

## SECTION 1 – MAJOR APPLICATIONS

ITEM NO: 1/01

ADDRESS: BINGO HALL, STATION ROAD, HARROW

REFERENCE: P/4933/14

DESCRIPTION: CHANGE OF USE FROM BINGO HALL (USE CLASS D2) TO COMBINED COMMUNITY USE (INCLUDING COMMUNITY CAFE DANCE CLASSES FOOD BANK LIFE SKILLS TRAINING MOTHERS AND TODDLERS GROUP) AND PLACE OF WORSHIP (USE CLASS D1) AND ASSEMBLY / LEISURE USE (USE CLASS D2)

WARD: GREENHILL

APPLICANT: C/O AGENT

AGENT: ICENI PROJECTS LIMITED

CASE OFFICER: SUSHILA BHANDARI

EXPIRY DATE: 20/03/2015

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

The proposed change of use would bring forward a viable use to the ground floor of the existing building. The current operation as a bingo hall is losing its popularity due to the introduction of online gaming. The proposed uses set out under this application would be broadly consistent with the existing uses of this building as a community facility. It is considered that the proposed change of use would give rise to no detrimental impact upon nearby residential amenity or upon highway and parking safety.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan (altered and consolidated 2015), the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013 and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

### INFORMATION

The application is reported to the Planning Committee because the proposal is a major application involving a change of use to a building which has a floor area of greater than 1,000sqm.

**Statutory Return Type:** Major development

**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 subject site comprises a prominent detached building located on the corner junction of Station Road and High Mead.
- The building is currently occupied by two separate businesses. The ground floor of the building is occupied by Gala Bingo and the first floor is occupied Safari Cinema.
- The building is locally listed and retains its original 1920's façade which is screened by the present cladding.
- The building is located within the Harrow and Wealdstone Opportunity Area and in an area that has very good levels of public transport accessibility (PTAL – zone 5).

**Proposal Details**

- The proposal seeks to change the use of the section of the building that is currently occupied by Gala Bingo to a combined community use (including community café, dance classes, food bank, life skills, training mothers and toddlers group) and place of worship (use class D1) and assembly / leisure use (use class D2).
- The proposal seeks to undertake internal restoration work to this section of the building.
- The proposed use would have a capacity to accommodate 400 people.

**Revisions to Previous Application**

- N/A

**Relevant History**

LBH/2037/5

Change of use of part of premises from cinema to use for indoor games  
Granted - 22/03/1971

LBH/2037/6

Change of use part prem. From cinema to use for indoor games - reconsideration  
Granted - 22/03/1971

EAST/543/99/CLP

Certificate of lawful proposed development: removal of an existing external door & replacement with brickwork and internal alterations  
Granted – 15/10/1999

P/0805/07

Installation of canopy and wall mounted seats on front elevation to provide a smoking shelter

Refused - 11/06/2007

Reasons for Refusal:

1. The proposed smoking shelter, by reason of its design and projection in close vicinity of other street furniture, represents a proliferation of visual clutter, to the detriment of the visual amenities, the streetscene and appearance of the area, contrary to policies SD1, D4 and D29 of the Harrow Unitary Development Plan (2004).
2. The proposal, by reason of its inappropriate siting on a narrow strip of pedestrian footway and the nature of its proposed use, would lead to a congregation of persons on the public footway thereby obstructing pedestrian flow, to the detriment of the safety and

easy movement of pedestrians, contrary to policies SD1, D4, D29 and T9 of the Harrow Unitary Development Plan (2004).

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

- **P/1018/14/PREAPP**

In conclusion there is no objection to the proposed change of use of the building to a Church with community facility including a cinema/ theatre. The proposed alterations and restoration of the building to its original 1920's art deco character is welcomed and encouraged. However, we do reserve our position on the impact of the proposal on existing residential amenity, highway network and the capacity of the building to operate as a Day Nursery until further information is provided.

### **Applicant Submission Documents**

- Planning Statement
- Transport Statement
- Travel Plan
- Statement of Community Engagement

### **Consultations**

#### **The Cinema Theatre Association (summarised)**

We have studied the Planning Statement and outline scheme drawings in the context of the building's architectural importance. The CTA welcomes several aspects of the proposal, including:

1. The fact that the building's future will be secured following the commercial decline of Gala bingo (para 5.1).
2. Continuation of the current cinema use in the upper parts of the building (para 4.12).
3. The awareness of the NPPF guidance on heritage assets (para 2.4) and commitment to conserve and restore the heritage features (para 3.8).
4. The ambition of V2V church to remove the exterior cladding (para 3.9).
5. The commitment to opening up the building's auditorium and other spaces to wider community use (para 3.4) including concerts and film screenings.
6. The aim of opening up the café and lounge areas to public use (para 3.4) which will make any heritage features accessible to the wider public in this busy shopping street.

Our main concern is to ensure that as planning authority, the London Borough of Harrow ensures that these commitments are carried into effect. We suggest that planning conditions could be imposed to require that:

1. The public access commitments are upheld. In our experience churches using former cinemas can be reluctant to allow uses such as film screenings, or visitor access for heritage open days.
2. The major rebuilding required on the ground floor respects and enhances whatever original architectural detail remains. For instance it is not clear how the stage will relate to the original cinema proscenium.
3. The original façade is ultimately reinstated. This should be required at either this stage or in subsequent permissions for building alterations.

#### **Highways Authority**

Noted within the appraisal below.

#### **Advertisement**

Major Development  
Posted: 15.01.2015  
Expired: 05.02.2015

## **Notifications**

Sent:178

Replies: 2 Letters of objection and 6 letters of support

Expiry: 30.01.2015

## **Addresses Consulted**

Safari Cinema, Tesco Store, 47, 47a, 49, 49a, 51, 51a, 53a, 55, 55a, 57, 57a, 59, Unit B rear of 59, 59b, 61, Flat 61, 61a, 63, 63a, 65, 65b, 67, 67a, 69, 69a, rear studio flat 69a, 71, Flat 71, 73, 73a, 73b, 78, 78a, 80a, 82, 82a, 82b, 82d, Flats A, B, C, D, E, F 84, 86, 86a, 88, 88a, 90, 90a, 92, 92a, 94, 94a, 96, 96a, 96b, 96c, 96d, 96e, 98, 98a, 100a, 100b, 102, 102a, 104, 104a, Station Road

Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, Isobel House, Station Road

Flats 1 to 6, Flats 7 to 12, Flats, 13 to 18, Flats 19 to 24, Flats 25 to 48, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, High Mead

Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Axis Court, High Mead

1-4, 5-8, 9,10, 11, 12, 13, 14, 15, 16 Dominion Parade, Station Road

Flats 1, 2, 3, 4, 5, 6, 7, 8 Woodlands Court, Woodlands Road

## **Summary of Responses**

### **Objection**

- Do not recall consultation letter being sent out
- There is no guarantee that the iron cladding will be removed from the building's exterior.
- Note that no other political party elected members were identified for the purposes of the public consultation.
- No supporting information provided on what the consultation responses were.
- Misleading to state that all those that attended the public exhibition were broadly in support.
- See nothing in the application for the delivery of sustainable growth.
- See nothing that would improve economic, social and environmental conditions of the area.
- Nothing in the proposal adds positively to employment, or to the improvement of with the site or building, for the area's benefit.
- Does not provide any form of high quality social infrastructure.
- Has not provided a defined need for the uses suggested.
- Adverse impact on the residents of High Mead.
- Potential impact on highway safety.
- Food bank would have adverse affect on residential amenity – unsuitable for an historical building.
- Impact on highway in terms of the shuttle bus operation.
- No control over the intensification of the different uses.
- Already a number of places of worship in the area – appears that local community is well served with places of worship.
- Proposals add nothing to the economic vitality of the area or generate employment opportunities.

- No details of the applicant's occupation of the subject property is temporary or permanent – no information as to the terms of the interest which it has acquired in the subject building.
- No guarantee that CCTV will be installed.
- No parking restriction on Sundays in High Mead which could be detrimental to local residents.
- Opening up the buildings to the wider community has the potential to be a significant detriment to the residents of High Mead.

### **Support Comments**

- The church is diverse and provides support and community services to all its members.
- Excited to see V2V coming to community.
- Residents of Harrow and surrounding boroughs would greatly benefit from such a facility.
- Such place will give young people a sense of belonging and deter them from falling into trouble.

### **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; The London Plan (FALP) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

### **MAIN CONSIDERATIONS**

Principle of Land Use

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

Residential Amenity

Traffic and Parking

Accessibility

Statement of Community Involvement

Environmental impact Assessment (EIA)

Equalities Impact

S17 Crime & Disorder Act

Consultation Responses

#### **Principle of Land Use**

The site is located within the Harrow and Wealdstone Opportunity Area and therefore the policies contained within the Area Action Plan 2013 (AAP), will be afforded significant weight when considering any development proposals, including change of uses within the

opportunity area. The policies contained in The London Plan 2015 and the Harrow Core Strategy 2013 provide the strategic policies at both regional and local level and therefore would inform any development proposal. The subject site itself is not defined as a proposal site in the AAP, it is however, located in the sub area of Station Road and it is identified as an existing landmark building requiring upgrading and refurbishment where necessary (see site 10 in the AAP).

The London Plan 2015 now consolidates the changes that were adopted under the REMA and FALP. Consequent to the changes in the London Plan 2015, Harrow and Wealdstone Intensification Area is now regarded as an Opportunity Area, capable of bringing forward the delivery of more new homes and creating new employment opportunities.

Policy 3.16B of the London Plan states that the suitability of redundant social infrastructure for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. Policy 3.16C goes on to state that facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged.

There is no specific policy within the AAP in terms of new and existing community facilities. In the absence of which, policies contained with the DMP would apply. Policy DM46 of the DMP will support proposals for refurbishment and re-use of existing premises for community, sport and educational facilities. Proposals for new community facilities will be supported where they are located within the community that they are intended to serve, are located in an area of good public transport accessibility or in town centres and there would be no adverse impact on residential amenity or highway safety.

The current use of the building falls within use class D2 assembly and leisure. The principle to change the use of the existing building, at ground floor to a Church with associated community uses is in principle considered to be acceptable, as the intended use would still provide a community benefit to the local and wider community. The proposal to provide ancillary community facilities related to the main church activity which would include a community café, concert venue (associated to with Church), study space, dance classes, film screenings, food bank, life skills training and mothers and toddlers group are also considered to be acceptable in principle. As discussed in detail below, the proposal would give rise to no adverse impact upon existing residential amenity and subject to a travel plan being implemented; the proposal would have no unreasonable impact upon the existing highway. Furthermore, the proposed use would be located in a town centre with very good access to public transport services.

Based on the above factors, it is considered that the proposed change of use would give rise to no conflict with the above stated policies.

### **Character and Appearance of the Area/ Impact on Locally Listed Building**

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 AAP2 of the Area Action Plan seeks for development proposals within the Station Road sub area to *inter alia* make a positive contribution to its environment and identity and provide active, viable and serviceable non-residential ground floor frontages and to realise any opportunity that emerges to remove the existing cladding from the Safari Cinema building and restore the Art Deco façade.

The proposed change of use would not entail any external alterations to the existing building and would only involve alterations to the internal fabric. It is noted that in the long term it is the applicant's aspirations to remove the metal cladding currently screening the original Art Deco cinema building. It is noted that comments received from the Cinema and Theatre Association have requested that public access to the building, the internal alterations and the reinstatement works of the exterior of the building should be conditioned as part of any approval. However, given that the building is a locally listed building (not Statutory Listed) there is no justified policy reason to condition the internal operations. As for the exterior works, it is not possible to require that the applicant undertake such works subject to a condition as this would be entirely dependant on the Church receiving appropriate funding. A condition requiring public access could be deemed unreasonable as this would be something that the Church would seek control from a management perspective.

In respect of this current application, the proposed change of use and the associated internal alterations would have no undue impact upon the character and appearance of this locally listed building. This is also having regard to the fact the proposed mixed use would be consistent with the current uses on site. As such, the proposal would give rise to no conflict with the above stated policies.

### **Residential Amenity**

Policy 7.6B, subsection D, of The London Plan (2015) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

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

As noted above, the proposed change of use of the building as a combined community and leisure/ assembly use would broadly be on par with the current community and cinema uses in terms of patronage numbers and hours of operation. Given the town centre location and the siting on a busy road, it is considered that the proposed uses would give rise to no additional harm to surrounding residential amenity over and above the existing uses of the building. As such, the proposal would give rise to no conflict with the above policies.

### **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 (2015) 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 which has been updated following the REMA and FALP sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility and the level of cycle parking provision required for specific uses.

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

The current capacity of the bingo hall is 450 people and the cinema can accommodate up to 745 people at full capacity. In support of this application, the applicant has submitted a Transport Statement (TS) which provides an overview of the level of street parking available, access to parking and other forms of transportation. The TS includes a parking beat survey which was undertaken on all roads within 400 metres of the site, including Greenhill Way Car Park. Surrounding roads are within a Control Parking Zone (CPZ) and with the majority of the surrounding network having stringent parking controls in place. The site is located within a PTAL rating of 5, which equates to a very good level of public transport accessibility level. There is a bus stop directly outside of the site which is well serviced by a number of buses.

At present the church has a congregation of 500 churchgoers attending a temporary accommodation elsewhere in London. The church operates two principle services a week, usually on Wednesdays and Sundays. At any one time the total numbers being in the region of 200. It is anticipated that with a permanent location and steady growth over the years the numbers attending the main services would increase to 400.

The church currently operates a shuttle bus service, which will be retained for the new location. Due to onsite constraints, it is not possible to accommodate on site cycle parking. However, the church is willing to fund provision of off-site cycle parking should this be deemed feasible.

Along with the TS, the applicant has also submitted a Travel Plan (TP) which sets out the measures to help deliver objectives to encourage the use of public transport/ sustainable methods of transport and the reduction on sole reliance of privately owned vehicles. As part of the TP, the applicant will undertake surveys which would assess the travel and transport issues. The TP sets out to reduce single occupancy car travel by 5% within 2 years of the initial survey and 10% within 5 years.

Having regard to the current capacity of the building (bingo hall and cinema) and having regard to the fact that the former building as a cinema alone had a capacity of up to 2,500 people, it is considered that the intensity of the proposed uses would be consistent with the current uses on site. In terms of the impact of the proposed uses on highway and parking, it is acknowledged that the current method of travel by the congregation is



predominately by privately owned car and that this is most likely to increase with the gradual increase in the number of people attending the church. This is a concern that the Council's Highway Authority have raised. However, in light of the stringent parking controls in the surrounding roads and the fact that the site is located in a highly accessible location with regular bus services and nearby train stations it is considered that with the implementation of a realistic and achievable travel plan, the proposal is unlikely to give rise to significant levels of parking concerns over and above what could be the situation if the current uses operated at their full capacity.

Subject to appropriate measures put in place to ensure regular monitoring of the travel plan on an annual basis over a five year period and to ensure that the targets agreed are being maintained thereafter, it is considered that any impact on the highway and parking could be mitigated. As such, it is considered that the proposal would give rise to no significant conflict with the above stated policies.

### **Accessibility**

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

The existing building has a ramped entrance and the proposed internal layout would also incorporate an inclusive layout to meet the needs of all.

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

### **Statement of Community Involvement**

The NPPF, Localism Act and the Council's Statement of Community Involvement encourage developers, in the case of major applications such as this to undertake public consultation exercise prior to submission of a formal application.

The applicant had undertaken a public consultation exhibition prior to the submission of this application, which included invitation to the public event to over 500 nearby residents, local ward councillors and amenity groups. It is considered that the applicant has met the requirements of the above policies.

### **Environmental Impact Assessment**

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

### **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 the change to a combined community use, as indicated by its name, would be for a number of differing community uses within the site. Given that the facility would be capable of providing a number of differing uses within the one building, it would not provide an exclusive site for one use or indeed user. Furthermore, the proposed development would by reason of its anticipated uses within the property, potentially result in differing users within the community who do not specifically have a particular tradition being able to utilise the facility.

Accordingly, it is considered that this application does not raise any equality implications.

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

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

The proposal is for a change of use of part of the existing building and would not involve any external alterations. The proposal is considered not to give rise to any conflict with regards to the above stated policies.

### **Consultation Responses**

- *Do not recall consultation letter being sent out* – the applicant states in their statement of community engagement that over 500 letters were sent out to local residents. The LPA have to take this at face value. Notwithstanding this, the objector has not been prejudiced in making representations on the formal application.
- *There is no guarantee that the iron cladding will be removed from the building's exterior.* - The current application is not for any exterior alterations, this is a future aspiration for the church should funding be forthcoming to undertake such works.
- *Note that no other political party elected members were identified for the purposes of the public consultation.* – The political party selection criteria for public consultation is not a material planning consideration.
- *No supporting information provided on what the consultation responses were.- Misleading to state that all those that attended the public exhibition were broadly in support.* - This has been summarised in the body of the Statement of Community Engagement which is considered to be acceptable.
- *See nothing in the application for the delivery of sustainable growth.* – The application is for a community facility and not for one relating to economic or employment type uses. The site is not designated for such uses.
- *See nothing that would improve economic, social and environmental conditions of the area.* – The work undertaken by the Church is stated in their planning statement – as noted above this application is not for an economic/ employment type use.
- *Nothing in the proposal adds positively to employment, or to the improvement of with the site or building, for the area's benefit* - as noted above.
- *Does not provide any form of high quality social infrastructure* - the function of a Church is to provide social infrastructure for its community.
- *Has not provided a defined need for the uses suggested* - the uses stated are

ancillary to the principle uses as a place of worship and leisure and assembly.

- *Adverse impact on the residents of High Mead.* – This has been addressed in the above appraisal.
- *Potential impact on highway safety.* – This has been addressed in the above appraisal.
- *World bank would have adverse affect on residential amenity – unsuitable for an historical building* - this would be an ancillary use associated with the charitable activities associated with the church. This is not an uncommon form of activity found in other places of worships.
- *Impact on highway in terms of the shuttle bus operation* - the use of a shuttle bus is a welcomed alternative to the use of a private car. There are suitable points along the surrounding highway network to provide safe drop of points without impeding on highway safety.
- *No control over the intensification of the different uses.* Already addressed above.
- *Already a number of places of worship in the area – appears that local community is well served with places of worship.* – whilst it is noted that there are a number of places of worship in the locality, they serve a number of different communities and are diverse.
- *Proposals add noting to the economic vitality of the area or generate employment opportunities.* – already addressed above.
- *No details of the applicant's occupation of the subject property is temporary or permanent – no information as to the terms of the interest which it has acquired in the subject building.* – this is not a material planning consideration, however, it is noted within the supporting documents that V2V are seeking permanent occupation of the site. .
- *No guarantee that CCTV will be installed.* – the proposal does not seek any external alterations, however, the site is situated on a busy road which already has a number of highway CCTV's in place.
- *No parking restriction on Sundays in High Mead which could be detrimental to local residents.* – this has been addressed in the above appraisal.
- *Opening up the buildings to the wider community has the potential to be a significant detriment to the residents of High Mead.* – already noted above.

## **CONCLUSION**

The proposed change of use would bring forward a viable use to the ground floor of the existing building. The current operation as a bingo hall is losing its popularity due to the introduction of online gaming. The proposed uses set out under this application would be broadly consistent with the existing uses of this building as a community facility. It is considered that the proposed change of use would give rise to no detrimental impact upon nearby residential amenity or upon highway and parking safety.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan (altered and consolidated 2015), the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013 and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

## **CONDITIONS**

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

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

Act 1990.

2 The Victory 2 Victory Church Travel Plan (2014) shall be implemented in accordance with the approved details upon the commencement of the use hereby permitted. Thereafter a Travel Plan review shall be undertaken and a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority on an annual basis for a period of 5 years. The 5 year monitoring period shall come into effect from the first date of when the use hereby approved has been commenced. The annual Travel Plan review shall include the targets sets for the monitoring period and how these have been meet. In the case of targets not being meet the annual review shall set out what additional mitigation measures would be imposed to meet the targets. The mitigation measures identified in the Travel Plan shall be implemented and thereafter retained.

REASON: To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with polices 6.3 and 6.13 of The London Plan 2015 and policies AAP19 and AAP20 of the Harrow and Wealdstone Area Action Plan 2013.

3 The total number of people occupying the site at any given time shall not exceed 400.

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the congregation numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the neighbouring residential properties and highway network is kept to a minimum in order to comply with policy 7.6B of The London Plan 2015, policies AAP2, AAP19 and AAP20 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM46 of the Development Management Policies Local Plan 2013.

4 The premises shall only be used for the purposes specified in the application (including the listed ancillary uses associated with the principal use as a Place of Worship) and shall not include the following uses which would otherwise fall within the use class categories D1 (non residential institutions) and D2 (assembly and leisure):

- Clinics
- Health centre
- Crèches
- Day nurseries
- Public library
- Law court
- Swimming bath

REASON: To ensure that the permitted uses are compatible with the amenity of neighboring residents and the highway network. The uses noted above are considered to be incompatible with the existing building and the surrounding area, and could potentially give rise to conflict with policies 6.3, 6.13 and 7.6 of The London Plan 2015, policies AAP2, AAP19 and AAP20 of the Harrow and Wealdstone Area Action Plan 2013 and policy DM1 of the Development Management Policies Local Plan 2013.

5 The use hereby permitted shall only be operated within the following hours:

0700 and 2300hrs on Mondays to Sundays and Bank Holidays;

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring occupiers of from undue levels of noise and disturbance, thereby according with policies 7.6B and 7.15.B of The London Plan 2015 and policy DM1 of the Development Management Policies Local Plan 2013.

6 The uses hereby permitted shall be carried out in accordance with the following

approved plans and documents:

Transport Statement (November 2014); Travel Plan (November 2014); Planning Statement; Site Plan; Statement of Community Engagement; RR14.V2VH.01; RR14.V2VH.02

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 (2015 – consolidated with alterations since 2011)  
Policies 3.16, 6.1, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.15

The Harrow Core Strategy (2012)  
Core Policies CS1

Harrow and Wealdstone Area Action Plan (2013)  
AAP1, AAP2, AAP19, AAP20

Development Management Policies Local Plan (2013)  
Policies DM1, DM2, DM46.

Supplementary Planning Document – Access for All (2006)

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

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

## **3 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## **4 COMPLIANCE WITH PLANNING CONDITIONS**

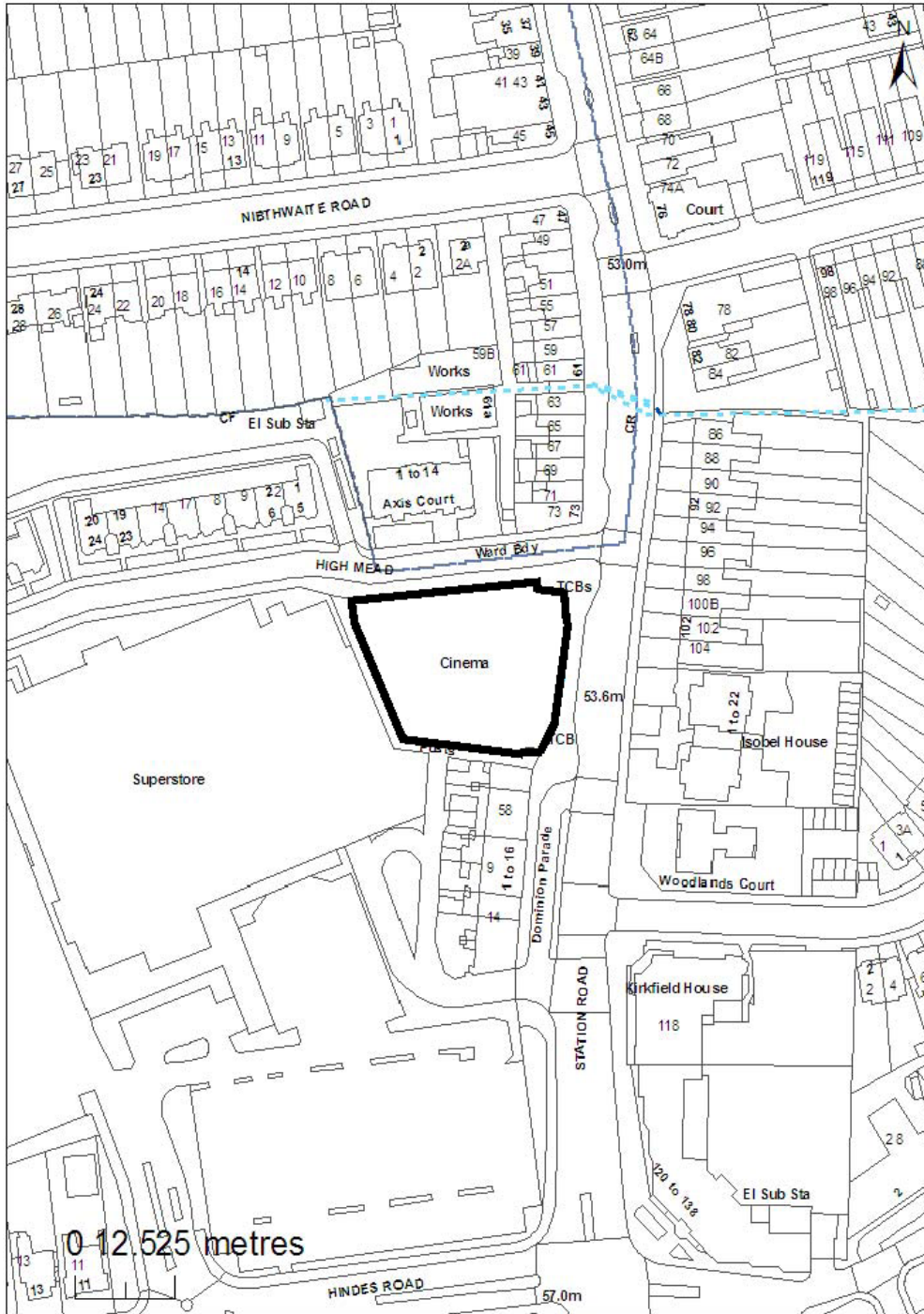
**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval

#### of Details Before Development Commences

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

Plan Nos: Transport Statement (November 2014); Travel Plan (November 2014); Planning Statement; Site Plan; Statement of Community Engagement; RR14.V2VH.01; RR14.V2VH.02

# BINGO HALL, STATION ROAD, HARROW



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## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No: 2/01

Address: PUBLIC CONVENIENCES, GREENHILL WAY, HARROW

Reference: P/4657/14

Description: REDEVELOPMENT: THREE STOREY BUILDING WITH RETAIL USE ON GROUND FLOOR (USE CLASS A1) AND SIX FLATS (USE CLASS C3) ON SECOND AND THIRD FLOORS; BIN / CYCLE STORE

Ward: GREENHILL

Applicant: MR NAJIB KABIR

Agent: AUTOR LTD

Case Officer: JUSTINE MAHANGA

Expiry Date: 12/02/2015

### RECOMMENDATION A

**GRANT** permission subject to authority being delegated to the Divisional Director of Regeneration and Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

- i) The payment of £18,130 for the replacement cost for the cherry tree and maintenance of the retained London Plane Tree.
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- iii) Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement

### REASON

The proposed development of the site would provide a high quality development comprising of commercial use floor space at ground floor level with 6 residential units on upper floors. The site is currently vacant and the proposal would enhance the urban environment in terms of material presence and attractive streetscape, while responding positively to the requirements of the sub-area of Harrow Town Centre as designated in the Harrow and Wealdstone Area Action Plan.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context and would provide appropriate living conditions and commercial space which would be accessible for all future occupiers of the development.

The layout and orientation of the buildings and separation distances to neighbouring



properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers and the development would contribute towards the strategic objectives of reducing the carbon emissions of the borough.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011 (amended in 2015), the Harrow Core Strategy 2012 and the Harrow and Wealdstone Area Action Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 15<sup>th</sup> June 2014 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure the payment of £18,130 for the replacement cost for the cherry tree and maintenance of the retained London Plane Tree, would fail to adequately mitigate the long-term impact of the development on these existing trees contrary to DM 1 and DM22 of the Development Management Policies Local Plan (2013).

### **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:** Minor dwellings

**Council Interest:** None

**Gross Floorspace:** 407.15sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £14,250.25

**Harrow CIL:** £43,801.90

### **Site Description**

- The application relates to an irregular shaped parcel of land located on an island section on Greenhill Way and a service road to the rear of St Ann's Road.
- The site, which was formerly owned by the Council, is approximately 170 sqm and previously contained a single storey public convenience building which appears to have been recently demolished.
- A large London Plane Tree is located adjacent the western site boundary, a bus stop to the north and a service road separating the site from the rear properties of St Ann's Road to the south.
- The site falls within the sub-area of Harrow Town Centre as designated in the Harrow and Wealdstone Intensification Area.
- The surrounding area is classed as high density, with building heights ranging from 3 to 6 storeys. Surrounding uses include shops and services within the nearby St Ann's Shopping Centre, offices and residential.
- The application site is located within Harrow Metropolitan Centre, which has the highest PTAL rating (6a). Specifically, the site is well served by public transport both in bus and rail terms.

## **Proposal Details**

- The application proposes the construction of a three-storey building comprising ground floor commercial with two floors of residential accommodation above.
- The proposed building would primarily be oriented towards Greenhill Way to the north, with additional obscured windows proposed in the rear and flank elevations.
- The proposed building would provide 98 sqm of Class A1 retail floor space at ground level. Access to this unit would be taken from the glazed frontage fronting Greenhill Way.
- Access to the upper floor residential units would be provided via a stairwell at the rear of the building (southern elevation), with access taken from the service road. A combined refuse and cycle storage for the residential and commercial use would also be provided at the rear of the building fronting the service road.
- The proposed first and second floors include identical floor plates, providing a total of 6 residential units.
- Specifically, each floor would include a 50 sqm one-bedroom self-contained unit at the eastern end of the building and an additional two studio flats with GIA of 37 sqm.
- A terrace would be located at roof level, with landscaping proposed around the perimeter.
- With the exception of the ground floor glazed frontage, the proposed building would primarily be constructed of brick with full height timber panels to the rear and also at the eastern end of the building at ground floor level.
- Aluminium framed Juliet balconies with obscured glass balustrade and full length windows partially obscured by perforated metal panels would be provided on the front elevation. Additional full height windows would be provided to the remaining elevations, obscured through the use of the timber panels, or obscured glass.

## **Relevant History**

LBH/24637

Erection of public toilets.

Granted – 02/02/1984

## **Pre-Application Discussion**

- On 28 November 2013 the Council issued a planning brief for the Greenhill Way Public Conveniences site. In this advice the Council confirmed that there was potential to redevelop the site to provide a new building, a maximum three storeys in height. The ground floor must be commercial in nature with either residential or commercial above.
- Following this, the applicant and the Council have had pre-application discussions centred on the principle of redeveloping the site to provide residential units with commercial at ground floor. The broad design, scale and appearance of the proposed building was agreed.

## **Applicant Submission Documents**

Design and Access Statement – this documents sets out the design approach, the access arrangements and sustainability of the proposal.

Proposal Plans.

## **Consultations**

Tree Officer:

The Cherry Tree has previously been hacked back one side & deadwood evident. There

is no objection to removal dependent upon sponsorship of replacements within the vicinity.

The London Plane is of good shape & form. I see no justification for major works to facilitate the construction process. It is beyond the juvenile phase where pollarding would be of minimal disturbance, there is also the cost implication of adding this to a cyclical pollarding regime.

Waste Management Officer:

Three conditions of approval are required; works for the disposal of surface water, works for the disposal of sewage and details of surface water attenuation and storage works.

**Advertisement**

None

**Notifications**

Sent: 39

Replies: 1

Expiry: 13/01/2015

**Addresses Consulted**

305 - 313 Station Road

2-16 St Ann's Road

10 Greenhill Road

**Summary of Responses**

On objection received:

The proposed development would be located within 40.0m of the rear facing windows of the properties on St Ann's Road and would therefore result in a loss of privacy and outlook. The height is also considered to be excessive.

**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 (consolidated with alterations since 2011) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

**MAIN CONSIDERATIONS**

Principle of Development 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 application site is located within the Harrow Metropolitan Town Centre and is identified as an intensification area as set out in the Harrow Core Strategy (2012) and The London Plan (consolidated with alterations since 2011) (2015). The detailed area plan is set out in the adopted Harrow and Wealdstone Area Action Plan (AAP) (2013) and therefore any redevelopment and changes of uses proposed within this area will be considered against the policies contained within AAP along side the adopted Development Management Policies Local Plan (DMP) (2013).

The London Plan (consolidated with alterations since 2011) (2015) has been primarily prepared to address key housing and employment issues. The London Plan identifies Harrow and Wealdstone as an opportunity area and therefore will support development proposals with higher densities to meet London's housing needs.

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

Prior to the recent sale of the land by the Council, a single story public convenience building was located at the site. This building has recently been demolished and the site is now largely vacant with the exception of a retained London Plane Tree and an electrical substation. The principle of demolishing the public conveniences and redeveloping the site was agreed in principle, through the planning brief, prior to the transfer of the land. Accordingly, no issues arise in this respect.

Due to the location of the property within the Harrow Town Centre sub area, any redevelopment of the site would need to meet the requirements of Policy AAP1. Specifically, this policy requires that schemes incorporate a mix of ground floor uses, including retail, leisure, cultural and community uses to increase the vitality of the Harrow Town Centre while also differentiating uses between different levels. The proposed ground floor retail unit with glazed frontage to Greenhill Way accords with these aims and is therefore considered acceptable in principle.

In addition, the proposal to introduce 6 residential units to the site is considered to contribute to the overall housing need of the borough as identified in the London Plan and be in conformity with the Government's objectives of planning for growth and presumption towards sustainable development as outlined within the NPPF. Notwithstanding this, while the proposal to introduce residential units at the site is considered acceptable in principle, this is subject to compliance with the Area Action Plan, relevant development plan policies and supplementary planning guidance which seeks to provide high quality residential

development.

In conclusion, it is considered that the principle of redeveloping the former site of the public convenience to provide a mixed use scheme would make a positive contribution to its environment through the activation of the street scene, while also providing an overriding public benefit through the delivery of new homes. In this respect, the proposal can be supported in principle.

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

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

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

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

The surrounding area has strong urban character, without any significant coherence or commonality of design, with the exception of the three-storey Victorian terrace buildings to the south-east of the site on the corner of Station Road and St Ann's Road. Building such as the Natwest Bank building, a Grade II Listed Building at 315 Station Road, the four-storey office building at 11-15 St. Ann's Road and Sheridan House provide significant landmark buildings in the immediate area and the differences in form and design of these buildings is indicative of the variances in the built form in the locality. In close proximity to the site, these buildings nonetheless serve to contextualise the development site.

### Bulk and Scale

The subject site is located on a stand-alone parcel of land to the south of Greenhill Way and to the north of a service road. The area immediately surrounding the subject site consists of developments of varying heights, including three-storey terrace buildings located south-east of the site along St Ann's Road and Station road and a recently approved 6 storey scheme fronting Havelock Place (P/4827/14). Given the isolated location of the site and the varying heights of existing and recently approved development in the surrounding area, the proposed bulk and siting of the three storey building would sit comfortably within the context of the site and the surrounding area.

### Design and Materials

The proposed design and materials utilised within the proposal are considered to contribute to the successful redevelopment and renewal of the site. Specifically, the proposed use of glazing and timber panels within the ground floor retail unit are considered to be a positive contribution to the Greenhill Way street scene while also acting to differentiate the ground floor commercial use from the upper floor residential use.

In terms of the external finish of the building, it is noted that the Council's pre-application advice to substitute the use of render with brickwork has been incorporated within the submitted scheme. The use of brick is considered to sit comfortably within the surrounding

area which predominately includes red / brown brick. The use of perforated metal panels and vent panels are considered acceptable in breaking the massing of the building while also providing some privacy to the full length windows serving the residential units. Samples of these materials would however be required to be approved by the Local Authority prior to works commencing on site.

A full height timber louver privacy treatment is proposed to the rear elevation of the property and also at the eastern end of the ground floor. The use of these timber louvers are considered to successfully screen the rear facing windows of the building while contributing positively to the overall design of the building.

The proposed fenestration including the Juliet balconies and full height narrow windows to the front elevation and additional full length obscured glazed windows in both flank elevations are considered acceptable in design terms.

Overall, it is considered that the proposed external design and overall appearance of the proposed building would meet the Council's aspirations for the delivery of high standard of development in Harrow Town Centre as set out in the policies stated above. However, notwithstanding this, further details of materials would be required to be submitted to the Local Authority for approval.

#### Landscaping.

Due to the nature and location of the site, no ground floor landscaping has been provided as part of the proposed scheme. Planter boxes would be provided at roof level around the perimeter of the terrace. A review of the site indicates that a Cherry Tree and London Plane Tree are currently located adjacent the western boundary of the site. Following pre-application discussions, the removal of the Cherry Tree has been agreed by the Council. The development would however benefit from the existing London Plane Tree located on the western side of the proposed building. The retention of this tree was agreed as part of this application. A payment has been secured from the developer by way of a s106 agreement to support the replacement planting required due to the loss of the Cherry Tree and also maintenance of this retained tree.

#### Refuse Storage

Policy AAP4 of the AAP requires that development proposals makes satisfactory provision for the disposal and storage of waste and recycling materials.

Refuse stores would be located internally at ground floor, serviced from the rear service road, and would not therefore affect the appearance of the area. Although a separate refuse area has not been provided for the commercial use, the proposed refuse store would be adequate for the purposes of both the commercial and residential aspects 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 states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and

microclimate.

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

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

In terms of the Gross Internal Floor Area (GIA), the proposed one bed units, have been shown to meet the minimum GIA set out for a two person occupancy in the London Plan and the Council’s adopted Supplementary Planning Document: Residential Design Guide. Similarly, the proposed studio units meet the minimum of 37sqm required for studio units.

<b>Type and GIA</b>	<b>Kitchen/Living/Dining</b>	<b>Bedroom</b>
Flat 1 (1 bedroom, 2 persons) 50sqm (50 sqm)	2 Person 18.3sqm (23sqm)	Double 13.2sqm (12sqm)
Flat 2 (studio flat) 37sqm (37sqm)	N/A	
Flat 3 (studio flat) 37sqm (37sqm)	N/A	
Flat 4 (1 bedroom, 2 persons) 50sqm (50sqm)	2 Person 32sqm (23sqm)	Double 13.2sqm (12sqm)
Flat 5 (studio flat) 37sqm (37sqm)	N/A	
Flat 6 (studio flat) 37sqm (61sqm)	N/A	

Although the proposal generally conforms to the minimum room standards as set out in the Mayors SPG, it is noted that the proposed living / dining / kitchen room of the one-bed, two person flat does not meet the minimum requirement of 23sqm. However, when considering the acceptable functionality of the proposed open plan area and the dedicated storage space provided in the hallway, the shortfall in floor space is not considered to result in cramped accommodation to the detriment of future occupiers. 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 and therefore there would be no vertical stacking issues. In terms of the horizontal layout, similar rooms would adjoin similar rooms and therefore there would be no conflict in this regard.

All units are shown to have a dual aspect layout. Specifically, the front (north) elevation of the property includes Juliet balconies and full length windows serving the habitable areas of the studio units and the open plan living / kitchen rooms of the one-bedroom units. Additional full length obscured glazed windows would also be provided to the bathrooms of the one-bedroom units. While these windows are considered to provide an acceptable level of outlook to the flats, concerns were raised within pre-application discussions regarding the potential overlooking of these windows as a result of double-decker buses stopping directly in front of the site. The proposed inclusion of perforated metal panels and obscured glass balustrade to the bottom half of the Juliet balconies are considered to adequately address any loss of privacy to these windows.

While the development also proposes windows within the flank and rear elevations, due to the obscured glazing of the flank windows and the inclusion of the timber louver treatment at the rear, the levels of light and outlook provided by these windows would be limited. Notwithstanding this, considering these windows would provide some light and ventilation to the units and also given that the primary living area to each of the units would be served by north-facing full-length windows, no significant concerns are raised in regards to the amenity of future occupiers. Furthermore, in Town Centre locations there is expected to be some degree of loss of outlook in built up areas but through providing a good internal layout such impacts can be limited to areas that do not provide primary living space such as bedrooms that are generally used for sleeping purposes only. In this regard, the proposed layout of the development in terms of light and outlook is considered to be acceptable.

#### Outdoor Amenity Space

Policy AAP13 of the AAP seeks to *inter alia* ensure that development proposals provide an appropriate form of useable outdoor space. This is further reinforced under paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

The applicant has shown the provision of a Juliet style balcony for each of the residential units. Whilst this does not provide external amenity space in a traditional sense it does provide some outlook for future occupiers. An additional amenity space has been provided at roof level in the form of a terrace. While concerns were raised by the Council regarding the suitability of this space due to the location of the site on a main highway and a service road to the rear, it is not considered that the use of this space as an amenity area would not warrant refusal of the proposal.

#### Impact on neighbouring properties

There are no immediate residential developments adjoining the site which would be affected by the proposed development. Specifically, the front elevation of the property which would provide the primary outlook for the proposed units would overlook Greenhill



Way and a landscaped car parking area opposite. The nearest property to the north would be located some 30.0m from the north facing elevation of the proposed building. In addition, a minimum separation of 8.5m would be maintained from the rear elevation of the proposal to the nearest building at the rear on St Ann's Road. It is acknowledged that concerns have been received from residents of St Ann's Road regarding the potential loss of privacy and outlook which would result from the proposed three storey building. While these concerns have been taken into consideration within the assessment of this proposal, it is considered that on balance given the separation distance from these properties, the proposed privacy louver treatment to the rear elevation and given that the primary outlook for the units would be north facing, the three-storey building would not result in any detrimental loss of outlook, privacy or light to these residents to warrant a reason for refusal. Accordingly, the proposed scheme is considered to satisfy the requirements of policy 7.6.B of The London Plan 2015 and policy DM1 of the DMP.

### **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 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. Chapter 6 also sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility.

Policy AAP 19 of the AAP seeks to limit on site car parking and development proposals to support the use of sustainable modes of transport, in particular in areas that have a high level of public transport accessibility. There would be a requirement to provide 8 secure cycle parks in accordance with the London Plan. Specifically, as the proposed retail unit does not meet the minimum threshold of 100 sqm, no cycle parking is required. However, two spaces are required for each of the one-bedroom two person units, while a single space is required for each studio flat.

The application site is located within Harrow Metropolitan Centre, which has the highest PTAL rating (6a). Specifically, the site is well served by public transport both in bus and rail terms. The proposal is to be car free and shows a provision of cycle storage at ground floor level for up to 6 cycles in total. Given, the high PTAL rating and 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. However, as the proposal represents a shortfall of 2 cycle parking spaces, a condition of approval will require further details of cycle storage be submitted for approval, demonstrating 8 spaces.

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.

### **Development and Flood Risk**

The site is not located within a flood zone however it is sited within a critical drainage area. The applicant has not provided any details regarding the discharge of surface water or sewerage. As the proposal would significantly increase the building footprint on the site, the Council's drainage officer has requested that further information be submitted and approved by the Council prior to any works starting on site. Specifically, the applicant

must provide further details on the disposal of surface water and sewerage and surface water attenuation and storage works.

### **Accessibility**

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

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

The Design and Access Statement and the submitted plans demonstrate that all residential units would be Lifetime Homes. Specifically, an examination of the plans indicates that some of the flats generally have acceptable internal layouts which provide adequate turning circles. Although a lift is not proposed as part of the design, this is considered acceptable considering the three-storey height of the scheme and the sufficient layout and location of the proposed stairwell.

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

### **Sustainability**

Policy 5.1 of The London Plan 2015 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.

### **Housing Mix**

Policy 3.8B of The London Plan 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.

Policy AAP13 of the AAP will support proposals that secure an appropriate mix of housing on site and which contribute to the creation of inclusive and mixed communities.

In this case, the proposed scheme provides 2 one-bedroom units and 4 studio flats. Whilst it is noted that the lack in the mix of housing would conflict with the aspirations of the above policies, it is considered that given that the proposed development would be acceptable in all other regards, it would be unreasonable to refuse this application on the

grounds of the lack of a mix of unit sizes. Furthermore, given that this is a small scale development, a lack of a mix of units could on balance be supported in this case.

### **Equalities Impact**

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

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

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

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

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

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

### **Consultation Responses**

One objection received which has been addressed in section 3 of this report.

### **CONCLUSION**

The proposed redevelopment of the site would provide a high quality development comprising of commercial use floor space at ground floor level with residential units above within a three storey high building. The site is currently vacant and the proposal would enhance the urban environment in terms of material presence, attractive streetscape, and good routes, access and makes a positive contribution to the surrounding Harrow Town Centre sub area in terms of quality and character.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context and would provide appropriate living conditions and commercial space which would be accessible for all future occupiers of the development.

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

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan (consolidated with alterations since 2011) (2015), 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: facing materials for the building including the timber and brick treatments

b: perforated metal panels and vent panels

c: the windows/ doors including details for the glazed balcony screens

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 (consolidated with alterations since 2011) (2015), policy CS.1B of the Harrow Core Strategy and policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

3 The Class A1 use hereby permitted on the ground floor of the development hereby approved shall only be open to customers within the following hours:

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

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring and future occupiers of the residential units on the site from undue levels of noise and disturbance, thereby according with policies 7.6B and 7.15.B of The London Plan (consolidated with alterations since 2011)(2015).

4 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 (consolidated with alterations since 2011)(2015), policy DM2 of Harrow Development Management Policies Local Plan 2013 and Supplementary Planning Document: Access for All 2010.

5 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 (consolidated with alterations since 2011) (2015), and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

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

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighboring residents, thereby according with policies 7.6B and 7.15B of The London Plan (consolidated with alterations since 2011)(2015) and policy DM1 of the Development Management Policies Local Plan 2013.

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

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

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

8 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and sewage have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions. The applicant should contact Thames Water Utilities Limited and Harrow Drainage Section at the earliest opportunity.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework, The London Plan (consolidated with alterations since 2011)(2015) policy 5.12.B/C/D, policy AAP9 of the AAP and policy DM10 of the DMP.

9 The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework, The London Plan (consolidated with alterations since 2011)(2015) policy 5.12.B/C/D, policy AAP9 of the AAP and policy DM10 of the DMP.

10 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 level of the site, have been submitted to, and approve in writing by the Local planning Authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the

highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

11 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 (consolidated with alterations since 2011) (2015) and with policy AAP4 of the Harrow and Wealdstone Area Action Plan 2013.

12 Notwithstanding the approved plans, revised detail of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority showing storage for eight bicycles. 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.

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

Design and Access Statement; AL(01)001A; AL(01)100C; AL(01)101C; AL(01)102C; AL(02)280B; AL(03)320B; AL(03)340B; AL(03)360B; AL(03)380B.

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 (consolidated with alterations since 2011)(2015):

Policies 2.13, 2.15, 3.1, 3.5, 3.8, 3.16, 2.18, 4.2, 5.1, 5.2, 5.3, 5.7, 5.9, 5.10, 5.12, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.15

The Harrow Core Strategy (2012)

Core Policies CS1

Harrow and Wealdstone Area Action Plan (2013)

AAP1, AAP4, AAP9, AAP13, AAP19

Development Management Policies Local Plan (2013)

Policies DM1, DM2, DM10, DM12, DM22, DM24, DM27, DM31, DM32, DM42, DM45, DM47.

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Supplementary Planning Document – Access for All (2006)

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

Housing: Supplementary Planning Guidance (2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 5 INFORMATIVE:

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

## 6 INFORMATIVE:

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of **£14,250.25** of Community Infrastructure Levy, in addition to the liability payment of £45,675 required for planning permission P/1226/12. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of **£14,250.25** for the application, based on the levy rate for Harrow of £35/sqm and the stated chargeable floorspace of **407.15 sqm**

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

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

#### 7 INFORMATIVE:

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

Harrow's Charges are:

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

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

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

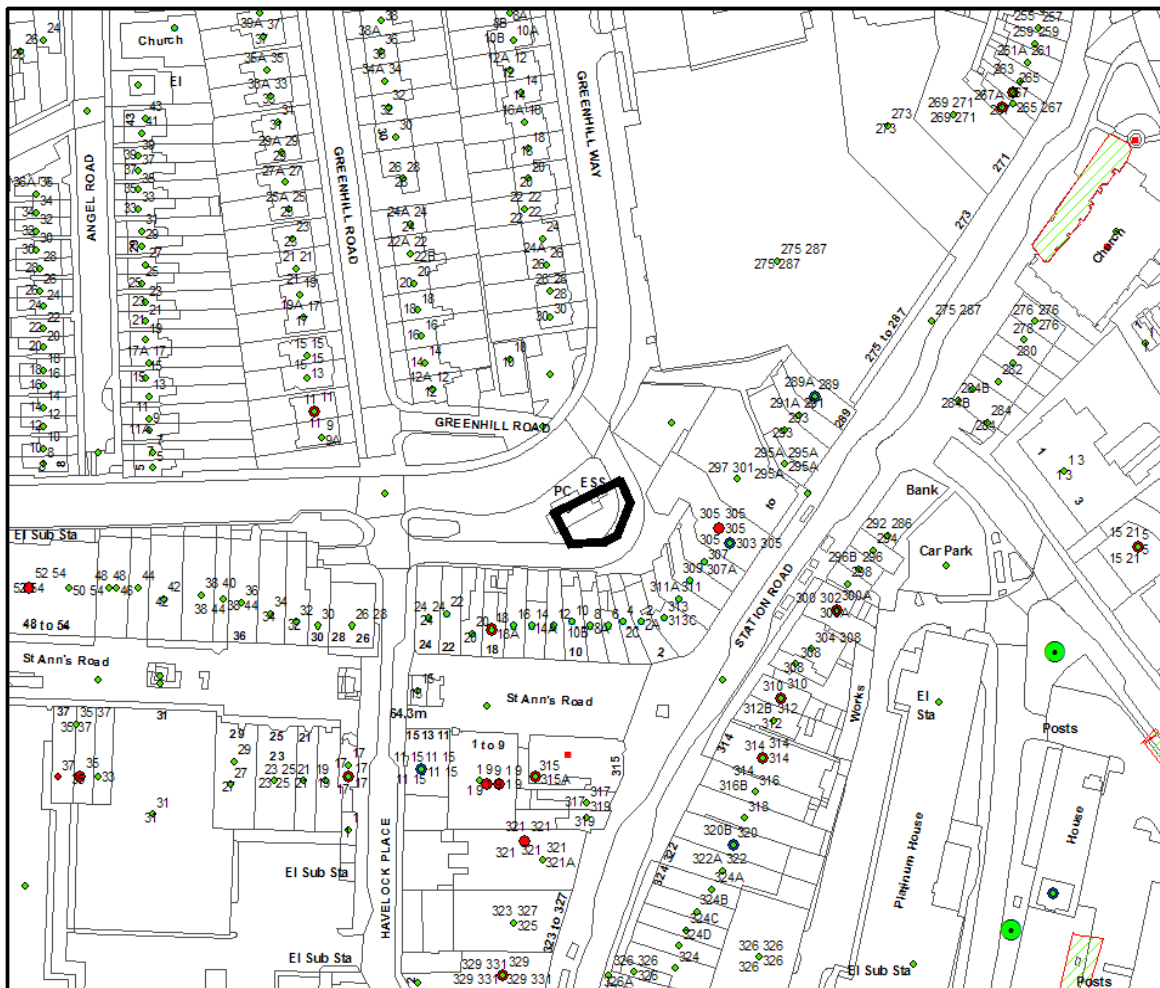
All other uses - Nil.

The Harrow CIL contribution for this development is **£43,801.90**.

Plan Nos: Design and Access Statement; AL(01)001A; AL(01)100C; AL(01)101C; AL(01)102C; AL(02)280B; AL(03)320B; AL(03)340B; AL(03)360B; AL(03)380B.



# PUBLIC CONVENIENCES, GREENHILL WAY, HARROW



Item No: 2/02  
Address: BEAUCHAMP COURT, MARSH LANE, STANMORE  
Reference: P/3807/14  
Description: DEMOLITION OF EXISTING TWO STOREY GARAGE;  
REDEVELOPMENT TO PROVIDE THREE X THREE STOREY  
TOWNHOUSES; ASSOCIATED LANDSCAPING  
Ward: STANMORE PARK  
Applicant: MR H HAY  
Agent: ADN PLANNING  
Case Officer: ABIGAIL CHAPMAN  
Expiry Date: 12/12/14

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

**Statutory Return Type:** Minor Dwelling

**Council Interest:** None

**Net additional Floorspace:** 521 sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):**£18,235

**Harrow Community Infrastructure Levy (CIL) Contribution (provisional):** £57,310

### **Site Description**

The application site is a rectangular plot to the south of Hardwick Close and to the rear of Beauchamp Court. The site is accessed from Hardwick Close, off Marsh Lane. The site is currently occupied by a disused two-storey block of garages which are in a state of disrepair. Signs on the site indicate that the garages form a dangerous structure. The site is bounded to the north by properties in Hardwick Close, which are two-storey maisonettes. To the south and east are single-storey lock-up garages which serve flats at Beauchamp Court. These garages are accessed from Albemarle Park. To the west are single-storey lock-up garages serving the two-storey maisonettes in Claire Gardens (accessed from Glebe Road).

### **Proposal Details**

The application seeks planning permission for the demolition of a large multi-storey garage block which is no longer in use as the block is considered to be dangerous. The block is proposed to be replaced with a terrace of 3 three storey dwellings, three bedroom dwellings.

The existing access will be utilised for the proposal and a shared private driveway will allow for vehicular and pedestrian access to the site. The existing walls to the site boundary enclosing the access way, will be rendered, painted and trellised to allow for planting. Each property has an integral garage and a private garden.

## Relevant History

P/2253/13 – Demolition of existing two storey garage; redevelopment to provide three x three storey townhouses; associated landscaping  
Withdrawn – 12-Nov-2013

P/3916/13 – Redevelopment to provide three, two storey townhouses with habitable roofspaces and associated landscaping. (Demolition of existing two storey garages) – **Refused** for the following reasons;

1 The proposal, by reason of poor design and excessive site coverage by hard surfaces at the front of the site and the creation of a gated development, would represent an inappropriate form of development that would fail to provide sufficient streetside greenness and forecourt greenery or permeability between the site and surrounding areas, and would be detrimental to the character and appearance of the area, contrary to policies 7.3 and 7.4 of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), policies DM1, DM2 and DM23 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

2 The proposal, by reason of the use of front dormers, would represent a form of development that would fail reflect the pattern of development in the area, to the detriment of the character and appearance of the area, contrary to policy 7.4 of The London Plan (2011), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3 The proposal, by reason of non-compliance with the requirements of Lifetime Homes, would provide a substandard form of development, contrary to policies 3.5 and 7.2 of The London Plan (2011), core policy CS1.K of the Harrow Core Strategy (2012), policy DM2 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Accessible Homes (2010).

Appeal dismissed 29/07/14

## Consultations

**LBH Landscape Architect:** No objections.

If you are minded to approve this application the following hard and soft landscape conditions would be required:

- Landscaping to be Approved.
- Landscaping Scheme – Implementation including a period of 5 year period for replacements of soft landscape
- Boundary Treatment
- Levels
- Hard landscape Material Details

**LBH Drainage Engineer :** Conditional Permission

**LBH Highways Engineer:** No comments received

## Advertisement

N/A

## Notifications

Sent: 13

Replies: 1 Petition with 36 signatures in support of the application

Expiry: 19/11/14

### **Addresses Consulted**

22, 24, 25, 26, 27, 28, 29, 31, 33, 35 Hardwick Court  
17, 18 Claire Gardens

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

Planning Inspectors Decision

Lifetime Homes Standards

Impact on Neighbouring Occupiers

S17 Crime & Disorder Act

Human Rights and Equalities

### **Planning Inspectors Decision**

In March 2014 a scheme almost identical to that which is currently before the Planning Committee was refused by the Local Planning Authority under delegated powers by planning officers. The scheme was refused for the following reasons;

1 The proposal, by reason of poor design and excessive site coverage by hard surfaces at the front of the site and the creation of a gated development, would represent an inappropriate form of development that would fail to provide sufficient streetside greenness and forecourt greenery or permeability between the site and surrounding areas, and would be detrimental to the character and appearance of the area, contrary to policies 7.3 and 7.4 of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), policies DM1, DM2 and DM23 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

2 The proposal, by reason of the use of front dormers, would represent a form of development that would fail reflect the pattern of development in the area, to the detriment of the character and appearance of the area, contrary to policy 7.4 of The London Plan (2011), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3 The proposal, by reason of non-compliance with the requirements of Lifetime Homes, would provide a substandard form of development, contrary to policies 3.5 and 7.2 of The London Plan (2011), core policy CS1.K of the Harrow Core Strategy (2012), policy DM2 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Accessible Homes (2010).

The applicant appealed the decision and on the 29<sup>th</sup> July 2014 the Planning Inspector dismissed the appeal on the basis of the fact that the width of the garage would fall short of the minimum standard of 3.3m and this cannot be overcome through a condition. The Inspector concluded that 'Although I have found no harm in relation to the effect of the proposed development on the character and appearance of the surrounding area, this does not outweigh the harm that I have identified with regard to the failure to meet all lifetime homes standards'.

The applicant has made the following revisions to the scheme which was assessed by the Planning Inspector six months ago;

1. The width of the garage has been increased to 3.3m this has involved reconfiguring the stairs and the accessible WC so that they are now located within the Kitchen/Family Room
2. The first floor has been reconfigured internally so that the living room is now to the front of the building
3. The only external amendment is the relocation of the garage gates so there is no longer a set back from the front building line.

The principal of the loss of the derelict garages and the erection of three dwellings in this location has been assessed by the planning inspector against the development plan and no objections have been raised in this regard. Further to this the external appearance of the dwellings has not been amended significantly since the previous scheme indeed the only amendment to the elevation is that the garage is no longer set back from the front building line (the front building line has not changed). The Planning Inspector did not consider that the design was unacceptable or would have an unacceptable impact on the character or appearance of the area and it is not considered that amending the position of the garage doors will have a material impact on the character and appearance of the building. In light of the above it is considered that the development will comply with policies DM1 and DM23 of the Harrow Development Management Policies Local Plan, policies 7.2 and 7.4 of the London Plan 2015 and paragraphs 56 and 58 of the National Planning Policy Framework. All of these policies among other things seek high quality design appropriate to its environment.

### **Lifetime Homes Standards**

The Local Planning Authority refused the previous application on the basis of the fact that the scheme would not be in accordance with the lifetime homes standards. As such it would be contrary to policy 3.8 of the London Plan, CS policy CS1.K, policy DM2 of the Harrow Development Management Policies Local Plan and paragraph 4.8 of the Accessible Homes SPD 2010. The Inspector indicated that the units could on the whole be adapted to meet the requirements of the Lifetime Homes Standards and a planning condition could adequately secure this. This is with the exception of the width of the garage which as it was not adequate for accessible parking resulted in unsatisfactory living conditions for potential occupiers. In the scheme submitted under this application the width of the garage has been increased to 3.3m which is the minimum standard as required within Lifetime Homes. In light of the increase of the width of the garage the scheme now has the potential to be lifetime homes compliant as such subject to the submission of the details indicating the scheme will be compliant it is considered that the scheme can provide adequate living conditions for any potential occupiers. The proposal will therefore comply with policy 3.8 of the London Plan, CS policy CS1.K, policy DM2 of the Harrow Development Management Policies Local Plan and paragraph 4.8 of the Accessible Homes SPD 2010

### **Impact on Neighbouring Occupiers**

The Planning Inspector assessed and discussed at length the impact of the development on neighbouring occupiers concluding that the development is not considered to cause any significant harm to the amenities of neighbouring occupiers. In respect of the amendments in this scheme it is not considered that the reconfiguration of the first floor or the increase in size of the garage would have a significant impact on the amenities of any neighbouring occupiers as to warrant refusal of the scheme. It is therefore considered

that the application will comply with policy DM1 of the Harrow Development Management Policies Local Plan and policy 7.6 of the London Plan 2015 which seek to ensure that development proposals will not have a detrimental impact on the amenities of any neighbouring occupiers.

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

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

### **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.

### **CONCLUSION**

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

### **INFORMATIVE**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: E100a; E101a; E102a; E103a; E104a; E105a; P900B; P901a; P902a; P903c; P904c; 905e

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

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

a: the ground surfacing

b: facing materials of new building

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

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

4 Notwithstanding the details on the approved drawings, the construction of building

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

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

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

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

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

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

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

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

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

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

approved details and shall thereafter be retained.

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

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be 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 Policies DM10 of the Harrow Development Management Policies Local Plan (2013)

10 Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until annotated plans and/or an accompanying Lifetime Homes compliance statement demonstrating how (and to what extent) the development would comply with the Lifetime Homes Standard, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details which shall be fully implemented before the first occupation of the development and shall retained as such thereafter.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with policy DM 2 of the Harrow Development Management Policies Local Plan (2013).

11 The development hereby permitted shall not commence until details of 6 secure and accessible cycle parking spaces (2 per unit) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To encourage the use of sustainable methods of transport in accordance with policy 6.9 of The London Plan.

## **INFORMATIVE**

1 Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on appeal following a refusal by Harrow Council) will attract a liability payment of £75,545 in Community Infrastructure Levy (CIL). This charge has been levied under s.206 of the Planning Act 2008 and includes both the Mayor of London's CIL and Harrow Council's CIL.

The charge has been calculated on the floorspace of the proposed development.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £75,545 for the application, based on the levy rate for Harrow of £35/sqm plus Harrow's charging rate for residential of £110/sqm and the stated new floorspace of 521sqm.

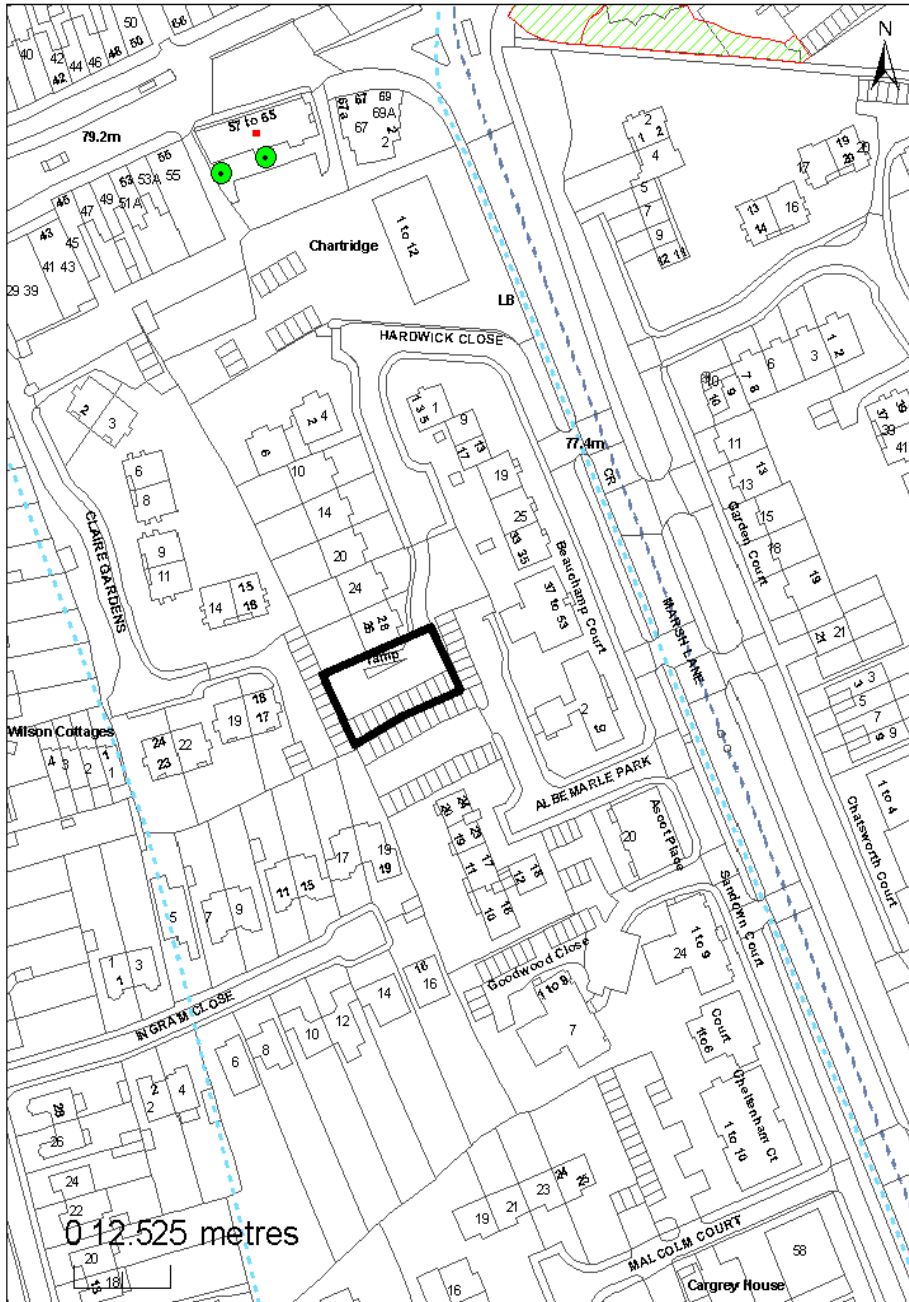
You are advised to visit the planningportal website where you can download the appropriate document templates.

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

Plan Nos: E100a; E101a; E102a; E103a; E104a; E105a; P900b; P901a; P902a; P903c; P904c; 905e



# BEAUCHAMP COURT, MARSH LANE, STANMORE



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## Appeal Decision

Site visit made on 7 July 2014

by **K R Saward Solicitor**

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

Decision date: 29 July 2014

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**Appeal Ref: APP/M5450/A/14/2217393**

**Former Garages Adjacent to Beauchamp Court and Hardwick Close, Stanmore HA7 4HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Hay (Metropolitan & County Group) against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/3916/13, dated 7 December 2013, was refused by notice dated 4 March 2014.
  - The development proposed is to demolish disused 2 storey garage structure and replace with 3 No. 3 bed townhouses.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. A revised ground floor plan No AP 100 has been submitted with the appeal documentation to demonstrate how compliance with 'The Lifetime Homes' standards could be achieved through changes in the layout. However, this plan also shows the integral garages as car ports which would involve changes to the external appearance. This has not been subject to consultation and prejudice might arise to interested parties who have not had opportunity to provide comment. I cannot therefore accept the revised plan although I have noted its details insofar as it illustrates internal room layout. I have based my decision on the same plans which formed the Council's determination of the application.

### Main Issues

3. The main issues raised are:-
  - whether the proposed development would be in accordance with Lifetime Homes Standards; and
  - the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

4. The appeal site is located behind the expansive three storey buildings of flats forming Beauchamp Court and Hardwick Court and at the end of an access off Hardwick Close where there is a long row of two storey maisonettes. The areas

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surrounding these buildings have wide and well maintained landscaped areas with trees and other planting creating an attractive environment. In contrast, the appeal site contains a disused two storey concrete framed garage building which has fallen into a dilapidated state. The proposal is to demolish this structure and construct in its place a terrace of three, two storey houses each having accommodation in its roofspace.

#### *Lifetime Homes Standards*

5. The Council has acknowledged that the room sizes would accord with the relevant policy standards, but is concerned that the accommodation would not meet all of the criteria set by the 'Lifetime Homes Standards' as required by Policy 3.8 of the London Plan and Policy CS1.K of the Harrow Core Strategy (CS), 2012.
6. From the evidence that I have seen, the ground floor internal layout could be adapted to provide temporary bed space along with a downstairs W.C. enabling a shower to be fitted. There would also be a lift to the first floor where there would be a bathroom. It is not identified on the proposed first floor plan, however, how the bathroom would be made easily accessible without going along the hall and back through the bedroom. The appellant says that the lift would go to the second floor where there is also a shower room although the lift is not shown on the proposed second floor plan. Nonetheless, it seems to me that these are all matters capable of being addressed through the imposition of a planning condition.
7. Storage space is identified on the proposed second floor plan, but it is not entirely clear whether this meets all requirements of standard 4.7 of the Mayor of London Housing Supplementary Planning Guidance (SPG), 2012. This again could be dealt with by a planning condition.
8. However, the garage at 3m in width would fall short of the minimum standard of 3.3m and this cannot be overcome through a condition for the reasons set out in my second paragraph. Whilst I appreciate that there could be variations in this part of the proposal which the appellant says would address the issue, they are not part of the proposal before me and so cannot be taken into account. In this regard, the standards have not been demonstrated to be met and unsatisfactory living conditions could arise as a result if the space is not adequate for parking.
9. Therefore, I conclude that the proposed development would not be in accordance with Lifetime Homes Standards. As such, it would be contrary to Policy 3.8 of the London Plan, CS Policy CS1.K, LP Policy DM 2 and Paragraph 4.8 of the Supplementary Planning Document Accessible Homes, 2010.

#### *Character and appearance*

10. The proposed development would fill the majority of the width of its plot and a shared driveway leading to the integral garages would result in a wide hard surfaced area to the frontage. There would be space for a narrow strip of soft landscaping to the parameters. This would provide a natural continuation of the landscaping behind Beauchamp Court and would suffice to soften the harshness of the amount of hard surfacing. Such landscaping could be secured by a planning condition. With reasonable sized gardens to the rear, the

- proposed development would make an efficient use of the site without appearing overdeveloped.
11. The inclusion of integral garages would allow cars to be parked out of sight to avoid the clutter of cars from on-site parking. From this perspective, I would not regard the proposal to be car-led development.
  12. Policy DM 2 of the Harrow Council Development Management Policies (LP) document 2013, whilst promoting safe and secure proposals, specifies that gated developments will be resisted. This is reinforced in Paragraph 4.24 of the Supplementary Planning Document Residential Design Guide, 2010. In this instance the proposed development would occupy a corner position tucked at the end of an access off a cul-de-sac in Hardwick Close. It would not thereby contribute readily to the openness and accessibility of the area and gates at the front boundary would assist towards a safe and secure environment for occupiers. A condition could also control the height and ensure that the type of gates enabled clear views into the development to mitigate their visual impact.
  13. Furthermore, gates would not be uncharacteristic of the area given there is a gated development for the flats at Chartridge Court at the other corner of Hardwick Close. I therefore consider that a departure from Policy DM 2 in this regard would be justified in these particular circumstances.
  14. Whilst the Council has no objection to the roof height, it is concerned with the use of front and rear dormer windows to facilitate two bedrooms in the roofspace. Although there are no other roof dormers in the vicinity, the three box dormers on each side of the roof would be set well beneath the ridgeline and in from the sides allowing plenty of space in between. In this way, the dormers would not overly dominate the roof and would balance the overall design which features upper storey contemporary square bay windows.
  15. When viewed in the context of the building as a whole, the dormer windows would not be an obtrusive feature. Moreover, the long flat lines created by the dormers would correlate with the simplicity of the architecture found on the neighbouring maisonettes and nearby flats which include wide balconies. Accordingly, I do not consider that the roof dormers would appear out of keeping in the locality.
  16. Consequently, I conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area contrary to LP Policies DM 1, Policies 7.2 and 7.4 of the London Plan, 2011 or Paragraphs 56 and 58 of the National Planning Policy Framework. All of these policies, amongst other things, seek high quality design appropriate to its environment. I also find no conflict with LP Policy DM23 insofar as it seeks forecourt greenery.

#### **Other Matters**

17. Objections concerning outlook, privacy and sunlight have been raised by a resident at No 19 Ingram Close whose bungalow is immediately behind one rear corner of the appeal site. At my site visit I was able to visit this property accompanied by the parties.
18. The ground levels at No 19 are lower than the appeal site and the existing two storey garage building rises significantly above the high boundary walls close to the corner of No 19's rear garden. As well as from the garden, the building is

clearly visible through the patio doors when stood in the centre of the living room. The proposed townhouses would be sited further along the boundary away from No 19 and would have less visual impact than the blank concrete wall. Whilst they would still be visible, the views would be more oblique which would prevent the proposed development being overbearing to occupiers of No 19.

19. The garden at no 19 is currently secluded. There would be no windows in the flank wall nearest No 19. There could be limited oblique views over the end of the rear garden from the upper windows of the nearest townhouse. However, it would not be reasonable to expect total privacy to be maintained especially as a degree of overlooking is commonplace in urban areas. The degree of overlooking would be limited and users of the garden would not suffer any significant loss of privacy. The proposed development would be north of No 19 and so any overshadowing would be minimal.
20. Therefore, the limited impact on the living conditions of the neighbouring occupiers at No 19 does not add to my reason for dismissing the appeal.

### **Conclusion**

21. Although I have found no harm in relation to the effect of the proposed development on the character and appearance of the surrounding area, this does not outweigh the harm that I have identified with regard to the failure to meet all Lifetime Homes Standards.
22. For the above reasons and, having had regard to all other matters raised including representations made in support of the proposal, I conclude that the appeal should be dismissed.

*KR Seward*

INSPECTOR

Item No: 2/03

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: CONOR GUILFOYLE

Expiry Date: 12/01/2015

## **RECOMMENDATION**

**APPROVE** modification to the principal Section 52 Agreement dated 25<sup>th</sup> 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 30<sup>th</sup> 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

### **Additional Information**

The application was considered at the Planning Committee on 11th February 2015. It was unanimously decided by the committee that the application be deferred pending further investigation. The chair stated that the following additional information would be required in order to be able to reach a decision:

1. Had a new site for the 320 Secondary pupils been identified and would they be located within an existing building or would this require a new build?
2. Had a STP been formulated for the secondary school? If so, what was contained in it?
3. The proposed increase in pupil numbers equated to an increase of 100%, however, there were no detailed plans regarding how numbers would be decreased should the school be unable to comply with conditions imposed
4. In view of the fact that a bond may not be an appropriate penalty in this case, would the conditions still be enforceable and how would be monitored and enforced? Did the Council have the requisite resources to monitor the effectiveness of the STP? It was anticipated that a S52 agreement would be appropriate in relation to this.

With regard to the following points;

Pinner High School would be used for one year pending a permanent solution. There is currently a school travel plan in operation for the school which promotes sustainable modes of travel to and from school. A revised school travel plan is to be submitted with any future application for a permanent school. The school is required to submit monitoring information on an ongoing basis under the school travel plan. If they fail to meet their targets or issues arise in complying with its conditions, they will need to resubmit a revised school travel plan to show how they will address any issues which may arise.

### **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 25<sup>th</sup> 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.

A petition containing 121 signatures against the proposed modification to increase the student numbers has been received on the 10.02.2015. Comments raised in the petition are broadly reflective of those already summarised in the Officer's committee report and which have been addressed within the appraisal section of the report

## **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 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 inbuilt 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 transports 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):

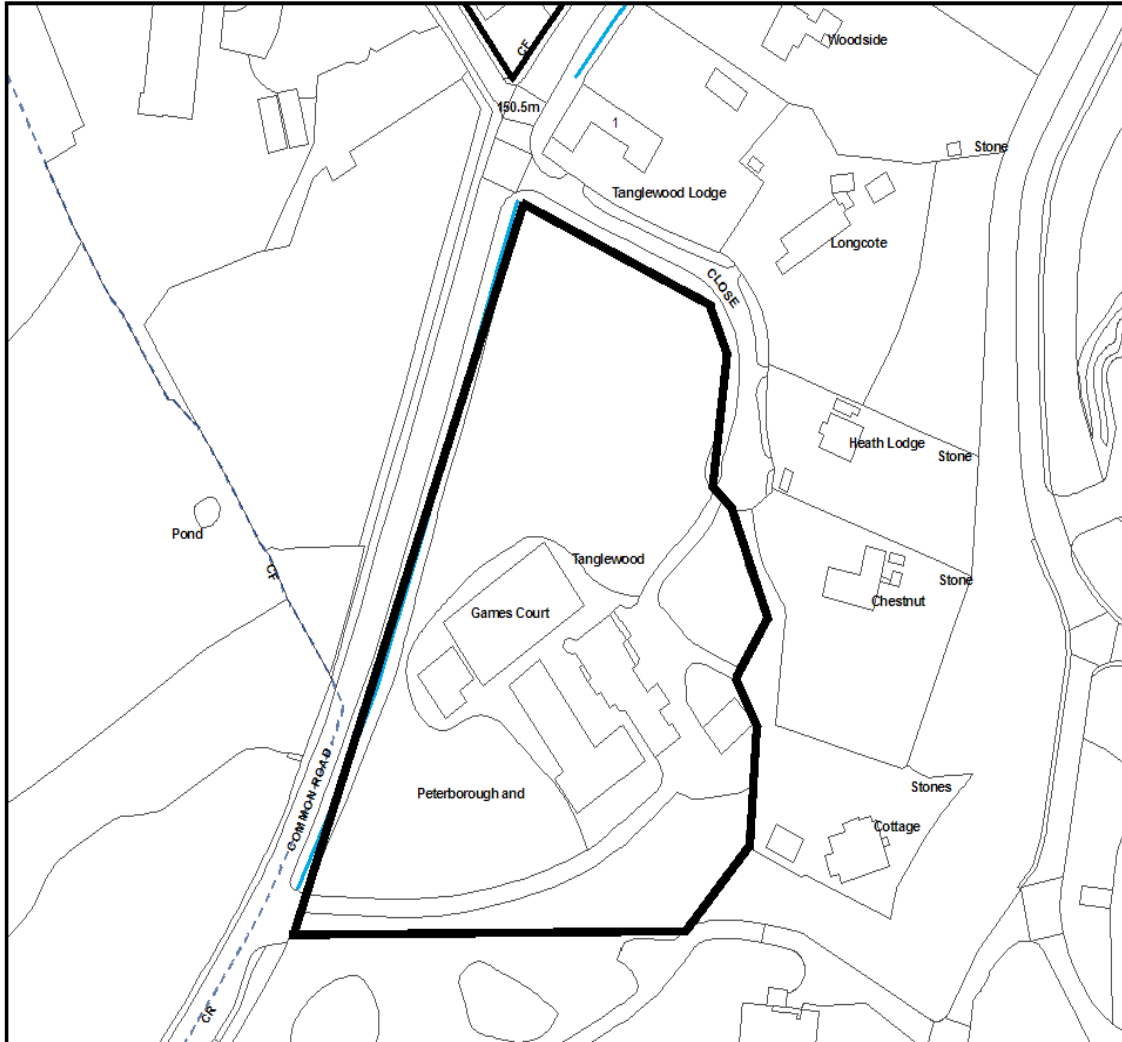
Overarching Core Policy CS1

Development Management Policies Local Plan (2013):

Policies DM 2, DM 43 and DM 46

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

AVANTI HOUSE SCHOOL, COMMON ROAD, STANMORE





Item No: 2/04  
Address: GARAGES REAR OF 56 MASEFIELD AVENUE, STANMORE  
Reference: P/0185/15  
Description: CONSTRUCTION OF FOUR, TWO STOREY TERRACED HOUSES;  
REFUSE AND CYCLE STORAGE; ASSOCIATED LANDSCAPING AND  
PARKING  
Ward: STANMORE PARK  
Applicant: MR STEPHEN MARTIN  
Agent: PRP ARCHITECTS LLP  
Case Officer: NICOLA RANKIN  
Expiry Date: 24<sup>TH</sup> MARCH 2015

## RECOMMENDATION

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

**Statutory Return Type:** E13 Minor Dwellings

**Council Interest:** The land is owned by the Council.

**Net additional Floor space:** 500sqm

**GLA Community Infrastructure Levy Contribution (provisional):** £17,500

**Harrow Community Infrastructure Levy Contribution (provisional):** £55,000

## Site Description

- The application site relates to an irregular shaped back land site to the east of Masefield Avenue and to the west of Chenduit Way.
- The land was formally occupied by a block of garages which have now been demolished and removed. The remaining area of land consists of some hard surfacing and an area of green space enclosed by some open metal fencing. The grassed area which is located in the southern half of the site is allocated as designated open space as identified in the Harrow Core Strategy (2012) and Local Polices Map (2013).
- The overall site area including the access road from Masefield Avenue spans an area of approximately 1,430m<sup>2</sup>.
- The site can be accessed via a pedestrian footpath from Masefield Avenue or directly from the public footpath along Cenduit Way.
- The surrounding area is characterised by two storey semi-detached and terraced dwellings of traditional 1950s character and appearance.
- The site is bound to the west by the rear garden boundaries of No. 52-60 Masefield Avenue, to the north by the rear garden boundaries of No. 2-10 Flecker Close, to the

east by 10-14 Chenduit Way and to the south by the side garden boundary and two storey terraced property No. 16 Chenduit Way.

- There are two mature trees located towards the southern boundary of the site. These trees are not protected by a Tree Preservation Order but nevertheless do make a positive contribution to the amenity value of the area.
- A culverted watercourse runs across part of the site towards the south west corner. The site also lies within a critical drainage area.
- The site has a PTAL rating of 1b.

### **Proposal Details**

- A redevelopment of the site is proposed to create four, two storey terraced houses together with associated refuse and cycle storage; landscaping and parking.
- The proposed dwellings would be located centrally within the site and would be arranged so that the rear elevations would be parallel to the rear garden boundaries of properties fronting Flecker Close.
- Each dwellinghouse would have a width of approximately 8.3 metres and a depth of approximately 9.3 metres.
- The group of dwellings would have a mixed flat and pitched roof design with a maximum height of 7.2 metres.
- Each dwellinghouse would contain four bedrooms and would be provided with a private rear amenity space at the rear.
- The area to the front of the properties and the access road would be landscaped with a mixture of hard and soft landscaping. Each property would have a front forecourt with sufficient space to accommodate one parking vehicle. A soft landscaped play space would be provided adjacent to the southern boundary of the site.
- The existing area of designated open space (370m<sup>2</sup>) would be reconfigured and upgraded. An area of 279m<sup>2</sup> would be provided on the existing site in the form of a play area/amenity space adjacent to the southern boundary of the site. A further 397m<sup>2</sup> of open space would be re-provided on a different piece of land to the north of the application site adjacent to No. 41 Masefield Avenue.

### **Main amendments since previous application:**

- N/A

### **Relevant History**

- None

### **Pre-Application Discussion (summary)**

- Open space remains a critical issue for this proposal. Any application for the development as currently proposed is unlikely to be supported. However, it is considered that the parking court/former garage blocks are capable of redevelopment. A re-design is recommended to accommodate development and associated access arrangements to avoid any net loss/fragmentation of the open space.

### **Applicant Submission Documents**

- Design and Access Statement
- Arboricultural Report
- Daylight and Sunlight Assessment

### **Consultations:**

**Highways Authority:** London Plan standards give a maximum of 2 spaces in a location

such as this and I think this is what they would realistically need to be aiming for unless they are able to demonstrate by way of surveys that overspill parking will not have an adverse effect on the surrounding area. Also, as no restrictions are proposed within the shared space, there is nothing to stop the residents parking anywhere within that area.

It is appreciated that speeds are likely to be low at this location however, there are no measures proposed to ensure that speed entering the site is immediately reduced and having pedestrians potentially wandering about in this area raises the level of conflict and risk. A boundary treatment would be a good measure to segregate the play area from the parking area.

**Drainage Engineer:** Objection the submitted proposals are not acceptable, as they would contravene Harrow Land Drainage Bylaws. You should note that the existing culvert is riparian-owned and it is your responsibility that the culvert operates satisfactory. In principle Land Drainage Consent would be granted under the following conditions:

1. establish the position of the culvert,
2. CCTV condition survey and full structural assessment of the existing culvert to be carried out by an approved assessor,
3. a structural liner is inserted into the existing pipe to overcome areas of damage identified by the survey,
4. demonstrate that the new structure does not impart any load on the culvert or destabilise it in any way,
5. demonstrate how the culvert will be repaired/replaced/maintained in the future (a detailed Method Statement and access arrangements would be required),
6. a clear minimum overall distance of 5 metres must be provided for future access (should in the event of culvert failure, provide sufficient room to replace the culvert),
7. a new access point/manhole is constructed on the culvert.

Other conditions are required in relation to the disposal of sewage and surface water storage and attenuation works.

**Landscape Architect:** No objections. If you are minded to approve this application the following hard and soft landscape conditions would be required:

- Landscaping to be Approved.
- Landscaping Scheme – Implementation including a period of 5 year period for replacements of soft landscape
- Levels
- Boundary Treatment
- Hard landscape Material Details
- Management and Programme of Maintenance for the Communal areas

**Tree Officer:** An approved tree protection plan and method statement would be required by condition in relation to the trees within the open space area.

#### **Advertisement**

- N/A

#### **Notifications**

Sent: 24

Replies: 0

Expiry: 24.02.2015

## Summary of Responses

- None

## APPRAISAL

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

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

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

In this instance, the development plan comprises the London Plan 2011 [LP] (consolidated with alterations since 2011) (2015) and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAM].

On the 10<sup>th</sup> March 2015 the Mayor adopted the Further Alterations to the London Plan (FALP). From this date the FALP are operative as further alterations to the London Plan and forms part of the development plan for Harrow.

## BACKGROUND

### Homes for Harrow development programme

Demand for affordable housing to rent and buy in Harrow is high and growing. The council now has around 150 families housed in temporary Bed and Breakfast accommodation when a few years ago there were none. The council's Housing Service now has the financial freedom to start building new council housing and the Homes for Harrow programme has identified a number of opportunities where we can start building the first new council homes in a generation.

The Council commissioned a capacity study to identify opportunities to build new homes within existing council housing estates, disused and dysfunctional garages, (often the cause of anti-social behavior) and other areas of in-fill development. This work was carried out in consultation with the Harrow Federation of Tenant and Resident Associations and Councilors and with other council services.

A number of opportunities have been identified. The first phase of 13 sites will deliver 40 new Affordable homes for rent including large family houses which are in extremely short supply, as well as 10 new Shared Ownership homes also aimed at families. Planning applications have been worked up following resident consultation on each site and through pre application discussions with Planning Services. The council has been successful in obtaining government support enabling us to borrow additional funding to support the cost of developing the new homes, as well as using capital receipts from the sale of council homes under the Right to Buy and other housing resources.

Additionally the council also has opportunities for some wider housing estate

regeneration and redevelopment schemes which are being developed in partnership with local residents.

The Homes for Harrow programme contributes positively to the Council's vision for Harrow Working Together to Make a Difference for Harrow and the Council's priorities in the following ways:

1. Making a difference for the vulnerable – building a range of new affordable homes including homes for those who are most in need.
2. Making a difference for communities – This work provides an opportunity to involve and engage both residents on estates and from the wider community in the development of new homes, the replacement of poor housing and improvements to the external environment.
3. Making a difference for local businesses – The procurement of contractors for the infill development programme provides an opportunity to encourage and support local, small to medium sized contractors in tendering for the work.
4. Making a difference for families – building a range of new affordable homes with a significant proportion aimed at larger families and improving the worst social housing in Harrow. Other benefits flowing from these development programmes include the creation of apprenticeships, jobs and training opportunities to help those most in need, especially the young.

## **MAIN CONSIDERATIONS**

Principle of the Development

Character and Appearance of the Area

Residential Amenity

Traffic Parking and Servicing

Flood Risk and Drainage

Trees and Biodiversity

Accessibility

Sustainability

S17 Crime & Disorder Act

Equalities and Human Rights

Consultation Responses

### **Principle of the Development**

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 should be taken as a whole. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality build environment that reflect the community needs and support its health, social and cultural well being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.

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.'

Having regard to the planning designations on the site, there are no development plan

policies that specifically preclude the provision of residential dwellings here. The proposed development would not result in development on garden land and would therefore not conflict with Core Strategy policies CS1A and CS1B.

Policy 3.8 of The London Plan (2015) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Further to this, Core Policy CS(I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'.

The site is not allocated for development but represents 'a previously developed' site, however the redevelopment of the site and the provision of new dwellings on the site are considered to represent a 'windfall development' as outlined in the Core Strategy. The use of the land for residential uses could therefore be supported in principle and would make an important contribution to the housing stock in the borough, including affordable housing, particularly having regard to the increased housing target identified within the Further Alterations to the London Plan (FALP).

In this instance the main issue in relation to the acceptability of the proposal relates to the impact on designated open space within the site.

- Designated Open Space

With regard to open space, the NPPF (2012) advises that existing open space, sports and recreational land, including playing fields, should not be built on unless the development would provide for alternative sports and recreational provision, the needs for which clearly outweigh the loss. Core policy CS1 F of the Harrow Core Strategy outlines that Harrow's open spaces will be managed as an interconnected, multifunctional environmental resource that contributes to biodiversity, adaptation to climate change, and to people's health and well-being. The quantity and quality of existing open space shall not be eroded by inappropriate uses.

Local Plan Policy DM 18 states that open space (as defined on the policies map) will not be released for development, but does not allow for the reconfiguration of open space (criterion B) subject to:

- (a) the reconfiguration being part of a comprehensive, deliverable scheme;
- (b) no net loss of open space
- (c) the reconfiguration would achieve enhancements in capacity, quality and accessibility and secure a viable future for the open space; and
- (d) the reconfiguration would not be detrimental to any environmental function

A revised plan has been submitted with the application to demonstrate how the existing areas of open space would be reconfigured. Following the redevelopment of the site 279sqm of open space would be retained on the site in the form of play space. The space would be landscaped with sensory planting and would include low key sculptural play elements and seating areas for children. A further area of open space equivalent to 397sqm would be re-provided off site to the north of the application site adjacent to No. 43 Masefield Avenue. The proposed on site and off site open space provision would ensure that there is no net loss overall.

The re-provision of open space on the site to the north is also being considered for re-

development for housing under planning ref: P/0779/15. Although the existing open space would become two separate areas, this is not considered to be detrimental. The existing designated open space is not particularly high quality or attractive space. The current proposal offers the opportunity to bring significant quality enhancements to ensure the areas become a much more useable and attractive spaces. It is considered that both areas would be suitable for the provision of play areas for families and children. The Council's PPG 17 Study (2011), which underpins policy DM 18 found that there was a borough wide deficiency of 2.2 square metres per child in 2010 and this shortfall is projected to increase (taking into account population/demographic changes) to 2.49 square metres per child in 2026. These per child deficiencies equate to borough wide land shortfalls of 9.33 and 12.64 sqm respectively. As such, the proposal would result in a beneficial contribution to the borough wide shortfalls in play space provision. With regard to the offsite open space provision, it is considered that the specific details of this can be secured through the imposition of a Grampian condition prior to the occupation of the development.

The site lies within a critical drainage area and therefore the open space does provide a permeable surface for surface water. However, the proposed additional hard surfacing on the site will be permeable and there will not be an increase in impermeable surfaces on the site. It is therefore considered that reconfigured hard and soft landscaping across the site would not be detrimental to the existing environmental function of the designated open space in terms of surface water drainage.

In view of the above, it is therefore considered that the proposal offers a viable and deliverable enhanced quality open space to function as play and amenity space for the families of the surrounding residential units. Officers consider that the fundamental functional value of the reconfigured open space would not be compromised and would result in a small but valuable contribution towards shortfalls in children's play and amenity space and enhancement to the surrounding public realm and the proposal would be consistent with the requirements of the development plan.

As such overall, the principle of the re-development of the site is considered to be acceptable by officers, subject to consideration of further policy requirements as detailed below.

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

The NPPF makes it very clear that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making better places for people.

The London Plan (2015) 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 (2015) 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 (2015) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation. Policy 7.8D of The London Plan (2015) states that 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

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

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2015) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

#### Siting, Scale and Massing

The proposed dwelling houses would be situated centrally within the site. The private gardens of the houses would adjoin the rear gardens of the houses in Flecker Close to the north, thereby providing separation with this group of properties. The eastern flank wall would broadly align with the western flank wall of the closest property to the east along Chenduit Way. In terms of the western end dwelling, the flank wall of this property would be sited approximately 14.7 metres away from the rear façade of No. 56 and No. 58 Masefield Avenue. The proposed back to back residential layout is typical of many suburban locations and the siting and the relationship of the scheme with the surrounding neighbouring properties is considered by officers to be appropriate. The proposed dwellings would be two storeys in height and the proposed ridge heights, eaves height and plot widths of the dwellings would reflect the scale of the surrounding residential properties which adjoin the site in Masefield Avenue, Chenduit Way and Flecker Close.

The dwellings would not be visually prominent when viewed from the surrounding roads to the west and north, due to their location within a back land, almost enclosed piece of land within the existing housing estate. However, the site is much more visible on the eastern side of the site in views from Cenduit Way. The proposed terrace would run along an east –west axis and the front elevations would align with the building frontages of the closest properties in Chenduit Way, thereby integrating them into the surrounding street scene. The design proposes both pitch and flats roofs and would have a more contemporary appearance compared to the surrounding neighbouring properties. The proposed terrace would incorporate flat roof projections to provide inset balconies which provide an active frontage from public viewing point along Chenduit Way. The proposed building will be constructed primarily in brick with some timber in keeping with the existing surrounding context. As such, despite their modern contemporary appearance, officers consider that the proposed dwellings would make a sympathetic architectural transition to the setting of the private houses of Chenduit Way, Masefield Avenue and Flecker Close which would make a positive contribution to the surrounding locality. The central siting of the properties within the site would allow for a landscaped perimeter. Overall, officers consider that the scale, mass articulation and use of materials for the proposed group of terraced dwellings would ensure an acceptable appearance in the street scene and a satisfactory transition between the more traditional surrounding properties.

The existing open space on the site would be reconfigured. Although some of the space would be re-provided off site, 279sqm would be retained on the site and would be enhanced through additional planting and low key sculptural play elements and seating for children. The remainder of the space on the site would function as private amenity space and a landscaped public access way linking Masefield Avenue and Chenduit Way.



In officer opinion, the proposed landscaping across the site would be a significant improvement in terms of quality compared to the existing site circumstance and would enhance the visual setting of the surrounding development.

### Density

Table 3.2 of the London Plan (2015) set out sustainable residential quality density ranges. The site has a PTAL rating of 1b and would be classed as a suburban category of development. The scheme proposes a residential density of 168 habitable rooms per hectare (hr/ha) (provision of 24 habitable rooms) which is at the lower end of the prescribed density for the site characteristics and the proposal would therefore accord with the London Plan (2015) and is acceptable in this regard.

### Design and Appearance

The proposed dwellings would have a mixture of pitched and flat roofs and would be predominately finished in brick and white cladding. Each dwelling house would have an inset terrace at first floor level which would incorporate an obscure glazed balustrade. Windows would have black frames and reconstituted slate tiles would be used for the pitched roof elements. Each property would incorporate a recessed front entrance with an enclosed bin store adjacent to conceal refuse bins.

The proposed new housing, whilst of a more modern contemporary appearance would complement the surrounding suburban architecture, through use of design and materials.

The design and appearance of the proposed development is considered to be acceptable, subject to a condition to secure final details of proposed materials, which would be attached to the permission, should approval be granted.

### Landscaping

Policy DM 27 of the Harrow DMP LP (2013) states that: *“Residential development proposals that provide appropriate amenity space will be supported. The appropriate form and amount of amenity space should be informed by*

- a. the location and dwelling mix;*
- b. the likely needs of future occupiers of the development;*
- c. the character and pattern of existing development in the area;*
- d. the need to safeguard the privacy and amenity of neighbouring occupiers; and*
- e. the quality of the space proposed including landscaping (see Policy DM22 Trees and Landscaping).”*

Each dwellinghouse would have access to a private rear amenity space as well as a first floor terrace. The amount and form of amenity space it is considered to be acceptable in relation to the wider character of the area. There are two large mature trees located in the southern part of the site. None of the trees are protected by tree preservation orders but nevertheless make an important contribution to the visual amenity of the area. The trees would be retained as part of the proposal. The surrounding area would be partially laid to lawn and partially hard surfaced with some neutral permeable paving. Additional trees and planting are proposed along the access way and within the newly configured designated opens space and would make a positive contribution to the public realm.

Policy DM 45 of the Harrow DMP LP (2013) outlines that bin and refuse storage must be provided in such a way to minimise its visual impact and avoid nuisance to occupiers, while providing a secure and convenient facility for occupiers and collection”. Under the subject planning application, refuse storage for the proposed dwellings would be within

an integral enclosure sited adjacent to main entrance of each property which is considered to be acceptable.

In summary, it is considered that the design of proposed development would make a positive contribution to the character of the area and would reinforce the positive aspects of local distinctiveness. In officer's opinion the re-development of the site would provide an increased sense of place, vibrancy and identity within the community and would successfully integrate into the surrounding suburban context. Furthermore, a high quality landscape scheme is proposed around the site would provide an attractive setting for the building and enhance the ecological value of the site. The proposed buildings, whilst of a more contemporary appearance, due to their scale, design and siting would be sympathetic and complimentary to the adjacent surrounding residential dwellings. As such, the proposal is considered to comply with The National Planning Policy Framework (2012), policies 7.4B, 7.6B and 7.8 C and D of The London Plan (2015) core policy CS1 B and D of the Harrow Core Strategy (2012) and policies DM1 and DM 7 of the Harrow Development Management Polices Local Plan (2013).

### **Residential Amenity**

Policy 7.6 of The London Plan (2015) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate".

Policy DM 1 of the Harrow Development Management Polices Local Plan (2013) requires that: "*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*". "The assessment of the design and layout of proposals will have regard to: "the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers".

### Amenity impacts in relation to scale, massing and siting

The separation distances between the proposed dwellings and the adjoining properties to the north fronting Flecker Close and south towards No. 16 Chenduit Way are considered to be acceptable. The rear elevations of the dwellings would be sited between 24 and 25 metres from the rear elevations of this group of dwellings along Flecker Close and the front elevations some 19 metres away from the flank garden boundary of No. 16 Chenduit Way. As discussed above, the dwellings would be sited on an east –west axis and the flank wall of the terrace would therefore broadly align with the flank wall of No. 14 Chenduit Way, thereby providing an appropriate relationship with the group of adjacent dwellings to the east of the application boundary. The terrace would respect the 45 degree code in the horizontal plane in relation to the first floor corner of No.14 which would ensure no undue loss of outlook, light and overshadowing for the occupiers of this property. There are no windows in its flank wall and therefore no breach of the 45 degree code would occur.

In terms of the dwellinghouses which adjoin the western boundary of the site, along Masefield Avenue, the impact of the development would be most pronounced for the occupiers of No.56 and 58 Masefield Avenue which would face towards the western flank wall of the closest dwellinghouse. The western flank wall of the proposed terrace would be sited approximately 14.82 metres from the rear elevations of No. 56/58 and would be set off their rear garden boundaries by between 4.6 and 3.5 metres. Having regard to these distances, it is considered that proposed dwellinghouses and apartment block

would not give rise to any detrimental impact on the neighbouring occupiers in terms of loss of light, overshadowing, loss of privacy or by means of an overbearing impact. Furthermore, the impact would be reduced as a result of the siting of the dwellings and the splayed garden boundary of No. 56 as the western flank wall would only span a small portion of the western site boundary. Therefore officers consider that acceptable level of outlook from No. 56 /58, including the rear garden areas would still be maintained away from the western flank of the proposed terrace.

There are two attached cycle stores located to each end of the terrace which would abut the eastern and western boundaries of the site. The stores would have flat roof to a height of 3.3 metres and as such due to the proposed modest height, their siting adjacent to the boundaries is considered not to be unduly detrimental to the adjacent neighbouring occupiers.

The application is supported by a Daylight and Sunlight Assessment which outlines that none of the windows in the surrounding properties will be materially affected and that the surrounding occupiers will retain adequate levels of daylight and sunlight. The analysis is based on best practice guidance contained in the Building Research Establishment (BRE) Digest 209 'Site Layout Planning for Daylight and Sunlight' (2011). Officers are satisfied with the analysis that has been undertaken.

Notably, no objections have been received from any of the surrounding neighbouring occupiers. It is acknowledged the new buildings will undoubtedly change the views and outlook from a small number of surrounding properties. However, the planning system is not able to safeguard or protect specific views from private houses. The separation between the existing and proposed buildings has been set out above and it is considered to be sufficient so as not to result in any undue harm on neighbouring amenity in terms of loss of light, outlook and overshadowing and privacy. It is noted that no flank wall windows are proposed and a condition is recommended to ensure that no windows are added in the future. The distances in relation to the properties to the north and south are considered to be acceptable with regard to privacy impact. The front elevations of two of the units would be sited 19 metres from the side garden boundary of No. 16 Chenduit Way, however, as this relationship is not direct facing, it is not considered to be unreasonable and would not be unduly harmful.

The relationship is considered to be typical of many suburban locations. The application proposes further tree planting and landscaping to mitigate the loss and to help soften the appearance of the development over time as well as providing some mitigation for residents and an attractive setting for the buildings. Subject to conditions on final materials and landscaping details, the development should successfully integrate into the character of the surrounding suburban context.

#### Vehicle Access, Noise and Disturbance

The proposed residential use is consistent with the surrounding land use. Although the new dwellings would generate more activity outside of normal working hours and into the evening and weekends, it is not expected that they would generate unacceptable levels of activity or noise and disturbance, given the existence of similar residential properties close to the site and limited number of four parking spaces.

Street lighting will be achieved using low level bollards. It is considered that the details for the proposed lighting arrangement can be secured through an appropriate planning condition as set out below. Subject to this, it is considered that the proposed

development would not result in any undue disturbance or unreasonable light pollution to the adjacent neighbours.

Amenity Impacts on the Future Occupiers of the Flats and Dwellings

Policy DM 27 of the Harrow DMP LP (2013) states that: “Residential development proposals that provide appropriate amenity space will be supported. The appropriate form and amount of amenity space should be informed by

- a. the location and dwelling mix;
- b. the likely needs of future occupiers of the development;
- c. the character and pattern of existing development in the area;
- d. the need to safeguard the privacy and amenity of neighbouring occupiers; and
- e. the quality of the space proposed including landscaping (see Policy DM22 Trees and Landscaping).”

As discussed above, all of the residential units will have access to their own private amenity space which is considered to be appropriate in size and form for each of the proposed properties and would accord within the minimum standards set out in the Mayoral Housing SPG (2012).

Table 3.3 of the adopted London Plan (2011) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2015) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Council’s adopted SPD.

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2011) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2015), 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).

The room sizes of the flats are shown in the table below, along with the minimum floor areas for rooms as recommended by the Housing SPG (2012):

<b>Unit</b>	<b>Type</b>	<b>Floor Area</b>	<b>LP (2011) and SPD Standards</b>
<b>House 1</b>	4 bedroom, 6 persons	122m <sup>2</sup>	99m <sup>2</sup>
<b>House 2</b>	4 bedroom, 6 persons	122m <sup>2</sup>	99m <sup>2</sup>
<b>House 3</b>	4 bedroom, 6 persons	122m <sup>2</sup>	99m <sup>2</sup>
<b>House 4</b>	4 bedroom, 6 persons	122m <sup>2</sup>	99m <sup>2</sup>

With reference to the above table, it is considered that the adequate Gross Internal Area and the adequate room sizes of the flats and dwellinghouses as demonstrated above would result in an acceptable form of accommodation.

### Privacy and outlook for Future Occupiers

All the habitable rooms for the dwellings are considered to provide good levels of outlook. The supporting daylight and sunlight assessment finds that all habitable rooms will meet minimum BRE guidelines in terms of levels of daylight. It notes that the proposed amenity spaces to the rear due to their north facing aspect would not meet the required standard of sunlight for amenity space. However, this is mitigated by the first floor terraces at the front which are south facing and will achieve good levels of sunlight throughout the year. On balance, the levels of daylight and sunlight and outlook for the future occupiers are considered to be sufficient and would ensure a good standard of accommodation.

### Refuse

A refuse store will be provided for the dwellings adjacent to the front entrance adjacent which provides a convenient place for collection. The refuse store would be a sufficient size to accommodate three refuse containers which would provide sufficient capacity in accordance with the Council's refuse standards.

In summary, officers consider that the proposal would accord with the National Planning Policy Framework (2012), policies 3.5C and 7.6B of The London plan (2015), policies DM 1 and DM 27 of the Harrow Development Management Policies Local Plan (2013), Supplementary Planning Guidance: Housing Design Guide (2012) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

### **Traffic Parking and Servicing**

The London Plan (2015) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Core Strategy Policy CS 1 R and policy DM 42 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development.

Previously the site was occupied by some garages and as such levels of traffic generation are not expected to be significantly different from the previous use on the site. One parking space is proposed per dwellinghouse which would comply with the requirements of the London Plan (2015). The impact of four additional parking spaces is considered 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.

Sufficient secure cycle storage in line with London Plan (2015) standards is proposed which is considered to be acceptable.

The application has been referred to the Highways Authority who has raised a concern that vehicles may park in the shared space adjacent to the driveways and in relation to the number of parking spaces provided, given the low PTAL level for the site. However, officers consider that the impact of parking on the shared space can be mitigated through a planning condition to prevent this. Furthermore, the London Plan (2015) requires a maximum of 1.5 spaces per dwelling in a suburban location such as this. As such, it is considered that a refusal on the basis of lack of provision could not be reasonably justified in this instance.

Access for refuse collection would be gained via the shared surface which would provide sufficient room for safe manoeuvrability of a refuse vehicle as identified within the submitted Design and Access Statement.

Overall, officers consider that the proposal would not have an adverse impact on the free flow of traffic or highway and pedestrian safety. In view of the above, it is considered that the proposal is acceptable in relation to policies 6.3, 6.9 and 6.13 of The London Plan (2011), policy CS1 R of the Harrow CS (2012) and policy DM 42 of the Harrow DMP LP (2013).

### **Flood Risk and Drainage**

The NPPF (2012) outlines the need to manage flood risk from all sources (paragraph 100). Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban drainage (SUDS) hierarchy. Similarly, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *“proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run-off. Substantial weight will be afforded to the achievement of greenfield run off rates”*. In respect of ordinary watercourse, policy DM 11 requires that an undeveloped buffer zone of at least 5 metres will be provided.

The site lies in flood zone 1 and therefore has a low risk of fluvial flooding. However, the site does lie within a critical drainage area and as such is at risk from flooding due to surface water. In addition, there is a culvert running across part of the site. As such, there are no restrictions in planning policy for construction of the buildings on the site, subject to surface water management controls as well as appropriate protection and an undeveloped buffer zone to the culvert. The application has been referred to the Council’s Drainage Engineers who are satisfied with the principal of the proposals, subject to further details being provided by conditions.

To this end, planning conditions are recommended for further details to be provided for the disposal of sewage and surface water attenuation and storage in order to achieve a discharge rate of 5 l/s which will meet the required greenfield run off rates. A further condition is recommended for the provision of a scheme for the protection of the ordinary watercourse on the site to ensure that this would not be unduly affect by the proposed development. It is considered that appropriate sustainable drainage measures to control the rate and volume of surface water run-off and to protect the ordinary watercourse on the site will ensure no increase to the risk of flooding within or on the adjacent neighbouring sites.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2015) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy, and policy DM 10 of the Harrow Development Management Policies Local Plan (2013).

### **Trees and Biodiversity**

Policy 7.21B of The London Plan (2015) states that “Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species”.

Policies DM 20 and DM 21 seek to ensure the protection of biodiversity and access to

nature. Policy DM 20 requires that *“The design and layout of new development should retain and enhance any significant features of biodiversity value within the site. Potential impacts on biodiversity should be avoided or appropriate mitigation sought”*.

Policy DM 22 of the Development Management Policies Local Plan states that:

*“A. The removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal.”*

*“B. Development proposals will be required to include hard and soft landscaping that:*

- a. Is appropriate to the character of the area;*
- b. Is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours;*
- c. Achieves a suitable visual setting for the building(s);*
- d. Provides for sufficient space for new or existing trees and planting to grow; and*
- e. Supports biodiversity.”*

*“Proposals for works to trees in conservation areas and those the subject of tree preservation orders will be permitted where the works do not risk compromising the amenity value or survival of the tree.”*

None of the trees on the site are protected by a tree preservation order but nevertheless they make a positive contribution to the amenity value of the adjacent area as well as providing wildlife habitats and screening for the adjacent properties.

The application is accompanied by an Arboricultural Impact Assessment which concludes that the majority of the trees on the site can be retained. Four additional trees are proposed to be planted which will enhance the visual amenity and wildlife habitat potential of the site and mitigate the loss of the two trees that would be felled. The application has been referred to the Council’s Arboricultural Officer who is satisfied with the proposal, subject to a condition to ensure that a tree protection plan and method statement is submitted and approved, prior to the commencement of development on the site.

Subject to conditions in respect of the above matters, officers consider that the ecological and aesthetic value of the area would be significantly enhanced and the development would thereby comply with policies 7.21 and 7.19 of The London Plan (2015) and policies DM 20, 21 and 22 of the Harrow Development Management Policies Local Plan (2013).

### **Accessibility**

The London Plan (2015) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow DMLP (2013) seeks to ensure that buildings and public spaces are readily accessible to all

The submitted plans and accompanying Design and Access Statement indicates that the proposed dwelling houses would meet Lifetime Homes Standards. It is evident from the plans that external door widths and turning circles in the proposed dwellings would be sufficient to accommodate wheelchair users and to meet all 16 points of the Lifetime Homes Standards. A condition is recommended to be attached to the permission, should approval be granted which would require the dwellings to be built to lifetime home standards. Subject to this, the proposed dwellings would provide an acceptable level of

accessibility in accordance with the above policies.

### **Sustainable Development**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 B outlines the targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations.

Policy DM 12 outlines that *"The design and layout of development proposals should:*

*a. utilise natural systems such as passive solar design and, wherever possible, incorporate*

*high performing energy retention materials, to supplement the benefits of traditional measures such as insulation and double glazing;*

*b. make provision for natural ventilation and shading to prevent internal overheating;*

*c. incorporate techniques that enhance biodiversity, such as green roofs and green walls (such techniques will benefit other sustainability objectives including surface water attenuation and the avoidance of internal and urban over-heating); and*

*d. where relevant, the design and layout of buildings should incorporate measures to mitigate*

*any significant noise or air pollution arising from the future use of the development."*

Following on from this, Harrow Council has an adopted Supplementary Planning Document in relation to Sustainable Building Design (2009).

An Energy and sustainability statement has been submitted indicating that the proposed dwellings could meet Code for Sustainable Homes Level 4. Additional energy efficiency measures are also proposed including a well-insulated building fabric, high levels of air tightness and mechanical ventilation with heat recovery. Further to this PV panels are proposed to be installed on the roof. As such, it is anticipated that the proposed development will be able to achieve a 19% improvement over standards building regulations in terms of energy efficiency which is considered to be acceptable for the scale of development proposed. As such a suitable condition is attached with respect to the achievement of Code level 4 for Sustainable Homes and in relation to the submitted energy assessment in order to satisfactorily address sustainability matters. Subject to this, the proposal would be acceptable in relation to the above policies.

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

Policy 7.3 of The London Plan (2015) seeks to ensure that developments should address security issues and provide safe and secure environments.

The development would have adequate surveillance of the public realm from the front elevation. The shared communal open space would also be directly overlooked from the properties which will be an improvement compared to the existing open space on the site which is currently more isolated from the surrounding properties. It is considered that the site could be made secure by way of an appropriate condition for details of security measures to be submitted and agreed. As such, this condition is recommended, should approval be granted. Subject to the imposition of such a condition, It is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.



## **Equalities and Human Rights**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

## **Consultation Responses**

- None

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work above DPC level of the buildings hereby permitted is carried out.

a: the external surfaces of the buildings

b: the ground surfacing

c: the boundary treatment

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

REASON: To safeguard the character and appearance of the locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

3 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: Daylight and Sunlight Assessment, Issue 01 Draft (dated 05 January 2015); Energy Statement & Code for Sustainable Homes pre-assessment Issue 02-Final 17 December 2014; 15265/300; AA5230 /2201; AA5230 /2202; AA5230 /2203; AA5230-2209; 56715 – Chenduit Way – Annotated Photos; Design & Access Statement; Initial Structural Engineers Comments by Ellis & Moore Consulting Engineers; 56715-CW-03 Rev B; 56715-CW-02 Rev B; Arboricultural Implications Assessment; AA5230 /2207; AA5230 /2204; AA5230 /2208; AA5230 /2205; AA5230 /2206; AA5230/2211

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

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

6 Prior to the commencement of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

7 No works are to commence on site until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall contain full details of the following:-

- (a) Trees to be removed / retained
- (b) The root protection areas to be identified on plan for retained trees and hedges;
- (d) The type and detail of the barrier fencing to be used
- (e) The precise location of the barrier fencing to be shown on plan.

The development shall be carried out in accordance with the Tree Protection Plan.

REASON: The existing trees represent an important amenity feature which the Local Planning Authority considers should be protected, as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

8 No operations of any description shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. (This includes no tree felling, no tree pruning, demolition, temporary access construction, soil moving, temporary access construction, and no operations involving the use of motorised vehicles or construction machinery).

The Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;

(d) Ground protection;

(f) Special engineering works including 'no dig construction' in relation to the temporary construction access route

(g) Pre construction tree works / access facilitation pruning

The development shall be carried out in accordance with the approved Arboricultural Method Statement

REASON: The existing trees represent an important amenity feature which the Local Planning Authority considers should be protected, as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

9 The buildings hereby permitted shall not be occupied until details of works for the disposal of sewage have been submitted to and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

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

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

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

11 The development hereby permitted shall not commence until a scheme for the protection of the piped watercourse has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a structural survey by CCTV and trial holes to assess the construction, position, condition and expected life of the culvert; proposal of an agreed method of repair or replacement if required; full details demonstrating that the new structure does not impart any load on the culvert or destabilise it in any way; details of any necessary build over or adjacent to the culvert; details of access for future repairs, blockage clearance, maintenance and future condition surveys. The works shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To protect the integrity of the piped watercourse structure, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and policy DM 11 of the Harrow Development Management Policies Local Plan (2013)

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

- i a detailed timeline for the phases and implementation of the development
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt during construction

vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with policies 7.4 and 7.6 of The London Plan 2015, policies DM 1 and DM 42 of the Harrow Development Management Policies Local Plan (2013).

13 The development hereby permitted shall be undertaken in accordance with the details outlined in the Energy Strategy (Issue 02 – Final, dated 17 December 2014) unless otherwise agreed in writing with the local planning authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development, a post construction assessment shall be undertaken demonstrating compliance with the approved Energy Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with policy 5.2 of The London Plan (2015) and policy DM 12 of the Harrow Development Management Policies Local Plan 2013.

14 Prior to the installation of the PV panels on the roof of the dwellinghouses, details shall be submitted and approved in writing by the local planning authority. The PV panels shall be thereafter retained in accordance with the approved details.

REASON: To safeguard the character and appearance of the locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

15 The dwellinghouses hereby permitted shall be constructed to meet at least Level 4 of Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 4 prior to the occupation of the building.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with policy 5.2 of The London plan (2015), policy DM 12 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document Sustainable Building Design [May 2009].

16 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. The development shall be carried out in accordance with the approved details.

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, as required by policies DM 1 and DM 10 of the Harrow Development Management Policies Local Plan (2013).

17 Prior to the commencement of the development, a detailed lighting strategy for the proposed development shall be submitted and approved in writing by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details and thereafter retained.

REASON: To ensure that the proposed development does not give rise to undue disturbance to neighbouring occupiers, in accordance with policy 7.6B of the London Plan (2015) and policy DM 1 of the Harrow Development Management Polices Local Plan (2013).

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of the dwellinghouses in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plans shall be installed on the dwellinghouses hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance of the locality, as required by policy DM 45 of the Harrow Development Management Policies Local Plan (2013).

21 The shared surface identified on the approved drawings shall not be used for the parking of private motor vehicles in connection with the development hereby permitted (by residents and their visitors) at any time.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety, as required by policies DM 1 and DM 42 of the Harrow Development Management Policies Local Plan (2013).

22 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority.

Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. Windows: Ground floor or accessible windows certificated to PAS24:2012 (or STS 204) with Glazing to include one pane of laminated glass to BS EN 356 level P1A
2. Doors: External Doors certificated to PAS24:2012, STS 201, LPS 1175 SR2 or STS 202 BR2

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy DM 2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

23 Prior to the occupation of the dwellinghouses hereby approved, a scheme for the revised open space areas as identified on drawing AA5230/2211 shall be submitted and

approved in writing by the local planning authority. The open space scheme shall be implemented in accordance with the approved details and thereafter permanently retained.

REASON: To ensure that the quality and function of the open space will be maintained in accordance with policy DM 18 of the Harrow Development Management Policies Local Plan (2013).

24 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 DM 2 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012) (NPPF)

The London Plan (2011) (consolidated with alterations since 2011)(2015):

3.3 – Increasing Housing Supply

3.5 – Quality and Design of Housing Developments

3.8 – Housing Choice

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

6.9 – Cycling

6.13 – Parking

7.1 – Building London's Neighbourhoods and Communities

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

7.4 – Local Character

7.6 – Architecture

7.21 – Trees and Woodlands

Harrow Core Strategy 2012

Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

Policy DM 1 - Achieving a High Standard of Development

Policy DM 2 – Achieving Lifetime Neighbourhoods

Policy DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 11 – Protection and Enhancement of River Corridors and Watercourses

Policy DM 12 – Sustainable Design and Layout

Policy DM 14 – Renewable Energy Technology

Policy DM 18 – Open Space

Policy DM 20 – Protection of Biodiversity and Access to Nature

Policy DM 21 – Enhancement of Biodiversity and Access to Nature

Policy DM 22 – Trees and Landscaping

Policy DM 23 – Streetside Greenness and Forecourt Greenery

Policy DM 24 – Housing Mix

Policy DM 27 – Amenity Space  
Policy DM 42 – Parking Standards  
Policy DM 44 - Servicing  
Policy DM 45 – Waste Management

#### Relevant Supplementary Documents

Supplementary Planning Document – Access for All (2006)  
Supplementary Planning Document: Garden Land Development (2013).  
Supplementary Planning Document – Residential Design Guide (2010)  
Supplementary Planning Document - Accessible Homes (2010)  
Mayor Of London, Housing Supplementary Planning Guidance (November 2012)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

## 6 INFORM61\_M

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £55, 000 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £55, 000 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 500sqm

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

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

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

Harrow's Charges are:

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

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

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

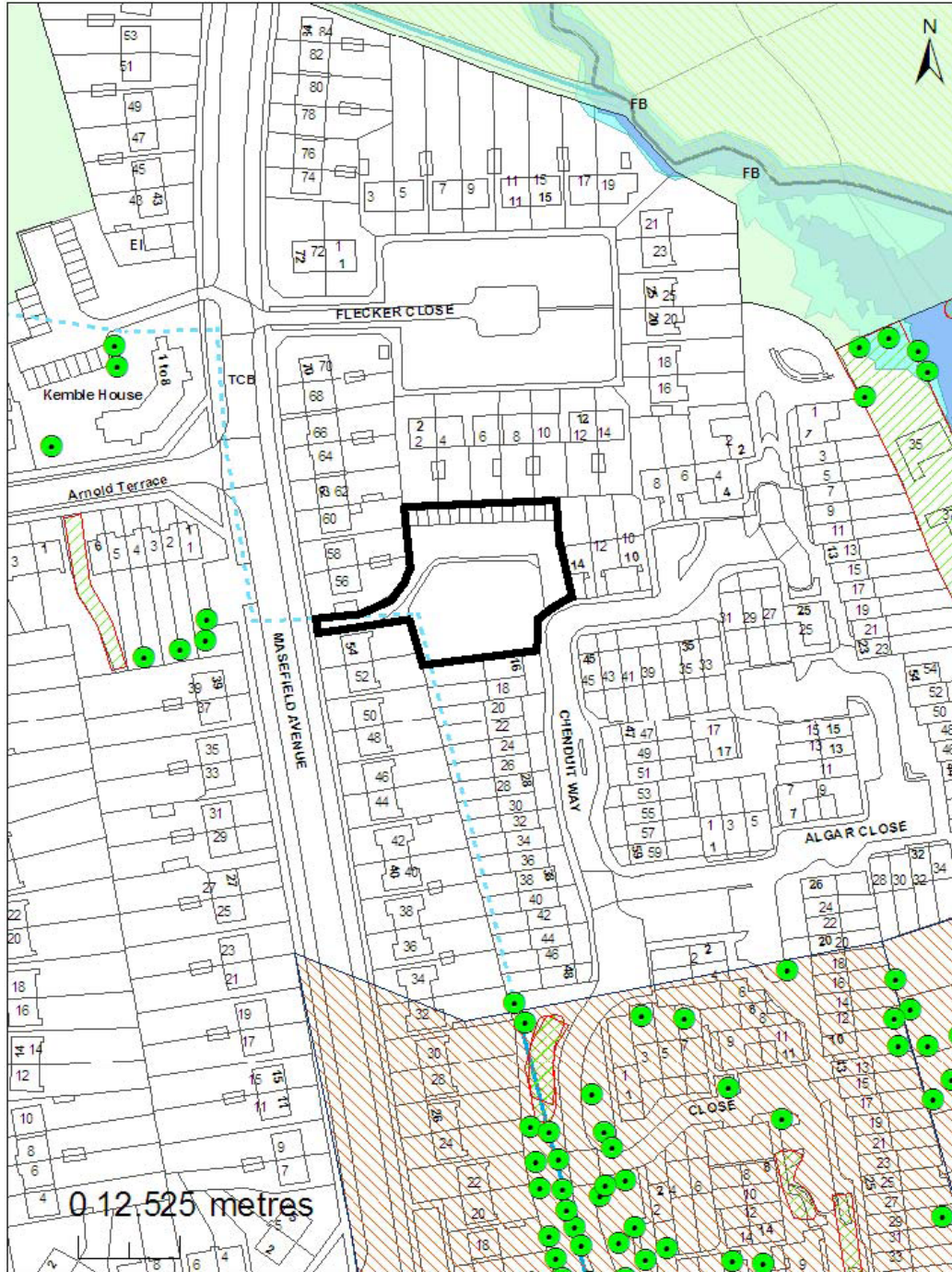
All other uses - Nil.

The Harrow CIL Liability for this development is: £17,500.

Plan Nos: Daylight and Sunlight Assessment, Issue 01 Draft (dated 05 January 2015); Energy Statement & Code for Sustainable Homes pre-assessment Issue 02-Final 17 December 2014; 15265/300; AA5230 /2201; AA5230 /2202; AA5230 /2203; AA5230-2209; 56715 – Chenduit Way – Annotated Photos; Design & Access Statement; Initial Structural Engineers Comments by Ellis & Moore Consulting Engineers; 56715-CW-03 Rev B; 56715-CW-02 Rev B; Arboricultural Implications Assessment; AA5230 /2207; AA5230 /2204; AA5230 /2208; AA5230 /2205; AA5230 /2206; AA5230/2211



# 56 MASEFIELD AVENUE, STANMORE



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Item No: 2/05  
Address: ST MARYS CHURCH, ST LEONARDS AVENUE, HARROW  
Reference: P/0301/15  
Description: INSTALLATION OF 1.8M HIGH OMNI ANTENNA FIXED TO EXISTING STAIR TURRET WITH ASSOCIATED DEVELOPMENT  
Ward: KENTON WEST  
Applicant: NET ON BEHALF OF ARQIVA  
Agent: GVA  
Case Officer: CONOR GUILFOYLE  
Expiry Date: 24/03/2015

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

## **REASON**

The proposal would sufficiently maintain the character and appearance of the area and the setting of the listed building and would not cause detrimental amenity impacts. The proposal is in accordance with the policies contained in the National Planning Policy Framework 2012, the London Plan 2011 (consolidated with alterations since 2011) (2015), the Harrow Core Strategy 2012 and the Harrow Development Management Policies Local Plan 2013.

## **INFORMATION**

The application is reported to the Planning Committee because it falls outside the scheme of delegation for delegated authority.

**Statutory Return Type:** E18: Minor Development: All 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 St Mary's Church, which is a Grade II\* listed building, and the adjoining church hall/nursery building to its south-east.
- The site is located within the wider church grounds which occupy a corner plot bounding Leonards Avenue to the west/south-west and Kenton Road to the south/south-east.
- The principal elevation of the church, featuring the bell tower, is oriented towards the Kenton Road frontage, set back approximately 32m from Kenton Road behind parking and landscaping. The bell tower features a weather vane on top measuring

approximately 1.27m.

- A building of lesser scale housing a church hall and nursery is sited perpendicular to the eastern end of the Church, with Kenton Road forming its far end. This building fronts the car park and landscaped grounds in front of the church.

### **Proposal Details**

- The application proposes the installation of a 1.8m high antenna affixed to the existing stair turret and a cabinet positioned internally within the church. The latter does not require planning permission.
- The antenna would measure approximately 20mm in diameter at the top and 23mm at the bottom.
- The existing 1.27m high weather vane would be removed.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

P/1985/11 - Electronic communications notification: installation of one equipment cabinet (1.6M x 1.2M x 0.45M) (applicant ref: 517151 188743) (PCP:018) - Objection 09/08/2011

EAST/182/87/FUL - Alterations and pitched roofs to existing dormers and single storey extension to hall - Granted 01/08/1997

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

- (P/4751/13/PREAPP) - Installation of telecommunications equipment - Not issued (fee not received)

### **Applicant Submission Documents**

- Design and Access Statement
- ICNIRP compliance certificate

### **Consultations**

Conservation Officer: No objection – “The proposal is for an antenna to be mounted to the stair turret. This would interrupt the intended simplicity of the design to a certain extent but the impact would be minimal externally given the height would be 2.29m overall with the base compared with the existing weathervane at 1.27m overall and there would only be one antenna rather than any more than one, which would create clutter.

There would be public benefits of the proposal though which should be weighed against the harm.

Overall it is considered the public benefit outweighs the minimal, less than substantial harm.”

English Heritage: No objection – Recommend that the application is determined in accordance with national and local policy guidance, and on the basis of [the local planning authority’s] conservation advice.

London Borough of Brent – No objection

## **Advertisement**

( x 2 – Harrow Times & Harrow Observer): Setting of a Listed Building: 12/02/15

## **Notifications**

Sent: 05/02/2015

Replies: 1

Expiry: 26/02/2015

## **Addresses Consulted**

272a Kenton Road, Harrow, HA3 8DB

75 Kenton Gardens, Harrow, HA3 8DE

9 St Marys View, Harrow, HA3 8ED

71 Kenton Gardens, Harrow, HA3 8DE

73 Kenton Gardens, Harrow, HA3 8DE

4 St Leonards avenue, Harrow, HA3 8EN

278 Kenton Road, Harrow, HA3 8DB

264 Kenton Road, Harrow, HA3 8BY

270 Kenton Road, Harrow, HA3 8DB

2 St Leonards Avenue,,

## **Summary of Responses**

- N/A

## **APPRAISAL**

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

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

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

In this instance, the Development Plan comprises The London Plan (LP) 2011 (consolidated with alterations since 2011) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy (CS) 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 2011 (consolidated with alterations since 2011) (2015). From this date, the REMA are operative as formal alterations to The London Plan 2011 (consolidated with alterations since 2011) (2015) and therefore form part of the development plan for Harrow.

## **MAIN CONSIDERATIONS**

Character and appearance of the area and the setting of the listed building

Residential Amenity

Traffic and Parking

S17 Crime & Disorder Act

**Character and appearance of the area and the setting of the listed building**

The National Planning Policy Framework, at paragraphs 42-46, contains a presumption in favour of high quality communications infrastructure.

Paragraph 43 notes that local planning authorities should support the expansion of electronic communications networks, but that they should aim to keep the numbers of radio and telecommunications masts to a minimum consistent with the efficient operation of the network. Site sharing should be encouraged, and new equipment should be sympathetically designed.

Paragraph 44 notes that local planning authorities should not impose a ban on new telecommunications development in certain areas.

Paragraph 45 notes that applications should be supported by the necessary evidence to justify the proposed development.

Paragraph 46 notes that local planning authorities must determine applications on planning grounds, and that they must not seek to prevent competition or determine health safeguards.

In this case, this presumption in favour of such infrastructure must be balanced against the requirements to conserve and enhance the historic environment outlined in paragraphs 126-144 of the NPPF owing to the Grade II\* listing of the host building.

Paragraph 131 states that local planning authorities should, amongst other considerations, take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to valuable uses consistent with their conservation, and the positive contribution that conservation of heritage assets can make to sustainable communities.

Paragraph 132 notes that 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. Policy 7.8 of the London Plan 2015 echoes this whereby planning decisions for development affecting heritage assets should seek to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

Paragraph 133 notes that where a proposed development will lead to substantial harm to the heritage asset, permission should be refused unless the harm is required to achieve substantial benefits that outweigh the harm.

Paragraph 134 notes that where a proposed development will lead to less than substantial harm to the heritage asset, the harm should be weighed against the public benefits of the proposal.

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4(B) and 7.6 of The London Plan 2015 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm.

Policy DM49 of the DMP states that Telecommunications equipment will be supported, among other things, where it would be on an existing building and the siting and design of the installation would minimise its impact upon the amenity of neighbouring occupiers, the host building (where relevant) and the appearance and character of the area, and where it would not have an unacceptable impact upon areas of designated open space, heritage, landscape and biodiversity value.

Policy DM7 seeks to protect heritage assets in the Borough.

The property is an attractive grade II\* listed building of prominent visual interest when viewed from surrounding street scenes, particularly Leonard Avenue and Kenton Road. The prominence results from its siting set back from the main building line fronting Kenton Road, within a spacious plot, and the larger massing and scale of the church relative to its surrounding built environment. The bell tower forms an important component in articulating the dominant presence of the church on adjacent street scenes, particularly Kenton Road, as it considerably exceeds the maximum ridge height of the main church building.

Given the above context, the existing 1.27m weather vane does not appear readily prominent when the building is viewed from surrounding street scenes owing to its minimal scale, mass and bulk in the context of the host structure and its setting. The proposal would replace this weather vane with a larger structure in the form of an antenna with a height of 1.8m, and approximate overall 2.29m approximate height including the base. Due to its limited height, particularly compared to the existing weather vane, and its slim-line profile, it is considered that the proposal would not appear readily discernible from surrounding street scenes (on its own right or when compared to the existing weather vane), and within the site/setting of the listed building, to a degree sufficient to cause demonstrable harm to the character, appearance and setting of the listed building and the wider area contrary to the above policy framework.

Consistent with the Council's conservation officer advice, given the above considerations, the harm arising from the proposal to the significance of the listed building and its setting as a heritage asset is considered to be less than substantial.

The proposal would offer public benefits insofar as offering improved telecommunications signals, particularly as it would be sited at a height difficult to achieve in the existing built surroundings, and providing a rental income to the church which would reinforce its ability to be retained as a valuable community asset. Given the existing site context, the nature of the proposal, the public benefits of the proposal are considered to outweigh 'less than substantial harm' arising from the proposal to the character and setting of the listed building and wider area.

Accordingly, in terms of its impact upon the character and appearance of the existing listed building and its setting, and its significance as a heritage asset, it is considered that the proposal would comply with the aims and objectives of policies 7.4, 7.6B and 7.8 of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), policies DM1, DM7 and DM49 of the Harrow DMP (2013) and the NPPF.

### **Residential Amenity**

The applicant has submitted a certificate to confirm that the proposal would accord with ICNIRP guidelines (international guidelines which requires telecoms equipment to be designed to the requirements of radio frequency exposure levels of the International

Commission).

Given the siting, height, dimensions and setting of the proposed antenna, it is not considered sufficient to cause unacceptable impacts to the amenity of neighbouring occupiers or users of the host building with regard access to day/sun/sky light, overshadowing, causing loss of outlook or overbearing impacts, noise/vibration, or actual or perceived overlooking to a degree sufficient to warrant refusal.

There proposal is therefore acceptable in accordance with policy 7.6B of the London Plan (2015), policies DM1 and DM49 of the Harrow DMP (2013) in this regard.

### **Traffic and Parking**

The proposed antenna would be of a similar location as the existing weather vane and not readily discernible over it with regard to its size and physical proportions in the context of its wider setting and setback from surrounding streets. Along with the fact it would be static and non-illuminated, it is considered that it would not give rise to any highway safety concerns.

It is therefore considered that the proposal would not give rise to any highway or pedestrian safety concerns and would accord with policies DM1, DM42 and DM49 of the Harrow DMP (2013).

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

It is considered that the proposed development would not have an impact with respect to this legislation.

### **Equalities Implications**

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

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

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

### **CONCLUSION**

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

### **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 100 REV B, 201 REV B, 202 REV B, 301 REV B, 302 REV B, 401 REV B, 402 REV B, 403 REV B, Design & Access Statement dated 23 January 2015, 'Arqiva' Certification of the declaration of ICNIRP compliance dated 21 January 2015  
REASON: For the avoidance of doubt and in the interests of proper planning

### **INFORMATIVES**

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

National Planning Policy Framework (2012)

The London Plan (2015):  
Policies 7.4, 7.6, 7.8.

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

Harrow Development Management Policies Local Plan (2013): DM1, DM7, DM49.

### **2 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2015 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

### **3 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

Plan Nos: 100 REV B, 201 REV B, 202 REV B, 301 REV B, 302 REV B, 401 REV B, 402 REV B, 403 REV B, Design & Access Statement dated 23 January 2015, 'Arqiva' Certification of the declaration of ICNIRP compliance dated 21 January 2015



# ST MARYS CHURCH, ST LEONARDS AVENUE, HARROW



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Item No: 2/06  
Address: 1 HIGH STREET, PINNER  
Reference: P/5036/14  
Description: CHANGE OF USE FROM RETAIL (USE CLASS A1) TO ESTATE AGENCY AND FINANCIAL SERVICES (USE CLASS A2) ON GROUND AND FIRST FLOORS  
Ward: PINNER  
Applicant: ENODOC PROPERTIES  
Agent: JEREMY PETER LIMITED  
Case Officer: CALLUM SAYERS  
Expiry Date: 12/03/2015

## **RECOMMENDATION**

**GRANT** permission for the change of use described in the application and submitted plans:

### **INFORMATION:**

Statutory Return Type: Change of Use  
Council Interest: None  
Net Additional Floorspace: 0sqm

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning Services, the proposal would have a significant impact on the environment, would be potentially controversial, or otherwise likely to be of significant public interest. Accordingly, the scheme is referred to Planning Committee as it is excluded by Proviso E of the Scheme of Delegation dated 29 May 2013.

### **Site Description**

- The application site comprises a two storey building on the northern side of Pinner High Street, on its junction with Bridge Street.
- The property is currently used as an A1 on the ground and first floor of the property.
- The site is a secondary shopping frontage within a primary shopping area shopping area within the District Centre of Pinner.
- The application site is located within the Pinner High Street Conservation Area.

### **Proposal Details**

- The proposal is for the change of use of the property from retail (Use Class A1) to an Estate Agent and Financial Services (Use Class (A2) at ground and first floors.
- The internal layout is to remain as existing and no external alterations are proposed to the premises.

## Relevant Planning History

P/2522/07

Non-illuminated fascia sign

Grant: 13/09/2007

## Applicants Submission Documents

- N/A

## Consultations

Policy and Research – Comments as follows;

*The unit is located within designated Primary Shopping Frontage. Policy DM36 of the Development Management Policies Local Plan (2013) seeks to ensure that the Primary Frontages remain in predominantly A1 use with part A.b specifying that it should not generally exceed 25% of the frontage OR would not result in a concentration of more than three units in non-retail (A1) use.*

*The most recent data (March 2015) shows that the length of primary frontage in non-retail use is 30.64%, however the proposal would not result in a concentration of more than three units in non-retail use. Whilst the application therefore does not comply with part A.b of the policy, its compliance with part A.c means the application is in accordance with DM Policy 36 part A. The proposed use would have an active frontage, and is an acceptable town centre use, and therefore complies with all other aspects of the Policy.*

Highways Authority- No objection to the proposal

Conservation Officer-

*The concern relates particularly to the ground floor aspect of the proposal. The CAAMS states that 'the commercial aspect of the High Street, in combination with the residential surrounding streets, helps to maintain a village feel'. It notes the area is 'predominately retail in terms of land use'. The loss of retail use would be harmful to the special character of the conservation area by undermining the lively cafe culture and retail atmosphere. This would be particularly significant in this location as the property is sited on a prominent corner site along a main approach to the Conservation Area from Marsh Road.*

*Whilst less than substantial harm (under paragraph 134 of the NPPF), it would still be harmful. It is noted that unlike the similar refused application for 39 High Street (P/2090/11), there would be some footfall by as estate agent but this would not be the same as a retail use.*

*Some lengthy justification is provided but this does not spell out the amount the site was marketed at, whether this is suitable, and shows it was only marketed for 6 months. It states that some form of retail use would be viable e.g. charity shop. It is considered that this justification does not comply with NPPF paragraph 132 which states that: 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.*

*Or paragraph 134 which states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.*

### Conservation Area Advisory Committee.

*There would be two estate agents at the beginning of the historic high street. There are four in the High Street already. It would be a shame to have the loss of retail and the loss of the buzz and activity on the High Street. It is critically important to retain the retail.*

### The Pinner Association- Objects to the proposal

- The percentage of non-retail ground floor frontage in the Pinner shopping by more than 5%.
- Non-retail frontage including the High Street exceeds 50%
- Proposed use would not make a significant contribution to the viability or vitality of the Centre. It would replicate services already provided within the area.
- Property is located within a very prominent position to the High Street.
- No retention of a retail function at the property would attract footfall to the High Street. Window display of goods for sale is required.
- Once the A1 use of the premise is lost it seldom returns.

### Comments in support

The applicant has submitted a statement in support of the proposed scheme in light of the objections that have been received in relation to the application. These points have are noted and are addressed within the appraisal below.

### **Advertisement**

**Site Notice (Character of Conservation Area):** Erected 4<sup>th</sup> February 2015

**Press Release:** 29/01/2015

### **Notifications**

**Sent:** 3

**Expiry:** 17/02/2015

**Responses:** 2

### **Addresses Consulted:**

2 Bridge Street, Pinner, HA5 3JE

3, 3a Bridge Street, Pinner, HA5 PJ

### **Summary of Response(s):**

- Property is located within a Primary Designated Retail Frontage in the Pinner District Centre
- Proposal would lead to a loss of vitality and viability to Pinner District Centre
- Would provide a service that is not directly related to a shopping trip or supporting the retail function of the Centre.
- The information submitted in support of the application is inaccurate and out of date.
- Application site is an attractive property within the Conservation Area and High Street
- Contrary to application form, property is within 20m of a water course (River Pinn).
- Similar scheme refused at No. 9 Bridge Street opposite (P/0924/11).

## **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; The London Plan (FALP) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

### **MAIN CONSIDERATIONS**

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

#### **Principle of the Development**

The National Planning Policy Framework [NPPF] has a presumption in favour of sustainable development and for applications to be determined in accordance with the development plan, unless the development plan is silent, absent or the relevant policies are out-of-date.

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

The applicant has submitted a planning application for the proposed change of use from Retail (Use Class A1) to Financial Services (Use Class A2), and as such the scheme is considered based on its merits within the current policy context. Accordingly, it fell under the policies contained within the Harrow Development Management Policies Local Plan (2013), Specifically, Policy DM36 (Primary Shopping Frontages).

The wording within Policy DM36 of the Development Management Policies Local Plan (2013) reads in a manner that allows DM36A(a), (b), and (C) to be read as inclusive requirements, whereby compliance with one of either a, b, or c would be sufficient to satisfy the policy criteria for a change of use within the primary shopping parade.

DM36A(a) states that a change of use within the Primary Shopping Parade would be acceptable if the policy DM39: Vacant Shops in Town Centres applies, which in this case it would not. It is noted that across the borough there is a 4% vacancy rate. This indicates that the Pinner District Centre and the Primary Shopping Frontage is relatively healthy given the amount of shops that are in use and such a low vacancy level.

DM36A(b) goes onto state that within the Primary Shopping Frontage, non-retail use at street level should not exceed 25%, unless it is able to be demonstrated that the proposed use would make a significant contribution to the centre's vitality and viability. It is noted that the current percentage within the Primary Shopping Parade sits at 30.64%, and in the event that the application site was to change use out of A1, this would increase to 32% non-retail use. Accordingly, the proposed use would result in an unacceptable use that would exceed the threshold of 25% of non-retail use. However, non-compliance with this may be considered acceptable in the event that it can be demonstrated that the proposed use would make a significant contribution to the vitality and viability of the Primary Shopping Area.

Whilst it is acknowledged above that the proposed development would fall foul of meeting the above policy threshold, it does state development should meet DM36A(b) or (c). In this instance it is noted that the application site would not result in a concentration of three continuous non-retail uses. Accordingly, the proposal would accord with this requirement, and as such would satisfy Policy DM36A(b) and (c).

It is not proposed to alter the existing shopfront, and as such the active shopfront that is currently at the site would remain within the streetscene. Accordingly, it is considered that Policy DM36A(d) would be satisfied.

The proposed impacts on of the development on the character of the area, conservation area, neighbouring amenity and highway issues are considered in further detail below.

For this reason it is considered that the application would be in accordance with DM Policy 36 and as such is considered acceptable in principle.

It is also noted that as of the 24<sup>th</sup> March 2015, changes were laid before Parliament to alter the General Permitted Development Order (2008). Specifically, the ministerial statement stated the following under class D:

***D. Development consisting of a change of use of a building within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) of that Schedule.***

The changes to this legislation are due to come into effect on the 15<sup>th</sup> April 2015. As such, as of the date of Planning Committee, the proposed development would be able to be carried out without the express consent from the Local Planning Authority.

Notwithstanding the above, the applicant had submitted the application prior to the publicised change to the Permitted Development legislation, but given this context, there is also a strong material consideration in favour of granting the application.

#### **Impact on Character and Appearance of the Conservation Area**

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

Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (2013) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policies 7.4.B and 7.6.B of The London Plan 2015 and core policy CS1 B of the Harrow Core Strategy which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm. Policy DM7 of the Harrow Development Management Local Policies Plan (2013) provides further guidance on managing heritage assets and requires new development not to adversely affect the character or amenity of Conservation Areas, Listed Buildings or other heritage assets.

The applicant has not submitted any proposed elevations in support of the application. However, it is noted within the proposal description that there are no external alterations or an uplift in floor area proposed as part of the scheme. It is therefore considered that

the proposed scheme would not result in a material change within the existing streetscene. Any new sign connected with this business would be controlled through the advertisement regulations.

It is noted that an objection has been received that the loss of the retail within the existing shop and its replacement with an A2 use would be harmful to the appearance of the Pinner High Street Conservation Area. However, as mentioned previously, the proposed scheme would not result in a change to the elevations of the existing property, or indeed a change to the shopfront. Accordingly, the proposal would retain a frontage that would remain active within the streetscene. It is therefore considered that, notwithstanding the objections received, the proposed scheme would retain an active frontage and as such would be acceptable within the existing streetscene.

It is therefore considered the proposed development would accord with the policies noted above.



## **Residential Amenity**

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

The proposed change of use from Retail (Use Class A1) to Estate Agent/Financial Services (Use Class A2) is considered to result in a similar scale in terms of its intensity of use as with the authorised use. Therefore any comings and goings associated with the proposed use would be similar to that which could be experienced currently, and would not be unreasonably harmful to neighbouring residential amenity.

The proposed application does not propose any external alterations to the existing property. Accordingly, it is considered that the proposed development would not result in a loss of outlook, light or privacy that would unreasonably harm the amenity of neighbouring occupiers.

## **Flood Risk and Development**

The application property is located within both Flood Zone 2 and 3, and it is noted that an objection has been received that the application is within 20m of the River Pinn although not identified as such on the application form. However, it is noted that the proposed change of use would not provide habitable space or uplift in floor area. Accordingly, it is considered that the proposed development would not exacerbate any flood risk within the area. Furthermore, the proposal has been reviewed by the Drainage Authority who have raised no objection. The proposal would therefore, notwithstanding the objection received, accord with policy DM10 of the Harrow Development Management Policies Local Plan (2013).

## **Traffic and Parking, Accessibility**

It is considered that the proposed change of use is not likely to raise any specific traffic concerns. No additional parking is proposed as part of the development. The proposal would be contained within the site, so it would not result in any obstruction of the services access or adjoining public footpaths, and as such, not have any undue impact on highway/pedestrian safety and convenience. The Highways Authority has not raised any concerns in relation to the proposal and therefore the current arrangements are considered acceptable.

## **Equalities Implications**

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

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

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

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

## **S17 Crime & Disorder Act**

It is considered that the proposed design of the development would not lead to an

increase in perceived or actual threat of crime.

## **Consultation Responses**

It is noted that there has been a number of objections that have been received in relation to the proposed scheme. Furthermore, a response has been received in relation to some of the response by the applicant. The comments have been generally summarised above.

Notwithstanding the points received both opposing and in support of the application, regardless of their individual merit, consideration of them by the Local Planning Authority in this instance is considered redundant. As mentioned previously, as of the 15<sup>th</sup> April 2015 the proposed change of use is able to be carried out as Permitted Development.

## **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 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: Existing Floor Plans, Proposed Floor Plans, Supporting Documentation, Planning Statement, Site Plan.

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) and Revised Early Minor Alterations [REMA] to the London Plan (2013) and Further Alterations to the London Plan (2015):

- 2.15C Town Centres
- 7.4B Local Character
- 7.6B Architecture
- 7.8 Heritage Assets

Harrow Core Strategy (2012):

- Policy CS 1B
- Policy CS 1M

- Development Management Policies Local Plan 2013
- Policy DM 1 Achieving a High Standard of Development
- Policy DM36 Primary Shopping Frontages
- Policy DM 42 Parking Standards
- Policy DM44 Servicing

## Policy DM45 Waste Management

### Supplementary Guidance/ Documents

Supplementary Planning Document: Access for All (2006)

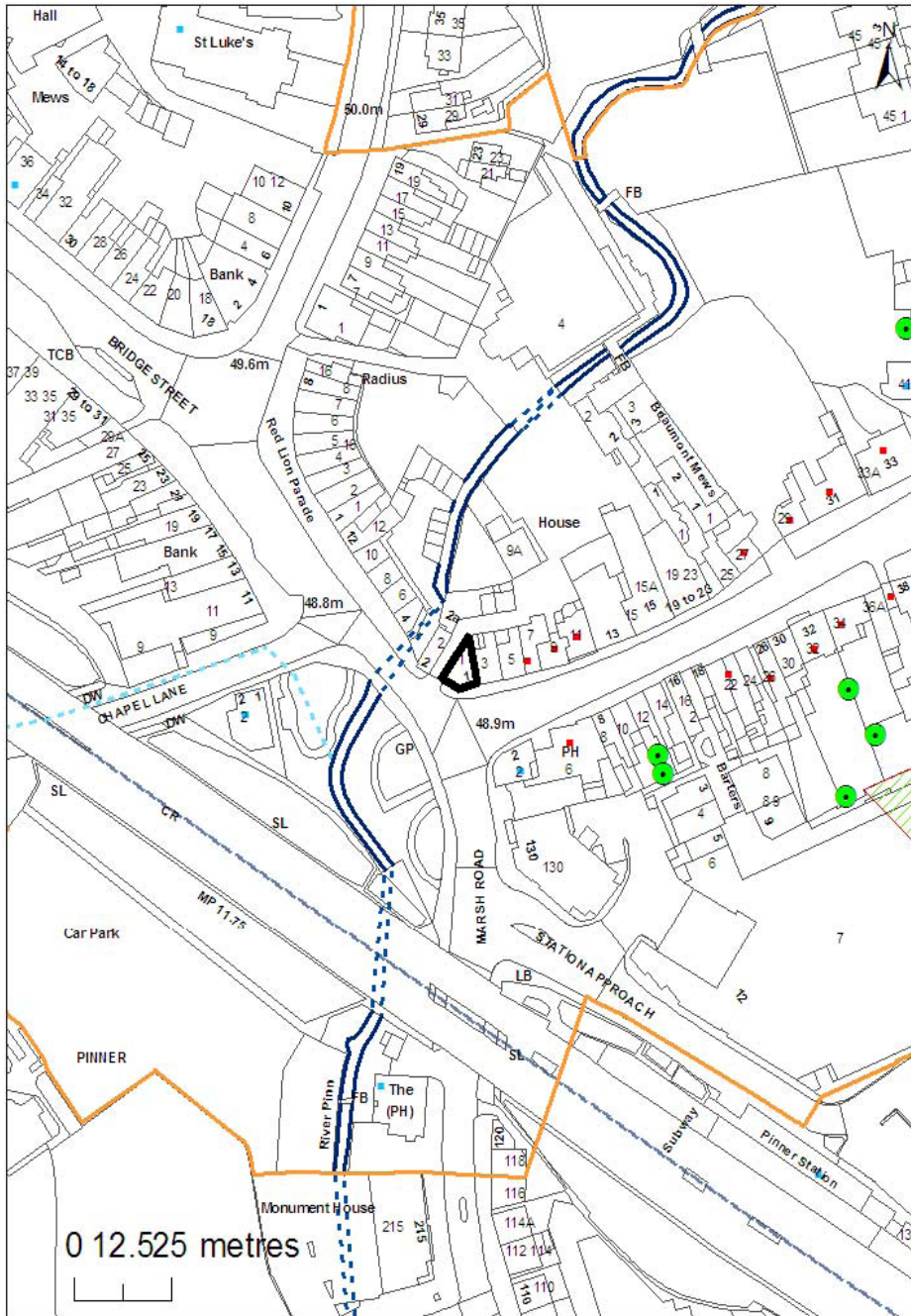
#### 2 Grant without pre-application advice

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

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

Plan No(s): Existing Floor Plans, Proposed Floor Plans, Supporting Documentation, Planning Statement, Site Plan.

# 1 HIGH STREET, PINNER



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Item No: 2/07  
Address: 12 HIGH STREET, PINNER  
Reference: P/5092/14  
Description: CHANGE OF USE FROM RETAIL (USE CLASS A1) TO ESTATE AGENCY AND FINANCIAL SERVICES (USE CLASS A2) ON GROUND AND FIRST FLOORS  
Ward: PINNER  
Applicant: MR BARRINGTON CHETHAM  
Agent: MR JOHN DADGE  
Case Officer: CALLUM SAYERS  
Expiry Date: 16/03/2015

## **RECOMMENDATION**

**GRANT** permission for the change of use described in the application and submitted plans:

### **INFORMATION:**

Statutory Return Type: Change of Use

Council Interest: None

Net Additional Floorspace: 0sq m

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning Services, the proposal would have either have; a significant impact on the environment; would be potentially controversial, or otherwise likely to be of significant public interest. Accordingly, the scheme is referred to Planning Committee as it is excluded by Proviso E of the Scheme of Delegation dated 29 May 2013.

### **Site Description**

- The application site comprises a three storey building on the southern side of Pinner High Street.
- The property is currently used as an A1 on the ground and first floor of the property.
- The site is a secondary shopping frontage within a primary shopping area shopping area within the District Centre of Pinner.
- The application site is located within the Pinner High Street Conservation Area.

### **Proposal Details**

- The proposal is for the change of use of the property from retail (Use Class A1) to an Estate Agent and Financial Services (Use Class (A2) at ground and first floors.
- The internal layout is to remain as existing and no external alterations are proposed to the premises.



## Relevant Planning History

P/1204/07

Single storey rear extension to shop; alterations at rear including stairs and railings; change of use of 1<sup>st</sup> floor and shop/offices to self-contained flat (Resident Permitted Restricted).

Granted: 29/07/2005

## Applicants Submission Documents

- N/A

## Consultations

Policy and Research – Comments as follows;

*The unit is located within designated Primary Shopping Frontage. Policy DM36 of the Development Management Policies Local Plan (2013) seeks to ensure that the Primary Frontages remain in predominantly A1 use with part A.b specifying that it should not generally exceed 25% of the frontage OR would not result in a concentration of more than three units in non-retail (A1) use.*

*The most recent data (March 2015) shows that the length of primary frontage in non-retail use is 30.64%, however the proposal would not result in a concentration of more than three units in non-retail use. Whilst the application therefore does not comply with part A.b of the policy, its compliance with part A.c means the application is in accordance with DM Policy 36 part A. The proposed use would have an active frontage, and is an acceptable town centre use, and therefore complies with all other aspects of the Policy.*

Highways Authority- No objection to the proposal

Conservation Officer-

*The concern relates particularly to the ground floor aspect of the proposal. The CAAMS states that 'the commercial aspect of the High Street, in combination with the residential surrounding streets, helps to maintain a village feel'. It notes the area is 'predominately retail in terms of land use'. The loss of retail use would be harmful to the special character of the conservation area by undermining the lively cafe culture and retail atmosphere. This would be particularly significant in this location as the property is sited on a prominent corner site along a main approach to the Conservation Area from Marsh Road.*

*Whilst less than substantial harm (under paragraph 134 of the NPPF), it would still be harmful. It is noted that unlike the similar refused application for 39 High Street (P/2090/11), there would be some footfall by as estate agent but this would not be the same as a retail use.*

*Some lengthy justification is provided but this does not spell out the amount the site was marketed at, whether this is suitable, and shows it was only marketed for 6 months. It states that some form of retail use would be viable e.g. charity shop. It is considered that this justification does not comply with NPPF paragraph 132 which states that: 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.*

*Or paragraph 134 which states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable*



*use'*

### Conservation Area Advisory Committee.

*It would be a shame to have the loss of retail and the loss of the buzz and activity on the High Street. It is critically important to retain the retail. We object. There may be chance of letting it.*

### The Pinner Association- Objects to the proposal

- The percentage of non-retail ground floor frontage in the Pinner shopping by more than 5%.
- Non-retail frontage including the High Street exceeds 50%
- Proposed use would not make a significant contribution to the viability or vitality of the Centre. It would replicate services already provided within the area.
- Property is located within a very prominent position to the High Street.
- No retention of a retail function at the property would attract footfall to the High Street. Window display of goods for sale is required.
- Once the A1 use of the premise is lost it seldom returns.

### Comments in support

The applicant has submitted a statement in support of the proposed scheme in light of the objections that have been received in relation to the application. These points have are noted and are addressed within the appraisal below.

### **Advertisement**

**Site Notice (Character of Conservation Area):** Erected 4<sup>th</sup> February 2015

**Press Release:** 29/01/2015

### **Notifications**

**Sent:** 13

**Expiry:** 18/02/2015

**Responses:** 2

### **Addresses Consulted:**

8, 8a, 10, 10a, 12a, 14, 14b, Unit 1 16, 16b High Street, Pinner, HA5 5PW  
2, 3, 4 Barters Walk, Pinner, HA5 5LU

### **Summary of Response(s):**

- Property is located within a Primary Designated Retail Frontage in the Pinner District Centre
- Proposal would lead to a loss of vitality and viability to Pinner District Centre
- Would provide a service that is not directly related to a shopping trip or supporting the retail function of the Centre.
- Application site is an attractive property within the Conservation Area and High Street

### **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; The London Plan (FALP) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

## **MAIN CONSIDERATIONS**

Principle of the Development

Impact on Character and Appearance of the Area

Residential Amenity

Traffic and Parking, Accessibility

Equalities Implications

S17 Crime & Disorder Act

Consultation Responses

### **Principle of the Development**

The National Planning Policy Framework [NPPF] has a presumption in favour of sustainable development and for applications to be determined in accordance with the development plan, unless the development plan is silent, absent or the relevant policies are out-of-date.

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

The applicant has submitted a planning application for the proposed change of use from Retail (Use Class A1) to Financial Services (Use Class A2), and as such the scheme is considered based on its merits within the current policy context. Accordingly, it fell under the policies contained within the Harrow Development Management Policies Local Plan (2013), Specifically, Policy DM36 (Primary Shopping Frontages).

The wording within Policy DM36 of the Development Management Policies Local Plan (2013) reads in a manner that allows DM36A(a), (b), and (C) to be read as inclusive requirements, whereby compliance with one of either a, b, or c would be sufficient to satisfy the policy criteria for a change of use within the primary shopping parade.

DM36A(a) states that a change of use within the Primary Shopping Parade would be acceptable if the policy DM39: Vacant Shops in Town Centres applies, which in this case it would not. It is noted that across the borough there is a 4% vacancy rate. This indicates that the Pinner District Centre and the Primary Shopping Frontage is relatively healthy given the amount of shops that are in use and such a low vacancy level.

DM36A(b) goes on to state that within the Primary Shopping Frontage, non-retail use at street level should not exceed 25%, unless it is able to be demonstrated that the proposed use would make a significant contribution to the centre's vitality and viability. It is noted that the current percentage within the Primary Shopping Parade sits at 30.64%, and in the event that the application site was to change use out of A1, this would increase to 32% non-retail use. Accordingly, the proposed use would result in an unacceptable use that would exceed the threshold of 25% of non-retail use. However, non-compliance with this may be considered acceptable in the event that it can be demonstrated that the proposed use would make a significant contribution to the vitality and viability of the Primary Shopping Area.

Whilst it is acknowledged above that the proposed development would fall foul of meeting the above policy threshold, it does state development should meet DM36A(b) or (c). In this instance it is noted that the application site would not result in a concentration of three continuous non-retail uses. Accordingly, the proposal would accord with this requirement, and as such would satisfy Policy DM36A(b) and (c).

It is not proposed to alter the existing shopfront, and as such the active shopfront that is currently at the site would remain within the streetscene. Accordingly, it is considered that Policy DM36A(d) would be satisfied.

The proposed impacts on of the development on the character of the area, conservation area, neighbouring amenity and highway issues are considered in further detail below.

For this reason it is considered that the application would be in accordance with DM Policy 36 and as such is considered acceptable in principle.

It is also noted that as of the 24<sup>th</sup> March 2015, changes were laid before Parliament to alter the General Permitted Development Order (2008). Specifically, the ministerial statement stated the following under class D:

***D. Development consisting of a change of use of a building within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) of that Schedule.***

The changes to this legislation are due to come into effect on the 15<sup>th</sup> April 2015. As such, as of the date of Planning Committee, the proposed development would be able to be carried out without the express consent from the Local Planning Authority.

Notwithstanding the above, the applicant had submitted the application prior to the publicised change to the Permitted Development legislation, but given this context, there is also a strong material consideration in favour of granting the application.

### **Impact on Character and Appearance of the Conservation Area**

Core Policy CS1.B specifies that 'All development shall respond positively to the local

and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (2013) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policies 7.4.B and 7.6.B of The London Plan 2015 and core policy CS1 B of the Harrow Core Strategy which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm. Policy DM7 of the Harrow Development Management Local Policies Plan (2013) provides further guidance on managing heritage assets and requires new development not to adversely affect the character or amenity of Conservation Areas, Listed Buildings or other heritage assets.

The applicant has not submitted any proposed elevations in support of the application. However, it is noted within the proposal description that there are no external alterations or an uplift in floor area proposed as part of the scheme. It is therefore considered that the proposed scheme would not result in a material change within the existing streetscene. Any new sign connected with this business would be controlled through the advertisement regulations.

It is noted that an objection has been received that the loss of the retail within the existing shop and its replacement with an A2 use would be harmful to the appearance of the Pinner High Street Conservation Area. However, as mentioned previously, the proposed scheme would not result in a change to the elevations of the existing property, or indeed a change to the shopfront. Accordingly, the proposal would retain a frontage that would remain active within the streetscene. It is therefore considered that, notwithstanding the objections received, the proposed scheme would retain an active frontage and as such would be acceptable within the existing streetscene.

It is therefore considered the proposed development would accord with the policies noted above.

### **Residential Amenity**

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

The proposed change of use from Retail (Use Class A1) to Estate Agent/Financial Services (Use Class A2) is considered to result in a similar scale in terms of its intensity of use as with the authorised use. Therefore any comings and goings associated with the proposed use would be similar to that which could be experienced currently, and would not be unreasonably harmful to neighbouring residential amenity.

The proposed application does not propose any external alterations to the existing property. Accordingly, it is considered that the proposed development would not result in a loss of outlook, light or privacy that would unreasonably harm the amenity of neighbouring occupiers.

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

It is considered that the proposed change of use is not likely to raise any specific traffic concerns. No additional parking is proposed as part of the development. The proposal would be contained within the site, so it would not result in any obstruction of the services access or adjoining public footpaths, and as such, not have any undue impact on highway/pedestrian safety and convenience. The Highways Authority has not raised any concerns in relation to the proposal and therefore the current arrangements are considered acceptable.

### **Equalities Implications**

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it;

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

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

## **S17 Crime & Disorder Act**

It is considered that the proposed design of the development would not lead to an increase in perceived or actual threat of crime.

## **Consultation Responses**

It is noted that there has been a number of objections that have been received in relation to the proposed scheme. Furthermore, a response has been received in relation to some of the response by the applicant. The comments have been generally summarised above.

Notwithstanding the points received both opposing and in support of the application, regardless of their individual merit, consideration of them by the Local Planning Authority in this instance is considered redundant. As mentioned previously, as of the 15<sup>th</sup> April 2015 the proposed change of use is able to be carried out as Permitted Development.

## **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 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: Existing Floor Plans, 001, Planning Statement, Site Plan, Block Plan.

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) and Revised Early Minor Alterations [REMA] to the London Plan (2013) and Further Alterations to the London Plan (2015):

- 2.15C Town Centres
- 7.4B Local Character
- 7.6B Architecture
- 7.8 Heritage Assets

Harrow Core Strategy (2012):

- Policy CS 1B
- Policy CS 1M

Development Management Policies Local Plan 2013  
Policy DM 1 Achieving a High Standard of Development  
Policy DM36 Primary Shopping Frontages



Policy DM 42 Parking Standards  
Policy DM44 Servicing  
Policy DM45 Waste Management

Supplementary Guidance/ Documents  
Supplementary Planning Document: Access for All (2006)

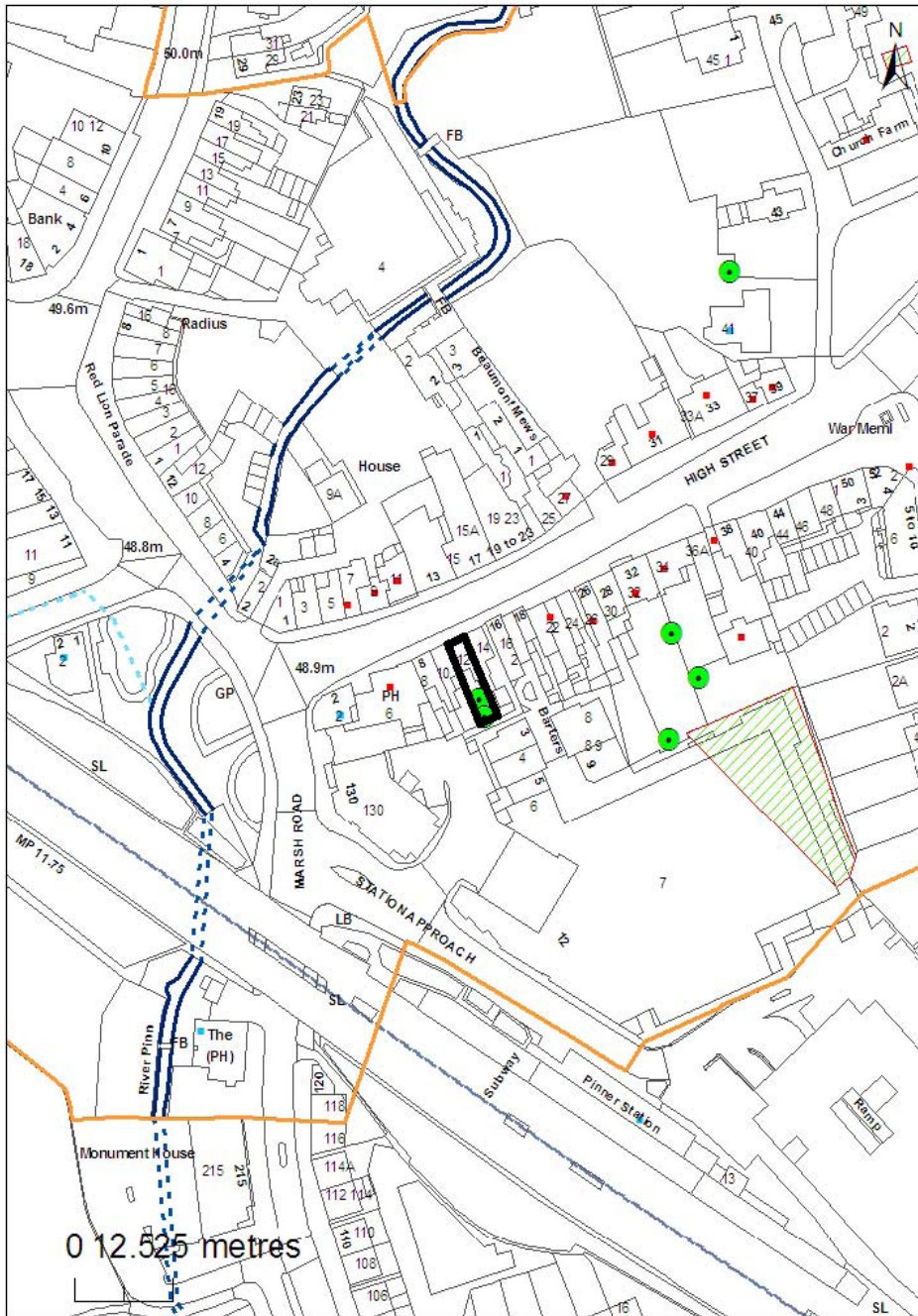
2 Grant without pre-application advice

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

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

Plan No(s): Existing Floor Plans, 001, Planning Statement, Site Plan, Block Plan.

## 12 HIGH STREET, PINNER



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Item No: 2/08  
Address: 169A UXBRIDGE ROAD, HARROW WEALD  
Reference: P/0341/15  
Description: CONVERSION OF DWELLINGHOUSE INTO TWO FLATS;  
TWO STOREY SIDE EXTENSION AND SINGLE STOREY  
REAR EXTENSION; EXTERNAL ALTERATIONS; PARKING  
Ward: HARROW WEALD  
Applicant: DR DILIP PATEL  
Agent: DKG ARCHITECTS LTD  
Case Officer: CONOR GUILFOYLE  
Expiry Date: 24/03/2015

## RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

The extension represents a proportionate and appropriate addition to the dwellinghouse which would sufficiently maintain the character and appearance of the area. The proposal would not result in unacceptable amenity impacts to future or neighbouring occupiers. The proposal is considered to have overcome the reasons for the refusal of the previous scheme and is in accordance with the policies contained in the National Planning Policy Framework 2012, The London Plan 2015 (consolidated with alterations since 2011)(2015), the Harrow Core Strategy 2012, the 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 due to the call in as requested by a nominated member under Part 1 Proviso B of the scheme of delegation dated 29th May 2013.

**Statutory Return Type:** E.13 Minor Dwellings

**Council Interest:** None

**Gross Floorspace:** 182.58sqm (Existing); 57.54sqm (proposed only)

**Net additional Floorspace:** 13 sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £1,640.00

**Harrow Community Infrastructure Levy (CIL) Contribution (provisional):**  
£5,156.00

### Site Description

- The application relates to a two storey detached dwellinghouse on the southern

side of Uxbridge Road.

- The dwellinghouse is located on an irregular shaped plot with a narrow rear garden.
- The dwellinghouse has been previously extended with the addition of single storey side and rear extensions.
- The surrounding area is characterised by detached dwellinghouses from medium to large scale.

### **Proposal Details**

- The application proposes the conversion of dwellinghouse into two flats; two storey side extension, single storey rear extension together with external alterations (primarily comprising removal of front porch/canopy, replacement windows and replacement front door); and provision of two parking spaces
- The proposed two storey side extension would replace the existing single storey garage and study on the western side of the site.
- The proposed two storey side extension would have a width of 2.7m and would match the depth of the two storey main dwellinghouse.
- The proposed two storey side extension would extend the hipped form and scale of the existing roof.
- The proposed two storey side extension would feature a single storey rear extension at its rear.
- The single storey rear extension would project 2m beyond the rear elevation of the house and feature a mono-pitched roof, with an eaves height of 2.59m and maximum roof height of 3.73m where it would adjoin the rear elevation of the main house.
- The western side of the single storey rear extension (adjacent to No.169) would match the same side elevation building line as the two storey side extension.
- The eastern side would overlap the rear boundary of the existing house by approximately 0.9m.
- The existing dwellinghouse would be sub divided into two separate 2 bedroom flats.
- Access to each of the flats would be provided by two separate front entrance doors – one utilising the existing central doorway on the front elevation and the other through a newly created doorway on the western side elevation, set 1m back from the front of the property
- Two parking spaces would be provided in the front driveway.

### **One Revisions to Previous Application**

Following the previous decision (P/4510/14) the following amendments have been made:

- Two storey side extension projects 450mm further, in line with front elevation of the host property.
- Roof form changed from subordinate stepped down ridge to continuous extension of original house roof and form.
- Two storey side extension reduced in width (from 3.15m to 2.7m at the front and 4.5m towards its rear half) to 2.7m for its entire depth.
- Due to the above width reduction, total single storey rear extension reduced in width from 4m to 3.59m.
- Part of the single storey rear extension width (0.9m) overlaps the rear elevation of the main house.
- Single storey rear extension increased in depth from 1.575m to 2.025m.
- Single storey rear extension roof changed from flat roof 3.76m high to its parapet to

lean-to mono-pitched roof ranging from 2.59m to 3.73m in height from eaves to maximum pitch height.

- Removal of outdoor balcony/terrace on the roof of the single storey extension.
- Removal of the double/French doors leading onto it from the first floor kitchen/dining room.
- Two full height glazed curtain wall windows are no longer proposed to be installed on the front elevation of the property – replacement windows of similar character (glazing panel bars/make-up), dimensions, and the same siting as existing are now proposed.
- Two doors on the front elevation are no longer proposed.

### **Relevant History**

P/4510/14 - Conversion of dwellinghouse into two flats; two storey side extension and single storey rear extension; rear balcony/terrace; external alterations; parking – Refused - 14/01/15 for the following reasons;

1. The proposal by reason of poor fenestration detail, would give rise to an unduly obtrusive and incongruous form of development that would detract from the character and appearance of the existing property and the surrounding locality, contrary to policies 7.4 (B) and 7.6 (B) of The London Plan (2011), core policy CS1 (B) of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

2. The proposed first floor rear roof terrace, by reason of its prominent siting in close proximity to the boundary of No. 169 Uxbridge Road, would result in unacceptable levels of actual and perceived overlooking to the occupiers of this site to the detriment of their residential amenities, contrary to 7.6 (B) of The London Plan (2011), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

3. The proposal, by reason of its failure to demonstrate that the occupiers of each of the flats would have access to a private rear amenity space, would give rise to substandard and low quality accommodation, to the detriment of the residential amenities of the future occupiers of the flats, contrary to policy 3.5.B of The London Plan (2011), policies DM 26 and DM 27 of the Harrow Development Management Policies Local Plan (2013) the adopted Mayoral Supplementary Planning Guidance: Housing (2012) and Supplementary Planning Document: Residential Design Guide (2010).

### **Applicant Submission Documents**

- N/A

### **Consultations**

None – However during consideration of the previous application for the same principle of development and number of units, the Highway Authority considered the proposal in accordance with parking standards, and noted that the parking allocation can be reduced by one space.

### **Advertisement**

- N/A

### **Notifications**

Sent: 4

Replies:1  
Expiry: 26-02-15

### **Addresses Consulted**

517 High Road, Harrow, HA3 6HL  
519 High Road, Harrow, HA3 6HL  
521 High Road, Harrow, HA3 6HL  
169 Uxbridge Road, Harrow Weald, Harrow, HA3 6TP

### **Summary of Responses**

- The design and size of the proposal is out of keeping with the area.
- The side extension would have enclosing/overbearing impact on No.169 Uxbridge Road and reduce outlook/views and value of that property.
- Construction works would inconvenience occupiers of No.169.
- Preference given to renovation of property as a detached family home.
- Proposal would be the only detached house that would be converted to flats.
- Proposal would set detrimental precedent for flat conversions in the area.
- Two front doors are not in keeping with a 'detached house' style and will add additional noise to No.169 at the side of their bedroom – single front entrance preferable.
- Two bins allocated on the plan are insufficient, with 2 or 3 per flat normally required
- Proximity and positioning of waste area abutting boundary with No.169 would cause detrimental odour impacts to its occupiers.
- Proposed side extension would be too close to No.169 – it would overlook and erode privacy to its side bedroom window and block out natural light to it.
- Window on the proposed side extension would not provide light for a habitable room.
- Inadequate room for manoeuvring on the proposed driveway – may cause issues for local traffic.
- Inadequate (no) visitor parking provision
- Seek to confirm that the first floor study may not be used as a bedroom due to its reduced size

### **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 (consolidated with alterations since 2011)(2015) [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], the Harrow Unitary Development Plan and the Harrow Development Management Policies Local Plan 2013 [DMP].

## **MAIN CONSIDERATIONS**

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

### **Principle of the Development**

Policy 3.8 of The London Plan (2015) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Further to this, Core Policy CS(l) states that *“new residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities”*. Having regard to the London Plan and the Council’s policies and guidelines, it is considered that the proposed conversion of the property would constitute an increase in smaller housing stock within the borough, and would therefore be acceptable in principle.

### **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.

The London Plan (2015) 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 (2015) 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 (2015) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

Core Policy CS 1 (B) states that *“all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.”*

Policy DM 1 A of the Local Development Management Policies Local Plan (2013) states that: *“all development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance will be resisted”*. It goes on to say that *“The assessment of the design and layout of proposals will have regard to the context provided by neighbouring buildings and the local character and pattern of development and the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers.”*

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and new residential developments and reinforces the objectives set out under saved policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

Paragraph 6.11 of adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) states that extensions should have a sense of proportion and balance, both in their own right and in relation to the original building and the area, and should not dominate the original building.

The property is set back from the street scene. It would feature a more spacious separation distance from the boundary with the neighbouring property No. 169 Uxbridge Road to the west than the previous proposal with at least 1m retained at its narrowest point.

The existing single storey side element (garage and rear study) on the western side of the property would be demolished to make way for the proposed two storey side extension. The width of the extension is considered to respect the average scale of the existing dwellinghouse (the front garage is approximately 100mm narrower while the larger rear study is approximately 1m wider than proposed) and indeed is not considered to be excessive when viewed in the context of the size of neighbouring properties in its vicinity.

Whilst a two storey extension is proposed, given its integral design into that of the host property (roof form, elevational design, footprint), detached nature, and the context of large surrounding properties, the mass/bulk, scale and overall design of the two storey side extension is considered high quality design which is sufficiently subordinate to the host property to accord with regard to the above policy context. The same consideration is made with regard to the cumulative impact alongside the proposed single storey rear extension given its very limited footprint, scale, rear location and siting directly behind the two storey extension.

The proposed two storey side extension would not be set back from the main front wall of the property. However, this is considered to be acceptable in this instance due to the separation distance from the boundary with neighbouring property No. 169 Uxbridge Road to the west and the varied building along this part of the Uxbridge Road. A permanent area of open space would be retained beyond the shared boundary with No. 169. Having regard to these factors, the dwellinghouse would retain an acceptable appearance in the street scene.

Given these site factors, and the above design considerations, in the context of the varied buildings along this part of the Uxbridge Road, and their large size, the dwellinghouse would retain an acceptable appearance in the street scene.

In terms of the previous reason for refusal, the proposal was not considered unacceptable in terms of character and appearance impacts, but rather due to the external alterations proposed to the fenestration of the existing property. This comprised the provision of two full height curtain wall glazed windows with grey cladding panels as well as a second entrance door for the first floor flat. The scale and proportions of the curtain wall windows were not consistent with the design and pattern of the windows on the front elevation of the property which have a more horizontal emphasis and overall, they were considered to be excessive and out of character with the traditional appearance of the property and neighbouring properties. Furthermore,



the provision of a second front entrance door was considered to be unacceptable and out of keeping with the character and appearance of the existing property and the pattern of development in the surrounding locality.

In this regard the applicant has revised the scheme and the above elements are no longer proposed. Replacement windows are proposed, but they would be of similar character (glazing panel bars/make-up, horizontal emphasis) and siting as existing. Therefore they are considered to respect and relate to the existing character and appearance of the host property and wider surrounding locality in this regard. With regard to the two storey side extension, smaller windows are proposed and whilst it is recognised that the 'integral' approach to the form the extension takes in relation to the host property is considered acceptable, the use of a different fenestration is not considered unacceptably at odds with this design approach. This is because the siting/pattern of fenestration on the front elevation would match existing in terms of levels/horizontal emphasis and window height, but the reduced size of the windows would retain the original symmetry and balance of the front elevation of the house, particularly in relation to the central front door, which matching windows would compromise. Furthermore, setting back the second entrance door on the side elevation would further these aims, retaining the established character and appearance of this property when viewed from the front/street scene. Therefore the proposed design is considered to have overcome the above reason for refusal in this regard.

A detailed hard and soft landscaping scheme has not been provided with basic planting details shown. However, it is considered that there is sufficient space to provide additional soft landscaping to accord with the requirements of the SPD (2010) and this would be secured by one of the attached planning conditions.

Overall, in terms of character and appearance, the proposal is considered acceptable and to have overcome the previous reason for refusal. The proposal is therefore considered in accordance with to core policy CS1 (B) of the Harrow Core Strategy (2012), Policies 7.4 (B) and 7.6 (B) of The London Plan (2015), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the Council's adopted Supplementary Planning Document - Residential Design Guide (2010).

### **Residential Amenity**

Policy 7.6B, subsection D, of The London Plan (2015) 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.

#### Impact on the Amenity of the Neighbouring Occupiers:

The existing 3/4 bedroom property has the potential to accommodate up to seven persons. The proposed conversion to two separate residential flats would potentially accommodate up to eight persons and would therefore not be significantly different to the existing situation. Whilst it is acknowledged that the proposed conversion could marginally increase residential activity on the site, expressed through comings and goings to the property, it is however considered given the modest size of the proposed flats adjacent to a busy London distributor Road, that the proposed conversion would not be detrimental to the amenity of neighbouring occupiers, particularly having regard to the surrounding site circumstances.

It is considered that the proposed extensions would not result in any undue impacts on

the residential amenities of the neighbouring occupiers to the east fronting High Road (No. 521/ 519) as they would be buffered by the presence of the existing property.

The proposed two storey side extension would not project beyond the rear building line of No. 169. As such, alongside its setback from the side boundary with No.169, whilst acknowledging the concerns raised in a neighbouring representation with regard to No.169, its scale and width/bulk, it is not considered sufficient to cause loss of light, overbearing impacts, overshadowing or loss of outlook or to the occupiers No.169 to a degree sufficient to warrant refusal.

Whilst the concern raised in a representation received that the use of the building as two flats compared to the larger single dwelling house would result in detrimental noise impacts to the occupiers of No.169 are noted, the proposal is not considered to result in a material increase to a degree sufficient to warrant refusal in this regard.

The previous proposal was refused partly due to amenity impacts as outlined earlier in this report. This focused on the proposed rear roof terrace above the single storey rear extension which was considered to be unacceptable due to its prominent siting in close proximity to the shared boundary with No. 169. This element of the proposal is no longer proposed and the removal of the French/double doors on the first floor kitchen rear elevation, and removal of the roof terrace and use of a pitched roof on the rear extension would prevent such an unacceptable future use taking place. Therefore the proposal is considered to overcome this previous reason for refusal.

The concerns raised in a representation with regard to the potential of the first floor side elevation window in the two storey extension to cause loss of privacy/overlooking, and loss of light, to No.169 are noted. However it is considered to be acceptable as it would serve a landing area and not a habitable room. A condition could ensure this window is obscured and non-openable below a height of 1.7 metres from the internal finished floor level. Detrimental loss of light is not considered to arise as outlined above.

#### Impact on the Amenity of the Intended Occupiers of the Flats

- Private Amenity Space

Paragraph 5.16 of the adopted SPD states that “*the Council will seek to ensure that all flats (except for the conversion of maisonettes above shops and mid terraces properties) have access to a garden*”.

During consideration of the previous application, it was not considered clear from the submitted plans whether both the occupiers of the flats would have access to their own private amenity space in the existing rear garden of the property. It was considered there may be scope to provide a separate, further access point to the rear garden adjacent to the western flank wall, which would require the width of the two storey side extension to be reduced. The width of the two storey side extension has been reduced such that this scheme is now capable of providing access to the rear garden from both sides of the house, where it could be subdivided to provide adequately sized and usable amenity space for the occupiers of both flats. Details of the boundary treatment could be secured as part of the aforementioned soft landscaping condition. Subject to such a condition, the proposal is considered to have overcome this previous reason for refusal and is now acceptable in this regard.

- Refuse Storage

Two bin stores are proposed adjacent to the front soft landscaping area close to the front boundary with No.169. The concerns raised in a neighbour representation about the need for 3 bins per flat, and the potential odour affecting occupiers at No.169 from the proposed siting of the bins, are noted. The Council requires that 3 bins are provided per flat in order to provide sufficient capacity for refuse and recycling and it is considered that there is sufficient space within the site to provide this which could take place further from the site boundary with No.169. The level of odour from bins associated with the two flats is not considered to be materially larger than that potentially arising from the existing large house. If approved, these details could be secured by condition. Subject to this condition, the proposal would satisfy policy DM 45 of the Harrow Development Management Policies Local Plan (2013) and the SPD (2010).

- Room Size and Layout

Table 3.3 of the adopted London Plan (2015) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2015) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Council's adopted SPD.

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2015) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2015), 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).

The gross internal area of flats would be acceptable for the intended number of occupiers. The living areas in both the flats would also be in excess of the minimum standards sets out in the Housing SPG (2012). It is considered that adequate outlook and light would be provided for each of the flats. Overall, it is considered that the layout would provide a spacious and acceptable standard of accommodation for the future occupiers.

- Stacking Arrangements

Paragraph 5.12 of the Council's adopted Supplementary Planning Document – Residential Design Guide (2010) states that 'The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered that the stacking of rooms would ensure that the proposed flats would not give rise to unacceptable level of noise transmission.

For the reasons outlined above, it is considered that the proposal would not result in unacceptable actual and perceived overlooking, loss of privacy, loss of outlook, overbearing, overshadowing, odour and noise impacts for future or neighbouring occupiers. As such the proposal would satisfies policy 7.6B of The London Plan (2015), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) in this regard.

## **Traffic and Parking**

The London Plan (2015) 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) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility.

In the context of the conversion of the existing 3 bedroom property to two x two bedroom flats, it is not expected to measurably affect overall traffic generation to and from the site and parking demand given the existing baseline of activities. In response to the previous application, which sought the same level of development, it was noted that the Council's Highways Engineer advised that only one parking space should be provided to accord with London Plan standards. It is considered that this matter could be secured through an appropriate planning condition. Similarly, two accessible and secure cycle spaces per unit are required which could be addressed through the imposition of a planning condition. Subject to these conditions, it is considered that the proposal would meet the above policy requirements.

## **S17 Crime & Disorder Act**

Policy DM 2 of the Harrow Development Management Policies Local Plan advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2015) seeks to ensure that developments should address security issues and provide safe and secure environments. It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard

## **Equalities and Human Rights**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

## **Consultation Responses**

The concerns raised in the neighbour representation with regard to the principle of the development, character and appearance/design, bin provision/bin odour, highway/parking impacts, and residential amenity impacts to the occupiers of No.169 Uxbridge Road are noted and addressed earlier in the report.

With regard to a request for confirmation that the first floor study may not be used as a bedroom, due to its reduced size, this is not likely. as the proposal is assessed on the basis of the plans submitted, and the site would benefit from an existing residential use where, just as at present, internal room reconfigurations could take place without the need for planning permission.

The preference to retain the site as a family home is not a material planning consideration given the acceptable principle of the development.

Whilst the concern that construction works would inconvenience the adjoining occupiers is noted, all construction works involve some element of disruption. However, this would be temporary and Environmental Health legislation already cover issues such as hours of working and noise level limits to protect neighbours and prevent construction works causing detrimental impacts to neighbouring amenity beyond reasonable levels.

### **CONCLUSION**

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

### **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out and completed in accordance with the following approved plans: Site Plan, CLT7/001, CLT7/002 Rev. A

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

3 The construction of the extension and conversion to two flats hereby permitted shall not commence until there has been submitted to, and approved in writing, by the local planning authority, a scheme of hard and soft landscape works for the site.

Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

Hard landscape works shall include: details of boundary treatment(s) to separate the rear private amenity space for both flats, revised parking details outlining a maximum of one parking space, details and siting of two secure cycle spaces.

The development shall not be occupied until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with Policy DM1 of the Harrow Development Management Local Plans Policy (2013).

4 The development hereby permitted shall not commence until a scheme for the storage and disposal of refuse/waste, showing provision for six bins at a location which does not lie adjacent to the boundary with No.169 Uxbridge Road, has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, in accordance with Policy DM1 of the Harrow Development Management Local Plans Policy (2013).

5 The window in the first floor western side wall of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2015 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

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

National Planning Policy Framework (2012)

The London Plan (consolidated with alterations since 2011)(2015)

3.1 - Ensuring Equal Life Chances For All

3.3 - Increasing Housing Supply

3.4 - Optimising Housing Potential

3.5 - Quality and Design of Housing Developments

3.8 - Housing Choice

7.1 - Building London's Neighbourhoods and Communities

7.2 - An Inclusive Environment

7.3 - Designing Out Crime

7.4 - Local Character

7.6 - Architecture

The Harrow Core Strategy (2012)

Core Policy CS 1(B) - Overarching Policy

Core Policy CS 6

Harrow Development Management Policies Local Plan (2013)

Policy DM 1 - Achieving a High Standard of Development

Policy DM 2 - Achieving Lifetime Neighbourhoods

Policy DM 30 - Trees and Landscaping

Policy DM 23 - Streetside Greenness and Forecourt Greenery

Policy DM 24 - Housing Mix

Policy DM 26 - Conversion of Houses and other Residential Premises

Policy DM 27 - Amenity Space

Policy DM 42 - Parking Standards

Supplementary Planning Documents / Guidance:

Supplementary Planning Document - Access for All (2006)

Supplementary Planning Document - Sustainable Building Design (2009)

Supplementary Planning Document - Residential Design Guide (2010)

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

Mayor of London's Housing Supplementary Planning Guidance (November 2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

4 Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £455.00 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 on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £455.00 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 13sqm

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

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

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

Harrow's Charges are:

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

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

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

All other uses - Nil.

The Harrow CIL Liability for this development is: £1,430.00.

## 6 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: Site Plan, CLT7/001, CLT7/002 Rev. A





**SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

None.

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.