

SECTION 1 – MAJOR APPLICATIONS

ITEM NO: 1/01

ADDRESS: PRINCE EDWARDS PLAYING FIELDS, CAMROSE AVENUE, EDGWARE

REFERENCE: P/2191/15

DESCRIPTION: VARIATION OF CONDITION 1 (DRAWING NUMBERS) ATTACHED TO PLANNING PERMISSION P/0665/13 ALLOWED ON APPEAL REFERENCE APP/M5450/A/14/2215248 DATED 19/12/2014 TO ALLOW FOR A LARGER NORTH STAND AND ASSOCIATED FACILITIES THAN THAT APPROVED BY THE ORIGINAL CONSENT FOR AN ENLARGED FOOTBALL STADIUM AND CLUBHOUSE, FLOODLIGHTS, GAMES PITCHES, BANQUETING FACILITIES, HEALTH AND FITNESS FACILITY, INTERNAL ROADS AND PARKING. PHASE 1 INVOLVES INTERNAL AND EXTERNAL ALTERATIONS TO THE EAST STAND INCLUDING AN ADDITIONAL ROW OF SEATS, AN INCREASE IN THE HEIGHT, DEPTH AND CAPACITY OF THE WEST STAND, INCLUDING CAMERA POSITION, REDUCTION IN CAPACITY OF STANDING AREAS, INCREASE IN THE HEIGHT OF FLOODLIGHTS, ADDITIONAL TURNSTILES, SPECTATOR CIRCULATION, FENCING, FOOD KIOSKS AND TOILETS AND ALTERATIONS TO THE PARKING AREAS. PHASE 2 INVOLVES THE REPLACEMENT OF THE NORTH STAND WITH A SEATED STAND, REDUCTION IN THE CAPACITY OF THE STANDING AREA IN THE SOUTH STAND AND AN EXTENSION TO THE REAR OF THE WEST STAND TO PROVIDE INDOOR SPECTATOR SPACE EXTENSION. THE CAPACITY OF THE STADIUM WOULD NOT EXCEED 5,176.

WARD: EDGWARE

APPLICANT: THE HIVE (PEPF) DEVELOPMENT LTD

CASE OFFICER: NIKOLAS SMITH

EXPIRY DATE: 14TH AUGUST 2015

RECOMMENDATION

GRANT subject to planning conditions:

INFORMATION

This application is reported to the Planning Committee because it is the opinion of the Divisional Director of Regeneration and Planning the application presents matters which may be of political and/or public interest. In addition, the Council owns the land to which the application relates.

The application therefore falls outside provisos C and E of the Scheme of Delegation.

Statutory Return Type: All other large scale major developments

Council Interest: The Council owns the land to which the application relates.

Gross Floor Space: 863m²

Net Additional Floor Space: 403m²

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £14,105

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): n/a

Site Description

The Hive Football Centre (formerly Prince Edward Playing Fields) comprises former educational sports grounds designated as Open Space within the Harrow Core Strategy (2012). It is now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.

It is bound by the Jubilee Line railway to the west, with residential properties fronting Aldridge Avenue on the other side of the railway embankment: residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east, the site adjoins residential properties along Buckingham Gardens, St David's Drive and Little Stanmore Nursery, First and Middle School.

The section of railway that adjoins the western site boundary is identified as a Site of Nature Conservation Importance.

The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.

The part of the site adjacent to the Brook and adjacent to the northern and eastern terrace is in Flood Zone 3a/3b (including an Environment Agency flood defence bund), whilst the northernmost part of the stadium is within Flood Zone 2.

The site is recognised by the Harrow Core Strategy (2012) as a centre of sports excellence, providing important opportunities for community access to high quality facilities and local sports participation.

The main vehicular access to the site is from Camrose Avenue, with secondary access (pedestrian only) from Whitchurch Lane.

Relevant Planning History

Planning permission was granted for a football stadium, terraces, stand, clubhouse, floodlighting, artificial pitch, tennis courts, health and fitness facilities, parking and access from Camrose Avenue in 2003 (9EAST/148/01/OUT).

Permission was granted for an enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility and roads and parking in 2008 (P/0002/07).

Planning permission was sought for amendments to that development in 2013 (P/0665/13). These amendments were presented in two phases and allowed for alterations to the East Stand, including an additional row of seats, an increase in the size of the West Stand and an increase in the height of floodlighting at the site, amongst other changes. The second phase included the replacement of the North Stand.

Planning permission was refused by the Council on September 11th 2013 for the following reasons:

1. The application has failed to demonstrate that the impact of the floodlights would not result in significant harm to the amenities of neighbours by virtue of unacceptable

lighting levels within and adjacent to residential properties surrounding or near to the site. The proposals are therefore contrary to policies DM 1C and DM 48C of the Development Management Policies Local Plan (2013).

2. The height of the west stand would result in a loss of amenity to neighbouring properties, contrary to Policy DM1 of the Harrow Development Management (2013), Policy CS1-B of the Harrow Core Strategy (2012), and Policy 7.4 of the London Plan (2011).
3. The west stand by reason of excessive height, scale, bulk and proximity to the site boundary, would cause unacceptable harm to the amenity of neighbouring properties, contrary to policy DM1 of the Harrow Development Management Policies Local Plan (2013) Policy CS1.B of the Harrow Core Strategy (2012) and Policy 7.4 of the London Plan (2011).

An appeal was lodged against that decision and was allowed in 2014 (appeal reference APP/M5450/A/14/2215248). The works to the North Stand allowed by that appeal have not been commenced.

The Inspector's decision limited the capacity of the stadium to 5,176.

Planning permission was granted for extensions to the East Stand (P/4092/14 and P/4096/14) in 2015.

An application for the siting of an advertisement near the Camrose Avenue entrance (P/2004/15) is pending.

The Proposed Development

Planning permission is sought to vary condition 1 (drawing numbers) attached to appeal decision reference APP/M5450/A/14/2215248 to allow for the development permitted by that consent to be carried out in accordance with the plans and drawings submitted with this application, rather than those approved at the time. The proposed amendments only relate to the North Stand, which would be made larger.

The North Stand at the site was granted permission in 2008. Planning permission was granted at appeal in 2014 for an increase in its size, but that development has not been carried out.

The existing North Stand is 4.9m tall; the approved stand would be 8.2m tall. The proposed stand would be 12.3m tall, and would match the height of the existing West Stand.

It would be 13.7m deep (with a canopy projecting an additional 2.9m beyond the north elevation of the stand) and 63m wide. At ground floor level, below the seating, there would be bathrooms, offices and a bar and kitchen. The applicant has described how these facilities are required to meet the needs of away supporters now that the club has been promoted in to the Football League. There would be a platform, protruding northwards from the top of the stand, designed to accommodate press and television cameras.

Materials would be controlled by planning condition.

Capacity

The capacity at the stadium is controlled by the planning permission granted by the

Planning Inspectorate at 5,176. Clearly, this stand would be larger than both the existing and approved North Stands and as a result, more people will be able to fit inside the ground (the existing stand can accommodate 764 people, the approved could accommodate 1,035 people and the proposed stand could accommodate 1,930).

This application does not include the type of technical information required to determine whether an increase in capacity at the site would be acceptable or not, in terms of the impacts on the highways network and living conditions at neighbouring properties, and any other material planning considerations. The applicant has not requested that planning permission is granted for a larger capacity.

Notwithstanding the potential for additional capacity at the stadium, a planning condition would continue to limit it at 5,176. The applicant has explained that they have complete control over the number of tickets sold and would limit them to ensure that the capacity cap was not breached.

This application has been made to provide the facilities required for away supporters given the clubs promotion to the Football League, not to increase the total number of people attending matches and events at the stadium.

It could, of course, be the case that the club does decide to seek planning permission for a larger capacity in the future but that is not being sought here, and could not be until the Council was in receipt all of the information that would be required to determine whether such an increase would be acceptable or not in planning terms.

The current capacity controlling condition could be easily monitored, given that football attendances are published in the press after every game.

Consultation

Transport for London : No response received
Environment Agency : No objection
Environmental Health : No objection
Traffic and Highways : No response received

Advertisement

Site Notices displayed 22nd May 2015 – expiry 12th June 2015
Press Notice displayed.21st May 2015 – expiry 11th June 2015

Notifications

2,521 letters of notification were sent to neighbours of the site.

Summary of responses received

Three responses were received and the following comments were received:

- Car parking on match days is problematic
- Damage has been done to the property of those living near to the site
- Floodlighting at the site is problematic

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 (2012) [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 (2013), the Development Management Policies Local Plan (2013), the Site Allocations Local Plan (2013) and Harrow Local Area Map (2013).

Legislative Context

This application is for 'Minor Material Amendments', which utilise S73 of the Town and Country Planning Act (1990).

Government Guidance does not define what changes may be treated as 'minor material amendments' although the government has confirmed that they "agree" with the definition proposed by WYG (White Young Green Planning and Design), that a 'minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved'.

This is not, however, a statutory definition.

It is therefore the responsibility of each Local Planning Authority to determine the definition of 'minor material'. A judgment on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgment on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.

In this case, the amendments would be minor in the context of the development as a whole. In the opinion of the Local Planning Authority, the proposed amendments are minor and material in nature and an application under s73 is an appropriate mechanism for securing consent for the development as now proposed.

The effect of the Section 73 application is to issue a new planning permission. As such, conditions attached to the previous planning permission, where they remain relevant, should be imposed again.

Planning Considerations

The principle of the Development
Character and Appearance
Residential Amenity
Traffic and Parking
Equalities and Human Rights
S17 Crime and Disorder Acts

The Principle of the Development

Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan seeks to resist the loss of London's protected open spaces and Policy CS1F of the Harrow Core Strategy seeks to protect it from inappropriate or insensitive development. Policy DM18 (Protection of Open Space) of the Harrow Development Management Policies

acknowledges that open spaces are of great value as places for people to participate in organised sport, play, informal recreational activity and appreciation of the natural environment. It supports the provision of appropriate ancillary development, like the stadium and its associated functions.

When planning permission was granted for the stadium and its ancillary facilities, it was found that the principle of that development was acceptable. Particularly relevant was the designation of the site as Open Space and its function in providing recreational facilities for local people.

The proposed amendments to the North Stand would not undermine that acceptability. Outdoor facilities would continue to be available for hire by the public and a planning condition would remain in force ensuring that the footpath through the site remained open whilst the facilities were.

There have been no material changes in planning policy or circumstances at the site since the last consent at the site was granted and the development, as amended, would continue to be acceptable in principle, in accordance with Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan, Core Strategy Policy CS1F and Policy DM18 (Protection of Open Space) of the Development Management Policies.

Character and Appearance

London Plan policies 7.4 (Local character) and 7.6 (Architecture) seek to ensure that the appearance of developments is acceptable and appropriate in its context. Core Strategy Policy CS1B and Development Management Policy DM1 (Achieving a High Standard of Development) reinforce this requirement at a local level.

The proposed amendments to the North Stand would materially change the appearance of the site. Given that the appeal scheme, that allowed for an increase in the height of the stand from 4.9 to 8.2m, remains extant and implementable, a true assessment of the visual impact of these proposals is between the approved and the proposed stand.

The stand would be significantly taller and deeper and it would close views through the stadium from north to south. That said, increasing the size of the North Stand to meet the scale and materials of the West Stand would introduce an element of consistency to the stadium and present a more visually coherent series of buildings overall.

The proposed stand would change the appearance of the stadium but would not harm it, and given the large site within which it sits, the increase in scale of the stand would not appear out of context or harmful to the wider character of the area.

The development would continue to meet the tests of London Plan policies 7.4 (Local character) and 7.6 (Architecture), Core Strategy Policy CS1B and Development Management Policy DM1 (Achieving a High Standard of Development).

Residential Amenity

London Plan Policy 7.6 (Architecture) seeks to ensure that development does not cause harm to living conditions at neighbouring properties, as does Policy DM1 of the Development Management Policies.

When the Planning Inspector allowed the appeal at this site in 2014, they found that the West Stand would not cause harm to neighbours on account of its size because of the

distance between it and surrounding residential buildings. The same would be the case for the larger North Stand.

A planning condition would require details of sound and vibration insulation measures, like those required for the other stands, to ensure that the use of the stand by more people was not problematic.

No additional floodlighting, or amendments to the existing floodlighting are proposed. The Inspector imposed a number of conditions to seek to prevent light spill from being problematic and they would be repeated on this planning permission.

The provision of bar facilities for away supporters within the site may reduce local litter or disturbance issues on match days, if they exist and will bring supporters in to the site, rather than surrounding sites. In addition, providing a bar for away supporters would satisfy a requirement of the Football Association.

The development allowed by the Planning Inspector was found not to have a harmful impact on the amenity of neighbours of the site, subject to planning conditions. The amendments proposed to the north stand, subject to appropriate planning conditions, would not alter that position. There have been no material changes in planning policy or circumstances at this site that would undermine the acceptability of the development, as amended, in this regard.

As such, this scheme would remain in accordance with London Plan Policy 7.6 (Architecture) and Policy DM1 of the Development Management Policies.

Traffic and Parking

London Plan Policy 6.13 (Parking), Core Strategy Policy CS1R and Policy DM42 (Parking Standards) of the Development Management Policies all seek to ensure that the highways impacts of a development are controlled by the provision of appropriate levels of car parking within a site.

It is not proposed to increase the capacity of the stadium and so conditions imposed by the Planning Inspector to seek to limit the impacts of the development on the highways network would remain adequate, and would be re-imposed.

It might reasonably be argued that increasing the size of the North Stand, which serves away fans, could increase the likelihood of more people seeking to travel to the site by private car, rather than by public transport. However, it would be entirely within the gift of the applicant to alter the designation of the stands so that even if this amended development did not go ahead, a larger stand was made available for away supporters.

Concerns have been raised as to the problems caused for local residents on match days by inconsiderate parking. Certainly, if those types of problems do exist it is important that they are resolved, but because this planning application does not propose to increase the number of people attending matches beyond that already approved, this planning application does not provide a mechanism to try to do that.

If the applicant decides to apply to increase the capacity of the stadium, they will need to support their application with a Transport Assessment and a Travel Plan to allow the Council to consider what the impacts on the highways network will be.

This application does not propose to increase the number of people attending matches

and so there would be no material changes in the highways impacts of the scheme beyond those identified at the time of the planning appeal, which were found to be acceptable.

The scheme, as amended, would continue to comply with London Plan Policy 6.13 (Parking), Core Strategy Policy CS1R and Policy DM42 (Parking Standards) of the Development Management Policies.

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.

S17 Crime and 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. Policy DM1 of the Development Management Policies Local Plan 2013 seeks to ensure that the assessment of design and layout of new development proposals will have regard to the arrangements for safe access and movement to and within the site. The design and layout of the amended development would continue to comply with 'secure by design' principles.

CONCLUSIONS

- Planning permission is sought for the development allowed by appeal at this site (much of which has been carried out), but with a larger North Stand than approved at that time.
- The proposed changes would be 'minor material amendments' as so an application under s73 of the Town and Country Planning Act (1990) is an appropriate mechanism for the delivery of these changes.
- There have been no material changes in planning policy or circumstances at the site that would undermine the Inspector's findings that the development, as a whole, would be acceptable.
- The proposed changes to the North Stand would change its appearance, but not harmfully, and there would be no new impacts on residential amenity or traffic and parking, subject to planning conditions.
- As a result, this application is recommended for GRANT, subject to the planning conditions set out below:

CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 380/PL(0)100 Rev E; 380/PL(0)102 Rev B; 380/PL(0)110 Rev B; 380/PL(0)111 Rev E; 1001; Design and Access Statement Revision C; Drainage Plan

100 Rev D; Drainage Plan 101 Rev E; Drainage Plan 102 Rev A; Micro Drainage Calculations, DL1 50001-01, DL1 50001-02, DL1 50001-03, DL1 50001-04 and DL1 50001-05.

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

2 The premises shall be used as a football stadium with clubhouse, games pitches, banqueting facilities and health and fitness facilities with ancillary roads and parking and for no other purpose, including any other use falling within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure that the principle of the development is acceptable and in the interests of residential amenity and the safe and free flow of traffic in accordance with the objectives of the National Planning policy Framework (2012), policies 7.18 (Protecting open space and addressing deficiency), 6.11 (Smoothing traffic flow and tackling congestion), 6.12 (Road network capacity), 6.13 (Parking) and 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development), DM18 (Protecting Open Space) DM42 (Parking Standards) and DM43 (Transport Assessments and Travel Plans) of the Harrow Development Management Policies (2013).

3 All loading and unloading of goods and passengers shall take place within the site.

REASON: To ensure the safe and free flow of traffic into the site and on the adjoining highways in accordance with the objectives of the National Planning policy Framework (2012), 6.11 (Smoothing traffic flow and tackling congestion), 6.12 (Road network capacity) and 6.13 (Parking) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development), and DM43 (Transport Assessments and Travel Plans) of the Harrow Development Management Policies (2013).

4 Except Emergency Services, which may enter and leave by Whitchurch Avenue, all vehicles shall only enter and leave the site via Camrose Avenue. Details of the traffic management measures to give effect to this condition, as approved under planning permission P/0002/07, shall be retained.

REASON: To ensure the safe and free flow of traffic into the site and on the adjoining highways in accordance with the objectives of the National Planning policy Framework (2012), 6.11 (Smoothing traffic flow and tackling congestion), 6.12 (Road network capacity) and 6.13 (Parking) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development), and DM43 (Transport Assessments and Travel Plans) of the Harrow Development Management Policies (2013).

5 The means of vehicular access to the site as approved and implemented under planning permission P/0002/07 shall be permanently retained.

REASON: To ensure the safe and free flow of traffic into the site in accordance with the objectives of the National Planning policy Framework (2012) Policy 6.11 (Smoothing traffic flow and tackling congestion) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow

Development Management Policies (2013).

6 Pedestrian access to and from Whitchurch Avenue shall be retained at all times when the site is in use.

REASON: To ensure acceptable levels of pedestrian access to the site in accordance with the objectives of the National Planning policy Framework (2012), Policies 6.10 (Walking) and 7.18 (Protecting open space and addressing deficiency) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development) and DM18 (Protecting Open Space) of the Harrow Development Management Policies (2013).

7 The scheme making provision for people with mobility difficulties to gain access to and egress from the building(s) (without the need to negotiate steps) shall be maintained in accordance with the details approved by the local planning authority under planning permission P/0132/09.

REASON: To ensure that the premises are satisfactorily accessible in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.2 (An inclusive environment) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

8 No spoil or materials shall be deposited or sorted on that part of the site lying within the area of land liable to flood.

REASON: To reduce the likelihood of flooding at the site in accordance with the objectives of the National Planning policy Framework (2012), Policy 5.12 (Flood risk management) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM9 Managing Flood Risk) of the Harrow Development Management Policies (2013).

9 No building or altering of ground levels shall take place on that part of the site lying within the area of land liable to flood.

REASON: To reduce the likelihood of flooding at the site in accordance with the objectives of the National Planning policy Framework (2012), Policy 5.12 (Flood risk management) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM9 Managing Flood Risk) of the Harrow Development Management Policies (2013).

10 No walls or fences shall be constructed or erected on that part of the site lying within the area of land liable to flood.

REASON: To reduce the likelihood of flooding at the site in accordance with the objectives of the National Planning policy Framework (2012), Policy 5.12 (Flood risk management) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM9 Managing Flood Risk) of the Harrow Development Management Policies (2013).

11 The works for the disposal of surface water as approved under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/1224/09.

REASON: To ensure that surface water is properly disposed of in accordance with the objectives of the National Planning policy Framework (2012), Policy 5.13 (Sustainable

drainage) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM10 (On Site Water Management and Surface Water Attenuation) of the Harrow Development Management Policies (2013).

12 The surface water control measures as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/1224/09.

REASON: To ensure that surface water is controlled disposed of in accordance with the objectives of the National Planning policy Framework (2012), Policy 5.13 (Sustainable drainage) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM10 (On Site Water Management and Surface Water Attenuation) of the Harrow Development Management Policies (2013).

13 The works for the disposal of sewage as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/1224/09.

REASON: To ensure that sewage is appropriately disposed of in accordance with the objectives of the National Planning policy Framework (2012), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

14 The boundary treatment for the site as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/0132/09.

REASON: To ensure that the appearance of the site is acceptable in accordance with the objectives of the National Planning policy Framework (2012), Policies 7.4 (Local character), 7.6 (Architecture) and 7.18 (Protecting open space and addressing deficiency) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development) and DM18 (Protecting Open Space) of the Harrow Development Management Policies (2013).

15 The hard and soft landscaping scheme as approved and implemented under planning permission P/0002/07 shall be retained.

REASON: To ensure that the appearance of the site is acceptable in accordance with the objectives of the National Planning policy Framework (2012), Policies 7.4 (Local character), 7.6 (Architecture) and 7.18 (Protecting open space and addressing deficiency) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development) and DM18 (Protecting Open Space) of the Harrow Development Management Policies (2013).

16 The provision made for the insulation of the East Stand and entertainment facility against the transmission of noise and vibration and the agreed times during which noise producing activities will be carried out as approved and implemented under planning permission P/0002/07 shall be retained and adhered to.

REASON: To ensure that noise and disturbance at neighbouring homes is minimised, in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) of the London Plan (consolidated with

alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Design) of the Harrow Development Management Policies (2013).

17 The scheme specifying the provisions for the control of noise emanating from the site as approved and implemented under planning permission P/0002/07 shall be retained and adhered to.

REASON: To ensure that noise and disturbance at neighbouring homes is minimised, in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Design) of the Harrow Development Management Policies (2013).

18 The smaller car park, as shown on Drawing No. 380/PL(0) 1001, shall not on any day be used for parking in conjunction with the entertainment facilities between 18:00 and 08:00 on the following day.

REASON: To ensure that noise and disturbance at neighbouring homes is minimised, in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Design) of the Harrow Development Management Policies (2013).

19 The maximum vertical illuminate at the rear elevation of residential properties outside the site due to the floodlights shall not exceed the value of 10 lux as set out in the Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals for the E3 Environmental Zone. If lux values exceed this figure, a scheme of mitigation shall be prepared and submitted to Harrow Council as local planning authority to identify the measures to be taken to address the light spill. The floodlights shall not be used if the lux levels exceed 10 lux until appropriate measures have been implemented in accordance with scheme submitted to and approved in writing by Harrow Council.

REASON: To protect neighbouring residents from light spill in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

20 Within three months of the date of this decision, a scheme for the testing, commissioning, monitoring and evaluation of the floodlights at the site to demonstrate that they are compliant with the maximum vertical illuminate value of 10 lux when measured from the rear element of residential properties shall have been submitted to the Local Planning authority. The scheme shall include:

- Identification of monitoring points
- The regularity and methodology of monitoring and testing, and for reporting to the Council
- The date(s) of testing/commissioning prior to the use of the floodlights for the first floodlit match of the 2015/16 season

- Means of enabling local residents to register a complaint and a process for assessing and evaluating that complaint

The scheme shall be approved in writing by the Local Planning Authority if found to be acceptable and shall be carried out in accordance with the approved details.

For the avoidance of doubt, if the scheme is refused in writing by the Local Planning authority, the terms of this condition will be considered not to have been complied with and the development will be in breach of it upon the expiry of three months after the date of this decision.

REASON: To protect neighbouring residents from light spill in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

21 The permitted floodlighting shall only be used on any day between the hours of 08:00 and 22:30 except when evening matches are being played at the main stadium when the floodlighting shall only be used between the hours of 08:00 and 23:00.

REASON: To protect neighbouring residents from light spill in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

22 Other than the floodlights, exterior lighting shall only be used on any day between the hours of 08:00 and 23:00, except lighting in the main car park which shall not be turned on before 08:00 and shall be extinguished no later than 23:30 hours. When holding a match or event, lighting not more than 1 metre above the finished road and car park shall be extinguished not more than 60 minutes after the end of such match or event.

REASON: To protect neighbouring residents from light spill in accordance with the objectives of the National Planning policy Framework (2012), Policy 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

23 The materials used in the construction of the external surfaces of the buildings and structures noted below shall be retained as approved under planning permission P/0002/07:

- (a) The extension/building(s), excluding the East Stand
- (b) The ground surfacing
- (c) The boundary treatment.

The materials used in the construction of the external surfaces of the East Stand and the West Stand shall be retained as submitted and approved under appeal reference APP/M5450/A/2215248.

REASON: To ensure that the appearance of the development is acceptable in accordance with the objectives of the National Planning policy Framework (2012), Policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013).

24 No development shall commence on the North Stand hereby approved before details of materials to be used in its construction have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and permanently maintained in accordance with those details.

REASON: To ensure that the appearance of the development is acceptable in accordance with the objectives of the National Planning policy Framework (2012), Policies 7.4 (Local character) and 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013). This condition is 'pre-commencement' because it is important that the Local Planning Authority can approve materials before they are used in construction.

25 The total number of spectators within the stadium at any one time shall not exceed 5,176.

REASON: In the interests of residential amenity and the safe and free flow of traffic in accordance with the objectives of the National Planning policy Framework (2012), Policies 6.11 (Smoothing traffic flow and tackling congestion), 6.12 (Road network capacity), 6.13 (Parking) and 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development), DM42 (Parking Standards) and DM43 (Transport Assessments and Travel Plans) of the Harrow Development Management Policies (2013).

INFOMATIVES:

1 Statement under Article 35(3) of The Town and Country Planning (Development Management Procedures) (England) Order 2015

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.

2 The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:

0800-1800 hours Monday - Friday (not including Bank Holidays)

0800-1300 hours Saturday

3 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 £14,105 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 £14,105 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 403 sqm

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

4 The following policies are relevant to this decision:

National Planning Policy Statements / Guidance:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Regional Planning Policy

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

3.19 – Sports facilities

4.12 – Improving opportunities for all

5.12 – Flood risk management

5.13 – Sustainable drainage

6.3 – Assessing effects of development on transport capacity

6.10 – Walking

6.11 – Smoothing traffic flow and tackling congestion

6.13 - Parking

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.6 – Architecture

7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

7.18 – Protecting open space and addressing deficiency

Local Planning Policy

Harrow Core Strategy (2012):

Core Policy CS 1 – Overarching Policy

Core Policy CS 9 – Kingsbury and Queensbury

Development Management Policies Local Plan (2013):

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM9 Managing Flood Risk

DM10 On Ste Water Management and Surface Water Attenuation

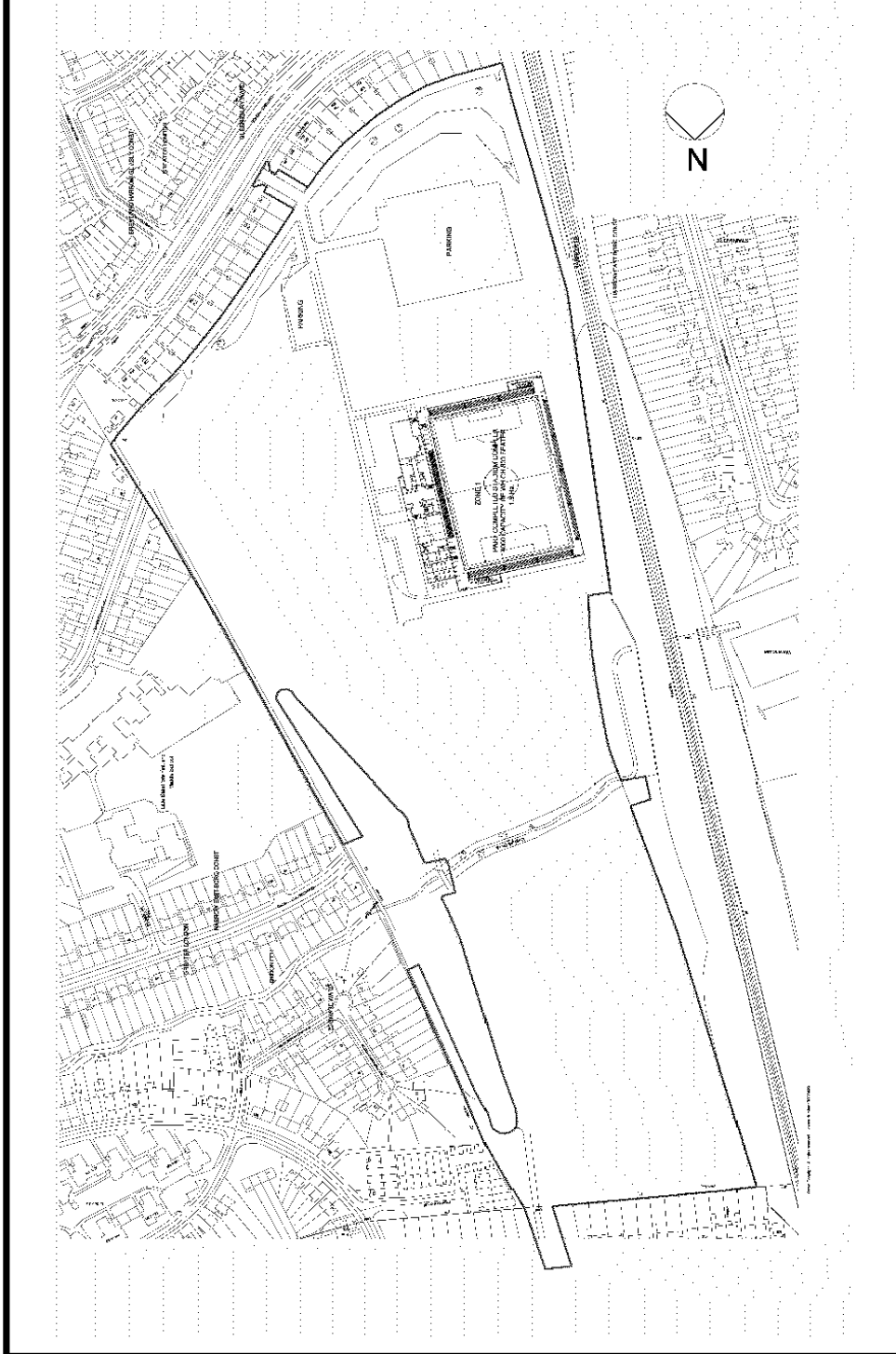
DM18 Protection of Open Space

DM42 Parking Standards

DM48 New Community, Sport and Educational Facilities

Plan numbers: DL1 50001-01, DL1 50001-02, DL1 50001-03, DL1 50001-04 and DL1 50001-05

THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE





Appeal Decision

Site visit made on 21 October 2014

by Paul Freer BA (Hons) LLM MRTPI

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

Decision date: 19 December 2014

Appeal Ref: APP/M5450/A/14/2215248

The Hive Football Centre, Camrose Avenue, Edgware, Middlesex HA8 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Anthony Kleanthous of The Hive (PEPF) Developments Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0665/13, dated 1 March 2013, was refused by notice dated 11 September 2013.
 - The application sought minor amendments to planning permission for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking without complying with a condition attached to planning permission Ref P/0002/07, dated 8 April 2008.
 - The condition in dispute No 29 which states that: The development hereby approved shall be carried out in accordance with the following approved plans: 1183-PL-001A; 1183-PL-020 Rev D; 02 01, 003 North Rev B; 003 South Rev B; 005 Rev C; 006 Rev B; 007 Rev B; 010; 011; 012; 013.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed and planning permission granted for the variation of Condition 29 attached to planning permission Ref P/0002/07 for the redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking. Phase 1 involves internal and external alterations to the East Stand including an additional row of seats; an increase in the height, depth and capacity of the West Stand, including camera position; reduction in capacity of standing areas; increase in the height of floodlights and re-siting of the southern floodlights; additional turnstiles; spectator circulation; fencing; food kiosks and toilets; and alterations to the parking areas. Phase 2 involves the replacement of the North Stand with a seated stand; reduction in the capacity of the standing area in the southern stand; and the extension to the rear of the West Stand to provide indoor spectator space (total stadium capacity is not to exceed that of 5176 as previously approved) at The Hive Football Centre, Camrose Avenue, Edgware, Middlesex HA8 6AG in accordance with the terms of the application, Ref P/0665/13, dated 1 March 2013, subject to the conditions set out in the attached Schedule.

www.planningportal.gov.uk/planninginspectorate

Application for costs

2. An application for costs was made by Mr Anthony Kleanthous of The Hive (PEPF) Developments Ltd against of the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Background to the appeal proposal

3. The condition in dispute was added as a non-material amendment to planning permission P/0002/07 approved by the Council under reference P/2807/12 on 26 November 2012.
4. As set out in the Council's Decision Notice and the appeal form, the minor amendment to planning permission P/0002/07 now sought comprises two phases. Phase 1 involves internal and external alterations to the East Stand including an additional row of seats; an increase in the height, depth and capacity of the West Stand, including camera position; reduction in capacity of standing areas; increase in the height of floodlights and re-siting of the southern floodlights; additional turnstiles; spectator circulation; fencing; food kiosks and toilets; and alterations to the parking areas. Phase 2 involves the replacement of the North Stand with a seated stand; reduction in the capacity of the standing area in the southern stand; and the extension to the rear of the West Stand to provide indoor spectator space. The description of the development also makes it clear that the total stadium capacity is not to exceed that of 5176 as previously approved. In the interests of clarity, I have amended the description of development to specifically include these elements.
5. The appellant explains that the works subject to the minor amendment were substantially completed by the end of July 2013. In September 2013, the Council served an enforcement notice in relation to the enlargement of the West Stand and the increased height of the floodlights, although this was subsequently withdrawn. Having taken specialist and legal advice, the Council later resolved not to defend the reasons for refusal in relation to application for variation of condition 29 of planning permission P/0002/07. Those reasons relate solely to the enlargement of the West Stand and the increased height of the floodlights.

Main Issue

6. Having regard to the above, the main issue is the implications that the variation of the condition would have on the living conditions of the occupiers of dwellings in Aldridge Avenue and Camrose Avenue, specifically in relation to light and outlook.

Reasons

Light

7. As part of my site inspection, I visited Aldridge Avenue and Camrose Avenue both in daylight on the morning of 21 October 2014 and again at 20:00 that same evening. There was a football fixture at The Hive on that evening and I was able to observe for myself the effect of the floodlights on light levels in these roads during the hours of darkness. I noted that the floodlights were prominent from the both locations, particularly so from Aldridge Avenue, and that the floodlights cast strong shadows from the buildings and street furniture in the latter. I can therefore understand the concerns expressed by local

residents in terms of the effect of the floodlights on the living conditions within their homes.

8. As part of the appeal documentation, the appellant has produced a report from a specialist consultant in terms of the light levels generated by the floodlights. That report refers to the Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals (ILP), which sets out Obtrusive Light Limitations for Exterior Lighting Installations for a number of 'Environmental Zones'. The consultant's report considers that the appeal site falls within the E3 Environmental Zone as defined within the ILP Guidance Note, broadly described in that document as being small town centres or suburban locations. I see no reason to dispute that assessment.
9. Within the E3 Environmental Zone, the ILP Guidance Note indicates that the maximum acceptable Obtrusive Light Limitation for Exterior Lighting Installations is 10 lux. Measurements undertaken by the appellant (in consultation with the Council) in October 2013 and January 2014 record a maximum vertical illuminance of 7.5 lux for Aldridge Avenue and 4.89 lux for Camrose Avenue. Both of these values are comfortably below the maximum acceptable Obtrusive Light Limitation for Exterior Lighting Installations of 10 lux set out in the ILP Guidance Note. I have been provided with no evidence to dispute these results or to challenge the validity of the ILP Guidance Note as a method of assessing light levels from floodlights. I am therefore satisfied that these results can be relied upon as being an accurate record of light levels in Aldridge Avenue and Camrose Avenue when the floodlights are in full use.
10. Consequently, notwithstanding that the floodlights have a significant effect on light levels in Aldridge Avenue, and to a lesser extent Camrose Avenue, the resultant light levels are within those considered acceptable for floodlight installations. I therefore consider the variation of condition 29 of planning permission P/0002/07 to be acceptable in this respect.

Outlook

11. The reasons for refusal in relation to this issue does not specify those residential properties which are considered by the Council to be adversely affected in terms of outlook, although those in Aldridge Avenue are the closest to the stadium. The West Stand is some 60 metres from the nearest residential properties in Aldridge Avenue and is separated from those dwellings by the raised embankment of the Jubilee Line. I understand that this embankment was previously heavily vegetated but that this vegetation, including tree planting, has now been removed.
12. The West Stand as constructed is some 5.6 metres higher than that approved under planning permission P/0002/07, although the length/width of the stand has been reduced compared with that originally approved. Notwithstanding the absence of vegetation on the embankment, the separation distance between the dwellings in Aldridge Avenue and the stadium is sufficient to ensure that the increase in height of 5.6 metres is not overbearing or intrusive when viewed from those properties. I am also mindful that the visual impact of the West Stand when viewed from Aldridge Avenue will reduce further when the vegetation on the embankment re-establishes itself.
13. The properties in Camrose Avenue located at a greater distance from the West Stand than those in Aldridge Avenue, and I am satisfied that the resultant

separation distance would be sufficient to ensure that the West Stand would similarly not be overbearing or intrusive when viewed from those properties.

Conclusion on the main issue

14. I conclude that the development as constructed has no unacceptable implications on the living conditions of the occupiers of dwellings in Aldridge Avenue and Camrose Avenue in relation to light or outlook. I therefore conclude that the variation of the condition accords with Policies DM1C and DM48 of the Development Management Policies Local Plan 2013. These policies require, amongst other things, that all development which would be detrimental to the amenity neighbouring occupiers will be resisted, and that proposals that would increase the quality of outdoor sport facilities will be supported provides that there would be no adverse impact residential amenity.
15. The Council's reasons for refusal in relation to outlook also refer to Policy CS1B of the Harrow Core Strategy and Policy 7.4 of the London Plan. However, both of these policies relate primarily to local character and therefore are only of limited relevance to the main issue raised by this appeal.

Other Matters

16. A number of the representations received from local residents refer to problems arising from traffic generation and car parking associated with The Hive. The variation of the condition subject to this appeal would not result in any increase in the overall capacity of the stadium compared with that granted under planning permission P/0002/07. It follows that the variation of condition 29 would not result in any additional traffic or on-street car parking being generated compared with that experienced as a result of activities at The Hive to date. As such, I consider that the concerns expressed by local residents in these respects do not weigh against the variation of condition 29 of that permission subject to this appeal.

Conditions

17. The Council has suggested a number of conditions, some of which repeat those imposed planning permission P/0002/07 or subsequent variations. I consider that a condition limiting the use of the premises specified on the application is necessary. Conditions to continue the present restriction of the loading of goods and passengers to within the site are necessary, as is a condition to ensure that pedestrian access from Whitchurch Lane is retained when the site is in use. It is similarly necessary that the current scheme for making provision for step-free access to the buildings for people with impaired mobility is retained.
18. In the interests of controlling the flow of flood water across the site, the suggested conditions relating to the storage of spoil and materials, alterations to ground level, the erection of walls and fences are necessary. In order to ensure adequate drainage on the site, conditions requiring the retention of measures for the disposal and control of surface water and of sewage are necessary. In the interests of safeguarding the amenities of residents and the character of the locality conditions requiring the retention of boundary treatments and landscaping are necessary. Similarly, in the interests of safeguarding the amenities of residents, conditions requiring the retention of noise insulation of the main stand and the entertainment facility are necessary,

as is the retention of the scheme for the control of noise emanating from the site. However, given the separation distances between the stadium and the neighbouring residential properties, measures to prevent overlooking of surrounding residential properties from the West Stand are not necessary.

19. In addition to a condition restricting vehicular access to Camrose Avenue, the Council has also suggested a condition requiring that the means of vehicular access to the site as approved and implemented under planning permission P/0002/07 shall be retained. The appellant considers that this latter condition is unnecessary because it duplicates the former. However, the Council explains that both conditions were imposed upon the original planning permission and that they have different functions, the first relating to traffic management and the second to the specifications of the vehicular accesses. I concur with the Council that both conditions are required in order to ensure that the free flow of traffic is not prejudiced.
20. The Council has proposed a condition requiring the provision of details of biodiversity measures to be submitted. No such condition was imposed upon the original planning permission, although the Council explains that the development plan has changed significantly in this respect in the interim. In particular, Policy DM21 of the Development Management Policies document, which the Council relies upon in support of this condition, requires that proposals should secure the restoration and re-creation of significant components of the natural environment as part of the design and layout of the development. However, I have been provided with no evidence to suggest that the site was a significant component of the natural environment prior to the development being constructed or that it has subsequently assumed such significance, and I therefore consider that the proposed condition is not justified under the terms of that policy.
21. The Council has suggested a condition requiring that the smaller car park (as shown on Drawing No 380 PL(0) 1001) shall not be used in conjunction with the entertainment facilities after 18:00 on any day, this also being a condition imposed upon the original planning permission. The appellant contends that on match days the site operates in accordance with the Traffic Management Plan, such that the proposed condition is not necessary. However, the Council explains that the reason for the condition relates to the amenity of adjoining residential occupiers rather than traffic management and, in that context, the condition is clearly intended to apply not just on match days. Given the proximity of this car park to neighbouring residential properties, I consider that such a condition is necessary in order to protect the amenities of the occupiers of those dwellings.
22. Also in the interests of safeguarding the amenities of the occupiers of neighbouring residential dwellings, the Council has suggested conditions to impose limits on the lux levels experienced at those properties and the submission of a scheme for monitoring of light values. It is clear from the representations received from some local residents that the light levels produced by the floodlights are a concern. The appellant relies upon the lux levels within the ILP report as justification for the retention of the floodlights and, because the lux levels at the neighbouring residential properties are within the limits deemed acceptable for this location by the ILP, contends that these conditions are unnecessary and unreasonable.

23. In my view, the retention of these floodlights is only justified because the light levels produced fall within the limit deemed acceptable for this location by the ILP. It follows that, should the lux levels specified by the ILP guidance be exceeded, the impact upon neighbouring residential properties is likely to be unacceptable. In order to safeguard the amenities of the occupiers of neighbouring residential dwellings, it is therefore essential that light levels do not exceed the limits in the ILP guidance. In the absence of conditions along the lines proposed by the Council, any future changes to the angles at which the floodlights are fixed could increase lux levels at the adjoining residential properties and therefore unacceptably affect living conditions at those properties. I therefore consider that these conditions are necessary.
24. I accept that the imposition of these conditions would have financial implications for the appellant and that the ongoing monitoring of light levels would be onerous. However, given that the increase in light levels at adjoining residential properties caused by the use of the floodlights is the direct result of activities at The Hive, I consider that it is not unreasonable that the cost and obligation for monitoring light levels at those properties is borne by the appellant. I accept that there might be some practical difficulties in terms of gaining access to private residential properties, but it would be in the interests of the occupiers of those dwellings to facilitate the monitoring of light levels and consequently I do not consider that such difficulties would make the conditions unenforceable. I therefore consider that these conditions should be imposed.
25. The Council has proposed conditions restricting the hours during which the floodlights and exterior lighting on the site may be used on both batch days and non-match days. The appellant objects to the conditions proposed by the Council, claiming that the hours proposed are shorter than those presently permitted and that the condition is therefore unreasonable. However, as the Council point out, the time at which the floodlights and external lighting may be used during the critical evening period remains unchanged and the conditions now proposed seek to improve the precision of the conditions. I consider that conditions limiting the hours in during which the floodlights and exterior lights may be used are necessary and that hours proposed are reasonable, and have imposed conditions limiting the hours during which the floodlights and exterior lighting on the site may be used as proposed by the Council.
26. The Council proposes a condition requiring the retention of materials used in the development, with the exception of those for the East Stand, to which the appellant has no objection. In addition, the Council proposes a further condition requiring samples of materials for the East stand to be submitted. However, the Council elsewhere states in terms that it considers the materials used in the construction of the East Stand to be acceptable and I concur with the appellant that the condition requiring details to be submitted is not necessary. I have therefore not imposed that condition but, in order to safeguard the appearance of the locality, I have amended the condition requiring the retention of materials used in the development to include those for the East Stand.
27. For the avoidance of doubt, a condition requiring that the development accords with the approved plans in required, taking into account of the fact that the development is substantially complete.

Conclusion

28. Subject to the imposition of the conditions set out in the Schedule below, I am satisfied that the variation of the condition would not have unacceptable implications on the living conditions of the occupiers of dwellings in Aldridge Avenue and Camrose Avenue in relation to light or outlook. Accordingly, I conclude that this appeal should be allowed.

Paul Freer

INSPECTOR

Schedule of Conditions

- 1/ The development hereby permitted shall be carried out in accordance with the following approved plans: 380/PL(0)100 Rev E; 380/PL(0)102 Rev B; 380/PL(0)110 Rev B; 380/PL(0)111 Rev E; 1001; 380/PL(1)100 Rev B; ; 380/PL(1)111 Rev B; ; 380/PL(1)120 Rev B; Design and Access Statement Revision C; Drainage Plan 100 Rev D; Drainage Plan 101 Rev E; Drainage Plan 102 Rev A; Micro Drainage Calculations.
- 2/ The premises shall be used for the purposes specified on the application and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
- 3/ All loading and unloading of goods and passengers shall take place within the site so as to ensure the free flow of traffic both into the site and on the adjoining highway.
- 4/ Except Emergency Services, which may enter and leave by Whitchurch Avenue, all vehicles shall only enter and leave the site via Camrose Avenue. Details of the traffic management measures to give effect to this condition, as approved under planning permission P/0002/07, shall be retained.
- 5/ The means of vehicular access to the site as approved and implemented under planning permission P/0002/07 shall be retained.
- 6/ Pedestrian access to and from Whitchurch Avenue shall be retained at all times when the site is in use.
- 7/ The scheme making provision for people with mobility difficulties to gain access to and egress from the building(s) (without the need to negotiate steps) shall be maintained in accordance with the details approved by the local planning authority under planning permission P/0132/09.
- 8/ No spoil or materials shall be deposited or sorted on that part of the site lying within the area of land liable to flood.
- 9/ No building or altering of ground levels shall take place on that part of the site lying within the area of land liable to flood.
- 10/ No walls or fences shall be constructed or erected on that part of the site lying within the area of land liable to flood.
- 11/ The works for the disposal of surface water as approved under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/1224/09.
- 12/ The surface water control measures as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/1224/09.
- 13/ The works for the disposal of sewage as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the

- details approved by the local planning authority under planning permission P/1224/09.
- 14/ The boundary treatment for the site as approved and implemented under planning permission P/0002/07 shall be maintained in accordance with the details approved by the local planning authority under planning permission P/0132/09.
- 15/ The hard and soft landscaping scheme as approved and implemented under planning permission P/0002/07 shall be retained.
- 16/ The provision made for the insulation of the main stand and entertainment facility against the transmission of noise and vibration and the agreed times during which noise producing activities will be carried out as approved and implemented under planning permission P/0002/07 shall be retained and adhered to.
- 17/ The scheme specifying the provisions for the control of noise emanating from the site as approved and implemented under planning permission P/0002/07 shall be retained and adhered to.
- 18/ The smaller car park, as shown on Drawing No. 380/PL(0) 1001, shall not on any day be used for parking in conjunction with the entertainment facilities between 18:00 and 08:00 on the following day.
- 19/ The maximum vertical illuminate at the rear elevation of residential properties outside the site due to the floodlights shall not exceed the value of 10 lux as set out in the Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals for the E3 Environmental Zone. If lux values exceed this figure, a scheme of mitigation shall be prepared and submitted to Harrow Council as local planning authority to identify the measures to be taken to address the light spill. The floodlights shall not be used if the lux levels exceed 10 lux until appropriate measures have been implemented in accordance with scheme submitted to and approved in writing by Harrow Council.
- 20/ Within three months of the date of this Decision, the appellant shall submit to Harrow Council a scheme for the testing, commissioning, monitoring and evaluation of the floodlights to demonstrate that floodlights are compliant with the maximum vertical illuminate value of 10 lux when measured from at the rear elevation of residential properties. The scheme shall include:
- Identification of monitoring points
 - The regularity and methodology of monitoring and testing, and for reporting to the Council
 - The date(s) of testing/commissioning prior to the use of the floodlights for the first floodlit match of each season
 - Means of enabling local residents to register a complaint and a process for assessing and evaluating that complaint
- The scheme for the testing, commissioning, monitoring and evaluation of the floodlights shall be approved in writing by Harrow Council and thereafter operated in accordance with the approved details.

- 21/ The floodlighting hereby permitted shall only be used on any day between the hours of 08:00 and 22:30 except when evening matches are being played at the main stadium when the floodlighting shall only be used between the hours of 08:00 and 23:00.
- 22/ Other than the floodlights, exterior lighting shall only be used on any day between the hours of 08:00 and 23:00, except lighting in the main car park which shall not be turned on before 08:00 and shall be extinguished no later than 23:30 hours. When holding a match or event, lighting not more than 1 metre above the finished road and car park shall be extinguished not more than 60 minutes after the end of such match or event.
- 23/ The materials used in the construction of the external surfaces of the buildings and structures noted below shall be retained as approved under planning permission P/0002/07:
- (a) The extension/building(s), excluding the East Stand
 - (b) The ground surfacing
 - (c) The boundary treatment.

The materials used in the construction of the external surfaces of the East Stand and the West Stand shall be retained as approved under this Decision.

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01

Address: JOHN LYON SCHOOL PLAYING FIELD, SUDBURY HILL, HARROW

Reference: P/1502/15

Description: CONSTRUCTION OF MULTI-USE GAMES AREA (MUGA); INSTALLATION OF 8 X 15M AND 13 X 5M FLOODLIGHT MASTS; CONSTRUCTION OF TWO TEAM SHELTERS; NEW VEHICULAR ACCESS; CAR PARKING; FOOTPATHS BOUNDARY FENCING AND RETAINING WALLS

Ward: HARROW ON THE HILL

Applicant: THE JOHN LYON SCHOOL

Agent: THE JTS PARTNERSHIP

Case Officer: CATRIONA COOKE

Expiry Date: 21/07/2015

RECOMMENDATION A

GRANT planning permission subject to:

- Conditions set out in the report below;
- No objection being received from Sport England

RECOMMENDATION B

If Sport England object to the application, **REFER** the application to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, as the local planning authority are minded to **GRANT** planning permission.

If the Secretary of State declines to determine the application, Authority to be given to the Divisional Director of Planning to **GRANT** planning permission, subject to conditions.

REASON

The decision to GRANT permission for the MUGA, floodlighting columns and luminaries, team shelters, vehicular access, car parking, footpaths and boundary fencing has been taken having regard to all relevant material considerations including the impact on the character of the conservation area, biodiversity, drainage and neighbouring amenity and for other matters including any comments received in response to publicity and consultation. Notwithstanding an acknowledgement that the development proposals would result in 'less than substantial harm' to the Sudbury Hill Conservation Area and the Harrow on the Hill Area of Special Character and the area in general, officers consider that the public benefits accruing from the proposal would outweigh any such harm.

All matters have been considered with regard to the policies and proposals in the London Plan, the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013) Plan.

INFORMATION

The application is reported to the Planning Committee because the application is for a major development of a site 1.27 hectare and therefore the proposal falls outside of the scheme of delegation under Part 1 (d).

Statutory Return Type: (E) All other largescale major development

Council Interest: None

Gross Floorspace: 0 sqm

Net additional Floorspace: 0 sqm

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

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

Site Description

- The application site comprises large playing fields on the southern side of Sudbury Hill.
- The site is designated a Metropolitan Open Land
- The Sudbury Hill Conservation area within Harrow on the Hill Area of Special Character adjoins the site to the north
- The site has an existing vehicle access on Sudbury Hill leading to an existing hard surfaced car park.
- Site levels fall from north to south and from east to west.

Proposal Details

- Multi-Use Games Area [MUGA] which would be located adjacent to Buchanan Court to the south east and the existing archery centre to the north-west.
- New Vehicle Access from Sudbury Hill
- Extension to existing car park increasing capacity from 70 to 116 spaces.
- Two team shelters on the northern elevation 2.5m high and 4m wide.
- 8 x 15m high floodlights
- Partial de-culverting of watercourse

Revisions to Previous Application

- N/A

Relevant History

- N/A

Pre-Application Discussion (summarised as follows);

The principle for a MUGA on this site would be supported in principle. However, there are concerns with regard to the overall colour of the artificial surface and further information would be required in terms of the impact of the proposed floodlighting on the character and appearance of the conservation area, protected species, in particular bats and upon any adjoining residential amenity.

Community and Stakeholder Engagement

The Council's Statement of Community Involvement (20012) states that '*ideally the results of pre-application consultation should be included in the planning application and form part of the planning application process*'. A Statement of Community Involvement has accompanied the Application and this document explains the programme of public consultation and community engagement carried out prior to the submission of the application. As part of its programme of community engagement, the applicant held a public consultation exercise Tuesday 24th March 2015. Local Ward Councilors and the Harrow Hill Trust were directly invited.

Applicant Submission Documents

- The case for a Multi-use games area (MUGA)
- Statement of Community Involvement
- Proposed MUGA (Artificial Turf Hockey Pitch) Specification
- Lighting Impact Study
- Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment Incorporating Bat Survey Inspection)
- Product specification LED High Output Area/Flood Luminaire Featuring Cree Truewhite technology
- Transport Assessment
- Tree Report
- Design and Heritage Statement

CONSULTATIONS

Conservation Officer – This proposal would see harm to this special character as acknowledged by the design and access statement. In my view, this is due to the additional hardsurfacing and associated loss of trees, parking, footpaths, shelter and floodlighting and fencing in this location. This is because there would be a loss of the characteristic openness and greenery. There would also be a much harder and more urban character to this part of the conservation area due to these proposals which would undermine the characteristic semi-rural character of this part of the conservation area and its setting. It is considered that this harm would be less than substantial under paragraph 134 of the NPPF rather than substantial under paragraph 133.

The National Planning Policy Framework paragraph 132 states any harm requires 'clear and convincing justification'. Public benefits as per paragraph 134 of the NPPF would be a consideration. It is understood and acknowledged that there would be public benefits of the proposal. As yet though it is considered that 'clear and convincing justification' for the harm (particularly in terms of consideration of alternative locations and the need to minimise harm) has not been provided.

In terms of the principle of the proposal, justification has been provided as to why a hockey pitch is required for the school and this is accepted. However, other than stating that the proposed location 'ensures the playing fields can be used to full capacity, retaining as many full size football fields and cricket pitches as possible' it is not clear why the hockey pitch and associated works needs to go here, immediately within and/or next to the conservation area. It is not clear how steps have been taken to ensure that the harm is a last resort. Full justification is required that includes identification of alternatives that were considered less harmful in heritage terms and why these were discounted.

The supporting statement entitled 'the case for a multi-use games area (MUGA)' states: 'following an independent survey and review by the School, it was decided that the optimum and most practical position for the MUGA was at the north end of the playing fields running parallel with Sudbury Hill. This location close to the main pavilion resulted in the loss of two small five a side football training pitches as well as utilising an area of ground previously unused, thus maximising the use of the playing fields themselves'. This suggests the priority has been gaining as much space as possible as the optimum whereas it is not clear whether the need to preserve heritage values was a priority.

When exercising its functions, the local planning authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation area, therefore information is required to address how the harm on the heritage asset is essential to facilitate this proposal. This information is particularly required to comply with paragraph 129 of the NPPF which states steps should be taken to minimise conflict between the heritage asset's conservation and any aspect of the proposal.

If the principle of the proposal in this location was fully justified then the harm would need to be minimised or clear and convincing justification provided for any elements of harm:

- 1) It is considered that the pitch would need to be conditioned to be green and the blue and red omitted. It states it is best for visibility to be blue but this is not a fundamental requirement for the game of hockey.
- 2) It is not clear why a second entrance is required. Paragraph 3.14 of their submitted statement states that the existing is too narrow and so would only be used for the Groundsman's cottage. Could entrance to this not be accessed from the new entrance?
- 3) It is not clear why the shelter is needed and in this location since this would again undermine characteristic open, semi-rural character.
- 4) It is not clear where the justification for the extent of hardsurfacing is provided? Rather than introducing so much permanent hardsurfacing could grasscrete be used more extensively. A management plan would be needed for the grass surface. It would need to be ensured that the level of hardsurfacing and parking is kept to a minimum.
- 5) There is strong concern that the proposed works would require the removal of quite a number of trees (though how many is unclear) due to the new entrance to the park and the way the pitch would be cut into the Sudbury Hill side and a criblock retaining wall proposed which might affect the tree roots.
- 6) The extensive fencing that is 5m at each end of the pitch and 3m at the sides which will create a far more enclosed and urban character harming the openness of the conservation area. Why does some need to be 5m and the others just 3m?
- 7) There is concern about the impact of the 8 x 15m high floodlights on the uninterrupted and open character of this part of the conservation area. It would be important to ensure that justification clearly showed this floodlighting was minimal and hours managed.

In summary therefore, the proposal would have a less than substantial harmful impact on the character and appearance of the conservation area by taking away from the characteristic open, green and semi-rural character of the conservation area. Whilst there are public benefits, it is not considered that clear and convincing justification has been provided and there needs to be more work to minimise harm.

CAAC - This should not be blue. This would be very visible. This would have a big impact on the character of the conservation area. There is a big tree screen but this point is elevated and you do see beyond the screening and it is currently nice to look through. The area now is only a junior football pitch which defines the location. This is changing the character of this area. Green AstroTurf would make a big difference. When you look through you have a junior cricket field at the moment. There are trees and greenery. It is a very nice aspect and a nicely kept school playing field.

Principal concerns are:

1. The amount of hardstanding required for the car and coach-parking.
2. Grasscrete should be used extensively to maintain a green, verdant appearance.
3. The artificial surface is proposed to be blue, with a red strip all the way around. This is not a fundamental requirement. The dark blue colour of the sports surface is quite out of keeping with the MOL and adjacent conservation area and will detract from the green, sylvan character of Sudbury Hill and the playing fields. The blue surfacing of the hockey pitch parallel with Sudbury Road, which, with its border of red, cannot fail to be jarringly visible through the screen of trees along the road.
4. The potential loss of tree screening between the playing fields and Sudbury Hill given the proximity and levels of the play area and related retaining walls. How much is the screen of trees along the border with Sudbury Road at risk of loss? (Messrs. Pryor and Gibson said that there were no TPOs in force.) How many of the trees in the screen belong to the school? There are many well-grown oaks in the screen, and one great one, adjoining the east side of the culvert, seems to be in great danger from the proposed new entrance to the car park. The pitch is cut into the Sudbury Hill side and a criblock retaining wall is proposed. We are concerned about the proximity of trees and cutting into tree roots. This is a very important tree screen. The school claim that no further trees are to be removed. There are inconsistencies within their application. The Planning, Design & Heritage statement (page 8 section 3.17), an overarching document to the application, refers to the "removal of a few low category trees" and that this has been agreed pre-app with the tree officer. We suggest 11 trees is not a few (notwithstanding incursion into root protection areas) and mature category B trees are not low category. We should not have to cross reference and carry out an investigation to arrive at what the reality of a proposal is. I also query on what grounds the tree officer would support their removal.
5. The metal netting surrounding the field has posts at about 2.5 metre intervals (per Messrs. Pryor and Gibson) which, given that it is everywhere at least 1.2 m. high, often much more, will produce a prison-like effect, again, very close to the road.
6. The pitch will be used for hockey, tennis and football practice (only when games are cancelled on main grass pitches). We question the need for 5m fencing at each end of the pitch when 3m is adequate for the sides.
7. We do not see the need to retain the existing entrance which just serves the groundsman's cottage and his yard. The proposed new entrance should be adequate.
8. The new entrance will require significant remodelling to create a gentle slope access for large coaches to enter and exit. This is not clearly demonstrated on any drawings as far as we could tell. This needs to be explored in more detail to ensure a sensitive entrance at the beginning of the Harrow Conservation Areas. It was clear after the meeting that some trees might have to make way for the new car park entrance.
9. They are proposing 8No. 15m high floodlight masts. These will be very intrusive,

as will the lighting of the pitch, which for hockey is brighter than for rugby or football.

10. They are proposing a large canopy structure on the Sudbury Hill side. This is for coaching staff and substitutes and we consider it an intrusion into the open space. Is it really necessary for school or even club use?
11. The Council should be aware that the School appear to have taken out a significant number of trees and created a large hardstanding parking area without planning consent. Similarly, there seems to be a permanent portacabin in the groundsman's yard which has not had planning consent as far as I am aware.
12. There appears to be some significant earthworks towards the South Vale side of the site, which should be further investigated to see if consent would be required.

In summary, the proposal would have a detrimental impact this would have on the area and the likely pressure for further tree removal.

Pebwatch – No comments received

Drainage Engineer: No objection subject to conditions

Highways Authority: The only things to note are that there are no disabled bays indicated on the car park plan; as the drawing isn't detailed we would want to see a plan with dimensions to confirm that the access road is wide enough for two coaches to pass and the vehicle access is sufficient for coach turning circles. Visibility splays would need to be taken into consideration – perhaps cutting back on the vegetation on Sudbury Hill may be necessary (but this isn't shown on these plans).

Landscape Architect: The existing site and area has large areas of open space and greenery that are visually attractive and are important in creating a semi- rural character to the area and a green landscape setting for many of the buildings in the surrounding area.

There would be new views of the proposed MUGA – both the 8 X 15metre high flood lighting columns, luminaires and the proposed retaining structures, earth works, walls and fencing – 5 and 3 metres high enclosure fencing surrounding the MUGA, together with the proposed red and blue all weather pitch surfacing. The extensive fencing would create an enclosed and more urban character to the area and harm the openness of the existing site. This would all be intrusive and unattractive in the landscape and would require new native tree and shrub planting, to screen around the whole of the MUGA, provide a buffer zone and to ultimately try to reduce the impact of the proposed lighting and fencing. The proposed extended car park area would also require native tree and shrub planting to screen the parked vehicles from the longer distance views. New native tree planting would also help to mitigate the loss of the trees, proposed to be removed and enhance the biodiversity of the area.

To enable the MUGA to be screened on the south west side additional space would need to be provided and the spectator area moved or the space between the proposed MUGA and football pitch 4 increased, to provide at least a 5 metre wide planting buffer strip. The buffer strip would need to wrap around the whole of the proposed MUGA. Football pitch 4 is larger than Football pitch 1 and their locations could be swapped around, so Pitch 1 was adjacent to the MUGA – to provide additional space for proposing new native planting strip.

The proposed all weather red and blue coloured surfacing would be obtrusive in the

landscape and the colour would need to be much more subtle and subdued. Any proposed fencing would need to be as subtle a colour and unobtrusive as possible. "Invisible green" colour is a subtle and recessive colour that could be proposed for the fencing and could be used as a special colour for the proposed fencing. The proposed hard materials would require a Planning Condition.

The extended car park proposed reinforced grass. This material would require a planning condition and the use of the car park would require management. The reinforced grass could only be used as an overflow car park and would not work - the grass would not survive on a permanent use basis.

Biodiversity Officer: No bat interest in the immediate site.

Overall, the lighting plans seem to be satisfactory.

In order to minimise impact on invertebrate populations (and as a result, bats too) as a safeguard I would condition in that a UV-filter is fitted to all lighting whether in car park or floodlighting. I cannot find any reference to spectral analysis (but then I am not a lighting engineer) so I am assuming an element of UV light is present. No point in erecting bat boxes if the site is bathed in UV light!

Recommendations for ecological enhancements should be conditioned in i.e. list of species to be planted including locations, planting schedules and numbers and positioning of bird and bat boxes. Bird boxes should cater for London/Harrow Biodiversity Action Plan species which are at home in the urban environment e.g. house sparrow, swift, house martin and starling. Bird and bat boxes should be attached to both trees and existing buildings in suitable locations.

Arboricultural Officer: Submitted details satisfactory

Harrow Hill Trust: In view of its prominent location as part of the girdle of green it seems unnecessary and unthinking philistinism to colour the hard surface in blue and red; excessive loss of trees; consideration should be given to the impact on future occupiers of Buchanan House currently empty but proposal to rebuild as a care home.

Sport England: Further clarification sought on:

1. Whether a cricket team would be displaced or a cricket wicket lost
2. The nature of the surface - whether it is a MUGA or artificial surface

Advertisement

Character of a Conservation Area

Expiry: 28/05/2015

Notification

Sent: 100

Replies: 1

Expiry: 21/05/2015

Site Notice

Erected: 05/06/2015

Expiry : 26/06/2015

Summary of Responses

- Worried about increased traffic and noise especially on the weekend

APPRAISAL

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

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

In this instance, the Development Plan comprises The London Plan (consolidated with alterations since 2011)(2015), the Harrow Core strategy 2012 and Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Development on Metropolitan Open Land and Provision of Outdoor Sports Facilities
Character of the Conservation Area and the Area of Special Character
Residential Amenity
Biodiversity
Development and Flood Risk
Transport and Highways
Equalities Statement
S17 Crime & Disorder Act
Consultation Responses

Development on Metropolitan Open Land and Provision of Outdoor Sports Facilities

Land Use in Metropolitan Open Land

Policy DM17 of the DMP states that proposals for the beneficial use of land in the MOL where the use would not have a greater impact on the openness of the MOL and the purposes of including land within it than the existing use, will be supported. Regard will be given to *inter alia* the visual amenity and character of the MOL, the potential for enhancing public access within the MOL and the setting that the proposed use would provide for heritage assets within the MOL. Policy 7.17 of The London Plan sets out similar aims.

The proposal would accord with the objectives of Metropolitan Open Land policies which seek to increase opportunities for access to sport and recreation. The inclusion of floodlighting in the proposal would ensure that the Multi-Use Games Area [MUGA] would be useable all year around. As they are associated with the sport and recreation use, the development is considered to be an appropriate use within the Metropolitan Open Land.

Visual Amenities and Openness in Metropolitan Open Land

The NPPF and the Local Plan identify the openness and permanence of the MOL as the principal characteristics of it. The proposed development includes an extension of car parking facilities at the site, a new MUGA and its enclosures and the associated 8 floodlight columns. The physical structures associated with the new MUGA, although they would intrude to some extent on the open qualities of the land, are deemed to be a necessary function of the sports and recreation use proposed, given the quality of the pitch that would be provided and the changes in land levels which necessitate higher fencing at the southern end of the site. As ancillary functions of the use proposed, officers consider their form and scale to be satisfactory to ensure that the openness and permanence of the MOL is preserved. The extension of the car parking facilities would impinge to a minor degree on the openness of the MOL. As such, the applicant has indicated that this area would be finished in 'grasscrete' and would be used only as an overspill area. It is recommended that a Management and Use Strategy is required to be approved by the local authority prior to the commencement of the use to ensure the facilities are not used on an over-intensive basis which could be harmful to the MOL. Subject to such a condition, the development would accord with development plan policies in respect of the impact of development on MOL.

Provision of Outdoor Sports Facilities

The applicant has confirmed in response to queries from Sport England that the pitch meets the specifications set out in the Sport England guidance document, '*Selecting the right artificial surface Rev 2, 2010*' for a multi-use games area, principally used for hockey but also providing an appropriate surface for tennis.

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

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

- a. there would be no conflict with Green Belt, Metropolitan Open Land and open space policies;
- b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site; and
- c. there would be no adverse impact on residential amenity or highway safety.

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

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

The proposed would not result in demonstrable harm on local community or biodiversity as outlined in the report below, nor would there be any adverse impact on neighbouring amenity or highway safety.

The applicant outlines three benefits which the new MUGA would provide:

1. The removal of low grade and non-compliant (with Sport England standards) sports area and their replacement with a fully compliant and high quality hockey pitch
2. The removal of a 'school only' sports facility and its replacement with a facility that would be available to the school and the wider community
3. The ability of the school to promote a wider range of sports activities throughout the year to the school and local community

The applicant has confirmed that the proposed location of a sports pitch would result in the loss of a cricket wicket. However, the cricket wicket is the lowest quality of each of the wickets on the sports field. It has a fall of almost 3m from one boundary to the other which does not comply with Sport England's Design Guidance Note: Natural Turf for Sport in terms of appropriate gradients. Because of its proximity to another wicket, the wicket cannot be used when the nearest adjacent cricket wicket is in use. Three good cricket wickets would be retained on the site, notably the number of pitches surveyed in the Harrow Outdoor Sports Strategy 2012. As the MUGA will provide a high quality sports pitch to replace an existing poor quality cricket wicket without detriment to the availability of cricket on the site, moderate weight should be afforded to the 'public benefit' arising.

The existing facilities on the site cater for John Lyon school students only. The applicants have engaged with Harrow Hockey Club on the potential use of the MUGA and indicate that the new facility will provide access for the wider community. The Harrow Outdoor Sports Strategy 2012 notes that the existing changing facilities at John Lyon Playing Fields are 'excellent'. Access to a high quality sports pitches for a sport that is not currently catered for within the borough, with commensurate facilities, will provide a significant 'public benefit' to the wider community. To ensure appropriate access to the site for the wider community would be provided, a Management Strategy would be required which would be secured by the suggested condition. Officers consider that the provision of floodlighting, though it would have an adverse impact on the character of the Sudbury Hill Conservation Area and the Harrow on the Hill Area of Special Character, as outlined below, is crucial to securing the significant public benefits for the site as the space will be available to the community principally when floodlights would be required.

The ability of the school to provide a wider range of activities to students and the community throughout the year should also be afforded moderate weight as a public benefit. The provision of a wider range of sports activities is also likely to enhance the reputation of the school as an educational institution, and to a lesser extent, the Borough of Harrow, as a place of educational excellence.

The proposal would increase sports participation opportunities within John Lyon School and the wider community, in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48. Officers consider the 'public benefits' arising from the use to be significant.

Character of the Sudbury Hill Conservation Area and Harrow on the Hill Area of Special Character

Part of the extended car park would be located within the Sudbury Hill Conservation Area. The remaining area of car park, new access and MUGA would be within the setting of the Sudbury Hill Conservation Area. The entire site area is within the Harrow on the Hill Area of Special Character.

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

Policy DM1 of the Development Management Policies Local Plan seeks to ensure a high standard of development whilst Policy DM7 of the DMP seeks to protect heritage assets.

Policy DM6 of the DMP states that proposals that would realise sustainable opportunities for increased appreciation of, or public access to, areas of special character will be supported. Proposals that would substantially harm an area of special character will be resisted.

Conservation Area

The special character of this part of the conservation area and its setting relates to its openness and greenery and lack of hardsurfacing contributing to a semi-rural character. The dense vegetation and glimpsed views of the uninterrupted open land to the south is an important part of this semi-rural character. The conservation area appraisal and management strategy (CAAMS) refers to the area being special as it forms the main approach to the Hill and has long distance and panoramic views. The CAAMS outlines the importance of the semi-rural character to the conservation area.

The Council's Conservation Officer has objected to the proposal as the additional hardsurfacing and associated loss of trees, the provision of parking, footpaths, shelter and floodlighting and fencing would adversely impact on the conservation area or the setting of the conservation area as a result of the loss of the characteristic openness and greenery. The Conservation Area Advisory Committee has objected on a similar basis.

It is acknowledged that the development would have an urbanising effect on the area. The attractive qualities of the conservation area, namely the semi-rural character of the conservation area and the adjacent area outside of the conservation area would be eroded by the loss of trees and new pathways. The physical structures of the floodlights would have a minimal impact but the 'glow' of the lights when in use would result in a discordant intrusion to the verdant and semi-rural character of the area. Though the lights would be outside of the conservation area, they would nonetheless have an adverse impact upon the setting of it. The proposals would therefore have a harmful effect on the Sudbury Hill Conservation Area, albeit the harm would be 'less than substantial' in the terms set out in the NPPF. It is worth noting that a similar proposal at Lyons, Garlands Lane has been recently approved within the Harrow on the Hill Area of Special Character.

The Area of Special Character would be compromised in a similar fashion by the 'glow' of the floodlights and the urbanising effects of the alterations proposed. As a green and verdant shoulder to the lower slopes of Harrow on the Hill, the Area of Special Character has a strategic role in ensuring 'breathing space' is provided to the historic built environment on the upper slopes of the hill. The proposed development would have a negative impact on this objective. The proposed colour of the MUGA, red and blue, would be particularly harmful as, completed in these colours; the MUGA would have stark and discordant appearance which would contrast sharply with the surrounding environs, to the detriment of the attractive open green qualities of the area generally and the strategic role of the Area of Special Character. A condition requiring a green surface is recommended to mitigate this harm.

The proposed development would therefore be contrary to policy 7.8 of The London Plan 2015, policy CS1 of the Harrow Core Strategy and policies DM1, DM6 and DM7 of the Harrow Development Management Policies Local Plan 2013.

However, the proposal would improve Health and Well-Being in the borough, encourage social interaction through sport and enhance the reputation of the Borough as place of education. It would therefore secure significant public benefits for the Borough. Officers consider that these public benefits, as described above, outweigh the 'less than substantial harm' to the Sudbury Hill Conservation Area. In addition, the use of mitigating planning conditions such as the provision that the pitch shall be green rather than red and blue, biodiversity enhancements and landscaping requirements, coupled with the public benefits of the overall proposal, would outweigh the harm to the Harrow on the Hill Area of Special Character and the character of the area generally.

Residential Amenity

The proposed footpath, floodlighting and MUGA would be located well within the site, with a separation distance of more than 50m to the neighbouring Buchanan Court. This separation distance is considered to be sufficient to mitigate any undue impact in terms of light overspill; disturbance or overbearing impact into this neighbouring property, particularly the use of the land would not change.

It is noted that an objection has been received from a resident of Harrow Fields Gardens regarding increased traffic and noise. It is considered that there would be no significant increase in use of the playing fields and therefore there would be no undue impact on the residential amenities of these neighbouring properties. A further objection from Harrow Hill Trust refers to the impact on Buchanan Court to the west of the proposed MUGA, an unoccupied care home. Planning permission has been granted subject to a legal agreement for the demolition of Buchanan Court and construction of an 80 bedroom care home. The submitted plans show that there would be no habitable rooms on the elevation facing the proposed MUGA. Therefore it is considered that there would be no undue impact on any future occupiers of this site.

With regard to the proposed floodlighting a condition has been recommended restricting the floodlighting from 1600 hours until 2200 hours. This condition would ensure that the floodlighting provided onto the proposed MUGA would not be unduly obtrusive and would have no undue impact on visual amenity. This time limit would permit play to a time consistent with mid-summer natural light and it is considered appropriate that a condition to this effect be imposed. A condition has also been recommended on this application allowing the lights to only be used when they are in working order and when no overspill in addition to the overspill shown on the lighting diagrams is present.

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

Biodiversity

The site is not located within a Site of Nature Conservation Importance [SINC] but may, nonetheless, support a number of species, particularly native birds and bats in light of the dense tree cover, the low levels of light and the proximity of a SINC on the opposite side of Sudbury Hill. The Council's Biodiversity Officer reviewed the submitted Phase 1

Habitat Survey and subject to appropriate safeguarding conditions relating to the nature of the light emanating from the floodlights, considers that the development would not adversely affect protected species. In light of the reduction of trees and potential bat roosts, ecological enhancements to provide bird and bat boxes could be secured by condition, to mitigate any such harm arising. Subject to such a condition, the development would accord with Harrow Core Strategy (2012) policy CS1.E, policy 7.19 of The London Plan (2015), policy DM20 of the Development Management Policies Local Plan (2013) and the Harrow Biodiversity Action Plan (2009).

Development and Flood Risk

The proposal would result in a partial de-culverting of a watercourse adjacent to the proposed MUGA. The Council's Drainage Engineer has recommended conditions to ensure an appropriate scheme of works from the de-culverting of the watercourse is carried out and in light of the additional hardsurfacing of the land, other conditions to ensure surface water is appropriately attenuated. These measures would be required as there would be an overall increase in built up, impermeable surfaces as a result of the scheme. As such, subject to such conditions, it is considered that the proposal would not unduly impact on surface water runoff. Therefore, the proposal would not have an undue impact on flooding, in accordance with the NPPF and London Plan policy 5.13 and Development Management Policies Local Plan (2013) policies DM9, DM10 and DM11.

Transport and Highways

The Highways Authority has commented on the application and raised no objection but noted that details of visibility splays should be provided at the new entrance point. Given the reasonably generous entrance point, it is considered reasonable that these details could be secured by condition. In addition, details of tracking for coaching turning circles are required. In light of the level of hardsurfacing proposed, it is considered that turning areas for buses could be easily accommodated within the site and this could also be secured by condition. As such, no undue impacts on the highway network or vehicle or pedestrian safety would occur as a result of the proposal, thereby according with development plan policies in this regard.

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 the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

S17 Crime & Disorder Act

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

Consultation Responses

- Material Planning concerns have been assessed in the report above.

CONCLUSION

In light of the land values throughout the Borough, and particularly in the part of the Borough in which the application site is located, the Core Strategy acknowledges that quantitative improvements in the provision of outdoor sports facilities and activities are unlikely to be realised. As such, the Local Plan advocates a strategy of qualitative improvement and improving access to such facilities. The proposed development would accord with the Local Plan objective in this regard, realising significant qualitative improvements in the sports facilities providing whilst also securing improved access to them.

Nonetheless, the development would result in 'less than substantial' harm to a designated heritage asset, the Sudbury Hill Conservation Area. It would also have a harmful effect on the strategic purpose of the Harrow on the Hill Area of Special Character and the quality of the local environment in general, albeit officers consider these impacts would be mitigated in part by a condition requiring the surface of the MUGA to be green. Paragraph 134 of the NPPF states that where development proposals would lead to 'less than substantial harm' to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposal would improve Health and Well-Being in the borough, encourage social interaction through sport and enhance the reputation of the Borough as place of education. It would therefore secure significant public benefits for the Borough. Officers consider that these public benefits, as described in the report above, outweigh the 'less than substantial harm' to the Sudbury Hill Conservation Area. In addition, the use of mitigating planning conditions such as the provision that the pitch shall be green rather than red and blue, biodiversity enhancements and landscaping requirements, coupled with the public benefits of the overall proposal, would outweigh the harm to the Harrow on the hill Area of Special Character and the character of the area generally.

Accordingly, officers recommend that the application be granted.

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: 102; P/1401/04 Rev C; P/1401/05 Rev C; 4615/201 Rev B; P/1401/42 Rev B; p/1401/40 Rev C; P/1401/41 Rev C; P/1401/10 Rev A; p/1401/03 Rev D; HLS0568/CPARK/1; HLS0568/200Lux; HLS0568; The case for a Multi-use games area (MUGA); Statement of Community Involvement; Proposed MUGA (Artificial Turf Hockey Pitch) Specification; Lighting Impact Study; Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment Incorporating Bat Survey Inspection); Product specification LED High Output Area/Flood Luminaire Featuring Cree Truewhite technology; Transport Assessment; Tree Report; Design and Heritage Statement
REASON: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding the details on the approved plans, the development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, revised drawings showing the playing surface to be green in colour including manufacturers specifications. The development shall be completed in accordance with the approved details and thereafter retained in that form.

REASON: To limit the impact of development on the adjacent conservation area and the Area of Special Character, thereby according with policies DM1, DM6 and DM7 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

4 Notwithstanding the approved plans, the development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works with sufficient space proposed to provide a buffer zone around the MUGA and a 5m wide buffer zone to the south west of the MUGA, to provide screening with native trees and shrubs and enhancement to the biodiversity of the area. Details of type of fencing for the MUGA should also be provided. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

REASON: To safeguard the character and appearance of the area, in accordance with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

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 character and appearance of the area, in accordance with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

6 No site works or development shall commence until existing and proposed details (including cross sections) of the levels of the MUGA in relation to the adjoining land and any other changes proposed in the levels of the site and details of the retaining wall, 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 site in the interests of the appearance of the development and the impact on the conservation area, the appearance of the development and drainage, in accordance with policy DM22 and DM9 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

7 The development hereby permitted shall not commence until a scheme for the protection of the open watercourse has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a condition survey; proposal of an agreed method of work and risks assessment to the watercourse; details for repairs, blockage clearance, and maintenance and future condition surveys. The development shall be completed in accordance with the approved details and thereafter maintained in that form.

REASON: To protect the integrity of the watercourse, reduce and mitigate the effects of flood risk following in accordance with policy DM11 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

8 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water, surface water attenuation and storage details 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 thereafter maintained in that form.

REASON: To ensure that adequate drainage facilities are provided, as required by policy DM10 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

9 The floodlighting shall only be operational between the hours of 16.00 and 22.00.

REASON: To preserve the character and appearance of the Metropolitan Open Land, adjoining Sudbury Hill Conservation Area and neighbouring amenity in accordance with the provisions of policies DM1 of the Harrow Development Management Policies Local Plan (2013).

10 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, details of ecological enhancements to be made, including list of species to be planted including locations, planting schedules and numbers and positioning of bird and bat boxes.

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

The MUGA shall not be used until the ecological improvements have been completed.

REASON: To ensure that the proposal would not have an unreasonable impact the Harrow on the Hill Borough Grade 1 Site of Nature Conservation Importance (SINC) in accordance with policy DM20 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

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

REASON: To ensure the development would provide an appropriate environment for bat activity and in the interests of the amenities of neighbouring occupiers and in order to comply with the provisions of policies DM1 and DM20 of the Harrow Development Management Policies Local Plan (2013).

12 The development hereby permitted shall not be used until a Management and Use Strategy has to been submitted to, and approved in writing by, the local planning authority. The Management and Use Strategy shall include:

- Details of availability of the MUGA for public access
- Details of all events, and the number of them, that requires use of the overspill car park

The facility shall be used in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the facility would provide public access and would not unduly prejudice the openness and permanence of the Metropolitan Open Land, thereby according with policies DM16 and DM48 of the Harrow Development Management Policies Local Plan 2013. Details are required prior to the commencement of the use to ensure public access is provided throughout the life cycle of the development.

13 The development hereby permitted shall not commence until details of visibility splays for the new access and coach tracking plans for the car park have been submitted to the local planning authority for approval in writing. The development shall be implemented in accordance with the approved details and thereafter retained in that form.

REASON: To safeguard vehicular and pedestrian safety, in accordance with policy DM43 of the Harrow Development Management Policies Local Plan 2013. Details are required prior to the commencement of development to ensure development is carried out in a satisfactory form.

INFORMATIVES

1 The following policies are relevant to this decision:-

National Planning Policy Framework (2012)

The London Plan 2015 (consolidated with amendments since 2011)

3.19 Sports Facilities

5.13 Sustainable Drainage

6.3 Transport Assessments

6.13 Parking Standards

7.4 Local Character

7.6 Architecture

7.17 Metropolitan Open Land

7.19 Biodiversity and Access to Nature

7.21 Trees and Woodlands

Harrow Core Strategy (2012)

Core Policies CS1.B/E

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM6 – Areas of Special Character

DM7 – Heritage Assets

DM9 – Managing Flood Risk

DM10 – On site water Management and Surface Water Attenuation

DM16 – Maintaining the Openness of Green Belt and Metropolitan Open Land

DM20 – Protection of Biodiversity and Access to Nature

DM22 – Trees and Landscaping

DM42 – parking Standards

DM43 – Transport Assessments and Travel Plans

DM48 – Enhancing Outdoor Sport Facilities

The Harrow Biodiversity Action Plan (2009)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 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.

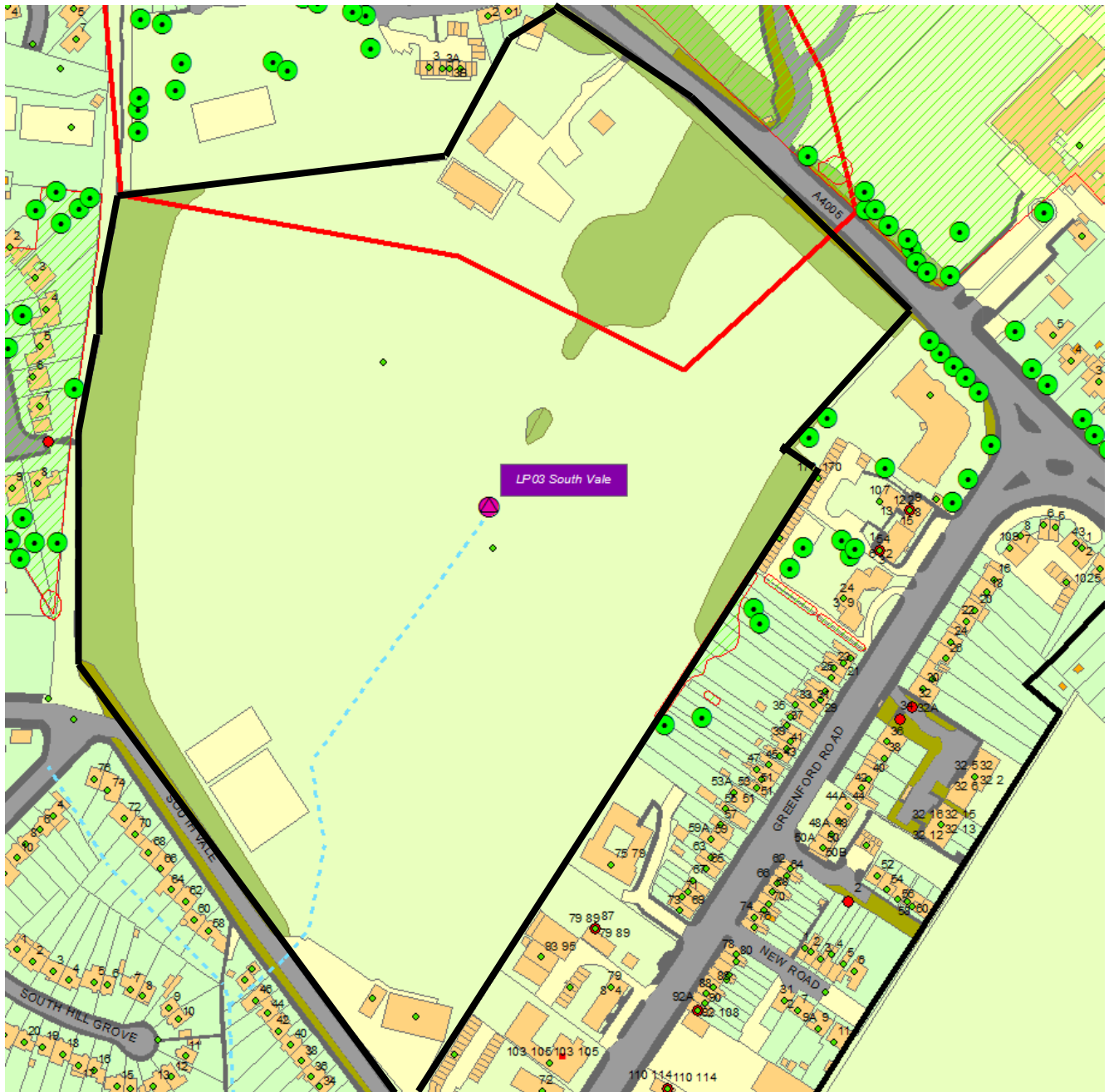
4 INFORMATIVE: IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

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

5 As there is a watercourse running through the site, irrespective of planning permission you would need to apply for Land Drainage Consent from Harrow Drainage Section who is the Lead Local Flood Authority (LLFA). Activities on watercourses that require consent are those that may cause an obstruction to flow, restrict storage, be within the 5 metre set back zone.

Plan Nos: 102; P/1401/04 Rev C; P/1401/05 Rev C; 4615/201 Rev B; P/1401/42 Rev B; p/1401/40 Rev C; P/1401/41 Rev C; P/1401/10 Rev A; p/1401/03 Rev D; HLS0568/CPARK/1; HLS0568/200Lux; HLS0568; The case for a Multi-use games area (MUGA); Statement of Community Involvement; Proposed MUGA (Artificial Turf Hockey Pitch) Specification; Lighting Impact Study; Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment Incorporating Bat Survey Inspection); Product specification LED High Output Area/Flood Luminaire Featuring Cree Truewhite technology; Transport Assessment; Tree Report; Design and Heritage Statement

JOHN LYON PLAYING FIELD, SUDBURY HILL, HARROW



Item No: 2/02
Address: CIVIC CENTRE, STATION ROAD, HARROW
Reference: P/2234/15
Description: CHANGE OF USE OF OFFICE BUILDINGS CIVIC 3-6 (USE CLASS B1) TO SCHOOL (USE CLASS D1)
Ward: MARLBOROUGH
Applicant: HARROW COUNCIL
Agent: LOM
Case Officer: NABEEL KASMANI
Expiry Date: 10/07/2015

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee because the application is on land owned by the Council and the change of use would exceed 100m² floorspace. The Proposal therefore falls outside of the scheme of delegation under Part 1, 1(h).

Statutory Return Type: E.20 Change of Use

Council Interest: The Council is the applicant and the Landowner

Gross additional Floorspace: n/a

Net additional Floorspace: n/a

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

Site Description

- The subject buildings, Civic 3, 4, 5 and 6 are located within the Harrow Civic Centre complex, to the north of the main building (Civic 1). A fence line delineates the subject buildings from the rest of the Civic complex with three access points into the site, to the east, south and west.
- Civic 3 and 4 (Youngmans Building) is a two-storey building with a width of 12m and a depth of 29m. It features a flat roof with a maximum height of 8m. The northern elevation is sited approximately 17m away from the adjoining road to the north, Marlborough Hill. The eastern elevation is set-back 8m from the Civic Vehicular exist road.
- Civic 5 and 6 (The Exchequer Building) comprises a two-storey building with a maximum flat roof height of 8m. The building comprises two rectangular buildings each with a width of 40m and a depth of 12m, linked by two blocks that provide first-floor access between the two wings and additional external stairwells from the first-floor. The building is located 12m to the south of Civic 3/4 and is 11m north of Civic 7. Adjacent to the building in the east is Civic Car Park D to the east while the

Samanvaya Cultural Centre is located 10m to the west.

- A temporary mobile building which is currently being used as a classroom was granted retrospective planning permission on 19th December 2014 (reference: P/3936/14) and is located to the south east of the Exchequer Building.
- A car park allocated for the staff of Marlborough Primary School is located to the east of Civic 3 and 4 at the site of the demolished Civic 2 building.
- Since September 2014, the subject buildings have been used as a school while the original Marlborough Primary School site is being re-developed following the granting of planning permission P/4162/14.
- The existing Notification of a 1 year state funded school (Part 4, Class C of the General Permitted Development Order 2015) expires on 31st July 2015 and would therefore revert back to the previous lawful use (as B1 offices) after this date.
- The Civic Centre Site is located within the Harrow and Wealdstone Opportunity Area, which is subject to an adopted Area Action Plan (AAP)
- The Civic Amenity Site is an allocated site within the AAP.
- The nearest residential dwellings, Nos. 1–42 Churchill Place fronting Marlborough Hill are located approximately 42m to the north of the Youngmans Building while Nos. 1-10 Milton Road are located between 42 and 47m to the west of the Youngmans and Exchequer Buildings.

Proposal Details

- The application is to change the use of Civic Buildings 3, 4, 5 and 6 from Offices (Class B1) to a School (Class D1).
- The change of use floorspace would amount to 2,882m²
- The existing temporary use as a school discontinues at the end of the academic year (July 31st 2015).
- No external alterations are proposed and the submitted plans show that the existing layout of the temporary school would be retained.
- Marlborough Primary School, which currently occupies the site is scheduled to use the application site until Spring 2016.
- The school is open Mondays to Fridays (during term-time) between the hours of 8.30am and 4pm. The school also offers a breakfast club that starts at 8am and an after school club which finishes at 6pm for a small number of students
- There is currently 82 staff employed at the school and 541 pupils on site.
- The school operates staggered times for the morning, lunch and afternoon breaks
- The school has an adopted travel plan for the Civic Centre Site

Revisions to previous application

- n/a

Relevant History

P/3602/14: Notification of a 1 Year State Funded School (Part 4, Class C)

Harrow Council Civic Centre, Buildings 3, 4, 5 & 6 for use as a state-funded school for Marlborough Primary School from 08 Sept 2014

Notification of Permitted Development received on 18/09/2014

- Notification of a 1 Year State Funded School (**Part 4, Class C**)
 - the proposer must specify the date the school to open
 - the use only valid for one academic year and only once for any site
 - lawful use reverts to its previous lawful use at the end of the academic year
 - 'academic year' means 1st August to 31st July

- permanent permitted development (therefore 'application type' needs to remain indefinitely)

P/3936/14: Provision of one temporary mobile building for use as classroom (retrospective)

Granted: 19-12-2014

Pre-Application Discussion (Ref.)

- n/a

Applicant Submission Documents

Planning Statement

- The application covers the change of use of an office building to an education building, with the application being to convert the temporary permission into a permanent permission
- Harrow Council received approval from the Secretary of State Department of Education to use the Exchequer (Civic 5 and 6) and Youngmans (Civic 3 and 4) for a school. The permission was for a temporary change of use of the buildings to facilitate a school, including associated fencing and was applicable for one academic year (1st August 2014 to 31st July 2015)
- The Council would like to extend the use of the site for Marlborough School until the new school is ready at Easter 2016
- The site would then be used for further school decanting
- The new building proposals do not change the existing arrangements regarding community use and access to facilities in terms of either facilities or timings. The new building is intended for school use only

Consultations

Planning Policy and Research

The buildings subject of the application (Civic 3-6) have a temporary grant of permission from B1 to D1. They form part of site allocation AAP 9 – Civic Centre as designated in the Harrow and Wealdstone Area Action Plan. This allocation seeks to realise the complete redevelopment of this site to deliver at least 250 new homes plus new D1 and A class floorspace. The granting of a permanent D1 use for a number of the buildings on this site could therefore sterilise a part of the site, and hinder the comprehensive redevelopment of the site as set out in site allocation AAP 9. Additionally, given the current inefficient energy standard of the buildings and their layout, they are not suitable for a long term use as a school. Given the site allocations land use objectives to provide new D1 floorspace, it is therefore likely that this new floorspace could provide modern and appropriately designed school accommodation that would be fit for purpose. Policy would therefore recommend that a 3 year temporary permission is granted which would fit in with the anticipated timeframes for the sites redevelopment.

Highways

No objections. Recommend a condition be applied to have any existing school that uses the site submit a modified travel plan before occupation of the site and any new school to submit a new travel plan, particularly concentrating on parking arrangements. This is to demonstrate a commitment to encouraging a move to more sustainable modes of transport.

Environmental Health

Not aware of any noise related complaints

Drainage

No Comment

Director of Education

No Comment

Advertisement

Site Notice: 12-06-2015

Addresses Consulted

1 to 4 Barons Mead, HA1 1YB
1 to 98 Churchill Place, HA1 1XZ
11 Kings Way, HA1 1XT
1 to 10 Milton Road, HA1 1XX
9 to 37 (odd) Marlborough Hill, HA1 1TX
44 to 58 (even) Marlborough Hill, HA1 1TY
Samanvaya Cultural Centre, Milton Road, HA1 1XB
33 Railway Approach, HA3 5BX
Flats 1 to 20 Sandridge Close, HA1 1XE
7 to 13 (odd), Station Road, HA1 2UF
Civic Centre, Station Road, HA1 2XF
Milton House, Station Road, HA1 2XY

Summary of Responses

None

APPRAISAL

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

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

In this instance, the Development Plan comprises The London Plan (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.

MAIN CONSIDERATIONS

Principle of Change of Use
Character and Appearance of the Area
Neighbour Amenity
Traffic and Parking
Accessibility
S17 Crime & Disorder Act

Principle of Change of Use

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.

Policy 3.18 of the London Plan (2015) states that the Mayor will support the provision of early, primary, secondary school and further and higher education facilities to meet the demands of a growing and changing population. Furthermore, development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to education educational purposes. Those which address the current projected of primary school places will be particularly encouraged.

The existing school that occupies the site, Marlborough Primary School, is undergoing extensive redevelopment following the approval of planning permission P/4162/14. The temporary existing change of use of the subject buildings from offices (Class B1) to a School (Class D1) was through a Notification received under Part 4, Class C of the General Permitted Development Order (2015). As the Notification is only permitted for 1 academic year, the subject buildings would need to revert back to their previous lawful use of Offices after the 31st July 2015.

The Civic Centre Complex) is located within the Harrow and Wealdstone Opportunity area and is an Allocated Site. The Harrow and Wealdstone Area Action Plan (2013) states that the Civic Centre redevelopment will provide a new mixed used residential led development with a target output of 250 homes and 120 jobs. The leading land use of the site would be residential (Class C3) with supporting land uses of D1 (non-residential institutions), A1-A3, B1 and C1.

Policy DM46 of the Harrow Development Management Policies DPD (2013) states that proposals for the conversion of employment floorspace to community and educational uses will be considered having regard to;

- a) *The principle of the loss of employment floorspace in accordance with Policy DM31: Supporting Economic Activities and Development & DM32: Office Development*
- b) *The impact of the use upon other legitimate uses within the building and neighbouring buildings; and*
- c) *The adequacy of parking and access arrangements*

The Civic Centre site is an allocated site for the purposes of the Harrow Development Plan and it is therefore anticipated that the site will be redeveloped during the course of the Plan period to deliver the intended mixed use residential led development. Policy DM31 of the Development Management Policies DPD (2013) requires that a sequential approach is taken to the release of employment land as detailed in Core Strategy Policy CS1(O)¹ and that a suitable period of continuous marketing activity has been undertaken

¹ Policy CS1(O) undertakes to manage the release of surplus business and industrial premises in accordance with a sequence that starts with non-allocated sites. Policy CS1 P undertakes to set out criteria for the managed release of surplus employment land in the Development Management Policies DPD or the Area Action Plan as appropriate.

without success. However, as the allocated site does not require any new Office (B1) floorspace as part of the redevelopment, the principle of land use established in the Harrow and Wealdstone Area Action plan negates the need for the aforementioned policy test to be passed. It is considered that the use of Civic Buildings 3 – 6 as a school would not have an unduly harmful effect of the neighbouring office buildings, primarily Civic Building 1, which is addressed in part 3 of the report. The suitability of the proposed site meeting objective DM46(b) part C will be addressed in section 4 of the report.

However, Policy AAP4(C) of the Harrow and Wealdstone Area Action Plan (2013) states that development that would prejudice the future development of other parts of a site, adjoining land, or which would frustrate the delivery of the adopted plans and allocated Opportunity Sites will be resisted. The Planning Policy Officer has stated that the granting of a permanent D1 use for a number of the buildings on this site could therefore sterilise a part of the site, and hinder the comprehensive redevelopment of the site as set out in site allocation AAP 9. Furthermore, given the current inefficient energy standard of the buildings and their layout, they are not suitable for a long term use as a school. Given the site allocations land use objectives to provide new D1 floorspace, it is therefore likely that this new floorspace could provide modern and appropriately designed school accommodation that would be fit for purpose. It is therefore advised that a 3 year temporary permission is granted which would fit in with the anticipated timeframes for the sites redevelopment.

In summary, it is considered by Officers that subject to the imposition of a condition restricting the change of use for up to a period of 3 years, the proposed change of use from Offices (B1) to a School (D1) would accord with the broad thrust of the current policy context. The proposed change of use would provide a temporary base for pupils without compromising upon the longer term site specific redevelopment objectives for the site. The proposal would therefore accord with the National Planning Policy Framework (2012), Policy 3.18 of the London Plan (2015), Policy CS1 of the Harrow Core Strategy (2012), Policy DM46 of the Harrow Development Management Policies DPD (2013) and Policy AAP4 of the Harrow and Wealdstone Area Action Plan (2013).

Character and Appearance of the Area

The London Plan (consolidated with alterations since 2011)(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. Policy 7.6B of the London Plan states, inter alia, that all development proposals should be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion, composition, scale and orientation.

Core Policy CS1(B) 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 DM1 of the Council’s Development Management Policies Local Plan 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 is not proposed to alter the external appearance of the existing buildings. Therefore, it is considered that there would be no harm to the character and appearance of the subject buildings or the surrounding area.

In summary, it is considered that the proposal would comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (consolidated with alterations since 2011)(2015), Core Policy CS1B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow DMP (2013)

Neighbour Amenity

Policy 7.6B, subsection D, of The London Plan (consolidated with alterations since 2011)(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. Following on from this, Policy DM1 of the Development Management Policies Local Plan states that 'all development and change of use proposals must achieve a high standard of privacy and amenity. The assessment of privacy and amenity considerations will have regard to the impact of the proposed use and activity upon noise, including hours of operations, vibration, dust, air quality and light pollution.

The subject site has been in operation as a School since September 2014 and the Councils Environmental Health Department have not received any noise related complaints related to the existing use of the buildings as a school to date. Given the separation distance between the existing buildings and the neighbouring dwellings, and the proposed use and associated hours, it is considered that the proposed change of use would not lead to an unacceptable increase in noise and disturbance for neighbouring properties. Furthermore, as no external alterations are proposed, it is considered that there would not be any harm to the amenities of the neighbouring occupiers through loss of light or outlook. Furthermore,

In view of the above, it is considered that the proposal would accord with Policy 7.6B of The London Plan (consolidated with alterations since 2011)(2015) and Policy DM1 of the DMP Local Plan (2013).

Traffic and Parking

Policy 3.18C of The London Plan (2015) will support development proposals which enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. This is further emphasised under Policy 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 onto 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.

Marlborough School is currently undergoing extensive redevelopment and for this reason, the school has decanted to the subject site, as intended until Spring 2016. The distance between the main school site and the temporary site within the Civic Centre complex is only some 350m. Therefore, it is likely that the travel patterns to the temporary site would not be too dissimilar to the main school site given the relatively short distances between the two and the pupils would primarily walk to the temporary school location.

However, as acknowledged in the submitted planning statement, one of the purposes of the proposed change of use would be to enable other schools to temporarily use the site if they are undergoing redevelopment, once Marlborough School moves out of the site in Spring 2016. It is therefore highly likely that pupils of different schools would need to travel significantly greater distances to reach the temporary school site at Civic buildings 3 to 6 which may encourage the use of uncoordinated and less sustainable transport methods. For this reason, the Council's Highways Department have advised that any school that uses the site would need to submit a modified travel plan before occupation of the site and any new school to submit a new Travel Plan, particularly concentrating on parking arrangements.

Therefore, to ensure that a sustainable method of transport is continually in use, a Travel Plan is required to be implemented for each school that uses the site and retained throughout the D1 use. The implementation of the Travel Plans shall be secured by way of a condition, and is recommended accordingly.

Overall, subject to the recommended condition, 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 Policy 6.3 of The London Plan (consolidated with alterations since 2011)(2015) Policy DM 42 and 43 of the Harrow DMP Local Plan (2013), and Policy AAP 19 of the Harrow and Wealdstone Area Action Plan (2013).

Accessibility

Policy 7.2 of The London Plan 20(15) and Policy DM2 of the Harrow Development Management Policies require high quality design standards and development to be accessible to all persons. The Council's adopted the SPD: Access for All (2006) supplements these adopted development plan policies and provides detailed guidance on the standard of development required.

In respect of the proposed change of use, Policy 7.2 of the London Plan (2015) requires all future development to meet the highest standards of accessibility and inclusion. Policy DM2 of the Development Management Policies equally requires a high quality, inclusive and accessible environment that contributes towards achieving Lifetime Neighbourhoods. Part M of the 2010 Building Regulations requires developers to make all reasonable efforts to provide areas that are accessible for all persons. The subject buildings were refitted to provide the necessary layout for the existing school that occupies the site, and the submitted plans show the existing layout and design would be retained. It is therefore considered to be unreasonable to attach a condition requiring access for all persons as this could be secured through other legislation.

The application therefore accords with Policy 7.2 of The London Plan (2015), Policy DM2 of the Development Management Policies and the adopted Supplementary Planning Document 'Access for All' (2006).

S17 Crime & Disorder Act

The proposal would not have any adverse impact on crime and disorder in the area.

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 the reasons considered above and weighing up the development plan policies and proposals and other material considerations, this application is recommended for grant.

CONDITIONS

1 The change of use hereby permitted shall only be permitted until 15th July 2015.

REASON: To ensure the proposed change of use does not prejudice the future development of allocated site, thereby according with Policy AAP4 of the Harrow and Wealdstone Area Action Plan (2013).

2 The use hereby permitted shall not be open to school pupils outside the following times:-

0800 hours to 1800 hours, Monday to Fridays,
without the prior written permission of the local planning authority.

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

3 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification) without the prior written approval of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with Policies DM1 and DM46 of the Development Management Policies Local Plan (2013).

4 Prior to occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for each school that re-locates to the site.

The mitigation measures identified in the Travel Plan shall be implemented for the duration of the development. The Travel Plan seeks to encourage greater use of sustainable modes of transport and suggests ways to achieve this. Should a Transport Assessment be submitted as part of the application then this should include measures to mitigate impact of the development on the public highway.

REASON: To promote sustainable transport in accordance with London Plan policies 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

5 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1500-10-01 Revision E, 1500-20-01 Revision D, 1500-20-02 Revision C, 1500-20-03 Revision C, 1500-PP-04 Revision -, 1500-30-01 Revision -, un-numbered drawing labelled Existing Layout (Ground Floor – Exchequer Building), un-numbered drawing labelled Existing Floor Layout (First Floor Exchequer Building), un-numbered drawing labelled Master (Civic 3 – First Floor), un-numbered drawing labelled existing (Civic 4 – Ground Floor), Planning Statement

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

INFORMATIVES

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

National Planning Policy Framework (2012)

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

3.18 Education Facilities

6.3 Assessing Effects of Development on Transport Capacity

6.13 Parking

7.2 An Inclusive Environment

7.4B Local Character

7.6B Architecture

Harrow Core Strategy (2012)

CS1 Overarching Policy

CS2 Harrow and Wealdstone

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM31 Supporting Economic Activity and Development

DM43 Transport Assessments and Travel Plans

DM46 New Community, Sport and Educational Facilities

Harrow and Wealdstone Area Action Plan (2013)

AAP4 Achieving a High standard of Development throughout the Heart of Harrow

AAP19 Transport, Parking and Access within the Heart of Harrow

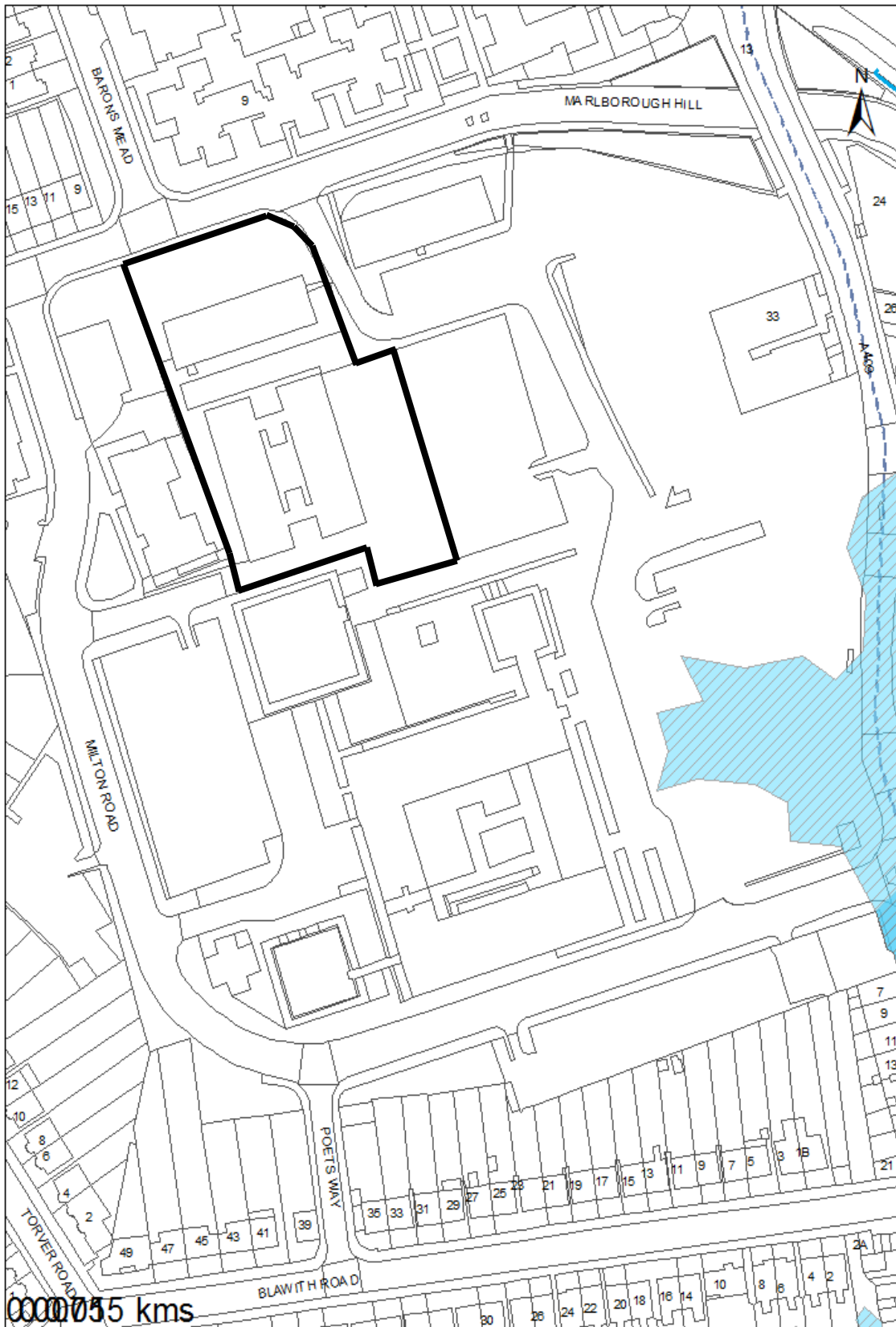
Supplementary Planning Documents

Supplementary Planning Document – Access for All (2006)

Plan Nos: 1500-10-01 Revision E, 1500-20-01 Revision D, 1500-20-02 Revision C, 1500-20-03 Revision C, 1500-PP-04 Revision -, 1500-30-01 Revision -, un-numbered

drawing labelled Existing Layout (Ground Floor – Exchequer Building), un-numbered drawing labelled Existing Floor Layout (First Floor Exchequer Building), un-numbered drawing labelled Master (Civic 3 – First Floor), un-numbered drawing labelled existing (Civic 4 – Ground Floor), Planning Statement

CIVIC CENTRE, STATION ROAD, HARROW



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ITEM NO: 2/03
ADDRESS: CENTENARY PARK, CULVER GROVE, STANMORE
REFERENCE: P/2700/15
DESCRIPTION: DEMOLITION OF EXISTING MAINTENANCE BUILDINGS AND CONSTRUCTION OF SINGLE STOREY BUILDING FOR USE AS CHILDRENS DAY NURSERY (USE CLASS D1)
WARD: EDGWARE
APPLICANT: LONDON BOROUGH OF HARROW
CASE OFFICER: NIKOLAS SMITH
EXPIRY DATE: 24TH AUGUST 2015

RECOMMENDATION

That the Committee resolves to grant planning permission, subject to conditions, and delegates authority to the Divisional Director of Regeneration and Planning to grant the application unless once the statutory consultation period has ended, unless in the opinion of the Divisional Director of the Regeneration and Planning, consultation responses are received between the Committee meeting and the end of the consultation expiry period that require reporting to the Committee.

INFORMATION

This application is reported to the Planning Committee because it involves development on land owned by the Council.

The application therefore falls outside of proviso C of the Scheme of Delegation.

Statutory Return Type: Minor development

Council Interest: The Council owns the land to which the application relates and is the applicant

Gross Floor Space: 140m²

Net Additional Floor Space: 48m²

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £1,680

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): n/a

Site Description

- The site comprises two single-storey maintenance buildings on the eastern side of Centenary Park, immediately to the south of a Police Office and the west of Park High School.
- The park is designated as Open Space and falls within a Critical Drainage Area and provides recreational facilities for Stanmore residents.
- To the north, south and west of the park are housing on Culver Grove, Crowshott Avenue and Charmian Avenue.

Relevant Planning History

There is no relevant planning history at the site.

Proposed Development

It is proposed to demolish the two maintenance buildings at the site and erect a single-storey building to be used as a day nursery, with out-of-hours access to the public.

The building would be 20.65m wide, 8.10m deep and a minimum of 2.65 and a maximum of 2.24m tall with a mono-pitched flat roof.

It would be finished with post render and timber cladding with aluminium cladding. The site would be enclosed by a 2m tall 'park green' coloured wire mesh fence with a new pathway created leading to an entrance gate at the southwest of the site.

Consultation

Environmental Protection : No response at the time of writing.

Highways : No response at the time of writing.

Public Realm Maintenance : No response at the time of writing.

Policy and Research : No response at the time of writing.

Advertisement

Site Notices displayed 30th June 2015 2015 – expiry 21st July 2015

Notifications

6 letters of notification were sent to neighbours of the site.

Summary of responses received

None at the time of writing.

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 (2012) [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 (2013), the Development Management Policies Local Plan (2013), the Site Allocations Local Plan (2013) and Harrow Local Area Map (2013).

Planning considerations

The Principle of the Development

Character and Appearance

Residential Amenity

Traffic and Parking

Equalities and Human Rights

S17 Crime and Disorder Acts

The Principle of the Development

The site is designated as Open Space, as shown on the Harrow Policies Map.

Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan seeks to resist the loss of London's protected open spaces and Policy CS1F of the Harrow Core Strategy seeks to protect it from inappropriate or insensitive development.

Policy DM18 (Protection of Open Space) of the Harrow Development Management Policies acknowledges that open spaces are of great value as places for people to participate in organised sport, play, informal recreational activity and appreciation of the natural environment.

Part C of the policy states that proposals for ancillary development on land identified as open space on the Harrow Policies Map will be supported where:

- a. It is necessary to or would facilitate the proper functioning of the open space;
- b. It is ancillary to the use of the open space;
- c. It would be appropriate in scale;
- d. It would not detract from the open character of the site or surroundings.

These points are taken in turn below:

The functioning of the open space

Whilst this building would not be necessary for the functioning of the open space, providing that appropriate out-of-hours public access was secured, it would facilitate it. A building of this scale and in this location, with the layout proposed, could be used for any number of sport, play and recreational activities by the public, making it compatible with and complimentary to the wider use of Centenary Park.

A planning condition would secure a scheme for ensuring that the building was publically accessible.

An ancillary use

Whilst a day nursery, in itself, might not constitute an ancillary use to Centenary Park, the capacity to hire it for the types of sport, play and recreational uses that would be ancillary addresses this aspect of the policy.

Appropriate scale

The proposed building would replace existing structures at the site and whilst larger than them, would still be proportionate, especially when viewed against the larger buildings to the north and east.

The open character of the surroundings

The building would replace two existing buildings and would be sited on the eastern edge of the site, against the backdrop of the school buildings. As such, there would be no significant reduction in openness. Whilst fencing is proposed, it would be wire mesh and painted green, so as to reduce its impact in this respect.

Policy DM46 (New Community, Sport and Education Facilities) states that proposals for the provision of new community, sport and educational facilities will be supported where:

- a. They are located within the community that they are intended to serve;
- b. They are safe and located in an area of good public accessibility or in town centres;
- c. There would be no adverse impact on residential amenity.

Whilst the Public Transport Accessibility Level is only 1b (very poor), the scale of the building and the likely numbers of people who would use it would not be sufficient to

cause serious harm to the safe and free flow of traffic. Further information relating to the capacity of the building, and the hours that it would be open (to nursery users and the public) will be provided as part of an addendum to this report.

In all other respects, the building would meet the policy aspirations for new community buildings and should be supported here.

The development, subject to an appropriately worded planning condition would meet the tests of Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan, Policy CS1F of the Harrow Core Strategy and Policies DM18 (Protection of Open Space) and DM46 (New Community, Sport and Education Facilities) of the Harrow Development Management Policies and would be acceptable in principle.

Character and Appearance

London Plan policies 7.4 (Local character) and 7.6 (Architecture) seek to ensure that the appearance of developments is acceptable and appropriate in its context. Core Strategy Policy CS1B and Development Management Policy DM1 (Achieving a High Standard of Development) reinforce this requirement at a local level.

The building would be of an appropriate scale and design and would use appropriate materials. The existing maintenance buildings at the site are in quite a poor state of repair and this replacement building would represent a visual improvement.

The development would meet the tests of London Plan policies 7.4 (Local character) and 7.6 (Architecture), Core Strategy Policy CS1B and Development Management Policy DM1 (Achieving a High Standard of Development).

Residential Amenity

London Plan Policy 7.6 (Architecture) seeks to ensure that development does not cause harm to living conditions at neighbouring properties, as does Policy DM1 of the Development Management Policies.

Given the location of the site, so far away from residential buildings and the nature of its use, harm caused by noise or disturbance would be unlikely.

The structure itself would be sited near to the school and the Police Building, rather than houses and so would cause no harm in terms of loss of light or outlook or by casting a shadow.

As such, this scheme would accord with London Plan Policy 7.6 (Architecture) and Policy DM1 of the Development Management Policies.

Traffic and Parking

London Plan Policy 6.13 (Parking), Core Strategy Policy CS1R and Policy DM42 (Parking Standards) of the Development Management Policies all seek to ensure that the highways impacts of a development are controlled by the provision of appropriate levels of car parking within a site.

There would be no vehicular access to the site and so no parking is proposed. Whilst cycle/scooter storage is not shown on the submitted plans, it is clear that there is sufficient space within the site to accommodate it.

The scheme complies with London Plan Policy 6.13 (Parking), Core Strategy Policy CS1R and Policy DM42 (Parking Standards) of the Development Management Policies.

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.

S17 Crime and 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. Policy DM1 of the Development Management Policies Local Plan 2013 seeks to ensure that the assessment of design and layout of new development proposals will have regard to the arrangements for safe access and movement to and within the site. The design and layout of the amended development would continue to comply with 'secure by design' principles.

CONCLUSIONS

Planning permission is sought for the erection of a building to be used as a day nursery within Centenary Park, which is designated Open Space.

A planning condition would ensure that the building was available for public sport, play and recreational use out-of-hours, and so the development would be acceptable in principle.

The development would comply with all relevant policies and guidelines and is recommended for approval, subject to conditions.

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: LM001, PD001, PD002, PD003, PD004, SD001 and Design and Access Statement.

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

3 The building shall not be occupied before a scheme for the out-of-hours public use of the facility for play, sport and recreation has been submitted to and approved by the Local Planning Authority. The scheme shall include:

- The hours within which the building will be available for hire by the public;
- How the availability of the building for private hire will be advertised; and
- Details of how members of the public should go about hiring the building.

REASON: To ensure that the building provides an ancillary function to Centenary Park, in accordance with Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan (2015), Policy CS1F of the Harrow Core Strategy (2012) and Policy DM18

(Protection of Open Space) (2013) of the Harrow Development Management Policies and would be acceptable in principle.

4 The premises shall be used as a day nursery and for sport, play and recreation and for no other purpose, including any other uses falling within Use Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

REASON: To ensure that the building provides an ancillary function to Centenary Park and in the interests of residential amenity and the safe and free flow of traffic in accordance with the objectives of the National Planning Policy Framework (2012), policies 7.18 (Protecting open space and addressing deficiency), 6.11 (Smoothing traffic flow and tackling congestion), 6.12 (Road network capacity), 6.13 (Parking) and 7.6 (Architecture) of the London Plan (consolidated with alterations since 2011) (2015), Policy CS1 (Overarching Principles) of the Harrow Core Strategy (2012) and policies DM1 (Achieving a High Standard of Development), DM18 (Protecting Open Space) DM42 (Parking Standards) and DM43 (Transport Assessments and Travel Plans) of the Harrow Development Management Policies (2013).

INFORMATIVES:

1 Statement under Article 35(3) of The Town and Country Planning (Development Management Procedures) (England) Order 2015

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.

2 The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:

0800-1800 hours Monday - Friday (not including Bank Holidays)

0800-1300 hours Saturday

3 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 £1,680 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 £1,680 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace 42m².

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>

4 The following policies are relevant to this decision:

National Planning Policy Statements / Guidance:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Regional Planning Policy

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

3.19 – Sports facilities

4.12 – Improving opportunities for all

5.12 – Flood risk management

5.13 – Sustainable drainage

6.3 – Assessing effects of development on transport capacity

6.10 – Walking

6.11 – Smoothing traffic flow and tackling congestion

6.13 - Parking

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.6 – Architecture

7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

7.18 – Protecting open space and addressing deficiency

Local Planning Policy

Harrow Core Strategy (2012):

Core Policy CS 1 – Overarching Policy

Core Policy CS 9 – Kingsbury and Queensbury

Development Management Policies Local Plan (2013):

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM9 Managing Flood Risk

DM10 On Ste Water Management and Surface Water Attenuation

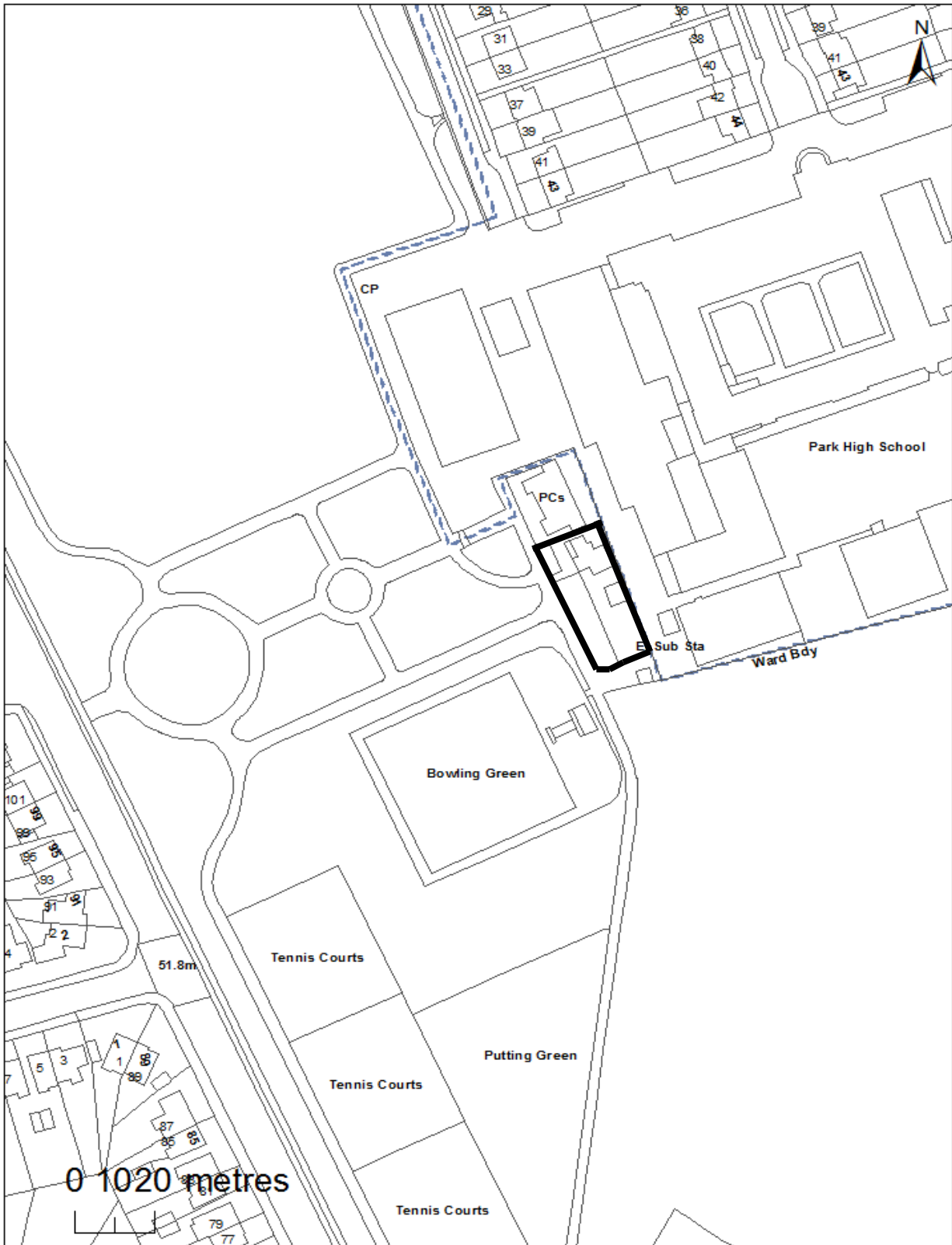
DM18 Protection of Open Space

DM42 Parking Standards

DM46 New Community, Sport and Education Facilities

Plan numbers: LM001, PD001, PD002, PD003, PD004, SD001

CENTENARY PARK, CULVER GROVE, STANMORE



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.