application

- N/A

Relevant History

The site benefits from an extensive planning history, however the following application is most relevant to this current application:

WEST/695/94/FUL

Part single storey, 2, 3 and 4 storey building to provide sports hall, swimming pool and library and ancillary areas alterations to existing building and parking.

GRANTED 26-JUN-95 (SUBJECT TO S106 AGREEMENT)

P/3995/13 (Land Rear of 76 West Street, Harrow, Middlesex HA1 3HB)

Use of vacant land at rear as car park (sui generis); new railings to front car park

GRANTED 31-JUL-2014

Pre-Application Discussion (Ref.)

- The School held informal discussion with the Council prior to submitting this application. The School was advised that any uplift in student numbers would need to be justified by the School by way of an enhanced School Travel Plan.

Applicant Submission Documents

- Planning Statement: - This sets out the site history, the proposed modifications and policy justification for the proposal.
- 2015 The John Lyon School Travel Plan – this document provides historical data relating to travel modes to and from the School by students and staff and sets of the key objectives and targets to be put in place by the School in addressing sustainable travel modes.

Consultations

Highways Authority:

The Travel Plan is approved as it would meet Harrow's and Transport for London (TFL) criteria.

Harrow on the Hill Trust:

The problem with any increase in the number of pupils at the school is that it will inevitably lead to an increase in parking in the area.

This is because as senior pupils reach the age at which they are legally permitted to drive they learn to drive and are then given cars by their parents. Residents in the area have said to me in the past that parking problems in the vicinity noticeably worsen during the school year, that is between September in one year and July in the next as an increasing proportion of the older pupils are of this age.

A few years ago a previous head attempted to ban pupils from driving cars to school. The protests from parents were so vociferous that he had to back down.

This talk of sustainable travel plans is all very well, but it is just talk and just plans. The same vociferous opposition will occur as parents give cars to their children and neither the parents nor the children will see any reason why their new possessions shouldn't be used and shown off.

Congestion is made very worse by the fact that the new drivers are less expert in parking and manoeuvring their cars than older drivers.

By all means let there be a sustainable travel plan. And let's then see if it works. If it did the local residents would not wish to oppose an increase in numbers. But to all a further increase in numbers with no certainty that the travel plan will work is to put the school and the pupils and parents under no pressure to make it work.

The application should be refused.

Byron Hill Residents' Association:

We object to the proposal by the John Lyon School to increase student numbers by 18.3% from 600 (originally 525) to 710 pupils over seven years for the following reasons:

1. The proposed upgraded travel plan will be unworkable. The sphere of control is ineffective in influencing traffic management. There is no leeway to widen roads and footpaths. Access for emergency services is very limited at peak times. Parking is at

capacity and this aggravated by parents on pick-up runs regularly flouting council regulations (yellow lines) and committing trespass to private property. The current situation already forces them to behave illegally by, for example blocking drives and access routes.

2. The 2003 travel plan, devised to accommodate a student increase from 525 to 600, has not in practice delivered a workable system of local traffic control. The School promised that 'we would happily accept that if traffic is not reduced significantly the requested maximum of 600 should be reduced'. (see attached agenda item 27 and letter, 10th October 2003, from Dr C Ray, then headmaster).
3. Because of concern about the negative impact of the school and its neglect of current parking planning obligations we sought a meeting with John Lyon School officials on 28 June 2012 to discuss these issues. We advised that the traffic plan was not workable. In response the Headmistress and Bursar showed little desire to either enforce or monitor the plan. The meeting had no effect and follow-up correspondence during 2012 and 2013 from our Residents' Associated to both the school and its governors went unanswered (copies available at request)
4. in support of the application the school has proposed funding a controlled crossing at the bottom of Roxeth Hill. We understand that an earlier proposal was discounted following a Traffic and Road Safety Advisory Panel survey by the Council in 2010 (see attached report).

In summary John Lyon School's promises to improve the situation over the past 10 years remain unfulfilled. We believe this latest proposal must make the existing situation worse. It should not even be considered by the Council until the commitments in previous applications to mitigate problems for the local community, including as a conservation area, have been fulfilled.

Advertisement

General Notification

Posted: 13.11.2014

Expired: 04.12.2014

Notifications

Sent: 108

Replies: 41

Expiry: 09.12.2014

Addresses Consulted

1 - 4 Ortygia Lower Road, Harrow, HA2 0DA

Flat 1 – 4, Roxeth Mead, Chartwell Place, Harrow, HA2 0HF

Roxeth Mead, Chartwell Place, Harrow, HA2 0HF

1 – 7 Chartwell Place, Harrow, HA2 0HE

12, 14, 14a, 20, 20a, 22, 24, 26, 28, Lower Road, Harrow, HA2 0DA

29, 29a, Lower Road, Harrow, HA2 0DE

Flats 1 – 3, 12 Lower Road, Harrow, HA2 0DA

29, 31, Middle Road, Harrow, HA2 0HW

60, 60a, 62, 62a, 64, 66, 68, Middle Road, Harrow, HA2 0HL

32 – 40 Byron Hill Road, Harrow, HA2 0HY

23, 31 Byron Hill Road, Harrow, HA2 0JD

1 – 9 Chartwell Place, Harrow, HA2 0HE

1 – 14 Greville House, Lower Road, Harrow, HA2 0HB

50 – 60 Crown Street, Harrow, HA2 0HR

55 – 65 Crown Street, Harrow, HA2 0HX
Byron House, Clonmel Close, Harrow, HA2 0JZ
The Penthouse, The Garden House, and 1 – 3 Clonmel Close, Harrow, HA2 0JZ
Street Record, Clonmel Close, Harrow
1 – 3 Clonmel Close, Harrow, HA2 0JZ
The Garden House, 4 Clonmel Close, Harrow, HA2 0JZ
1 – 15 Pavilion Lodge, Lower Road, Harrow Council
Roxeth Mead School, 25 Middle Road, Harrow, HA2 0HW
Harrow School Cricket Ground South Side, West Street, Harrow.
Cricket Field Cottage, Middle Path, Middle Road, Harrow, HA2 0HP
Charmouth, Middle Path, Middle Road, Harrow, HA2 0HP
Welsh Congregationalist Church, Lower Road, Harrow, HA2 0DE
First Floor Flat, and White Horse Public House, 50 Middle Road, Harrow, HA2 0HL
Red house And School Buildings, Middle Road, Harrow, HA2 0HW

Summary of Responses

- Constant struggle to find parking spaces on the road
- Congestion during drop off and pick up times – parents parking on double yellow lines, over curbs, on school lines and over driveways – they can be seen stopping in the middle of the road to pick up and drop off. Traffic is gridlocked during peak times.
- The school does not attempt to enforce the existing school travel plans – has not complied with its promises to extend its parking facilities – Middle Road and Crown Street are clogged up by School Traffic. John Lyon Staff just standby watching.
- When attended open days at the school to ask them to improve the situation the school has said that it can not do anything.
- Allowing the increase in roll would make an extremely difficult situation impossible.
- There are a number of schools in the vicinity of John Lyon School; additional headcount will further aggravate the situation for local residents.
- The school has not made any effort to check on inconsiderate parking and double parking by parents or pupils.
- Most schools of this size would have a designated drop off zone and student parking on their own land.
- This school lacks any significant support of the community, the litter left by the students along Middles Road and Middle Path
- Surely will need to increase the classrooms and building numbers – this is a precursor to more building on an already congested site.
- Surprised that not informed by the school of its intention to increase student numbers.
- Parking problems in the evenings when there is Parents Evening at the school.
- Do not consider that the s.106 contribution to be sufficient action to improve traffic in the area.
- If the travel plan is effective it will mean more students walking up Middle Road – student behaviour must be improved in order to reduce shouting and noise.
- Enhanced travel plan is totally unenforceable.
- Council do not provide parking wardens to deter double parking
- There is no requirement the students must be educated on the Hill which accommodates many schools, if JLS consider expansion desirable or necessary it should look at the 25 acre currently used as the Sudbury Playing Fields.
- No additional parking provided on site for the staff and 6th formers.
- Of the 20 spaces of parking the school does have most of these are taken up by the mini-buses and thus staff forced to park on-street. The increase parking space of 20 spaces on West Street will do little more than provide for the increased number of

staff and sixth formers.

- Resident parking needs to be introduced on the Hill.
- Assurance given by the Headmaster and also noted on the Committee Meeting held in May 2004 that if the traffic situation is not improved than the roll should be reverted back to 525.

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.

Further Alterations to London Plan (FALP) now post examination and may be given significant weight. 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 FALP identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs.

MAIN CONSIDERATIONS

Principle of the Development (Modification) and Impact on Traffic and Parking

Equalities Impact

S17 Crime & Disorder Act

Consultation Responses

Principle of the Development (Modification) and Impact on Traffic and Parking

Paragraph 72 of the National Planning Policy Framework (2012) sets out 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. It goes on to state that the LPA's should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy 3.18C of The London Plan (2011) will support development proposals which

enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. This is further emphasised under policy DM46 of the Development Management Policies Local Plan (2013). Policy DM43 in the case for major development sites will require a Transport Assessment to be undertaken. It goes on to state that any impact identified in the Transport Assessment should be mitigated through the implementation of Travel Plans which should include the desirability of achieving a modal shift away from private car use towards sustainable modes of transport.

The principal planning agreement dated 23 June 1995 (WEST/695/94/FUL) imposed a student number limitation of 525. This principal agreement was subsequently modified by a deed of variation dated 24 September 2007 to increase the number of students on roll to 600. This deed of variation now seeks to modify the deed further by increasing the number of students on roll to 710.

The proposed expansion in pupil numbers will take place gradually over the next seven years. Alongside this proposed expansion, the School will be aiming to achieve a higher status for sustainable transport and travel arrangements for all its pupils in accordance with the 'Sustainable Travel: Active Responsible, Safe' (STARS) programme administered by the TFL. It is noted that the John Lyon School has been awarded a bronze STARS status in July 2014. The School's current roll for this academic year (according to the accompanying Planning Statement) is 585, which is below the maximum threshold of 600.

As part of the obligations set out under the 2007 deed of variation, the School was required to submit a travel plan prior to the implementation of the modification. The Council's records show that such a Travel Plan had indeed been submitted by the School which was subsequently approved by the Council's Travel Plan Officer. Whilst there was no further obligation under the deed of variation dated 24 September 2007 to provide an annual updated Travel Plan to the Council for monitoring purposes, the School has on an ad-hoc basis submitted further Travel Plans in 2010, 2012 and 2014 (in addition to the original 2007 Travel Plan). As part of this current deed of variation application, the School is committed to providing an up-dated Travel Plan on an annual basis for the Council to monitor. This enhanced Travel Plan monitoring provision would enable the Council to scrutinise the progress being made by the School more robustly and work together with the School in achieving a gold STARS status.

It is noted that the John Lyon School is a fee paying school and therefore, its selection criteria is not based on local catchment but on the basis of individual academic ability and potential. As such, a large proportion of its student population travel to and from the School by use of some form of transport mode. It is acknowledged that local residents have raised strong concerns in terms of traffic generation during drop off and pick up periods. Residents have also raised concern with older students driving to school and parking on local roads. This is recognised by the School and they are actively seeking through the implementation of a more enhanced Travel Plan to reduce journeys to and from School by car and seeking to encourage more sustainable modes of travel. The School is actively working with Parents and Students to move towards more sustainable modes of transportation. Whilst inevitably there will still remain some form of car dominance given that a large proportion of Students are not from the local area, however, in order for the School to meet its aspirations to achieve a gold STARS status by 2022, the School will be required to proactively reduce car reliance.

It is also noted that local residents have raised concerns with regard to the implementation of the past Travel Plans and the various commitment made by the School to tackle parking and congestion in the nearby road. Reference has also been made with regard to the meetings of the development management meeting held in May 2004 which states that should the traffic generation is not significantly reduced over the 5 year period then the School would agree to phased reduction over a further 3 years back to the agreed level of 525. The formal deed of variation was issued over 3 years from the date of this meeting and on the basis that the annual Travel Plans being submitted by the School showed an improvement to the traffic and adherence to the Travel Plan. It is noted that there was no such clause within the signed deed of variation that required the reversion of the roll numbers to 525 over a phased period.

In addition to the above the School has in place a dedicated school bus service, which is funded by the school and operated by Brent Community Transport and has six routes operating. The site is well serviced by TFL Bus Services and within walking distance of South Harrow Underground Station and Harrow on the Hill Station.

The proposed expansion would be limited to only increasing the student number limit and putting in place an appropriate Travel Plan framework. There is no proposal for further building work on this site to accommodate this expansion. This will be met through the reorganising of the existing internal layout of the buildings on the site which do not require permission.

The applicant has submitted a an updated Travel Plan for the proposed school expansion (2015 version), which takes its baseline figures from the 2014 version and sets out the new objectives and targets to move towards a more sustainable mode of transportation. These include the aim to reduce the student car travel by 2% by March 2016, aim to increase the percentage of student parking and striding by 1% by March 2016 and the aim to increase the percentage of children cycling to and from the school by 1% by March 2016. Whilst it is noted that the highest percentage of students travel to School by car, it is considered that the School's objective to reduce travel by car and move towards more sustainable modes of travel can be achieved through a more pro-active partnership between the School and the Council though the annual monitoring of the Travel Plan, which would be secured under this deed of variation.

In addition to the above the School has submitted a Travel Plan Programme – Gradual Improvement Plan which sets out the keys tasks that the School will undertaken to reduce the numbers of students arriving by car and reducing traffic/ congestion on nearby residential roads.

The School is seeking as part of the firm commitment to reduce car dependency and traffic movement in the locality to enter into a modified deed of variation which would include a 'Nil Detriment' Clause that would allow the LPA to sanction measures to revert the student roll number back to 600 (on a phased basis) should the School not adhere to the targets set out in the enhanced Travel Plan.

Officer's consider that the option of a phased 'roll back' is more realistic form of sanction rather than seeking financial contributions and would provide confidence to local residents that the School is seeking to seriously reduce car dependency in favour for more sustainable modes of travel and to reduce overall traffic flow in the locality. Should the School not adhere to its targets then the LPA would be in it rights to serve an injunction (once it has served the appropriate compliance notices prior to such action)

and request the School to phase the number of students on roll back to 600 over a 3 year period.

The Council's Travel Plan Officer has agreed to the enhanced Travel Plan submitted. On Balance whilst taking note of local resident's existing frustration with the existing traffic and parking situations, it is considered that an enhanced Travel Plan would see the reduction in car reliance over time and a move towards more sustainable travel options. The proposed expansion in school population is considered acceptable with regards to the above stated policies. Subject to the completion of the deed of variation in line with the obligations set out above the proposal is considered acceptable.

Equalities Impact

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

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of this application have been assessed and have been found to be in conformity to Section 149.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and policy DM2 of the DMP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

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

Consultation Responses

- Constant struggle to find parking spaces on the road – addressed above.
- Congestion during drop off and pick up times – parents parking on double yellow lines, over curbs, on school lines and over driveways – they can be seen stopping in the middle of the road to pick up and drop off. Traffic is gridlocked during peak times. – Whilst this is frustrating and it is noted that the School have made attempts to highlight this with parents, this is a behavioural issue which cannot be resolve simply. The local planning authority with discuss with the highways authority to see if more can be done by way of having traffic warden present at specific times. Officers consider that the council's current enforcement practices for schools needs 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 school does not attempt to enforce the existing school travel plans – has not

complied with its promises to extend its parking facilities – Middle Road and Crown Street are clogged up by School Traffic. John Lyon Staff just standby watching. – This has been addressed above. However, it is considered that the new deed of variation would allow better monitoring and scrutiny of the Travel Plans, which currently does not exist.

- When attended open days at the school to ask them to improve the situation the school has said that it can not do anything. – This is outside of the control of the Council.
- Allowing the increase in roll would make an extremely difficult situation impossible. – This has been addressed above.
- There are a number of schools in the vicinity of John Lyon School; additional headcount will further aggravate the situation for local residents. – This is noted; however national, regional and local policies encourage the expansion of existing schools to meet the increasing demand for school places.
- The school has not made any effort to check on inconsiderate parking and double parking by parents or pupils. – see response above.
- Most schools of this size would have a designated drop off zone and student parking on their own land. – The school does not available land to accommodate such.
- This school lacks any significant support of the community, the litter left by the students along Middles Road and Middle Path – This is not material to the current application, this is something that needs to be managed by the school.
- Surely will need to increase the classrooms and building numbers – this is a precursor to more building on an already congested site. – This has been addressed above.
- Surprised that not informed by the school of its intention to increase student numbers. – whilst it would have been ideal with the school had conducted some public engagement prior to this application, as this application relates to a deed of variation, there is nothing within the Planning Act/ Guidance that requires formal public consultation to be carried out for such applications.
- Parking problems in the evenings when there is Parents Evening at the school. – This has been addressed above.
- Do not consider that the s.106 contribution to be sufficient action to improve traffic in the area.- This will be monitored through the Travel Plan
- If the travel plan is effective it will mean more students walking up Middle Road – student behaviour must be improved in order to reduce shouting and noise - this is something that will need to be managed by the school.
- Enhanced travel plan is totally unenforceable – the Travel Plan would be binding upon the school and the £20,000 bond figure will ensure that the school do not default on its requirements.

- Council do not provide parking wardens to deter double parking – see note above.
- There is no requirement the students must be educated on the Hill which accommodates many schools, if JLS consider expansion desirable or necessary it should look at the 25 acre currently used as the Sudbury Hill Playing Fields – the School is not proposing any additional building work. Notwithstanding this, the Sudbury Hill Playing fields is designated as Metropolitan Open Land and as such only development that support the use of such land would be permitted on this site.
- No additional parking provided on site for the staff and 6th formers. – see not above.
- Of the 20 spaces of parking the school does have most of these are taken up by the mini-buses and thus staff forced to park on-street. The increase parking space of 20 spaces on West Street will do little more than provide for the increased number of staff and sixth formers. – addressed in the above report.
- Resident parking needs to be introduced on the Hill. – this is something that the highways authority will need to look into.
- Assurance given by the Headmaster and also noted on the Committee Meeting held in May 2004 that if the traffic situation is not improved than the roll should be reverted back to 525. – this has been addressed in the above report.

CONCLUSION

Having regard to the policies and proposals in the NPPF, The London Plan 2011 (as altered in 2013 and 2014), the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, it is considered that the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of an enhanced Sustainable Travel Plan working towards a Transport for London Gold Status and associated traffic mitigation measures.

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, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.13

The Harrow Core Strategy (2012)

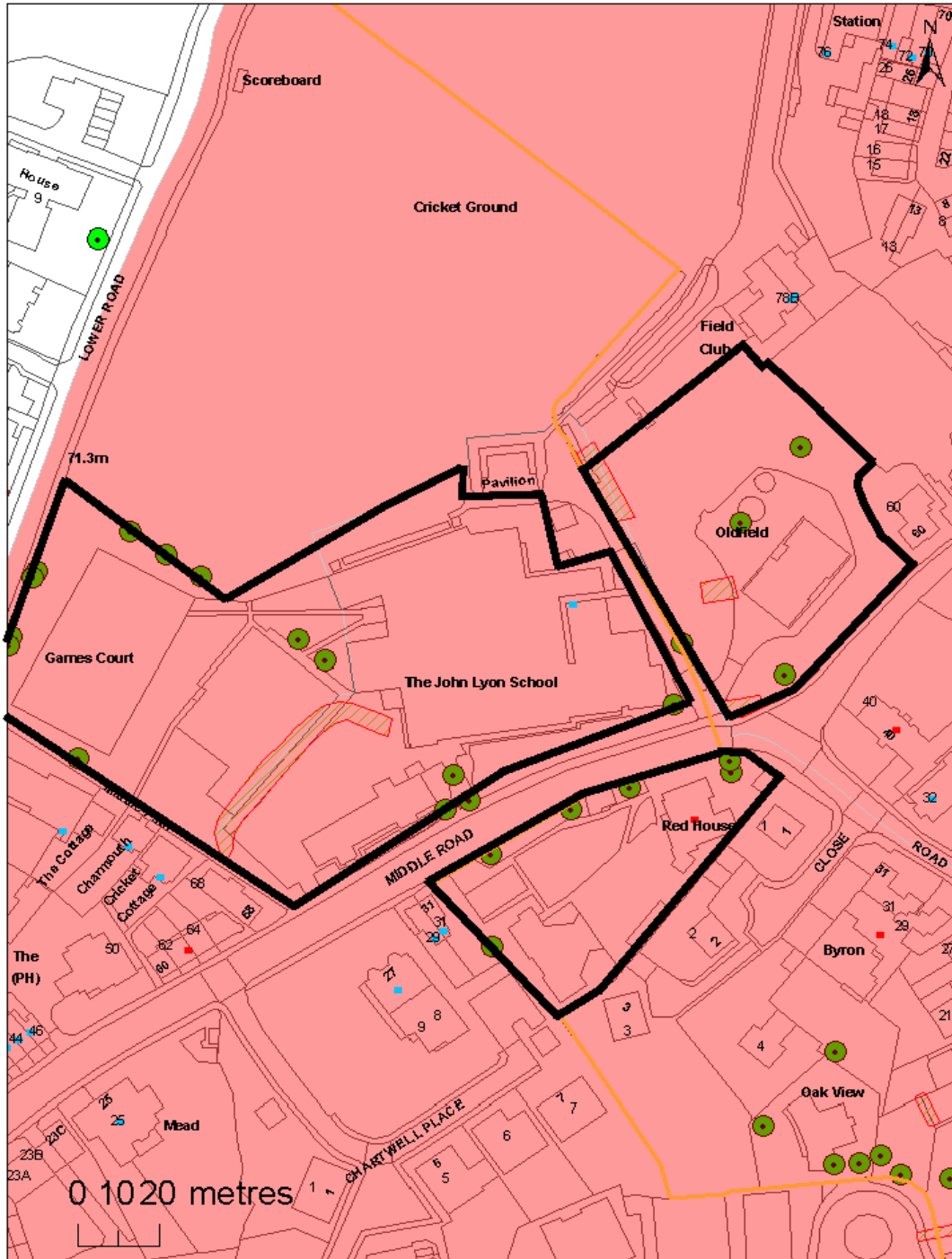
Core Policies CS1

Development Management Policies Local Plan (2013)

Policies DM2, DM43, DM46

Plan Nos: Site Plan; Schedule of Modifications (October 2014); Planning Supporting Statement (October 2014); 2015 The John Lyon School Travel Plan (December 2014).

JOHN LYON SCHOOL, MIDDLE ROAD, HARROW



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.