

## SECTION 1 – MAJOR APPLICATIONS

ITEM NO: 1/01

ADDRESS: EQUITABLE HOUSE, LYON ROAD, HARROW

REFERENCE: P/1802/15

DESCRIPTION: VARIATION OF CONDITIONS 23 (APPROVED PLANS), 2 (MATERIALS), 3 (BOUNDARY AND GROUND SURFACING), 4 (LANDSCAPING), 6 (TREE), 8 (SITE LEVELS), 9 (CYCLE PARKING), 11 (SUSTAINABILITY), 12 (DRAINAGE) AND 20 (COMMUNAL TV) ATTACHED TO PLANNING PERMISSION P/2879/14 DATED 17/12/14, WHICH VARIED CONDITIONS (25, 2,3,4,6,9,11,12,13,14,15,21 AND 22) ATTACHED TO PLANNING PERMISSION P/3118/11 DATED 31/10/12 TO PROVIDE AN ADDITIONAL 23 APARTMENTS (BRINGING TOTAL TO 310) AND MINOR CHANGES TO RECONFIGURE THE APPROVED LAYOUT, DETAILED DESIGN AND LANDSCAPING SCHEME

WARD: GREENHILL

APPLICANT: REDROW HOMES (SOUTH EAST) LIMITED

AGENT: PLANNING POTENTIAL LTD

CASE OFFICER: CALLUM SAYERS

EXPIRY DATE: 29/07/2015

### RECOMMENDATION

**GRANT** planning permission subject to conditions and the modification of the section 106 agreement dated 31 October 2012 relating to the planning permission granted under reference P/3118/11 dated 31/10/2012, as amended by P/2879/14 on the 17/12/2014. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

- i. To connect the uplift of residential units from 287 to 310 (49 affordable to 59 affordable units; and a further six affordable rented flats, four shared ownership flats) and secure the uplift in the affordable provision on site.
- ii. To Amend the S.106 to capture the administrative changes

### REASON:

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2015), Harrow's Core Strategy (2012), The Harrow & Wealdstone Area Action Plan (2013), and the policies of the Harrow Development Management Policies Local Plan (2013) listed in the informatives below, as well as to all relevant material considerations including the responses to consultation.

The proposed development would continue to deliver the regeneration of a key town centre site that would help to deliver the Development Plan aspirations for new homes and jobs in the Harrow and Wealdstone Intensification Area. The development would provide new private and affordable homes, contributing to the delivery of new housing required by The London Plan (2015) and the Harrow Core Strategy (2012). The minor amendments in terms of the variations to the approved heights and bulk would continue to provide a high quality development within both the application site and town centre. Furthermore, they would continue to positively contribute to the townscape and skyline, thereby ensuring preservation of nearby heritage assets and also strategic key views within the borough. The revised layout will provide living accommodation for future occupiers that is compliant with current housing requirements, thereby providing a high quality of residential amenity to future occupiers whilst balancing the amenities of existing adjoining occupiers. The information submitted in support of the application demonstrates that the impact upon surrounding properties, traffic conditions, protected trees and the wider panorama, is acceptable, having regard to development plan policies and the aspirations for the Metropolitan Centre of Harrow and the borough which are set out in the Harrow & Wealdstone Area Action Plan (2013).

### **RECOMMENDATION B**

That if, by 2<sup>nd</sup> November 2015 or such extended period as may be agreed in writing by the Divisional Director of Planning, the section 106 is not completed, then delegate the decision to the Divisional Director of Planning to **REFUSE** planning permission for the appropriate reason:

The proposed development, in the absence of a legal agreement to provide appropriate level of affordable housing on site provision that directly relate to the development, would fail to comply with the requirements of policies 3.11 and 3.12 of The London Plan 2011 and policy CS1.J of the Harrow Core Strategy 2012, which seeks to maximise the provision of affordable housing delivery within the borough.

Statutory Return Type: E: All Other Major Development

Council Interest: None

Harrow Community Infrastructure Levy (CIL) Contribution: £1,166,301.50

GLA Community Infrastructure Levy (CIL) Contribution: £165,532.00

### **Background**

This application is reported to the Committee as it is a minor material amendment to a scheme with consists of a number of residential units and floorspace which falls outside of the thresholds (six units and 400 sq m respectively) set by category 1(d) of the Council's Scheme of Delegation for the determination of new development.

### **Site Description**

- The application site comprises a triangular plot, fronting two streets (Lyon Road and St John's Road), which contained the concrete framed office buildings that date from the 1970's, known as Equitable House and Lyon House. Both Equitable House and Lyon House had been vacant (as of June 2010), having previously been occupied by Government agencies.
- The buildings that were located on the site have now been demolished.
- Landscaping is towards the northern and western boundaries with intermittent tree planting to soften the paved circulation areas between the respective buildings. Some of the trees that form part of this landscaping are protected by Tree Preservation

Orders (TPOs).

- The application site itself is located within Harrow town centre, which forms part of the Harrow and Wealdstone Opportunity Area, as identified by The London Plan (2015), Harrow's Core Strategy (2012), and the Harrow and Wealdstone Area Action Plan (2012). Station Road, which forms part of Harrow town centre, lies to the north and west of the application site, but is physically separated by the adjacent buildings.
- To the immediate west of the application site, along Lyon Road, lies Hanover House and Platinum House. Platinum House is a residential building that has been converted from offices, and dominates the area (along with the application site buildings) by virtue of its external appearance, in particular the addition of deep balconies along the entire length of the building. Platinum House is eight storeys and approximately 27.7m high.
- To the east of the application site lies a mix of commercial and residential properties along St John's Road. These include the Cumberland Hotel, Gayton Central Library, and residential flats including Elmer Court and Tapley Court. These range in height from two storeys to four storeys.
- To the south (south east) of the application site lies the residential flats of Greenhill Mansions (five storeys), Murray Court (four storeys) and Wilton Place (three storeys). On the southern tip of the application site lies The Junction Public House.
- The land levels rise quite sharply southwards from the junction of Lyon Road, St Johns Road and Station Road, and then form a plateau at the centre of the complex of buildings, on which the car parking area is located.
- The site has a Public Transport Accessibility Level (PTAL) of 6A. Harrow-on-the-Hill Station (giving access to national rail and Metropolitan underground services) lies due west of the application site, and is approximately 313m distance. Harrow Bus Station is adjacent to this.
- The closest section of the Strategic Road Network is the A400 Sheepcote Road / Station Road, which is 250m to the north. The closest section of TfL's Road Network is approximately five kilometres away.

### **Proposal Details**

- Planning permission was granted planning permission under P/3118/11 on the 31/10/12, subject to a S.106 agreement.
- The previous scheme comprised a major mixed-use urban regeneration scheme, which would involve the demolition of the existing 1970s office buildings, and redevelopment for a predominately residential led scheme involving both private and affordable flats. That scheme also proposed commercial units along Lyon Road (including a space set aside for use as a healthcare facility), and a new B1 office building. 123 off-street parking places, as well as cycle parking were proposed. The approved scheme also sought to enable the creation of a new public space at the northern end of the site, in collaboration with the Council. New landscaping was proposed both within and outside of the application site.

Approved application P3118/11 was subsequently subject to a Minor Material Amendments Application under S.73 (P/2879/14). This application was granted at planning committee on the 17/12/2014 who approved the following minor amendments to the approved scheme;

- Alterations to the appearance of the buildings in relation to fenestration, balconies and materials.
- The heights and width of the approved blocks
- Landscaping

- Internal alterations to future accommodation

This application also sought to discharge a number of conditions that were attached P/3118/11.

- Condition 2 (Materials), Condition 3 (Boundary and Ground Surfacing), Condition 4 (Hard & Soft Landscaping), Condition 6 (Tree Protection Measures), Condition 8 (Site Levels), Condition 9 (Cycle Parking), Condition 11 (Sustainability Strategy), Condition 12 (Drainage), Condition 13 (Demolition Method Statement), Condition 14 (Construction Method Statement), Condition 15 (Construction Logistics Plan), Condition 21 (Secure by Design), Condition 22 (Communal Television Measures).

### **Current Proposal Details**

The current proposal is to make the following minor amendments to the approved scheme;

- An additional 23 residential units, 10 of which would be affordable units.
- Decrease in the amount of commercial floor space by 119sqm
- Revised layout and access arrangements for the ground floor commercial units within Block F.
- Revised footprint of Block B to provide a 'crank' to respond to the internal road layout.
- Increase in the footprint of the basement, which enable the relocation of cycle storage which is currently approved at ground level.
- Changes to the approved landscaping
- Deeper soldier course between the ground floor commercial units and the upper floor residential units.
- Removal of columns at ground floor level of Block C on the West Towers Elevation.
- Introduction of a fire escape to Blocks D/E.

This application also seeks to discharge a number of conditions that were attached P/3118/11, and carried through onto P/2879/14, and are as follows.

- Condition 2 (Materials), Condition 3 (Boundary and Ground Surfacing), Condition 4 (Hard & Soft Landscaping), Condition 6 (Tree Protection Measures), Condition 8 (Site Levels), Condition 9 (Cycle Parking), Condition 11 (Sustainability Strategy), Condition 12 (Drainage), Condition 20 (Communal Television Measures).

### **Environmental Impact Assessment**

An Environmental Impact Assessment was carried out under the original planning permission P/3118/11. At that time, the development fell within the thresholds set out in Schedule 2 of the Town and Country Planning (EIA) Regulations 2011 whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.9 hectares and therefore the proposed development may / may not require an EIA.

The indicative thresholds outlined within Annex A of Circular 02/1999: Environmental Impact Assessment indicate that development for sites which have not previously been intensively developed are more likely to require EIA if they would provide in excess of

10,000 square metres of new commercial floorspace or a 1,000 dwellings. The proposed development is for 3,100 sqm (total) and 310 dwellings, and that the site has been previously developed. The site is not part of wider redevelopment proposals insofar as adjoining sites are concerned, and is within a built up urban area.

As required pursuant to 4(5) of the Regulations and having regard to the criteria set out in Schedule 3, which provides criteria against which a local planning authority might consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effects

Since the grant of planning permission to both the original planning permission P/3118/11 and the subsequent S.73 permission P/2879/14, there has been a change to the EIA regulations (6 April 2015). The changes to the regulations, amongst other things, increased the site area for sites that would need to be screened. In this instance the application site is less than the 5.0ha threshold set by the amended EIA regulations. Accordingly, the application site would be less than the requirements of the amended EIA regulations and is therefore still not an EIA development.

### **Relevant History**

EAST/46/01/FUL – Alterations to ground floor elevations to provide office floor space  
GRANT – 04/05/2001

P/3214/07 – Change of use of part of office block to residential to provide 32 residential units with a two storey extension at roof level and the seven storey extension and retention of 1920 sqm of B1 floorspace (residential permit restricted)  
GRANT – 23/02/2009

P/3118/11

Demolition of Equitable House and Lyon House and erection of seven new buildings of various heights - single storey (lodge), six storeys (blocks a and b), eight storeys (blocks f and h), ten storeys (blocks c and d/e) and 14 storeys (block g) - for a mixed use development, to provide 238 private and 49 affordable residential flats, 3,050.8 square metres of commercial floorspace split into 1,503 square metres of office space (class B1a) and 1,547.8 square metres mixed (classes d1 and mix of A1, A2, and A3), three vehicular accesses from Lyon Road and St John's Road, 123 car parking spaces, landscaping and public realm improvements to Lyon Road and St John's Road.  
GRANTED: 31/10/2012 [SUBJECT TO S.106 AGREEMENT]

P/2879/14

Variation to condition 25 (approved plans) of planning permission P/3118/11, dated 31/10/2012 to alter the approved heights of blocks a, b, c, d, e, f, g and h and to reconfigure the approved layout and landscaping scheme; variation to the wording of conditions 2 (materials), 3 (boundary and ground surfacing), 4 (hard & soft landscaping), 6 (tree protection measures), 8 (site levels), 9 (cycle parking), 11 (sustainability strategy), 12 (drainage), 13 (demolition method statement), 14 (construction method statement), 15 (construction logistics plan), 21 (secure by design), 22 (communal television measures) to allow the discharge of all conditions (revised description).  
GRANTED: 17/12/2014 [SUBJECT TO S.106 AGREEMENT]

P/0167/15

Details pursuant to condition 8 (levels) attached to planning permission P/2879/14 dated 17/12/14 for variation to condition 25 (approved plans) of planning permission p/3118/11, dated 31/10/2012 to alter the approved heights of blocks a, b, c, d, e, f, g and h and to reconfigure the approved layout and landscaping scheme; variation to the wording of conditions 2 (materials), 3 (boundary and ground surfacing), 4 (hard & soft landscaping), 6 (tree protection measures), 9 (cycle parking), 11 (sustainability strategy), 12 (drainage), 13 (demolition method statement), 14 (construction method statement), 15 (construction logistics plan), 21 (secure by design), 22 (communal television measures) to allow the discharge of all conditions.

GRANTED: 17/02/2015

### **Pre-Application Discussion (Ref. Planning Performance Agreement)**

- Principle acceptable
- Design rationale from originally approved scheme to continue to be respected, whilst ensuring the height is kept to the minimum
- Crank within footprint of Block B likely to be acceptable
- Uplift in residential units acceptable provided quality of accommodation maintained and impacts to bulk and height of permitted scheme.
- More detail required around the cantilever of Block F and the lower ground floor area in front of this.
- Resist loss of commercial floor space

### **Applicant Submission Documents**

Design Access Statement

Highways Report

External Material Details (Brick) (Condition 2)

Boundary Treatment (Condition 3)

Landscaping Details (Condition 4)

Tree Protection Details (Condition 6)

Site Levels (Condition 8)

Cycle Parking Details (Condition 9)

Energy and Sustainability Strategy (Condition 11)

Surface Water Drainage Scheme (Condition 12)

Television Reception Strategy (Condition 22)

### **Consultations**

Mayor of London: No Objection. The application has been referred to the GLA as it is a S.73 application that results in an increase in residential properties that would exceed 150 units. Accordingly, the proposed scheme is GLA referable.

Planning Policy: No objection. The application is consistent with The London Plan (2011), Harrow's Core Strategy (2012), and policies in the Harrow and Wealdstone Area Action Plan (2013).

Transport for London: No Objection. The increase of 23 units in this location is unlikely to have an unacceptable impact on the surrounding highway network, and the level of carparking (which has not been increased) is considered to be acceptable. Subject to obligations of the previous S.106 agreement with regard to public realm improvements and way finding signs, there would be no objection to the scheme.

Highway Authority: No objection. The level of parking provision for the residential units is acceptable and in line with The London Plan (2015) standards, as would the level of disabled bays and electric charging points. No parking provision is proposed for the commercial units (aside from one disabled bay), which is in line with the London Plan (2015). Subject to obligations of the previous S.106 agreement with regard to public realm improvements and way finding signs, there would be no objection to the scheme.

A detail submitted in respect of Condition 9 (Cycle parking) is acceptable.

Conservation Officer: No objection.

Landscaping Officer: No objection:

Arboricultural Officer: No objection. Satisfied with the mitigation measures proposed within the Arboricultural Report

Environmental Protection Officer: No objection, subject to conditions in relation to the demolition of the existing building, construction of the new development, and sound insulation measures.

Drainage Engineer: No objection. Details submitted in respect to Condition 12 (Surface Water Drainage Scheme) are acceptable and the condition may be discharged.

Thames Water: No Objection Received.

Environment Agency (EA): No objection to the application.

Crime Prevention Design Advisor: No objection. Confirmed that pre-application meetings have taken place to discuss designing out crime, promoting community safety and resilience to terrorism measures. Measures suggested have been incorporated into the design and supporting documentation.

Campaign for a Better Harrow Environment (CBHE): No Comment Received.

Greenhill Manor Residents Association: No Comment Received.

Harrow Friends of the Earth: No Comment Received.

## **Advertisement**

### **Site Notice (Major Application & Setting of a Listed Building)**

Posted 11<sup>th</sup> May 2015

### **Press Release**

Published 14<sup>th</sup> May 2015

### **Notifications**

Sent: 761

Replies: 0

Expiry: 29/05/2015

## Summary of Responses

- N/A

## APPRAISAL

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

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

In this instance, the Development Plan comprises The London Plan (Consolidated with Alterations Since 2011) 2015, the Harrow Core strategy 2012 and the policies of the Harrow Development Management Policies Local Plan 2013.

## Background

The application is made under S.73 of the Town & Country Planning Act 1990, and seeks the variation of condition 23 of Planning Permission P/3118/11 (dated 31/10/2012) (As amended by P/2879/14 dated 17/12/2014). The variation of condition 23 would enable the applicant to vary the appearance of the scheme in terms of the amendments detailed above. S.73 (2)(b) allows the local planning authority to *'...decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application'*

The applicant has submitted further information relating to pre-commencement conditions that were attached as part of permission P/3118/11 (as amended by P/2879/14) has been submitted as part of this application. This information is considered under this application to determine if the pre-commencement conditions listed above are able to be discharged.

## MAIN CONSIDERATIONS

Principle of the Development  
Affordable Housing Provision  
Housing Supply, Density and Overall Housing Mix  
Employment Floor Space  
Character and Appearance of the Area  
Impact on Key Views and Character of the Area  
Residential Amenity (including HRA)  
Soft Landscaping, Trees and Development  
Traffic and Parking  
Flood Risk and Development  
Sustainability  
Human Rights and Equalities  
S17 Crime & Disorder Act  
Consultation Responses  
Conclusions

## Principle of the Development

The principle of the substantive development has previously been considered acceptable through the grant of planning permission P/3118/11 (dated 31/10/2012).



Since the grant of the original application P/3118/11, the Harrow Unitary Development Plan (2004) has been replaced with Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013. The 2011 London Plan has also been replaced by the 2015 version.

The application site falls within the Harrow Town Centre East Sub Area, and is designated as an Opportunity Area as identified in the London Plan (2015). The Harrow & Wealdstone Area Action Plan (2013) provides site specific guidance for the Lyon Road development (Site 21 – Lyon Road). It is acknowledged within this guidance that the site benefits from an extant planning permission, nonetheless provides key objectives for which the site ought to deliver. Specifically, AAP1(c) encourages the comprehensive redevelopment of large site, of which the application site would constitute.

The site is previously developed Land and therefore the proposal to redevelop this site for a comprehensive development would be in line with the thrust of Core Policy CS.1 which seeks to redirect all new development to previously developed land.

On this basis, it is considered that the principle to develop the site for a comprehensive mixed use redevelopment would be acceptable and would give rise to no conflict with the adopted development plan.

### **Affordable Housing Provision**

#### Affordable Housing Policy and the Proposal's Affordable Housing Offer

The NPPF defines affordable housing as: social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Intermediate housing is defined as homes for sale and rent provided at a cost above social rent but below market levels.

The strategic part of London Plan Policy 3.11 calls for 60% of affordable housing provision to be for social and affordable rent and for 40% to be for intermediate sale or rent, and gives priority to the provision of affordable family housing. However, London Plan Policy 3.12 – which is a planning decisions policy - requires the on-site provision of the maximum reasonable amount of affordable housing from private residential developments.

The London Plan's housing policies are supplemented by the Mayor's Housing SPG (2012). In relation to affordable housing policies, the tone of the SPG is to further emphasise the need for policies to be applied in a manner that maximises output and, having regard to viability, to encourage not restrain housing development.

Having regard to Harrow's local circumstances, Policy CS1 (J) of the Core Strategy sets a Borough-wide target for 40% of all homes delivered over the plan period (to 2026) to be affordable, and calls for the maximum reasonable amount to be provided on development sites having regard to the following considerations:

- the availability of public subsidy;
- the housing mix;
- the provision of family housing;
- the size and type of affordable housing required;

- site circumstances/scheme requirements;
- development viability; and
- the need to meet the 40% Borough-wide target.

Policy DM24 (*Housing Mix*) of the Development Management Policies Local Plan document supports proposals that secure an appropriate mix of housing on the site. The policy undertakes to have regard *inter alia* to the target mix for affordable housing set out in the Planning Obligations SPD and the priority to be afforded to the delivery of affordable family housing.

The proposed development would provide for 310 residential units within the site, which would be an increase in 23 from the previously approved scheme. Policy 3.13A (Affordable Housing Thresholds) of the London Plan (2015) requires that any development which has the capacity to provide 10 or more homes should provide an affordable housing contribution. Core Strategy policy CS1J states that 'the Council will aim for a Borough-wide affordable housing target of 40% of the housing numbers delivered from all sources of supply across the Borough'. Policy CS1.J goes on to say that the Council will seek the maximum reasonable amount of affordable housing on all development sites having regard to a number of criteria, including development viability.

The development proposed here would contribute towards the housing stock and increase the choice of housing in the borough and would therefore find support in policies 3.5 and 3.8 of The London Plan as detailed above.

The Council recognise that not in all circumstances it is viable to provide affordable housing targets within a scheme. Where this cannot be provided on site, a robust viability assessment must be provided to demonstrate that the proposed scheme cannot viably provide this requirement. The previously approved scheme provided a total of 59 affordable units, which resulted in 17% of the units offered as the affordable housing provision for the scheme. Under this application, a Financial Viability Assessment submitted in support of the scheme was submitted, and demonstrated that this was the maximum reasonable offer for the scheme. The proposed development under consideration has offered 10 of the 23 residential units proposed affordable housing, which would be 40% of this uplift. Across the entire scheme, this would result in a site wide contribution of the 310 residential units of 19%.

The applicant has submitted a Financial Viability Appraisal to support the affordable housing provision, given that on a site wide level the scheme would be below the 40% target. The submitted information within the Financial Viability Assessment contains market sensitive information, and as such is unable to be assessed in a public forum. Notwithstanding this, the submitted information has been independently reviewed and tested to ensure that the 40% provision of affordable housing of the uplift of the 23 units under this scheme is the maximum reasonable affordable housing that can be made as part of the proposed scheme. Furthermore, this also demonstrates that on a site wide basis, the 19% affordable provision is the maximum reasonable, which is an increase from 17% from the previously consented scheme.

The independent review concluded that the proposed development could reasonably provide 10 units as an affordable housing contribution from the uplift in 23 units as part of the proposal. The London Plan contains a target mix of 60 per cent affordable rent and 40 per cent intermediate products, over the life of the plan. The 23 units proposed within proposed would provide 6 affordable rented units and 4 shared ownership units

within the block. The securement of 10 affordable units would be located within Buildings D/E which is considered acceptable. The Design & Access Statement notes that the remaining private tenure units would be located within Building G. Whilst it is noted that this document refers to an increase in 15 units (being a total uplift of 25 units), the uplift would indeed be 13 units, whereby giving a total uplift in residential units of 23.

It is considered that the affordable housing offer proposed, subject to appropriate mechanisms to secure its provision through a S.106 agreement would be consistent with the objective of maximising affordable housing output from the site. For these reasons, the proposed development would accord with the spatial development strategy for the borough set out in the Core Strategy, whereby providing a development within the borough that would be in a coherent, efficient and effective manner, according with National Planning Policy Framework 2012, policy 3.5A of The London Plan 2015 and policies CS1.A and CS1.B of the Harrow Core Strategy 2012.

The proposed development would therefore meet the strategic housing aim for the borough and accord with policy 3.13 of the London Plan (2015), Policy CS1.J of the Harrow Core Strategy, policies DM24 and DM50 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

### **Housing Supply, Density and Overall Housing Mix**

Paragraph 48 of the NPPF reminds local planning authorities that housing applications should be considered in the context of the presumption in favour of sustainable development.

London Plan and Local Plan policies on housing development must be viewed in the context of the forecast growth across London and Harrow's spatial strategy for managing growth locally over the plan period to 2026. These are set out in the *Principle of Development* section of this report (above). The proposal's 310 home contribution to housing supply ensures that this strategic site makes an appropriate contribution to the Borough's housing need over the plan period to 2026 and to fulfilling the Core Strategy's target for the Harrow on the Hill and Sudbury Hill sub area, as well as modestly exceeding the housing capacity figure attributed to the site in the Site Allocations Local Plan document.

London Plan Policy 3.4 seeks to optimise housing output from development by applying the sustainable residential quality density matrix at Table 3.2 of the Plan. Supporting text to the policy makes it clear that the density matrix is only the start of planning for housing development and that it should not be applied mechanistically. Further guidance on how the matrix should be applied to proposals is set out in the Mayor's Housing SPG (2012).

The application site area is 0.98 hectares and it has a public transport accessibility level (PTAL) score of 6a indicating an excellent level of public transport accessibility. Within the definitions of the London Plan density matrix, the site is considered to have a Central<sup>1</sup> setting. The proposal, taken as a whole, equates to a density of 316 units per hectare<sup>2</sup> and of 874 habitable rooms per hectare<sup>3</sup>. These densities fall well within the

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<sup>1</sup> 'Central' is defined as: areas with very dense development, a mix of uses, large building footprints and typically buildings of four to six storeys, located within 800m walking distance of an International, Metropolitan, or Major town centre.

<sup>2</sup> Calculated as: 310 dwellings divided by 0.98ha x 1ha.

<sup>3</sup> Calculated as: 857 habitable rooms divided by 0.98ha x 1ha.

overall matrix ranges for urban setting sites with PTAL 6, being between 215-405 units per hectare and 650-1100 habitable rooms per hectare. However, as noted above, the matrix is only the starting point for considering the density of development proposals.

The following is a breakdown of the proposed housing mix across the scheme.

| <b>Housing Mix Across Schemes</b> |                               |                |                                |                |                       |                |
|-----------------------------------|-------------------------------|----------------|--------------------------------|----------------|-----------------------|----------------|
| <b>Unit Size</b>                  | <b>Approved, October 2012</b> |                | <b>Approved, December 2014</b> |                | <b>Current Scheme</b> |                |
| <b>Total Dwelling Numbers</b>     | 287                           |                | 287                            |                | 310                   |                |
| <b>Affordable Market</b>          | 49                            |                | 49                             |                | 59                    |                |
|                                   | 238                           |                | 238                            |                | 251                   |                |
|                                   | Private                       | Affordab<br>le | Private                        | Affordabl<br>e | Private               | Affordabl<br>e |
| Mix – 1Bed                        | 81                            | 6              | 78                             | 7              | 89                    | 10             |
| 2Bed                              | 126                           | 37             | 131                            | 36             | 142                   | 43             |
| 3Bed                              | 29                            | 6              | 27                             | 6              | 20                    | 6              |
| 4Bed                              | 2                             | 0              | 2                              | 0              | 0                     | 0              |

All the proposed residential units would be flats within the development. The table above demonstrates that there would be a satisfactory mix of housing types within the scheme. Whilst it is acknowledged that there would be a higher percentage of 2 bedroom units within the development, the submitted information demonstrates that there would be choice within this housing type also. Indeed there would be both 2bed 3person flats and 2bed 4person flats, which would provide further housing mix within the development.

It is considered that the proposed development would provide a satisfactory density and mix of residential accommodation within the site. The proposed mix of occupancy levels across the entire scheme would provide a satisfactory level of housing choice to both the Borough's market and affordable housing stock. It is therefore considered that the proposal would accord with the policies and guidance listed above.

### **Employment Floor Space**

The London Plan (2015) Policy 4.7 sets out that the Mayor supports a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres. The policy sets out that in taking planning decisions on proposed retail and town centre development, the local planning authority should seek to ensure that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment; that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport, and; that proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.

Strategic objective 11 of The Harrow Core Strategy (2012) identifies that the Council aspires to "Strengthen Harrow town centre and maintain or enhance the vitality and viability of all town centres..." The Harrow Core Strategy (2012) Core Policy CS1L states that "Harrow's town centres will be promoted as the focus for community life,

providing residents with convenient access to a range of shops, services, cultural and leisure facilities, as well as local employment opportunities and areas of good public transport.”

Application P/3118/11 as approved provided 3051sqm of commercial floor space, which was then increased to 3100sqm under application P/2879/14. The commercial floor space provided office (B1) and a mix of D1/A1/A2/A3 on the ground floor units of Blocks D, E, F, and G.

As a result of the reconfiguration of the internal floor space to allow for the further residential units, and with the different tenure mix within the development (specifically block D/E), a further core has been provided. The further core has been provided to ensure that separate access to the block is achieved between the commercial users, and the differing tenures of residential units that are provided within this block. From the originally approved scheme there would be a loss of 70sqm, and from P/2879/14 a loss of 119sqm.

However, whilst it is acknowledged that the proposal would result in a loss of commercial floorspace, the acceptability of the scheme must also be weighed up against what positives it is able to provide within the borough. In this instance the proposed development, which already provides an approved 287 new homes, for which there is a London wide need for, would provide for a further 23 units to the boroughs housing stock. Furthermore, of the increased 23 units provided 10 would be secured as affordable housing. The ability to provide the extra residential units within this highly sustainable site ensures that the site is used in a more efficient manner. Accordingly, a balanced view of the development must be reached to consider its acceptability as a whole.

It is considered that notwithstanding the proposed overall decrease in the quantum of commercial floor space being provided on site, the development would still provide 2981sqm of commercial floor space to the boroughs stocks. Furthermore, as there is currently no commercial floor space provided on site currently onsite, it could be argued that the proposed development does not result in a loss of commercial floor space, rather just offering a lower provision. The proposed floor layouts appear to be functional and useable for future occupiers of these units. It is noted that planning permission allows a flexible use of these units, which allows a greater variety of potential occupiers to these units in a town centre location.

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

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

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

Policy AAP1 of the Harrow & Wealdstone Area Action Plan (2013) gives advice that “all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.” Policy AAP4 goes on to provide further guidance for developments within the heart of Harrow to be of a high standard. This

includes among other requirements, to contribute positively to the wider context in terms of form, ground floor use, and engagement with public pedestrian and cycle routes.

Policy AAP6 of the Harrow & Wealdstone Area Action Plan (2013) provides guidance in relation to the building height of developments within the Heart of Harrow. Specifically, AAP6(C) provides guidance for taller buildings that would be located within the town centre, and how they should respond within this context and the wider area.

### Variations to Bulk

The submitted Design & Access Statement provides a comparison between the scheme approved under P/2879/14, which was a minor material amendment to P/3118/11) and what is proposed under the current scheme.

The approved scheme under P/3118/11 followed a clear design rationale, where by there would be a distinct and noticeable difference between the horizontal and vertical elements within the development. Therefore the re-configuration has been balanced between ensuring the clear design rationale has been followed, whilst ensuring that it would not result in an unacceptable increase in bulk to the approved scheme that would be harmful to the appearance of the development within the site and the wider context. Care has been taken to ensure that the design rationale for the site has not been lost.

P/2879/14 made a number of minor amendments to the P/3118/11 to allow residential accommodation to meet current policy standards, which resulted in an increase in height and breadth of a number of blocks within the development. However, the changes as approved maintained the integrity of the development and adhered to the design rationale of P/3118/11. The current application does not propose to increase the height of the development as approved under P/2879/14. However, the amendments would result in a variation to the appearance of a number of blocks and also the increase in footprint of some.

Across the front elevation of the blocks fronting onto the public realm and also Lyon Road, it is proposed to marginally increase the soldier course between the ground floor commercial unit and the residential units above. This amendment has been made to allow for a traditional advertisement space for future occupiers of the commercial units on the ground floor. Whilst it is acknowledged that the current application does not propose any advertisements, it is expected that applications for advertisement consent would be forthcoming and it is reasonable that appropriate siting be provided.

### Block A

Block A has marginally increased in footprint by approximately 5sqm. It is considered that the marginal increase of 5sqm, in relation to the side of the approved block (approximately 465sqm), would not be visually discernible to the naked eye when viewed from the public highway or within the development itself. It is therefore considered that the proposed increase in the footprint, given its marginal change, would be acceptable in this instance.

### Block B

It is proposed to marginally increase the footprint of this block from 530sqm to 570sqm. This marginal increase in this footprint is as a result of a crank within the footprint of the block, which as approved is currently linear. The proposed crank would align the front elevation to follow the approved internal road layout, which is noted as having a crank within it also. Furthermore, this would result in the front elevation lining up with the front

elevation of Block A to the north. The approved scheme under P/3118/11 ensured that the blocks located along the rear boundary of the site were noticeably separated from each other, and were horizontal in appearance. In achieving this, distinct gaps between each of the blocks ensured that they would be viewed as separate blocks, and not read as a single building line within the development. It is noted that as approved, the gap provided between Block A and B was much wider at the front elevation, and tapered to a smaller gap at the rear elevation. At the rear of the two blocks, the gap as approved is approximately 4.8m, with the front being 7.0m.

The proposed crank would, by reason of turning the building line towards the front elevation of Block A, close the gap between the front elevations of Block A and B. rather than a tapered gap being provided, the two blocks would have a uniform gap provided the full depth of the properties. The gap at both the front and rear between Block and B would be 3.7m. The decrease in the gap and also the removal of the taper will result in a noticeable difference within the development. However, the view that would be seen when viewing from the internal road would as approved, be restricted by the smaller gap to the rear of the two blocks. As a result of the proposed realignment, this gap to the rear would decrease by approximately 1.0m. Whilst it is acknowledged that there would be a narrowing of this gap, the view through the site would be maintained between Block A and B, and would only be marginally narrower from which has been approved and what would be able to viewed through the site.

Whilst it is recognised that the proposed crank within the footprint would result in the front elevation of Block B being lined up with Block A, there would still be a noticeable gap located between the two blocks. This would ensure that there is a satisfactory break between the two blocks, and with block C to the south still retaining a step within the front elevation adjacent to the southern end of Block B. It is considered that the proposed crank within the footprint of Block B, whilst aligning the front elevation with Block A, would still ensure that each of the three blocks within this row would still be read as separate blocks and would maintain the character and urban design principles associated with the previously approved schemes.

### Block C

It is not proposed to amend the footprint of this block. However, there would be minor changes to balcony positions to allow for the internal rearrangements of some of the residential units. The proposed re-positioning of some of the balconies would continue to respect the appearance of the approved scheme, and the sensitive siting of these would ensure that the elevations would not become fussy or cluttered.

Lastly, it is proposed to remove some ground floor columns below the bay window features on the West Tower Elevation. It is considered that the removal of these from the ground floor level would not unacceptably harm the character and appearance of the block. Furthermore, their removal would not result in an unacceptable impact on the design rational of the development. It is therefore considered that these minor amendments are acceptable.

### Blocks D/E

In terms of Block D/E, externally is proposed show a fire escape door on the eastern elevation. However, there are no further external alterations to these two blocks.

The roof profile of Block E has been raised by 0.6m to take ensure that the lift overrun is not visible. This is considered to be an acceptable solution as it will ensure a much

visually cleaner appearance to the block.

### Block F

Block F is located on the frontage with Lyon Road and is currently set back behind the tower of Block G. As approved, this block has a distinctive cantilever on the front elevation, which has the first floor residential over the ground floor commercial units, below the cantilever is space that is available to the ground floor units, which are approved with a flexible use class. The approved cantilever was a purposeful design step to provide a level of interest along this elevation, and its retention is critical in any application being considered.

The proposed variation to Block F would result in the ground floor being realigned within the site, which would result in it being closer to Lyon Road than currently approved. It is noted that the cantilever would remain, and the first floor and above would not move any closer to Lyon Road as a result of the amendment. Essentially, the area located within the front of the commercial units would be made wider, and would be up against the site boundary, which is at the back of the footpath onto Lyon Road.

The proposed variation to the cantilever would increase the space between the front elevation of the lower ground floor commercial units and the Lyon Road public highway. Under the approved scheme, the steps down to the lower ground floor would end relatively abruptly in front of the access doors, and would not provide a functionable area at the bottom of the stairs. Rather, there would be a more open area at the top of the stairs to the back of footpath on Lyon Road. It is now proposed to provide a glazed barrier at the top of the stairs, which allow natural surveillance into the lower ground floor entrance area, and also light down into this area. This would ensure that the space would be more functionable and useable to the future occupiers of the commercial units and would not lead to a fear of crime by creating an area of low lighting and with no natural surveillance.

It is considered that the proposed amendment to the cantilever would continue to respect the design rationale of providing this feature under the previously approved schemes. It is acknowledged that there would be a variation to the open area between the front elevation and Lyon Road, although it is considered that this area would continue to provide a satisfactory area that would be useable to future occupiers of the commercial units, and would also form a legible streetscene within the Lyon Road frontage.

The footprint of Block F is marginally enlarged as a result of the variation to the realignment of the cantilever. However, it is considered that given such a marginal increase, it would not be discernible when viewed from within the streetscene or from the wider public. The marginal increase in footprint is therefore acceptable.

### Block G and H

It is not proposed to alter the footprint of these two blocks. Externally there would be minor changes to balcony positions to allow for the internal rearrangements of some of the residential units. The proposed re-positioning of some of the balconies would continue to respect the appearance of the approved scheme, and the sensitive siting of these would ensure that the elevations would not become fussy or cluttered.

The proposed variations in heights of the blocks are considered to be satisfactory, and would continue to respect the design rationale that was adhered to within both the



original planning permission P/3118/11 and P/2879/14. Furthermore, the proposed minor amendments to the scheme would not unacceptably harm the character of the area or the views onto Harrow on the Hill.

### Materials

In support of the current application, and to discharge condition 2 (materials) of planning permission P/3118/11, the applicant has submitted details of the materials to be used within the development. The details were (apart from the brick to be used) agreed under application P/2879/14). However, the applicant has sought to vary some of the materials that would be used within the development. Specifically, the previously approved aluminium panels to be located within the balconies have been proposed to be removed and replaced with a similar colour laminate. The laminate would effectively replace the aluminium panelling, and would be the same colour as the aluminium. The previously approved aluminium panelling within the balconies provided a high quality material to the scheme, which ensured a high quality finish and appearance of the development within the locality. It is considered that the laminate within the glass balconies, notwithstanding the same colour, would not visually provide as a high quality finish to the development as the aluminium panelling would. The use of the laminate would, not provide a high quality finish to the development, to the detriment of the character and appearance of it within the site and streetscene. It is therefore considered that the proposed use of laminate in replacement of the previously approved aluminium panelling is unacceptable.

Furthermore, no detail has been provided of the appearance of the underside of the balconies. The undersides of the balconies are highly visible within the development and also the wider public area, and accordingly have the potential to appear of poor quality within the development.

It is therefore considered that the detail submitted in relation to the proposed balconies is unsatisfactory, as the materials would fail to be of a high quality which would ensure a high quality development. However, it is considered unreasonable to refuse the scheme on this basis, and revised material details could be secured by way of a safeguarding condition. A condition seeking further detail on the materials and appearance of the balconies has therefore been recommended accordingly.

The applicant has submitted a brick type Ivanhoe Cream. The choice of this brick is in response to discussions held throughout the pre-application process. The submitted brick would present a building of high quality, and would complement the dark grey aluminium windows, doors and balconies. Accordingly, it is considered that the proposed choice of brick would be appropriate.

Notwithstanding the brick type, the large expanse of brickwork which would result from the development has had appropriate design features included within it to provide visual interest to the scheme. Of note, is the chequerboard pattern within the elevations, which is achieved by having some boards with flush mortar and other boards with raked mortar. Furthermore, soldier course bands would provide delineation between the individual floors. This brick design approach is considered to be satisfactory, as it would result in high quality design to the scheme.

At ground floor of Blocks D, E F, and G it is proposed to have a commercial element. This would be within the same locations and of the same floor area as approved under P/2879/14.

The commercial element would have the same brick as the remainder of the development, being Ivanhoe Cream. For the same reasons as given above, this would be a suitable brick type for this development. The commercial element would include an aluminium curtain walling shop front with a Polyester Powder Coated Finish which would be dark Grey (RAL7043) to match the windows detail within the residential element above. Solider course would provide a feature to differentiate between the ground floor commercial unit and the residential above. It is considered that the materials proposed for the ground floor commercial units would be satisfactory, and would enable an active frontage onto Lyon Road. Furthermore, the use of the brick detail would ensure it appears consistent with the residential element above.

#### Hard Landscaping

The current application seeks an amendment to the landscaping that has previously been approved under P/2879/14. The amendments seek to remove the soft landscaping away from being directly adjacent to the elevations of the buildings onsite. The reasoning behind this is for maintenance requirements, as the windows are cleaned via upsailing which requires no obstructions directly adjacent to the elevation. To this end, it is proposed to maintain a gravel strip around the base of the buildings.

The internal element of the development is characterised by being an open space, with some informal children's play equipment. The internal area would form an informal amenity space for the future occupiers of the development, and would be made up of soft landscaping and hard surfacing that would be a shared surface. As such the choice of materials are important to ensure that there would be more of a pedestrian priority within the development, and ensure that any vehicle movements were of a nature to ensure that this shared surface is achieved.

It is noted that there is limited detail of the children's play equipment, other than the locations to where these areas would be located within the development. Accordingly, it is considered appropriate detail is sought in relation to this. An appropriately worded condition has been recommended.

#### Internal Roadway

Internal roadway would be constructed of a permeable paving block on the podium deck of Marshalls 'Tegula' Piora colour 'Traditional' with Marshalls Conservation vehicular kerbs. The proposed materials would provide a clear delineation between the vehicle and pedestrian areas. However, would be of a material have a noticeably different appearance and texture, which would ensure that it would be of a more informal nature than the public highway. It is considered that the proposed hard surfacing of the internal vehicle access would provide a suitable low speed zone for vehicle movements as a shared surface, whilst appearing complementary to the pedestrian hard landscaping.

#### Pedestrian Areas

Pedestrian areas on the podium deck would be a Marshalls 'Mistral' Piora colour 'Harvest Buff'. Kerbs around the soft areas would be Marshalls 'Keyblock' colour natural'. Each of the proposed paving blocks would be permeable. Located within the soft landscaping areas, are seating areas for occupiers of the development. The hard landscaping at these points, and the access to them are via pathways which are comprised of resin bound golden gravel with steel edges.

As with the approved scheme, a commercial element would be provided onto the Lyon Road side of the development. This would therefore provide an active frontage onto this

road. The steps along the Lyon Road frontage would be Marshalls Conservation Smooth Ground Step units which are Silver Grey in colour with non-slip black strip. These would provide a more formal appearance as they are located within the public realm and adjacent to the public highway.

Internally, a high level of soft landscaping has been proposed to enhance the appearance of the proposed development. This is considered further under section 4 of this appraisal.

The submitted ground surfacing materials are considered to be appropriate and would provide a high quality appearance within the area in terms of both the internal informal area and also adjacent to the public realm. Accordingly, it is considered that the proposed materials would achieve the intent of the condition imposed on the original permission (P/3118/11) and amended by way of P/2879/14, and as such Condition 2 may be discharged.

#### Condition 22 (Television Reception Strategy)

Condition 22 of planning permission P/3118/11 required details to be submitted to demonstrate how television reception would be provided to the development. Without a specific strategy to provide for communal reception to a development, the potential for a proliferation of satellite dishes across a development may occur, and would unacceptably harm the appearance of the approved development. Details submitted under P/2879/14 provided locations and detail of where the communal television aerials would be located within the development. Under this scheme, it was considered that the proposal was acceptable, and would not lead to a proliferation of aerials attached to the exterior of the development.

The current application has submitted amended details with regard to the siting and appearance of the television aerials within the development. Each of the blocks would have two satellite dishes and an aerial. It is considered that the appropriate location on each of the blocks within the development, would ensure that communal television would be provided in an appropriate manner. The appropriate siting would ensure that there would not be a proliferation of satellite dishes or aerials onto the exterior of the development, which would unacceptably harm the high quality design and appearance of the development.

It is considered that the proposed amendments to the approved scheme follow a clear and legible design rationale, and would ensure that the overall character and appearance of the proposed scheme would be maintained. Furthermore, the proposed amendments and carefully selected materials would continue to deliver a scheme of high quality design within the context of the site, street scene and wider area. The proposed amendments therefore comply with Policy 7.4 and 7.6 of the London Plan (2015), policies CS1B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

#### **Impact on Key Views and Character of the Area**

London Plan (2015) policy 7.7B/C/D/E is particularly relevant for this proposal, given the nature of the height of the development.

Core Policy CS1 (Overarching Policy) C/D states that "Proposals that would harm identified views or impede access to public viewpoints will be resisted. Proposals that would harm the significance of heritage assets including their setting will be resisted.

The enhancement of heritage assets will be supported and encouraged.

The character of the area surrounding the application sites changes with distance from the south western corner. From the mixed residential developments (and large mature trees along St Johns Road, the residential blocks on Gayton road (and their car park/garage courts adjacent to the site) to the “metropolitan” city forms along Lyon road. In longer views, from the Grove Conservation Area, and from Station Road, the site corresponds to a part of urbanised town centre, with larger scale and more prominent “blocks.”

The scheme granted permission under P/3118/11, noted that the scheme as approved would be visible from numerous points within the town centre and beyond. However, it was considered that the bulk, height, scale and design of the scheme was acceptable within its context, and would not unacceptably harm view corridors or heritage assets. The previously approved scheme under P/2879/14 considered the variations to the height and bulk of the proposal under that scheme to be acceptable. The current scheme, whilst resulting in very marginal increases in the bulk of two of the blocks, the reorientation of one and elevational change one, would not result in an increase in height of the development. Furthermore, the increase in the bulk of a number of the blocks is considered to be externally marginal that it would not be readily noticeable to the naked eye, and accordingly is considered to not have an unacceptable impact on the nearby heritage assets.

Given the sites distance from the Grove Conservation Area, and notwithstanding its visibility, the overall impact of the development on local and more remote conservation and heritage interests, including the setting of St Mary’s Church, Harrow on the Hill to the South, and specific features in the wider landscape (such as Bentley Priory in Harrow weald to the North) is considered to be acceptable and in accordance with the NPPF (2012), The London Plan (2015) policy 7.8 and policies AAP4, AAP6 and APP8 of the Harrow & Wealdstone Area Action plan (2013).

### **Residential Amenity**

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

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

The proposed arrangement is considered acceptable and would accord to the requirements of Core Policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

### Impact on neighbouring amenity

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

and microclimate.

The application proposes a perimeter style development that brings the buildings closer to those surrounding the application site. Given the size, scale and massing of the proposed development, it will have some impacts on the amenities of the surrounding residential and commercial occupiers. The approved scheme under P/3118/11 consented a scheme that would provide a development that would be close to the perimeter of the site, which brought the scale of development closer to adjoining properties. However, it is noted under that scheme that the development would not unacceptably harm the amenity of neighbouring occupiers with regard to daylight/sunlight and privacy/overlooking.

Subsequent to the above approval, P/2879/14 was approved at Planning Committee which dealt with a minor amendment to vary the heights and bulk of a number of the blocks within the development. As mentioned previously, variations to the heights of the buildings were required to enable the residential accommodations to meet current policy standards. It was considered that the variations in heights would not result in an unacceptable level of harm to the neighbouring occupiers.

#### Blocks A and B

The current scheme results in the increase in the footprint of a number of approved blocks, most notably Block A and B. As mentioned previously, Block A would increase by approximately 5sqm. Across the entire block, the increase in bulk would not be discernible to the naked eye. Critically, it is noted that it is not proposed to increase the height of this block. It is considered that the proposed increase in the footprint of Block A is marginal, and would not be readily noticeable from within the site or wider area. Accordingly, the proposed increase in footprint would not lead to unacceptable harm to residential occupiers either within the development or adjacent properties.

The most noticeable increase and variation in footprint within the development would be to Block B, which is proposed to have a crank within it to follow the internal road. As a result the northern flank elevation of Block B would be parallel with the southern flank elevation of Block A, rather than a splayed gap from the front elevation narrowing to the rear elevation. However, it is noted that the variation nearest the rear property boundary, would only be a decrease in the gap of approximately 1.0m. As such the variation in the footprint would not be readily noticeable from outside of the application site. It is considered that the proposed variation in the footprint of Block B would not result in any unacceptable harm to neighbouring residential occupiers.

#### Blocks C/D/E

It is not proposed to vary the footprint or bulk of Blocks C, D or E. However, there would be a slight increase of 0.6m to Block E, which is an increase in the parapet to screen the lift overrun. However, it is considered that this change would be minimal and would not be harmful to residential amenity. Accordingly, it is considered that there would be no harm to neighbouring residential amenity.

#### Block F

It is proposed to alter the ground floor of proposed Block F. As approved this element as approved projects to the rear, and cantilevered under the upper floors. The proposed amendment would see the ground floor shift forwards toward Lyon Road, so that the rear elevation of the ground floor element would be flush with the remainder of the block on the rear elevation. It is noted that there would be no variation to the front building line of

the upper floors of Block F. Further to the above changes, it is also proposed to shift the position of the building by 300mm to the south. Given the size of the block, such a minimal shift would not be readily noticeable from within the streetscene. Furthermore, it is considered that the proposed alterations to the Block F would not unacceptably harm residential amenity of future or existing occupiers.

### Block G

It is proposed to make internal alterations to Block G, which will lead to external changes such as repositioning of balconies. Furthermore, the upper levels of this tower block (10 – 12) would have the same footprint as the lower levels (7 – 9). It is considered that the proposed variations to this block would be minor, and would not result in any changes that would appear as noticeably larger block than that already approved. Accordingly, it is considered that the proposed amendment to the approved bloc would not lead to an unacceptable impact on neighbouring amenity.

### Block H

The only external change to Building H is to marginally increase the west elevation by 300mm. the proposed variation would take the elevation marginally towards Lyon Road, which would be nearer the properties located to the western side of this highway. However, the proposed variation would be extremely minimal in the context of the size and siting of the block. Accordingly, it is considered that the proposed variation in the building line would not unacceptably harm residential amenity.

### Lodge

There are no external amendments to this building.

### Substation

Footprint of this building has been reduced, with cycle storage been relocated to the basement area.

It is considered that the proposed development would therefore not result in an increase in height or bulk that would unacceptably harm the amenity of the adjoining neighbouring occupiers.

### Living Conditions for Future Occupiers

Harrow Core Policy CS1 (Overarching Policy) K states that the Council will require a high standard of residential design and layout consistent with the London Plan (2015) and associated guidance. In mixed tenure schemes a consistent standard of design and layout will be required throughout the development.

The original scheme approved under P3018/11, and amended by P2879/14 provided 287 residential units on site and the provision of commercial floor space. The proposed development now, as a result of internal reconfiguration and the amendment to some footprints of the approved scheme, provide for a further 23 units.

Notwithstanding the changes to the accommodation as approved, the proposed development would continue to provide accommodation that meets the Gross Internal Floor Areas as detailed within the London Plan (2015). The proposed layouts would provide functionable living accommodation, with habitable rooms that would receive a satisfactory level of light and provide adequate outlook for future occupiers.

Overall, the proposed development is considered acceptable in terms of the living

conditions of future occupiers, and would meet the policy objectives of the relevant Development Plan policies, subject to the aforementioned planning conditions.

As required by Condition 8 (Site Levels) of P/2879/14, precise details of the levels of the building, internal road and footpaths in relation to the adjoining land and highways have been provided, which has satisfactorily demonstrated that the site levels would adequately tie in with the surrounding neighbouring and highway levels. This information has been re-submitted with the current application notwithstanding already been discharged under P/0167/15 on the 17/02/2015. The submitted site levels therefore demonstrated that the proposed development would be at an appropriate level in relation to neighbouring sites and public land, which would ensuring that it would safeguard the amenity of neighbouring amenity and future infrastructure improvements to the public highway. A condition has been imposed to ensure development is carried out in accordance with the approved details under application P/0167/15.

### Conclusion

The proposed development would result in some localised additional impacts for some adjacent properties. These impacts need to be weighed in the context of the Development Plan objectives for this site, and for the wider area and a balanced view struck. Officers consider that the revisions to the scheme result in a development that can be permitted, notwithstanding specific localised impacts identified above.

Therefore, it is considered that in this highly urbanised environment, where the mix of residential and commercial properties sit side-by-side, in terms of the impacts on the adjacent occupiers and only marginal variations to the approved scheme of P/3118/11, as amended by P2879/14, the application is, on balance, acceptable and consistent with The London Plan (2015) policy 7.6B, policies AAP1 and AAP4 of the Harrow & Wealdstone Area Action Plan (2013) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

### **Soft Landscaping, Trees and Development**

#### Landscaping

As part of the planning permission granted under P/3118/11, condition 4 was attached requiring that prior to commencement a hard and soft landscaping plan be submitted to, and approved in writing by the Local Planning Authority. The condition was imposed to safeguard the appearance of the area and to enhance the appearance of the approved development.

Condition 3 of planning permission P/3118/11 required details of boundary fencing to be submitted to and approved in writing by the Local Planning Authority. The applicant has submitted detail as to the boundary treatment within the development. It is noted that along the southern boundary, a 1.8m high close boarded timber fence is in situ. It is proposed to make good this fence, and continue it up along the southern (rear) boundary to meet St Johns Road. Along the frontages of the development facing St Johns Road and Lyon Road, the boundary would remain open from the streetscene. The proposed boundary treatment is considered to be satisfactory and would meet the intent of the condition imposed by safeguarding the appearance of the locality. Accordingly, the details were approved as part of planning permission P/2879/14.

The applicant has submitted a revised comprehensive soft landscape plan and maintenance schedule for the public and private soft landscaping within the development. The detail submitted has been reviewed by the Council Landscape

Architect, who has considered that the information submitted would be acceptable and would satisfactorily enhance the development as intended by Condition 4 of permission P/3118/11 (as amended by P/2879/14).

It is therefore considered that Conditions 3 and 4 (as amended by P/2879/14) can be discharged.

#### Trees and development

Planning permission P/3118/11 attached Condition 6 which required further details to be submitted to demonstrate how the trees located on site, that are subject to Tree Protection Orders, would be protected throughout and after the construction phase.

The applicant has submitted an Arboricultural Report that has detailed how the trees within the site, subject to Tree Protection Orders, would be protected throughout the construction phase. The detailed information has been reviewed by the Council's Arboricultural Officer who has considered that the information is satisfactory, and the mitigation measures proposed would ensure that the protected trees would not be damaged during construction works. It is therefore considered that condition 6 attached to permission P/3118/11 (as amended by P/2879/14) is able to be discharged.

#### **Traffic and Parking**

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

The London Plan (2015) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimize additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2015) which has been updated sets out maximum parking standards for new development dependent upon their use and level of public transport accessibility.

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

The Council's Highway Authority raised no objection to the previously approved application in terms of car parking levels or impacts on the free flow and safety of the public highway. Within this current scheme, there would be no change to the provision of onsite parking. It is noted that there would be an increase in the footprint of the basement area. It is not proposed to increase the amount of car parking at the site. The increased footprint of the basement would enable more of the cycle storage, which is currently located at grade level, to be relocated within the basement area.

The proposed development would result in an increase in residential units to the site, but would not result in an increase in car parking for the development. However, it is considered that given the highly sustainable location of the development site in terms of access to public transport, the uplift in units would not lead to unacceptable harm to the surrounding highway network.

In order to ensure that throughout the construction of the approved development of P/3118/11, safeguarding conditions were imposed to control the manner in which the



construction would be undertaken. Condition 12 (Demolition Method Statement), 13 (Construction Method Statement), 14 (Construction Logistics Plan) be submitted to and approved in writing by the Local Planning Authority. Whilst it is acknowledged that the development impacts of the physical construction of the scheme would be temporary, a development of this scale may still have significant impacts on the amenity of the neighbouring occupiers and residents. The applicant submitted a Construction Environmental Management Plan to demonstrate how potential impacts on public amenity would be limited throughout the demolition and construction phase. This document was considered to satisfactorily demonstrate that any potential impacts on public amenity and the local transport network would be acceptable. Accordingly, condition 12 (Demolition Method Statement), 13 (Construction Method Statement), 14 (Construction Logistics Plan) were discharged under P/2879/14. Notwithstanding this, a condition is attached to ensure that the approved Construction Environmental Management Plan be implemented prior to work commencing on site and retained until the completion of the construction of the development.

As required by Condition 9 of planning permission P/3118/11, details pursuant to secure cycle storage has been submitted, which demonstrates that these areas would be located within the expanded basement and within each of the proposed blocks. It is considered that the location would be suitable, as it would provide a secure location with only access to the occupiers of the development. Furthermore, each of locations would provide individual style mounts to which bicycles are able to be secured to. It is therefore considered that the submitted information is acceptable, and would satisfy the intent of Condition 9. Accordingly, Condition 9 of planning permission P/3118/11 (as amended by P/2879/14) is able to be discharged.

Overall the proposed variation to the approved scheme would not noticeably intensify use of the site in terms of highway safety or parking. On this basis, it is considered that the proposed development would give rise to no conflict with the above stated policies.

### **Flood Risk & Development**

The application site is not located within a flood plain and therefore is not subject to a Flood Risk Assessment. However, policy 5.13A of The London Plan (2015) and policy DM10 of the Harrow Development Management Policies Local Plan (2013) require development proposal to incorporate sustainable drainage system to ensure that surface water run-off and storage water from the development is managed close to the site as possible. The applicant has submitted details in line with Condition 12 of planning permission P/3118/11, in an attempt to demonstrate that the proposal would prevent an increase in flooding from within the site and wider area.

The information that has been submitted in support of this condition has been reviewed by the Drainage Authority, who considers that the proposed measures would ensure that the development would not result in an increase in flood risk to the area. As such, the submitted information would meet the intent of Condition 12 of P/3118/11 with regard to flood risk and this condition was subsequently discharged under P/2879/14.

It is noted that Thames Water had objected to the previous application. However, given that the Drainage Authority has been satisfied that the development would not exacerbate any flood risk within the area, any such objection from Thames Water would not be a reasonable reason for refusal. Notwithstanding that, the applicant has not obtained Thames Water approval to connect to its infrastructure. Accordingly, the applicant is advised by way of an informative that Thames Water approval is required

and a copy of that approval provided to the Local Planning Authority.

### **Sustainable Development**

Policy 5.1 of The London Plan seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

The applicant has submitted a Sustainability Statement and an Energy Statement as required by Condition 11 of planning permission P/3118/11, which seeks to identify how the proposed development would achieve various sustainable development credentials.

The applicant has submitted details confirming that the proposed scheme has been designed to incorporate corporate boards sustainable development, by proposing energy efficiency measures and renewable technologies to maximise the building envelope performance through lower U values, and where possible and appropriate the utilisation of renewable resources in the construction materials of the scheme.

The applicant confirmed that the buildings would achieve a Buildings Research Establishment Environmental Assessment Method (BREEAM) Very Good rating, with the submitted Energy Statement further identifies that the development would achieve a carbon reduction savings of 28% on Building Regulation requirements. The proposed development would, to accomplish the above, utilise the following mechanisms:

- Combined Heat & Power (CHP)
- Improved U Values to the building enclosure
- Air source heat pumps to the office areas
- Photo Voltaic panels to the roof.

The BREAM report shows that the offices will; achieve Very Good, which is considered to be acceptable.

The proposed development would make a savings of 28%. Whilst it is acknowledged that this would be not reach the current savings requirements, it is in accordance with the realm of that was approved originally. The development originally approved, was approved to be built out in a specific manner, which enabled to be acceptable in terms of carbon reductions at this time. However, the required savings has increased since that date. Notwithstanding this, it would be unreasonable to expect the scheme to potentially be fundamentally redesigned to accommodate substantially more renewable and energy saving technologies that may potentially prejudice the viability of the scheme, and its ability to be brought forward. The proposal would continue to make substantial energy savings, and when balanced against the positive contributions to the borough, is considered to be a sustainable form of development in this town centre location.

The proposed sustainability measures have been assessed by Harrow Council Building Surveyors, who have considered that the submitted information would be satisfactory and would provide a scheme that would be in general accordance with London Plan (2015) policies 5.2, 5.3, 5.5 and 5.7 and policies DM12 & DM13 of the Harrow Development Management Policies Local Plan (2013). The information is therefore considered acceptable and would meet the intent of Condition 11 attached to P/3118/11

(as amended by P/2879/14). It is therefore considered that this condition can therefore be discharged.

### **Human Rights and Equalities**

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

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

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

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

The applicant has submitted details in relation to Secure by Design, which was attached as condition 21 of P/3118/11. The applicant has engaged with the Secure by Design Officer with regard to incorporating Secure by Design principles into the development. Under application P/2879/14 the submitted information was submitted to, and considered by the Secure by Design Officer, who confirmed that the scheme has satisfactorily demonstrated that it would not give rise to any secure by design issues. A condition is imposed to ensure that the methods approved under P/2879/14 shall continue to be implemented and retained.

Accordingly, it is considered that the proposed development would accord with Policy 7.3 of the London Plan (2015), Policy AAP4 (d) & (e) of the Harrow & Wealdstone Area Action Plan (2013).

### **Consultation Responses**

- N/A

### **CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the decision date of P/3118/11 being the 31/10/2012.

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

2 The development hereby permitted shall, we the proposed plans indicate brick construction, be implemented in Ibstock 'Ivanhoe Cream' (0054). The development of each building shall be carried out in strict accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality in accordance with The London Plan Policy 7.4 and Policy DM1 of the Harrow Development Management Plan (2013).

3 The development hereby permitted shall be completed in accordance with the details hereby approved for the ground surfacing and the boundary treatment of the site as

detailed in approved plan numbers Soft Landscape Plan (MCA1814/11B) Hard Landscape Plan (MCA1814/08F).

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

REASON: To safeguard the appearance of the locality in accordance with The London Plan Policy 7.4 and Policy DM1 of the Harrow Development Management Plan (2013).

4 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above ground floor damp proof course level until samples of the materials to be used in the construction of the external balconies (inclusive of underside) have been submitted to, and approved in writing by, the local planning authority:

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan 2015 and policy DM1 of The Development Management Policies Local Plan 2013.

5 Notwithstanding the hard and soft landscaping plans hereby approved, the applicant shall prior to the first occupation of the residential element, submit details of the children's play equipment within the designated areas of the development. The details of the children's play equipment shall include;

- Layout of the play equipment
- Elevations
- Material finish

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

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

6 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 5 development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

7 Prior to the commencement of development the tree protection measures as detailed within approved plan no. 141204-P-22 shall be implemented. The construction of the development shall be carried out in strict accordance with the approved details, and be retained throughout the entire construction phase.

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

8 The approved A1 / A2 / A3 premises shall not be open to the public except between the hours of 08.00 to 23.00 Monday to Saturday and between 10.00 and 17.00 hours on Sundays and Bank Holidays. The approved A1 / A2 / A3 premises shall not be open at

any other time except with the prior agreement in writing of the Local Planning Authority.  
REASON: To safeguard the amenities of neighbouring residential occupiers, as required by policies DM1 and DM35 of the Harrow Development Management Policies Local Plan (2013).

9 The site works shall be carried out in accordance with the Site Levels plans 2006-00-DR-0101 P13 and 2006-00-DR-0100 P13. The details within approved plans 2006-00-DR-0101 P13 and 2006-00-DR-0100 P13 shall be retained as such thereafter.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

10 Prior to the first residential occupation of the development hereby permitted, the secure bicycle storage as detailed within the approved plans shall be implemented and retained as approved thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with policy 6.9 of the London Plan (2015) and policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

11 No goods, materials, plant or machinery shall be stored within the car park of the approved development without the prior written permission of the Local planning authority.

REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

12 The development hereby permitted shall be built in accordance with approved document 130312/rp/esdg/v2.0 (Energy Strategy) and BREEAM Report (Sustainability Strategy) submitted to and approved in writing by the Local Planning Authority. The details approved within these documents shall be implemented and retained thereafter. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, The London Plan (2015) Policies 5.1, 5.2A/B, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A, Policy DM12 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Document Sustainable Building Design (2009).

13 The development hereby permitted shall be completed in accordance with the details hereby approved Drainage Strategy 2651-TAK-00-ZZ-DR-S-14900, 2651-TAK-00-ZZ-DR-S-14902, and 2651-TAK-00-ZZ-DR-S-14902 with regard to the disposal of surface water and surface water attenuation / storage works. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under policies DM9 and DM10 the Harrow Development Management Policies Local Plan (2013).

14 The development hereby permitted shall be implemented in accordance with the details approved within the Construction Environmental Management Plan (Demolition Method Statement/Construction Method Statement/Construction Logistics Plan (CLP) as granted under P/2879/14. The approved measures shall be in place prior to demolition or construction on site, and shall be retained as approved until all works within the site have been completed.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises, the transport network and the local natural environment in accordance with policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

15 The development hereby permitted shall be implement the Delivery and Servicing Plan (DSP) approved under P/2879/14. The approved DSP shall be adhered to in perpetuity and following occupation.

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

16 The following certificates of compliance shall be submitted to the planning authority for approval before the development is occupied.

1. A test of compliance should be carried out in accordance with BS EN ISO 140-4 1998 "Field measurements of airborne sound insulation between rooms" all test results should be rated in accordance with SB EN ISO 717-1: 1997 "Rating of sound insulation in buildings and of building elements. Part 1 Airborne sound insulation"

2. A test of compliance should be carried out in accordance with BS EN ISO 140-7 1998 "Field measurements of impact sound insulation of floors" all test results should be rated in accordance with SB EN ISO 717-2: 1997 "Rating of sound insulation in buildings and of building elements. Part 2 impact sound insulation"

REASON: To ensure that adequate precautions are taken to avoid noise nuisance between premises and to safeguard the amenity of neighbouring residents in accordance with Harrow Core Policy CS1 (Overarching Policy) K and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

17 Within six months of the permission hereby granted, a Vacancy Strategy shall be submitted to the local planning authority in writing. The Vacancy Strategy shall include (but not be limited to) a scheme to ensure that the approved A1/A2/A3 units that front onto Lyon Road can be utilised for temporary alternative uses in the event that commercial occupiers cannot be found upon completion of the units. The Vacancy Strategy shall be approved in writing by the local planning authority and shall be implemented in strict accordance with the approved details thereafter, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the vitality and viability of the area and safeguard the appearance of the locality in accordance with The London Plan (2011) policy 4.12 and Policy AAP1 of the Harrow and Wealdstone Area Action Plan (2013).

18 The 310 homes in this development, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter be retained to those standards.

REASON: To ensure provision of 'Lifetime Home' / 'Wheelchair' standard housing in accordance with policies 3.8 and 7.2 of The London Plan (2015), Harrow Core Policy CS1 (Overarching Policy) K and Policies DM1 and DM2 of the Harrow Development

Management Polices Local Plan (2013).

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

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

20 Prior to occupation of the development hereby permitted, the measures submitted within 2006-00-DR-0008-P02 and approved under P/2879/14 to minimise the risk of crime shall be implemented as approved. Following implementation the approved measures shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy DM2 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998

21 Prior to the first occupation of the development hereby permitted, the details within approved plan no. 130312-SS-001 P3 for communal facilities for television reception shall be implemented. The details within this plan shall be implemented in accordance with plan 130312-SS-001 P3 and retained thereafter. Notwithstanding the provisions of the Part 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To ensure that the scheme adequately addresses the landscaping and sustainability requirements of Policies DM1 and DM2 of the Harrow Development Management Polices Local Plan (2013).

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Part 24 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area and to safeguard the amenity of neighbouring residents in accordance with Policies DM1 of the Harrow Development Management Polices Local Plan (2013).

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

2006-00-DR-0001-P02 Site Plan, 2006-00-DR-0100-P13 Proposed Site Wide Plan Lower Ground-Basement, 2006-00-DR-0101-P13 Proposed Site Wide Plan Ground Floor, 2006-00-DR-0114-P06 Proposed Site Wide Plan Roof, 2006-00-DR-0120-P09 Proposed Site Wide Plan Typical Floor, 2006-00-DR-0400-P04 Proposed Site Wide Section AA, 2006-00-DR-0401-P05 Proposed Site Wide Section BB, 2006-00-DR-0600-

P06 Lyon Road Elevation (Site Wide West), 2006-00-DR-0601-P06 St John's Road Elevation (Site Wide North), 2006-00-DR-0602-P05 Site Wide East Elevation, 2006-00-DR-0603-P05 Internal Courtyard South Elevation, 2006-00-DR-0604-P04 Internal Courtyard West Elevation, 2006-00-DR-0605-P05 Internal Courtyard East Elevation, 2006-00-DR-1600-P04 Typical Detailed Section Through Residential Unit External Wall, 2006-00-DR-1601-P04 Typical Detailed Section Through Double Height Shopfront, 2006-00-RP-0010-P03 Proposed Changes Under Section 73 D&A Statement, 2006-10-DR-0101-P09 Block A GA Plan Ground Floor, 2006-10-DR-0114-P08 Block A GA Plan Roof, 2006-10-DR-0131-P09 Block A GA Plan Typical Odd Levels, 2006-10-DR-0132-P09 Block A GA Plan Typical Even Levels, 2006-10-DR-0600-P04 Block A North Elevation, 2006-10-DR-0601-P04 Block A East Elevation, 2006-10-DR-0602-P03 Block A South Elevation, 2006-10-DR-0603-P04 Block A West Elevation, 2006-20-DR-0101-P08 Block B GA Plan Ground Floor, 2006-20-DR-0114-P05 Block B GA Plan Roof, 2006-20-DR-0131-P07 Block B GA Plan Typical Odd Levels, 2006-20-DR-0132-P06 Block B GA Plan Typical Even Levels, 2006-20-DR-0600-P03 Block B North Elevation, 2006-20-DR-0601-P03 Block B East Elevation, 2006-20-DR-0602-P03 Block B South Elevation, 2006-20-DR-0603-P03 Block B West Elevation, 2006-30-DR-0101-P06 Block C GA Plan Ground Floor, 2006-30-DR-0102-P06 Block C GA Plan Level 01, 2006-30-DR-0103-P06 Block C GA Plan Level 02, 2006-30-DR-0105-P06 Block C GA Plan Level 04, 2006-30-DR-0109-P06 Block C GA Plan Level 08, 2006-30-DR-0114-P05 Block C GA Plan Roof, 2006-30-DR-0124-P06 Block C GA Plan Typical Upper Levels, 2006-30-DR-0131-P06 Block C GA Plan Typical Odd Lower Levels, 2006-30-DR-0600-P03 Block C North Elevation, 2006-30-DR-0601-P04 Block C East Elevation, 2006-30-DR-0602-P04 Block C South Elevation Tower, 2006-30-DR-0603-P04 Block C West Elevation Tower, 2006-30-DR-0604-P04 Block C North Elevation Tower, 2006-30-DR-0605-P04 Block C West Elevation, 2006-40-DR-0101-P07 Blocks D & E GA Plan Ground Floor, 2006-40-DR-0114-P03 Blocks D & E GA Plan Roof, 2006-40-DR-0121-P06 Blocks D & E GA Typical Floor, 2006-40-DR-0122-P03 Blocks D & E GA Typical Floor Levels 01 - 02, 2006-40-DR-0600-P03 Blocks D & E North Elevation, 2006-40-DR-0601-P05 Blocks D & E East Elevation, 2006-40-DR-0602-P03 Blocks D & E South Elevation, 2006-40-DR-0603-P04 Blocks D & E West Elevation, 2006-50-DR-0100-P07 Blocks F & G GA Plan Lower Ground Floor, 2006-50-DR-0101-P07 Blocks F & G GA Plan Ground Floor, 2006-50-DR-0114-P05 Blocks F & G GA Plan Roof, 2006-50-DR-0131-P06 Blocks F & G GA Plan Typical Odd Lower Levels, 2006-50-DR-0132-P06 Blocks F & G GA Plan Typical Even Lower Levels, 2006-50-DR-0135-P04 Blocks F & G GA Plan Typical Odd Upper Tower levels, 2006-50-DR-0136-P04 Blocks F & G GA Plan Typical Even Upper Tower Levels, 2006-50-DR-0400-P04 Blocks F & G Section AA, 2006-50-DR-0600-P07 Blocks F & G West Elevation Tower, 2006-50-DR-0601-P07 Blocks F & G North Elevation Tower, 2006-50-DR-0602-P06 Blocks F & G East Elevation Tower, 2006-50-DR-0603-P06 Blocks F & G East Elevation, 2006-50-DR-0604-P04 Blocks F & G South Elevation, 2006-50-DR-0605-P07 Blocks F & G West Elevation, 2006-60-DR-0101-P09 Block H GA Plan Ground Floor, 2006-60-DR-0114-P09 Block H GA Plan Roof, 2006-60-DR-0131-P09 Block H GA Plan Typical Odd Levels, 2006-60-DR-0132-P09 Block H GA Plan Typical Even Levels, 2006-60-DR-0600-P03 Block H North Elevation, 2006-60-DR-0601-P03 Block H East Elevation, 2006-60-DR-0602-P04 Block H West Elevation, 2006-60-DR-0603-P03 Block H South Elevation, 2006-70-DR-0120-P04 Lodge GA Plan Ground Floor & Roof, 2006-70-DR-0600-P03 Lodge Elevations, 2006-80-DR-0120-P04 Substation GA Plan Ground Floor & Roof, 2006-80-DR-0600-P05 Substation Elevations. Soft Landscape Plan MCA1814/11B, Hard Landscape Plan MCA1814/08F, Aerial Strategy 130312\_SS-001 P3, Arboricultural Report, March 2015, Design and Access Statement, April 2015, Drainage Strategy 2651-TAK-00-ZZ-DR-S-14900, 2651-TAK-00-ZZ-DR-S-14902, and 2651-TAK-00-ZZ-DR-S-14902, Energy Assessment Version 2.0,



## **INFORMATIVES**

The following the policies are relevant to this decision:

### **London Plan (2015)**

- 2.7 – Outer London: Economy
- 2.13 – Opportunity areas and intensification areas
- 2.15 – Town Centres
- 3.1 – Ensuring equal life chances for all
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.1 – Developing London’s Economy
- 4.7 – Retail and town centre development
- 4.8 – Supporting a successful and diverse retail sector
- 4.9 – Small shops
- 4.12 – Improving Opportunities for all
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.1 – Strategic approach
- 6.2 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 8.1 – Implementation
- 8.2 – Planning obligations

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

CS1 B/C/D/E Local Character  
CS1 G Open Space, Sport and Recreation  
CS1 H/I/J/K Housing  
CS1 L/M Town Centres  
CS1 N/O/P Economic Development and Employment  
CS1 Q/R/S Transport  
CS1 T Responding to Climate Change  
CS1 U Sustainable Flood Risk Management  
CS 1X Sustainable Waste Management  
CS 1 Z/AA/AB Infrastructure

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

AAP1 – Development within Harrow Town Centre  
AAP4 – Achieving a high Standard of Development throughout the Heart of Harrow Council  
AAP5 – Density and Use of Development  
AAP6 – Development Height  
AAP7 – Creating a New Public Realm  
AAP8 – Enhancing the Setting of Harrow on the Hill  
AAP9 – Flood Risk & Sustainable Drainage  
AAP13 – Housing within the Heart of Harrow Council  
AAP19 – Transport, Parking & Access within the Heart of Harrow

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

DM1 – Achieving a High Standard of Development  
DM2 – Achieving Lifetime Neighbourhoods  
DM3 – Protected Views and Vistas  
DM7 – Heritage Assets  
DM10 – On Site Water management and Surface Water Attenuation  
DM12 – Sustainable Design & Layout  
DM13 – Decentralised Energy Systems  
DM14 – Renewable Energy Technology  
DM22 – Trees and Landscaping  
DM24 – Housing Mix  
DM27 – Amenity Space  
DM28 – Children & Young Peoples Play Facilities  
DM35 – New Town Centre Development  
DM40 – Mixed-Use Development in Town Centres  
DM42 – Parking Standards  
DM43 – Transport Assessments and Travel Plans  
DM44 – Servicing

### **Other Relevant Guidance:**

Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document Sustainable Building Design (2009)  
Supplementary Planning Document: Access for All (2006)  
Code of Practice: Refuse Storage and Collection of Domestic Refuse (2008)

2 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 £165,532.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and Section 211 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 £1,166,301.50 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace. You are advised to visit the [planningportal](http://www.planningportal.gov.uk) website where you can download the appropriate document templates.

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

### 3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

### 4 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 5 THAMES WATER:

There may be public sewers crossing / adjacent to the site, so any building within 3m of the sewers will require an agreement with Thames Water Utilities. The applicant should contact the Area Service Manager, Mogden, at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 0645 200 800

### 6 THAMES WATER:

The applicant is advised that notwithstanding the approval of details in relation to on site storm water run off/attenuation as required by Condition 12 of approval P/3118/11, Discharge Consent from Thames Water to discharge into their infrastructure is required. A copy of the Discharge Permit from Thames Water shall be provided to the Local Planning Authority for information purposes.

### 7 PERMEABLE PAVING:

Note: guidance on permeable paving has now been published by the Environment

## 8 ENVIRONMENT AGENCY NOTE:

This development is located within an area of serious water stress due to limited water resources in the local area and high and growing demand for water. We therefore suggest you investigate the use of water efficiency measures and aim to achieve 105 litres/head/day (l/h/d), equivalent to level 3/4 for water within the Code for Sustainable Homes.

Achieving a water efficiency standard of 105l/h/d within new homes can be accomplished at very little extra cost (under £125 extra per home<sup>1</sup>[1]) and typically only involves low/dual flush toilets, low flow/aerated taps and showerheads and efficient appliances (dishwasher and washing machines) and does not require more expensive rain or greywater technologies. The Government's 'Water Calculator' provides information on how to achieve and assess water efficiency within new homes: [http://www.planningportal.gov.uk/uploads/br/water\\_efficiency\\_calculator.pdf](http://www.planningportal.gov.uk/uploads/br/water_efficiency_calculator.pdf)

1[1] London's draft Water Strategy, GLA, 2009

<http://legacy.london.gov.uk/mayor/environment/water/docs/draft-water-strategy.pdf>

As the proposed development is over six stories we believe that deep piling may be used. Deep piling can result in physical disturbance of aquifers and pose a pollution risk to controlled waters. If piling is proposed, the chosen method must not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers.

Due to the number of car parking spaces proposed please also refer to our guidance on using oil separators within the drainage scheme.

## 9 COMPLIANCE WITH PLANNING CONDITIONS

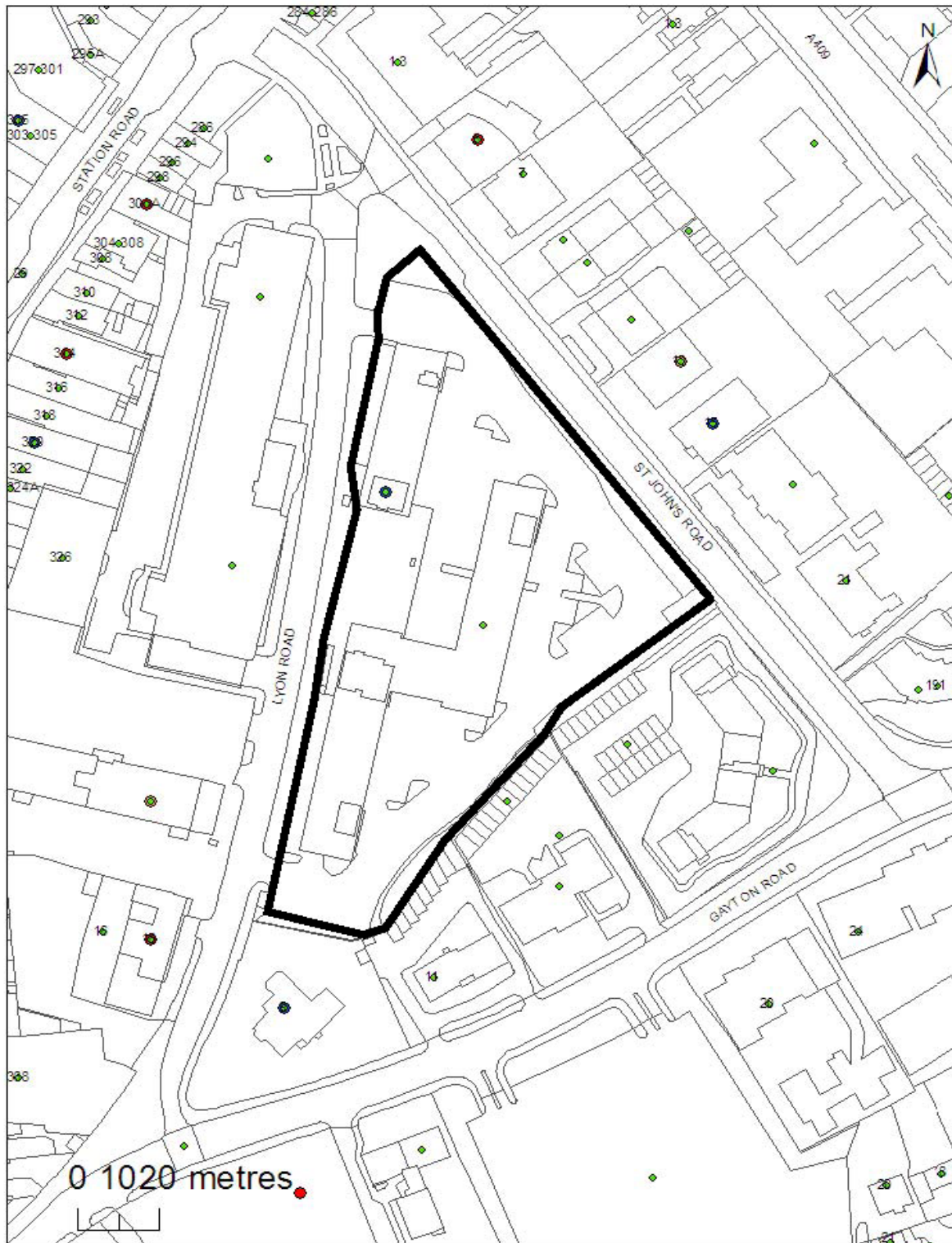
**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

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

Plan Nos: 2006-00-DR-0001-P02 Site Plan, 2006-00-DR-0100-P13 Proposed Site Wide Plan Lower Ground-Basement, 2006-00-DR-0101-P13 Proposed Site Wide Plan Ground Floor, 2006-00-DR-0114-P06 Proposed Site Wide Plan Roof, 2006-00-DR-0120-P09 Proposed Site Wide Plan Typical Floor, 2006-00-DR-0400-P04 Proposed Site Wide Section AA, 2006-00-DR-0401-P05 Proposed Site Wide Section BB, 2006-00-DR-0600-P06 Lyon Road Elevation (Site Wide West), 2006-00-DR-0601-P06 St John's Road Elevation (Site Wide North), 2006-00-DR-0602-P05 Site Wide East Elevation, 2006-00-DR-0603-P05 Internal Courtyard South Elevation, 2006-00-DR-0604-P04 Internal Courtyard West Elevation, 2006-00-DR-0605-P05 Internal Courtyard East Elevation, 2006-00-DR-1600-P04 Typical Detailed Section Through Residential Unit External Wall, 2006-00-DR-1601-P04 Typical Detailed Section Through Double Height Shopfront, 2006-00-RP-0010-P03 Proposed Changes Under Section 73 D&A Statement, 2006-10-

DR-0101-P09 Block A GA Plan Ground Floor, 2006-10-DR-0114-P08 Block A GA Plan Roof, 2006-10-DR-0131-P09 Block A GA Plan Typical Odd Levels, 2006-10-DR-0132-P09 Block A GA Plan Typical Even Levels, 2006-10-DR-0600-P04 Block A North Elevation, 2006-10-DR-0601-P04 Block A East Elevation, 2006-10-DR-0602-P03 Block A South Elevation, 2006-10-DR-0603-P04 Block A West Elevation, 2006-20-DR-0101-P08 Block B GA Plan Ground Floor, 2006-20-DR-0114-P05 Block B GA Plan Roof, 2006-20-DR-0131-P07 Block B GA Plan Typical Odd Levels, 2006-20-DR-0132-P06 Block B GA Plan Typical Even Levels, 2006-20-DR-0600-P03 Block B North Elevation, 2006-20-DR-0601-P03 Block B East Elevation, 2006-20-DR-0602-P03 Block B South Elevation, 2006-20-DR-0603-P03 Block B West Elevation, 2006-30-DR-0101-P06 Block C GA Plan Ground Floor, 2006-30-DR-0102-P06 Block C GA Plan Level 01, 2006-30-DR-0103-P06 Block C GA Plan Level 02, 2006-30-DR-0105-P06 Block C GA Plan Level 04, 2006-30-DR-0109-P06 Block C GA Plan Level 08, 2006-30-DR-0114-P05 Block C GA Plan Roof, 2006-30-DR-0124-P06 Block C GA Plan Typical Upper Levels, 2006-30-DR-0131-P06 Block C GA Plan Typical Odd Lower Levels, 2006-30-DR-0600-P03 Block C North Elevation, 2006-30-DR-0601-P04 Block C East Elevation, 2006-30-DR-0602-P04 Block C South Elevation Tower, 2006-30-DR-0603-P04 Block C West Elevation Tower, 2006-30-DR-0604-P04 Block C North Elevation Tower, 2006-30-DR-0605-P04 Block C West Elevation, 2006-40-DR-0101-P07 Blocks D & E GA Plan Ground Floor, 2006-40-DR-0114-P03 Blocks D & E GA Plan Roof, 2006-40-DR-0121-P06 Blocks D & E GA Typical Floor, 2006-40-DR-0122-P03 Blocks D & E GA Typical Floor Levels 01 - 02, 2006-40-DR-0600-P03 Blocks D & E North Elevation, 2006-40-DR-0601-P05 Blocks D & E East Elevation, 2006-40-DR-0602-P03 Blocks D & E South Elevation, 2006-40-DR-0603-P04 Blocks D & E West Elevation, 2006-50-DR-0100-P07 Blocks F & G GA Plan Lower Ground Floor, 2006-50-DR-0101-P07 Blocks F & G GA Plan Ground Floor, 2006-50-DR-0114-P05 Blocks F & G GA Plan Roof, 2006-50-DR-0131-P06 Blocks F & G GA Plan Typical Odd Lower Levels, 2006-50-DR-0132-P06 Blocks F & G GA Plan Typical Even Lower Levels, 2006-50-DR-0135-P04 Blocks F & G GA Plan Typical Odd Upper Tower levels, 2006-50-DR-0136-P04 Blocks F & G GA Plan Typical Even Upper Tower Levels, 2006-50-DR-0400-P04 Blocks F & G Section AA, 2006-50-DR-0600-P07 Blocks F & G West Elevation Tower, 2006-50-DR-0601-P07 Blocks F & G North Elevation Tower, 2006-50-DR-0602-P06 Blocks F & G East Elevation Tower, 2006-50-DR-0603-P06 Blocks F & G East Elevation, 2006-50-DR-0604-P04 Blocks F & G South Elevation, 2006-50-DR-0605-P07 Blocks F & G West Elevation, 2006-60-DR-0101-P09 Block H GA Plan Ground Floor, 2006-60-DR-0114-P09 Block H GA Plan Roof, 2006-60-DR-0131-P09 Block H GA Plan Typical Odd Levels, 2006-60-DR-0132-P09 Block H GA Plan Typical Even Levels, 2006-60-DR-0600-P03 Block H North Elevation, 2006-60-DR-0601-P03 Block H East Elevation, 2006-60-DR-0602-P04 Block H West Elevation, 2006-60-DR-0603-P03 Block H South Elevation, 2006-70-DR-0120-P04 Lodge GA Plan Ground Floor & Roof, 2006-70-DR-0600-P03 Lodge Elevations, 2006-80-DR-0120-P04 Substation GA Plan Ground Floor & Roof, 2006-80-DR-0600-P05 Substation Elevations. Soft Landscape Plan MCA1814/11B, Hard Landscape Plan MCA1814/08F, Aerial Strategy 130312\_SS-001 P3, Arboricultural Report, March 2015, Design and Access Statement, April 2015, Drainage Strategy 2651-TAK-00-ZZ-DR-S-14900, 2651-TAK-00-ZZ-DR-S-14902, and 2651-TAK-00-ZZ-DR-S-14902, Energy Assessment Version 2.0, Transport Report, April 2015.

# EQUITABLE HOUSE, LYON ROAD, HARROW



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ITEM NO: 1/02

ADDRESS: FORMER GOVERNEMENT OFFICES, HONEYPOT LANE, STANMORE

REFERENCE: P/2826/15

DESCRIPTION: AMENDMENTS TO THE DEVELOPMENT APPROVED UNDER PLANNING REFERENCE P/2317/06 (ALLOWED ON APPEAL REF: APP/M5450/A/06/2032152) COMPRISING THE ERECTION OF A FOUR STOREY BLOCK ADJOINING EXISTING (CONSTRUCTED) OCS BUILDING TO PROVIDE FLEXIBLE A1/A2/A3/A4/A5 USES AND COMMUNITY FACILITIES (439SQM) (WITHIN USE CLASSES D1 AND D2 INCLUDING INDOOR AND OUTDOOR CRECHE AREA) AND PROVISION OF B1 (a), (b), (c) FLOORSPACE. USE OF PART OF GROUND FLOOR OF EXISTING OCS BUILDING FOR FLEXIBLE A1/A2/A3/A4/A5 USE RESULTING IN AN OVERALL PROVISION OF 457SQM IN EXISTING AND NEW BLOCK. AMENDMENTS RESULTING IN A REDUCTION OF B1 OFFICE FLOOR SPACE ON THE SITE FROM 3040SQM TO 2125SQM. PROVISION OF BASEMENT CYCLE PARKING AND FOUR STOREY DECKED CAR PARKING AT REAR; ALTERATIONS TO APPROVED PARKING LAYOUT; ASSOCIATED EXTERNAL ALTERATIONS AND HARD AND SOFT LANDSCAPE WORKS.

WARD: CANONS

APPLICANT: ST EDWARD HOMES

AGENT: TURLEY

CASE OFFICER: NICOLA RANKIN

EXPIRY DATE: 21<sup>ST</sup> OCTOBER 2015

#### **RECOMMENDATION A**

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by 21<sup>st</sup> October 2015 (or such extended period as may be agreed in writing by the Divisional Director of Planning). Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

**INFORM** the applicant that:

1. The proposal is acceptable subject to the completion of the Legal Agreement to include the following Heads of Terms:

- I. Undertaking to construct the crèche and community facilities and to agree a specification and management scheme
- II. Undertaking to agree and implement local employment initiatives
- III. Undertaking to implement the Parking Management Scheme approved by the Council under the original section 106 Agreement in respect of the Development.
- IV. **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the S106 Legal Agreement.
- V. **Planning Administration Fee:** A £500 fee payable to the Local Planning Authority for monitoring of and compliance with the agreement.

## **RECOMMENDATION B**

That if, by 21st October 2015 or such extended period as may be agreed in writing by the Divisional Director of Planning, the section 106 is not completed, then delegate the decision to the Divisional Director of Planning to **REFUSE** planning permission on the grounds that:

The proposed development, in the absence of a legal agreement to secure appropriate community facilities, local employment initiatives and a parking management scheme would result in inadequate social infrastructure provision for the future occupiers of the development, unacceptable detrimental impacts on the surrounding highway network and the failure to enhance employment and skills for local residents directly related to the development, contrary to the National Planning Policy Framework (2012), policies 3.16, 4.12 and 8.2 of The London Plan (2015), core policies, CS1 (P), CS1 (Z), CS 1 (R) of The Harrow Core Strategy (2012) and policies DM 42, DM 47 and Policy DM 50 of the Harrow Development Management Policies Local Plan (2013).

### **Summary:**

The subject application together with the associated linked applications under planning references P/2719/15, P/2718/15 and P/2717/15 are considered to be acceptable as they would contribute to the objectives of the development plan in providing additional housing on a previously developed site, would secure appropriate social infrastructure for the future occupiers of the development and would provide a consolidated provision of employment generating uses with no overall job losses in the context of the original permission. There would be no detrimental impacts on the living standards of the future occupiers or neighbouring occupiers and the development would not adversely impact on the surrounding highway network or the objectives of sustainable transport.

## **INFORMATION**

The application is reported to the Planning Committee because it is a major development and the application would be potentially controversial and would therefore fall outside of the Council's scheme of delegation. It is also necessary for this application to be considered holistically with the following linked planning applications, one of which is classified a major development: P/2719/15, P/2718/15 and P/2717/15.

Statutory Return Type: Small Scale Major Development

Council Interest: None

Gross Floorspace: 1367sqm

Office – 768sqm CIL n/a

D1 Creche – 200sqm CIL n/a

D2 Community Hall CIL 239sqm

Ancillary space 160sqm

Change of use from office to Retail 457sqm x £100



## Site Description

- The site forms part of the Former Government Offices development site (now known as Stanmore Place), situated between Honeypot Lane and the Jubilee Line railway.
- The development is progressing on site pursuant to planning permission P/4996/14 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:
  - alterations to the internal layout and external alterations to block PU including an increase in the height of the block by 1.37 metres
  - alterations to the roof of block PT involving removal of photo voltaic panels
  - alterations to approved cycle storage details.
- This application was amended from P/2450/11 which was for the redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks PN, PQ, PS, PT and PU, addition of lower ground floor to block PU, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).
- To date 80% of the redevelopment has been completed and phases 7, 8 and 9 are currently under construction with the final completion of the building anticipated to be by Autumn 2016.
- The total number of residential units permitted as a result of the consented scheme and the non-material amendment application (P/0986/11) is 757.
- This application relates to the 'OCS' commercial building situated adjacent to the southern boundary of the site between gridlines 16 to 29 forming part of OCS building two and OCS building three.
- The OCS building is split into three buildings which are consented for use as office space.
- The approved office floor space between gridlines 16 to 29 to which this application relates is 3040sqm. The overall consented office space for the entire site is 7927sqm.
- The adjacent building 1 further to the west of Stanmore Place (gridlines 2-11) has been constructed on site and is currently designed as a small business incubator centre. The adjacent building two and 50% of building three (grid lines 11 -24) has been constructed but has not yet be fitted out. The building is currently unoccupied. 50% of building three (proposed gridlines 24-29) has not yet been commenced on site.
- To the south of the site is the industrial and business area on Parr Road. To the west, beyond the wider development site, is Honeypot Lane and the main access to the site.
- To the north is Whitchurch Lane, where neighbouring dwellings back on to the site and where there is a secondary access to the site.
- To the east of the site, on the other side of the Jubilee Line railway embankment, is The Hive Football Centre, an open air sports facility.

## Proposal Details

- The application proposes amendments to the development approved under planning

reference P/2317/06 (Allowed on Appeal ref: APP/M5450/A/06/2032152) comprising the erection of a four storey block adjoining existing (constructed) OCS building to provide flexible A1/A2/A3/A4/A5 uses and community facilities (439sqm) (within use classes D1 and D2 including indoor and outdoor crèche area) and provision of B1 (a), (b), (c) floorspace. Use of part of ground floor of existing OCS building for flexible A1/A2/A3/A4/A5 use resulting in an overall provision of 457sqm in existing and new block. Amendments resulting in a reduction of B1 office floor space on the site from 3040sqm to 2125sqm. Provision of basement cycle parking and four storey decked car parking at rear; alterations to approved parking layout; associated external alterations and hard and soft landscape works.

- The proposed four storey block and adjoining decked car park at the rear would have a width of 39.4 metres and a depth of 24.6 metres. It would have a maximum height of 13.4 metres with a flat roof to match the adjacent constructed office buildings.
- It is proposed to relocate the retail/community uses from the ground floor area of block PT (phase 9) in to the ground and first floor of the OCS building between gridlines 24 to 29. A crèche is proposed to occupy the ground floor area. A sheltered outdoor crèche play space would be provided directly adjacent. The crèche would have an overall floor space of 200sqm with the external area providing a further 97sqm of space.
- It is proposed to provide a community hall directly above the crèche facility on the ground floor. This would have an overall floor space of 239sqm.
- A stair case and lift will be provided to connect the two uses.
- The current consented flexible A1/A2/A3/A4/A5 floorspace (381sqm) located within the ground floor of block PV/PR (Phase 8) would be relocated to the ground floor of the OCS building (building two) between grid lines 16 to 24.
- The second and third floors of OCS building and part of the first floor (between gridlines 16-29) would be used as office space in line with the original consent.
- The consented provision of commercial space will be reduced as a result of the relocation of community and retail uses from building PV/PR to building PT into the OCS. The overall total loss of B1 floor space to be provided between gridlines 16 to 29 in the OCS will therefore reduce from 3040sqm to 2125sqm.
- A lower ground cycle store would be provided within the eastern part of OCS building three. This would be accessed via an external staircase adjacent to the crescent block. This would provide a total of 42 cycle parking spaces.
- The proposed car park layout within the deck car park to the rear would be rationalised as a result of its extension between the space between the crescent block and consented car park. This would result in an increase of approximately 3 spaces per floor with a total increase of 11 car parking spaces.
- Additional soft landscaping and railings is proposed adjacent to the crèche area.

#### **Revisions to Previous Application:**

- None

#### **Relevant History**

P/2317/06 - redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sqm class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sqm of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

REFUSED 04-May-2007

ALLOWED ON APPEAL - 12-Nov-2007

P/2752/08 - renewable energy statement required by condition 23 of planning permission ref: P/2317/06/CFU  
APPROVED 07-Nov-2008

P/0986/11 - non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks pl and pm; reduction of total number of units from 798 to 790  
GRANTED 03-May-11

P/2450/11 - redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).  
GRANTED 16<sup>th</sup> December 2011

P/4996/14 minor material amendment application for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:

- alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
- alterations to the roof of block pt involving removal of photo voltaic panels
- alterations to approved cycle storage details

(P/2450/11: redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference p/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764)  
GRANTED 25.03.2015

P/2719/15 change of use of ground floor phase 9 (block pt) from use as flexible space (class A1/A2/A3/A4/A5) and community facilities (class d1/d2) to create five residential units together with cycle and refuse storage and associated external alterations  
Expiry: 21.10.2015

P/2718/15 change of use of ground floor phase 8b (blocks pv and pr) from flexible A1/A2/A3/A4/A5 use to create four residential units together with cycle and refuse storage  
Expiry: 21.10.2015

P/2717/15 variation of condition 2 (approved plan list) and condition 2 (cycle storage details) attached to P/4996/14, dated 25.03.2015 to enable alterations to ground floor layout and ground floor elevation details including revised fenestration and entrance details of blocks pv/pr (phase 8B) and block pt (phase 9); hard and soft landscape works; amendment to cycle store and refuse store arrangements at ground floor of

buildings pv/pr (phase 8b) and pt (phase 9); removal of temporary cycle store at rear of crescent block (amendments to planning permission p/4996/14, dated 25.03.2015 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable: alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres; alterations to the roof of block pt involving removal of photo voltaic panels; alterations to approved cycle storage details)

Expiry: 21.10.2015

### **Formal Pre-Application Discussion P/1801/15/PREAPP:**

- A meeting was held to discuss the legal framework to secure the retail and community facilities.

### **Applicant Submission Documents**

- Planning Statement (Summary)
- St Edward Homes Ltd seek to alter the location of the retail, Crèche and community uses currently in phases 8 (building PV/PR) and 9 (building PT) in order to replace office uses in Buildings Two and Three (within the commercial building or 'OCS').
- In order to make these changes to the approved development, four applications have been submitted which when combined comprise a set of alterations and changes to the three elements of the scheme outlined above.
- The essence of the applications is to relocate the approved flexible A1/A2/A3/A4/A5/D1/D2 use floor space (which includes the approved Community Facilities).
- As approved they are shown located on the ground floor level of buildings PV/PR and PT. The intention through these new planning applications is to locate them on the ground and first floor level of the OCS building. The ground floors of building PV/PR and PT will then be used to provide 4 and 5 additional residential units respectively.
- It should be noted that the total overall number of residential units at the site will remain below that originally approved in 2007.
- Design and Access Statement
- Energy Statement
- Daylight and Sunlight Report
- Flood Risk Assessment

### **Consultations:**

Highways Authority: No Objection

Drainage Authority: No Objection

Canons Park Residents Association: No comment received

London Underground: We have no objection in principle to the above planning application but there are a number of potential constraints on the redevelopment of the site situated close to the railway infrastructure. A condition is therefore recommended in relation to a detailed method statement for the use of tall plant.

### **Advertisement:**

Site Notice - Major Development: Expiry: 14.07.2015

Press Advert – Major Development Expiry: 06.08.2015

### **Notifications**

Sent: 109

Replies: 0  
Expiry: 30.07.2015

## Summary of Responses

- None

## APPRAISAL

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

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

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

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

## MAIN CONSIDERATIONS

Principle of Development  
Character and Appearance of the Area  
Residential Amenity  
Traffic, Parking and Drainage  
Inclusive Design  
Sustainability and Energy Efficiency  
S17 Crime & Disorder Act  
Human Rights and Equalities  
Consultation Responses

### Principle of Development

The principle of the development has already been established through the previous planning permissions for the site – P/2317/06, P/2450/11 and P/4996/14. However, the current application would result in the loss of 915sqm of office space from the consented scheme. Policy 4.2 of the London Plan (2015) addresses office provision. Notably it states that proposals should encourage renewal and modernisation of the existing office stock in viable locations to improve the quality and flexibility. In addition, policy DM 32 of the Harrow Development Management Policies Local Plan is relevant. This states that *“the re-development or change of use of offices outside of designated town centres and business uses areas will be permitted where the building has been vacant for more than 12 months and there is genuine evidence that all opportunities to re-let the accommodation have been fully explored, including evidence of suitable marketing over a 12 month period”*.

The offices the subject of this application, are currently not complete, and so the relevant policy provisions of DM 32 cannot be complied with. It is therefore necessary to understand the context for the provision of office space as part of the original Planning Permission at Stanmore Place.

The original permission allowed for 7927sqm of office floorspace which was envisaged to generate around 300 jobs, and was sought to provide replacement employment floorspace suitable to modern Small and Medium Enterprises in the form of a Business Incubator Centre and move on space, and offset the loss of strategic industrial land. This amount of floorspace was based on a 2007 employment report by Colliers which was accepted to be an accurate study of the ration of jobs to floorspace at the time of the original permission (15sqm per person to the net internal area of the employment space). This resultant job figure therefore dictated the amount of floorspace required. In subsequent years the Colliers report, the basis of which derived the original employment floorspace requirement, has been superseded by more recent research into employment / job rations, notably the British Council for Offices (BCO) 'Occupier Density Study' 2013. This takes into account more modern office layouts and working patterns including flexible and mobile working trends. The resultant required floorspace per employee is therefore noticeable smaller at 10.9sqm. As a result of this proposal, it is therefore demonstrated that there would be no net-loss of jobs on site in the context of the original permission, and indeed the proposal would result in a more consolidated provision of employment generating uses that can be supported. Therefore this revised application would still deliver the same number of jobs, and as such there are therefore officers consider the loss of office space to be acceptable.

Policy 3.16 of The London Plan (2015) makes clear that adequate provision of social infrastructure is particularly important in areas of major new development. It outlines that "*development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of infrastructure without realistic proposals for re provision should be resisted*". This is further emphasized by core policy CS 1 Z which states that "*the loss of community facilities will be resisted unless adequate arrangements are in place for their replacement or the enhancement of other existing facilities.*" Policy DM 47 of the Harrow Development Management Polices Local Plan outlines that the loss of community facilities will only be permitted where there is no longer a need for the facility, or if there are adequate similar facilities or if the activities are inconsistent with living condition of nearby residents or if the re-development would secure an overriding public benefit.

Although the community and retail spaces would be lost within blocks PT and PV/PR as a result of applications P/2718/15 and P/2719/15, should approval be granted, as demonstrated in the table below the proposed relocated flexible A1/A2/A3/A4/A5/D2 space within the site would be exceeded overall, should approval be granted for the current application.

The following table provides a summary showing the re-provision of community and A class uses within the OCS building matches or exceeds the area under the original consent:

|                      |   |
|----------------------|---|
| <b>Consented GIA</b> |   |
| Retail               | 381m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (community hall/crèche)                                     |
| <b>Total:</b>        | <b>820m<sup>2</sup></b>   |
|                      |   |
| <b>Proposed GIA</b>  |   |
| Retail               | 457m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (239m <sup>2</sup> community hall 200m <sup>2</sup> crèche) |
| <b>Total:</b>        | <b>896m<sup>2</sup></b>   |

Officers consider that the re-provision of the retail and community space can be secured by placing a further section 106 obligation on the land as outlined above. The provision and timing of the facilities is further safeguarded by a further section 106 obligation as part of the related application P/2717/15 to restrict occupation of the crescent block until the community facilities are completed and made available.

Given that the proposed crescent block will be a key focal building for the entire site, framing the eastern 'village green' space, it is considered that linking the obligation for re-provision of facilities within the OCS building to the crescent block rather, will provide a strong commitment to ensure the community facilities are re-provided. As such, in this regard there is no objection to the principal of the loss of office space.

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

Policy 7.4B states that 'Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass'.

Core Policy CS1 B of the Harrow Core Strategy 2012 states that 'Proposals that would harm the character of suburban areas and garden development will be resisted'.

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

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

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

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

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

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

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

The proposed four storey block, adjacent to the crescent block would have a virtually

identical appearance to the consented block approved under the original application, except that it would now infill the space between the car park and crescent block where the CHP building was previously located. As such, the building would be marginally wider at 39.4 metres compared to the consented scheme by approximately 5 metres. The height of the building will also be marginally lower at 13.4 metres compared to the original approved building at 13.9 metres. The public space directly in front of the proposed crèche on the ground floor would be enhanced with additional hard and soft landscaping including shrubs and trees and some railing to provide security and define the small external crèche play space.

The changes to the character and appearance of the building from the original approved scheme are not considered to be significant and it is considered to have an acceptable impact on the character and appearance of the surrounding development.

It is noted that the London Underground has requested a condition in relation to provision of detailed method statement for the use of tall plant. The provision of the plant was indicated on the original consented scheme; however, due to subsequent changes in the energy strategy for the site, this is no longer shown on the proposed plans. As such, it is not considered necessary to impose this condition in this instance in respect of this matter.

It is therefore considered that the revised proposal would comply with policies 7.4B, and 7.6B of The London Plan (2015), Core Policy CS1 B of the Harrow Core Strategy, and policies DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **Residential Amenity**

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

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *“All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted (c)”*.

Officers consider that the proposed four storey block would not be materially different to the block approved under the original application, allowed on appeal and would therefore not give rise to a detrimental impact on the surrounding neighbouring occupiers with regard to loss of light, overshadowing, an overbearing impact or undue noise and disturbance.

It is considered that by removing the retail/community space from the ground floor of block PV/PR and re-providing and consolidating this space within the commercial building will generate less noise and disturbance for the neighbouring flats and surrounding residential blocks.

Having regard to the above, the proposal would be consistent with policy 7.6 B of The London Plan 2015 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).



### **Traffic, Parking and Drainage**

The London Plan (2015) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

The car block is located between block E to the west and the crescent block to the east. Under this application, it is proposed to increase rationalise the existing parking space and increase the number of parking spaces by 11 in order to accommodate the increased number of occupiers. The Council Highways Authority raises no objections and the proposal would therefore be acceptable in this regard.

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

The application site shown in red on the site plan is not greater than 1 hectare and is not within an area at risk of flooding. The applicant has submitted an addendum to the approved Flood Risk Assessment for the overall site which outlines that the proposed building and change of use will not alter the design of the approved flood management scheme and therefore the proposed amendments will have no impact on the fluvial flood risk for the overall site of Stanmore Place. The alterations to the proposed development will have no impact on fluvial flood risk at or outside the site. The proposals will not result in any increase in impermeable area at the site and therefore the surface water run-off rate and volume will be the same as the approved design.

### **Inclusive Design**

Policy DM 2 of DMP LP (2013) and policies 3.8, 7.1 and 7.2 of The London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes Standards.

The levels within the scheme would create an inclusive environment. There will be both a staircase and a lift connecting the two uses so that two enabling access for all.

The amended scheme would be consistent with the development plan for Harrow.

### **Sustainability and Energy Efficiency**

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

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to

ensure that the design and layout of development proposals are sustainable. It states that development will need to “*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*”...“*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*”. Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council’s Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has provided an amended energy strategy for the current applications which outlines that there is no alteration proposed to the overall approved energy strategy for the site which was approved under reference P/2752/08. As noted above, the proposed four storey block would be marginally increased in size and would infill the space where the CHP energy centre was previously under the original consented scheme. It should be noted that the 2008 Energy Strategy and all subsequent amendments have recommended a phased communal heating and discounted biomass CHP.

The building fabric will be substantially improved over standard building regulations. It is proposed that all areas of the OCS building will benefit from passive cooling and ventilation measures to mitigate the risk of overheating, without the requirement of air conditioning. To achieve this all areas benefit from physical solar shading with the majority of glazing recessed backwards away from the leading edges of the walkways. Due to the large amount of opening glazing on the building, there will be a large quantity of air flow through the building which will assist in keeping the occupants cool during warm weather. All the proposed lighting will be highly energy efficient. Heating will be provided by virtue of the existing community heating scheme located within the existing OCS structure. Due to the low hot water requirements of the community, retail, office and day care facilities, it has not been deemed viable to extend the application of solar thermal to the commercial building. However, the proposed energy efficiency measures overall will achieve an 18.9% CO<sub>2</sub> reduction. Although the CO<sub>2</sub> reduction would be less than current standards identified in the London plan (2015), officers consider it would not be reasonable to impose this on the development, given the proposed measures would accord and exceed the requirements of the consented energy strategy for the site. The proposal is therefore considered to be acceptable by officers in this regard.

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

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

### **Human Rights and Equalities**

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

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

(and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

### **Consultation Responses**

- None

### **CONCLUSION**

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

### **CONDITIONS**

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

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

2 The development shall be carried out and completed in accordance with the following approved plans and documents: (PL)01; (PL) 59 (PL)60; (PL) 116; 1669 08 A; (PL)63; (PL)62; (PL)61; Design and Access Statement (June 2015); Flood Risk Assessment Addendum – Honeypot Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015)

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

3 The materials to be used in the external surfaces of the building hereby permitted shall match those used in the existing building.

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

4 The building hereby permitted (as shown on the approved plans between gridlines 24-29) shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscape works shall include details of boundary treatment.

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

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1 and DM 22 of the

Harrow Development Management Policies Local Plan (2013).

6 The community and residential uses hereby permitted shall not be open outside of the following hours, unless otherwise agreed in writing with the Local Planning Authority:

- 8am to 10pm Monday to Saturday
- 10am to 6pm Sundays and Bank Holidays

REASON: To safeguard the residential amenities of the surrounding neighbouring occupiers in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

### **National Planning Policy Framework (2012) (NPPF)**

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

3.16 - Protection and Enhancement of Social Infrastructure

4.2 - Offices

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.4 – Retrofitting

5.5 – Decentralised energy networks

5.6 – Decentralised energy in development proposals

5.7 – Renewable energy

5.8 – Innovative energy technologies

5.9 – Overheating and cooling

5.10 - Urban Greening

5.11 – Green Roof and Site environs

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.1 – Building London neighbourhoods and communities

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

7.4 – Local Character

7.6 – Architecture

### **Harrow Core Strategy 2012**

Core Policy CS 1 – Overarching Policy Objectives

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

Policy DM 1 – Achieving a High Standard of Development

Policy DM 2 – Achieving Lifetime Neighbourhoods

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

Policy DM 12 – Sustainable Design and Layout

Policy DM 14 – Renewable Energy

Policy DM 32 – Office Development

Policy DM 27 – Amenity Space

Policy DM 42 - Parking Standards

### **Relevant Supplementary Documents**

Supplementary Planning Document – Access for All (2006)

Supplementary Planning Document – Sustainable Building Design (2009)

Supplementary Planning Document – Residential Design Guide (2010)

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

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

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

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

### **3 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **4 COMPLIANCE WITH PLANNING CONDITIONS**

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

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

### **5 DUTY TO BE POSITIVE AND PROACTIVE**

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

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

6 Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £63,840 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 £63,840 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 1367sqm

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

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

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

Harrow's Charges are:

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

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

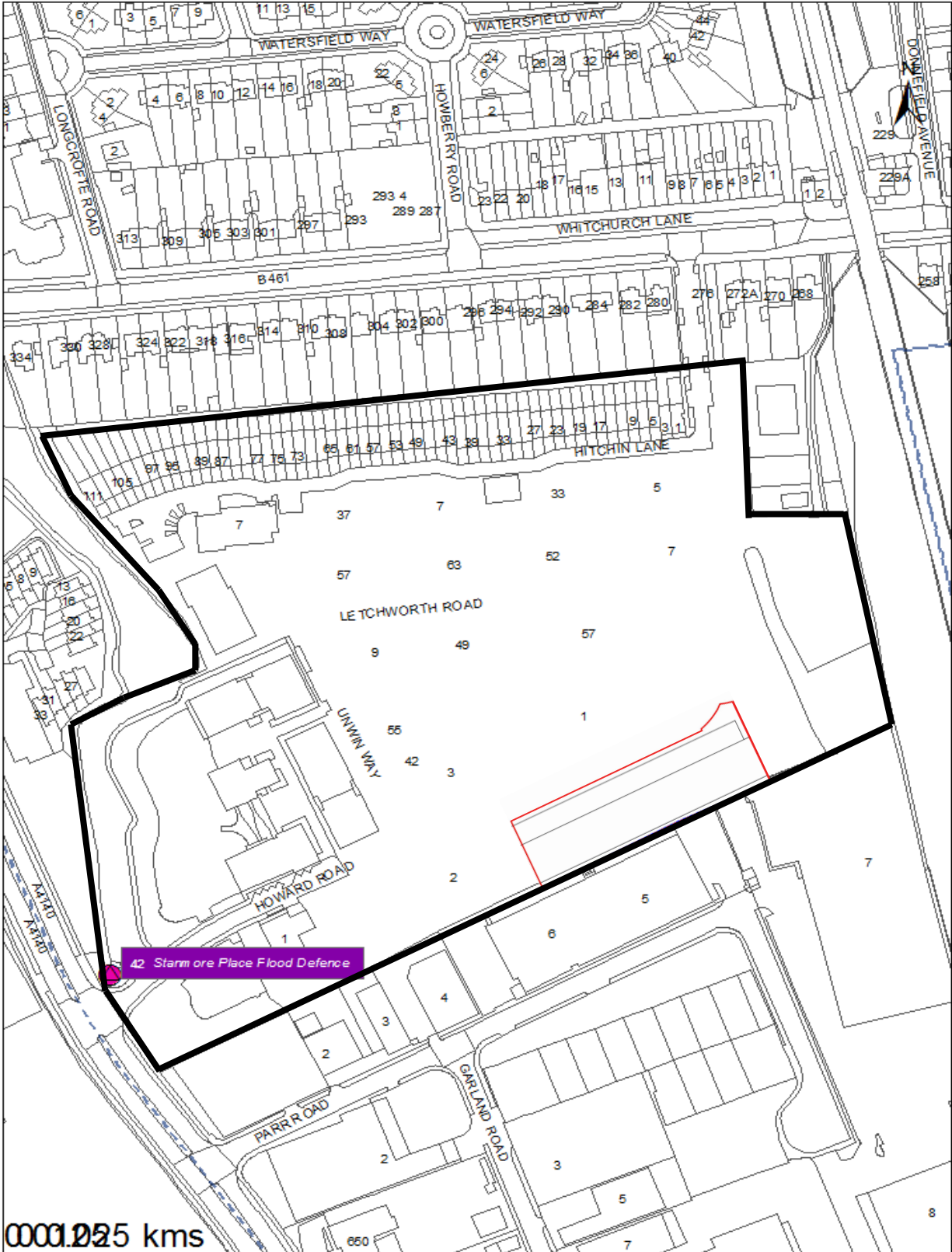
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £45, 700

Plan Nos: (PL)01; (PL) 59 (PL)60; (PL) 116; 1669 08 A; (PL)63; (PL)62; (PL)61; Design and Access Statement (June 2015); Flood Risk Assessment Addendum – Honeypot Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015)

**FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE  
(P/2826/15)**



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Tony Kitson  
CMS Cameron McKenna LLP  
Mitre House  
160 Aldersgate Street  
London  
EC1A 4DD

Our Ref: APP/M5450/A/06/2032152  
APP/M5450/A/06/2032153

12 November 2007

Dear Mr Kitson

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEALS BY BERKELEY URBAN RENAISSANCE LTD AND DOMINION  
HOUSING GROUP LTD  
APPLICATION Nos: P/2317/06/CFU AND P/2246/06/COU  
LAND AT FORMER GOVERNMENT OFFICES SITE, HONEYPOT LANE,  
STANMORE, MIDDLESEX, HA7 1BB**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C J Ball RIBA IHBC FRSA, who held a public local inquiry which opened on 17 July 2007, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against the failure of the London Borough of Harrow to give notice within the prescribed period of a decision on applications for:-

- i) redevelopment to provide 816 residential units (including 40% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works; and,
- ii) a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site).

2. On 16 February 2007 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

3. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeals be allowed and planning permission be granted, subject to conditions. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR). For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation.

Department for Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London SW1E 5DU

Tel 020 7944 8076  
Fax 020-7944-3919  
Email [andrew.lynch@communities.gsi.gov.uk](mailto:andrew.lynch@communities.gsi.gov.uk)



### **Procedural matters**

4. The Secretary of State agrees with the Inspector's assessment of the Appeal B application as set out in IR2. She also notes the various amendments made to the proposal as set out in IR7-8. Like the Inspector (IR8), she does not consider that any prejudice has been caused to any party by accepting these amendments and has determined the application on this basis.

5. In reaching her decision the Secretary of State has, like the Inspector (IR22), taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and in response to further requests for information under Regulation 19 of those Regulations. The Secretary of State considers that the information provided complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the applications.

### **Policy Considerations**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Borough of Harrow UDP 2004 and the London Plan 2004. The Secretary of State agrees with the Inspector that London Plan policies most relevant to the applications are those set out in IR29. The Secretary of State also agrees that the most relevant UDP policies are those identified by the Inspector at IR29, with the exception of policy H4, which expired on 27 September 2007. She does not consider that the implications of this expiry raise any new issues that would either affect her decision or require her to refer back to parties for further representations prior to reaching her decision on the applications.

7. Material considerations the Secretary of State has taken into account include PPS1 *'Delivering Sustainable Development'*, PPS3 *'Housing'*, PPG4 *'Industrial and Commercial Development and Small Firms'*, PPG13 *'Transport'*, PPG17 *'Planning for Open Space, Sport and Recreation'* and PPS25 *'Development and Flood Risk'*.

8. Other material considerations which the Secretary of State has taken into account include the DETR/CABE publication *'By Design - Urban design in the planning system: towards better practice'*, and the adopted development brief for the site *Land at Honeypot Lane Stanmore Development Brief: March 2005*.

9. The draft Further Alterations to the London Plan is also a material consideration. The Secretary of State has afforded this some weight as the panel report following the examination in public has been published.

10. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, and the London Plan draft supplementary planning guidance (SPG) *'Providing for Children and Young People's Play and Recreation'*, but as these documents are still in draft and may be subject to change, she affords them little weight.

## **Main Issues**

11. The Secretary of State agrees with the Inspector that the main considerations in these appeals are those set out in IR 116-117.

### Appeal A

12. For the reasons given in IR118, the Secretary of State agrees with the Inspector that the mixed-use redevelopment of this suitably located previously-developed land for housing and employment purposes would meet key national policy objectives, and that the site should be a priority for development.

### The effect the proposal would have on the character and appearance of the surrounding area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect the proposal would have on the character and appearance of the surrounding area, as set out in IR119-135. She agrees that the proposal would meet the sustainability criteria of London Plan Policy 2A.1; that it would significantly increase London's housing supply in line with Policy 3A.1; that it would maximise the potential of the site, achieving the highest possible intensity of use compatible with the local context, in accordance with the design principles of Policy 4B.1 and the objectives of Policy 4B.3; that it would be of a high standard of design and layout in compliance with UDP Policy D4; that the scheme design would achieve the aims of the Development Brief; and, that the proposal would have no unacceptably harmful effect on the character and appearance of the surrounding area (IR 135).

### The impact of the proposed development on the living conditions of future residents

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposed development on the living conditions of future residents, as set out in IR136-139. She agrees that the amenity space to be provided, including children's play areas on and off site, would largely meet the requirements of the London Plan draft SPG, and is sufficient as a usable and visual amenity area for the occupiers in accordance with UDP Policy D5 (IR139). She agrees that, in this respect, the proposed development would have no unacceptable impact on the living conditions of future occupiers of the dwellings (IR139).

### The cumulative impact of major development on the local area

15. For the reasons given in IR140-142, the Secretary of State agrees with the Inspector that, cumulatively, the proposal would not have a harmful impact on the local area (IR142).

### Appeal B

16. For the reasons given in IR143, the Secretary of State agrees with the Inspector that if the Appeal A development scheme goes ahead, the proposed footpath would provide a safe and secure route for pedestrians.

### Conditions and Obligations

17. The Secretary of State agrees with the Inspector's assessment and conclusions on conditions and obligations as set out in IR144-145.

### **Overall conclusions**

18. The Secretary of State agrees with the Inspector's conclusions as set out in IR146-147.

19. Overall, the Secretary of State concludes that the proposal complies with the development plan and national policy. There are no material considerations of sufficient weight to indicate that she should determine the appeals other than in accordance with the development plan and national planning policy.

### **Formal Decision**

#### Appeal A

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby:-

i) Allows appeal A and grants planning permission for 798 residential units (including 40.2% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works, on land at former Government Offices site, Honeypt Lane, Stanmore, Middlesex, HA7 1BB, in accordance with application number P/2317/06/CFU, dated 7 August 2006 (as amended) and those modified plans listed at Annex C of the Inspector's report, subject to the conditions set out in Annex A to this letter; and,

ii) Allows appeal B and grants planning permission for a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site), in accordance with application number P/2246/06/COU, dated 7 August 2006 (as amended), subject to the conditions set out in Annex B to this letter.

21. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

23. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

25. A copy of this letter has been sent to the London Borough of Harrow and all parties who appeared at the inquiry.

Yours sincerely,

Andrew Lynch  
Authorised by the Secretary of State to sign in that behalf

## **Annex A**

- 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.
- 2) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, to buildings and to the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 3) All 798 homes in the scheme, as detailed in the approved plans, shall be built to Lifetime Homes Standards and thereafter be retained to those standards.
- 4) Development shall not begin until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 5) No demolition or site works shall begin until the boundary of the site is enclosed by a close boarded fence of a minimum height of 2 metres. The fencing shall remain until the development is ready for occupation or, in accordance with a programme approved in writing by the local planning authority, to allow completion of boundary landscaping works.
- 6) Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the local planning authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.
- 7) No works or development shall take place until a survey has been carried out of all existing trees and hedgerows on or overhanging the land, indicating which are to be retained and which are to be removed, and details of the retained trees and hedgerows and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.
- 8) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 9) Development shall not proceed beyond ground floor damp proof course level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

- 10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details. The hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 12) All planting, seeding or turfing comprised in the approved details of soft landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 14) No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highways shall be carried out unless such proposals have been submitted to and approved in writing by the local planning authority.
- 15) Development shall not proceed beyond ground floor damp proof course level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority.
- 16) No dwelling shall be occupied until details showing how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) No building shall be occupied until space has been laid out within the site in accordance with the approved plans for 740 cars to be parked and for the loading and unloading of vehicles.
- 18) No dwelling within 75 metres of the underground railway line to the east of the site shall be occupied until a scheme of noise insulation has been submitted to and approved in writing by the local planning authority and has been carried out in accordance with the approved details.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development which would otherwise fall within Classes A to E in Part 1 of Schedule 2 to that Order shall be carried out.
- 20) Development shall not proceed beyond ground floor damp proof course level until a scheme for the storage, collection and disposal of refuse and waste and vehicular access

thereto has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works have been carried out in accordance with the approved details.

21) No industrial activity shall take place anywhere on the site except within the buildings designed for that purpose.

22) Development shall not begin until details of the proposed phasing programme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved programme.

23) Development shall not proceed beyond ground floor damp proof course level until details of a scheme for generating 10% of the predicted energy requirement of the development from on-site renewable resources have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be maintained so that it provides the required level of generation.

24) Details of external lighting including columns and light fittings shall be submitted to and approved in writing by the local planning authority before installation. The installation shall be carried out in accordance with the approved details and shall be operational prior to the first occupation of any part of the development.

25) None of the buildings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

26) Development shall not begin until surface water drainage, attenuation and storage works have been carried out to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

27) Development shall not begin until details of the existing and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

28) Development shall not begin until details of surface water source control measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

29) Development shall not begin until details of compensatory flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

30) Development shall not begin until details of the maintenance regime for the flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

31) Any walls or fencing constructed within or around the site lying within the land liable to flood shall be designed to be permeable to flood water.

32) There shall be no light spill from external artificial lighting on the site into the river corridor habitat adjacent to the western boundary of the site. Artificial lighting shall be located so that lighting levels within 5 metres of the top of the bank of the unnamed ditch within the corridor are maintained at a background level of 0-2 Lux.

33) Development shall not begin until a 5 metre wide buffer zone, measured from the top of the bank, has been provided alongside the unnamed drainage ditch that runs parallel to the western site boundary. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of any structure, hard standing, footpath, fence or overhanging structure, such as a balcony. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be managed to develop a natural character and shall be left to colonise and regenerate naturally.

## **Annex B**

1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.

2) Development shall not begin until an 8 metre wide buffer zone, measured from the top of the bank, has been provided alongside the brook. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of obstructions.

3) Development shall not begin until an ecological appraisal and a river corridor survey have been carried out and a detailed plan of the works incorporating the recommendations of the appraisal and survey has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Development shall not begin until details of the footpath, bridgeworks and any bank stabilisation works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) Development shall not begin until a flood risk assessment of the detailed proposals has been carried out and a report has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the recommendations of the report.

6) No works or development shall take place until a survey has been carried out of all existing trees and vegetation on the land, indicating which are to be retained and which are to be removed, and details of the retained trees and vegetation and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.

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

8) Development shall not begin until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; pedestrian access and circulation areas; hard surfacing materials; and any other minor artefacts and structures.



9) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

10) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 2 years from the completion of the works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

11) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to the footpath being brought into use. The landscape management plan shall be carried out as approved.

12) Development shall not begin until details of the footpath external lighting scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Item no:** 1/03

**Address:** FORMER GOVERNEMENT OFFICES, HONEYPOT LANE, STANMORE

**Reference:** P/2717/15

**Description:** VARIATION OF CONDITION 1 (APPROVED PLAN LIST) ATTACHED TO P/4996/14, DATED 25.03.2015 TO ENABLE ALTERATIONS TO GROUND FLOOR LAYOUT AND GROUND FLOOR ELEVATION DETAILS INCLUDING REVISED FENESTRATION AND ENTRANCE DETAILS OF BLOCKS PV/PR (PHASE 8b) AND BLOCK PT (PHASE 9); HARD AND SOFT LANDSCAPE WORKS; AMENDMENT TO CYCLE STORE AND REFUSE STORE ARRANGEMENTS AT GROUND FLOOR OF BUILDINGS PV/PR (PHASE 8b) AND PT (PHASE 9); REMOVAL OF TEMPORARY CYCLE STORE AT REAR OF CRESCENT BLOCK (AMENDMENTS TO PLANNING PERMISSION P/4996/14, DATED 25.03.2015 FOR A VARIATION OF CONDITION 2 (APPROVED PLAN LIST) AND CONDITION 12 (CYCLE STORAGE DETAILS) ATTACHED TO PLANNING PERMISSION P/2450/11 DATED 19/03/2012 TO ENABLE: ALTERATIONS TO THE INTERNAL LAYOUT AND EXTERNAL ALTERATIONS TO BLOCK PU INCLUDING AN INCREASE IN THE HEIGHT OF THE BLOCK BY 1.37 METRES; ALTERATIONS TO THE ROOF OF BLOCK PT INVOLVING REMOVAL OF PHOTO VOLTAIC PANELS; ALTERATIONS TO APPROVED CYCLE STORAGE DETAILS).

**Ward:** CANONS

**Applicant:** ST EDWARD HOMES

**Agent:** TURLEY

**Case Officer:** NICOLA RANKIN

**Expiry Date:** 21<sup>ST</sup> OCTOBER 2015

## **RECOMMENDATION A**

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by 21<sup>st</sup> October 2015 (or such extended period as may be agreed in writing by the Divisional Director of Planning). Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

**INFORM** the applicant that:

1. The proposal is acceptable subject to the completion of the Legal Agreement to include the following Heads of Terms:
  - i. Undertaking to restrict the occupation of the units in phase 8 (The Crescent)

until the retail, crèche and community facilities within the OCS building are completed and made available.

- ii. **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the S106 Legal Agreement.
- iii. **Planning Administration Fee:** A £500 fee payable to the Local Planning Authority for monitoring of and compliance with the agreement.

## **RECOMMENDATION B**

That if, by 21st October 2015 or such extended period as may be agreed in writing by the Divisional Director of Planning, the section 106 is not completed, then delegate the decision to the Divisional Director of Planning to **REFUSE** planning permission on the grounds that:

The proposed development, in the absence of a legal agreement to secure appropriate community facilities, would result in inadequate social infrastructure provision for the future occupiers of the development, contrary to the National Planning Policy Framework (2012), policies 3.16, 4.12 and 8.2 of The London Plan (2015), core policies, CS1 (Z), of The Harrow Core Strategy (2012) and policies DM 47 and Policy DM 50 of the Harrow Development Management Polices Local Plan (2013).

### **Summary:**

The subject application together with the associated linked applications under planning references P/2719/15, P/2718/15 and P/2826/15 are considered to be acceptable as they would contribute to the objectives of the development plan in providing additional housing on a previously developed site, would secure appropriate social infrastructure for the future occupiers of the development and would provide a consolidated provision of employment generating uses with no overall job losses in the context of the original permission. There would be no detrimental impacts on the living standards of the future occupiers or neighbouring occupiers and the development would not adversely impact on the surrounding highway network or the objectives of sustainable transport.

## **INFORMATION**

The application is reported to the Planning Committee because it is classified as a major development and the application would be potentially controversial and would therefore fall outside of proviso E of the Council's scheme of delegation. It is also necessary for this application to be considered holistically with the following linked planning applications, one of which is a major development: P/2719/15, P/2826/15 and P/2718/15.

Statutory Return Type: E (13) Small Scale Major Development

Council Interest: None

Gross Floorspace: n/a

Net Additional Floorspace: n/a

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

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

### **Site Description**

- The site forms part of the Former Government Offices development site (now known as Stanmore Place), situated between Honey Pot Lane and the Jubilee Line railway.
- The development is progressing on site pursuant to planning permission P/4996/14 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:
  - alterations to the internal layout and external alterations to block pu including an

- increase in the height of the block by 1.37 metres
- alterations to the roof of block PT involving removal of photo voltaic panels
- alterations to approved cycle storage details.
- This application was amended from P/2450/11 which was for the redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks PN, PQ, PS, PT and PU, addition of lower ground floor to block PU, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).
- To date 80% of the redevelopment has been completed and phases 7, 8 and 9 are currently under construction with the final completion of the building anticipated to be by Autumn 2016.
- The total number of residential units permitted as a result of the consented scheme and the non-material amendment application (P/0986/11) is 757.
- The subject application concerns block PT and block PV/PR. This application relates to the ground floor of phase 8a of the redevelopment (block PV and PR), located in the north eastern part of the site, adjacent to the properties fronting Hitchin Lane. Phase 8a was consented as a four storey block around new streets and open spaces. The building is currently undergoing construction and the consented ground floor consists of three small units of flexible A1/A2/A3/A4/A5/D2 space, split by cores which would provide a total of 381sqm of floor space.
- In addition, this application relates to the ground floor of phase 9 of the redevelopment (block PT), located in the north eastern part of the site, adjacent to the crescent block and phase 3-5. Phase 9 is currently under construction and was consented as a five storey block around new streets and open spaces. The existing ground floor consists of flexible A1/A2/A3/A4/A5/D2 space, together with plant space, refuse and cycle storage.
- To the south of the site is the industrial and business area on Parr Road. To the west, beyond the wider development site, is Honeypot Lane and the main access to the site.
- To the north is Whitchurch Lane, where neighbouring dwellings back on to the site and where there is a secondary access to the site.
- To the east of the site, on the other side of the Jubilee Line railway embankment, is The Hive Football Centre, an open air sports facility.

### **Proposal Details**

- The application proposes a variation of condition 1 (approved plan list) attached to P/4996/14, dated 25.03.2015 to enable alterations to ground floor layout and ground floor elevation details including revised fenestration and entrance details of blocks PV/PR (phase 8b) and block PT (phase 9); hard and soft landscape works; amendment to cycle store and refuse store arrangements at ground floor of buildings PV/PR (phase 8b) and PT (phase 9); removal of temporary cycle store at rear of crescent block (amendments to planning permission P/4996/14, dated 25.03.2015 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable: alterations to the internal layout and external alterations to block PU including an increase in the height of the block by 1.37 metres; alterations to the roof of block PT involving removal of photo voltaic panels; alterations to approved cycle storage details.

- The larger commercial glazing proposed around the ground floor of block PT and PV/PR would be replaced with new fenestration to reflect the details already approved on the upper floors and to reflect the intended residential use which is sought under planning applications P/2718/15 and P/2719/15.
- Additional hard and soft landscape works is proposed around the building including additional street trees and shrub beds. Additional landscaping is also proposed around the private terrace areas of the proposed new flats.
- The applicants also seek to remove the temporary cycle store that was approved under the approved plan list condition 1 through the previous planning permission P/4996/14 at the rear of the crescent block.

#### **Revisions to Previous Application P/4996/14:**

- Alterations to fenestration of blocks PT and PV/PR at ground floor level and new hard and soft landscape works around the blocks.

#### **Relevant History**

P/2317/06 Redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sqm class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sqm of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

Refused 04-May-2007

ALLOWED ON APPEAL 12-NOV-2007

P/0986/11 - non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks pl and pm; reduction of total number of units from 798 to 790

GRANTED 03-May-11

P/2752/08 - renewable energy statement required by condition 23 of planning permission ref: P/2317/06/CFU

APPROVED 07-Nov-2008

P/2450/11 - redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).

GRANTED 16<sup>th</sup> December 2011

P/4996/14 - minor material amendment application for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:

- alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
- alterations to the roof of block pt involving removal of photo voltaic panels
- alterations to approved cycle storage details

(P/2450/11: redevelopment to provide 213 flats and 959 sq m of A1/A2/A3/A4/A5/D1/D2

floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764)

GRANTED 25.03.2015

P/2719/15 - change of use of ground floor phase 9 (block pt) from use as flexible space (Class A1/A2/A3/A4/A5) and community facilities (class d1/d2) to create five residential units together with cycle and refuse storage and associated external alterations

Expiry: 21.10.2015

P/2718/15 - change of use of ground floor phase 8b (blocks pv and pr) from flexible A1/A2/A3/A4/A5 use to create four x two bedroom (3 person) residential units together with cycle and refuse storage

Expiry: 21.10.2015

P/2826/15 - amendments to the development approved under planning reference P/2317/06 (allowed on appeal ref: app/m5450/a/06/2032152) comprising the erection of a four storey block adjoining existing (constructed) ocs building to provide flexible A1/A2/A3/A4/A5 uses and community facilities (439sqm) (within use classes d1 and d2 including indoor and outdoor crèche area) and provision of b1 (a), (b), (c) floorspace. use of part of ground floor of existing ocs building for flexible a1/a2/a3/a4/a5 use resulting in an overall provision of 457sqm in existing and new block. Amendments resulting in a reduction of b1 office floor space on the site from 3040sqm to 2125sqm. provision of basement cycle parking and four storey decked car parking at rear; alterations to approved parking layout; associated external alterations and hard and soft landscape works.

Expiry: 21.10.2015

### **Formal Pre-Application Discussion P/1801/15/PREAPP**

- A meeting was held to discuss the legal framework to secure the retail and community facilities.

### **Applicant Submission Documents**

- Planning Statement (Summary)
- St Edward Homes Ltd seek to alter the location of the retail, Crèche and community uses currently in phases 8 (building PV/PR) and 9 (building PT) in order to replace office uses in Buildings Two and Three (within the commercial building or 'OCS').
- In order to make these changes to the approved development, four applications have been submitted which when combined comprise a set of alterations and changes to the three elements of the scheme outlined above.
- The essence of the applications is to relocate the approved flexible A1/A2/A3/A4/A5/D1/D2 use floor space (which includes the approved Community Facilities).
- As approved they are shown located on the ground floor level of buildings PV/PR and PT. The intention through these new planning applications is to locate them on the ground and first floor level of the OCS building. The ground floors of building PV/PR and PT will then be used to provide 4 and 5 additional residential units

respectively.

- It should be noted that the total overall number of residential units at the site will remain below that originally approved in 2007.
- Design and Access Statement
- Energy Statement
- Daylight and Sunlight Report

### **Consultations**

Highways Authority: No Objection

Drainage Authority: No Objection

Greater London Authority: The application does not result in any strategic planning issues.

Landscape Architect: Awaiting Comments

Canons Park Residents Association: No comment received

London Underground: Though we have no objection in principle to the proposed development, there are a number of potential constraints on the re-development of the site situated close to the railway infrastructure. Site 8b is adjacent to London underground assets. Therefore a condition is recommended to ensure that the re-development will not result in a detrimental effect on our structures either in the short or long term.

### **Advertisement**

Site Notice - Major Development: Expiry: 14.07.2015

Press Advert – Major Development Expiry: 06.08.2015

### **Notifications**

Sent: 277

Replies: 1

Expiry: 29.07.2015

### **Summary of Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents for applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.
- The removal of photovoltaic panels are damaging to the environmental credentials of the development.

### **APPRAISAL**

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

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

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

of this application.

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

## **MAIN CONSIDERATIONS**

Principle of Development  
Character and Appearance of the Area  
Residential Amenity  
Traffic, Parking and Drainage  
Sustainability  
S17 Crime & Disorder Act  
Human Rights and Equalities  
Consultation Responses

### **Principle of Development**

The principle of the development has already been established through the previous planning permissions for the site – P/2317/06, P/2450/11 and P/4996/14. Policy 3.16 of The London Plan (2015) makes clear that adequate provision of social infrastructure is particularly important in areas of major new development. It outlines that “*development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of infrastructure without realistic proposals for re provision should be resisted.*”

In this case, it is necessary to consider the principal of the development in the context of the other linked planning applications as set out in the planning history below. The applicants are seeking to amend the ground floors of block PT and PV/PR to residential use from the current consented retail and community uses. With regard to the loss of flexible A1/A2/A3/A4/A5/D2 space contained within the ground floor of block PV/PR and PT, this is not considered to be detrimental to the overall scheme as an overall quantum of 896sqm of space would still be retained within the site, should approval be granted for the linked planning application P/2826/15 and this current application.

Officers consider that the re-provision of the retail and community space can be secured by placing a further section 106 obligation on the land to ensure that the proposed residential units contained within the crescent block (phase 8a) would not be occupied until the community/retail space was provided in the OCS building.

The following table provides a summary showing the re-provision of community and A class uses within the OCS building matches or exceeds the area under the original consent:



|                      |   |
|----------------------|---|
| <b>Consented GIA</b> |   |
| Retail               | 381m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (community hall/crèche)                                     |
| <b>Total:</b>        | <b>820m<sup>2</sup></b>   |
|                      |   |
| <b>Proposed GIA</b>  |   |
| Retail               | 457m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (239m <sup>2</sup> community hall 200m <sup>2</sup> crèche) |
| <b>Total:</b>        | <b>896m<sup>2</sup></b>   |

The applicants have outlined that it would not be possible to link the proposed residential units within Block PT and PV/PR to the delivery of the community and retail facilities due to the timing, site logistics and completion of the works on site. Currently, the construction of phase 8b (block PV/PR) and phase 9 (block PT) is significantly further ahead than phase 8a (crescent block). Planning application P/2826/15 proposes that the community/ retail facilities be located within OCS building 3. However, construction is yet to commence on this phase and it will be the last phase of development to complete as it is currently used for site access via Parr Road and Lynch yard. This current access is vital in maintain construction access to avoid construction traffic entering via Honeypot Lane or Whitchurch Road. The current proposed programme completion dates for each of the blocks are as follows:

- Phase 8b – December 2015
- Phase 9 – March 2016
- Phase 8a – October 2016
- OCS building 3 – October 2016

Due to the completion of works of the various phases the residential units of phase 8b and 9 would remain vacant for some time if they were to be linked to the delivery of the community/retail facilities. The applicants have outlined that they wish to avoid this in the interests of maintain activity at ground floor and security. Officers consider that although there would be a short period following completion of phase 8b and phase 9 before the community/retail facilities were re-provided, this would not be unreasonable, given that it is important to complete the OCS building last due to necessary construction access. Given that the proposed crescent block will be a key focal building for the entire site, framing the eastern 'village green' space, it is considered that linking the obligation for re-provision of facilities within the OCS building to the crescent block rather than the proposed change of use applications P/2719/15 and P/2718/15, will still provide a strong commitment to ensure the community facilities are re-provided. This application seeks to amend the previous section 73 application (P/4996/14) for phases 7 to 9 of the development which was further amended from permission P/2450/11. Both of the previous section 73 applications were subject to a section 106 agreement. As such, the obligations as set out above would need to be included on this current section 73 application in order to update the existing legal agreement and in officer's opinion will secure the acceptability of the changes proposed.

This application seeks minor changes and external alteration works to the ground floor of blocks PV/PR and PT to which there is no objection in principle.

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

Policy 7.4B states that 'Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass'.

Core Policy CS1 B of the Harrow Core Strategy 2012 states that 'Proposals that would harm the character of suburban areas and garden development will be resisted'.

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

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

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

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

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

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

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

There is no objection to the external alterations to the fenestration detailing on blocks PT and PV/PR which will reflect the fenestration treatment of the upper floors. The refuse stores within each of the blocks will be contained in separate areas on the ground floor and are considered to be acceptable.

Policy DM 23 of the Harrow DMP LP (2013) states that: "*Proposals that fail to make appropriate provision for hard and soft landscaping of forecourts, or which fail to contribute to streetside greenery where required, will be refused.*" Policy DM 22 of the Development Management Policies Local Plan states that:

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

*a. Is appropriate to the character of the area;*

*b. Is well laid out in terms of access, car parking and the living conditions of future occupiers and neighbours;*

*c. Achieves a suitable visual setting for the building(s);*

*d. Provides for sufficient space for new or existing trees and planting to grow; and*

*e. Supports biodiversity."*

The applicant has provided a detailed indicative hard and soft landscape scheme. The proposals including details of soft landscape works including new trees, hedging and shrub beds and hard landscape works include details of paving and boundary treatment. However, from the submitted plans some details still remain unclear, including the height and detail of the proposed garden wall around block PT and the proposed hedging around the private terraces. This detail would be important since it would be necessary to ensure privacy of the future occupiers of the ground floor units. In addition, it is not clear what landscaping, if any is proposed around the private terraces of block PV/PR which would also be important to provide privacy and a visual setting for the occupiers of the

ground floor. In this regard, a hard and soft landscaping is recommended, in order to secure the final details of hard and soft landscape works and their implementation prior to the occupation of any of the ground floor units contained within block PT and PV/PR. At the time of writing this report, further comments are awaited from the Council's Landscape Architect and any additional comments will be reported via the committee addendum.

It is noted that the London Underground has requested a condition in relation to provision of detailed method statement for the construction of the buildings 8b and PV/PR. However, the buildings already benefit from planning permission and the London Underground was already consulted as part of the original planning application. Furthermore, the building are currently already under construction. As such, it is not considered necessary to impose this condition in this instance in respect of this matter.

It is therefore considered that the revised proposal would comply with policies 7.4B, and 7.6B of The London Plan (2015), Core Policy CS1 B of the Harrow Core Strategy, and policies DM 1, DM 22, DM 23 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **Residential Amenity**

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

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *"All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted (c)"*.

The external alterations proposed under this application would not result in any detrimental impacts on the future occupiers of the development or the surrounding neighbouring occupiers.

Having regard to the above, the proposal would be consistent with policy 7.6 B of The London Plan 2015 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic, Parking and Drainage**

The London Plan (2015) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

The NPPF (2012) outlines the need to manage flood risk from all sources (paragraph 100). Policies 5.13, 5.12 and 5.14 of The London Plan seek to address surface water management and a reduction in flood risk. Policy 5.13 of the London Plan requires that proposals should achieve greenfield run off rates and ensure that surface water is managed as close to its source as possible in accordance with the sustainable urban

drainage (SUDS) hierarchy. Further to this, policy DM 10 of the Harrow Development Management Policies Local Plan (2013) requires that *“proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run-off. Substantial weight will be afforded to the achievement of greenfield run off rates”*.

The proposed external alterations under this application would not result in any changes to the car park strategy for this site or the proposed flood risk management strategy. However, the applicants are seeking to remove the temporary cycle store which included provision for 42 spaces to the rear of the Crescent Block which was approved under planning permission P/4996/14. The 42 spaces will be re-provided at lower ground floor level within the OCS building, adjacent to the Crescent Block under planning application P/2826/15. As such, overall levels of cycle parking provision will be maintained on the site, should approval be granted for the applications.

### **Sustainability**

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

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to *“utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials”...* *“Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity”*. Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council’s Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The proposed external alterations would not result in any detrimental impacts or changes to the approved energy strategy for the site.

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

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

### **Human Rights and Equalities**

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the

London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

### **Consultation Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents for applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.
- The removal of photovoltaic panels are damaging to the environmental credentials of the development.

The importance of the retail/community facilities is recognised and the LPA is satisfied that the provision of the facilities can be adequately safeguarded by placing a further section 106 obligation on the land to prevent the occupation of the Crescent Block until they have been built out and completed. The marginal uplift in occupiers in relation to the overall scheme is considered not to measurably affect indigenous parking within the site as further parking spaces are being provided. Furthermore, regard has been had to the good PTAL level with the proximity of Canons Park station and a plethora of bus routes available. There is no change to the energy strategy under this application and therefore there are no impacts to be considered.

### **CONCLUSION**

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

### **CONDITIONS**

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

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

2 The development shall be carried out and completed in accordance with the following approved plans and documents: (PL) 02; D1575.L.P8\_282 Rev PL02; 6437 D2100 Rev 03; (PL) 50 Rev A; PL150 Rev A; 6437 D2701 Rev 01; 6437 D2700 Rev 00; Un-numbered photos – marketing images; 1669 02 Rev G Design and Access Statement (dated 5<sup>th</sup> June 2015; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015)

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

3 The ground floor of block PT and block PV/PR shall not be occupied until details of hard and soft landscape works have been submitted to, and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 of

the Harrow Development Management Policies Local Plan (2013).

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

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

5 The permission hereby granted is supplemental to planning permission nos. P/4996/14, dated 25.03.2015 and P/2450/11, dated 19.03.2012. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Local Planning Authority.

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

## **INFORMATIVES**

1 The following policies are relevant to this decision:  
National Planning Policy Framework (2012) (NPPF)

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

3.16 Protection and Enhancement of Social Infrastructure

3.3 – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.8 – Housing choice

3.5 – Quality and Design of Housing Developments

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.4 – Retrofitting

5.5 – Decentralised energy networks

5.6 – Decentralised energy in development proposals

5.7 – Renewable energy

5.8 – Innovative energy technologies

5.9 – Overheating and cooling

5.10 - Urban Greening

5.11 – Green Roof and Site environs

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.1 – Building London neighbourhoods and communities

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

7.4 – Local Character

7.6 – Architecture

Harrow Core Strategy 2012  
Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)  
Policy DM 1 – Achieving a High Standard of Development  
Policy DM 2 – Achieving Lifetime Neighbourhoods  
Policy DM 10 – On Site Water Management and Surface Water Attenuation  
Policy DM 12 – Sustainable Design and Layout  
Policy DM 14 – Renewable Energy  
Policy DM 22 – Trees and Landscaping  
Policy DM 23 – Streetside Greenness and Forecourt Greenery  
Policy DM 42 - Parking Standards

Relevant Supplementary Documents  
Supplementary Planning Document – Sustainable Building Design (2009)  
Supplementary Planning Document – Residential Design Guide (2010)

### 3 PARTY WALL ACT:

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

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

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

## 5 DUTY TO BE POSITIVE AND PROACTIVE

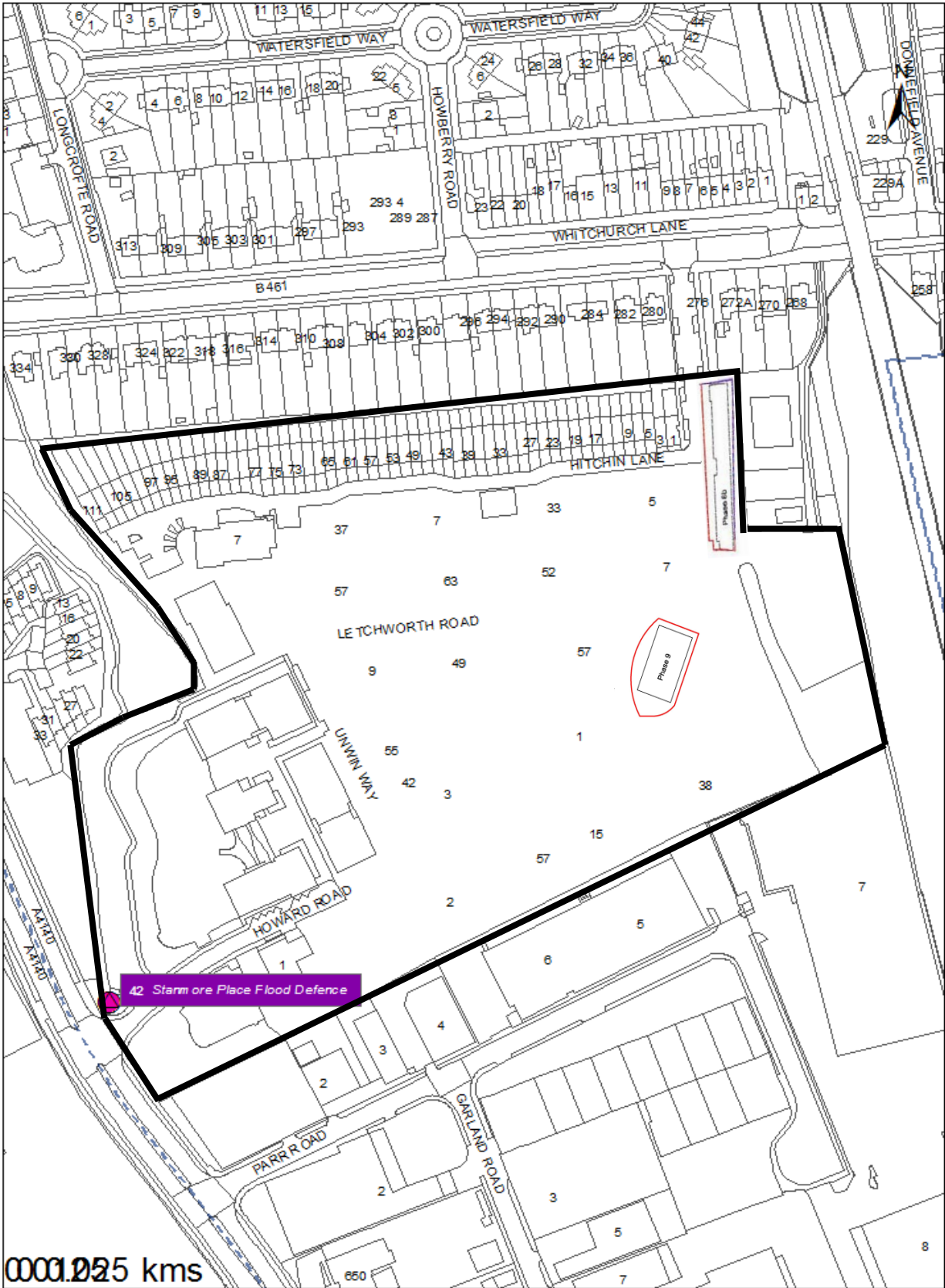
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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

Plan Nos: (PL) 02; D1575.L.P8\_282 Rev PL02; 6437 D2100 Rev 03; (PL) 50 Rev A; PL150 Rev A; 6437 D2701 Rev 01; 6437 D2700 Rev 00; Un-numbered photos – marketing images; 1669 02 Rev G Design and Access Statement (dated 5<sup>th</sup> June 2015; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015)



**FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE  
(P/2717/15)**



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 Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Tony Kitson  
CMS Cameron McKenna LLP  
Mitre House  
160 Aldersgate Street  
London  
EC1A 4DD

Our Ref: APP/M5450/A/06/2032152  
APP/M5450/A/06/2032153

12 November 2007

Dear Mr Kitson

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEALS BY BERKELEY URBAN RENAISSANCE LTD AND DOMINION  
HOUSING GROUP LTD  
APPLICATION Nos: P/2317/06/CFU AND P/2246/06/COU  
LAND AT FORMER GOVERNMENT OFFICES SITE, HONEYPOT LANE,  
STANMORE, MIDDLESEX, HA7 1BB**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C J Ball RIBA IHBC FRSA, who held a public local inquiry which opened on 17 July 2007, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against the failure of the London Borough of Harrow to give notice within the prescribed period of a decision on applications for:-

- i) redevelopment to provide 816 residential units (including 40% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works; and,
- ii) a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site).

2. On 16 February 2007 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

3. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeals be allowed and planning permission be granted, subject to conditions. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR). For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation.

Department for Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London SW1E 5DU

Tel 020 7944 8076  
Fax 020-7944-3919  
Email [andrew.lynch@communities.gsi.gov.uk](mailto:andrew.lynch@communities.gsi.gov.uk)

### **Procedural matters**

4. The Secretary of State agrees with the Inspector's assessment of the Appeal B application as set out in IR2. She also notes the various amendments made to the proposal as set out in IR7-8. Like the Inspector (IR8), she does not consider that any prejudice has been caused to any party by accepting these amendments and has determined the application on this basis.

5. In reaching her decision the Secretary of State has, like the Inspector (IR22), taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and in response to further requests for information under Regulation 19 of those Regulations. The Secretary of State considers that the information provided complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the applications.

### **Policy Considerations**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Borough of Harrow UDP 2004 and the London Plan 2004. The Secretary of State agrees with the Inspector that London Plan policies most relevant to the applications are those set out in IR29. The Secretary of State also agrees that the most relevant UDP policies are those identified by the Inspector at IR29, with the exception of policy H4, which expired on 27 September 2007. She does not consider that the implications of this expiry raise any new issues that would either affect her decision or require her to refer back to parties for further representations prior to reaching her decision on the applications.

7. Material considerations the Secretary of State has taken into account include PPS1 *'Delivering Sustainable Development'*, PPS3 *'Housing'*, PPG4 *'Industrial and Commercial Development and Small Firms'*, PPG13 *'Transport'*, PPG17 *'Planning for Open Space, Sport and Recreation'* and PPS25 *'Development and Flood Risk'*.

8. Other material considerations which the Secretary of State has taken into account include the DETR/CABE publication *'By Design - Urban design in the planning system: towards better practice'*, and the adopted development brief for the site *Land at Honeypot Lane Stanmore Development Brief: March 2005*.

9. The draft Further Alterations to the London Plan is also a material consideration. The Secretary of State has afforded this some weight as the panel report following the examination in public has been published.

10. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, and the London Plan draft supplementary planning guidance (SPG) *'Providing for Children and Young People's Play and Recreation'*, but as these documents are still in draft and may be subject to change, she affords them little weight.

## **Main Issues**

11. The Secretary of State agrees with the Inspector that the main considerations in these appeals are those set out in IR 116-117.

### Appeal A

12. For the reasons given in IR118, the Secretary of State agrees with the Inspector that the mixed-use redevelopment of this suitably located previously-developed land for housing and employment purposes would meet key national policy objectives, and that the site should be a priority for development.

### The effect the proposal would have on the character and appearance of the surrounding area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect the proposal would have on the character and appearance of the surrounding area, as set out in IR119-135. She agrees that the proposal would meet the sustainability criteria of London Plan Policy 2A.1; that it would significantly increase London's housing supply in line with Policy 3A.1; that it would maximise the potential of the site, achieving the highest possible intensity of use compatible with the local context, in accordance with the design principles of Policy 4B.1 and the objectives of Policy 4B.3; that it would be of a high standard of design and layout in compliance with UDP Policy D4; that the scheme design would achieve the aims of the Development Brief; and, that the proposal would have no unacceptably harmful effect on the character and appearance of the surrounding area (IR 135).

### The impact of the proposed development on the living conditions of future residents

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposed development on the living conditions of future residents, as set out in IR136-139. She agrees that the amenity space to be provided, including children's play areas on and off site, would largely meet the requirements of the London Plan draft SPG, and is sufficient as a usable and visual amenity area for the occupiers in accordance with UDP Policy D5 (IR139). She agrees that, in this respect, the proposed development would have no unacceptable impact on the living conditions of future occupiers of the dwellings (IR139).

### The cumulative impact of major development on the local area

15. For the reasons given in IR140-142, the Secretary of State agrees with the Inspector that, cumulatively, the proposal would not have a harmful impact on the local area (IR142).

### Appeal B

16. For the reasons given in IR143, the Secretary of State agrees with the Inspector that if the Appeal A development scheme goes ahead, the proposed footpath would provide a safe and secure route for pedestrians.

### Conditions and Obligations

17. The Secretary of State agrees with the Inspector's assessment and conclusions on conditions and obligations as set out in IR144-145.

### **Overall conclusions**

18. The Secretary of State agrees with the Inspector's conclusions as set out in IR146-147.

19. Overall, the Secretary of State concludes that the proposal complies with the development plan and national policy. There are no material considerations of sufficient weight to indicate that she should determine the appeals other than in accordance with the development plan and national planning policy.

### **Formal Decision**

#### Appeal A

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby:-

i) Allows appeal A and grants planning permission for 798 residential units (including 40.2% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works, on land at former Government Offices site, Honeypt Lane, Stanmore, Middlesex, HA7 1BB, in accordance with application number P/2317/06/CFU, dated 7 August 2006 (as amended) and those modified plans listed at Annex C of the Inspector's report, subject to the conditions set out in Annex A to this letter; and,

ii) Allows appeal B and grants planning permission for a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site), in accordance with application number P/2246/06/COU, dated 7 August 2006 (as amended), subject to the conditions set out in Annex B to this letter.

21. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

23. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

25. A copy of this letter has been sent to the London Borough of Harrow and all parties who appeared at the inquiry.

Yours sincerely,

Andrew Lynch  
Authorised by the Secretary of State to sign in that behalf

## **Annex A**

- 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.
- 2) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, to buildings and to the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 3) All 798 homes in the scheme, as detailed in the approved plans, shall be built to Lifetime Homes Standards and thereafter be retained to those standards.
- 4) Development shall not begin until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 5) No demolition or site works shall begin until the boundary of the site is enclosed by a close boarded fence of a minimum height of 2 metres. The fencing shall remain until the development is ready for occupation or, in accordance with a programme approved in writing by the local planning authority, to allow completion of boundary landscaping works.
- 6) Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the local planning authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.
- 7) No works or development shall take place until a survey has been carried out of all existing trees and hedgerows on or overhanging the land, indicating which are to be retained and which are to be removed, and details of the retained trees and hedgerows and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.
- 8) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 9) Development shall not proceed beyond ground floor damp proof course level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

11) All hard and soft landscape works shall be carried out in accordance with the approved details. The hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

12) All planting, seeding or turfing comprised in the approved details of soft landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 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 similar size and species, unless the local planning authority gives written approval to any variation.

13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

14) No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highways shall be carried out unless such proposals have been submitted to and approved in writing by the local planning authority.

15) Development shall not proceed beyond ground floor damp proof course level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority.

16) No dwelling shall be occupied until details showing how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

17) No building shall be occupied until space has been laid out within the site in accordance with the approved plans for 740 cars to be parked and for the loading and unloading of vehicles.

18) No dwelling within 75 metres of the underground railway line to the east of the site shall be occupied until a scheme of noise insulation has been submitted to and approved in writing by the local planning authority and has been carried out in accordance with the approved details.

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

20) Development shall not proceed beyond ground floor damp proof course level until a scheme for the storage, collection and disposal of refuse and waste and vehicular access



thereto has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works have been carried out in accordance with the approved details.

21) No industrial activity shall take place anywhere on the site except within the buildings designed for that purpose.

22) Development shall not begin until details of the proposed phasing programme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved programme.

23) Development shall not proceed beyond ground floor damp proof course level until details of a scheme for generating 10% of the predicted energy requirement of the development from on-site renewable resources have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be maintained so that it provides the required level of generation.

24) Details of external lighting including columns and light fittings shall be submitted to and approved in writing by the local planning authority before installation. The installation shall be carried out in accordance with the approved details and shall be operational prior to the first occupation of any part of the development.

25) None of the buildings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

26) Development shall not begin until surface water drainage, attenuation and storage works have been carried out to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

27) Development shall not begin until details of the existing and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

28) Development shall not begin until details of surface water source control measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

29) Development shall not begin until details of compensatory flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

30) Development shall not begin until details of the maintenance regime for the flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

31) Any walls or fencing constructed within or around the site lying within the land liable to flood shall be designed to be permeable to flood water.

32) There shall be no light spill from external artificial lighting on the site into the river corridor habitat adjacent to the western boundary of the site. Artificial lighting shall be located so that lighting levels within 5 metres of the top of the bank of the unnamed ditch within the corridor are maintained at a background level of 0-2 Lux.

33) Development shall not begin until a 5 metre wide buffer zone, measured from the top of the bank, has been provided alongside the unnamed drainage ditch that runs parallel to the western site boundary. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of any structure, hard standing, footpath, fence or overhanging structure, such as a balcony. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be managed to develop a natural character and shall be left to colonise and regenerate naturally.

## **Annex B**

1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.

2) Development shall not begin until an 8 metre wide buffer zone, measured from the top of the bank, has been provided alongside the brook. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of obstructions.

3) Development shall not begin until an ecological appraisal and a river corridor survey have been carried out and a detailed plan of the works incorporating the recommendations of the appraisal and survey has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Development shall not begin until details of the footpath, bridgeworks and any bank stabilisation works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) Development shall not begin until a flood risk assessment of the detailed proposals has been carried out and a report has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the recommendations of the report.

6) No works or development shall take place until a survey has been carried out of all existing trees and vegetation on the land, indicating which are to be retained and which are to be removed, and details of the retained trees and vegetation and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.

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

8) Development shall not begin until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; pedestrian access and circulation areas; hard surfacing materials; and any other minor artefacts and structures.

9) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

10) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 2 years from the completion of the works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

11) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to the footpath being brought into use. The landscape management plan shall be carried out as approved.

12) Development shall not begin until details of the footpath external lighting scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

ITEM NO: 1/04

ADDRESS: ST GEORGES CHURCH FIELD, PINNER VIEW, HARROW

REFERENCE: P/0479/15

DESCRIPTION: APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING AND SCALE ATTACHED TO OUTLINE PLANNING PERMISSION P/2336/11 DATED 10/02/12: REDEVELOPMENT TO PROVIDE 7 X 1 BED FLATS, 8 X 2 BED FLATS, 4 X 3 BED HOUSES AND 8 X FOUR BED HOUSES; PROVISION OF APPROXIMATELY 0.69 HECTARES OF OPEN SPACE; IMPROVED ACCESS, PARKING FOR USERS OF ST GEORGE'S CHURCH HALL AND A DETACHED DOUBLE GARAGE FOR USE BY THE VICARAGE

WARD: HEADSTONE SOUTH

APPLICANT: NOTTING HILL HOME OWNERSHIP

AGENT: GL HEARN

CASE OFFICER: ABIGAIL CHAPMAN

EXPIRY DATE: 02/09/15

## **RECOMMENDATION**

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

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2015), Harrow's Core Strategy (2012), and the policies of the Harrow Development Management Policies Local Plan (2013) listed in the informatives below, as well as to all relevant material considerations including the responses to consultation. The principle of development has been established under outline planning application P/2366/11 which was approved by the Planning Committee in 2012. Since this date the Council has adopted the Site Allocations Local Plan and this development site is identified for 27 dwellings and open space. The proposed development is considered to be of a good design which responds positively to the character of the area due to the use of materials and scale (two storey) whilst providing a unique sense of place through the detailed design (brick detail and entrance detail). Further to this the proposed development is not considered to have a detrimental impact on the character or setting of the grade II listed church hall. The garage is of a good design which reflect the character of the locally listed Vicarage building and the landscaping masterplan is considered acceptable. The proposals will not be to the detriment of the amenities of any neighbouring occupiers and will provide satisfactory living accommodation for potential occupiers. It is considered that the external appearance, scale and landscaping scheme submitted is acceptable and it is recommended that the application is approved.

## **INFORMATION**

The application is reported to the Planning Committee as it is a Major Development.

Statutory Return Type: Statutory Return Type: E: All Other Major Development

Council Interest: None

Council Interest: None

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

## **Site Description**

The application site is an area of open space associated with St Georges Parochial Church

The site is private land bought in 1923 by the applicants. There is not a right of unrestricted public access to use the site. An eastern footpath access from Pinner View, immediately north of the Church Hall, and the vehicular entrance from the cul-de-sac road named Churchfield Close, are both gated and locked.

The site is approximately 1.7 ha in size, roughly rectangular and is generally flat. There are a number of trees and shrubs close to or along the boundaries

The rear gardens of two storey semi detached houses bound the south, west and east of the application site. The grade II listed Church Hall and the unlisted vicarage bound the south-east of the site and to the north lie the well-maintained hard tennis courts of the Headstone Lawn Tennis Club.

A large single-storey scout headquarters building, erected in the 1960's, stands in the north-west corner of the site, and is in active use by 1st Headstone Scouts.

The trees on the boundary of the Headstone Lane tennis courts and rear gardens in Kingsway Crescent are protected by a TPO. A TPO Rowen tree (denoted T3 on the tree plan) will be removed as part of this development although this is not required to be assessed as part of this proposal as the removal of this tree was granted under a separate application.

## **Proposal Details**

Planning permission was granted for 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses; provision of approximately 0.69 hectares of open space; improved access, parking for users of St George's Hall and a detached double garage for use by the vicarage. The following condition is attached to the planning permission;

Details of the external appearance, landscaping and scale of the development (here in after collectively referred to as 'the reserved matters') shall be made to the Local planning Authority before the expiration of three years from the date of this permission. These matters shall be approved in writing by the Local planning Authority prior to the commencement of development.

The means of access and layout of the development was approved under the outline planning application (P/2336/11), in order to be acceptable this scheme must incorporate the approved layout and access.

The proposed dwellings are consistent with the originally approved layout and extend to a maximum of two storeys. The dwellings are double fronted facing the road, entrances, balconies and doorways break up the scale of the elevations. The dwellings are predominately finished in red brick with projecting brick patterns to offer interest and lighter brick to delineate the recessed entrances to the dwellings.

The details of the replacement garage have also been submitted as part of this application; the garage will be suitable for two vehicles, single storey and finished in brickwork to match the existing house with a tiled roof and a timber garage door.

The means of access and layout for this development has been approved under application P/2336/11, this application relates only to the external appearance, landscaping and scale of the development. The changes identified to the turning head are not being considered under this application, a planning application seeking to amend the layout of the development will need to be submitted. In addition to this a substantial amount of information has been submitted regarding discharging the planning conditions, a separate application will need to be submitted to discharge the planning conditions and the planning conditions are not being determined under this application. The additional documents are therefore not proposed to be approved as part of this recommendation.

### **Relevant History**

HAR/15735

Erection of Pavilion

GRANTED - 02-SEP-59

LBH/78

Continued Use of Pavilion, Changing Room and Store

GRANTED - 25-MAY-65

LBH/78/1

Erection of Single Storey Cricket Pavilion

GRANTED - 24-JUN-76

LBH/37739

Outline: Residential Development with Access between No. 96 and Church Hall (40 Detached /semi Detached and Terraced Houses with garages)

WITHDRAWN - 21-JUL-89

P/3626/06

Redevelopment of Open Space for Residential Use as Fifty Houses and Flats along with Parking, Access and a New Community /Scout Building

REFUSED - 19-APR-07

#### Reasons for Refusal:

1 The proposal would be an unacceptable development of a Greenfield site for which no justification has been given that would be contrary to Policy EP 20 of the Harrow Unitary Development Plan and relevant national guidance

2 Insufficient and inadequate information has been provided to show that as a result of the proposed development the loss of this sport and recreational facility could be offset by the availability of a similar facility in the nearby locality, contrary to Policy EP47 of the Harrow Unitary Development Plan

3 The proposed development by reason of a poor layout and a cramped relationship

between buildings and spaces would result in an overdevelopment of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan

4 No Flood Risk Assessment has been submitted to accompany the proposal that would demonstrate how excess surface water run off could be attenuated as a result of the development that would ensure that serious structural harm to neighbouring residential properties would result, contrary to Harrow Unitary Development Policy EP12 and relevant national guidance

P/2569/07

Development to provide 7 x 1 Bed flats, 8 x 2 bed flats, 4 x 2 storey houses, 8 x 2.5 storey houses, community hall, access, parking for church hall; retention of 0.7 Ha of open space

REFUSED - 21-NOV-07

APPEAL - DISMISSED

08-OCT-08

Reasons for Refusal:

1 The proposal would be an unacceptable development of a Greenfield site for which no justification has been given that would be contrary to Policy EP 20 of the Harrow Unitary Development Plan and relevant national guidance

2 Insufficient and inadequate information has been provided to show that as a result of the proposed development the loss of this sports and recreational facility could be offset by the availability of a similar facility in the nearby locality, contrary to policy EP47 of the Harrow Unitary Development Plan

3 The proposed development by reason of a poor layout and a cramped relationship between buildings and spaces would result in over development of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan

4 In the absence of any supporting information the development provides insufficient affordable housing contrary to The London Plan, policies 3A.7 and 3A.8

P/1546/09

Outline: redevelopment of St. George's field to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. George's church hall and provision of 0.8 hectares of private open space.

REFUSED - 07-OCT-10

APPEAL DISMISSED - 13-JUN-11

Reasons for Refusal:

The application for the development of identified and unidentified greenspace safeguarded within the adopted Harrow unitary Development Plan and London Plan would result in the loss of part of the stock of private greenspace in the borough contrary to policy EP47 of the Harrow UDP and policy 3D.8 of The London Plan. The benefits arising from the delivery of new and affordable housing and improved public access to the undeveloped greenspace are not considered to outweigh the loss to the stock of greenspace in the Borough arising from the development in this case.

P/2336/11

Outline permission for access and layout: redevelopment to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses; provision of approximately 0.69 hectares of open space; improved access, parking for users of St George's Hall and a detached double garage for use by the vicarage.

### **Applicant Submission Documents**

- Design and Access Statement
- Ecological Assessment report
- Planning Statement

### **Consultations**

Sport England : Sport England was consulted on the application at outline stage and raised strong objection to the loss of playing field land. The application was nonetheless granted permission by LB of Harrow. At this stage, at the very least, Sport England would expect the applicant and Council to protect the remaining playing field and have it marked out formally with pitches. We would expect a commitment to mark out pitches to forthcoming from the applicant and the rafter maintained in perpetuity or gifted the Council or community to maintain and manage. Sport England requests that due consideration to paragraph 74 of the NPPF and seek to protect the remaining playing field at the site in formal sporting use and not allow it to be used to provide incidental open space.

Local Housing Authority : The affordable housing offer from Notting Hill Housing Group represents 56% of the total development (15 of 27 total homes) and will provide 11 homes for affordable rent and 4 homes for shared ownership.

Affordable rented homes will comprise : 4 x 4b 5p houses; 2 x 3b 4p houses; 2 x 1b 2p apartments; 2 x 2b 3p apartments and 1 x 2b wheelchair apartment. The wheelchair apartment will be provided to comply with the Council's wheelchair housing guidance and Housing Enabling's Wheelchair Homes Design Guide.

Shared Ownership homes will comprise : 4 x 4b 5p houses.

This level of offer is acceptable, and is particularly welcome as it includes much needed family homes in the form of houses.

Thames Water: No Objections

Urban Design Officer: The proposals are considered acceptable, no objections

Conservation Officer: There are no heritage concerns with the proposal. It is considered that it would meet national and local heritage policy and guidance.

Biodiversity Officer: There is no overriding ecological constraint to the development of the site and proposals accord to planning policy

### **Advertisement**

Harrow Observer  
Harrow Times  
Site Notice

### **Notifications**

Sent: 568  
Replies: 8



## Summary of Responses

1 x letter of Support

2 x letter of Objection regarding the fact the plans were not available to view on the website

7 x letters of objection including 3 objections from the Kingsfield Estate Residents Action Group raising the following concerns;

- Loss of greenspace,
- Scouts HQ and its facilities to be protected,
- protection of TPO trees,
- residents should not be disturbed during construction,
- run off from development must not impact adjoining residents,
- open space needs to be completed prior to the housing estate being occupied,
- scale of development should accord with surrounding properties,
- dwellings should be traditional in appearance,
- the area should be landscaped to encourage wildlife and soften the impact of the development,
- the access road and pavement must be safe for the existing occupiers of Pinner View and potential occupiers,
- sufficient parking needs to be provided for residents,
- adequate access is required for refuse vehicles and emergency services,
- the vicarage and its garden is to remain a single dwelling,
- the development must respect the character of the Grade II listed Church Hall,
- clarity regarding boundary treatment and maintenance of the boundary treatment,
- the site should be accessed only from Parkside Way,
- The flats need to be broken up to allow for houses in Kingsway and Kingsfield to have a view of the park,
- can the occupation of the flats be restricted to the elderly,
- increased floodrisk, access to the parkland from Hillview and Churchfield Close,
- parking problems,
- light pollution,
- impact on biodiversity,
- loss of sports field,
- the site does not fall within Harrow and Wealdstone Intensification Area,
- solar panels should be installed,
- will the development have its own energy producing unit,
- waste separation facilities should be provided for the flats,
- Highway Safety

## APPRAISAL

### MAIN CONSIDERATIONS

Principle of Development

Character and Appearance of the Area

Residential Amenity

Living Conditions for Future Occupiers

Biodiversity

EIA development

### **Principle of development**

The principle of development has been established under outline planning application P/2366/11 which was approved by the Planning Committee in 2012. Since this date the Council has adopted the Site Allocations Local Plan and this development site is identified for 27 dwellings and open space. The Site Allocations document has been found sound by an Independent Planning Inspector appointed by the Secretary of State. It was adopted on 4 July 2013 and forms part of the adopted development plan, 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.'

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

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

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

The proposed dwellings are considered to be of a good design which responds positively to the character of the area due to the use of materials and scale (two storey) whilst providing a unique sense of place through the detailed design (brick detail and entrance detail). Further to this the proposed dwellings are not considered to have a detrimental impact on the character or setting of the grade II listed church hall and the conservation officer has raised no objections. The proposed garage is also considered to be of a good design which makes reference to the vicarage and does not detract from the character or appearance of the locally listed building. In light of the above it is considered that the application will comply with policy 7.4 and 7.8 of the London Plan 2015, Core Strategy policy CS1B and D and Development Management Policies 7 and 1 which seek to ensure that development proposals achieve a high standard of design and layout and do not have a detrimental impact on the character or setting of a listed building.

The soft landscaping masterplan is considered acceptable in principle, however, as identified in the earlier section this application relates only to the external appearance, landscaping and scale of the development the increase in size of the turning area will amend the approved layout of the scheme and as such a s73 application will be required to vary the size and location of the turning area. The landscaping strategy is required to be assessed through a planning condition. Concerns have been raised with regard to the protection of TPO trees, a planning condition was attached to the original permission requiring tree protection measures to be implemented prior to the commencement of development. This will ensure that there is no damage to any trees during construction.

### **Residential Amenity**

Policy 7.6B, subsection D, of The London Plan (2015) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and

buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

The layout of the development was determined under the original outline planning application and the development extends no further than two storeys as such no objections are raised with regard to the proposals having an overbearing impact or causing any overshadowing. With regard to overlooking adequate distance is provided no overlooking to the rear of the dwellings and windows are not proposed in the side elevations other than in the block of flats adjoining the scout hut. The windows overlooking the scout hut will improve natural surveillance which will improve security as such no objections are raised in this regard.

The proposed garage to serve the vicarage is not considered to have an overbearing impact, cause any overlooking or overshadowing of adjoining occupiers.

Concerns have been raised with regard to noise and disturbance in order to ensure that the disturbance is kept to a minimal a planning condition during is attached to the original planning permission which requires the submission of a construction method statement which will identify where contractors can park, hours of work and measures to control dust and dirt during construction.

In light of the above it is considered that the application will comply with policy 7.6B of The London Plan 2015, Core Policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan 2013.

### **Living Conditions for Future Occupiers**

Harrow Core Policy CS1 (Overarching Policy) K states that the Council will require a high standard of residential design and layout consistent with the London Plan (2015) and associated guidance. In mixed tenure schemes a consistent standard of design and layout will be required throughout the development.

The proposed development will provide accommodation that meets the Gross Internal Floor Areas as detailed within the London Plan (2015). The proposed layouts would provide functionable living accommodation, with habitable rooms that would receive a satisfactory level of light and provide adequate outlook for future occupiers. Further to this the development will provide two wheelchair accessible flats.

Overall, the proposed development is considered acceptable in terms of the living conditions of future occupiers, and would meet the policy objectives of the relevant Development Plan policies

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

It is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard. Indeed it is considered to improve public safety through providing increased natural surveillance within the area.

### **Biodiversity**

Development Management Policy DM20 of the Harrow Development Management Local Policies Plan (2013) states that 'Proposals that would be detrimental to locally important biodiversity will be resisted'.

The outline planning application assessed the impact of the development on biodiversity

and concluded that the development would not have a detrimental impact. Notwithstanding this the appellants have submitted an ecological report with application (which was not a requirement) of this application. The biodiversity officer has assessed this report and does not dispute the findings that the development will not be detrimental to locally important biodiversity, no objections are therefore raised in this regard and it is considered that the application will comply with policy 7.19 of the London Plan 2015 and Development Management Policies DM1, DM20 and DM21.

### **Environmental Impact Assessment**

A screening opinion was carried out under the original planning permission P/2336/11 which determined the development was not EIA, this screening opinion has been challenged in the high courts and this challenge was unsuccessful.

Since the grant of planning permission P/2336/11, there has been a change to the EIA regulations (6 April 2015). The changes to the regulations, amongst other things, increased the site area for sites that would need to be screened. In this instance the application site is less than the 5.0ha threshold set by the amended EIA regulations. Accordingly, the application site would be less than the requirements of the amended EIA regulations and is therefore still not an EIA development.

### **Human Rights Act**

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

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

### **Consultation Responses**

The development will not extend beyond two storeys and as such is considered to be in keeping with the scale of surrounding residential properties, whilst the design of the dwellings is not considered to be traditional it is considered that the pallet of materials reinforces local distinctiveness. The layout of the development was approved under application P/2336/11 and this dictated the location of the flats, the view of the open space is not protected and there are no planning policies to protect this view.

Sport England have indicated that the open space should be marked out for pitches, it was established through the Public Inquiry that the space was insufficient for pitches and the layout of the open space was agreed through application P/2336/11.

This application does not seek permission for the Vicarage to be subdivided, it is only regarding the erection of a new garage to serve the Vicarage.

The exact details of the boundary treatment and lighting will be determined through planning conditions attached to the outline permission and are not the subject of this application.

The vehicular access, layout, housing mix, loss of the greenspace, retention of the scout hut, flood risk and drainage, highway safety, refuse arrangements and parking requirements was assessed against the development plan at length in the committee report concerning application P/2336/11 (please see attached). A number of conditions regarding these issues have been attached to the outline permission and will be assessed independently through subsequent applications.

There are a number of solar panels proposed to be used in the development, but there is no proposal for the development to have its own energy producing unit and it would not be a requirement for a development of this scale.

## **CONCLUSION**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan (2015), Harrow's Core Strategy (2012), and the policies of the Harrow Development Management Policies Local Plan (2013) listed in the informatives below, as well as to all relevant material considerations including the responses to consultation. The principle of development has been established under outline planning application P/2366/11 which was approved by the Planning Committee in 2012. Since this date the Council has adopted the Site Allocations Local Plan and this development site is identified for 27 dwellings and open space. The proposed development is considered to be of a good design which responds positively to the character of the area due to the use of materials and scale (two storey) whilst providing a unique sense of place through the detailed design (brick detail and entrance detail). Further to this the proposed development is not considered to have a detrimental impact on the character or setting of the grade II listed church hall. The garage is of a good design which reflect the character of the locally listed Vicarage building and the landscaping masterplan is considered acceptable. The proposals will not be to the detriment of the amenities of any neighbouring occupiers and will provide satisfactory living accommodation for potential occupiers. It is considered that the external appearance, scale and landscaping scheme submitted is acceptable and it is recommended that the application is approved.

## **CONDITIONS**

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

580\_P-200 Rev A, 581\_P-601, 581\_P-602, 581\_P-603, 581\_P-604, 581\_P-605, 580\_P002, 580\_P001, 580\_P003, 580\_P-000, 580\_P-100, 580\_P-200 Rev A, 580\_P-301, 580\_P-300, 580\_P-303, 580\_P-401, 580\_P-400, 580\_P-501, 580\_P-500, 580\_P-103, 580\_P-504 Rev B, 580\_P-503 Rev C, 580\_P-502 Rev C, 580\_P-404 Rev C, 580\_P-403 Rev D, 580\_P-402 Rev D, 580\_P-304 Rev B, 580\_P-302 Rev D, 580\_P-202 Rev D, 580\_P-201 Rev D, 580\_P-102 Rev A, 580\_P-101 Rev D, 580\_P-004 Rev C, 2553\_SK\_01

REASON: In the interest of proper planning.

2 Notwithstanding the details on the approved plans the turning area shall be implemented in accordance with drawing numbers CCSG.H 302 Rev 0; CCSG.H 303 Rev D; CCSG.H 304 REV 0; CCSG.H 322 REV 0, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of proper planning as this application relates only to the external appearance, landscaping and scale of the development.

## **INFORMATIVES**

1 The following the policies are relevant to this decision:

London Plan (2015)

3.5 – Quality and design of housing developments

3.8 – Housing Choice

Schemes

4.12 – Improving Opportunities for all

5.3 – Sustainable design and construction

5.9 – Overheating and cooling

5.10 – Urban greening

5.11 – Green roofs and development site environs

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.1 – Building London's neighbourhoods and communities

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.6 – Architecture

7.19 – Biodiversity and Access to Nature

Harrow Core Strategy (2012)

CS1 B/C/D/E Local Character

CS1 G Open Space, Sport and Recreation

Harrow Development Management Local Policies Plan (2013)

DM1 – Achieving a High Standard of Development

DM2 – Achieving Lifetime Neighbourhoods

DM7 – Heritage Assets

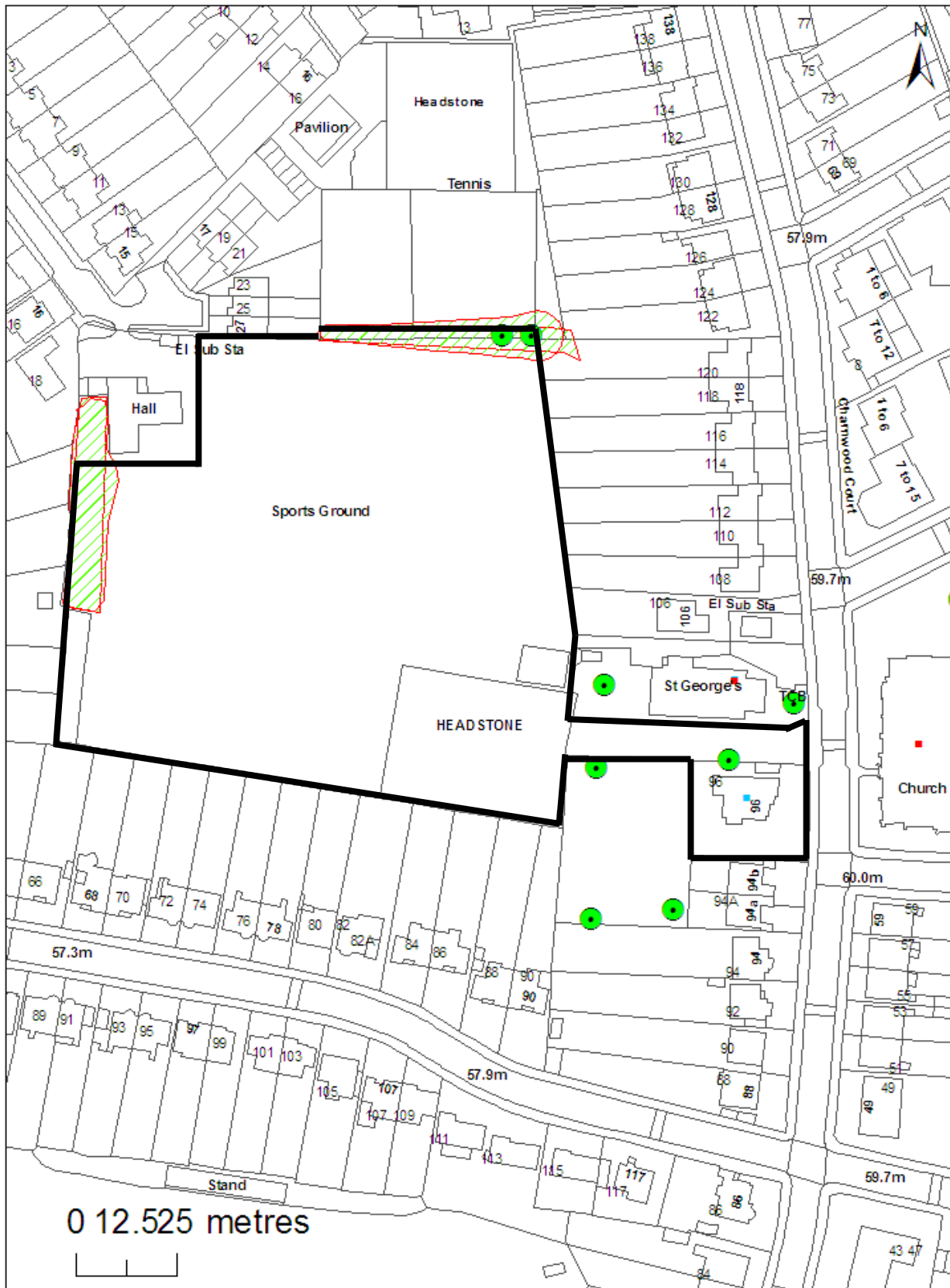
DM20 - Protection of Biodiversity and Access to Nature

DM21 – Enhancement of Biodiversity and Access to Nature

DM22 – Trees and Landscaping

Plan Nos: 580\_P-200 Rev A, 581\_P-601, 581\_P-602, 581\_P-603, 581\_P-604, 581\_P-605, 580\_P002, 580\_P001, 580\_P003, 580\_P-000, 580\_P-100, 580\_P-200 Rev A, 580\_P-301, 580\_P-300, 580\_P-303, 580\_P-401, 580\_P-400, 580\_P-501, 580\_P-500, 580\_P-103, 580\_P-504 Rev B, 580\_P-503 Rev C, 580\_P-502 Rev C, 580\_P-404 Rev C, 580\_P-403 Rev D, 580\_P-402 Rev D, 580\_P-304 Rev B, 580\_P-302 Rev D, 580\_P-202 Rev D, 580\_P-201 Rev D, 580\_P-102 Rev A, 580\_P-101 Rev D, 580\_P-004 Rev C, 2553\_SK\_01

# ST GEORGES CHURCH FIELD, PINNER VIEW, HARROW



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## Appeal Decision

Hearing held on 8 October 2008

Site visit made on 8 October 2008

by **C J HOILE MA (OXON) MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

**Decision date:**  
27 October 2008

722

**Appeal Ref: APP/ M5450/ A/ 08/ 2075518**

**St George's Field, Headstone, Harrow, Middlesex**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by St George's Parochial Church Council against the decision of the Council of the London Borough of Harrow.
- The application Ref: P/2569/07/COU, dated 2 August 2007, was refused by notice dated 21 November 2007.
- The development proposed is described in the decision notice as "development to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 2 storey houses, 8 x 2.5 storey houses community hall, access parking for church hall; retention of 0.7 ha of open space".

### Decision

1. I dismiss the appeal.

### Preliminary Matters

2. An Internal Memo of 8 October from the Council's Legal and Governances Services Department to Mr Pidgeon, concerning the appellants' submitted Unilateral Undertaking, was handed to me and the appellants on the site in the late afternoon of 8 October 2008, shortly before I closed the Hearing. The Memo contained an Officer view that the Unilateral Undertaking of 26 September from the appellants "is not currently acceptable having regard to s106(9)." As the matter was not capable of immediate resolution, I gave the parties one week to resolve the matter, and for a revised Unilateral Undertaking to be submitted to the Planning Inspectorate if necessary. A revised Unilateral Undertaking, dated 13 October 2008 has been submitted to the Planning Inspectorate and the Council by the appellants, and is contained within the case file. The matters covered and the intent have not altered from what was before the parties at the Hearing.

### Main issues

3. From what I have seen, heard and read I consider that the main issues in this appeal are
  - (1) whether the loss of open and largely undeveloped land for this development would breach the intentions of policies in the development plan, and national policy guidance;
  - (2) if so, whether the proposals have specific planning merits, though inconsistent with policies in the development plan, and



- (3) whether the development would have any other adverse planning consequences of a material kind for the locality and its inhabitants.

**Reasons**

4. The Council's decision considered the most relevant saved policies in the 2004 Harrow Unitary Development Plan to be: EP20 – use of previously developed land; EP47 – Open Space; and D4 – the standard of design and layout. I have read and taken account of these and other policies mentioned in the decision notice from this Plan and the London Plan 2008. Most of the appeal site is identified as “Open Space” on the Proposals Map. Policy EP47 says that development, apart from small scale ancillary facilities needed to support or enhance the proper functioning of the open space, will not be permitted on the open spaces identified on the Proposals Map unless the site is surplus to requirements, or suitable alternative provision is made available.
5. This is a proposal that has attracted considerable local interest, with the majority of respondents opposed to the scheme. The Hearing process has proved educative, as a number of things alleged in the written material before me have been examined in more detail than previously. I have found a number of matters to be far from the certainties that some have claimed.
6. The site is private land bought in 1923 by the appellants. There is not and seems never to have been any right of unrestricted public access. An eastern footpath access from Pinner View, immediately north of the Church Hall, and the vehicular entrance from the cul-de-sac road named Churchfield Close, are both gated and locked. The appeal site is 1.4 ha in extent, roughly rectangular, and appears generally flat. The land is grass covered, and currently mown only a few times a year. There are a number of modest trees and areas of scrub close to or along its boundaries.
7. To the south, west and east the gardens of 2-storey semi-detached houses bound the site. Contiguous with the south-east boundary of the site, facing Pinner View, stand the Grade II listed Church Hall and the unlisted Vicarage. To the north lie the well-maintained hard tennis courts of the Headstone Lawn Tennis Club. A large single-storey scout headquarters building, erected in the 1960's, stands in the north-west corner of the site, and is in active use by 1st Headstone Scouts.
8. A substantial strip of land at the south of the site, in area approximately one third of the whole appeal site, was formerly occupied by the grass and clay courts of a tennis club (St George's Church [Headstone] LTC). The appellants' unchallenged evidence is that four of the seven courts had been abandoned by the 1980's. Their lease from the appellants terminated at the end of 1999, and the members moved to the Headstone Lawn Tennis Club ground. The reason appears from written evidence to have been inability to fund improvements to the courts or facilities by either party. Little of the former northern boundary of this strip survives. The area occupied by the former grass courts is visually indistinguishable from the remainder of the grassland area, but I found that the surface of the old clay courts (the eastern portion of this southern strip) could still be made out on my site visit. A derelict and abandoned timber hut stands just to the north of this southern strip, adjoining its eastern boundary.

9. The outline scheme before me opted for layout and access to be determined in the decision, leaving scale, appearance and landscaping to be decided later. The scheme plans show a single line of detached residential buildings along the southern part of the site; a continuation of that line runs northwards, next to the western site boundary, to a point where the southernmost part of the scout HQ now stands. There would be a new access road to the site off Pinner View, built through the gap between the Church Hall and Vicarage. A new community facility building is shown just north of the new road, in the vicinity of the present abandoned timber hut.
10. Apart from the southern third of the site – the old tennis court area – the land was shown on the 2004 Unitary Development Plan Proposals Map as “Open Space”. Land so designated includes public and open spaces of various kinds, including allotments and cemeteries. In its evidence, the Council was unable to produce any material, or cogent reasons, casting light on why this area had been designated “Open Space”. I found it even more surprising that it was unable to produce any reason why the southern third of the site, also open in character, had been omitted from this designation, and had no other kind of allocation. However, these facts are significant, because the southern line of six detached residential buildings in the appeal scheme, as well as the southern part of the access road, appear to be located wholly outside the designated “Open Land”. This leaves a minority of the scheme – three detached residential buildings and the northern part of the access road, together with the new facilities building – located within the “Open Land” designation.
11. *The first reason for refusal* concerned the alleged unacceptability of developing what was called “a greenfield site”. The policy quoted in support is EP20, which is aspirational in tone, as “the Council will seek to secure all new build development on previously developed land”. The appellants do not claim this to be “ancillary development to support appropriate open space” in the words of this policy or policy EP47, and these proposals do not accord with the intentions of policy EP20. However, the appellants do claim that a justification has been given for the proposals, and by the time of the Hearing they had produced a considerable body of evidence in support of their scheme. It is the acceptability of that evidence that I am concerned with.
12. *The second reason for refusal* concerned a lack of Council knowledge at that stage whether “the loss of this sports and recreation facility could be offset by the availability of a similar facility in the nearby locality”. Policy EP47 quoted in this reason says the Council will protect and where appropriate enhance Open Spaces, regardless of ownership. The exception is where “the site is surplus to requirements or suitable alternative provision is made available”. Obviously, in developed parts of Greater London, like for like replacement of open land lost to development is difficult if not impossible. However, the actual quality, function, and realistic prospects for use of a particular area of open land need to be studied in arriving at a planning decision.
13. The Council wanted evidence from an assessment at the decision stage that the site was unsuitable for sports use (so did Sport England, London Region in its written representations of 9 November 2007). The latter’s stance is opposition to partial development here. However, no representative appeared at the Hearing, and what it say appears to be based on written sources but not a site

- visit. Nevertheless, my reasoning below takes account of Sport England's representations.
14. I find it significant that the Council produced a major Sports and Recreation Provision Survey in 2005, after the adoption of the UDP. At the Hearing it was agreed that no mention at all was made of any part of the appeal site (the former tennis club's activities took place on land not designated as Open Land in the UDP). Thus, the Council seems to have made no discoverable analysis of the quality and usability of this land, before or after preparing the UDP.
  15. There is evidence that cricket matches and practice have taken place on the northern two thirds of the site since about 1928. The Club in question was the Headstone St George's Cricket Club. It appears that until some time in the 1960's the playing area included land to the east, subsequently developed as houses facing Pinner View, by permission of that land's owner. There is an absence of firm evidence as to how active the Club was in its use of the appeal site, but in the appeal-related material in the case file, there is correspondence of August 2005 by solicitors acting for the appellants terminating the licence. In this, the clubhouse hut was described as "formerly used" and "derelict", and it is said that the Club is no longer maintaining the playing fields, mowing the grass or maintaining the cricket table and pitches. The correspondence says that the Cricket Club appears to have abandoned the premises and the use of the playing facilities. It appears that the Club had been playing elsewhere, and the appellants say no cricket has been played since 2004. No member of the former Club appeared at the Hearing to give more information, but a letter of July 2007 to a local resident from a former Club official, Mr Wakefield says that a diminished and ageing membership, and the expense involved rule out a return.
  16. It is obvious that the area of open ground used by the former Club was very small in area for adult cricket. Inquiry Plan D shows that the north-south distance of the field, from the northern boundary to the former tennis club area is around 80 metres. Though the east-west area is some 124 metres wide at its widest point, it is less than 90 metres in the vicinity of the large Scout HQ building. As was agreed by the main parties, the rules of cricket specify no minimum or maximum dimension for a field of play, but a diameter well in excess of 100 metres is normal. No doubt the area could, in theory, be used by children to play cricket at an unambitious level, but the provision of ancillary facilities, and the maintenance expenses, would be relevant factors. A note of July 2008 in the appeal correspondence to Cllr Stephenson, from the Captain of a club team playing at the nearby Harrow Recreation Ground member, expresses an interest in using the ground, but the real level of that interest or his knowledge of the appeal site is not at all clear, and no interested club appeared at the Hearing or submitted a firm or realistic intention or ambition to use the site.
  17. I can only conclude that the size of the playing field here, irrespective of then lack of other desirable facilities for organised cricket, make this a facility of very low attractiveness for any amateur cricket club that wanted to play competitive matches with another club. Any ambitious hitting would result in a number of balls going into the gardens of the many houses adjoining the appeal site.

18. As to active sports use outside the cricket season, there is no disagreement between the Council and appellants that the ground can get very boggy outside the summer months. There is no detailed evidence as to the methods or cost needed to contain this problem, though the appellants hazarded a guess that it might cost around £25,000. I have no evidence that any organised team games such as football or hockey have ever been played on the site.
19. I find that this site has severe deficiencies for active sports use. In my opinion, neither the Council nor other parties opposed to the appeal scheme has shown that the local situation is one of material deficiency in respect of active outdoor activities.
20. National policy guidance is properly pointed out by Sport England in its representation letter. I note its contention that "the application site is currently within the definition of a sports/pitch field as defined within S.I.1817", and the quoting of the criteria in PPG17, para10. My findings above lead me to conclude that the land is more or less surplus to requirements for organised competitive or team sports played on a formal playing surface. There is considerable local public provision at the Headstone Manor Recreation Ground, some 400 metres to the north-west, and at Harrow Recreation Ground, some 300 metres to the south-east. The local private facilities for formal sport are at aforementioned Headstone LTC, and the Old Lionians Sports Ground, some 100 metres to the south.
21. Though it would be impossible to say that there is a real surplus of land for formal sport in the Borough or Greater London generally, I do not consider that the appeal site would be a valuable addition to the existing stock. Apart from matters of size and condition, the land is in the ownership of the appellants, and no other party has suggested it has the will or means to seek ownership of it from them. It is also very relevant to mention the index-linked £50,000 sporting contribution in the Unilateral Undertaking that would be triggered by a planning permission. This would be solely for use to improve sporting provision within 800 metres of the appeal site.
22. The appeal site is private church land that has always been used for church activities, by groups affiliated to the church or others by specific arrangement. I was told that the 1st Headstone Scouts use the open land for outdoor activities and informal games. This seems to me the kind of use that should endure and might be extended further with the good will of the appellants. However, when I asked the appellants for some indication of the regime that might ensue if I allowed the appeal, it became apparent that there was no fully formulated thinking on such matters as: whether or how the 0.7 ha of open land would be enclosed; the degree or kind of public access that might allowed; whether the land would have its drainage problems removed; and the kind of outdoor provision intended for scouts or other users of the many organisations who now lease space in the Church Hall, or might be accommodated in the new community facility building.
23. These omissions are important. Also, the representations made on behalf of the Scouts suggest that they have been yet been convincingly or formally assured that they would be accommodated satisfactorily in the new scheme. This is despite the text legend on the Indicative Masterplan drawing no. ccsg.h203, which indicates that the community building would be for them. Their

- lease expired on 31 March 2008, and they now occupy premises on 6 months rolling notice.
24. The Council's suggested condition No. 2 could ensure that the community hall would be completed before any residential unit was occupied. However, I consider that further hard thinking and decision-making by the appellants is needed on the matters I highlight in paragraph 22 above. Only then can a responsible decision-maker reasonably conclude whether a reduction in the area of this locally-valued open land is properly counter-balanced by new arrangements that maximise the use and potential benefits of the remainder for the foreseeable future. In this case, I firmly believe that more active use of a smaller area of open land than now exists would give greater local benefit than what now obtains on a largely unused larger area, of private land; this might reasonably be considered to outweigh any technical contravention of policies EP20 and EP47.
25. *The third reason for refusal* alleged poor layout, and a cramped relationship between buildings and spaces, resulting in over-development of the site detrimental to the character and appearance of the building. The scheme is for 27 dwellings, built at a density of 21 dwellings per hectare across the whole site. The Council considers parking provision is not objectionable, and that adequate access arrangements from Pinner View could be ensured by a planning condition. The Council Officers' report on the application considered that the proposal would not cause any loss of residential amenity to properties that border the site, in respect of distance, overlooking, loss of privacy, or loss of daylight or sunlight. The parties agree, in the light of a Flood Risk Assessment made by the appellants, that an appropriate planning condition can deal with any potential issue arising on-site.
26. At the Hearing, I did not find the Council's evidence on this reason for refusal convincing. It made three criticisms. The first was that on entering the site the viewer would have a prominent view of residential building No. 4, and that this would be unpleasing. The second was that from the entrance area the open car parking area in the north-west part of the site would be visible. The third was that the front elevational parts of residential building No. 6 would be blocked from easy public view by block No. 5. From the evidence of the plans themselves and what I saw on site, I cannot find any real substance in these criticisms. If the detailed designs for individual buildings in the outline scheme were of decent quality, I consider the first and third criticisms would be without substance. As to the second criticism, if landscaping and ground modelling was used with imagination, the visual impact of car parking throughout the scheme could be much diminished. I therefore find this third reason for refusal insubstantial, and insufficient in itself to dismiss the appeal, as there would be no breach of UDP Policy D4.
27. It is relevant to mention that neither main party disagreed that the scheme could provide a bat habitat in the roof areas of one or more of the proposed buildings, should it be established that bats inhabit the appeal site. A Council bat survey in August 2008 provided no evidence that this protected species has any habitat, as opposed to presence, within the appeal site. It was also agreed that the site has no particular special interest, in respect of flora and fauna, needing to be accommodated in a detailed scheme.
-

28. *The fourth reason for refusal* stemmed from the Council's concern that there could be inadequate affordable housing provision. The appellants Unilateral Undertaking binds the appellants to provide 14 of the 27 residential units on site as affordable housing. At the Hearing, it was confirmed that the Council was content with the quantity of units. It had a criticism of the size of units that the outline scheme seemed to indicate, as it wants any three bed units to have a size that could accommodate up to six persons. I consider that, if the scheme were unobjectionable in other respects, that matter could be fairly safely left to discussion and negotiation at the detailed matters stage.
29. The Council made the point that its calculations showed a sufficiency of housing land available to meet PPS 3 requirements and that the delivery of affordable housing has also been satisfactory up to year 2006-7; thus, housing achieved on a greenfield site rather than previously developed land was not necessary or desirable. This is a strong point but, as the appellants pointed out, rightly in my opinion, severe current market conditions will affect previous delivery projections in a major way. Though I cannot be sure that the outline proposal before me might not itself be affected by the current economic situation, a scheme with thirteen market dwellings of a modest kind and 14 affordable units seems to me to be not objectionable, if other planning considerations are satisfactory. The Council agreed that the offer of houses in the affordable provision, rather than all flats, is a positive factor. I find that the appellants have done sufficient to avoid materially breaching the two policies in the London Plan cited in the planning decision.

#### **Overall Conclusions on the Main Issues**

30. *whether the loss of open and largely undeveloped land for this development would breach the intentions of policies in the development plan, and national policy guidance* The proposals do not accord with UDP Policies EP20 or EP47 for reasons I set out in paragraphs 9 and 10. As I set out in paragraphs 24 and 27, I find no other breach of development plan policies.
31. *if so, whether the proposals have specific planning merits, though inconsistent with policies in the development plan* I have come to the conclusion that the actual value of the appeal site for active team sport, both the designated Open Space, and the unallocated southern third, is very low. As privately owned space to accommodate other kinds of outdoor activity, I consider that the existing open space has considerable value. Its use could endure and be intensified above the present low level, albeit on a smaller area, if the appeal scheme were implemented. The addition to the housing stock, particularly in terms of affordable housing, could be another planning benefit, for reasons I explain, as it would be mostly sited on unallocated land to the south, leaving a significant area of useable open space within the UDP's allocated area.
32. However, the appeal must fail, because I find the way in which the open land would be used has been insufficiently spelt out at the outline planning stage, for reasons I spell out in paragraphs 22—24 above.
33. *whether the development would have any other adverse planning consequences of a material kind for the locality and its inhabitants* Though some local residents whose back gardens overlook what is now largely undeveloped green land would be affected by a different outlook, I consider that

their residential amenities would not suffer. This is also the conclusion of the Council Officers' report. The land is private, access to it has always been controlled by the appellants, and the passer-by is largely unaware of its presence. Those who formerly played tennis and cricket there ceased to do so some years ago, and appear to have left by mutual agreement. There is no reason to suggest that those who now lease accommodation from the appellants in buildings on the St George's church land, on and next to the appeal site, could not be accommodated in a worked-up final scheme, stemming from this outline proposal.

**Conclusions**

34. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

***CJHOLLE***

INSPECTOR

## APPEARANCES

### FOR THE APPELLANTS

|                |   |
|----------------|---|
| Mr SBW Chalwin | Partner, Gerald Eve , 7 Vere St,<br>London W1G 0JB.                             |
| Rev S Keeble   | Vicar, St George's Church , The<br>Vicarage, 96 Pinner View, Harrow HA1<br>4RS. |
| Mr C Campion   | Scheme Architect, John Thompson &<br>Partners.                                  |
| Mr P Miller    | Architect, John Thompson & Partners.  |

### FOR THE LOCAL PLANNING AUTHORITY

|              |   |
|--------------|---|
| Mr R Pidgeon | Interim Chief Planning Officer, LB<br>Harrow, Civic Centre, Harrow, Middx<br>HA1 2UY. |
| Ms E Slowe   | Project Manager, Housing Enabling.  |

### INTERESTED PERSONS

|                    |  |
|--------------------|--|
| Mr G Thomas MP     | House of Commons, London SW1A<br>0AA.  |
| Mr A Watts         | 7 Parkfield Gardens, Harrow, Middx<br>HA2 6JR.   |
| Mr D Killeen       | 34 Main Road, Hursley, Winchester<br>SO21 2JW.   |
| Ms S Palmer        | 122 Pinner View, Harrow, Middx HA1<br>4RL.   |
| Mrs M Garner Patel | Kingsfield Estate Residents' Action<br>Group, 60 Kingsfield Avenue, Harrow<br>Middx HA2 6AS. |
| Cllr W Stephenson  | 13 Cunningham Park, Harrow, Middx<br>HA1 4QN.  |



|               |  |
|---------------|--|
| Mr M Gandolfi | 34 Bessborough Road, Harrow, Middx HA1 3DL.  |
| Mr S Gupta    | 88 Kingsfield Avenue, Harrow, Middx HA2 6AS. |
| Mr M Sayer    | 41 Cunningham Park, Harrow, Middx HA1 4QW.   |
| Mr W Garrett  | 108 Pinner View, Harrow, Middx HA1 4RL.      |
| Mr B Irani    | 126 Pinner View, Harrow, Middx HA1 4RL.      |
| Mrs J Smith   | 84 Kingsfield Avenue, Harrow, Middx HA2 6AS. |
| Mr M Christy  | 41 Station Road, North Harrow, Middx.        |
| Ms L Vann     | 70 Pinner View, Harrow, Middx HA1 4QD.       |

#### DOCUMENTS

- Doc 1 - Lists of persons present at the Hearing.
- Doc 2 - Letter of notification and list of those notified.
- Doc 3 - Appellants' Design and Access Statement of August 2007.
- Doc 4 - Appellants' Pre-application Statement of September 2006.
- Doc 5 - Appendices 1-25 from the appellants.
- Doc 6 - Written evidence from the appellants.
- Doc 7 - Written evidence from the Council.
- Doc 8 - Completed Unilateral Undertaking of 26 September 2008, with amended preamble wording, handed to the Inspector at the Hearing, from the Appellants.
- Doc 9 - Opening statement text and document schedule from Mr Chalwin.
- Doc 10 - Suggested Planning Conditions and Informatives from the Council.

- Doc 11 - Memo of 8 October from Legal and Governances Services Department to Mr Pidgeon, concerning the Unilateral Undertaking, handed to the Inspector and appellants on the site in the late afternoon of 8 October 2008.
- Doc 12 - Petition with 637 signatures handed to the Inspector by Ms Palmer.
- Doc 13 - Bundle of written material from Mrs Garner-Patel.
- Doc 14 - Relevant Development Plan Policy text from the Council.
- Doc 15 - Appeal-related correspondence to the Planning Inspectorate.

#### PLANS

- Plan A - Appellants' submitted plans.
- Plan B - Copy Of Proposals Map from Harrow UDP, dated 30 July 2004, with Key, from Mr Pidgeon.
- Plan C - Plan showing the area of various parts of the appeal site, from Mr Pidgeon.
- Plan D - Plan showing the dimensions in length of various parts of the appeal site, from Mr Pidgeon.



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## Appeal Decision

Inquiry held on 17 and 18 May 2011

Site visit made on 18 May 2011

by **P W Clark MA MRTPI MCI**

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

Decision date: 13 June 2011

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**Appeal Ref: APP/M5450/A/10/2143473**

**St George's Field, Headstone, Harrow, Middlesex HA1 4RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by St George's Parochial Church Council against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/1546/09, dated 2 July 2009, was refused by notice dated 7 October 2010.
  - The development proposed is the redevelopment of St George's Field to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses and 8 x 4 bed houses; extended access road, detached double garage; altered parking for St George's Church Hall and retention of approximately 0.8 hectares of open space.
- 

### Application for costs

1. At the Inquiry an application for costs was made by St George's Parochial Church Council against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

### Decision

2. I dismiss the appeal.

### Procedural matters

3. In the original planning application, the open space proposed was described as private. In the submitted appeal, the description was changed to public. However, no agreement was reached on the terms for its transfer to the Council and so a Unilateral Undertaking was submitted which would provide for it to be offered to the Council and, if that offer was not accepted, for its transfer to a management company. For that reason, I have adopted the description of development used in the Statement of Common Ground. This does not qualify the term open space by any adjective.
4. The Unilateral Undertaking includes provisions for the open space to be enclosed with railings, sown with grass, supplied with two bins, four benches, a hard standing for plant and machinery and a French drain around the periphery of the open space. This part of the undertaking responds to the conclusions of a previous appeal (APP/M5450/A/08/2075518), dismissed because the way in which the open land would be used had been insufficiently spelt out. It is therefore necessary to the proposal.

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<http://www.planning-inspectorate.gov.uk>

5. The Undertaking includes provisions for the transfer of 14 residential units as affordable housing to a registered provider of social housing. This is necessary to comply with London Plan policy 3A.9. It would slightly exceed its target of 50% but is still fairly and reasonably related to the proposal. The proposals in the Undertaking would be effected on the land in question. They are therefore directly related to it.
6. There are criticisms of the drafting of the Unilateral Undertaking which throw doubt on its effectiveness and enforceability. As these criticisms go to the heart of the acceptability of the proposal in relation to the first main issue, I consider them further below. For the reasons explained there, I conclude that I cannot rely on the Unilateral Undertaking as drafted but, in other respects, the Undertaking would comply with regulation 122 of the Community Infrastructure Regulations 2010.
7. The application is made in outline. I am asked to determine details of access and layout in this decision. Matters of appearance, scale and landscaping were reserved for later consideration.

### **Main Issues**

8. There are two. The first is the effect of the proposal on the provision of open space in terms of both quantity and quality. The second is whether any benefits from the proposal outweigh any harm from the proposal.

### **Reasons**

#### *Open space*

9. Although this site is an open space, the final report of the 2011 London Borough of Harrow Open Space PPG17 study (the PPG17 study) does not take it into account because it currently has restricted access. That alone suggests and recognises that the site makes little contribution at present to the provision of open space in Harrow either in quantity or quality. Both the London Plan (table 3D.1) and the PPG17 study (table 3.6) classify an open space of this size as a small open space. Neither has any expectation that a small open space should make any contribution to the provision of outdoor sports facilities.
10. Even when fully in use, the evidence supplied by third parties suggests that the contribution made to the provision of outdoor sports facilities was limited to a tennis club with latterly about 25-30 members, a cricket club with a similar number of members (according to a letter from Andy Wakeford, its captain) playing typically 22 home games per year and occasional use for school or Sunday school sports days. It appears not to have been used during winter because of drainage problems. Its value for other non-sporting uses is considered below.
11. The tennis club has joined forces with another club on an immediately adjacent site. The cricket club continues to play, with reduced membership, on other grounds. They, at least, have found suitable alternative provision. There is no evidence of any other effective, economically viable, demand for use of the ground for use by a sports club or regular user. Occasional use, for purposes such as a police-organised junior cricket tournament, continues.
12. The proposal involves a reduction in the area of open space, not its complete loss. The southern portion of the site was reserved for tennis. The portion used for cricket was L-shaped, about 120m in one dimension, about 80m in the

- other. What would remain would be more regularly shaped, approximately 80m square.
13. Sport England takes the view that a previous decision on a proposal for a similar development of this site (reference APP/M5450/A/08/2075518) was "quite wrong" in stating that the current site is insufficient in size to accommodate a cricket pitch. It also points out that the playing of junior cricket requires approximately 75% of the area of an adult cricket pitch and the site comfortably supports junior cricket.
  14. There are no standards for the dimensions of a cricket outfield, so it is correct that no assertion of insufficiency of size can be proven by reference to a technical standard but visual inspection confirms that the conclusion in the previous appeal decision is one that most would share. Insofar as the shorter dimension of the existing ground is adequate for senior or junior cricket, the reduced size of the retained open space would continue to be adequate for junior cricket. Although I have no information of the size of pitches required for other sports, they are usually smaller than the requirements of cricket and so, in quantitative terms, the reduction in the size of the open space would have little effect on the potential of the site to offer pitches for organised sport, should there be any effective demand for them.
  15. For purposes of analysis the PPG17 study divides the borough into five areas. The site lies in the central area. The study concludes that in quantitative terms there is an 18.83 hectare deficiency in land area for outdoor sports pitches in the central sub area. However, all boundaries create results which are artificial to a degree. The site is close to the boundary with the north-west area. This has a 29.17 hectare surplus in land area for outdoor sports pitches, more than outweighing the central area deficiency.
  16. Examination of map 9.5 of the study indicates that the appeal site would lie within the catchment area of a number of these pitches. For this reason, the reduction proposed in the size of the open space would not give rise to any local deficiency of outdoor sports pitches and the retention of the part proposed for development is not required to make good any local deficiency. It follows that the assertion, which is accepted by both main parties, that the appeal site is essentially surplus to requirements for organised or competitive sport, is correct.
  17. As noted above, the value of the site for non-sporting uses has also to be considered. This includes occasional use by scouts; and casual use for walking and informal play.
  18. The London Plan (table 3D.1) and the PPG17 study (table 3.6) expect small open spaces to provide gardens, sitting-out areas, children's play spaces or other areas of a specialist nature. They may contain play equipment and/or a Multi Use Games Area. They should have a good provision of basic amenities including entrance signs, seating and litter bins.
  19. At present the site has none of these. It is not open for casual use. It has no road frontage and so does not contribute to the visual amenity of any public area. At present, the benefit of its visual amenity is limited to the occupants of the 27 or so houses which back on to it. Nine of these would continue to abut the retained open space proposed.

20. In the past, when more generally used for sporting activities, casual access would have been available but only to those in the know, because the site has no entrance signs and is generally hidden from public view. Its value for non-sporting use is therefore minimal. It does not function as a small open space in the terms of the London Plan or of the Harrow PPG17 study. Both parties accept that there is a local deficiency of small open spaces.
21. In contrast to the previous appeal proposal, the current scheme seeks to make positive proposals for the retained open space through a Unilateral Undertaking. If this could be relied upon, the proposal would drain and reseed the retained open space. It would be provided with seating and litter bins. It would have a road frontage and so be visible to the general public. It would be made open to them. It would provide a visual amenity for public visitors, for the residents of the nine houses which would continue to back on to it and also to those of the 27 new dwellings proposed as part of the development.
22. Its reduced size would still fall within the London Plan and PPG17 study definitions of small open space. Although not providing equipped play areas, if the Unilateral Undertaking could be relied upon the proposal would make qualitatively improved, and therefore suitable alternative provision for non-sporting activities. It would function as a small open space and so satisfy the local deficiency. Paragraph 12 of the government's Planning Policy Guidance 17: Planning for open space, sport and recreation advises that development of open space, sports or recreational facilities may provide an opportunity for local authorities to remedy deficiencies in provision. The proposal would comply with this advice.
23. For these reasons I concur with the view expressed in the previous appeal decision that the land is more or less surplus to requirements for organised competitive or team sports played on a formal playing surface. Those that formerly used it have made suitable alternative arrangements. In its present state, it has minimal value for non-sporting use. Its value as visual amenity is limited. There would be little or no harm resulting from its reduction in size.
24. Part of the site is designated as open space in the UDP. Part is not. Policy EP47 of the Harrow Unitary Development Plan 2004 (the UDP) would not normally permit development on open space, either designated or otherwise of value. It makes an exception where the site is surplus to requirements or where suitable alternative provision is made available. In contrast to the previous appeal proposal, that is now the case here. The proposal would therefore comply with UDP policy EP47.
25. London Plan policy 3D.8 promises, amongst other matters, that the Mayor will work with partners to protect open space but it does not place an absolute interdict on their development. It also promises work to promote and improve access to open spaces and to realise their potential value. If the Unilateral Undertaking could be relied upon, this proposal would do that and so would comply with the policy.
26. The Council has indicated that it would not accept a transfer of the retained open space because of the existence of a covenant providing that it shall not be used as a place of public meeting or entertainment other than those connected with St George's Church. It feels that this covenant, if enforced, would limit the value of the use of the land as public open space. It seeks an indemnity against the possibility of the covenant being enforced. The Unilateral Undertaking does not provide such an indemnity.

27. If the Council did not accept a transfer of the retained open space, then the alternative provisions of the Unilateral Undertaking would come into effect. These would require the owners, or a management company established for the purpose, to make the retained open space available to the public for open space purposes.
28. Unfortunately, the term "open space purposes" is defined in a self-referential way. It is defined as meaning the use of the open space by members of the public during daylight hours. It does not make clear what use of the open space by the public is envisaged. The value of the open space and the use to which it might be put is a matter of public controversy, explored during the Inquiry. It is at the heart of the acceptability of this proposal. Although discussion during the Inquiry made it clear that the proposed use would be for a small open space for the purposes listed in table 3D.1 of the London Plan and table 3.6 of the PPG17 study, the omission of that clarification from the definition in the Undertaking makes it defective.
29. Provisions of the Undertaking allow the Council to comment on the Memorandum and Articles of Association of the management company and on the arrangements the owners or management company might propose for the Open Space Scheme and Open Space Maintenance Scheme. Quite rightly, these do not oblige the Council to make any observations but they would give insufficient force to the Council's observations, should it choose to make any.
30. For these reasons, (i) the omission of an indemnity for the earlier covenant, (ii) the inadequate definition of open space purposes and (iii) the lack of force allowed for the Council's observations on the alternative arrangements, the Unilateral Undertaking cannot be relied upon to provide what the appellant intends for the retained open space. I therefore conclude that the proposal would fail to comply with London Plan policy 3D.8, seeking to realise the potential value of open spaces.

#### *Benefits*

31. The twenty-seven dwellings proposed are not needed for Harrow to meet its housing targets nor is permission for development of this land required to maintain a five year supply of housing land. Although London Plan policy 3A.2 requires Housing targets to be exceeded and so the provision of any housing development is of some benefit, Harrow is already comfortably exceeding its targets and so the benefit of this proposal is limited.
32. Harrow London Borough has an unusually small proportion of social housing. Its latest Annual Monitoring Report confirms that it is achieving 31% of affordable housing in completions against a target of 50%. Despite the Council's assertion that the affordable housing need of Harrow will be met over the plan period, it did not dispute the evidence to the contrary quoted by the appellants from its own publications and website, nor did it provide evidence to support its own assertion. It follows that the benefit of the affordable housing proposed may be regarded as substantial.
33. The effects of the proposal in terms of open space provision have already been discussed. If the Unilateral Undertaking could be relied upon, the balance of advantage would be positive, in allowing the release of a part of an open space used as playing fields surplus to requirements but developing the remainder as a small open space of which there is a deficiency. In the words of the previous appeal decision; more active use of a smaller area of open space than now

exists would give greater benefit than what now obtains on a largely unused larger area. Nevertheless, beneficial though that would be, the proposal would not provide any equipped play area, so the benefits should only be counted as moderate. As this provision of the Unilateral Undertaking cannot be relied upon, they cannot be counted at all.

34. Any benefits from the proposal need to be balanced against the conflict with UDP policy EP20 which seeks to secure all new build development to take place on previously developed land. Although this policy is aspirational rather than prescriptive and does not form part of the reason for refusal, Harrow's Annual Monitoring report 2009-10 shows an achievement of 98%, which impressively exceeds the government's target of 60%. This reflects the priority which the local authority gives to this matter. In consequence, the effect which the proposal would have on this target should not be regarded lightly.

*Conclusions, conditions and other matters*

35. I have considered other matters raised, including the relationship of some of the buildings to adjoining properties, the effects of the proposal on local traffic, the application to register the land as town green and the alleged ways in which the landowners have managed the land in recent years but none have as significant a bearing on the decision as the main issues discussed. The positioning of one building close to the existing scout hut would impose limitations on the internal layout of the flats proposed but there was no evidence that this would require the appeal to be dismissed.
36. The proposal would comprise development on greenfield land, contrary to policy EP20. It would lead to a reduction in open space. Although it would comply with the exceptions set out in policy EP47 the failings of the Unilateral Undertaking mean that the proposal would fail to make reliable provision for more active use of the remaining space in a way which would accord with the open space hierarchy of the London Plan and the Harrow PPG17 study.
37. There would be some limited benefit in contributing further to surpass Harrow's housing targets and a substantial benefit from the provision of affordable housing. There is no policy provision in the development plan which recognises that the value of affordable housing would exceed the disadvantage of development on greenfield land but there is a parallel with paragraph 30 of the government's Planning Policy Statement 3 (PPS3) Housing which recognises that where opportunities for delivering affordable housing are limited in rural areas, small sites can be used that would not normally be used for housing because they are subject to policies of restraint. That suggests a set of priorities which can be followed and applied in this suburban area.
38. I have considered whether the deficiencies of the Unilateral Undertaking might be overcome by the imposition of a Grampian-style condition requiring the retained open space to be laid out and brought into public use before the occupation of the housing units. A condition cannot create public rights of access. As noted in the previous appeal, the future use of the retained open space is fundamental to the acceptability of this proposal. It would not be sufficient to leave it to a condition. I therefore dismiss the appeal.

*P. W. Clark*

Inspector



APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

|   |   |
|---|---|
| Sasha White, of Counsel                               | Instructed by the Director of Legal Services,<br>London Borough of Harrow |
| He called<br>Steven Sensecall<br>BA(Hons) DipTP MRTPI | Partner, Kemp and Kemp, Property Consultants                              |

FOR THE APPELLANT:

|   |   |
|---|---|
| Martin Edwards, of Counsel  | Instructed by Mr Chalwin of Gerald Eve LLP  |
| He called<br>Simon Chalwin BSc<br>FRICS<br>(for informal discussion<br>on Unilateral<br>Undertaking)<br>Tom Edwards | Partner, Gerald Eve LLP, Chartered Surveyors<br>and Property Consultants<br>Forsters LLP Solicitors |

INTERESTED PERSONS:

|                            |   |
|----------------------------|---|
| Gareth Thomas MP           | Local Member of Parliament                            |
| Councillor Bill Stephenson | Local ward Councillor and Leader of Harrow<br>Council |
| Councillor Navin Shah AM   | Local Councillor and London Assembly Member           |
| Shambhu Gupta              | Local resident  |
| Punita Gupta               | Local resident  |
| Diana Dolman               | Local resident  |
| Marion Garner-Patel        | Local resident  |
| Dr Humphrey Shaw           | Local resident  |
| Marilyn Ashton             | Local resident  |
| Sandra Lee-Palmer          | Local resident  |
| Linda Vann                 | Local resident  |

DOCUMENTS submitted at Inquiry

- 1 Letter of notification of date time and place of Inquiry
- 2 Unsigned, undated draft of Unilateral Undertaking
- 3 Extract from Land Register; restrictive covenant
- 4 Aerial photograph of site
- 5 Note of LPA's current position on s.106
- 6 Article written by Shambhu Gupta
- 7 Petition of 1971 names
- 8 Copy of application for Town Green registration
- 9 Bundle of documents referred to by Marion Garner-Patel
- 10 Mr Sensecall's clarification of Open space land supply
- 11 Letter from Mr Gupta to Reverend Keeble
- 12 Council's Note on Appellant's Unilateral Undertaking
- 13 Appeal decision APP/M5450/A/11/2144546
- 14 Committee report re construction of primary school on William Ellis Sports Ground
- 15 Plan of 2007 scheme
- 16 Late representation from Sport England dated 17 May 2011
- 17 Signed and dated Unilateral Undertaking
- 18 Flood Risk Assessment
- 19 Copy of page 66 of Harrow PPG17 audit

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

ITEM NO: 2/01

ADDRESS: ST JOHN FISHER CATHOLIC PRIMARY SCHOOL, MELROSE ROAD, PINNER

REFERENCE: P/2316/15

DESCRIPTION: PROVISION OF A TEMPORARY SINGLE STOREY CLASSROOM BUILDING

WARD: HEADSTONE NORTH

APPLICANT: HARROW COUNCIL

AGENT: LOM

CASE OFFICER: MONGEZI NDLELA

EXPIRY DATE: 11/08/2015

### RECOMMENDATION

**GRANT** deemed planning permission under regulation 3 for the development described in the application and submitted plans, subject to condition(s).

Statutory Return Type: Under Regulation 3 of the Town and Country Planning General Regulations 1992, GRANT planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Saint John Fisher Catholic Primary School, Melrose Road, Pinner, HA5 5RA.

### INFORMATION:

This application is reported to Planning Committee as it is a minor development of over 100m<sup>2</sup> of floorspace on land/building owned by the Council. The application is therefore referred to the Planning Committee as it is excluded by Proviso 1h of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: 1(h)

Council Interest: The Council is the applicant and Landowner

Net additional Floorspace: 172.8m<sup>2</sup>

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

### Site Description

- St John Fisher School lies to the west of Cambridge Road and to the south of Melrose Road.
- The School occupies a flat site, with the school buildings located towards the eastern

side and is surrounded to the east and west by hard and soft playing spaces.

- The site is occupied by a mixture of single and two storey linked blocks.
- The site features a small area of open space on the western side of the site. The hard and soft play spaces to the west are classified as a designated open space in the Harrow Local Area Map (2013).
- The southern side of the site abuts London Underground tube tracks.
- The surrounding area is residential, the closest streets to the school being Cambridge Road to the east and Kingsley Road and Melrose Road to the north which are all cul de sacs.
- There is a vehicle and pedestrian access points from Melrose Road and a pedestrian only access from Cambridge Road.
- 24 Car parking spaces are located along the northern boundary. There is also a mini roundabout within the site which enables vehicles to safely enter and exit the site.
- There are electricity pylons overhanging the front of the building to the east.

### **Proposal Details**

- The application proposes the provision of a temporary building for use as three classrooms.
- The building would be located on the southern boundary of the site and partly within the soft play area of the school.
- The proposed building would be 18m in length and 9.6m in depth. It would have a flat roof to a height of 3.6m from the adjacent ground level.
- The temporary unit will comprise of plastic coated steel external finish, white UPVC double glazed windows and steel external double doors.
- The temporary building is required for a period of approximately 6 months.

### **Revisions to previous application**

N/A

### **Relevant History**

WEST/96/98/FUL Ground And First Floor Extensions For Two Form Entry School With Landscaping, Car Parking, Realigned Service Road, Dropping Off Zone And Travel Plan DEEMED REFUSED :11/06/1999

APPEAL WITHDRAWN: 02/06/1999

WEST/34/99/FUL Ground And First Floor Extension For 2 Form Entry School With Landscaping, Car Parking, Re-Aligned Service Road, And Dropping Off Zone, Supported By Travel Plan (Re-Submission)

GRANTED: 27/05/1999

P/2888/12 Single Storey Extension To Form Two New Classrooms With New Entrance Lobby; External Alterations; Landscaping And Fencing

GRANTED: 18/02/2013

P/1748/14 - Construction of a single/two storey extension to the south east of the existing building with provision of balustrades at roof level and associated entrance canopy; construction of single storey extension adjacent to existing hall; alteration to existing.

GRANTED : 30/06/2014

P/4160/14 - Installation of ventilation extraction unit and ducting to roof

GRANTED - 13/01/2015

P/1748/14 Dated 26.6.2014 Construction of a single/two storey extension to the south east of the existing building with provision of balustrades at roof level and associated entrance canopy; construction of single storey extension adjacent to existing hall; alteration to existing.

APPROVED - 09/07/2015

P/0307/15 - Details Pursuant To condition 2 Part a (Materials) Of Planning Permission P/1748/14 dated 26.6.2014 For construction of a single/two storey extension to the south east of the existing building with provision of balustrades at roof level and associated entrance canopy; construction of single storey extension adjacent to existing hall; alteration to existing.

APPROVED - 09/07/2015

### **Pre-Application Discussion**

N/A

### **Applicant Submission Documents**

Planning Statement

### **Consultations**

Drainage Engineer - Conditions suggested for surface water and sewage disposal

### **Advertisement**

N/A

### **Notifications**

Sent: 9

Replies: 0

Expiry: 16/07/2015

### **Summary of Responses**

N/A

### **APPRAISAL**

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

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

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

In this instance, the Development Plan comprises The London Plan (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 Development  
Character and Appearance of the Area  
Residential Amenity  
Flood Risk and Drainage  
Traffic and Parking  
S17 Crime & Disorder Act  
Equalities and Human Rights  
Consultation Responses

### **Principle of Development**

Policy 3.18B of The London Plan (2015) states that “Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.”

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on residential amenity or highway safety.

As such, subject to details covered below, it is considered that the proposed temporary re-location of the classrooms to the temporary unit following the increased number of pupils expected for September 2015 would be consistent with the Harrow Development Plan.

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

The London Plan policy 7.4B states that buildings should provide a high quality design response that has regard to existing spaces and streets in orientation, scale, proportion and mass. The London Plan Policy 7.6B states that architecture should make a positive contribution to the streetscape. Core policy CS1 states that all development shall respond positively to the local context. Development Management Policy DM 1 (2013) states “All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.”

The temporary building structure is relatively large but nonetheless would have an acceptable appearance within the context of the surrounding school buildings. Given the need for an additional space within the main school buildings to accommodate a ‘bulge’ year for September 2015, it is considered that the re-location of the three classrooms to the temporary unit would be acceptable for a temporary period of time. Therefore, in the interests of the character and appearance of the locality, a condition is recommended to ensure the temporary unit is removed no later than 1<sup>st</sup> September 2017.

Overall, it is considered that the proposed temporary mobile building is acceptable and would be in keeping with the character and appearance of the area. As such, the proposal is considered to comply with the aims and objectives the development plan.

### **Residential Amenity**

The mobile building would have a maximum height of 3.6m from the adjacent ground level. The building will be sited adjacent to the rear boundary of the site. The proposed temporary building would be screened by substantial trees from the neighbouring occupiers on Northumberland Road and would be sited some 58 metres from the rear elevations of these properties. Furthermore, the London Underground tube tracks are sited between the proposed building and the rear of these properties. Having regard to these factors, it is considered that the proposal would not result in any undue impacts on the residential amenities of the occupiers in terms of loss of light, overshadowing or loss of outlook.

In view of the above, it is considered that the proposal would accord with the development plan with regard to amenity considerations.

### **Flood Risk and Drainage**

Harrow's Drainage Engineer has suggested the imposition of two drainage conditions, dealing with surface water and sewage disposal. However, given that the building would be temporary in nature, eventually being removed from the site it is considered unreasonable to impose such conditions on this occasion. Notwithstanding this, an informative is added to this permission to advise the applicant of the potential net increase of surface water run off rates.

### **Traffic and Parking**

The proposal would result in a small increase in the intensity of use of the site. However, such an increase would not give rise to unreasonable detrimental impacts in terms of parking or highways safety and access for pedestrians and vehicles would be unaffected by the proposals. The proposal therefore complies with policy DM42 of Harrow Development Management Policies Local Plan (2013).

### **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 temporary single-storey modular building hereby approved shall be removed and the land restored to its former condition on or before 1<sup>st</sup> September 2017.

REASON: To safeguard the character and appearance of the area and to permit reconsideration in the light of the circumstances then prevailing, pursuant to policies 7.4 and 7.6 of The London Plan (2015) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

2 The development hereby permitted shall be carried out in accordance with the following approved plans: MPBH-MOD-2777-010; 1505-PP-07; Planning Statement.

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

3 The development hereby permitted shall be for school use only, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an over-intensive use of the site, in line with the requirements of policies DM 46 and 47 of the Harrow Development Management Policies Local Plan (2013).

### 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)

3.16 Protection and enhancement of social infrastructure

3.18 Education facilities

7.4 Local Character

7.6B Architecture

Harrow Core Strategy (2012)

CS1.B Local Character

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM42 Parking Standards

DM46 New Community, Sport and Educational Facilities



## 2 INFORMATIVE:

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

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

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

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

The applicant can contact Harrow Drainage Section for further information

## 3 INFORM\_23

## 4 INFORM\_32

## 5 INFORM\_PF2

Plan Nos: MPBH-MOD-2777-010; 1505-PP-07; Planning Statement

**ST JOHN FISHER CATHOLIC PRIMARY SCHOOL, MELROSE ROAD, PINNER**



ITEM NO: 2/02  
ADDRESS: NEWTON FARM NURSERY INFANT AND JUNIOR SCHOOL,  
RAVENSWOOD CRESCENT, SOUTH HARROW  
REFERENCE: P/2315/15  
DESCRIPTION: PROVISION OF A TEMPORARY SINGLE STOREY CLASSROOM  
BUILDING  
WARD: ROXBOURNE  
APPLICANT: HARROW COUNCIL  
AGENT: LOM  
CASE OFFICER: MONGEZI NDLELA  
EXPIRY DATE: 11/08/2015

## RECOMMENDATION

**GRANT** deemed planning permission under regulation 3 for the development described in the application and submitted plans, subject to condition(s).

Statutory Return Type: Under Regulation 3 of the Town and Country Planning General Regulations 1992, GRANT planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Newton Farm Nursery, Infant and Junior School, Ravenswood Crescent, South Harrow, HA2 9JU.

## INFORMATION:

This application is reported to Planning Committee as it is a minor development of over 100m<sup>2</sup> of floorspace on land/building owned by the Council. The application is therefore referred to the Planning Committee as it is excluded by Proviso 1h of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: 1(h)

Council Interest: The Council is the applicant and Landowner

Net additional Floorspace: 115.2m<sup>2</sup>

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

## Site Description

- The application relates to Newton Farm, Nursery, Infant and Junior School located to the east of Ravenswood Crescent.
- The site is accessed from Ravenswood Crescent via a pedestrian and vehicle access road which runs between No. 72 and 74 Ravenswood Crescent

- To the south of the school buildings are the Newton Farm school playing fields and to the east of the site are allotments and Newton Park. These spaces are allocated as designated open space as identified in the Harrow Local Area Map (2013).
- The site is fairly flat. However, the land level rises fairly steeply towards the northern boundary of the site by approximately 2 metres, the area to which these proposals relate.
- A rear access road runs between the northern boundary of the school site and the residential properties along Drake Road.
- The school consists of a rectangular shaped single storey building towards the north western part of the site.
- The building is a frame construction with brick cladding and a painted timber fascia. The existing windows and doors are white UPVC.
- The hard surface playgrounds are sited on the southern and eastern side of the existing school buildings. There are mature trees and soft around the perimeter of the site.
- The car park is situated towards the western boundary of the site and currently provides for 20 spaces.
- The site is secure with fencing along the side boundaries.
- A small area of the site is located within Flood Zone 3a

### **Proposal Details**

- The application proposes the provision of a temporary building for use as two classrooms.
- The building would be located on the eastern side of the main school building, within the hard court play area
- The proposed building would be 12m in length and 9.6m in depth. It would have a flat roof to a height of 3.6m from the adjacent ground level.
- The temporary unit will comprise of plastic coated steel external finish, white UPVC double glazed windows and steel external double doors.
- The temporary building is required for a period of approximately 6 months.

### **Revisions to previous application**

N/A

### **Relevant History**

P/2890/11– Demolition of existing buildings; erection of single storey dining hall with monopitch roof to west of main building; erection of additional single storey pitched roof changing pavilion adjacent to cricket playing fields; extension to main building to provide a new entrance area with canopy, part infill ground and part first floor rear extension, ground and first floor stairwell, and alterations to elevations; single storey rear extension to gardner building; two storey rear extension to music building; single storey extension pre-prep building; demolition of existing side extension and erection of new single storey side rear extension to oakmead building; new pedestrian crossing and associated guardrails and lighting; alterations to parking, associated landscaping  
GRANTED – 23/05/2012

P/1642/12 - Variation of conditions 2 (materials) 3 (improvement works) 4 (hard & soft landscaping) 5 (landscaping) 6 (tree protection) 7 (bat/bird boxes) 8 (surface water) and 11 (construction method statement) attached to planning permission p/2890/11 dated 22/05/2012 to allow the conditions to be discharged on a phased basis in accordance with the construction schedule.

GRANTED - 23/10/2012

P/3978/13 - Works to trees subject to TPO

GRANTED - 07/05/2014

P/0918/13 - Variation of condition 10 (bream and sustainability) to permit the submission of the sustainability strategy before the final phase of the development relating to the dining hall/ kitchen extension music block extension and Gardner building.

GRANTED - 27/06/2013

P/1732/14 - Details pursuant to conditions 1 (materials) and 5 (tree protection) for phases 2 and 3 and conditions 2 (footpath improvements) and 7 (surface water attenuation) for all phases attached to planning permission p/1642/12 dated 23/10/2012.

GRANTED - 11/08/2014

P/1885/14 - Construction of a single and two storey building to north of existing school with balustrades at roof level; associated works to include alterations to layout of existing car park and additional parking spaces; new hard play areas; hard and soft landscaping.

GRANTED - 16/07/2014

P/4054/14 - Minor material amendment involving a variation of condition 3 (approved plan list) of planning permission p/1885/14 dated 16/7/14 for the addition of an enclosed link between the existing and new proposed two storey classroom block.

GRANTED - 03/02/2015

P/4163/14 - Addition Of Two Storage Units On A Concrete Base Extension To Existing Retaining Wall Asphalt Ground Surfacing For Vehicular Access To Bin Store Area

GRANTED - 17/12/2014

P/0305/15 - Variation of wording of condition 13 (first floor windows) attached to planning permission p/1885/14 dated 16/07/14 for: construction of a single and two storey building to north of existing school with balustrades at roof level; associated works to include alterations to layout of existing car park and additional parking spaces; new hard play areas; hard play and soft landscaping; cycle store (Involving removal of exiting mobile building and demolition of existing attached conservatory)(in association with expansion of the existing primary school from a 1 Form entry primary school to a two entry primary school)

GRANTED - 16/04/2015

P/1728/15 - Details pursuant to condition 2 (samples) attached to planning permission p/1885/14 dated 16/7/14 for construction of a single and two storey building to north of existing school with balustrades at roof level; associated works to include alterations to layout of existing car park and additional parking spaces; new hard play areas; hard play and soft landscaping; cycle store (Involving removal of exiting mobile building and demolition of existing attached conservatory)(in association with expansion of the existing primary school from a 1 Form entry primary school to a two entry primary school)

APPROVED - 02/07/2015

P/1541/15 - Addition of new glazed lobby to existing school entrance

GRANTED - 27/07/2015

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

N/A

## **Applicant Submission Documents**

Planning Statement

## **Consultations**

Drainage Engineer - Conditions suggested for surface water and sewage disposal

## **Advertisement**

N/A

## **Notifications**

Sent: 41

Replies: 0

Expiry: 13/07/2015

## **Summary of Responses**

N/A

## **APPRAISAL**

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

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

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

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

Character and Appearance of the Area

Residential Amenity

Flood Risk and Drainage

Traffic and Parking

S17 Crime & Disorder Act

Equalities and Human Rights

Consultation Responses

## **Principle of Development**

Policy 3.18B of The London Plan (2015) states that "Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the

current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.”

Core policy CS1 of the Harrow Core Strategy (2012) states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.”

Policy DM 46 of the Harrow Development Management Policies Local Plan supports proposals for the provision of new education facilities provided that they are (a) located in the community which they are intended to serve; (b) subject to them being located in an area of good public transport accessibility and would not result in any adverse impacts on residential amenity or highway safety.

As such, subject to details covered below, it is considered that the proposed temporary re-location of the classrooms to the temporary unit following the increased number of pupils expected for September 2015 would be consistent with the Harrow Development Plan.

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

The London Plan policy 7.4B states that buildings should provide a high quality design response that has regard to existing spaces and streets in orientation, scale, proportion and mass. The London Plan Policy 7.6B states that architecture should make a positive contribution to the streetscape. Core policy CS1 states that all development shall respond positively to the local context. Development Management Policy DM 1 (2013) states “All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.”

The temporary building structure would have an acceptable appearance within the context of the surrounding school buildings. Given the need for an additional space within the main school buildings to accommodate a ‘bulge’ year for September 2015, it is considered that the re-location of the two classrooms to the temporary mobile unit would be acceptable for a temporary period of time. Therefore, in the interests of the character and appearance of the locality, a condition is recommended to ensure the temporary unit is removed no later than 1<sup>st</sup> September 2017.

Overall, it is considered that the proposed temporary mobile building is acceptable and would be in keeping with the character and appearance of the area. As such, the proposal is considered to comply with the aims and objectives the development plan.

### **Residential Amenity**

The mobile building would have a maximum height of 3.6m from the adjacent ground level. It would be screened by vegetation from the neighbouring occupiers Drake Road and would be sited some 43 metres from the rear elevations of these properties. Having regard to these factors, it is considered that the proposal would not result in any undue impacts on the residential amenities of the occupiers in terms of loss of light, overshadowing or loss of outlook.

In view of the above, it is considered that the proposal would accord with the development plan with regard to amenity considerations.

### **Flood Risk and Drainage**

Harrow's Drainage Engineer has suggested the imposition of two drainage conditions, dealing with surface water and sewage disposal. However, the proposed unit would be relatively modest with an area of 115m<sup>2</sup> and would be temporary in nature, eventually being removed from the site. Furthermore, the site was previously hardstanding as part of the school playground. As a result of this previous use, the modest footprint of the building, and the short period that the building will be in use in that position, it is considered unreasonable to impose such conditions on this occasion. Notwithstanding this, an informative is added to this permission to advise the applicant of the potential net increase of surface water run off rates

### **Traffic and Parking**

The proposal would result in a small increase in the intensity of use of the site. However, such an increase would not give rise to unreasonable detrimental impacts in terms of parking or highways safety and access for pedestrians and vehicles would be unaffected by the proposals. The proposal therefore complies with policy DM42 of Harrow Development Management Policies Local Plan (2013).

### **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 temporary single-storey modular building hereby approved shall be removed and the land restored to its former condition on or before 1<sup>st</sup> September 2017.

REASON: To safeguard the character and appearance of the area and to permit reconsideration in the light of the circumstances then prevailing, pursuant to policies 7.4 and 7.6 of The London Plan (2015) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

2 The development hereby permitted shall be carried out in accordance with the



following approved plans: 1504-PP-17; 1504-5.4-007 and MPBH-MOD-2777-010.  
REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development hereby permitted shall be for school use only, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an over-intensive use of the site, in line with the requirements of policies DM 46 and 47 of the Harrow Development Management Policies Local Plan (2013).

## **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)

3.16 Protection and enhancement of social infrastructure

3.18 Education facilities

7.4 Local Character

7.6B Architecture

Harrow Core Strategy (2012)

CS1.B Local Character

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM42 Parking Standards

DM46 New Community, Sport and Educational Facilities

2 INFORMATIVE:

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

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

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

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

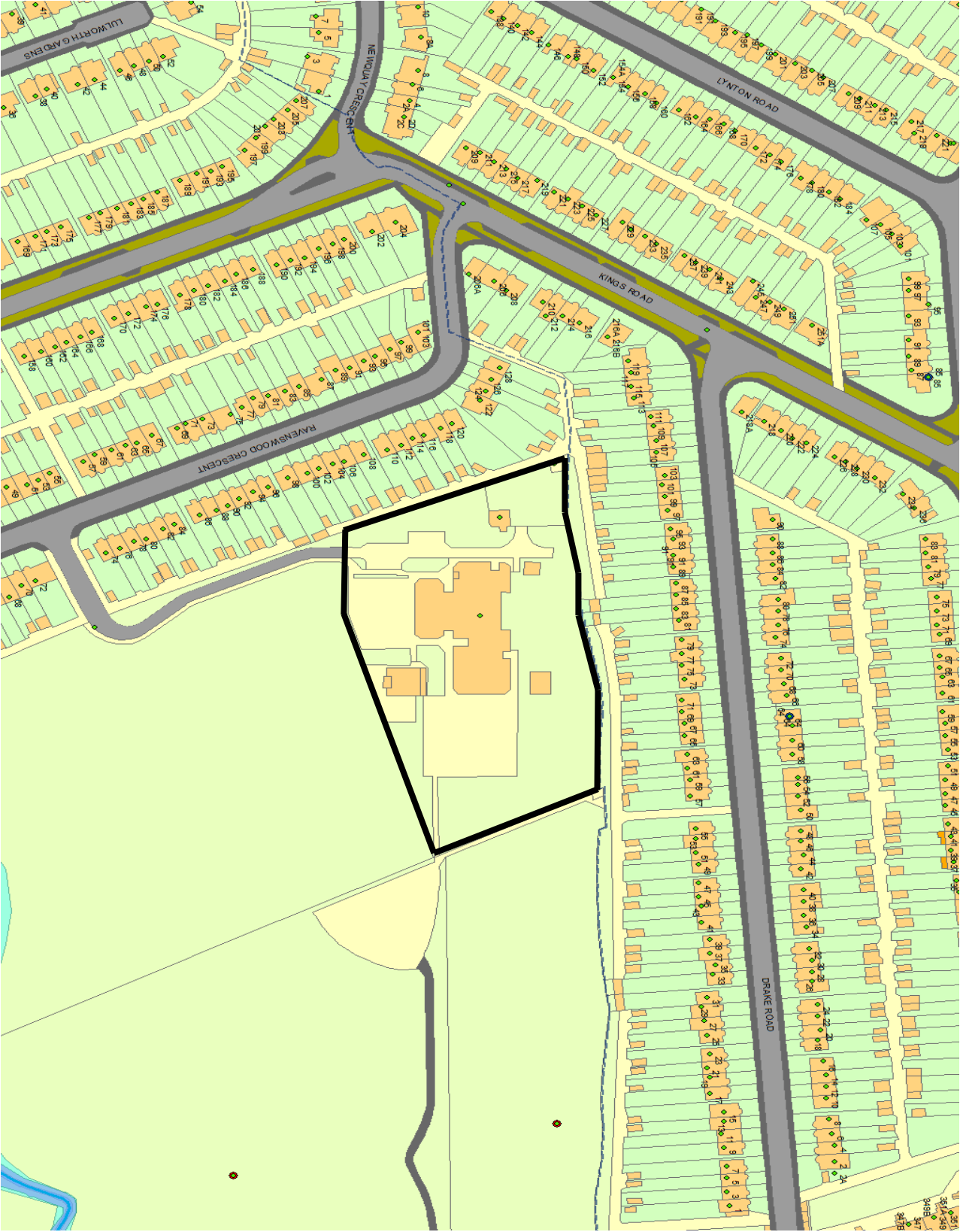
3 INFORM\_23

4 INFORM\_32

5 INFORM\_PF2

Plan Nos: 1504-PP-17; 1504-5.4-007 and MPBH-MOD-2777-010

**NEWTON FARM SCHOOL, RAVENSWOOD CRESCENT, SOUTH HARROW**



ITEM NO: 2/03  
ADDRESS: 62 COURTFIELD AVENUE, HARROW  
REFERENCE: P/2730/15  
DESCRIPTION: SINGLE STOREY SIDE TO REAR EXTENSION; INTERNAL ALTERATIONS (DEMOLITION OF GARAGE)  
WARD: GREENHILL  
APPLICANT: MR AND MRS NAVIN AND REKHA SHAH  
CASE OFFICER: GRAHAM MANSFIELD  
EXPIRY DATE: 06/08/2015

### **RECOMMENDATION**

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

### **INFORMATION**

This application is reported to planning committee as the applicant is an elected member for Harrow Council. The application therefore falls outside Part 1 Proviso B of the scheme of delegation dated 29th May 2013.

Statutory Return Type: 21 (Householder)

Council Interest: None

Gross Floorspace: 150.85 sqm

Net additional Floorspace: 76 sqm

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

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

### **Site Description**

- The application site comprises a semi-detached property on the north east side of Courtfield Avenue
- The application property and the other dwellinghouses on the Courtfield Avenue are of a typical 1930's metroland style.
- The property has not previously been extended and maintains an original two storey projection on the rear elevation.
- The attached property to the north west has not previously been extended
- The adjacent property to the south east at no. 64 Courtfield Avenue is a detached property which benefits from a single storey rear extension.
- The adjacent property at no. 64 Courtfield Avenue has two windows at ground floor level facing the application site; one which serves a dining room and the other serving the extended kitchen.
- The application property has a detached garage located adjacent to the common

boundary with no. 64 Courtfield Avenue, which is approximately 2.95m in height on the front elevation.

- There is a small detached store room adjacent to the common boundary with no. 64 Courtfield Avenue located behind the detached garage.
- The area between the garage and store room is currently overgrown with vegetation.
- There is a notable change in ground levels with the application site set a lower ground level than the adjacent property at no. 64 Courtfield Avenue.
- No. 15 and 16/16a Courtfield Crescent adjoin the application site to the rear.
- The property is not listed or located in a conservation area
- The property is located in the critical drainage area of Harrow

### **Proposal Details**

- The application proposes a single storey side to rear extension and would involve the demolition of the existing detached garage and detached store room adjacent to the common boundary with no. 64 Courtfield Avenue
- The proposed single storey side element would attach to the existing south east elevation of the dwellinghouse and would be 3.5m wide and a depth of 14.5m adjacent to the common boundary with no. 64 Courtfield Avenue.
- The proposed single storey side element would link into the proposed single storey rear element which would project 3.0m from the original two storey rear projection.
- The proposed single storey side to rear extension would have a flat roof design at a height of 3.0m
- It is proposed to insert a window on the front elevation of the single storey side element and two sets of bi-folding door on the rear elevation of the proposed single storey rear element.
- It is proposed to install four roof lanterns within the flat roof of the proposed single storey side to rear extension.

### **Revisions to Previous Application**

N/A

### **Relevant History**

N/A

### **Pre-Application Discussion**

- A scheme for a single storey side to rear extension and conversion of existing dwellinghouse into flats was discussed as well as an option to provide to an extended dwellinghouse to provide increased space for the family.

### **Applicant Submission Documents**

- Design and Access Statement

### **Consultations**

N/A

### **Advertisement**

N/A

### **Notifications**

Sent: 5

Replies: 2

Expiry: 13/07/2015

### **Addresses Consulted**

60 Courtfield Avenue, Harrow, HA1 2LB  
64 Courtfield Avenue, Harrow, HA1 2LB  
15 Courtfield Crescent, Harrow, HA1 2JZ  
16 Courtfield Crescent, Harrow, HA1 2JZ  
16a Courtfield Crescent, Harrow, HA1 2JZ

### **Summary of Responses**

- Proposed rear extension should not project further than other rear extensions in the area
- The garage is being removed therefore there would be the need to park more cars on the front garden
- Sewer connection for enlarged building should be re-routed
- Proposed rear extensions should not block outlook or light
- Proposed extension would block light to a protected side window
- Inaccuracies in reference to the view from the dining room window of no. 64 Courtfield Avenue
- Proposed single storey side extension would breach the 45 degree line from the bottom of the protected dining room window at no. 64 Courtfield Avenue
- Concerns regarding the proposed internal layout and the potential of the proposals to be let out
- Inaccuracy with the drawings in relation to the height of the existing garage and proposed single storey side extension
- The proposed development would have a significant and detrimental impact on light entering the dining room and kitchen windows on the facing flank elevation of no. 64 Courtfield Avenue
- The proposed rear extension would extend beyond the existing extension at no. 64 Courtfield Avenue

### **MAIN CONSIDERATIONS**

Character and Appearance of the Area  
Residential Amenity  
Equality and Human Rights  
S17 Crime & Disorder Act  
Consultation Responses

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

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

Policy 7.4B of The London Plan (consolidated with amendments since 2011) (2015) states that 'Buildings, streets and open spaces should provide a high quality design response that (amongst other factors), (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, (d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, (e) is informed by the surrounding historic environment. Core Policy CS1.B of the adopted Harrow Core Strategy 2012 states that

all developments shall respond positively to the local and historic context.

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

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 [SPD] requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. The Residential Design Guide SPD states that side extensions have considerable potential to cause harm to both the amenity of adjacent residents and the character of the street scene. The visual impact of side extensions, particularly first floor and two-storey, will be assessed against the pattern of development in the immediate locality, and the potential to dominate the appearance of the street scene. In relation to any nearby 'protected' windows on adjacent properties site considerations will be used in conjunction with the appropriate 45 Degree Code to determine the likely impact on neighbouring amenity.

The proposed single storey side to rear extension would be attached to the existing south east elevation of the existing dwellinghouse.

It is considered that the proposed single storey side to rear extension would be a proportionate addition to the existing dwellinghouse. The proposed width of the single storey side extension would be 3.5m on the front elevation and 14.5m in depth adjacent to the common boundary with no. 64 Courtfield Avenue. Therefore, it is considered that the proposed single storey side to rear extension would not subsume the existing dwellinghouse in terms of size.

An objection has stated that the proposed single storey rear element should not extend beyond other single storey rear extensions which exist on Courtfield Avenue. The proposed single storey rear element would extend 3.0m in depth from the original rear projection. Therefore, it is considered that the proposed single storey rear extension would comply with paragraph 6.59 of the Harrow Residential Design Guide whereby single storey rear extensions should not exceed 3.0m for semi-detached properties. The proposed single storey rear element of the proposal is considered to be a proportionate addition to the existing dwellinghouse.

Both the proposed single storey side and rear elements would have a flat roof which would be 3.0m in height. It is considered that the design of the proposed extensions would have a satisfactory impact in terms of design and character on the host dwellinghouse and streetscene.

An objection highlights that the existing garage would be removed, resulting in the need to park cars on the front garden space.

The replacement of the garage would result in the loss of a car parking space to the property. However, given the fact the existing garage, due to its size, would be unlikely to accommodate a car and due to the fact that the large front garden provides sufficient space to provide a satisfactory level of car parking for the property this is deemed acceptable.

Furthermore, the replacement of the existing garage door with windows would continue the residential nature and appearance of the site. In addition, it was noted on site that a

number of front extensions with windows fronting the highway were evident within the existing streetscene.

In summary, and noting the objections received, in terms of its impact upon the character and appearance of the existing dwellinghouse and the streetscene, the proposal is considered to comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (consolidated with amendments since 2011) (2015), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow DMP and the adopted SPD: Residential Design Guide (2010).

### **Residential Amenity**

Policy 7.6B, subsection D, of The London Plan (consolidated with amendments 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. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted'.

The adopted SPD: Residential Design Guide (2010) states that the erection of side extensions in relation to any nearby 'protected' windows on adjacent properties site considerations will be used in conjunction with the appropriate 45 Degree Code to determine the likely impact on neighbouring amenity. Rear extensions are considered to have the greatest potential to harm the amenities of neighbouring residents.

The proposed side element of the single storey side to rear extension would be adjacent to the common boundary with no. 64 Courtfield Avenue. It is noted that there is a window serving a dining room on the ground floor north west flank elevation of no. 64 Courtfield Avenue and would therefore be a 'protected' source of light in accordance with paragraph 6.26 of the Harrow Residential Design Guide SPD (2010).

An objection received highlights concerns that the proposed single storey side to rear extension would have a detrimental impact on the light to the dining room window facing the common boundary between the application site and no. 64 Courtfield Avenue.

Paragraph 6.32 of the Harrow Residential Design Guide SPD (2010) states that height of any new extension adjoining a 'protected' window should not interrupt an upward plane angled at 45 degrees from the lower edge of the glazed area of that window.

From the site visit it was noted that there was a possibility that the proposal would interrupt upward plane angled at 45 degrees. However, the measurement did not take into account the change in ground levels between no. 64 and 62 Courtfield Avenue. Therefore the proposed extension would be set at a lower ground level than that of the adjacent dwellinghouse at no. 64 Courtfield Avenue.

It is considered that the proposed single storey side element would not unduly impact the occupiers of no. 64 Courtfield Avenue in terms of sunlight due to the fact that the proposed development would be located to the north west of the 'protected' window. Furthermore, the height of proposed single storey side extension at 3.0m would not unduly impact on the amount of sunlight received by the dining room window on the side elevation of no. 64 Courtfield Avenue. Overall it is considered that the presence of the proposed single storey side extension would not be demonstrably worse than the



existing garage and store located adjacent to the dining room window at no. 64 Courtfield Avenue.

In terms of outlook the proposed single storey side extension is considered not to have a demonstrably worse impact than the existing relationship between the two properties. Reference is made in an objection that the dining room overlooks the end part of the existing garage and the gap between the store room and not the complete side flank of the detached garage as described in supporting documents. Notwithstanding this, it is considered that the proposed single storey side extension would not be any worse than the current view of the side flanks of the store room, garage and overgrown garden space between the south east flank elevation of the application site and common boundary of no. 64 Courtfield Avenue.

An objection also highlights that that the proposed side element of the proposed single storey side to rear extension would block light to a kitchen window located on the north west flank elevation of no. 64 Courtfield Avenue. The kitchen window located on the side flank of no. 64 Courtfield Avenue serves an extended kitchen and would therefore be considered a 'protected' source of light in accordance with paragraph 6.26 of the Harrow Residential Design Guide SPD (2010). However, the kitchen window on the side flank of no. 64 is set at a higher level within the wall and therefore the proposed side element of the single storey side extension at no. 62 would not interrupt an upward 45 degree splay.

Furthermore, the kitchen window on the side elevation of no. 64 would be considered as secondary, as the primary source of light and outlook is located on the rear elevation of no. 64 Courtfield Avenue. It is therefore considered that the proposed single storey side to rear extension would have a satisfactory impact on the occupiers of no. 64 Courtfield Avenue in terms of outlook, daylight and overshadowing.

An objection has outlined that the proposed single storey rear element should not block light or outlook. The proposed single storey rear element would be 3.0m deep adjacent to the common boundary with no. 60 Courtfield Avenue. It is noted that the rear elevation of no. 60 Courtfield Avenue is unextended and contains a protected window in the ground floor rear elevation adjacent to the common boundary with no. 60 and 62. It is considered that the proposed single storey rear extension would have a satisfactory impact on the occupiers of no. 60 Courtfield Avenue due to the fact that the proposed north flank of the single storey rear extension would not exceed 3.0m in height and therefore would not unreasonably impact the occupiers of no. 60 in terms of overshadowing, daylight and outlook. Furthermore, the proposed single storey rear extension would comply with paragraph 6.59 of the Harrow Residential Design Guide SPD (2010) whereby the proposed extension would not exceed 3.0m in depth from the original rear wall.

A further objection states, that the proposed single storey rear extension at no. 62 would project beyond the extended rear of no. 64 Courtfield Avenue. It is considered that the proposed single storey rear extension would not unduly impact on the occupants of no. 64 Courtfield Avenue in terms of light or outlook at the rear due to the limited exposure of flank wall of the proposed single storey rear extension when viewed from the rear of no. 64. Furthermore the proposed height of the single storey rear extension would comply with paragraph 6.63 of the Harrow Residential Design Guide SPD (2010) whereby it would not exceed 3.0m in height adjacent to the common boundaries with no. 60 and 64 Courtfield Avenue.

It is proposed to insert two sets of glazed bi-folding doors into the rear elevation of the proposed single storey rear extension. Although close to the site boundaries, particularly the common boundary with no. 60, the resulting relationship from these would not be abnormal in suburban locations such as this, and so it is considered that this would not be detrimental to the privacy of the occupiers of these neighbouring properties.

No.15, 16 and 16a Courtfield Crescent adjoin the application site to the rear, however due to the large separation distance it is considered that there would be no harm to the occupiers of these properties in terms of overlooking or perceived overlooking.

In summary the proposal's impact upon residential amenity, noting the objections received in relation to this, is considered satisfactory and would accord with policy 7.6B of the London Plan (consolidated with amendments since 2011) (2015), policy DM1 of the Harrow DMP and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010).

### **Human Rights and Equalities**

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

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

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

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (consolidated with amendments since 2011) (2015).

### **Consultation Responses**

- Proposed rear extension should not project further than other rear extensions in the area
- The garage is being removed therefore there would be the need to park more cars on the front garden
  - These concerns are addressed in section one (character)
- Proposed rear extensions should not block outlook or light
- Proposed extension would block light to a protected side window
- Inaccuracies in reference to the view from the dining room window of no. 64 Courtfield Avenue
- Proposed single storey side extension would breach the 45 degree line from the bottom of the protected dining room window at no. 64 Courtfield Avenue
- The proposed development would have a significant and detrimental impact on light entering the dining room and kitchen windows on the facing flank elevation of no. 64 Courtfield Avenue

- The proposed rear extension would extend beyond the existing extension at no. 64 Courtfield Avenue
  - These concerns are addressed in section 2 (residential amenity)
- Sewer connection for enlarged building should be re-routed
  - This is not a material planning consideration
- Concerns regarding the proposed internal layout and the potential of the proposals to be let out
  - The proposal would be considered as an extension to the existing dwellinghouse. Internal changes are not considered as a planning consideration. A proposal to change the use of the dwellinghouse into flats would require further planning permission
- Inaccuracy with the drawings in relation to the height of the existing garage and proposed single storey side extension
  - The proposed drawings were correctly scaled and represent the dimensions of the proposal. Each planning application is assessed on the proposal plans submitted. The assessment of each planning application involves a site visit to assess the site circumstances.

## **CONCLUSION**

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

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

## **CONDITIONS**

1 The 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with core policy CS 1B of the Harrow Core Strategy 2012 and policy DM 1 of the Development Management Policies Local Plan 2013.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (as amended) 2015 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank elevations and front elevation of the development hereby permitted other than those shown on the approved plans, without the prior permission in writing of the local planning authority.

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

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

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

5 The development hereby permitted shall be carried out in accordance with the following approved plans: P-BR-62 CA-101 01; 62 CA-P-102 00; 62 CA-P-103 00

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

## **INFORMATIVES**

1 The following policies are relevant to this decision.

National Planning Policy  
National Planning Policy Framework 2012

The London Plan (consolidated with amendments since 2011) (2015)  
7.4.B Local Character  
7.6.B Architecture

The Harrow Core Strategy 2012  
CS1.B Local Character

Harrow Development Management Policies Local Plan 2013  
DM1 Achieving a High Standard of Development

Adopted Supplementary Planning Documents  
Supplementary Planning Document Residential Design Guide 2010

### **2 INFORM\_PF2**

Grant with pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)"

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

### **3 INFORM23\_M - 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.

(Include on all permissions involving building works where they could affect a public highway)

### **4 INFORM32\_M – The Party Wall etc Act 1996**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236; Fax: 0870 1226 237; Textphone: 0870 1207 405

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

#### 5 INFORMATIVE (SUDS) –

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

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

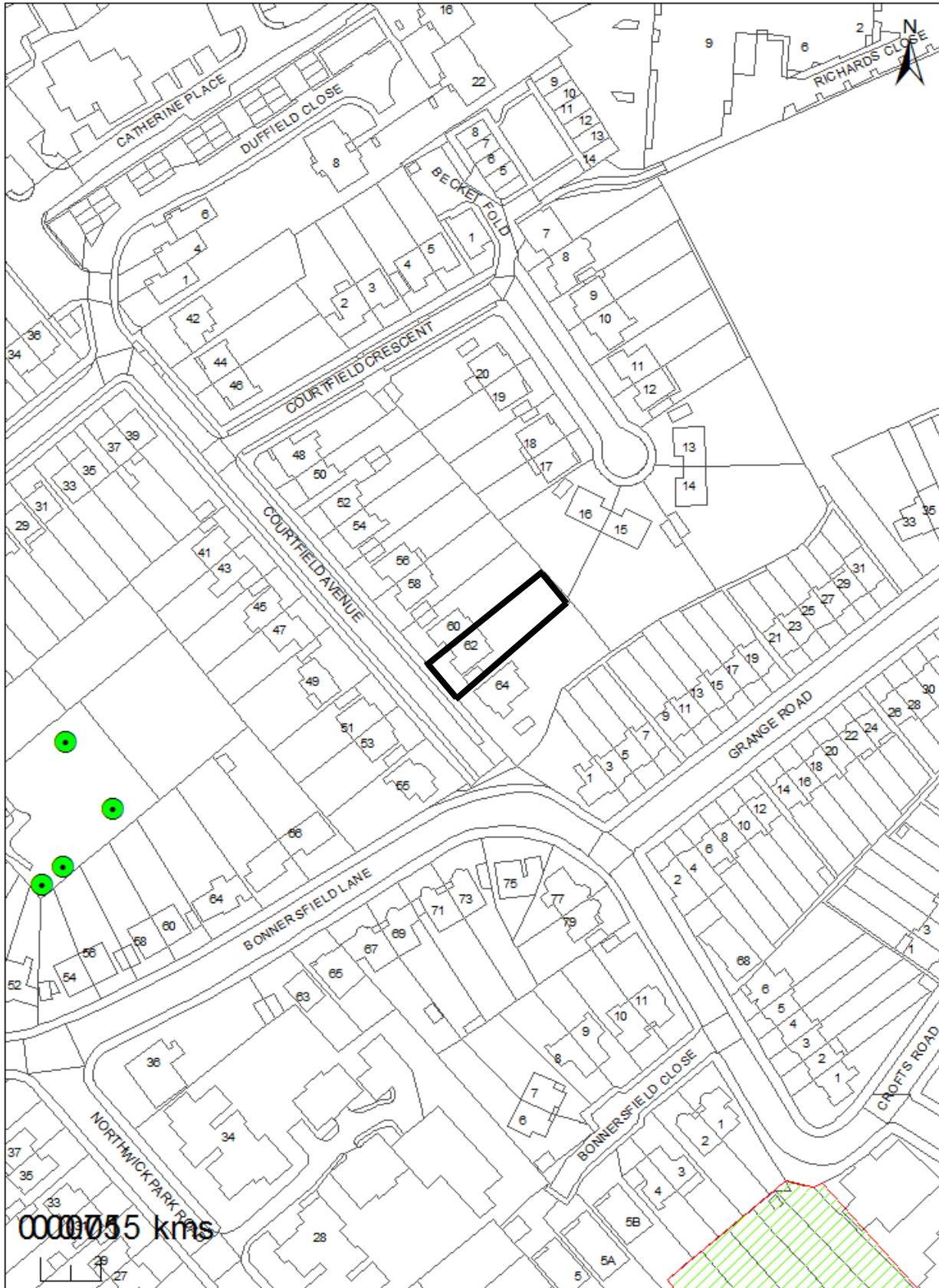
Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

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

The applicant can contact Harrow Drainage Section for further information.

Plan Nos: P-BR-62 CA-101 01; 62 CA-P-102 00; 62 CA-P-103 00

# 62 COURTFIELD AVENUE, HARROW



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ITEM NO: 2/04  
ADDRESS: LAND REAR OF 47-51 GAYTON ROAD, HARROW  
REFERENCE: P/3012/15  
DESCRIPTION RE-DEVELOPMENT: TWO / THREE STOREY BUILDING CONTAINING 9 FLATS WITH PARKING BIN / CYCLE STORAGE AND LANDSCAPING  
WARD: GREENHILL  
APPLICANT: MR SEAN O'BRIEN  
AGENT: W J MACLEOD LTD  
CASE OFFICER: JUSTINE MAHANGA  
EXPIRY DATE: 20/08/2015

## **RECOMMENDATION**

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

The principle of the use of this previously developed land for residential use would accord with the objectives and provisions of the development plan. The residential nature of development would accord with the surrounding land uses and the context and scale of development would respect the context of development in the surrounding area without adversely affecting the amenities of neighbouring occupiers.

The development would deliver good quality housing that would be accessible for all persons. Subject to appropriate conditions, the development would provide a sustainably constructed building that would enhance the character of the streetscene by infilling the existing unsightly site and providing enhanced levels of streetside greenery. The development would provide for appropriate levels of car parking and a secure and safe environment for future residents.

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

## **INFORMATION:**

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

Statutory Return Type: 13: Minor Dwellings

Council Interest: None

Gross Floorspace: 751sqm

Net Additional Floorspace: 690sqm

GLA Community Infrastructure (CIL) Contribution: £24,150.00 (based on £35 per sqm).

Harrow Community Infrastructure (CIL) Contribution: £75,900.00 (based on £110 per sqm).

### Site Description

- The site is located in the former rear gardens of The Gayton Hotel, 47-49 Gayton Road and Cornerways Hotel, No.51 Gayton Road.
- Access is from Northwick Park Road to the rear of 51 Gayton Road.
- The site is almost completely hard surfaced and is currently used for the storage of builders' materials and machinery. The site also has a chalet building in the centre of the site which the applicant describes as a residential use but is not currently occupied.
- The site also has a detached garage in the north-west corner, near the protected tree.
- In the north west corner of the site is a large Monterey Cypress tree which is protected by TPO No. 903
- The site is bounded by The Gayton Hotel (No.47-49) and Cornerways Hotel (No.51) to the south, the rear garden of 45 Gayton Road to the west, Hanbury Court (a block of flats) to the north.
- Opposite the site on the corner of Gayton Road and Northwick Park Road is the Comfort Hotel.
- The area is characterised by two-storey dwellinghouses, many of which have accommodation in the roofspace, and some of which are in hotel and guest house use. Gayton Road and Northwick Park Road have residential parking control

### Proposal Details

- It is proposed to construct a two and three-storey building to provide nine two-bed flats.
- The proposed building would be set between 7.5 and 9m from the front boundary of the site, 1.35m from the northern boundary, 6.4m from the southern boundary and between 15m and 16m from the rear boundary.
- The building would be between 19.7m wide and between 13 and 15m in depth.
- The building would have a central apex with gable ends, dividing the scale of the building. A two-storey element with accommodation in the roof space would adjoin the apex to the south and a three-storey element to the north.
- The building would have pitched and crowned roofs either side of the central gable apex which would have a pitched roof running perpendicular to the highway.
- The eaves of the part two-storey element would be 7.0m high and the overall height of this part of the building would be 9.4. The eaves of the gable feature and the three-storey element would be 8m high and the overall height of this element would be 11.5m.
- The architectural detailing of the building would have references to Edwardian proportions and styling, with stone banding and cills and rectangular front bays. The building would also have modern design elements, such as Juliette balconies and render finishes to the bays.
- The site would be laid out to provide 8 car parking spaces to the rear. The existing access to the site off Northwick Park Road adjacent to the Hanbury Court would be



utilised. The access way would be constructed along the front boundary of the site, wrap around the south-eastern corner of the site to the car park at the south-western corner of the site.

- The remaining area in the rear garden would be provided as a communal amenity space. The other areas in the rear, front and side would have soft landscaping.
- Ten cycle spaces and 3 large bins spaces would be provided within an enclosure on the southern flank wall of the building.
- The development would provide nine no. two-bed flats. Three units would be provided on the ground and first floors and three units would be provided on the second floor.
- The units would have Gross Internal Areas (GIAs) of:
  - 73.75sqm (three person)
  - 67.42sqm (three person)
  - 67.42sqm (three person)
  - 76.53sqm (three person)
  - 72.61sqm (three person)
  - 67.42sqm (three person)
  - 67.42sqm (three person)
  - 72.51sqm (three person)
  - 73.00sqm (three person) (new unit)

### **Revisions to Previous Application**

The subject application seeks amendments to the design of the previously approved two-storey element of the building adjoining the southern side of the central apex. Specifically, it is proposed to increase the height of the two storey element to provide an additional self-contained flat within the roofspace.

Within permission P/2804/13 the two-storey projection was finished with a crown roof with an eaves height of 5.4m and an overall height of 8.7m. Within the proposed amendments the part two-storey projection would retain the approved crowned roof design, however the height would be increased to 7.0m at eaves level and an overall height to the top of the crown roof of 9.4m. Two dormer windows would be provided within the front and rear roof slope, while 3 roof lights would be located within the side roofslope.

The proposed amendments would allow for an additional two-bedroom (three person) unit within the roofspace of the two-storey projection. The additional unit would include a GIA of 73 sqm, of which 59 sqm (81%) would be over 2.5m in height.

An additional carpark has been provided within the rear carparking area approved within P/2804/13, while an additional two cycle parks would be provided within the approved cycle storage.

The proposed amendments would not alter the approved footprint of the building. Furthermore, the proposed materials would remain as previously approved.

### **Relevant History**

Land rear of 47 & 49 Gayton Road:

P/2809/04/CFU

TWO-STOREY DETACHED BUILDING AT REAR TO PROVIDE THREE FLATS WITH TWO ATTACHED GARAGES, ACCESS AND FORECOURT PARKING

REFUSED: 07 February 2005

Reasons for Refusal:

1 The proposed development, by reason of excessive site coverage by building and a lack of space around the building, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area.

2 The proposed development, by reason of the height and bulk of the building, combined with a change in levels would be overbearing and obtrusive in relation to the garden and amenity space of adjoining residents, to the detriment of the visual and residential amenities of the occupiers thereof

3 The proposed development, by reason of siting and orientation would give rise to overlooking and loss of privacy, to the detriment of residential amenity

4 The proposed parking arrangement does not provide adequate forecourt and manoeuvring area, and the development would be likely to give rise to conditions prejudicial to safety and the free flow of traffic on the adjoining highway

P/666/05/CFU

TWO STOREY TERRACE OF THREE HOUSES, ACCESS AND CAR PARKING

REFUSED: 11 May 2005

Reasons for Refusal:

1 The proposed development, by reason of excessive site coverage by building and a lack of space around the building, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area.

2 The proposed development, by reason of the height and bulk of the building, combined with a change in levels would be overbearing and obtrusive in relation to the garden and amenity space of adjoining residents, to the detriment of the visual and residential amenities of the occupiers thereof.

3 The proposed development, by reason of siting and orientation would give rise to overlooking and loss of privacy, to the detriment of residential amenity.

4 The proposed parking arrangement does not provide adequate forecourt and manoeuvring area, and the development would be likely to give rise to conditions prejudicial to safety and the free flow of traffic on the adjoining highway.

5 Insufficient information has been provided regarding the proposed levels of the submitted scheme to enable a full assessment of the impact of the proposals on existing trees, which represent an important amenity feature.

P/1591/05/DFU

TWO SEMI-DETACHED BUNGALOWS WITH HABITABLE ROOFSpace,  
FORECOURT, PARKING AND ACCESS FROM NORTHWICK PARK ROAD  
(RESIDENT PERMIT RESTRICTED)

GRANTED : 12 October 2005

Land at rear of 47 – 51 Gayton Road

P/2813/06/CFU

CONSTRUCTION OF PART THREE, PART FOUR-STOREY BLOCK OF 14 FLATS  
WITH GARDENS AND CAR PARKING

REFUSED : 08 December 2006

Appeal Withdrawn

Reasons for Refusal:

1 The proposed development, by reason of excessive density and site coverage by building, would result in an over-intensive use of the site, which by reason of associated

disturbance and activity would amount to an overdevelopment to the detriment of neighbouring residential amenity contrary to policies EP25 and D4 of the Harrow Unitary Development Plan (2004).

2 The proposed development, by reason of its height and siting would lead to overlooking of the rear garden space of the adjoining property at 45 Gayton Road resulting in an unreasonable loss of privacy and amenity to its occupiers contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

P/1294/07/CFU

CONSTRUCTION OF BLOCK OF NINE FLATS WITH BASEMENT CAR PARKING AND GARDEN FOR HOTEL (RESIDENT PERMIT RESTRICTED)

GRANTED : 19 July 2007

P/1754/10

EXTENSION OF TIME TO PLANNING PERMISSION P/1294/07/CFU DATED 19/07/2007 FOR CONSTRUCTION OF BLOCK OF NINE FLATS WITH BASEMENT CAR PARKING AND GARDEN FOR HOTEL (RESIDENT PERMIT RESTRICTED)

GRANTED : 22 September 2010

P/1250/10

TWO SEMI-DETACHED BUNGALOWS WITH HABITABLE ROOFSPACE, FORECOURT PARKING AND ACCESS FROM NORTHWICK PARK ROAD (RESIDENT PERMIT RESTRICTED)

REFUSED: 15 July 2010

Reasons for Refusal:

1 The applicant has failed to supply a tree constraints plan, in the absence of which the impact of the proposed development on the protected tree on the site cannot be assessed, contrary to saved policy D10 of the Harrow Unitary Development Plan (2004).

P/2178/10

TWO SEMI-DETACHED BUNGALOWS WITH HABITABLE ROOFSPACE FORECOURT PARKING AND ACCESS FROM NORTHWICK PARK ROAD (RESIDENT PERMIT RESTRICTED).

GRANTED : 27 October 2010

P/2804/13

REDEVELOPMENT TO CONSTRUCT A TWO AND THREE STOREY BUILDING TO PROVIDE 8 FLATS WITH ASSOCIATED LANDSCAPE AND PARKING, REFUSE AND CYCLE STORAGE

GRANTED : 20/12/2013

#### **Pre-Application Discussion:**

- The proposal to introduce an additional self-contained unit to approved scheme P/2804/13 is considered acceptable in principle.
- Whilst the proposed scheme involves an increase in height to the
- approved scheme, the overall character and appearance of the approved building would be retained.
- The proposed amendments would be subject to a full assessment of the quality of the proposed residential unit and the potential impacts of the conversion on the surrounding occupiers during the submission of a planning application.

## **Applicant Submission Documents**

- Design and Access Statement;
- Planning Statement;
- Sustainability Statement; and,
- Arboriculture Report

## **Consultations**

- Highways Authority (Parking): No Objection.
- Drainage Engineer: Recommended conditions of approval.
- Landscape Architect: No Objection subject to landscaping conditions.
- The South Harrow Residents Association: No Comment Received
- MET Police: Community condition
- Environment Agency: No objection

## **Neighbourhood Notifications:**

Northwick Park Road: 2-12

Temsford Court and Brandeth Court, Sheepcote Road;

Hanbury Court, Northwick Park Road: 1-38

Gayton Road: Flats 45-45d; 45, 45A, 45B, 45C, 45D, 47, 49, 51

Sent: 130

Replies: 0

Expiry: 03/08/2015

## **Summary of Comments**

- N/A

## **APPRAISAL**

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

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

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

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

## **MAIN CONSIDERATIONS**

Principle of Development

Character and Appearance of the Area

Residential Amenity

Traffic and Parking

Development and Flood Risk

### **Principle of Development**

The use of the land for more intensive residential use has been established through the recent grant of planning permission on 20 December 2013, application reference P/2804/13. There have been no changes to site circumstances or planning policy since this time to warrant a different conclusion on the principle of development.

Specifically, within application P/2804/13 it was considered that the lawful use of the application site is either land severed from the commercial properties of 47-51 Gayton Road or a building's yard used for the storage of materials. In either case, the application site is considered to be previously developed land. The policies of the development plan do not offer any protection of either of these uses but rather seeks to direct development towards previously developed sites.

The use of the land for residential purposes would accord with one of the objectives of the CS which seeks to deliver a minimum of 6,050 net additional homes between 2009 and 2026. The development would therefore provide an effective and efficient use of land resources within the borough whilst the use of the land for residential uses would fit in with the surrounding pattern of development and land uses.

The proposed amendment to the height of the two-storey projection of the approved scheme would result in an additional 73 sqm of usable floorspace which would be utilised as a two bedroom (three person) flat. It is considered that the scheme would deliver a more effective and efficient use of the land. Due to the nature and scale of the proposed revisions, which would not result in an increase to the approved building footprint, it is considered that the scheme remains to be acceptable in principle.

For these reasons, it is considered that the principle of the proposed development would accord with policy CS1 of the CS and the principle of use of the land for residential use can therefore be supported.

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

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm.

The site is located within a primarily residential context and though some of the properties have been converted to commercial uses, the residential character of the area is still predominant. In terms of the composition of the residential buildings in the locality, there is no predominant design or regular rhythm of development along Northwick Park Road, with interwar semi-detached dwellings interspersed with more modern detached dwellings and the 1980/90s Hanbury Court building directly to the north of the site. Gayton Road, to the south of the application site does display a more regular pattern of development and is characterised by large detached interwar properties in the main. The site itself is entirely hardsurfaced and has been boarded up for a lengthy period of time.

### *Scale and Siting*

Within planning permission P/2804/13 the scale of the proposed building was considered to be proportionate to the site and the surrounding scale of development. The building was considered to clearly form part of the streetscene of Northwick Park Road and appropriately relate to its siting to the building line along Northwick Park Road. The front building line of the proposed development, which was set marginally behind Hanbury Court to the north, marginally reduces its prominence in the street. The building would sit comfortably within the central areas of the site, leaving adequate spaces around the building to provide an appropriate setting.

The scale of the building takes its cues from the surrounding development at the southern end of Northwick Park Road. Hanbury Court to the north is three-storey in scale and the northernmost parts of the building would be three-storey in scale. Though the building would be marginally higher (300mm) than Hanbury Court, this difference in height would not be discernible from the streetscene. In any event, a marginal change in levels would be expected given the slightly higher land levels at this end of Northwick Park Road in comparison to Hanbury Court.

Within approved scheme P/2804/13, the southernmost part of the building reduced to two-storey in scale in response to the two-storey scale of the buildings along Gayton Road and the two/three-storey scale of the Comfort Inn opposite. The subject application seeks amendments to the height of this aspect of the building. Specifically, while the projection would retain its two-storey appearance, the overall height would increase by 0.7m and dormer windows would be installed within the front and rear roof slope.

Although the amendments would increase the height of the approved two-storey southern end of the building, the ridge would sit approximately 1.95m lower than the ridge of the central apex and the three-storey projection. This variation in height is considered acceptable in reducing the overall bulk of the building and providing an adequate level of visual interest within the Northwick Park Road streetscene. Furthermore, the increase in height would not be at odds with the established character of development along Gayton Road, which includes 2 storey buildings, many of which include accommodation in their roofspace. In this context, the scale and appearance of the proposed amendments are considered acceptable.

### *Architectural Form and Appearance*

Within P/2804/13, the design approach of the building was considered to satisfactorily relate to the surrounding development. Specifically, the design approach for the building provides a traditional form coupled with more modern features such as Juliette balconies. In the main, a robust palette of materials such as stone banding, stone cills and bricks were approved.

The proposed amendments to the approved scheme would introduce two dormer windows to the front and rear roofslope of the two storey projection. While approved scheme P/2804/13 did not incorporate any windows openings within the roofslope of the building, the inclusion of dormer windows are not considered to be out of context with the approved appearance of the fenestration and overall character of the building.

While it is noted that the proposed dormer windows do not achieve visual containment within the roofslope in accordance with paragraph 6.70 of the Residential Design Guide SPD, the placement of windows generally follows the alignment of the approved second

floor windows (within the central apex and three-storey projection) and also the lower level windows. In this context, and also considering the modest scale and limited projection of the dormer windows, this aspect of the design is considered acceptable.

### *Trees, Landscaping and Refuse*

The Monterey Cypress at the rear of the site is protected by a Tree Preservation Order and the applicant shares the view that this tree is of amenity value to the locality. To this end, the applicant has provided a Method Statement within the Arboricultural Survey to ensure that this tree is not adversely affected by construction works or post development pressures.

The applicant acknowledges that the proposed building on the site and part of the car park would encroach on a small part of the root protection area. However, the encroachment of development into the RPA is not significant and given the existing levels of hardstanding across the site, it is considered that appropriate conditions of development would ensure the development would not have an adverse impact on the health of the trees. The Council's Arboricultural Officer has commented on the application and has not raised any objections subject to a condition of development.

It is proposed to introduce an improved level of greenery and soft landscaping across the site which would have positive impacts on the character of the area. Conditions of development are recommended to ensure the landscaping details would provide appropriate species to fit in with the character of the locality and are maintained to appropriate standards.

Accordingly, it is considered that the proposed amendments to approved scheme P/2804/13 would provide a development that would not appear as an overdevelopment of the site and would be appropriate within both the existing site and streetscene. The proposed development is therefore considered to accord with policies 7.4 and 7.8 of the London plan, Core Strategy Policy CS1 A/B/K, Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

## **Residential Amenity**

### Impact of the development on Neighbouring Amenity

Policy 7.6.B of the LP requires that development proposals do not adversely affect the privacy of neighbouring occupiers and seeks a high standard of design and architecture. Policies DM1 and DM2 of the DMP requires all new development to provide a high standard of design and layout, providing sustainable neighbourhoods and ensuring the privacy of neighbouring occupiers is not compromised by development.

As there are no changes proposed to the three storey projection of the building approved within P/2804/13, it is considered that for the purposes of this application, aspects relating to the considerations that formed part of the amenity assessment of this aspect of the building do not need to be duplicated under this current application.

Specifically, within the assessment of application P/2804/13, the three storey projection of the building complied with the horizontal 45 degree code, as set out at paragraph 4.68 of the adopted SPD: Residential Design Guide, in respect of the front and rear building lines (of the lateral form of development) at Hanbury Court to the north. While it was noted that the southern flank elevation of Hanbury Court includes window openings, as these serve non-habitable rooms and common hallway areas within the building, the

occupiers of this property would not experience unreasonable levels of overbearing or loss of light. Furthermore, subject to a condition requiring that the proposed northern flank elevation windows are obscured and non-opening below 1.7, the development would not have an adverse impact on the occupiers of Hanbury Court in terms of loss of privacy.

The proposed application does not seek to alter the approved footprint of the building. Accordingly, as detailed within the assessment of P/2804/13, the proposed two storey projection would be sited almost 9.0m from the rear elevation of no. 49 Gayton Road, the closest building to the south of the site. While the previous application acknowledged that the development would significantly reduce the available space within the curtilage of No.'s 47, 49 and 51, given the use of these properties as hotels, it was considered that the loss of this external space would not have an unreasonable impact on the users of these properties. While the proposed scheme would increase the height of the building adjacent to no's 47, 49 and 51 Gayton Road, given the relatively minor increase to the height of the proposal, the distance from the rear of the neighbouring properties and the orientation of the proposed building to the north of these properties, the increased height would not result in an undue loss of amenity to No's 47, 49 and 51 Gayton Road. The proposed rooflights in the southern roofslope would not give rise to an unreasonable degree of overlooking to the rear of these properties.

The provision of an access way and 9 car parking spaces along the southern boundary of the site would introduce greater levels of noise and disturbance in this location than that currently experienced. However, given the number of spaces proposed, it is considered that unreasonably levels of noise and disturbance to the surrounding occupiers would not occur.

The building would be sited approximately 15m from the rear boundary of the site which is considered to be adequate to overcome any issues with regard to overbearing of the neighbouring gardens at No.45 Gayton Road which abuts the rear boundary of the site. While the subject application would introduce two additional dormer windows at roof level, the distance provided between the proposed building and the properties to the rear would ensure that unreasonable overlooking of the neighbouring rear garden would not occur.

The amended proposal would result in an increase in the intensity of the use of the property from approved scheme P/2804/13. Specifically, while the approved scheme could accommodate 24 persons within 8 2-bedroom units, the proposed scheme would accommodate an additional 3 persons within a two-bedroom unit. This minor increase to the intensity of the approved residential scheme would still be consistent with relatively low density residential living and would be compatible with the neighbouring properties. It is considered that no adverse impact on the amenities of the neighbouring occupiers as a result of noise, activity or disturbance would therefore arise.

Accordingly, it is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers, and would therefore accord 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), policy DM1 of the Harrow Development Management Policies Plan (2013), and the adopted SPD: Residential Design Guide (2010).



## **Future Occupiers**

### **Room Size and Layout**

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

In view Policy 3.5C of The London Plan (consolidated with alterations since 2011)(2015) and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

As detailed within P/2804/13, the proposed eight no. 2 bedroom (three person) flats complied with the minimum internal floor areas as required by the London Plan. Each of the flats were provided with adequate outlook and receive a satisfactory level of natural light.

The subject application seeks approval for an additional 2 bedroom (three person) flat within the roofspace of the approved two-storey projection. The proposed flat would include a GIA of 73sqm, in compliance with the requirements of the London Plan (consolidated and with alterations since 2011) (2015). The proposed plans also demonstrate that 59sqm (81%) of the proposed unit would include a head height of 2.5m. The unit would be dual aspect and as such would provide sufficient levels of light and outlook to the future residents. In this context, it is considered that the proposed living accommodation provided within the nine flats, in terms of size and layout would be considered acceptable and would accord with the relevant polices listed below.

The units would be vertically stacked with 'like-for-like' rooms above and below. Noise transference would therefore be limited which is considered to be appropriate.

The provision of the access road and car parking to the rear would require vehicles to drive close to the bedroom windows of two of the units on the ground floor. However, as vehicles would not stop in this location, disturbance would be transient and the number of vehicles that would use the space is limited to eight. The car parking area to the rear would be sited an adequate distance from the rear of the property to avoid nuisance by reason of disturbance or activity.

The location of the proposed cycle and refuse storage on the southern side of the building was considered acceptable within planning permission P/2804/13. While the proposed scheme increases the number of cycle spaces, no alterations are proposed to the location or appearance of these storage areas.

It is therefore considered that the proposed accommodation would be satisfactory and

as such would comply with policy 3.5 of The London Plan (consolidated with alterations since 2011)(2015), standard 5.4.1 of the Housing SPG (2012), policies DM1 and DM26 of the Harrow DMP (2013).

#### Amenity Space

Communal amenity would be provided to the rear and though the adopted SPD sets a preference to provide private amenity space for each unit, given the scale of development and the overlooking issues that may arise with balconies, it is considered reasonable to provide communal space in this instance. The level of space provided significantly exceeds the 5sqm per unit required by the London Plan and subject to appropriate landscaping treatment, the development would provide adequate amenity space for future occupiers.

The proposed development would therefore accord with policy 7.6.B of the LP and policy DM1 of the DMP in providing high standards of design and layout.

#### Accessibility

The applicant has demonstrated that each of the units would accord with each of the 16 Lifetime Homes standards set out in the adopted SPD: Accessible Homes 2010 and would be capable of easy adaptation to accommodate all potential residential users.

*The proposed development would therefore accord with policies 3.5 and 3.8 of the LP, policy CS1.K of the CS and policies DM1 and DM2 of the DMP.*

#### **Traffic and Parking**

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

The subject application proposes an increase in car parking spaces from 8 to 9 in order to accommodate the additional 2-bedroom unit. The proposed 9 parking spaces provided are within The London Plan (consolidated with alterations since 2011)(2015) maximum parking standards for this quantum of development. This level of provision is considered acceptable given the good transport sustainability of the location (PTAL 5) with the need to minimise any adverse parking displacement onto the local highway. The on-street parking controls within the surrounding Controlled Parking Zone also assist in deterring long term parking on the public realm.

Traffic generation is not considered to increase significantly from the approved scheme due to the additional 2-bedroom unit. Specifically, P/2049/13 considered the proposed 8 unit development would generate on average 5 movements at morning or evening peak traffic periods i.e. on average one vehicle movement into/out of the site every 10 minutes. This impact was considered relatively de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

Approved scheme P/2804/13 provided eight cycle spaces for the future residents of the development. At the time of this permission, this provision complied with London Plan Standards. It is however noted that since the grant of P/2804/13 the provision of cycle parking has been amended within the London Plan (consolidated with alterations since 2011)(2015), A two bedroom unit is now required to provide two cycle spaces. The proposal plans demonstrate the provision of an additional two cycle parks (ten in total),

in compliance with current London Plan standards.

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

#### *Refuse Arrangements*

The proposed bin store arrangements accords with Department for Transport guidance but falls marginally short of the Council's Refuse Code of Practice which encourages bin placement to be within 10m of the point of pick-up (the bin store would be approximately 18-20m from the pick-up point). However, given the marginal difference, the absence of any adopted planning policies relating to such standards and the fact that the bin stores would accord with national guidance, it is considered that a refusal on the basis of such a marginal breach of local refuse standards would be unreasonable. A condition of development would ensure that the bins are kept in the designated stores which would ensure that there would be no adverse impacts on the amenities of neighbouring occupiers of the character of the area.

Collection of refuse would be concentrated off-peak avoiding peak hours of traffic and such arrangements are therefore unlikely to affect residential amenity to any measurable degree.

Accordingly, it is considered that the development would accord with policies 6.3, 6.9 and 6.13 of the LP and policies DM42, DM43 and DM45 of the DMP.

#### **Development and Flood Risk**

The site is not located within a flood zone. However, given the potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall, conditions are recommended to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off.

To ensure that all areas of hard surfacing accord with the principles of sustainable urban drainage systems and reduce water run-off from the site, a condition of development requires hard surfacing materials to be either permeable or direct surface water run-off to permeable areas of the site.

Subject to such conditions the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and policy DM10 of the DMP.

#### **Sustainable Build and Design**

Policy 5.1 of The London Plan 2011 seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. However, policy DM12 requires all development proposals to take reasonable steps to secure a sustainable design and layout of development.

The applicant has indicated that the development would accord with Lifetime Homes standards and has also reference is made to the provision of solar panels. The submitted Planning Statement also makes reference to the improved sustainability credentials of development in comparison with the proposals previously granted on the site. However, no other specific details of sustainability measures have been provided, nor has the applicant indicated the steps proposed to incorporate sustainable design. Nonetheless, it is considered that appropriate measures could be provided for within the build and accordingly, a condition of development is recommended in order to address policy DM12 of the DMP. Subject to such a condition, it is considered that the development would accord with policy 5.1 of the LP and policy DM12 of the DMP.

### **Equalities**

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

Section 149 states:-

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

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

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

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

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

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

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

### **Consultation Responses**

N/A

### **CONCLUSION**

The proposed application seeks permission for alterations to the height and roof form of the two-storey element of the residential building approved within P/2804/13 to allow an additional 2-bedroom self-contained flat within the roof space. It is considered that the proposed scheme would continue to provide suitable living accommodation for future occupiers, and would increase the housing stock of the borough. Furthermore, the proposed development would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and future occupiers of the development.

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

**CONDITION:**

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

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

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

a: the proposed building (including doors, windows and rainwater goods)

b: the ground surfacing (hard surfacing materials)

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2015, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Development Management Policies Local Plan 2013.

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

REASON: In order to prevent the proliferation of individual television reception items on the building that would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2015 and policies DM1 of the Development Management Policies Local Plan 2013.

4 The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority,

- a. A scheme of hard and soft landscape works for the site;
- b. Landscaping Management Plan and Maintenance Schedule
- c. Details and specifications of boundary treatments
- d. Details of the proposed site levels

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2015 and policies DM1 and DM22 of the Development Management Policies Local Plan 2013.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2015 and policies DM1 and DM22 of the Development Management Policies Local Plan 2013.

6 Construction works and the erection of fencing for the protection of the retained Monterey Cypress shall be undertaken in accordance with the recommendations outlined in the Method Statement (Appendix 4) in the approved Arboricultural Survey by Merewood Arboricultural Consultancy Services dated 12th September 2013 and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No works to trees, including their removal or lopping shall occur between the months of March to August (inclusive).

REASON: To safeguard any trees near the site of amenity value and mitigate the impact of development on local ecology and in the interests of site ecology, in accordance with policy 7.21 of The London Plan 2015 and policies DM20 and DM22 of the Development Management Policies Local Plan 2013

7 The windows in the northern flank wall of the approved development shall:

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

REASON: To ensure the development would not have any undue overlooking of the neighbouring property to the north, Hanbury Court, in accordance with policy DM1 of the Development Management Policies Local Plan 2013.

8 Prior to the occupation of the development hereby approved, details of a scheme for external lighting to the building shall be submitted to an approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority under this condition, no external lighting shall be fixed to the building or placed within the external areas of the site.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents in the adjacent properties or adversely affect highway safety for users of the adjoining highway, thereby according with policy DM1 of the Development Management Policies Local Plan 2013.

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

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

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

10 Before the development hereby permitted is commenced a Sustainability Strategy, detailing the steps taken to secure a sustainable design and layout of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved Sustainability Strategy.

REASON: To ensure the delivery of a sustainable development in accordance with policy 5.1 of The London Plan 2015 and policy DM12 of the Development Management Policies Local Plan 2013.

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

REASON: To safeguard the appearance of the locality, the amenities of neighbouring occupiers and provide adequate access for collectors, thereby according with policies DM1 and DM45 of the Development Management Policies Local Plan 2013.

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2015 and policy DM10 of the Development Management Policies Local Plan 2013.

13 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding and policy 5.12.B/C/D of The London Plan 2015 and policy DM10 of the Development Management Policies Local Plan 2013.

14 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with policy 7.3.B of The London Plan 2015, policy DM1 of the Development Management Policies Local Plan 2013, and Section 17 of the Crime & Disorder Act 1998.

15 The development hereby permitted shall be carried out in accordance with the following approved plans and documents (and any other documents required to discharge conditions): 15/3350/13 Rev A; 15/3350/12 Rev A; 15/3350/11 Rev A; Location Plan; Planning Statement; Sustainability Statement; Design and Access Statement; Arboricultural Survey (dated 12 Sep 2013); Tree Protection Plan.

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

#### **INFORMATIVES:**

##### **1 INFORMATIVE:**

The following National Planning Policy, the policies and proposals in The London Plan 2015, the Harrow Core Strategy 2012 and Development Management Policies Local Plan 2013 are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2015: 5.1, 5.3.B, 6.3.A/B/C, 6.9, 6.13.C/D/E, 7.2.C, 7.3.B, 7.4.B, 7.6.B, 7.21.B

Revised Early Minor Alterations to The London Plan 2015 (October 2013): 6.9

The Harrow Core Strategy: CS1.A/B

Development Management Policies Local Plan 2013: DM1, DM2, DM10, DM12, DM20, DM22, DM42, DM43, DM45

2 Please be advised that this application attracts a liability payment of £24,150 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £24,150 for the application, based on the levy rate for Harrow of £35/sqm and the additional net floor area of 690sq.m.



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

Harrow's Charges are:

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

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

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

All other uses - Nil.

The Harrow CIL Liability for this development is: £75,900.

#### 4 GRANT WITH PRE-APPLICATION ADVICE

#### 5 COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

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

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

#### 6 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 7 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 8 CONSTRUCTION METHODS

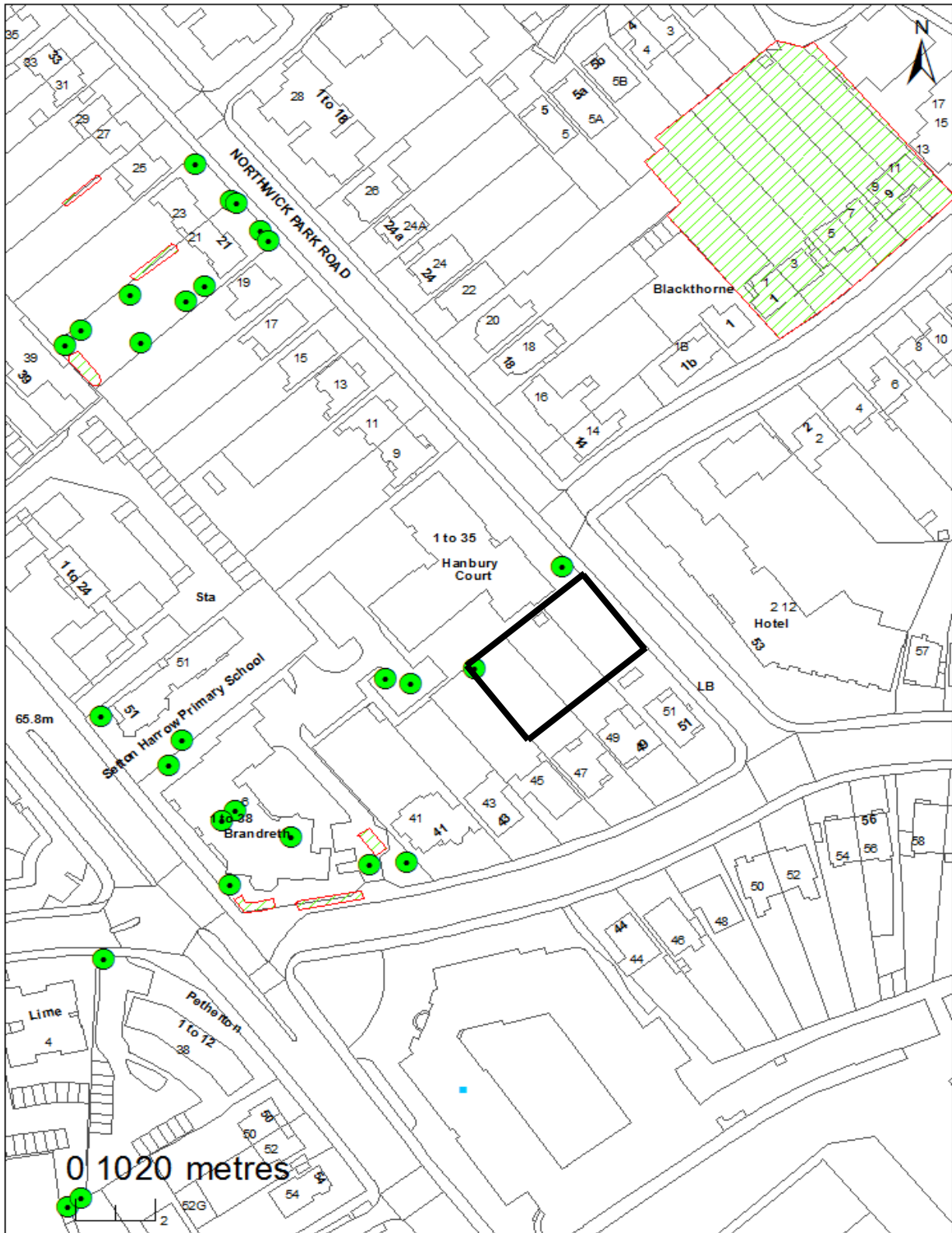
The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor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

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

9 The applicant is advised that as no detail is provided of the solar panels referred to drawing no. 15/3350/11 Rev A and these solar panels are not referenced in the description of development, these elements are not assessed here. Solar panels may constitute permitted development by virtue of Part 40 of The Town and Country (General Permitted Development) Order 1995 (as amended). A Certificate of Lawful Proposed Development could be applied for to establish whether any such panels would require planning permission.

Plan Nos: 15/3350/13 Rev A; 15/3350/12 Rev A; 15/3350/11 Rev A; Location Plan; Planning Statement; Sustainability Statement; Design and Access Statement; Arboricultural Survey (dated 12 Sep 2013); Tree Protection Plan

# LAND REAR OF 47-51 GAYTON ROAD, HARROW



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ITEM NO: 2/05

ADDRESS: THE WEALDSTONE INN PUBLIC HOUSE, 328 HIGH ROAD,  
HARROW

REFERENCE: P/2238/15

DESCRIPTION: CHANGE OF USE OF GROUND FLOOR FROM A4 (PUBLIC HOUSE) TO A MIXED USE OF CLASS A3 A4 AND A5 TO PROVIDE RESTAURANT, WINE BAR/PUB, HOT FOOD TAKEAWAY AND ANCILLARY FACILITIES WITH USE OF BASEMENT FOR FUNCTION ROOM, KITCHEN REFRIGERATION AREA, CUSTOMER AND STAFF TOILET FACILITIES AND ANCILLARY OFFICE

WARD: HARROW WEALD

APPLICANT: MR RISHI LAKHANI

AGENT: ROBERT YOUNG ASSOCIATES(HUNGERFORD) LTD

CASE OFFICER: NABEEL KASMANI

## 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 scheme would involve a change of use of over 400m<sup>2</sup> floorspace. The Proposal therefore falls outside of the scheme of delegation under Part 1, 1(f).

Statutory Return Type: E.20 Change of Use

Council Interest: n/a

Gross Floorspace (subject to change of use): 518m<sup>2</sup>

Net additional Floorspace: 0m<sup>2</sup>

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £18,130

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): £57,980

## Site Description

- The Weald Stone Inn Public House (formerly known as the Red Lion) is located on the west side of High Road between the College Road and College Avenue junctions.
- The site is located within Harrow Weald Local Centre.
- The building fronts a short service road, with the pub sign and the roundabout with Long Elmes beyond.
- Adjacent to the service road is The Weald Stone, an ancient boundary stone, which is Grade II listed.

- Planning permission was approved for the change of use of the ground floor and basement from a public house (Use Class A4) to retail (Use Class A1) and the conversion of the first-floor and roofspace from two flats to five flats, including a single storey side and two-storey rear extension and front and side dormers (reference P/1419/13). The planning permission has been part implemented with the proposed extensions, dormers, internal conversion of the residential units and external alterations to the building having been completed.
- The building is currently vacant.
- There is an open yard to the east of the building and beyond this is a car park.
- To the north east of the building is No.8 College Road, a two storey end terraced dwelling that has been extended by way of a single storey rear extension.
- Between the site and College Avenue, to the south, is a wide footway including street trees.

### **Proposal Details**

- The application proposes the change of use of the ground floor and basement from Use Class A4 (Public House) to a mixed use of Use Classes A3 (Restaurant and Cafe), A4 (Drinking Establishments) and A5 (Hot Food Take-away)
- An ancillary function room is proposed in the basement with a floor area of 65m<sup>2</sup>. It would be strictly controlled and used for activities related to the proposed restaurant/winebar
- An ancillary office space is provided in the basement with a floor area of 7m<sup>2</sup>
- No alterations are proposed to the shopfront or to the window/door openings
- The applicant proposes to operate the restaurant/winebar Monday to Sunday inclusive at the following hours:
  - Monday to Saturday: 08.00 hours to 00.00 hours
  - Sunday and Bank Holidays: 08.00 hours to 23.00 hours
- A total of 10 full-time and 2 part-time staff would be employed
- Secure refuse storage is proposed to the eastern (rear) elevation.

### **Relevant History**

P/1419/13: Change of use of ground floor and basement from public house (use class a4) to retail (use class a1); conversion of first floor and roofspace from two flats to five flats; single storey side and two storey rear extensions; front, side and rear dormers; new entrance to ground floor including new shopfront; associated refuse storage, cycle storage and parking; installation of timber gates and fence; new vehicle access fronting College Avenue; external alterations  
GRANTED : 19-07-2013

P/2284/13: Details pursuant to conditions 4 (hard & soft landscaping) 6 (privacy screens) 7 (refuse storage) 8 (cycle storage/residential) 9 (cycle storage/customers) 10 (servicing) and 12 (lifetime homes) attached to planning permission P/1419/13 dated 19/7/13 for change of use of ground floor and basement from public house (Use Class A4) to retail (use class a1); conversion of first floor and roofspace from two flats to five flats; single storey side and two storey rear extensions; front, side and rear dormers; new entrance to ground floor including new shopfront; associated refuse storage, cycle storage and parking; installation of timber gates and fence; new vehicle access fronting College Avenue; external alterations (revised)  
APPROVED: 27-09-2013

P/3743/14: Change of use of ground floor and basement from public house (use class

a4) to retail (use class a1); conversion of first floor and roofspace from two flats to five flats; single storey side and two storey rear extensions; front, side and rear dormers; new entrance to ground floor including new shopfront; associated refuse storage, cycle storage and parking; installation of timber gates and fence; new vehicle access fronting College Avenue; external alterations

REFUSED: 25-12-2014

Reasons for Refusal

1. The proposal, due to an inadequate car parking area to the rear and close proximity of a new vehicle access to the junction of College Avenue and High Road, would not allow vehicles to manoeuvre, enter and exit the application site safely in a forward gear, and would prejudice highway / pedestrian safety and the free flow of traffic, contrary to Policy 6.13 of The London Plan (2011) and Policy DM 42 of the Harrow Development Management Local Plan (2013).

**Pre-Application Discussion**

N/A

**Applicant Submission Documents**

Design and Access Statement

- Lack of interest has prevented implementation of the ground floor unit for A1 retail use
- The reopening of the ground floor as a restaurant/bar would provide an active frontage and fenestration to allow the building to make a positive contribution to the streetscene
- No dedicated parking spaces are propose, equally the case with the previously permitted A1 use
- Deliveries would be made by use of the front service road, as was the case when used as a public house

**Consultations**

Highways : No Objection

Conservation Officer : No comment received at the time of writing

Environmental Health : Having looked at the planning application, there is insufficient information relating to the kitchen which is in the basement, Environmental Health would need details of the ventilation extraction system prior to planning permission and note it is envisaged to be placed inside the chimney for which conditions should be included:

The premises are to be fitted, furnished and equipped to the satisfaction of the Environmental Health Department.

Policy and Research : No comment

Drainage : No comment

**Advertisement (Setting of a Listed Building)**

Site Notice: 06-07-2015 (expires: 27-07-2015)

Newspaper: 09-07-2015 (expires: 30-07-2015)

## Notifications

Sent: 11

Replies: 1

Expiry: 13-07-2015

## Summary of Responses

Support : The return of the building to a public house/restaurant/bar would be most appropriate given its long history as a public house

## 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 and Setting of Listed Building

Neighbour Amenity

Traffic and Parking

Accessibility

S17 Crime & Disorder Act

Equalities and Human Rights

Consultation Responses

## Principle of Change of Use

The application site is located within the Harrow Weald Local Centre as designated in the Site Allocations Local Plan (2013), but is not a designated frontage. For this reason, Policy DM38 of the Development Management Policies (2013), which specifically relates to change of uses of premises within other town centre frontages and Neighbourhood Parades applies. Policy DM38 states;

- A. *Within neighbourhood parades and the non-designated parades of town centres, as defined on the Harrow Policies Map, the use of ground floor premises for purposes that are appropriate town centre, community and economic uses will be permitted provided that:*
- a. *In the case of non A class uses, a window display or other frontage appropriate to the centre would be provided; and*
  - b. *The use would not be detrimental to the amenity of neighbouring occupiers or highway safety*

It is considered that the proposed mixed use as a restaurant/bar would be an appropriate town centre use and the existing frontage would be retained, in accordance

with the above policy. The impact of the change of use on the amenities of neighbouring impacts and highway impacts will be appraised in the following sections.

The proposed change of use would re-introduce Use Class A4 (drinking establishment), and therefore Policy DM46 of the Development Management Policies (2013) applies. Policy DM46 states:

- A. *Proposals for the refurbishment and re-use of existing premises for community, sport and educational facilities will be supported*
- B. *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) *Subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and*
  - c) *There would be no adverse impact on residential amenity (see Policy DM1) or highway safety*

The subject site was historically in use as a public house, prior to the approved planning permission for the change of use of the ground floor and basement to retail (Use Class A1) and the conversion of the upper floors from two flats to five flats (reference P/1419/13). The supporting Design and Access Statement affirms that the lack of interest has prevented implementation of the change of use of the ground floor Class A1 retail unit. The supporting text of Policy DM46 states that Public Houses are closely associated with the life and identity of local communities and can offer a wide range of community functions. Furthermore, they are an integral part of the fabric of metroland Harrow, and form an important part of many streetscapes and shopping parades. Officers therefore consider that the re-introduction of Use Class A4 to the site would provide an appropriate community facility and would add diversification to the local town centre. The impact on residential amenity is appraised in section 3 of the report.

In summary, it is considered by Officers that the principle of the change of use would be acceptable as it would introduce a frontage appropriate to the designated Local Centre and would provide an opportunity for diversification of the town centre without undermining the core retail functions that are protected by the designated frontages. Furthermore, the proposal would re-introduce a Public House within the site that would play a valuable role in providing informal community meeting places, and often offer a wider range of community functions. Accordingly, it is considered that the proposal would accord with Paragraph 70 of the National Planning Policy Framework (2012) Core Policy CS1(Z) of the Harrow Core Strategy (2012) and Policies DM46 and DM47 of the Harrow Development Management Policies (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'

No external alterations are proposed to the existing building. Therefore, the character and appearance of the host building would be retained and would be appropriate to the local town centre.

The proposed stainless steel balustrade would not unduly harm the appearance and character of the subject site or surrounding area.

The building is within the setting of The Weald Stone, a Grade II listed boundary stone that sits on the footway in front of the pub. However, it is considered that the proposed change of use would not affect the setting of the listed building as confirmed by the Council's Conservation Officer in the preceding application, where no objection was put forward.

#### Refuse storage

As part of the principles of good design required by policy DM1, bin and refuse storage must be provided in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection. Storage of refuse bins and recycling bins for the proposed retail use would be within the rear service yard (adjacent to College Avenue). This location would be screened by a 2m high timber boundary fence and it would be acceptable in appearance terms. It would also provide a convenient location for collection.

In summary, it is considered that the proposal would comply with the aims and objectives of Policies 7.4B, 7.6B and 7.8 of The London Plan (consolidated with alterations since 2011)(2015), Core Policy CS1B of the Harrow Core Strategy (2012) and Policies DM1 and DM7 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 application site was previously a public house with two residential units to accommodate staff on the first-floor. However, the recently approved planning application (P/2419/15) resulted in the intensification of the residential component from two residential units to five. This was complemented by the change of use of the ground floor from a drinking establishment to retail use, which would be more compatible (in residential amenity terms) with the residential use on the first and second floors. Whilst it

is considered that the re-introduction of an A4 (drinking establishment) would not unduly impact upon the amenity of the future residential occupiers by means of vibration, dust, air quality or light pollution, it is considered that some harm could arise as a result of undue noise and disturbances related to the potential drinking establishment use (Use Class A4). Further harm could be caused to the amenity of the future residents owing to the noise (i.e plant machinery) and odour related to the restaurant/takeaway use (Use Classes A3/A5). Therefore, in order to prevent the likelihood of undue noise disturbances arising from the proposed change of use, separate conditions are suggested to restrict the opening hours of the proposed restaurant/wine bar and requiring the level of noise emitted from any new plant to be lower than the existing background level by at least 10 LpA. A further condition is included to restrict amplified sound. It is suggested that the use as a restaurant/wine bar shall not be open to customers outside the following times: 10:00 hours to 23:00 hours, Monday to Friday inclusive, 10:00 to 00:00 Hours on Saturday and 11:00 hours to 23:00 hours on Sundays.

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**

The London Plan (consolidated with alterations since 2011)(2015) and the adopted Core Strategy (2012) encourage and advocate sustainable modes of travel and requires that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided. Policy DM42 of the DMP requires new development to address the related travel demand arising from the scheme and for new development to comply with London Plan parking standards.

No dedicated off-street parking spaces are proposed for the change of use, as was the case with the previously approved permission (P/1419/13) for the change of use to (Class A1) retail use. It is considered that extensive waiting restrictions in the area would in the main deter undesirable on-street parking from occurring. Servicing would remain on the frontage which should be workable, the details of which are to be secured by a suitable condition which is recommended. One or two secure and accessible cycle spaces should be provided in-line with The London Plan (2015) requirement, and a condition to this effect is recommended. The application was referred to the Council's Highway Department who raised no objection to the proposed change of use.

In summary, it is considered that the proposal would comply with the aims and objectives of Policies 6.3, 6.9, 6.13 The London Plan (consolidated with alterations since 2011)(2015), Core Policy CS1B of the Harrow Core Strategy (2012) and Policies DM1, DM42 and DM44 of the Harrow DMP (2013)

### **Accessibility**

Policy 7.2 The London Plan (2015) requires all future development and change of use proposals to meet the highest standards of accessibility and inclusion. The Council's has adopted a Supplementary Planning Document 'Access for All' 2006, which provides detailed guidance on achieving an accessible design.

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 submitted (proposed) floorplans show that a ramp would be located at the front allowing step-free access into the premises. On the occasion of the site visit, it appeared that the ramp had already been constructed and therefore level access to the premises would be provided, in accordance with the Council's adopted Supplementary Planning Document 'Access for All' (2006).

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 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 use hereby permitted shall not be open to customers outside the following times:-  
10:00 until 23:00 hours Monday to Friday

10:00 until 00:00 hours Saturday

11:00 until 23:00 hours Sunday

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of nearby neighbouring residents in accordance with policy 7.6B of The London Plan (2015) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan (2015) and policy DM1 of The Development Management Policies Local Plan (2013).

4 The change of use hereby permitted shall not be open to members of the public until details of secure cycle storage for customer / staff use catering for at least one bicycle 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 retained.

REASON: To ensure that adequate cycle facilities are provided and to safeguard the appearance of the locality, as required by policy 6.9 of The London Plan (2015) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 The retail unit hereby permitted shall not be open to members of the public until details of arrangements for the servicing of the unit have been submitted to, and approved in writing by, the local planning authority.

The servicing shall be implemented in accordance with the approved details.

REASON: To safeguard highway safety and the amenities of the area and of neighbouring occupiers, as required by policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

6 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)

7 The window glass of the commercial unit shall not be painted or otherwise obscured without the prior written permission from the Local Planning Authority.

REASON: To ensure that an active shopfront is maintained in the interests of providing an interesting and attractive shopping area, in accordance with policy DM38 of the Councils Development Management Policies Local Plan 2013

8 The retail unit hereby permitted shall not be open to members of the public until details of arrangements for the servicing of the unit have been submitted to, and approved in writing by, the local planning authority.

The servicing shall be implemented in accordance with the approved details.

REASON: To safeguard highway safety and the amenities of the area and of neighbouring occupiers, as required by policies DM1 and DM44 of the Harrow Development Management Policies Local Plan (2013).

9 The development hereby permitted shall be carried out in accordance with the following approved plans: P-1505-001 Rev -, P-1505-002 Rev -, P/1505-003 Rev -, P-1505-004 Rev -, P-1505-005 Rev -, P-1505-006 Rev -, P-1505-007 Rev -, P-1505-008 Rev -, P-1505-LP Rev -, P-1505-SP Rev -, Planning, Design and Access Statement (dated 14th May 2015)

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)

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.13 Parking

7.2 An Inclusive Environment

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and Archaeology

Harrow Core Strategy (2012)

CS1 Overarching Policy

CS7 Stanmore and Harrow Weald

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM7 Heritage Assets

DM38 Other Town Centre Frontages and Neighbourhood Parades

DM42 Parking Standards

DM44 Servicing

DM46 New Community, Sport and Education Facilities

Supplementary Planning Documents

Supplementary Planning Document – Access for All (2006)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

#### 5 INFORMATIVE

The proposed food premises are to be fitted, furnished and equipped to the satisfaction of the Environmental Health Officer.

#### 6 INFORMATIVE:

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.

#### 7 DUTY TO BE POSITIVE AND PROACTIVE

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.

#### 8 INFORM61\_M

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £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 £18,130 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 518m<sup>2</sup>

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

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

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

Harrow's Charges are:

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

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

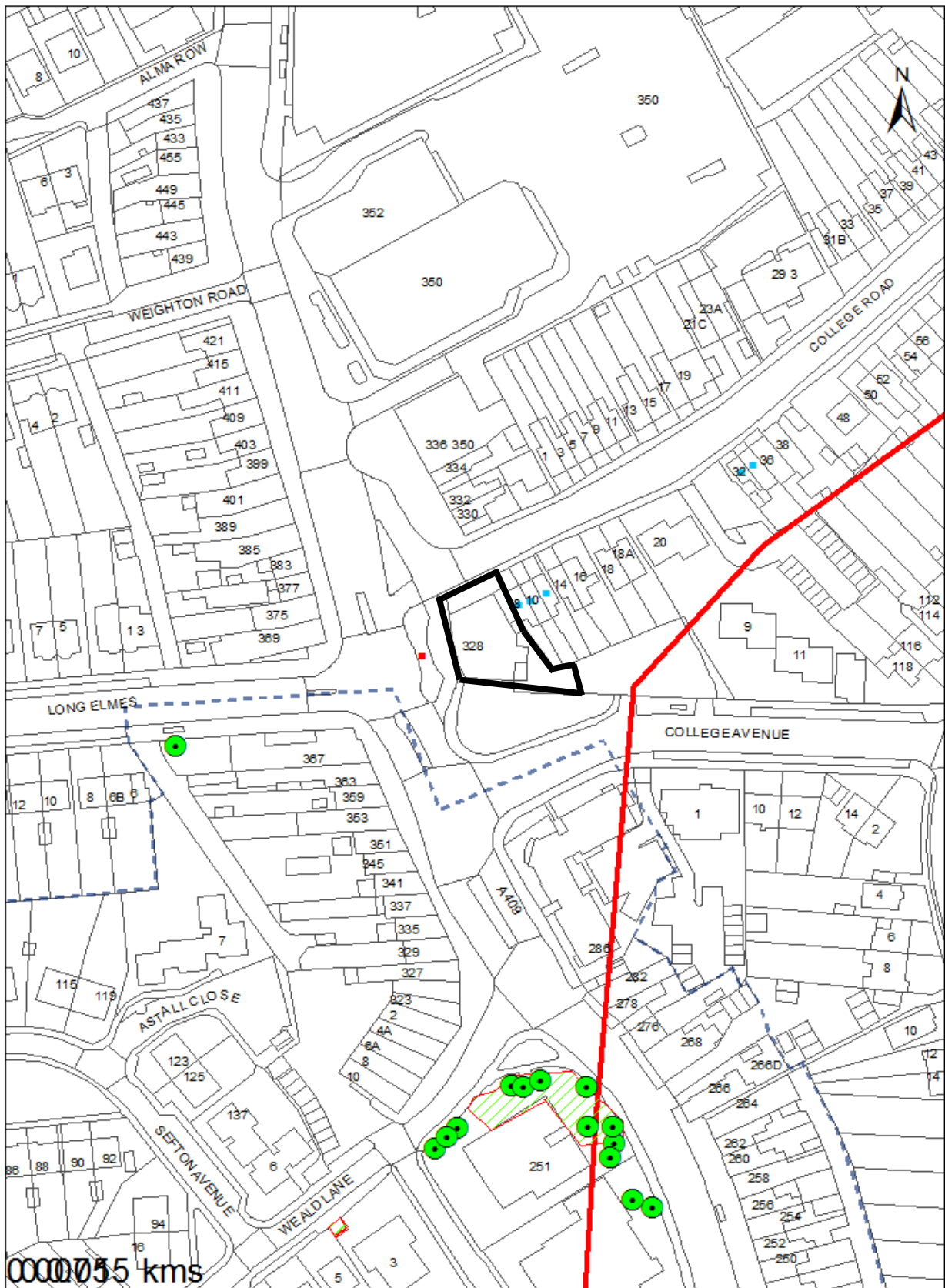
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £56,980.

Plan Nos: P-1505-001 Rev -, P-1505-002 Rev -, P/1505-003 Rev -, P-1505-004 Rev -, P-1505-005 Rev -, P-1505-006 Rev -, P-1505-007 Rev -, P-1505-008 Rev -, P-1505-LP Rev -, P-1505-SP Rev -, Planning, Design and Access Statement (dated 14<sup>th</sup> May 2015)

# THE WEALDSTONE INN PUBLIC HOUSE, 328 HIGH ROAD, HARROW



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 Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010





ITEM NO: 2/06  
ADDRESS: 60 VAUGHAN ROAD, WEST HARROW, HARROW  
REFERENCE: P/2244/15  
DESCRIPTION: CHANGE OF USE FROM SINGLE DWELLINGHOUSE (USE CLASS C3) TO A MOTHER AND BABY CENTRE (USE CLASS C2) FOR THREE FAMILIES  
WARD: WEST HARROW  
APPLICANT: MRS PAULLETTE JEAN-JACQUES  
AGENT: ENGELHADLEYKIRK  
CASE OFFICER: CALLUM SAYERS  
EXPIRY DATE: 05/08/2015

### **RECOMMENDATION**

**GRANT** permission for the change of use described in the application and submitted plans subject to condition(s):

### **REASON**

The proposal would continue a residential use on the property that would be appropriate within this area, and would have satisfactory access to public transport links and local shops. Furthermore, the proposed development would provide a choice of housing within the borough and would not lead to unacceptable harm to neighbouring amenity or be prejudicial to the free flow and safety of the public highway.

### **Background**

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning it is likely to be of significant public interest and therefore falls outside of proviso E of the Scheme of Delegation.

### **INFORMATION:**

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

### **Site Description**

- The application site concerns No.60 Vaughan Road, which is located on the northern side of Vaughan Road and is a mid-terrace dwelling.
- The property is characterised by being two-storey with a two-storey outrigger element. A small detached outbuilding is located do the rear boundary.
- The property is currently used as a single family home.

## **Proposal Details**

- The application is to change the use of the property known as No. 60 Vaughan Road from Residential (Use Class C3) to a Residential property with an element of care (Use Class C2).
- It is proposed to provide a parental assessment centre, which would accommodate up to 3 women and their babies at anyone time.
- The facility would provide an assessment for new mothers who are at risk of having their babies removed by social services, and have been referred to the assessment centre following a court order.
- Typically, a stay at the centre would be from twelve to sixteen weeks.
- The centre is not a secure unit. However, would provide 1:1 training/assessments from professionals such as psychologist, therapists etc. The property would be managed 24hrs by a qualified social worker.
- The facility would be Ofsted regulated
- It is not proposed to make any external enlargements or alterations to the existing property.

## **Relevant Planning History**

N/A

## **Pre-Application Advice (REF: P/1630/15/PREAPP)**

- Proposal would constitute a change of use
- Principle acceptable subject to further details
- Need to understand the management plan to ensure acceptable impact on neighbouring amenity and the free flow and safety of the highway
- Would need to be located close to public amenities.

## **Applicants Submission Documents**

- Design & Access Statement
- Confirmation from London Borough of Hillingdon that it would be a useful resource, but at this stage unable to commit.

## **Consultations**

Policy and Research: No Objection. Would continue to provide a residential use of the site, and provide a choice of accommodation that would meet the requirements of a more vulnerable section of society.

Highways Authority: No Objection

Children Services: Have verbally confirmed that there is a need within the borough for such facility. A written response will be provided via addendum to Planning Committee.

## **Advertisement**

Site Notice: N/A

## **Press Release**

N/A

## **Notifications**

Sent: 2

Expiry: 03/07/2015

Responses: Objections: 6 Support: 0

**Addresses Consulted:**

58 & 62 Vaughan Road, West Harrow, Harrow, HA1 4EE

**Summary of Objections:**

- Such a facility would be extremely damaging to the character and nature of the surrounding community
- Residents at such a facility are often to have their babies removed from them due to their dependency on substances, health issues or abuse. Would lead to unwelcome social disruption and anti-social behaviour with police intervention etc which would lead to disruption to a residential street.
- Contrary to London Plan 2015 Lifetime neighbourhoods as it will introduce a use that would conflict with the community spirit, safe environment, quiet streets and close proximity to Ofsted Outstanding Schools, all of which attracts people to live and remain in this street to live.
- The amount of visitors to the site would result in a number, and different types, of visitors to the property. It is likely that they will arrive by car which will place pressure on an already congested parking situation within Vaughan Road.
- Application would fail to meet the requirements set out within Policy DM26 and DM30.
- Not all neighbouring properties were consulted as part of the application
- The proposed change of use would de-value properties within the area.
- Loss of a family home from the housing stock would contravene the London Plan (2015)
- Increase in noise and disturbance
- Crime and safety

**Objections Via Petition:**

Number of signatures: 16

**Summary of points from petition:**

- Harmful to the amenities of neighbouring residential occupiers
- Out of character with the surrounding residential area
- Location of the proposal is inappropriate
- Contrary to policy DM46 of the Harrow Development Management Policies Local Plan (2013)

**Support via Petition:**

Number of signatures: 12

**Summary of points from petition:**

- Mission Statement of Company
- Information in objection letters have misunderstood the type of care offered
- Centre would house mothers referred by the Local Authority and Court Proceedings
- Only 41 such centres in the country and would be the only one in Harrow
- Centre would only admit mothers who successfully complete a substance rehabilitation course of dependency noted.
- Centre is manned 24 hours a day to ensure no unwanted visitors
- Similar to those in foster care who live within the community
- Residents fully aware of expected conduct whilst at the centre
- Parking restrictions in place

- Similar intensity to foster care
- Nearby doctors surgery has far more comings and goings
- Car park available at top of Vaughan Road
- Drug rehab centre at top of Butler Road with no negative impacts.
- Would not impact on property prices
- Applicant has operated childcare in the borough since 2003
- Increasing number of children in care
- Presently 56,000 children in care in England and Wales
- The centre will offer a discrete service
- There is no signage to the front of the property

It is noted that one of the addresses (No. 66 Vaughan Road) has signed both the petition to object, then subsequently in support. Furthermore, within the text of the petition, it is noted that properties 52, 53, 55, 64 and 68 Vaughan Road are now in support, although have not signed the petition of support. However, where there has not been a formal withdrawal of an objection from that property (specifically Nos 53 & 64 Vaughan Road), or have not submitted a response in support of the application, this statement within the text of the petition would therefore hold no weight in support of the application.

### **Further Responses after publication of Petition in Support:**

#### **Number of Responses: 2**

The comments received by the two responses reiterate that the two addresses continue to object to the scheme. Furthermore, one response rebuts a number of the comments made by the petition in support.

### **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 2015, the Harrow Core strategy 2012 and the policies of the Harrow Development Management Policies Local Plan 2013.

### **MAIN CONSIDERATIONS**

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

## **Principle of the Development**

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

The existing property is currently authorised and used as a single family home (Use Class C3), and it is proposed to change the use of this to a mother and child centre (Use Class C2). The proposed use of the property would result in a use of the property that would require an element of care being provided to the residents, by way of a qualified social worker who would manage the site on a 24 hour basis. Furthermore, the site would be frequented on a daily basis by other professionals such as psychologists and other suitably qualified professionals to provide training and guidance for the residents.

The proposed change of use would result in a loss of a single family home from the boroughs housing stock, which in most cases would be resisted under the London Plan (2015). However, in this instance, the proposed change of use would still provide a type of residential accommodation. Accordingly, it would find favour within policy 3.8 (Housing Choice) London Plan (2015) and Harrow Development Management Policies Local Plan Policies DM29 and DM46.

Policy DM29 states that the Council will support proposals for Sheltered Housing, inter alia, where they are accessible by public transport with good access to local amenities including shops and community facilities.

The application site is located in an area that has a Public Transport Accessibility Level of 5, which is excellent. Furthermore, it is located approximately 500m from the Harrow Metropolitan Town Centre. The commentary to Policy DM29 goes on to state that there is a need for flexible alternatives to residential care within the Borough as a means to support people to become more independent in more cost effective ways. Accordingly, the proposal would accord with the requirements and aspirations of policy DM29 of the Harrow Development Plan Local Policies (2013).

Policy DM46B requires that proposals for the provision of new community facilities will be supported where they are located within the community where they are intended to serve, safe and located in an area of good public transport or in town centres, and there would be no adverse impact on residential amenity or highway safety. Policy DM46D goes on to state that community uses shall have regard to impact on other legitimate users within the neighbouring buildings and also the adequacy of parking and access arrangements.

Policy DM46 dictates that community facilities should be located within the community in which they are intended to serve. Furthermore, it also states that providing the above is achieved, community facilities may be directed to town centre locations. In many cases, such a location would be highly sustainable in terms of access to public transport, and may enhance the vitality and viability of the town centre and help deliver economic diversification and growth. The applicant has stated that there are no facilities such as this within the borough, and that there is a shortage of such facilities across England. Furthermore, it is acknowledged that the proposed change of use would provide a choice of housing within the borough that would accommodate for a vulnerable section of society.

Policy DM46C goes on to state that in relation to the above, community facilities shall have no adverse impact on residential amenity or highway safety. The applicant has confirmed that the centre would provide accommodation for a maximum of three mothers and their babies. A qualified social worker would be on site at all times to manage the site. The proposed quantum of people on site would ensure that the property would continue to remain modest in terms of the amount of occupiers. Further to the fulltime residents at the site, it is proposed for house visits to be made from psychologists/therapists, who will provide 1:1 training and assessment for the residents. However, the supporting documentation indicates that any visitors to the site would be via appointment only, and as such would be able to be controlled by the management of the property.

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

For this reason it is considered that the application would be in accordance with Policies DM1, DM29 and DM46 of the Harrow Development Management policies Local Plan (2013), and as such is considered acceptable in principle.

### **Impact on Character and Appearance**

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

Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (2013) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policies 7.4.B and 7.6.B of The London Plan 2015 and core policy CS1 B of the Harrow Core Strategy which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm.

It is not proposed to alter the external appearance of the application property. Accordingly, it is considered that the proposed change of use would not result in unacceptable harm to the character and amenity of the existing property or streetscene.

Objections have been received stating that the proposed change of use would result in harm to the character of the area, as it currently one that provides for permanent residents within Vaughan Road. Objections state that the proposed change of use would not maintain this character as a result of the transient nature of the people who would reside there. Whilst it is acknowledged that the proposed use of the property would not be in use strictly as a single family home, it would remain in appearance terms as a single family home. Moreover, the proposed change of use would continue to provide a residential use within a residential area. Accordingly, it is considered that the proposed change of use would result in a development that would not be unacceptably harmful to the residential character of the wider area.

### **Residential Amenity**

Policy DM1 requires that all new development and change of use proposals must achieve a high standard of privacy amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers will be resisted. Further to this, DM46B(c) requires that for new community facilities to be supported, they should have no adverse impacts on residential amenity.

The application site is located within a mid-terrace in a predominantly residential area. However, it is noted that there would be a slightly higher level of background noise as a result of the railway lines located to the rear of the site.

It is not proposed to make any physical enlargements to the application property, and as such there would be no harm to the neighbouring occupiers through any loss of light or outlook. However, there maybe potential for the proposed scheme to harm neighbouring amenity through noise and disturbance through an increase in comings and goings from the property. The information submitted in support of the planning indication indicates that there would be three mothers with babies and a 24 hour social worker managing the property.

During the day it is anticipated that there would be 3 members of staff within the property, with a further two related professionals visiting the site during the business hours, Monday to Friday. Outside of these, the submitted information suggests that it is likely that 2 other visitors would visit throughout the day. However, there does not seem to be rationale behind this figure. In any case, visitation to the centre would be by appointment only and coordinated by the Centre Manager. As a result of the relatively limited numbers accessing the site, in conjunction with access being via an appointment only, it would ensure that there would not be a high number of comings and goings to and from the site.

Impacts of the proposed development on the safety and free flow of the public highway are addressed below. However, it is acknowledged that the property is located in an area with excellent access to public transport. Accordingly, it is considered that the development would not result in harm to neighbouring amenity through the congestions of private vehicles attempting to access the site.

A number of objections have been received in relation to anti-social behaviour as a result of the type of accommodation that is being proposed. It has been asserted that the residents may be dependent on, or attempting to remove their dependency on substance abuse, mental health issues or abuse. With regard to substance abuse, the supporting information submitted by the applicant confirms that residents will have successfully completed a rehabilitation programme prior to residing at the application property should there be an issue of substance abuse. As mentioned previously, the property would be managed by a qualified social worker. The application supporting documentation states that visitors to the property would be required to undergo a risk assessment prior to visitation. It is considered that the management of the premises would ensure that residents would be aware of the expected code of conduct, and the implications of not meeting these. Furthermore, a risk assessment of visitors would also ensure that the proposed use would not give rise to anti-social behaviour within the site or wider area.

It is therefore considered that the proposed numbers of occupiers for the site would be appropriate for a residential environment, and furthermore the controlled management of visitation to the site, would ensure that there would not be an unacceptable impact on neighbouring residential amenity. The proposal would therefore accord with policies DM1, DM29 and DM46 of the Harrow Development Management Policies Local Plan (2013).

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

It is considered that the change of use is not likely to raise any specific traffic concerns. No additional parking is proposed as part of the development.

As mentioned previously, the property is located within an area of excellent access to public transport (PTAL 5). Accordingly, the application is located in a highly sustainable location that would enable the majority of visitors to the site to utilise public transport within the area, whereby decreasing the reliance on the private motor vehicle. Whilst it is acknowledged that some visitors would nonetheless still arrive at the site by way of a private motor car, visitation to the premise is done so by appointment only. As such, the management strategy of the facility is able to ensure that visitors are staggered across the day, which would assist in ensuring that there would not be an inappropriate influx of visitors seeking on-street car parking along Vaughan Road or nearby public highway.

Further to the above, it is noted that there are parking restrictions along Vaughan Road, which run twice a day between 10 – 11am and again between 2 – 3pm. The proposed parking restrictions would further also assist in ensuring that the proposed change of use would not unacceptably exacerbate parking conditions along the public highway. Lastly, and as pointed out by the applicant, there is a car park available at the top end of Vaughan Road which is able to be utilised.

The Highways Authority has not raised any concerns in relation to the proposal and therefore the current arrangements are considered acceptable.

It is considered that application property is located within a highly sustainable area. The proposed change of use of the property would not unacceptably harm the free flow and safety of the public highway, or exacerbate any parking congestion currently experienced within the area. The proposal, subject to conditions would therefore accord with Policy 6.9 of the London Plan (2015), and policy DM42 of the Harrow Development Management Policies Local Plan (2013).

### **Equalities Implications**

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

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

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

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

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

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

### **Consultation Responses**

- Such a facility would be extremely damaging to the character and nature of the surrounding community

*Addressed under Section 2 of the above appraisal*

- Residents at such a facility are often to have their babies removed from them due to



their dependency on substances, health issues or abuse. Would lead to unwelcome social disruption and anti-social behaviour with police intervention etc which would lead to disruption to a residential street.

*Addressed under Section 3 of the above appraisal*

- Contrary to London Plan 2015 Lifetime neighbourhoods as it will introduce a use that would conflict with the community spirit, safe environment, quiet streets and close proximity to Ofsted Outstanding Schools, all of which attracts people to live and remain in this street to live.

*The proposed use would provide a certain type of housing into the borough that would also provide a mix of housing. The property would have a 24hr manager on site, which would ensure that the premise would be safe and not lead to unacceptable level of noise and disturbance. Furthermore, there is no evidence that the proposed use would be harmful to community spirit within this area.*

- The amount of visitors to the site would result in a number, and different types to the property. It is likely that they will arrive by car which will place pressure on an already congested parking situation within Vaughan Road.

*Addressed under Section 4 of the above appraisal*

- Application would fail to meet the requirements set out within Policy DM26 and DM30.

*Whilst it is acknowledged that there is a change of use of the property, it would not be a change of use that would fall within, and as such be assessed by policies DM26 or DM30. The proposal provides a level of care and as such is considered to provide sheltered housing. Accordingly, and as appraised above, the proposed change of use of considered under DM29 of the Harrow Development Management Plan Local Policies (2013).*

- Not all neighbouring properties were consulted as part of the application

*The statutorily required consultations were undertaken throughout the planning application process.*

- The proposed change of use would de-value properties within the area.

*Property prices are not a material planning consideration under the Town & Country Planning Act (1990)*

- Loss of a family home from the housing stock would contravene the London Plan (2015)

*It is acknowledged that the proposed change of use would result in a loss of the single family home. However, it would still remain as a residential use. Accordingly, it would find favour in the London Plan as it would provide housing choice within the Borough, as it would provide a form of sheltered housing. Accordingly, there is no conflict with the London Plan (2015) in this aspect.*

- Increase in noise and disturbance

*Addressed under Section 3 of the above appraisal*

- Crime and safety

*Addressed under Section 3 of the above appraisal*

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 Notwithstanding the approved plans, there shall be no more than three adults (mothers) residing at the facility at anyone time and one suitably qualified social worker.

REASON: To restrict the amount of persons on site at anyone time to protect the amenity of the neighbouring residential occupiers and accord with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 The development hereby permitted shall be carried out in accordance with the following approved plans: E-000 (REV P2), E-001 (REV P2), Design & Access Statement (PP-04195499).

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

## **INFORMATIVES:**

1 The following policies are relevant to this decision:

National Planning policy Framework (2012)

The London Plan (2015)

3.1 Ensuring Equal Life Chances for All

3.8 Housing Choice

7.1 Lifetime Neighbourhoods

7.4B Local Character

Harrow Core Strategy (2012):

Policy CS 1B

Development Management Policies Local Plan 2013

Policy DM 1 Achieving a High Standard of Development

Policy DM29 Sheltered Housing, Care Homes and Extra Care Housing

Policy DM 42 Parking Standards

Policy DM 46 New Community, Sport and Education Facilities

Supplementary Guidance/ Documents

Supplementary Planning Document: Access for All (2006)

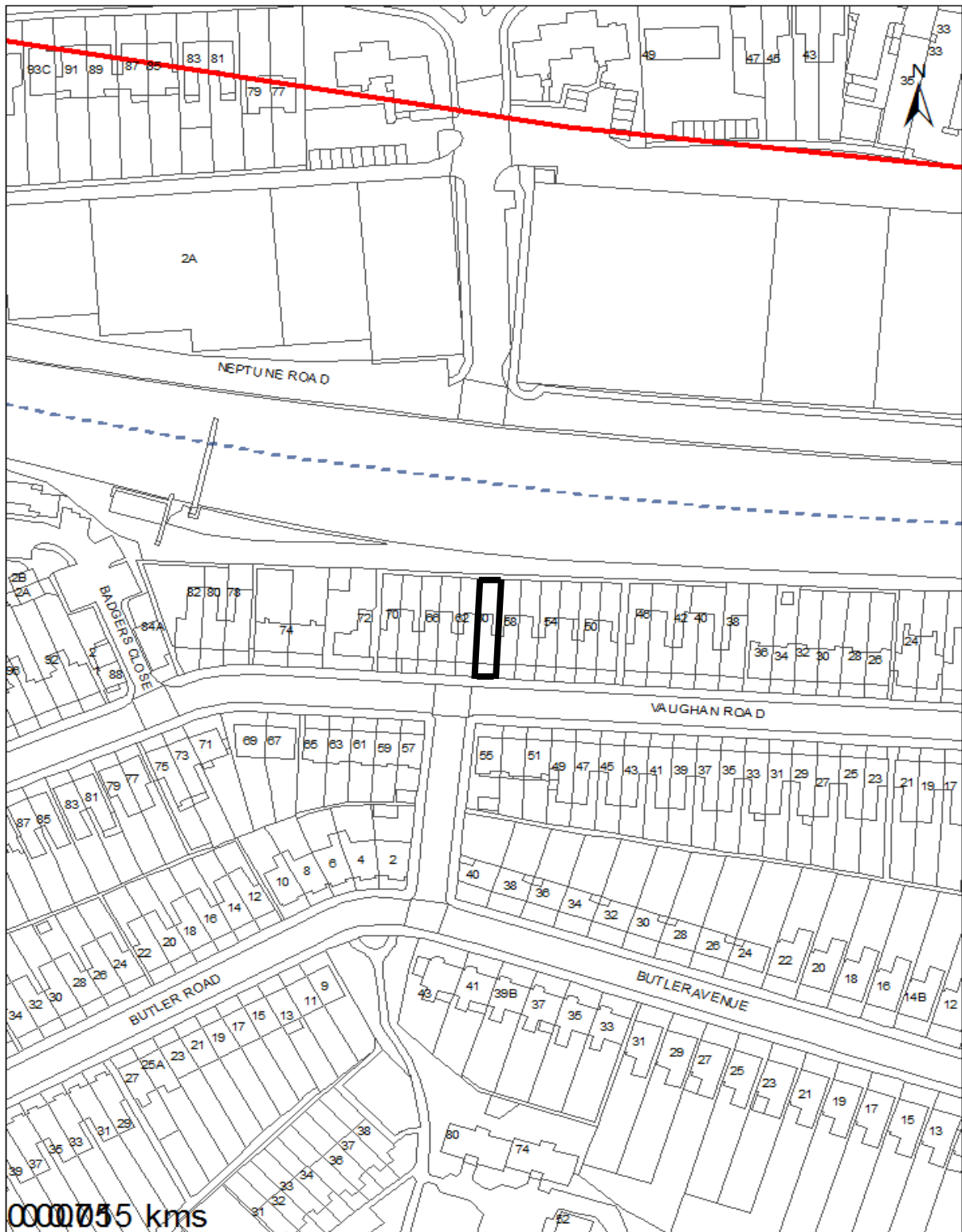
## 2) DUTY TO BE POSITIVE AND PROACTIVE

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

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

Plan No(s): E-000 (REV P2), E-001 (REV P2), Design & Access Statement (PP 04195499)

# 60 VAUGHAN ROAD, WEST HARROW



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ITEM NO: 2/07

ADDRESS: FORMER GOVERNEMENT OFFICES, HONEYPOT LANE,  
STANMORE

REFERENCE: P/2719/15

DESCRIPTION: CHANGE OF USE OF GROUND FLOOR PHASE 9 (BLOCK PT)  
FROM USE AS FLEXIBLE SPACE (CLASS A1/A2/A3/A4/A5)  
AND COMMUNITY FACILITIES (CLASS D1/D2) TO CREATE  
FIVE RESIDENTIAL UNITS TOGETHER WITH CYCLE AND  
REFUSE STORAGE

WARD: CANONS

APPLICANT: ST EDWARD HOMES

AGENT: TURLEY

CASE OFFICER: NICOLA RANKIN

EXPIRY DATE: 21<sup>ST</sup> OCTOBER 2015

## **RECOMMENDATION**

**GRANT** planning permission for the development described in the application and submitted plans subject to conditions set out at the end of this report;

### **Summary:**

The subject application together with the associated linked applications under planning references P/2718/15, P/2826/15 and P/2717/15 are considered to be acceptable as they would contribute to the objectives of the development plan in providing additional housing on a previously developed site, would secure appropriate social infrastructure for the future occupiers of the development and would provide a consolidated provision of employment generating uses with no overall job losses in the context of the original permission. There would be no detrimental impacts on the living standards of the future occupiers or neighbouring occupiers and the development would not adversely impact on the surrounding highway network or the objectives of sustainable transport.

## **INFORMATION**

The application is reported to the Planning Committee because the application would be potentially controversial and would therefore fall outside of proviso E of the Council's scheme of delegation. It is also necessary for this application to be considered holistically with the following linked planning applications, two of which are major developments: P/2718/15, P/2826/15 and P/2717/15.

Statutory Return Type: E (13) Minor Dwellings  
Council Interest: None  
Gross Floorspace: 520sqm  
Net Additional Floorspace: n/a

### Site Description

- The site forms part of the Former Government Offices development site (now known as Stanmore Place), situated between Honeypot Lane and the Jubilee Line railway.
- The development is progressing on site pursuant to planning permission P/4996/14 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:
  - alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
  - alterations to the roof of block pt involving removal of photo voltaic panels
  - alterations to approved cycle storage details.
- This application was amended from P/2450/11 which was for the redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks PN, PQ, PS, PT and PU, addition of lower ground floor to block PU, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).
- To date 80% of the redevelopment has been completed and phases 7, 8 and 9 are currently under construction with the final completion of the building anticipated to be by Autumn 2016.
- The total number of residential units permitted as a result of the consented scheme and the non-material amendment application (P/0986/11) is 757.
- This application relates to the ground floor of phase 9 of the redevelopment (block PT), located in the north eastern part of the site, adjacent to the crescent block and phase 3-5. Phase 9 is currently under construction and was consented as a five storey block around new streets and open spaces. The existing ground floor consists of flexible A1/A2/A3/A4/A5/D2 space, together with plant space, refuse and cycle storage.
- To the south of the site is the industrial and business area on Parr Road. To the west, beyond the wider development site, is Honeypot Lane and the main access to the site.
- To the north is Whitchurch Lane, where neighbouring dwellings back on to the site and where there is a secondary access to the site.
- To the east of the site, on the other side of the Jubilee Line railway embankment, is The Hive Football Centre, an open air sports facility.

### Proposal Details

- The application proposes a change of use of the ground floor of phase 8b (blocks PV and PR) from flexible A1/A2/A3/A4/A5/D2 use to create four residential units together with cycle and refuse storage.
- The proposed change of use would result in the loss of flexible A1/A2/A3/A4/A5/D2 space to provide two x one bedroom, one x two bedroom and two x three bedrooms flats.

- A separate cycle and refuse enclosure would also be provided within the ground floor for use by the flats.
- Access to the flats will be gained via the internal corridors as per the upper floors. The main entrance to the lobby would be gained from the western elevation.
- The flexible A1/A2/A3/A4/A5/D2 space would be re-located within the commercial (OCS) building which runs adjacent to the southern boundary of the site – this is being considered under a separate planning application under ref: P/2826/15.
- It should also be noted that the external alterations indicated on the proposed floor plans in relation to window and door arrangements are being considered under application P/2717/15.

#### **Revisions to Previous Application:**

- None

#### **Relevant History**

P/2317/06 redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sq m class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sqm of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

Refused 04-May-2007

ALLOWED ON APPEAL 12-NOV-2007

P/2752/08 renewable energy statement required by condition 23 of planning permission ref: P/2317/06/CFU

APPROVED: 07-Nov-2008

P/0986/11 - non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks pl and pm; reduction of total number of units from 798 to 790

GRANTED : 03-May-11

P/2450/11 - redevelopment to provide 213 flats and 959 sq m of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).

GRANTED : 16-DEC-11

P/4996/14 minor material amendment application for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission p/2450/11 dated 19/03/2012 to enable:

- alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
- alterations to the roof of block pt involving removal of photo voltaic panels
- alterations to approved cycle storage details

(P/2450/11: redevelopment to provide 213 flats and 959 sq m of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated

landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764)  
GRANTED : 25.03.2015

P/2718/15 change of use of ground floor phase 8b (blocks pv and pr) from flexible A1/A2/A3/A4/A5 use to create four residential units together with cycle and refuse storage  
Expiry: 21.10.2015

P/2826/15 amendments to the development approved under planning reference P/2317/06 (allowed on appeal ref: app/m5450/a/06/2032152) comprising the erection of a four storey block adjoining existing (constructed) ocs building to provide flexible a1/a2/a3/a4/a5 uses and community facilities (439sqm) (within use classes d1 and d2 including indoor and outdoor crèche area) and provision of b1 (a), (b), (c) floorspace. use of part of ground floor of existing ocs building for flexible a1/a2/a3/a4/a5 use resulting in an overall provision of 457sqm in existing and new block. amendments resulting in a reduction of b1 office floor space on the site from 3040sqm to 2125sqm. provision of basement cycle parking and four storey decked car parking at rear; alterations to approved parking layout; associated external alterations and hard and soft landscape works.  
Expiry: 21.10.2015

P/2717/15 variation of condition 2 (approved plan list) and condition 2 (cycle storage details) attached to p/4996/14, dated 25.03.2015 to enable alterations to ground floor layout and ground floor elevation details including revised fenestration and entrance details of blocks pv/pr (phase 8b) and block pt (phase 9); hard and soft landscape works; amendment to cycle store and refuse store arrangements at ground floor of buildings pv/pr (phase 8b) and pt (phase 9); removal of temporary cycle store at rear of crescent block (amendments to planning permission p/4996/14, dated 25.03.2015 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission p/2450/11 dated 19/03/2012 to enable: alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres; alterations to the roof of block pt involving removal of photo voltaic panels; alterations to approved cycle storage details).  
Expiry: 21.10.2015

#### **Formal Pre-Application Discussion P/1801/15/PREAPP:**

- A meeting was held to discuss the legal framework to secure the retail and community facilities.

#### **Applicant Submission Documents**

- Planning Statement (Summary)
- St Edward Homes Ltd seek to alter the location of the retail, Crèche and community uses currently in phases 8 (building PV/PR) and 9 (building PT) in order to replace office uses in Buildings Two and Three (within the commercial building or 'OCS').
- In order to make these changes to the approved development, four applications have been submitted which when combined comprise a set of alterations and changes to the three elements of the scheme outlined above.



- The essence of the applications is to relocate the approved flexible A1/A2/A3/A4/A5/D1/D2 use floor space (which includes the approved Community Facilities).
  - As approved they are shown located on the ground floor level of buildings PV/PR and PT. The intention through these new planning applications is to locate them on the ground and first floor level of the OCS building. The ground floors of building PV/PR and PT will then be used to provide 4 and 5 additional residential units respectively.
  - It should be noted that the total overall number of residential units at the site will remain below that originally approved in 2007.
- Design and Access Statement
  - Energy Statement
  - Daylight and Sunlight Report
  - Flood Risk Assessment

### **Consultations**

Highways Authority: Awaiting comments

Drainage Authority: No Objection

Canons Park Residents Association: No comment received

London Underground: No Comment

### **Advertisement:**

General Site Notification: Expiry: 14.07.2015

### **Notifications**

Sent: 153

Replies: 1

Expiry: 30.07.2015

### **Summary of Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents from applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.

### **APPRAISAL**

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

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

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

In this instance, the development plan comprises the London Plan [LP] (consolidated

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

## MAIN CONSIDERATIONS

Principle of Development  
 Character and Appearance of the Area  
 Residential Amenity  
 Traffic, Parking and Drainage  
 Accessible Homes  
 Affordable Housing and Density  
 Sustainability  
 S17 Crime & Disorder Act  
 Human Rights and Equalities  
 Consultation Responses

### Principle of Development

The principle of the development has already been established through the previous planning permissions for the site – P/2317/06, P/2450/11 and P/4996/14. Policy 3.16 of The London Plan (2015) makes clear that adequate provision of social infrastructure is particularly important in areas of major new development. It outlines that “*development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of infrastructure without realistic proposals for re provision should be resisted*”. With regard to the loss of flexible A1/A2/A3/A4/A5/D2 space contained within the ground floor of block PT, this is not considered to be detrimental to the scheme as an overall quantum of 896sqm of space would still be retained within the site, should approval be granted for the current application and other associated linked applications set out above.

Officers consider that the re-provision of the retail and community space can be secured by placing a further section 106 obligation on the land to ensure that the proposed residential units contained within the crescent block (phase 8a) would not be occupied until the community/retail space was provided in the OCS building. This would require an amendment to the existing section 106 agreement linked to the most recent planning permission (P/4996/14) which considers phases 7 to 9 of the development. Therefore this obligation would be secured under the current section 73 proposal under reference P/2717/15.

The following table provides a summary showing the re-provision of community and A class uses within the OCS building matches or exceeds the area under the original consent:

|                      |   |
|----------------------|---|
| <b>Consented GIA</b> |   |
| Retail               | 381m <sup>2</sup>                         |
| Community            | 439m <sup>2</sup> (community hall/crèche) |
| <b>Total:</b>        | <b>820m<sup>2</sup></b>                   |
|                      |   |
| <b>Proposed GIA</b>  |   |
| Retail               | 457m <sup>2</sup>                         |

|               |   |
|---------------|---|
| Community     | 439m <sup>2</sup> (239m <sup>2</sup> community hall 200m <sup>2</sup> crèche) |
| <b>Total:</b> | <b>896m<sup>2</sup></b>   |

The applicants have outlined that it would not be possible to link the proposed residential units within this current application to the delivery of the community and retail facilities due to the timing, site logistics and completion of the works on site. Currently, the construction of phase 8b (block PV/PR) and phase 9 (block PT) is significantly further ahead than phase 8a (crescent block). Planning application P/2826/15 proposes that the community/ retail facilities be located within OCS building 3. However, construction is yet to commence on this phase and it will be the last phase of development to complete as it is currently used for site access via Parr Road and Lynch yard. This current access is vital in maintain construction access to avoid construction traffic entering via Honeypot Lane or Whitchurch Road. The current proposed programme completion dates for each of the blocks are as follows:

- Phase 8b – December 2015
- Phase 9 – March 2016
- Phase 8a – October 2016
- OCS building 3 – October 2016

Due to the completion of works of the various phases the residential units of phase 8b and 9 would remain vacant for some time if they were to be linked to the delivery of the community/retail facilities. The applicants have outlined that they wish to avoid this in the interests of maintain activity at ground floor and security. Officers considered that although there would be a short period following completion of phase 8b and phase 9 before the community/retail facilities were re-provided, this would not be unreasonable, given that it is important to complete the OCS building last due to necessary construction access. Given that the proposed crescent block will be a key focal building for the entire site, framing the eastern 'village green' space, it is considered that linking the obligation for re-provision of facilities within the OCS building to the crescent block rather than the current application, will still provide a strong commitment to ensure the community facilities are re-provided. On this basis, there is no objection to the principal of the change of use.

Furthermore the adjacent neighbourhood parade to the west of the site already offers a number of beneficial retail and service facilities for the surrounding residents and residents of Stanmore Place.

Policy 3.3 of The London Plan encourages London Boroughs to seek to achieve and exceed the relevant minimum borough annual housing target. Policy 3.4 is also relevant to the current proposal which states that: *"Taking into account local context and character, the deign principles in chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in table 3.2. Development proposals which compromise this proposal should be resisted"*. Policy 3.8 of The London Plan (2015) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing.

Further to this, Core Policy CS(I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'.

Policy DM 24 of the Harrow Development Management Policies Local Plan (2013) outlines that “proposals that secure an appropriate mix of housing on site and which contribute to the creation of inclusive and mixed communities will be supported. The appropriate mix of housing will be determined having regard to the location of the site, the character of its surroundings and the need to optimise housing output on previously developed sites.”

Having regard to the London Plan and the Council’s policies and guidelines, it is considered that the provision of additional residential accommodation on the ground floor of the building would constitute an increase in housing stock within the borough on a previously developed site and would accord with the London Plan which requires that housing output is optimised where possible. In view of the above factors, the development is considered to be acceptable in principle. Further consideration is given to character, design and public transport capacity below.

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

Policy 7.4B states that ‘Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass’.

Core Policy CS1 B of the Harrow Core Strategy 2012 states that ‘Proposals that would harm the character of suburban areas and garden development will be resisted’.

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

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

- a: the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;*
- b: the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;*
- c: the context provided by neighbouring buildings and the local character and pattern of development;*
- d: the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;*
- e: the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;”*

The current application proposes a change of use only. Changes to the external alterations of the building are considered under a separate planning application under ref: P/2717/15.

It is therefore considered that the revised proposal would comply with policies 7.4B, and 7.6B of The London Plan (2015), Core Policy CS1 B of the Harrow Core Strategy, and policies DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

## **Residential Amenity**

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

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *“All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted (c)”*.

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

The proposed new flats would marginally increase residential activity on the site, expressed through comings and goings to the building, but in the context of the surrounding residential development of the consented scheme, this would not be detrimental to the neighbouring occupiers.

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

- **Private Amenity Space**

Policy DM 27 of the Harrow DMP LP (2013) states that: *“Residential development proposals that provide appropriate amenity space will be supported. Paragraph 4.58 of the Councils SPD Residential Design Guide (2010) outlines that “the amount of amenity space to be provided will be informed by the Mayor of London’s, the needs of the future occupants of the development and the character of the area.” In all cases, in considering what is reasonable to meet the needs of the future occupiers and to provide an appropriate setting from the building, attention will be paid to the prevailing characteristics of the development in the surrounding area”*.

Each of the proposed units would have access to an outdoor terrace. The terraces would provide some setting space and separation from the public highway. The overall amenity space provision would comply with the London Plan requirements. However, it is also acknowledged that the occupiers of the flats would also have access to the extensive communal amenity space by the crescent block and towards the front of the site, adjacent to phase 1. It is also noted that the terrace would be in close proximity to the public highway. Nevertheless, this arrangement is in keeping with the amenity space at a number of the other phases of development, such as phase 7. Given the enclosed nature of the Stanmore Place site, the public spaces adjoining the buildings are not busy through fares with high volumes of traffic. Additional landscaping secured by an appropriate planning condition can be provided adjacent to the terraces to provide enhanced screening and privacy. As a condition for landscaping requirements is already applied on the external works application P/2717/15 to be implemented prior to the occupation of the ground floor, it would be unduly onerous on the applicant to apply this condition here also. Having regard to these factors and subject to a landscaping condition, the amenity space is considered to be acceptable.

- **Refuse Storage**

Policy DM 45 requires that all proposals will make provision for general waste, provide a satisfactory storage volume, ensure satisfactory access for collectors and collection vehicles and be located and screened to avoid nuisance to occupiers and adverse visual impact.

The Council requires that 3 bins are provided per flat in order to provide sufficient

capacity for refuse and recycling. The Council's refuse storage code states that "where appropriate (i.e. maisonettes and conversion) the total number of bins needed can be reduced by using the different coloured bins communally. The only requirement is that for the development as a whole, must have sufficient storage capacity".

A bin store would be provided within the ground floor. The bin store would contain 3 x 1110 litre general waste bins and 3 x 1100 litre recycling bins. The bins stores would provide sufficient waste and recycling capacity for the intended number of occupiers.

#### 1. Room Size and Layout

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

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2015) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2015), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012). The spaces within each of the flats is set out in the table below:

|  | <b>Gross Internal floor Area</b>   | <b>Kitchen/Living /Dining</b>   | <b>Bedroom</b>  |
|--|--|---|---|
| <b>SPG (2012)</b>                      | <b>1 bedroom,<br/>2 persons<br/>50m<sup>2</sup></b><br><br><b>2 bedrooms,<br/>4 persons<br/>70m<sup>2</sup></b><br><br><b>3 bedroom,<br/>6 persons<br/>95m<sup>2</sup></b> | <b>2 persons<br/>23m<sup>2</sup></b><br><br><b>4 persons<br/>27m<sup>2</sup></b><br><br><b>6 persons, 31m<sup>2</sup></b> | <b>Double<br/>12m<sup>2</sup></b><br><br><b>Single<br/>8m<sup>2</sup></b> |
| <b>Flat 1<br/>1 bed, 2<br/>person</b>  | 52.6m <sup>2</sup>   | 23.4m <sup>2</sup>  | Bedroom 1<br>14.6m <sup>2</sup>   |
| <b>Flat 2<br/>2 bed, 4<br/>persons</b> | 73m <sup>2</sup>   | 28.7m <sup>2</sup>  | Bedroom 1<br>12.75m <sup>2</sup><br>Bedrooms 2<br>13m <sup>2</sup>        |
| <b>Flat 3<br/>1 bed, 2</b>             | 52.2m <sup>2</sup>   | 22.6m <sup>2</sup>  | Bedroom 1<br>15.3m <sup>2</sup>   |

| person                                 |                   |                  |   |
|--|-------------------|------------------|---|
| <b>Flat 4<br/>3 bed, 6<br/>persons</b> | 98m <sup>2</sup>  | 33m <sup>2</sup> | Bedroom 1<br>14.9m <sup>2</sup><br>Bedroom 2<br>12m <sup>2</sup><br>Bedroom 3<br>10.5m <sup>2</sup> |
| <b>Flat 5<br/>3 bed, 6<br/>persons</b> | 104m <sup>2</sup> | 38m <sup>2</sup> | Bedroom 1<br>17.3m <sup>2</sup><br>Bedroom 2<br>10.5m <sup>2</sup><br>Bedroom 3<br>12m <sup>2</sup> |

The overall gross internal floor spaces and living spaces of the flats would meet the minimum size requirements of the London Plan (2015) and are considered to be acceptable in this regard. The flats would have an identical layout to those above and would therefore not result in any undue impacts on the future occupiers in terms of noise transmission.

Three out of five flats would be dual aspect. However, the single aspect flats, would all benefit from large glazed window on the front elevation. As such, it is considered that the occupiers of all the flats would have adequate levels of outlook. The flats would be separated from the adjacent housing to the west (phase 7) by a public highway spanning a distance of approximately 11 metres and from the development to the north (phases 3-5) by approximately 15 metres. However, there is a similar relationship between all the existing residential buildings on site therefore the proposed distances are considered to be acceptable so as not to give rise to any undue impacts in terms of loss of privacy and outlook.

The application is accompanied by a Daylight and Sunlight report which considers the impact of the internal alterations and amount of daylight and sunlight for habitable rooms. The Daylight and Sunlight report is based on best practice standards in accordance with the BRE Report 209, Site Layout Planning for Daylight and Sunlight. The report concludes that all rooms within block PT meet relevant average daylight factor (ADF) targets. All windows to the south elevation would have sunlight levels significantly in excess of BRE targets. Two bedrooms to the western elevation would fall marginally short of the Annual Probable Sunlight Hours (APSH) specified by the BRE. However, it is also acknowledged that the BRE guidance outlines that sunlight hours to bedrooms is less important than living spaces. Having regard to this, on balance this marginal shortfall is not considered to represent sufficient ground for refusal. Overall, on the basis of the conclusions of the daylight and sunlight assessment, it is considered that the arrangement of the flats would have acceptable living conditions for the future occupiers.

There will be a small plant room located adjacent to the main entrance lobby. The applicant has advised that the plant room would not accommodate individual energy centres but are to accommodate hydraulic separation between the existing main boiler plant and the new heat network and as such are not noise generating. Having regard to this and the noise assessments already required under Building Regulations, it is considered that the future residents of the flats would not be unduly affected by noise.

It is also acknowledged that by removing the retail/community space from the ground floor of block PT and re-providing and consolidating this space within the commercial building will also generate less noise and disturbance for the neighbouring flats and surrounding residential blocks.

Having regard to the above, the proposal would be consistent with policy 7.6 B of The London Plan 2015 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic, Parking and Drainage**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

The car block is located between block E to the west and the crescent block to the east. An increase in the total number of parking spaces is proposed through separate planning application P/2826/15. Under this application, it is proposed to increase the number of parking spaces on site by 11 in order to accommodate the increased number of occupiers.

In terms of cycle provision, within phase nine there are 24 flats which require 39 cycle parking spaces in total. A total of 40 spaces are being provided with a further 20 spaces being provided in the adjacent cycle store. The provisions are considered to be acceptable, in line with The London Plan (2015) requirements.

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

The application site shown in red on the site plan is not greater than 1 hectare and is not within an area at risk of flooding. The applicant has submitted an addendum to the approved Flood Risk Assessment for the overall site which outlines that the proposed change of use will not alter the design of the approved flood management scheme and therefore the proposed amendments will have no impact on the fluvial flood risk for the overall site of Stanmore Place. The alterations to the proposed development will have no impact on fluvial flood risk at or outside the site. The proposals will not result in any increase in impermeable area at the site and therefore the surface water run-off rate and volume will be the same as the approved design.

### **Accessibility**

Policy DM 2 of DMP LP (2013) and policies 3.8, 7.1 and 7.2 of The London Plan (2015) seeks to ensure that all new housing is built to Lifetime Homes Standards.



The levels within the scheme would create an inclusive environment and all of the units within phase 8b would be constructed to meet Lifetime Homes Standards. A condition is recommended to ensure that the flats are implemented in accordance with these standards.

The amended scheme would be consistent with the development plan for Harrow.

### **Affordable Housing and Density**

Core Policy CS1J of the Harrow Core Strategy (2012) seeks the maximum reasonable amount of affordable housing on all development sites, with a Borough-wide target of 40%. DM policy 24 states that proposals that secure an appropriate mix of housing on site and which contribute to the creation of mixed and inclusive communities will be supported.

The current application together with the other change of use application under P/2718/15, if granted would result in the provision of 9 additional residential units. The additional units should be considered in the context of the original application proposals at Stanmore Place (which delivered a policy compliant level of affordable housing early in the development programme) and subsequent amendments that have been approved by the authority.

Under the appeal (P/2317/06/CFU and APP/M5450/A/06/2032152) which was allowed on 12 November 2007 ('the 2007 permission') planning permission was granted for 798 dwellings, of which 259 were proposed as affordable units. The proportion of affordable housing by habitable rooms was 40.1% or 32% when assessed on a unit basis. All of these affordable units were constructed in the early phases of the development, on the north side of the site.

Since that time a number of amendments have been made to the planning permission as follows:

- On 3 May 2011, planning permission was granted for a non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007, for revised layouts and alterations to the elevations of blocks PL and PM together with a reduction in units from 798 to 790.
- On 19 March 2012 permission was granted under application reference P/2450/11 for alterations to the approved scheme relating to buildings PV/PR, PT and PU (the Crescent block) (i.e. phases 8a, 8b and 9) ('the 2012 permission'). This reduced the number of approved units within those phases from 247 to 213. This application reduced the total unit numbers at the site from 798 to 757 units.
- A Section 96a Non Material Amendment planning application was approved on 6 June 2013 which increased the number of units by two (replacing 2 x three bedroom flats with 4 x one bedroom flats). This increased the overall number of units to 759 residential units.
- The most recent permission, reference P/4996/14, granted on 25 March 2015 ('the 2015 permission') proposed physical changes to building PU (the Crescent block), but no change to residential unit numbers.

The relevant applications together with the revised unit and habitable room count are set out below.

| Planning permission dates and reference numbers                  | Unit Numbers | Habitable Room | Application Details  |
|--|--------------|----------------|--|
| Original Consent<br>P/2317/06/CFU and<br>APP/M5450/A/06/2032152) | 798          | 2,325          | 798 residential units (LPA and PINs reference numbers - P/2317/06/CFU and APP/M5450/A/06/2032152)  |
| 3 <sup>rd</sup> May 2011 -<br>P/2317/06/CFU                      | 790          | 2,320          | Non-material amendment to planning permission p/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks PL and PM and reduction of total number of units from 798 to 791  |
| 19 <sup>th</sup> March 2012 -<br>P/2450/11                       | 757          | 2,402          | Redevelopment To Provide 213 Flats And 959sqm of A1/A2/A3/A4/A5/D1/D2 Floorspace In Four Five And Six Storey Blocks With Lower Ground Floor; Associated Landscaping And Car Parking. Amendments To Phases 7 8 And 9 with a reduction in number of units by 34  |
| 6 <sup>th</sup> June 2013 - P/1291/13                            | 759          | 2,402          | P/1291/13 – Non material amendment to replace 2 x three bed flats to 4 x one bed flats attached to planning permission   |
| 25 <sup>th</sup> March 2015 -<br>P/4996/14                       | 759          | 2,404          | P/4996/14 - Minor Material Amendment Application For A Variation Of Condition 2 (Approved Plan List) And Condition 12 (Cycle Storage Details) Attached To Planning Permission P/2450/11, to enable alterations to the internal layout and external alterations |
| Change of use planning applications -<br>P/2718/15<br>P/2719/15  | 768          | 2,431          | Two separate planning applications for:<br>PV/PR – 4 residential units<br>PT – 5 residential units   |

The original 2007 permission granted 798 units. This was subsequently reduced to 790 and then 757. Subsequent proposed changes increased the number to 759. With the addition of 4 new units at ground floor in building PV/PR and 5 new units at ground floor in building PT the proposed total number of units through these new applications now submitted will increase to 768 residential units.

In terms of habitable room count, the number has increased from 2,325 to 2,431 habitable rooms as a result of the above planning applications and current change of use planning applications.

The proposed number of residential units is 3.7% less than originally consented and still 30 units below the number granted by the original planning application. It is not considered in this case that the proposed applications should not trigger a requirement to provide affordable housing provision. Similarly the proposed density as a result of this application and the other change of use proposed under application P/2719/15 is not considered to be objectionable, given this would be marginal in the context of the overall scheme.

### **Sustainability**

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

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to "*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*"..."*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*". Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has provided an amended energy strategy for the current applications which outlines that there is no alteration proposed to the overall approved energy strategy for the site. The proposed four residential units will utilise the same building fabric as outlined below and the same heating hot water approach as consented within phases 8a and 9. This will result in a 5.34% Co<sup>2</sup> reduction. Given, there is no specific energy reduction target with the latest London Plan 2015; the proposals to comply with the original consented scheme are considered to be acceptable.

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

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

## **Human Rights and Equalities**

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

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

## **Consultation Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents for applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.

The importance of the retail/community facilities is recognised and the LPA is satisfied that the provision of the facilities can be adequately safeguarded by placing a further section 106 obligation on the land to prevent the occupation of the crescent block until they have been built out and completed. The marginal uplift in occupiers in relation to the overall scheme is considered not to measurable affect indigenous parking within the site as further parking spaces are being provided. Furthermore, regard is had to the good PTAL level with the proximity of Canons Park station and a plethora of bus routes available.

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 The development shall be carried out and completed in accordance with the following approved plans and documents: (PL) 04; 6437 2100 Rev 04; 6437 D2100 Rev 03; Design and Access Statement (June 2015); Flood Risk Assessment Addendum – Honeypt Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006

(dated 10 June 2015)

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

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

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

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

REASON: to safeguard the appearance of the locality in accordance with policy DM 1 of the Harrow Development Management Policy Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012) (NPPF)

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

3.16 Protection and Enhancement of Social Infrastructure

3.3 – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.8 – Housing choice

3.5 – Quality and Design of Housing Developments

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.4 – Retrofitting

5.5 – Decentralised energy networks

5.6 – Decentralised energy in development proposals

5.7 – Renewable energy

5.8 – Innovative energy technologies

5.9 – Overheating and cooling

5.10 - Urban Greening

5.11 – Green Roof and Site environs

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.1 – Building London neighbourhoods and communities

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

7.4 – Local Character

7.6 – Architecture

Harrow Core Strategy 2012

Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

Policy DM 1 – Achieving a High Standard of Development

Policy DM 2 – Achieving Lifetime Neighbourhoods

Policy DM 10 – On Site Water Management and Surface Water Attenuation  
Policy DM 12 – Sustainable Design and Layout  
Policy DM 14 – Renewable Energy  
Policy DM 24 – Housing Mix  
Policy DM 27 – Amenity Space  
Policy DM 42 - Parking Standards  
Policy D45 – Waste Management

#### Relevant Supplementary Documents

Supplementary Planning Document – Access for All (2006)  
Supplementary Planning Document – Sustainable Building Design (2009)  
Supplementary Planning Document – Residential Design Guide (2010)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)  
Mayor of London’s Housing Supplementary Planning Guidance (November 2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

#### 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

6 Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £18, 200 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 £18, 200 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 520sqm

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

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

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

Harrow's Charges are:

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

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

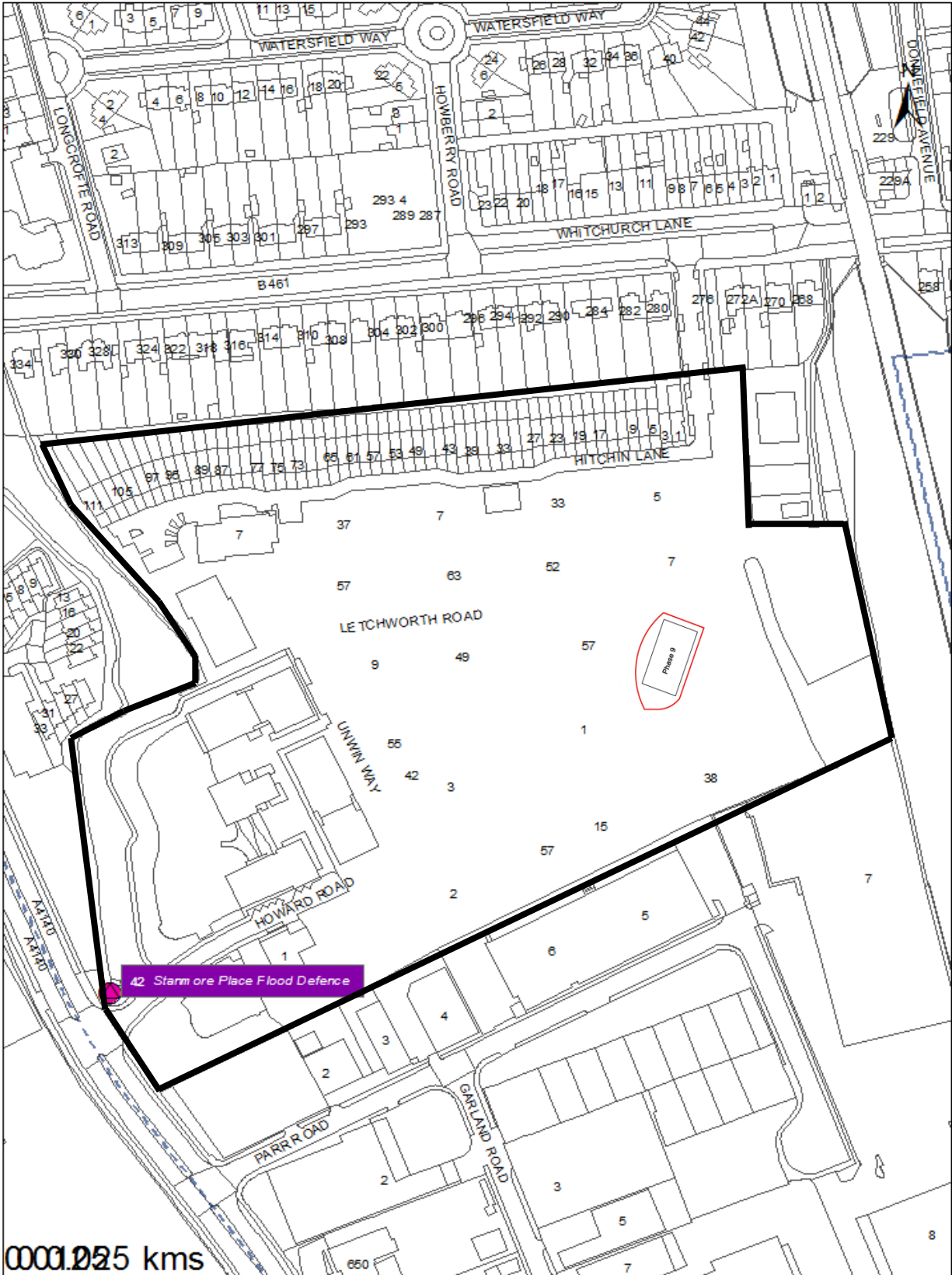
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £57,200.

Plan Nos: (PL) 04; 6437 2100 Rev 04; 6437 D2100 Rev 03; Design and Access Statement (June 2015); Flood Risk Assessment Addendum – Honeypot Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015)

**FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE  
(P/2719/15)**



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Tony Kitson  
CMS Cameron McKenna LLP  
Mitre House  
160 Aldersgate Street  
London  
EC1A 4DD

Our Ref: APP/M5450/A/06/2032152  
APP/M5450/A/06/2032153

12 November 2007

Dear Mr Kitson

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEALS BY BERKELEY URBAN RENAISSANCE LTD AND DOMINION  
HOUSING GROUP LTD  
APPLICATION Nos: P/2317/06/CFU AND P/2246/06/COU  
LAND AT FORMER GOVERNMENT OFFICES SITE, HONEYPOT LANE,  
STANMORE, MIDDLESEX, HA7 1BB**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C J Ball RIBA IHBC FRSA, who held a public local inquiry which opened on 17 July 2007, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against the failure of the London Borough of Harrow to give notice within the prescribed period of a decision on applications for:-

i) redevelopment to provide 816 residential units (including 40% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works; and,

ii) a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site).

2. On 16 February 2007 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

3. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeals be allowed and planning permission be granted, subject to conditions. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR). For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation.

Department for Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London SW1E 5DU

Tel 020 7944 8076  
Fax 020-7944-3919  
Email [andrew.lynch@communities.gsi.gov.uk](mailto:andrew.lynch@communities.gsi.gov.uk)

### **Procedural matters**

4. The Secretary of State agrees with the Inspector's assessment of the Appeal B application as set out in IR2. She also notes the various amendments made to the proposal as set out in IR7-8. Like the Inspector (IR8), she does not consider that any prejudice has been caused to any party by accepting these amendments and has determined the application on this basis.

5. In reaching her decision the Secretary of State has, like the Inspector (IR22), taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and in response to further requests for information under Regulation 19 of those Regulations. The Secretary of State considers that the information provided complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the applications.

### **Policy Considerations**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Borough of Harrow UDP 2004 and the London Plan 2004. The Secretary of State agrees with the Inspector that London Plan policies most relevant to the applications are those set out in IR29. The Secretary of State also agrees that the most relevant UDP policies are those identified by the Inspector at IR29, with the exception of policy H4, which expired on 27 September 2007. She does not consider that the implications of this expiry raise any new issues that would either affect her decision or require her to refer back to parties for further representations prior to reaching her decision on the applications.

7. Material considerations the Secretary of State has taken into account include PPS1 *'Delivering Sustainable Development'*, PPS3 *'Housing'*, PPG4 *'Industrial and Commercial Development and Small Firms'*, PPG13 *'Transport'*, PPG17 *'Planning for Open Space, Sport and Recreation'* and PPS25 *'Development and Flood Risk'*.

8. Other material considerations which the Secretary of State has taken into account include the DETR/CABE publication *'By Design - Urban design in the planning system: towards better practice'*, and the adopted development brief for the site *Land at Honeypot Lane Stanmore Development Brief: March 2005*.

9. The draft Further Alterations to the London Plan is also a material consideration. The Secretary of State has afforded this some weight as the panel report following the examination in public has been published.

10. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, and the London Plan draft supplementary planning guidance (SPG) *'Providing for Children and Young People's Play and Recreation'*, but as these documents are still in draft and may be subject to change, she affords them little weight.

## **Main Issues**

11. The Secretary of State agrees with the Inspector that the main considerations in these appeals are those set out in IR 116-117.

### Appeal A

12. For the reasons given in IR118, the Secretary of State agrees with the Inspector that the mixed-use redevelopment of this suitably located previously-developed land for housing and employment purposes would meet key national policy objectives, and that the site should be a priority for development.

### The effect the proposal would have on the character and appearance of the surrounding area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect the proposal would have on the character and appearance of the surrounding area, as set out in IR119-135. She agrees that the proposal would meet the sustainability criteria of London Plan Policy 2A.1; that it would significantly increase London's housing supply in line with Policy 3A.1; that it would maximise the potential of the site, achieving the highest possible intensity of use compatible with the local context, in accordance with the design principles of Policy 4B.1 and the objectives of Policy 4B.3; that it would be of a high standard of design and layout in compliance with UDP Policy D4; that the scheme design would achieve the aims of the Development Brief; and, that the proposal would have no unacceptably harmful effect on the character and appearance of the surrounding area (IR 135).

### The impact of the proposed development on the living conditions of future residents

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposed development on the living conditions of future residents, as set out in IR136-139. She agrees that the amenity space to be provided, including children's play areas on and off site, would largely meet the requirements of the London Plan draft SPG, and is sufficient as a usable and visual amenity area for the occupiers in accordance with UDP Policy D5 (IR139). She agrees that, in this respect, the proposed development would have no unacceptable impact on the living conditions of future occupiers of the dwellings (IR139).

### The cumulative impact of major development on the local area

15. For the reasons given in IR140-142, the Secretary of State agrees with the Inspector that, cumulatively, the proposal would not have a harmful impact on the local area (IR142).

### Appeal B

16. For the reasons given in IR143, the Secretary of State agrees with the Inspector that if the Appeal A development scheme goes ahead, the proposed footpath would provide a safe and secure route for pedestrians.

### Conditions and Obligations

17. The Secretary of State agrees with the Inspector's assessment and conclusions on conditions and obligations as set out in IR144-145.

### **Overall conclusions**

18. The Secretary of State agrees with the Inspector's conclusions as set out in IR146-147.

19. Overall, the Secretary of State concludes that the proposal complies with the development plan and national policy. There are no material considerations of sufficient weight to indicate that she should determine the appeals other than in accordance with the development plan and national planning policy.

### **Formal Decision**

#### Appeal A

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby:-

i) Allows appeal A and grants planning permission for 798 residential units (including 40.2% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works, on land at former Government Offices site, Honeypt Lane, Stanmore, Middlesex, HA7 1BB, in accordance with application number P/2317/06/CFU, dated 7 August 2006 (as amended) and those modified plans listed at Annex C of the Inspector's report, subject to the conditions set out in Annex A to this letter; and,

ii) Allows appeal B and grants planning permission for a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site), in accordance with application number P/2246/06/COU, dated 7 August 2006 (as amended), subject to the conditions set out in Annex B to this letter.

21. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

23. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

25. A copy of this letter has been sent to the London Borough of Harrow and all parties who appeared at the inquiry.

Yours sincerely,

Andrew Lynch  
Authorised by the Secretary of State to sign in that behalf

## Annex A

- 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.
- 2) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, to buildings and to the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 3) All 798 homes in the scheme, as detailed in the approved plans, shall be built to Lifetime Homes Standards and thereafter be retained to those standards.
- 4) Development shall not begin until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 5) No demolition or site works shall begin until the boundary of the site is enclosed by a close boarded fence of a minimum height of 2 metres. The fencing shall remain until the development is ready for occupation or, in accordance with a programme approved in writing by the local planning authority, to allow completion of boundary landscaping works.
- 6) Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the local planning authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.
- 7) No works or development shall take place until a survey has been carried out of all existing trees and hedgerows on or overhanging the land, indicating which are to be retained and which are to be removed, and details of the retained trees and hedgerows and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.
- 8) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 9) Development shall not proceed beyond ground floor damp proof course level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

- 10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details. The hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 12) All planting, seeding or turfing comprised in the approved details of soft landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 14) No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highways shall be carried out unless such proposals have been submitted to and approved in writing by the local planning authority.
- 15) Development shall not proceed beyond ground floor damp proof course level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority.
- 16) No dwelling shall be occupied until details showing how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) No building shall be occupied until space has been laid out within the site in accordance with the approved plans for 740 cars to be parked and for the loading and unloading of vehicles.
- 18) No dwelling within 75 metres of the underground railway line to the east of the site shall be occupied until a scheme of noise insulation has been submitted to and approved in writing by the local planning authority and has been carried out in accordance with the approved details.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development which would otherwise fall within Classes A to E in Part 1 of Schedule 2 to that Order shall be carried out.
- 20) Development shall not proceed beyond ground floor damp proof course level until a scheme for the storage, collection and disposal of refuse and waste and vehicular access

thereto has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works have been carried out in accordance with the approved details.

21) No industrial activity shall take place anywhere on the site except within the buildings designed for that purpose.

22) Development shall not begin until details of the proposed phasing programme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved programme.

23) Development shall not proceed beyond ground floor damp proof course level until details of a scheme for generating 10% of the predicted energy requirement of the development from on-site renewable resources have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be maintained so that it provides the required level of generation.

24) Details of external lighting including columns and light fittings shall be submitted to and approved in writing by the local planning authority before installation. The installation shall be carried out in accordance with the approved details and shall be operational prior to the first occupation of any part of the development.

25) None of the buildings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

26) Development shall not begin until surface water drainage, attenuation and storage works have been carried out to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

27) Development shall not begin until details of the existing and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

28) Development shall not begin until details of surface water source control measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

29) Development shall not begin until details of compensatory flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

30) Development shall not begin until details of the maintenance regime for the flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

31) Any walls or fencing constructed within or around the site lying within the land liable to flood shall be designed to be permeable to flood water.

32) There shall be no light spill from external artificial lighting on the site into the river corridor habitat adjacent to the western boundary of the site. Artificial lighting shall be located so that lighting levels within 5 metres of the top of the bank of the unnamed ditch within the corridor are maintained at a background level of 0-2 Lux.



33) Development shall not begin until a 5 metre wide buffer zone, measured from the top of the bank, has been provided alongside the unnamed drainage ditch that runs parallel to the western site boundary. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of any structure, hard standing, footpath, fence or overhanging structure, such as a balcony. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be managed to develop a natural character and shall be left to colonise and regenerate naturally.

## **Annex B**

1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.

2) Development shall not begin until an 8 metre wide buffer zone, measured from the top of the bank, has been provided alongside the brook. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of obstructions.

3) Development shall not begin until an ecological appraisal and a river corridor survey have been carried out and a detailed plan of the works incorporating the recommendations of the appraisal and survey has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Development shall not begin until details of the footpath, bridgeworks and any bank stabilisation works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) Development shall not begin until a flood risk assessment of the detailed proposals has been carried out and a report has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the recommendations of the report.

6) No works or development shall take place until a survey has been carried out of all existing trees and vegetation on the land, indicating which are to be retained and which are to be removed, and details of the retained trees and vegetation and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.

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

8) Development shall not begin until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; pedestrian access and circulation areas; hard surfacing materials; and any other minor artefacts and structures.

9) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

10) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 2 years from the completion of the works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

11) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to the footpath being brought into use. The landscape management plan shall be carried out as approved.

12) Development shall not begin until details of the footpath external lighting scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

ITEM NO: 2/08

ADDRESS: FORMER GOVERNEMENT OFFICES, HONEYPOT LANE,  
STANMORE

REFERENCE: P/2718/15

DESCRIPTION: CHANGE OF USE OF GROUND FLOOR PHASE 8B (BLOCKS  
PV AND PR) FROM FLEXIBLE A1/A2/A3/A4/A5 USE TO  
CREATE FOUR X TWO BEDROOM (3 PERSON)  
RESIDENTIAL UNITS TOGETHER WITH CYCLE AND  
REFUSE STORAGE

WARD: CANONS

APPLICANT: ST EDWARD HOMES

AGENT: TURLEY

CASE OFFICER: NICOLA RANKIN

EXPIRY DATE: 21<sup>ST</sup> OCTOBER 2015

## **RECOMMENDATION**

**GRANT** planning permission for the development described in the application and submitted plans subject to conditions set out at the end of this report;

### **Summary:**

The subject application together with the associated linked applications under planning references P/2719/15, P/2826/15 and P/2717/15 are considered to be acceptable as they would contribute to the objectives of the development plan in providing additional housing on a previously developed site, would secure appropriate social infrastructure for the future occupiers of the development and would provide a consolidated provision of employment generating uses with no overall job losses in the context of the original permission. There would be no detrimental impacts on the living standards of the future occupiers or neighbouring occupiers and the development would not adversely impact on the surrounding highway network or the objectives of sustainable transport.

## **INFORMATION**

The application is reported to the Planning Committee because the application would be potentially controversial and would therefore fall outside of proviso E of the Council's scheme of delegation. It is also necessary for this application to be considered holistically with the following linked planning applications, two of which are major developments: P/2719/15, P/2826/15 and P/2717/15.

Statutory Return Type: E (13) Minor Dwellings

Council Interest: None

Gross Floorspace: 489sqm

Net Additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £17,115

Harrow Community Infrastructure Levy (CIL) Contribution (provisional) £53,790

## Site Description

- The site forms part of the Former Government Offices development site (now known as Stanmore Place), situated between Honeypot Lane and the Jubilee Line railway.
- The development is progressing on site pursuant to planning permission P/4996/14 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:
- alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
- alterations to the roof of block PT involving removal of photo voltaic panels
- alterations to approved cycle storage details.
- This application was amended from P/2450/11 which was for the redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks PN, PQ, PS, PT and PU, addition of lower ground floor to block PU, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).
- To date 80% of the redevelopment has been completed and phases 7, 8 and 9 are currently under construction with the final completion of the building anticipated to be by Autumn 2016.
- The total number of residential units permitted as a result of the consented scheme and the non-material amendment application (P/0986/11) is 757.
- This application relates to the ground floor of phase 8a of the redevelopment (block PV and PR), located in the north eastern part of the site, adjacent to the properties fronting Hitchin Lane. Phase 8a was consented as a four storey block around new streets and open spaces. The building is currently undergoing construction and the consented ground floor consists of three small units of flexible A1/A2/A3/A4/A5/D2 space, split by cores which would provide a total of 381sqm of floor space.
- To the south of the site is the industrial and business area on Parr Road. To the west, beyond the wider development site, is Honeypot Lane and the main access to the site.
- To the north is Whitchurch Lane, where neighbouring dwellings back on to the site and where there is a secondary access to the site.
- To the east of the site, on the other side of the Jubilee Line railway embankment, is The Hive Football Centre, an open air sports facility.

## Proposal Details

- The application proposes a change of use of the ground floor of phase 8b (blocks PV and PR) from flexible A1/A2/A3/A4/A5/D2 use to create four residential units together with cycle and refuse storage.
- The proposed change of use would result in the loss of flexible A1/A2/A3/A4/A5/D2 to provide four x two bedroom flats.
- Two separate cycle and refuse enclosures would also be provided within the ground floor for use by the flats.
- Access to the flats will be gained via the internal corridors as per the upper floors.

- The flexible A1/A2/A3/A4/A5/D2 space would be re-located within the commercial (OCS) building which runs adjacent to the southern boundary of the site – this is being considered under a separate planning application under ref: P/2826/15.  
It should also be noted that the external alterations indicated on the proposed floor plans in relation to window and door arrangements are being considered under application P/2717/15.

### **Revisions to Previous Application:**

- None

### **Relevant History**

P/2317/06 redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sq m class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sq m of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

Refused 04-May-2007

ALLOWED ON APPEAL - 12-NOV-2007

P/2752/08 renewable energy statement required by condition 23 of planning permission ref: P/2317/06/CFU

APPROVED :07-Nov-2008

P/0986/11 - non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks pl and pm; reduction of total number of units from 798 to 790

GRANTED : 03-May-11

P/2450/11 - redevelopment to provide 213 flats and 959 sqm of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764).

GRANTED : 16<sup>th</sup> December 2011

P/4996/14 minor material amendment application for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission P/2450/11 dated 19/03/2012 to enable:

- alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres
- alterations to the roof of block pt involving removal of photo voltaic panels
- alterations to approved cycle storage details

(P/2450/11: redevelopment to provide 213 flats and 959 sq m of A1/A2/A3/A4/A5/D1/D2 floorspace in four, five and six storey blocks with lower ground floor; associated landscaping and car parking (amendments to phases 7, 8 and 9 of the development approved under planning reference P/2317/06 (allowed on appeal 12/11/2007) comprising additional floors to blocks pn, pq, ps, pt and pu, addition of lower ground floor to block pu, amendments to external appearance and amendments to the size and

arrangement of flats resulting in a reduction in the total number of residential units on the site as a whole from 798 to 764)

GRANTED : 25.03.2015

P/2719/15 change of use of ground floor phase 9 (block pt) from use as flexible space (CLASS A1/A2/A3/A4/A5) and community facilities (class d1/d2) to create five residential units together with cycle and refuse storage and associated external alterations

Expiry: 21.10.2015

P/2826/15 amendments to the development approved under planning reference P/2317/06 (allowed on appeal ref: app/m5450/a/06/2032152) comprising the erection of a four storey block adjoining existing (constructed) ocs building to provide flexible A1/A2/A3/A4/A5 uses and community facilities (439sqm) (within use classes d1 and d2 including indoor and outdoor crèche area) and provision of b1 (a), (b), (c) floorspace. use of part of ground floor of existing ocs building for flexible A1/A2/A3/A4/A5 use resulting in an overall provision of 457sqm in existing and new block. amendments resulting in a reduction of b1 office floor space on the site from 3040sqm to 2125sqm. provision of basement cycle parking and four storey decked car parking at rear; alterations to approved parking layout; associated external alterations and hard and soft landscape works.

Expiry: 21.10.2015

P/2717/15 variation of condition 2 (approved plan list) and condition 2 (cycle storage details) attached to p/4996/14, dated 25.03.2015 to enable alterations to ground floor layout and ground floor elevation details including revised fenestration and entrance details of blocks pv/pr (phase 8b) and block pt (phase 9); hard and soft landscape works; amendment to cycle store and refuse store arrangements at ground floor of buildings pv/pr (phase 8b) and pt (phase 9); removal of temporary cycle store at rear of crescent block (amendments to planning permission p/4996/14, dated 25.03.2015 for a variation of condition 2 (approved plan list) and condition 12 (cycle storage details) attached to planning permission p/2450/11 dated 19/03/2012 to enable: alterations to the internal layout and external alterations to block pu including an increase in the height of the block by 1.37 metres; alterations to the roof of block pt involving removal of photo voltaic panels; alterations to approved cycle storage details).

Expiry: 21.10.2015

#### **Formal Pre-Application Discussion P/1801/15/PREAPP:**

- A meeting was held to discuss the legal framework to secure the retail and community facilities.

#### **Applicant Submission Documents**

- Planning Statement (Summary)
- St Edward Homes Ltd seek to alter the location of the retail, Crèche and community uses currently in phases 8 (building PV/PR) and 9 (building PT) in order to replace office uses in Buildings Two and Three (within the commercial building or 'OCS').
- In order to make these changes to the approved development, four applications have been submitted which when combined comprise a set of alterations and changes to the three elements of the scheme outlined above.
- The essence of the applications is to relocate the approved flexible A1/A2/A3/A4/A5/D1/D2 use floor space (which includes the approved Community

Facilities).

- As approved they are shown located on the ground floor level of buildings PV/PR and PT. The intention through these new planning applications is to locate them on the ground and first floor level of the OCS building. The ground floors of building PV/PR and PT will then be used to provide 4 and 5 additional residential units respectively.
  - It should be noted that the total overall number of residential units at the site will remain below that originally approved in 2007.
- Design and Access Statement
  - Energy Statement
  - Daylight and Sunlight Report
  - Flood Risk Assessment

### **Consultations**

Highways Authority: Awaiting comments

Drainage Authority: No Objection

Canons Park Residents Association: No comment received

London Underground: No Comment

### **Advertisement:**

General Site Notification: Expiry: 14.07.2015

### **Notifications**

Sent: 182

Replies: 1

Expiry: 30.07.2015

### **Summary of Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents from applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.

### **APPRAISAL**

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

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

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

In this instance, the development plan comprises the London Plan [LP] (consolidated with alterations since 2011) (2015) and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area

Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAM].

## MAIN CONSIDERATIONS

Principle of Development  
 Character and Appearance of the Area  
 Residential Amenity  
 Traffic, Parking and Drainage  
 Accessible Homes  
 Affordable Housing and Density  
 Sustainability  
 S17 Crime & Disorder Act  
 Human Rights and Equalities  
 Consultation Responses

### Principle of Development

The principle of the development has already been established through the previous planning permissions for the site – P/2317/06, P/2450/11 and P/4996/14. Policy 3.16 of The London Plan (2015) makes clear that adequate provision of social infrastructure is particularly important in areas of major new development. It outlines that “*development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of infrastructure without realistic proposals for re provision should be resisted*” With regard to the loss of flexible A1/A2/A3/A4/A5/D2 space contained within the ground floor of block PV/PR, this is not considered to be detrimental to the overall scheme as an overall quantum of 896sqm of space would still be retained within the site, should approval be granted for the current application and other associated linked applications set out above.

Officers consider that the re-provision of the retail and community space can be secured by placing a further section 106 obligation on the land to ensure that the proposed residential units contained within the crescent block (phase 8a) would not be occupied until the community/retail space was provided in the OCS building. This would require an amendment to the existing section 106 agreement linked to the most recent planning permission (P/4996/14) which considers phases 7 to 9 of the development. Therefore this obligation would be secured under the current section 73 proposal under reference P/2717/15.

The following table provides a summary showing the re-provision of community and A class uses within the OCS building matches or exceeds the area under the original consent:

|                      |   |
|----------------------|---|
| <b>Consented GIA</b> |   |
| Retail               | 381m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (community hall/crèche)                               |
| <b>Total:</b>        | <b>820m<sup>2</sup></b>   |
|                      |   |
| <b>Proposed GIA</b>  |   |
| Retail               | 457m <sup>2</sup>   |
| Community            | 439m <sup>2</sup> (239m <sup>2</sup> community hall 200m <sup>2</sup> ) |



|               |                         |
|---------------|-------------------------|
|               | crèche)                 |
| <b>Total:</b> | <b>896m<sup>2</sup></b> |

The applicants have outlined that it would not be possible to link the proposed residential units within this current application to the delivery of the community and retail facilities due to the timing, site logistics and completion of the works on site. Currently, the construction of phase 8b (block PV/PR) and phase 9 (block PT) is significantly further ahead than phase 8a (crescent block). Planning application P/2826/15 proposes that the community/ retail facilities be located within OCS building 3. However, construction is yet to commence on this phase and it will be the last phase of development to complete as it is currently used for site access via Parr Road and Lynch yard. This current access is vital in maintain construction access to avoid construction traffic entering via Honeypot Lane or Whitchurch Road. The current proposed programme completion dates for each of the blocks are as follows:

- Phase 8b – December 2015
- Phase 9 – March 2016
- Phase 8a – October 2016
- OCS building 3 – October 2016

Due to the completion of works of the various phases the residential units of phase 8b and 9 would remain vacant for some time if they were to be linked to the delivery of the community/retail facilities. The applicants have outlined that they wish to avoid this in the interests of maintain activity at ground floor and security. Officers considered that although there would be a short period following completion of phase 8b and phase 9 before the community/retail facilities were re-provided, this would not be unreasonable, given that it is important to complete the OCS building last due to necessary construction access. Given that the proposed crescent block will be a key focal building for the entire site, framing the eastern 'village green' space, it is considered that linking the obligation for re-provision of facilities within the OCS building to the crescent block rather than the current application, will still provide a strong commitment to ensure the community facilities are re-provided. On this basis, there is no objection to the principal of the change of use.

Furthermore the adjacent neighbourhood parade to the west of the site already offers a number of beneficial retail and service facilities for the surrounding residents and residents of Stanmore Place.

Policy 3.3 of The London Plan encourages London Boroughs to seek to achieve and exceed the relevant minimum borough annual housing target. Policy 3.4 is also relevant to the current proposal which states that: "*Taking into account local context and character, the deign principles in chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in table 3.2. Development proposals which compromise this proposal should be resisted*". Policy 3.8 of The London Plan (2015) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing.

Further to this, Core Policy CS(I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'.

Policy DM 24 of the Harrow Development Management Policies Local Plan (2013) outlines that “proposals that secure an appropriate mix of housing on site and which contribute to the creation of inclusive and mixed communities will be supported. The appropriate mix of housing will be determined having regard to the location of the site, the character of its surroundings and the need to optimise housing output on previously developed sites.”

Having regard to the London Plan and the Council’s policies and guidelines, it is considered that the provision of additional residential accommodation on the ground floor of the building would constitute an increase in housing stock within the borough on a previously developed site and would accord with the London Plan which requires that housing output is optimised where possible. In view of the above factors, the development is considered to be acceptable in principle. Further consideration is given to character, design and public transport capacity below.

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

Policy 7.4B states that ‘Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass’.

Core Policy CS1 B of the Harrow Core Strategy 2012 states that ‘Proposals that would harm the character of suburban areas and garden development will be resisted’.

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

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

- a: the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;*
- b: the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;*
- c: the context provided by neighbouring buildings and the local character and pattern of development;*
- d: the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;*
- e: the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;”*

The current application proposes a change of use only. Changes to the external alterations of the building are considered under a separate planning application under ref: P/2717/15.

It is therefore considered that the revised proposal would comply with policies 7.4B, and 7.6B of The London Plan (2015), Core Policy CS1 B of the Harrow Core Strategy, and policies DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

## Residential Amenity

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

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *“All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted (c)”*.

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

The proposed new flats would marginally increase residential activity on the site, expressed through comings and goings to the building, but in the context of the surrounding residential development of the consented scheme, this would not be detrimental to the neighbouring occupiers.

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

- Private Amenity Space

Policy DM 27 of the Harrow DMP LP (2013) states that: *“Residential development proposals that provide appropriate amenity space will be supported. Paragraph 4.58 of the Councils SPD Residential Design Guide (2010) outlines that “the amount of amenity space to be provided will be informed by the Mayor of London’s, the needs of the future occupants of the development and the character of the area.” In all cases, in considering what is reasonable to meet the needs of the future occupiers and to provide an appropriate setting from the building, attention will be paid to the prevailing characteristics of the development in the surrounding area”*.

Each of the proposed units would have access to a recessed terrace. The overall amenity space provision would fall marginally short of the London Plan requirements. However, it is also acknowledged that the occupiers of the flats would also have access to the extensive communal amenity space by the crescent block and towards the front of the site, adjacent to phase 1. It is also noted that the terrace would be in close proximity to the public highway. Nevertheless, this arrangement is in keeping with the amenity space at a number of the other phases of development, such as phase 7. Given the enclosed nature of the Stanmore Place site, the public spaces adjoining the buildings are not busy through fares with high volumes of traffic. Additional landscaping secured by an appropriate planning condition can be provided adjacent to the railings for climbing plants to provide enhanced screening and privacy. As such a condition for landscaping requirements is already applied on the external works application P/2717/15, it would be unduly onerous on the applicant to apply this condition here also. Having regard to these factors and subject to a landscaping condition, the amenity space is considered to be acceptable.

- Refuse Storage

Policy DM 45 requires that all proposals will make provision for general waste, provide a satisfactory storage volume, ensure satisfactory access for collectors and collection vehicles and be located and screened to avoid nuisance to occupiers and adverse visual impact.

The Council requires that 3 bins are provided per flat in order to provide sufficient capacity for refuse and recycling. The Council’s refuse storage code states that *“where*

appropriate (i.e. maisonettes and conversion) the total number of bins needed can be reduced by using the different coloured bins communally. The only requirement is that for the development as a whole, must have sufficient storage capacity”.

Two individual bins stores are proposed within the ground floor. Each bins storey would contain 2 x 1110 litre general waste bins and 2 x 1100 litre recycling bins. The bins stores would provide sufficient waste and recycling capacity for the intended number of occupiers.

## 2. Room Size and Layout

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

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2015) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2015), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012). The spaces within each of the flats is set out in the table below:

|                                       | <b>Gross Internal Floor Area</b>   | <b>Kitchen/Living /Dining</b>   | <b>Bedroom</b>   |
|---------------------------------------|--|---|--|
| <b>SPG (2012)</b>                     | 2 bedrooms,<br>3 persons<br>61m <sup>2</sup><br>2 bedrooms,<br>4 persons<br>70m <sup>2</sup> | 2 persons<br>23m <sup>2</sup><br>3 persons<br>25m <sup>2</sup><br>4 persons<br>27m <sup>2</sup> | Double<br>12m <sup>2</sup><br>Single<br>8m <sup>2</sup>            |
| <b>Flat 1<br/>2 bed, 4<br/>person</b> | 82.31m <sup>2</sup>  | 25.3m <sup>2</sup>  | Bedroom 1<br>11.6m <sup>2</sup><br>Bedroom 2<br>12.6m <sup>2</sup> |
| <b>Flat 2<br/>2 bed, 4<br/>person</b> | 69.6m <sup>2</sup>   | 22m <sup>2</sup>  | Bedroom 1<br>11.9m <sup>2</sup><br>Bedroom 2<br>10.4m <sup>2</sup> |
| <b>Flat 3<br/>2 bed, 4<br/>person</b> | 69m <sup>2</sup>   | 22m <sup>2</sup>  | Bedroom 1<br>10.4m <sup>2</sup><br>Bedroom 2<br>11.9m <sup>2</sup> |

|                                       |                  |                    |  |
|---------------------------------------|------------------|--------------------|--|
| <b>Flat 4<br/>2 bed, 4<br/>person</b> | 76m <sup>2</sup> | 24.2m <sup>2</sup> | Bedroom 1<br>12.7m <sup>2</sup><br>Bedroom 2<br>11m <sup>2</sup> |
|---------------------------------------|------------------|--------------------|--|

Since the application was submitted, the applicant has submitted a revised Design and Access Statement which outlines that the flats will accommodate 3 persons rather than 4 as originally proposed. On this basis, the overall gross internal floor spaces of the flats would meet the minimum size requirements of the London Plan (2015). There are minor shortfalls identified in the living spaces within flats 2 and 3, however, they are marginal and a reason for refusal on this basis would not be justified in this regard. It is also acknowledged that the flats would have an identical layout to those above, albeit they were granted prior to the current minimum standards outlined in the Housing SPG (2012).

All the units would be dual aspect. Although the windows to the rear of the flats would be small, they would all benefit from large glazed window on the front elevation. As such, it is considered that the occupiers of the flats would have adequate levels of outlook. The flats would be separated from the adjacent housing to the west (phase 2 and phase 3-5) by a public highway spanning a distance of approximately 15 metres. However, there is a similar relationship between all the existing residential buildings on site therefore the proposed distance is considered to be acceptable so as not to give rise to any undue impacts in terms of loss of privacy and outlook.

The application is accompanied by a Daylight and Sunlight report which considers the impact of the internal alterations and amount of daylight and sunlight for habitable rooms. The Daylight and Sunlight report is based on best practice standards in accordance with the BRE Report 209, Site Layout Planning for Daylight and Sunlight. The report concludes that all rooms within block PV/PR meet relevant average daylight factor (ADF) targets and 10 out of 12 of the habitable rooms meet the Annual Probable Sunlight Hours (APSH). The two rooms which would not still both receive good levels of sunlight for an urban location in accordance with the BRE standards. On the basis of the conclusions of the daylight and sunlight assessment, it is considered that the arrangement of the flats would have acceptable living conditions for the future occupiers.

There will be a plant room located adjacent to each of the two building cores. The applicant has advised that the plant rooms do not accommodate individual energy centres but are to accommodate hydraulic separation between the existing main boiler plant and the new heat network and as such are not noise generating. Having regard to this and the noise assessment required under Building Regulations, it is considered that the future residents of the flats would not be unduly affected by noise.

It is also acknowledged that by removing the retail/community space from the ground floor of block PV/PR and re-providing and consolidating this space within the commercial building will also generate less noise and disturbance for the neighbouring flats and surrounding residential blocks.

Having regard to the above, the proposal would be consistent with policy 7.6 B of The London Plan 2015 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Traffic, Parking and Drainage**

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS 1 R of the Harrow Core Strategy (2012). Policy DM 42 of the Harrow Development Management Local Plan outlines the council's parking standards and cycle parking standards.

The car block is located between block E to the west and the crescent block to the east. An increase in the total number of parking spaces is proposed through separate planning application P/2826/15. Under this application, it is proposed to increase the number of parking spaces on site by 11 in order to accommodate the increased number of occupiers. In terms of cycle provision, 11 racks are provided in each bicycle store which accommodates the required number of cycles for the residential units on the upper floor and the proposed four units on the ground floor. The Council Highways Authority raises no objections and the proposal would therefore be acceptable in this regard.

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

The application site shown in red on the site plan is not greater than 1 hectare and is not within an area at risk of flooding. The applicant has submitted an addendum to the approved Flood Risk Assessment for the overall site which outlines that the proposed change of use will not alter the design of the approved flood management scheme and therefore the proposed amendments will have no impact on the fluvial flood risk for the overall site of Stanmore Place. The alterations to the proposed development will have no impact on fluvial flood risk at or outside the site. The proposals will not result in any increase in impermeable area at the site and therefore the surface water run-off rate and volume will be the same as the approved design.

### **Accessibility**

Policy DM 2 of DMP LP (2013) and policies 3.8, 7.1 and 7.2 of The London Plan (2015) seeks to ensure that all new housing is built to Lifetime Homes Standards.

The levels within the scheme would create an inclusive environment and all of the units within phase 8b would be constructed to meet Lifetime Homes Standards. A condition is recommended to ensure that the flats are implemented in accordance with these standards.

The amended scheme would be consistent with the development plan for Harrow.

### **Affordable Housing and Density**

Core Policy CS1J of the Harrow Core Strategy (2012) seeks the maximum reasonable amount of affordable housing on all development sites, with a Borough-wide target of 40%. DM policy 24 states that proposals that secure an appropriate mix of housing on

site and which contribute to the creation of mixed and inclusive communities will be supported.

The current application together with the other change of use application under P/2719/15, if granted would result in the provision of 9 additional residential units. The additional units should be considered in the context of the original application proposals at Stanmore Place (which delivered a policy compliant level of affordable housing early in the development programme) and subsequent amendments that have been approved by the authority.

Under the appeal (P/2317/06/CFU and APP/M5450/A/06/2032152) which was allowed on 12 November 2007 ('the 2007 permission') planning permission was granted for 798 dwellings, of which 259 were proposed as affordable units. The proportion of affordable housing by habitable rooms was 40.1% or 32% when assessed on a unit basis. All of these affordable units were constructed in the early phases of the development, on the north side of the site.

Since that time a number of amendments have been made to the planning permission as follows:

- On 3 May 2011, planning permission was granted for a non-material amendment to planning permission P/2317/06/CFU dated 12/11/2007, for revised layouts and alterations to the elevations of blocks PL and PM together with a reduction in units from 798 to 790.
- On 19 March 2012 permission was granted under application reference P/2450/11 for alterations to the approved scheme relating to buildings PV/PR, PT and PU (the Crescent block) (i.e. phases 8a, 8b and 9) ('the 2012 permission'). This reduced the number of approved units within those phases from 247 to 213. This application reduced the total unit numbers at the site from 798 to 757 units.
- A Section 96a Non Material Amendment planning application was approved on 6 June 2013 which increased the number of units by two (replacing 2 x three bedroom flats with 4 x one bedroom flats). This increased the overall number of units to 759 residential units.
- The most recent permission, reference P/4996/14, granted on 25 March 2015 ('the 2015 permission') proposed physical changes to building PU (the Crescent block), but no change to residential unit numbers.

The relevant applications together with the revised unit and habitable room count are set out below:

| Planning permission dates and reference numbers                  | Unit Numbers | Habitable Room | Application Details  |
|--|--------------|----------------|--|
| Original Consent<br>P/2317/06/CFU and<br>APP/M5450/A/06/2032152) | 798          | 2,325          | 798 residential units (LPA and PINs reference numbers - P/2317/06/CFU and APP/M5450/A/06/2032152)  |
| 3 <sup>rd</sup> May 2011 -<br>P/2317/06/CFU                      | 790          | 2,320          | Non-material amendment to planning permission p/2317/06/CFU dated 12/11/2007 for revised layouts and alterations to the elevations of blocks PL and PM and reduction of total number of units from 798 to 791  |
| 19 <sup>th</sup> March 2012 -<br>P/2450/11                       | 757          | 2,402          | Redevelopment To Provide 213 Flats And 959sqm of A1/A2/A3/A4/A5/D1/D2 Floorspace In Four Five And Six Storey Blocks With Lower Ground Floor; Associated Landscaping And Car Parking. Amendments To Phases 7 8 And 9 with a reduction in number of units by 34  |
| 6 <sup>th</sup> June 2013 - P/1291/13                            | 759          | 2,402          | P/1291/13 – Non material amendment to replace 2 x three bed flats to 4 x one bed flats attached to planning permission   |
| 25 <sup>th</sup> March 2015 -<br>P/4996/14                       | 759          | 2,404          | P/4996/14 - Minor Material Amendment Application For A Variation Of Condition 2 (Approved Plan List) And Condition 12 (Cycle Storage Details) Attached To Planning Permission P/2450/11, to enable alterations to the internal layout and external alterations |
| Change of use planning applications -<br>P/2718/15<br>P/2719/15  | 768          | 2,431          | Two separate planning applications for:<br>PV/PR – 4 residential units<br>PT – 5 residential units   |



The original 2007 permission granted 798 units. This was subsequently reduced to 790 and then 757. Subsequent proposed changes increased the number to 759. With the addition of 4 new units at ground floor in building PV/PR and 5 new units at ground floor in building PT the proposed total number of units through these new applications now submitted will increase to 768 residential units.

In terms of habitable room count, the number has increased from 2,325 to 2,431 habitable rooms as a result of the above planning applications and current change of use planning applications.

The proposed number of residential units is 3.7% less than originally consented and still 30 units below the number granted by the original planning application. It is not considered in this case that the proposed applications should not trigger a requirement to provide affordable housing provision. Similarly the proposed density as a result of this application and the other change of use proposed under application P/2719/15 is not considered to be objectionable, given this would be marginal in the context of the overall scheme.

### **Sustainability**

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

Policy DM 12 of the Harrow Development Management Policies Local Plan seeks to ensure that the design and layout of development proposals are sustainable. It states that development will need to "*utilise natural systems such as passive solar design and, wherever possible incorporate high performing energy retention materials*"..."*Proposals should make provision for natural ventilation and shading to prevent internal overheating and incorporate techniques that enhance biodiversity*". Policy DM 14 highlights that development proposals should incorporate renewable energy technology where feasible.

Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has provided an amended energy strategy for the current applications which outlines that there is no alteration proposed to the overall approved energy strategy for the site. The proposed four residential units will utilise the same building fabric as outlined below and the same heating hot water approach as consented within phases 8a and 9. This will result in a 5.34% Co<sup>2</sup> reduction. Given, there is no specific energy reduction target with the latest London Plan 2015; the proposals to comply with the original consented scheme are considered to be acceptable.

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

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

## **Human Rights and Equalities**

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

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

## **Consultation Responses**

- The increase in the number of residents living on the development will put a strain on the community facilities and parking in the development and on the surrounding area.
- The development is already severely restricted and the original planning application prevents residents from applying for local CPZ permits.
- Community facilities are needed on the estate to serve the housing association tenants and share ownership leaseholders on site and consideration should be given to this and not just to the developers to sell more homes.

The importance of the retail/community facilities is recognised and the LPA is satisfied that the provision of the facilities can be adequately safeguarded by placing a further section 106 obligation on the land to prevent the occupation of the crescent block until they have been built out and completed. The marginal uplift in occupiers in relation to the overall scheme is considered not to measurably affect indigenous parking within the site as further parking spaces are being provided. Furthermore, regard is had to the good PTAL level with the proximity of Canons Park station and a plethora of bus routes available.

## **CONCLUSION**

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

## **CONDITIONS**

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

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

2 The development shall be carried out and completed in accordance with the following approved plans and documents: (PL) 03 (Site Plan); (PL) 50 (Eastern Zone, Ground Floor Plan Block PV and PR); (PL)50 Rev A (Ground Floor General Arrangement Plan); Design and Access Statement (dated 5<sup>th</sup> June 2015); Flood Risk Assessment Addendum – Honeypot Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight

Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015); Document titled Phase 8b Space Provision  
REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

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

REASON: to safeguard the appearance of the locality in accordance with policy DM 1 of the Harrow Development Management Policy Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:  
National Planning Policy Framework (2012) (NPPF)

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

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.8 – Housing choice
- 3.5 – Quality and Design of Housing Developments
- 5.2 – Minimising Carbon Dioxide Emissions
- 5.3 – Sustainable Design and Construction
- 5.4 – Retrofitting
- 5.5 – Decentralised energy networks
- 5.6 – Decentralised energy in development proposals
- 5.7 – Renewable energy
- 5.8 – Innovative energy technologies
- 5.9 – Overheating and cooling
- 5.10 - Urban Greening
- 5.11 – Green Roof and Site environs
- 5.12 – Flood Risk Management
- 5.13 – Sustainable Drainage
- 6.3 – Assessing Effects of Development on Transport Capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London neighbourhoods and communities
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.6 – Architecture

Harrow Core Strategy 2012  
Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

Policy DM 1 – Achieving a High Standard of Development  
Policy DM 2 – Achieving Lifetime Neighbourhoods  
Policy DM 10 – On Site Water Management and Surface Water Attenuation  
Policy DM 12 – Sustainable Design and Layout  
Policy DM 14 – Renewable Energy  
Policy DM 24 – Housing Mix  
Policy DM 27 – Amenity Space  
Policy DM 42 - Parking Standards  
Policy D45 – Waste Management

#### Relevant Supplementary Documents

Supplementary Planning Document – Access for All (2006)  
Supplementary Planning Document – Sustainable Building Design (2009)  
Supplementary Planning Document – Residential Design Guide (2010)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)  
Mayor of London’s Housing Supplementary Planning Guidance (November 2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning

permission.

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

## 5 DUTY TO BE POSITIVE AND PROACTIVE

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

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

6 Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £17, 115 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 £17,115 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 489sqm

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

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

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

Harrow's Charges are:

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

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

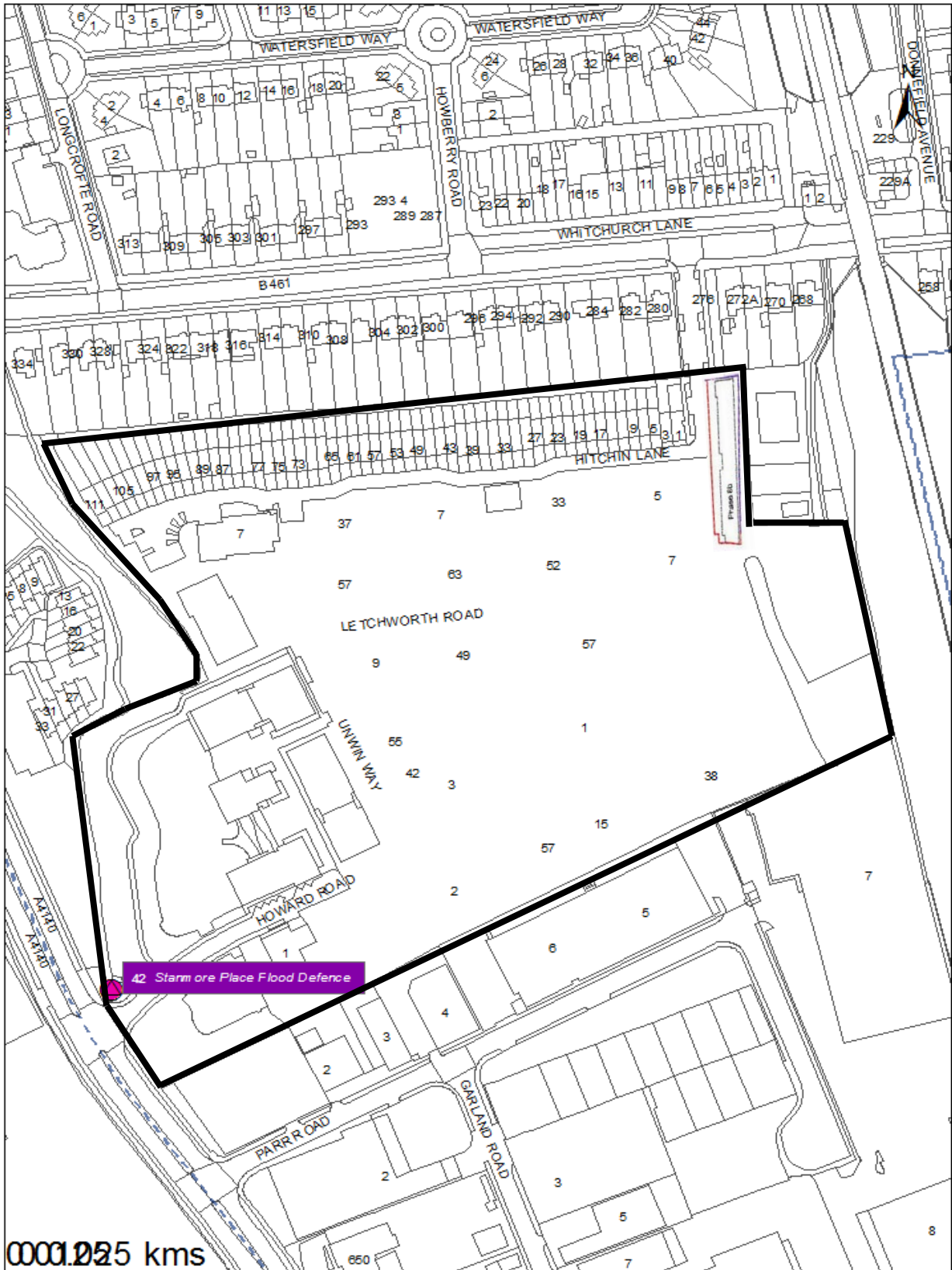
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £53,790.

Plan Nos: (PL) 03 (Site Plan); (PL) 50 (Eastern Zone, Ground Floor Plan Block PV and PR); (PL)50 Rev A (Ground Floor General Arrangement Plan); Design and Access Statement (dated 5<sup>th</sup> June 2015); Flood Risk Assessment Addendum – Honeypot Lane, Stanmore – OCS and Phases 8b, 9, Ref 130597-R1(5)-FRA (dated June 2015); Energy Strategy (Issue F, dated 26.07.08); Energy Strategy on behalf of St Edwards Homes, Ref: D1795/Energy Strategy Rev 5; Daylight and Sunlight Report, Ref: HS/SFT/ROL5377 (dated 4 June 2015); Planning Statement by Turley, Ref: STEL2006 (dated 10 June 2015); Document titled Phase 8b Space Provision

**FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE  
(P/2718/15)**



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 Cities Revealed® aerial photography copyright The GeoInformation® Group, 2010



Tony Kitson  
CMS Cameron McKenna LLP  
Mitre House  
160 Aldersgate Street  
London  
EC1A 4DD

Our Ref: APP/M5450/A/06/2032152  
APP/M5450/A/06/2032153

12 November 2007

Dear Mr Kitson

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEALS BY BERKELEY URBAN RENAISSANCE LTD AND DOMINION  
HOUSING GROUP LTD  
APPLICATION Nos: P/2317/06/CFU AND P/2246/06/COU  
LAND AT FORMER GOVERNMENT OFFICES SITE, HONEYPOT LANE,  
STANMORE, MIDDLESEX, HA7 1BB**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, C J Ball RIBA IHBC FRSA, who held a public local inquiry which opened on 17 July 2007, into your clients' appeals under Section 78 of the Town and Country Planning Act 1990 against the failure of the London Borough of Harrow to give notice within the prescribed period of a decision on applications for:-

- i) redevelopment to provide 816 residential units (including 40% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works; and,
- ii) a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site).

2. On 16 February 2007 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

3. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeals be allowed and planning permission be granted, subject to conditions. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR). For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation.

Department for Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London SW1E 5DU

Tel 020 7944 8076  
Fax 020-7944-3919  
Email [andrew.lynch@communities.gsi.gov.uk](mailto:andrew.lynch@communities.gsi.gov.uk)

### **Procedural matters**

4. The Secretary of State agrees with the Inspector's assessment of the Appeal B application as set out in IR2. She also notes the various amendments made to the proposal as set out in IR7-8. Like the Inspector (IR8), she does not consider that any prejudice has been caused to any party by accepting these amendments and has determined the application on this basis.

5. In reaching her decision the Secretary of State has, like the Inspector (IR22), taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and in response to further requests for information under Regulation 19 of those Regulations. The Secretary of State considers that the information provided complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the applications.

### **Policy Considerations**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Borough of Harrow UDP 2004 and the London Plan 2004. The Secretary of State agrees with the Inspector that London Plan policies most relevant to the applications are those set out in IR29. The Secretary of State also agrees that the most relevant UDP policies are those identified by the Inspector at IR29, with the exception of policy H4, which expired on 27 September 2007. She does not consider that the implications of this expiry raise any new issues that would either affect her decision or require her to refer back to parties for further representations prior to reaching her decision on the applications.

7. Material considerations the Secretary of State has taken into account include PPS1 *'Delivering Sustainable Development'*, PPS3 *'Housing'*, PPG4 *'Industrial and Commercial Development and Small Firms'*, PPG13 *'Transport'*, PPG17 *'Planning for Open Space, Sport and Recreation'* and PPS25 *'Development and Flood Risk'*.

8. Other material considerations which the Secretary of State has taken into account include the DETR/CABE publication *'By Design - Urban design in the planning system: towards better practice'*, and the adopted development brief for the site *Land at Honeypot Lane Stanmore Development Brief: March 2005*.

9. The draft Further Alterations to the London Plan is also a material consideration. The Secretary of State has afforded this some weight as the panel report following the examination in public has been published.

10. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, and the London Plan draft supplementary planning guidance (SPG) *'Providing for Children and Young People's Play and Recreation'*, but as these documents are still in draft and may be subject to change, she affords them little weight.



## **Main Issues**

11. The Secretary of State agrees with the Inspector that the main considerations in these appeals are those set out in IR 116-117.

### Appeal A

12. For the reasons given in IR118, the Secretary of State agrees with the Inspector that the mixed-use redevelopment of this suitably located previously-developed land for housing and employment purposes would meet key national policy objectives, and that the site should be a priority for development.

### The effect the proposal would have on the character and appearance of the surrounding area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect the proposal would have on the character and appearance of the surrounding area, as set out in IR119-135. She agrees that the proposal would meet the sustainability criteria of London Plan Policy 2A.1; that it would significantly increase London's housing supply in line with Policy 3A.1; that it would maximise the potential of the site, achieving the highest possible intensity of use compatible with the local context, in accordance with the design principles of Policy 4B.1 and the objectives of Policy 4B.3; that it would be of a high standard of design and layout in compliance with UDP Policy D4; that the scheme design would achieve the aims of the Development Brief; and, that the proposal would have no unacceptably harmful effect on the character and appearance of the surrounding area (IR 135).

### The impact of the proposed development on the living conditions of future residents

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact of the proposed development on the living conditions of future residents, as set out in IR136-139. She agrees that the amenity space to be provided, including children's play areas on and off site, would largely meet the requirements of the London Plan draft SPG, and is sufficient as a usable and visual amenity area for the occupiers in accordance with UDP Policy D5 (IR139). She agrees that, in this respect, the proposed development would have no unacceptable impact on the living conditions of future occupiers of the dwellings (IR139).

### The cumulative impact of major development on the local area

15. For the reasons given in IR140-142, the Secretary of State agrees with the Inspector that, cumulatively, the proposal would not have a harmful impact on the local area (IR142).

### Appeal B

16. For the reasons given in IR143, the Secretary of State agrees with the Inspector that if the Appeal A development scheme goes ahead, the proposed footpath would provide a safe and secure route for pedestrians.

### Conditions and Obligations

17. The Secretary of State agrees with the Inspector's assessment and conclusions on conditions and obligations as set out in IR144-145.

### **Overall conclusions**

18. The Secretary of State agrees with the Inspector's conclusions as set out in IR146-147.

19. Overall, the Secretary of State concludes that the proposal complies with the development plan and national policy. There are no material considerations of sufficient weight to indicate that she should determine the appeals other than in accordance with the development plan and national planning policy.

### **Formal Decision**

#### Appeal A

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby:-

i) Allows appeal A and grants planning permission for 798 residential units (including 40.2% affordable housing); 959 sq m Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927 sq m of Class B1 (a) (b) (c) floorspace, including a business incubator centre; creation of a new access onto Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works, on land at former Government Offices site, Honeypt Lane, Stanmore, Middlesex, HA7 1BB, in accordance with application number P/2317/06/CFU, dated 7 August 2006 (as amended) and those modified plans listed at Annex C of the Inspector's report, subject to the conditions set out in Annex A to this letter; and,

ii) Allows appeal B and grants planning permission for a new pedestrian access route and associated landscape works (as part of the comprehensive redevelopment of the former Government Offices and DVLA site), in accordance with application number P/2246/06/COU, dated 7 August 2006 (as amended), subject to the conditions set out in Annex B to this letter.

21. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

22. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

23. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

25. A copy of this letter has been sent to the London Borough of Harrow and all parties who appeared at the inquiry.

Yours sincerely,

Andrew Lynch  
Authorised by the Secretary of State to sign in that behalf

## **Annex A**

- 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.
- 2) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, to buildings and to the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 3) All 798 homes in the scheme, as detailed in the approved plans, shall be built to Lifetime Homes Standards and thereafter be retained to those standards.
- 4) Development shall not begin until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 5) No demolition or site works shall begin until the boundary of the site is enclosed by a close boarded fence of a minimum height of 2 metres. The fencing shall remain until the development is ready for occupation or, in accordance with a programme approved in writing by the local planning authority, to allow completion of boundary landscaping works.
- 6) Development shall not begin until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the local planning authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.
- 7) No works or development shall take place until a survey has been carried out of all existing trees and hedgerows on or overhanging the land, indicating which are to be retained and which are to be removed, and details of the retained trees and hedgerows and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.
- 8) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 9) Development shall not proceed beyond ground floor damp proof course level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, etc); proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

11) All hard and soft landscape works shall be carried out in accordance with the approved details. The hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

12) All planting, seeding or turfing comprised in the approved details of soft landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 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 similar size and species, unless the local planning authority gives written approval to any variation.

13) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

14) No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highways shall be carried out unless such proposals have been submitted to and approved in writing by the local planning authority.

15) Development shall not proceed beyond ground floor damp proof course level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority.

16) No dwelling shall be occupied until details showing how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

17) No building shall be occupied until space has been laid out within the site in accordance with the approved plans for 740 cars to be parked and for the loading and unloading of vehicles.

18) No dwelling within 75 metres of the underground railway line to the east of the site shall be occupied until a scheme of noise insulation has been submitted to and approved in writing by the local planning authority and has been carried out in accordance with the approved details.

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

20) Development shall not proceed beyond ground floor damp proof course level until a scheme for the storage, collection and disposal of refuse and waste and vehicular access

thereto has been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works have been carried out in accordance with the approved details.

21) No industrial activity shall take place anywhere on the site except within the buildings designed for that purpose.

22) Development shall not begin until details of the proposed phasing programme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved programme.

23) Development shall not proceed beyond ground floor damp proof course level until details of a scheme for generating 10% of the predicted energy requirement of the development from on-site renewable resources have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be maintained so that it provides the required level of generation.

24) Details of external lighting including columns and light fittings shall be submitted to and approved in writing by the local planning authority before installation. The installation shall be carried out in accordance with the approved details and shall be operational prior to the first occupation of any part of the development.

25) None of the buildings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

26) Development shall not begin until surface water drainage, attenuation and storage works have been carried out to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

27) Development shall not begin until details of the existing and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

28) Development shall not begin until details of surface water source control measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

29) Development shall not begin until details of compensatory flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

30) Development shall not begin until details of the maintenance regime for the flood storage works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

31) Any walls or fencing constructed within or around the site lying within the land liable to flood shall be designed to be permeable to flood water.

32) There shall be no light spill from external artificial lighting on the site into the river corridor habitat adjacent to the western boundary of the site. Artificial lighting shall be located so that lighting levels within 5 metres of the top of the bank of the unnamed ditch within the corridor are maintained at a background level of 0-2 Lux.

33) Development shall not begin until a 5 metre wide buffer zone, measured from the top of the bank, has been provided alongside the unnamed drainage ditch that runs parallel to the western site boundary. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of any structure, hard standing, footpath, fence or overhanging structure, such as a balcony. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be managed to develop a natural character and shall be left to colonise and regenerate naturally.

## **Annex B**

1) The development hereby permitted shall begin before the expiration of 3 years from the date of this decision.

2) Development shall not begin until an 8 metre wide buffer zone, measured from the top of the bank, has been provided alongside the brook. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of obstructions.

3) Development shall not begin until an ecological appraisal and a river corridor survey have been carried out and a detailed plan of the works incorporating the recommendations of the appraisal and survey has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Development shall not begin until details of the footpath, bridgeworks and any bank stabilisation works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) Development shall not begin until a flood risk assessment of the detailed proposals has been carried out and a report has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the recommendations of the report.

6) No works or development shall take place until a survey has been carried out of all existing trees and vegetation on the land, indicating which are to be retained and which are to be removed, and details of the retained trees and vegetation and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.

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

8) Development shall not begin until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; pedestrian access and circulation areas; hard surfacing materials; and any other minor artefacts and structures.

ITEM NO: 2/09  
ADDRESS: WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER  
REFERENCE: P/2142/15  
DESCRIPTION: INSTALLATION OF TWO NEW 4.5 METRE HIGH FLOODLIGHT COLUMNS WITH 2 X LUMINARIES TO COURT 3; NETTING TO BOUNDARY FENCE.  
WARD: PINNER SOUTH  
APPLICANT: ROGER HILL  
AGENT: IONIC DEVELOPMENT CONSULTANCY LTD  
CASE OFFICER: GRAHAM MANSFIELD  
EXPIRY DATE: 30/06/2015

### **RECOMMENDATION**

The decision to **GRANT** permission for the erection of floodlights to Courts four and five has been taken having regard to all relevant material considerations including the potential for disturbance by way of light spill, noise and disturbance from the proposed lights and for other matters including any comments received in response to publicity and consultation, All matters have been considered with regard to the policies and proposals in the London Plan (Consolidated with alteration since 2011) (2015), the Harrow Core Strategy (2012) and the Harrow Development Management Policies Local Plan (2013) Plan.

### **INFORMATION**

This application is reported to planning committee due to the call in as requested by a nominated member under Part 1 Proviso B of the scheme of delegation dated 29th May 2013.

Statutory Return Type: Minor Other

Council Interest: None

Net additional Floorspace: N/A

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

Harrow CIL: N/A

### **Site Description**

- The West End Tennis Club is located on the northern side of Cuckoo Hill Road and consists of 6 courts and a clubhouse with a parking area at the front.
- There are existing 6m floodlighting columns which provide lighting to courts 1 & 2 and 5m floodlighting columns which provide lighting to courts 4, 5 and 6
- The site is surrounded by a 4m high netting fence supported by metal poles.
- The area is generally residential, characterised by large houses with extensive well established gardens.



- The site is bounded by residential dwellings as follows: 18 Cuckoo Hill Road to west; 2 Northfield Avenue to north; Nos. 9 and 11 Hillcrest Avenue, 11 Cuckoo Hill Road and Northfield Avenue itself to east.

### Proposal Details

- The application proposes 2 new 4.5m high floodlighting columns with 2 luminaires on each new column facing in the direction of court number 3 adjacent to the boundary with number 18 Cuckoo Hill Road.
- It is proposed to attach obscure green netting to the existing chain link fencing which borders the application site and 18 Cuckoo Hill Road
- The lighting would be used Monday to Sunday between the hours of 0830 and 2130.
- The proposed luminaires for Court 3 would be identical to the luminaires on Courts 4 and 5, but set at a lower level.
- The proposed luminaires for Court 3 would be at a lower illuminance level than the existing floodlights at the Tennis Club.

### Revisions to Previous Application

- N/A

### Relevant History

WEST/44853/92/FUL; Provision of 9 Six Metre High Floodlighting Columns to Courts 1 and 2; Refuse; 20/07/1992  
REFUSED ON APPEAL; 23/02/1993

WEST/645/93/FUL; Provision of 9 Six Metre High Floodlighting Columns to Courts 1 and 2; Refuse; 26/01/1994  
REFUSED ON APPEAL; 22/07/1994

WEST/923/00/FUL - Provision of 9 six metre high floodlighting columns to courts 1 and 2 anti, glare screening and landscaping (revised)  
Refused – 06/01/2001  
ALLOWED ON APPEAL; 23/01/2002

P/2946/07/CFU - Installation of 9 floodlighting columns to courts 4 & 5 at northern end of site; Refuse; 02/11/2007; Reasons for Refusal; 1) *The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy d23.*  
APP/M5450/A/08/2073769; Appeal of the Above; APPEAL DISMISSED; 11/11/2008

P/3872/08 - install of 8 floodlighting columns to courts 4 & 5 at northern end of site; Refuse; 26/02/2009; Reasons for Refusal; 1) *The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to harrow unitary development plan policy D4.* 2) *The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy D23.*  
APP/M5450/A/09/2105014; Appeal of the Above; APPEAL DISMISSED; 14/09/2009

P/1283/10 - provision of three x 5 metre floodlighting columns to courts 4 and 5 (revised)

GRANTED – 22/9/2010

P/1425/13; Installation of new 5.0m high floodlight columns with 2x luminaries to Court 6,  
New luminaries to existing 5.0m column between Court 5 & 6;  
GRANTED - 15/04/2014

### **Pre-Application Discussion**

- N/A

### **Applicant Submission Documents**

#### **Design and Access Summary:**

- The additional lighting at Court 3 would permit further development of junior tennis.
- The proposed lighting would allow greater flexibility for the use of Court 3 during hours of darkness
- The proposed lighting would sustain the tennis clubs viability to provide additional lighting to enable play during non-daylight hours.
- The curfew time would remain at 9.30 for the lights to be switched off.
- The technical aspects of the proposal have been validated by CU Phosco Lighting Ltd to demonstrate that there are no appreciable adverse implications on the properties surrounding the club or the surrounding area thereby complying with the Council's policies.

#### **Supporting Letter Summary:**

- We would expect the Council to take account of all aspects of the effects of the application on neighbouring houses, using established criteria.
- The endorsement of the proposed lighting by Sport England is not material to this planning application
- In this case, the proposed two columns are shorter and are located in a less prominent position than the six-metre high columns to Court Nos. 1 and 2. The netting already largely exists on the fence, and is merely being enhanced. The cumulative effect of two further columns is minor in relation to the number of columns on the adjoining Court Nos. 1 and 2.
- Why and how the Club wishes to develop its Junior tennis section, and extend playing hours for members, is its own concern, and not a material planning consideration in itself
- The proposed columns will be visible only with some difficulty from the public footway, and, at their considerably lower height than the existing columns on Court Nos. 1 and 2, will have little, or no, impact in terms of visual intrusion or glare. The street lighting on Cuckoo Hill Road has far more potential for glare and visual intrusion than the proposals.
- *All other points in the response to objections are addressed in the body of the report*

### **Consultations**

#### **Pinner Association:**

- The proposed 4.5m lighting columns would be a visual intrusion which would be detrimental to the character and appearance of the area
- The highway is 2.0m below the level of Court 3 and therefore there would be potential glare at the highway to the detriment of the amenity of the area
- The proposed lighting columns and netting would have a harmful effect on outlook

from No. 18 Cuckoo Hill Road

- The proposed luminaries would have an cumulative effect of light spillage onto the patio and the front habitable rooms of no. 18 Cuckoo Hill Road
- The adverse effects of the proposals would outweigh the benefits of the proposed lighting

Environmental Health Officer: No Objections; there would be a slight intensification as obviously there is existing floodlighting which would not amount to a significant nuisance.

Street Lighting Engineer: No Objections subject to Conditions regarding post installation and aiming angles

Biodiversity Officer: No objections

### **Advertisement**

N/A

### **Neighbourhood Notification**

1, 2 and 10 Crest View, Pinner, HA5 1AN

1 to 27 Cuckoo Hill Road, Pinner, HA5 1AY

2, 4, 6, 12 and Denholm Lodge, Northfield Avenue, Pinner, HA5 1AL

3 to 6 and 9 to 11 Hillcrest Avenue, Pinner, HA5 1AJ

Sent: 37

Replies: 5

Expiry: 19/06/2015

### **Summary of Responses**

#### **In Objection:**

- The addition of lights on Court 3 would further increase halo affect effect on the neighbouring and opposite houses
- The club has had the ability to challenge previous refusal at appeal with the assistance of professional lighting companies
- The club has failed to restrict the existing light spillage. The presence of further lights will increase the spillage
- Previous conditions applied to previous planning permissions have not been met
- Club is not neighbourly friendly and there are noise issues
- Light spillage needs to be viewed in the winter months
- Additional lights would encourage further use of the grassed area within the club to be used by children who play ball games within this space and cause noise to the detriment of the neighbours.
- The proposed application would not increase or enhance the provision of tennis facilities as Court 3 is already used by coaches in the winter months
- The proposed lighting for Court 3 is below the minimum standard recommended by the Lawn Tennis Association. The proposed lighting would not meet the requirements for uniformity
- The proposed lighting columns are situated in the total playing area and may be hazardous for the players on Court 3
- Players on Court 1 and 2 may be affected by the glare from the proposed lights on Court 3 as they would be located on a lower level lighting column
- The applicant has provided the Lawn Tennis Association recommendations as part of

the annexe, but this does not mean they would endorse the proposals as the Lawn Tennis Association do not fund recreational tennis

- The proposed lights would affect the living conditions of 18 Cuckoo Hill Road
- Consideration should be given to the existing glare from the lights on Courts 1 and 2 as well as the proposed on Court 3 and the affects of light spillage on the highway and adjacent neighbouring properties.
- The applicant has not given information on the proximity of the proposed lights to the River Pinn corridor
- The proposed lighting columns would be in close proximity to the boundary of no. 18 and would be unsightly and intrusive in appearance
- The proposed luminaries would be adjacent to the boundary and would be visible from the house and driveway at no. 18
- The use of Court 3, illuminated, would create a situation similar to that that was found unacceptable by the inspector in the 2008 and 2009 appeals in relation to 2 Northfield Avenue
- There is sufficient light spill form Courts 1 and 2 to illuminate Court 3. Concerns that the proposed lights would cause light spillage to the patio and garden of no. 18
- Installation of the lighting columns will be close to the boundary of no. 18, no other tennis club in Harrow has lighting columns erected on a boundary line with a residential property.
- Likening the proposal to a similar situation at Hatch End Tennis club is not accurate and a direct comparison should be made to the sixth court at Pinner Lawn Tennis Club in Little Moss Lane
- Concerns regarding loss of outlook and light from the proposed netting to be attached to the existing chain link fencing
- Hard to assess whether the proposed netting would be a good or bad thing. The justification appears to be for the safeguarding of light intrusion.
- The previous grant for lighting was in use for 3 weeks prior to testing by the Council's Compliance Officer
- Developing Junior tennis is not a valid reason for extra lighting.
- The point regarding changing lifestyles and the necessity to provide extra lighting for members who work longer hours is invalid as there are evenings when the courts are not fully occupied.
- The club has stated that it would not seek to install lights on Court 3 on the basis of the proximity to the adjacent property.
- There is a considerable glow from then floodlight adjacent to no. 18 on Court 6
- Very rare for all six courts to be occupied at the same time and therefore there is not a true need for a Court 3 to be floodlit
- It is usual for when one court is being used that the floodlights to the other courts are switched on creating a sea of light which is a waste of energy and electricity.
- Previous reasons for refusals and appeal decisions have stated that the harm of proposed lighting adjacent to the boundaries of neighbouring properties is outweigh the benefits

#### **In Support:**

- Provision of lighting will enable younger people to participate in the sport of tennis
- The benefits would be beneficial to the wider community in providing facilities for younger people for a healthy lifestyle and lowering crime rates
- Provision of extra lighting would enable the club to participate in County sponsored events

## APPRAISAL

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

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

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

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

## MAIN CONSIDERATIONS

Impact on Outdoor Sports facilities  
Character and Appearance of the Area  
Residential Amenity  
Biodiversity  
Equalities Statement  
S17 Crime & Disorder Act  
Consultation Responses

### Impact on Outdoor Sports Facilities

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 those that 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 (see NPPF paragraphs 87-89, London Plan Policies 7.16 and 7.17, and Policy DM18: *Protection of Open Space*);
  - b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site (see Policies DM7: *Heritage Assets*, DM20: *Protection of Biodiversity and Access to Nature* & DM21: *Enhancement of Biodiversity and Access to Nature*); and
  - c. there would be no adverse impact on residential amenity (see Policy DM1) 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 proposal would increase the opportunities for sport on the site, in particular during the winter months. The impact of the proposal on the character of the area, neighbouring amenity and biodiversity is considered to be acceptable as set out in the report below.

Whilst the development relates to a private recreation facility, the tennis club is provided for members of the local community. It should be noted that even though fees are required to use the tennis facilities at the club, fees are also required to use Council owned public leisure facilities. Therefore the community use of the tennis club is the same in this regard. The improvement of the site would be of benefit to facilities in the local area in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48.

### **Character of the Area**

Policy 7.4 of the London Plan (consolidated with alterations since 2011) (2015) 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.

It is noted that a number of neighbouring objections have been received in relation to the impact of the proposal on the character of the area.

The well established West End Lawn Tennis club is sited within residential area and borders residential sites on its northern and western sides. The eastern and southern side of the club primarily borders the highways.

With regard to the visual impact of the proposed column and the luminaires themselves, the site is a well established tennis court which is characterised by existing vertical columns for lighting and a four metre high boundary fence with regular metal supporting posts. Thus there is already a significant vertical component to the visual appearance of the site when viewed from the adjoining highways and from within neighbouring gardens.

There are existing 5m high floodlighting columns which provide lighting to courts 4, 5 and 6 and 6m high floodlighting columns providing lighting to courts 1 and 2. The proposed new floodlighting column would be designed to match the existing floodlighting columns in terms of appearance.

With regard to the views of the site from the adjacent highways, the site is obvious in its use. It is considered that lighting columns are a feature which is expected to be related to such activities and that, whilst not an overriding factor in the consideration of the application, such furniture can be expected to be part of the visual appearance of such sites. However, it is considered that the proposed floodlighting column and luminaires would be sited well away from the boundaries with both Cuckoo Hill Road and Northfield

Avenue and as such would not unduly impact on the streetscene.

The proposed floodlighting column due to its modest height, location adjacent to a fence bordering number 18 Cuckoo Hill Road and the presence of some boundary vegetation at number 18 Cuckoo Hill Road would not be unduly bulky and would be in keeping with the recreational character of the site.

It is proposed to attach obscured green netting to the existing chain link fence adjacent to the boundary with no. 18 Cuckoo Hill Road. It is considered that the proposed netting would not harm the character of the area due to its associated recreational use. Furthermore, there is existing netting already existing on the fencing adjacent to Courts 1 and 2.

Overall, it is considered that the visual impact/daytime appearance of the floodlight columns would be set a lower level than the existing floodlight columns. The lower 4.5m flood lighting columns would address previous planning concerns regarding the proximity of the columns to the adjacent properties and will be below the 4.6m height of the existing boundary fence line to the property No:18 Cuckoo Hill Road. The boundary fence would also incorporate additional obscure green netting to the chain link fencing which would further reduce the impact of the columns from the occupiers of no. 18 Cuckoo Hill Road.

Whilst, higher flood lighting columns may give an optimum lighting solution, the visual impact would be reduced by the lower 4.5m mounting height.

In summary, and noting the objections received, it is considered that the proposed floodlighting column and luminaries would be in keeping with the character of the site and would have no undue impact on the character of the area in accordance with the NPPF (2012), Harrow Core Strategy (2012) CS1.B, policies 7.4.B and 7.6.B of The London Plan and the Development Management Policies Local Plan (2013) - Policy DM1.

### **Residential Amenity**

It is noted that a number of neighbouring objections have been received in relation to the impact of the proposal on neighbouring amenity. Every planning application is considered on its merits. Most new developments introduce an increased impact on the neighbouring properties to some degree. The site is a well established Tennis Club and a higher level of disturbance and light pollution is to be expected than a residential site. The Local Planning Authority needs to assess whether in this application, the impact would be acceptable or not.

Objections received also highlight that the proposal does not take into account the existing light intensification of the area from the existing illuminated courts. However, the applicant has provided a diagram indicating the cumulative effect of the existing and proposed lighting. This and other light spill diagrams have been reviewed by the Council's Lighting Engineer and Environment Health, who note that there would be a slight intensification of lighting in the area. However, this intensification would not lead to unreasonable harm or nuisance.

The Council's Lighting Engineer also notes that the maximum recommended vertical illuminance into house windows is 5 Lux within Environmental Zone E2.

Drawings LS11312-1.7A-V, LS11312-1.7B-V1, LS11312-1.7B-V2, LS11312-1.7C-V1, LS11312-1.7C-V2 dated 10/11/2014 have been provided for vertical illuminance at

heights of 1.5m (ground floor window) and 4.5m (1st floor window), in the direction of both properties, which indicates the following levels at:-

No: 2 Northfield Avenue - 1.6 lux reducing to 0.2 lux respectively

No:18 Cuckoo Hill Road (rear elevation) - 0.5 lux

No:18 Cuckoo Hill Road (rear property elevation) - 0.6 lux reducing to zero

The proposed new floodlighting columns would be located adjacent to a boundary fence shared with number 18 Cuckoo Hill Road. In addition there is some boundary vegetation on the site at number 18 Cuckoo Hill Road, albeit deciduous (thus providing limited screening in the winter months). All of the above factors contribute to mitigating the impact of the new floodlighting column proposed adjacent to number 18 Cuckoo Hill Road.

An objection highlights that the proposed floodlighting to Court 3 would cause light spill into the rear garden, patio and driveway of no. 18 Cuckoo Hill Road. One of the proposed floodlights would be situated adjacent to the garage of no. 18 Cuckoo Hill Road. It is therefore considered that there would be no undue impact on the occupiers of no. 18. It is noted that there are no windows on the flank elevation of no. 18 Cuckoo Hill Road.

Whilst it is recognised that the proposed floodlighting towards the rear of Court 3 would result in some light spillage into the rear garden, this would not result in a significant amount to cause undue harm to any of the habitable rooms on the rear elevation of no. 18 Cuckoo Hill Road. Furthermore, the Council's Lighting Engineer has confirmed that the resulting light spillage would be acceptable due to the proposed use of flat glass luminaires, mounted horizontal (e.g. zero degrees elevation angle), the light intensity towards any house has been indicated, and detailed on the drawing LS113-1-7-INT, which confirms that the maximum source intensity is 247 cd from luminaire No:32 in the rear garden of No:18 Cuckoo Hill Road and well below the recommended maximum of 7500 cd. To ensure that the proposed floodlighting is angled correctly prior to use it has been necessary to attach a condition to this permission.

The design and access statement submitted by the applicant indicate 250 Watt Lamps. The proposed lights would match the existing lights on the site but would be set at a lower illuminance level than the other luminaires existing on site. A condition has been recommended restricting the hours of use of the floodlights between 8.30am and 9.30pm. 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 which is the same as the condition which was placed on existing floodlights on the site.

It is considered that there would not be additional noise and disturbance to the immediate adjacent occupiers as a result of the proposal. The use of lights on court 3 is likely to result in some increase in use during winter months. The applicants have suggested (in their application) a time limit of 2130 to match that allowed for the existing illuminated courts. 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.

The illumination of court 3 for the time proposed would not result in any greater intensity than could be accommodated at present during summer months and it is not therefore considered that the development would result in unreasonable activity, beyond that which would be expected within such a recreation site.

There would be a minimum distance of approximately 45m from the proposed new



floodlight column and new luminaries to the neighbouring dwellinghouse at number 2 Northfield Avenue. These separation distances are considered to be acceptable and would sufficiently mitigate any undue impact in terms of light overspill into these neighbouring properties. An objection has made reference to previous appeals made by the applicant in relation to refused planning permissions in 2007 and 2008. However, each application is assessed on its merits. The proposed flood lights for Court 3 are in a different location and are materially different to the applications previously considered by the Inspector.

An objection has also been received in regards to the netting proposed for the existing chain link fence adjacent to the common boundary with no. 18 Cuckoo Hill Road. It is considered that the proposed netting to the existing 4.0m chain link fencing would not be demonstrably worse in terms of outlook than the existing situation. Furthermore, the majority of the existing chain link fencing is obscured by vegetation in the form of trees and conifers.

The Council's Environmental Protection Officer has not objected to the application and as such it is considered that, the application would be acceptable in terms of its impact on neighbouring amenity.

In summary, and noting the objections received, it is considered the proposal would not have an adverse impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) - Policy DM1 and would therefore have an acceptable impact on neighbouring amenity.

### **Biodiversity**

A Bio-Diversity report and Light Spillage diagrams were provided with the application. It is also noted that an objection has been received which highlights that the application has not considered the proximity of the proposed lighting on the River Pinn corridor. However,

the Council's Biodiversity Officer has considered the supporting documents to the proposal and as such has concluded that the proposed floodlights to court 3 would have no unreasonable impact on biodiversity. In summary, and noting the objection received, it is considered that the proposal would comply with the NPPF (2012), Harrow Core Strategy (2012) policy CS1.E, London Plan (consolidated with alterations since 2011) (2015), policy DM20 of the Development Management Policies Local Plan (2013) and the Harrow Biodiversity Action Plan (2009).

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

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

### **Consultation Responses**

- The addition of lights on Court 3 would further increase halo affect effect on the neighbouring and opposite houses
  - *The Council's Lighting Engineer and Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*
- The club has had the ability to challenge previous refusal at appeal with the assistance of professional lighting companies
  - *This is not a material planning consideration*
- The club has failed to restrict the existing light spillage. The presence of further lights will increase the spillage

- *The Council's Lighting Engineer and Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*
- Previous conditions applied to previous planning permissions have not been met
  - *This will be investigated further by the planning enforcement team*
- Club is not neighbourly friendly and there are noise issues
  - *This is not a material planning condition*
- Light spillage needs to be viewed in the winter months
  - *The Design and Access Statement received with this application states the new floodlights are to improve the clubs' facilities. Every application is assessed on its merits. Impact on neighbouring amenity has been assessed in section 3 of the report above*
- Additional lights would encourage further use of the grassed area within the club to be used by children who play ball games within this space and cause noise to the detriment of the neighbours.
  - *This is not relevant in relation to assessing the current planning application*
- The proposed application would not increase or enhance the provision of tennis facilities as Court 3 is already used by coaches in the winter months
- The proposed lighting for Court 3 is below the minimum standard recommended by the Lawn Tennis Association. The proposed lighting would not meet the requirements for uniformity
  - *This is not a material planning consideration*
- The proposed lighting columns are situated in the total playing area and may be hazardous for the players on Court 3
  - *This is not a material planning consideration*
- Players on Court 1 and 2 may be affected by the glare from the proposed lights on Court 3 as they would be located on a lower level lighting column
  - *This is not a material planning consideration*
- The applicant has provided the Lawn Tennis Association recommendations as part of the annexe, but this does not mean they would endorse the proposals as the Lawn Tennis Association do not fund recreational tennis
  - *This is not a material planning consideration*
- The proposed lights would affect the living conditions of 18 Cuckoo Hill Road
  - *This concern is addressed in section 3 of the report*
- Consideration should be given to the existing glare from the lights on Courts 1 and 2 as well as the proposed on Court 3 and the affects of light spillage on the highway and adjacent neighbouring properties.
  - *Every application is assessed on its merits. The applicant has provided cumulative light spill diagrams for the current proposal. Impact on neighbouring amenity has been assessed in section 3 of the report above*
- The applicant has not given information on the proximity of the proposed lights to the River Pinn corridor
  - *This concern is addressed in section 4 of the report*
- The proposed lighting columns would be in close proximity to the boundary of no. 18 and would be unsightly and intrusive in appearance
  - *This concern is addressed in section 2 of the report*
- The proposed luminaries would be adjacent to the boundary and would be visible from the house and driveway at no. 18
  - *This concern is addressed in section 2 and 3 of the report*
- The use of Court 3, illuminated, would create a situation similar to that that was found unacceptable by the inspector in the 2008 and 2009 appeals in relation to 2 Northfield Avenue

- *Every application is assessed on its merits. The proposed column is in a different location to the application considered by the Inspector.*
- There is sufficient light spill from Courts 1 and 2 to illuminate Court 3. Concerns that the proposed lights would cause light spillage to the patio and garden of no. 18
  - *The effect of the proposal on neighbouring amenity is discussed in section 3 of the report*
- Installation of the lighting columns will be close to the boundary of no. 18, no other tennis club in Harrow has lighting columns erected on a boundary line with a residential property.
  - *Each application is assessed on its own site circumstances*
- Likening the proposal to a similar situation at Hatch End Tennis club is not accurate and a direct comparison should be made to the sixth court at Pinner Lawn Tennis Club in Little Moss Lane
  - *Each application is assessed on its own site circumstances*
- Concerns regarding loss of outlook and light from the proposed netting to be attached to the existing chain link fencing
  - *The effect of the proposal on neighbouring amenity is discussed in section 3 of the report*
- Hard to assess whether the proposed netting would be a good or bad thing. The justification appears to be for the safeguarding of light intrusion.
  - *The effect of the proposal on neighbouring amenity is discussed in section 3 of the report*
- The previous grant for lighting was in use for 3 weeks prior to testing by the Council's Compliance Officer
  - *This is not material to the current application. A similar condition has been attached to this permission*
- Developing Junior tennis is not a valid reason for extra lighting.
  - *This is one of the reasons sited in the Design and Access Statement submitted with this application as well as to improve the facilities overall. The type of tennis played is not a material planning concern.*
- The point regarding changing lifestyles and the necessity to provide extra lighting for members who work longer hours is invalid as there are evenings when the courts are not fully occupied.
  - *This is not a material planning consideration*
- The club has stated that it would not seek to install lights on Court 3 on the basis of the proximity to the adjacent property.
  - *This is not a material planning consideration. Each application is assessed on its own merits.*
- There is a considerable glow from the floodlight adjacent to no. 18 on Court 6
  - *The Council's Lighting Engineer and Environmental Protection team have not objected to this application and are satisfied in terms of overspill.*
- Very rare for all six courts to be occupied at the same time and therefore there is not a true need for a Court 3 to be floodlit
  - *The Design and Access Statement states that the new floodlighting is intended to provide better facilities and allow more play time. It is not a material planning concern that there may be some "peak" times or when the courts are underutilised.*
- It is usual for when one court is being used that the floodlights to the other courts are switched on creating a sea of light which is a waste of energy and electricity.
  - *This is not a material planning consideration*
- Previous reasons for refusals and appeal decisions have stated that the harm of

proposed lighting adjacent to the boundaries of neighbouring properties is outweigh the benefits

- *Each application is assessed on its own merits and site circumstances*

## **CONCLUSION**

The proposal would provide use of Court 3 in the winter months. It is considered that the proposal would not unduly impact on the character of the area or neighbouring amenity.

## **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:

Design and Access Statement dated 30<sup>th</sup> April 2015; WELTC/FLOOD/300; LS11312-1-7; LS113-1-7A-V; LS113-1-7B-V1; LS113-7B-V2; LS11312-1-7C-V1; LS11312-1-7C-V2; LS11312-1-7C-INT

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

3 The floodlights hereby approved shall not be used before 8:30am and no later than 2130 hrs on any day for club activities and shall not be used at any other time.

REASON: In the interests of the amenities of neighbouring occupiers and the character of the area in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The floodlights hereby approved shall be 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 approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area and in order to comply with the provisions of DM1 and DM20 of the Harrow Development Management Policies Local Plan (2013).

5 The floodlights hereby approved shall not be used until post installation measurements are taken on site in relation to the proposed luminaire set up/aiming angles and are submitted to, and approved in writing by the Local Planning Authority. The lighting configuration shall thereafter be retained.

REASON: To ensure that the scheme is installed according to the approved drawings to avoid any undue impact on the neighbouring properties in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:-

National Planning Policy Framework (2012)

The London Plan (Consolidated with amendments since 2011) (2015)

7.4 Local Character

7.6 Architecture

7.19 Biodiversity and Access to Nature

### 3.19 Sports Facilities

Harrow Core Strategy (2012)  
Core Policies CS1.B/E  
Core Policy CS5

Harrow Development Management Policies Local Plan (2013)  
DM1 – Achieving a High Standard of Design and Layout  
DM20 - Protection of Biodiversity and Access to Nature  
DM48 – Enhancing Outdoor Sport Facilities

The Harrow Biodiversity Action Plan (2009)

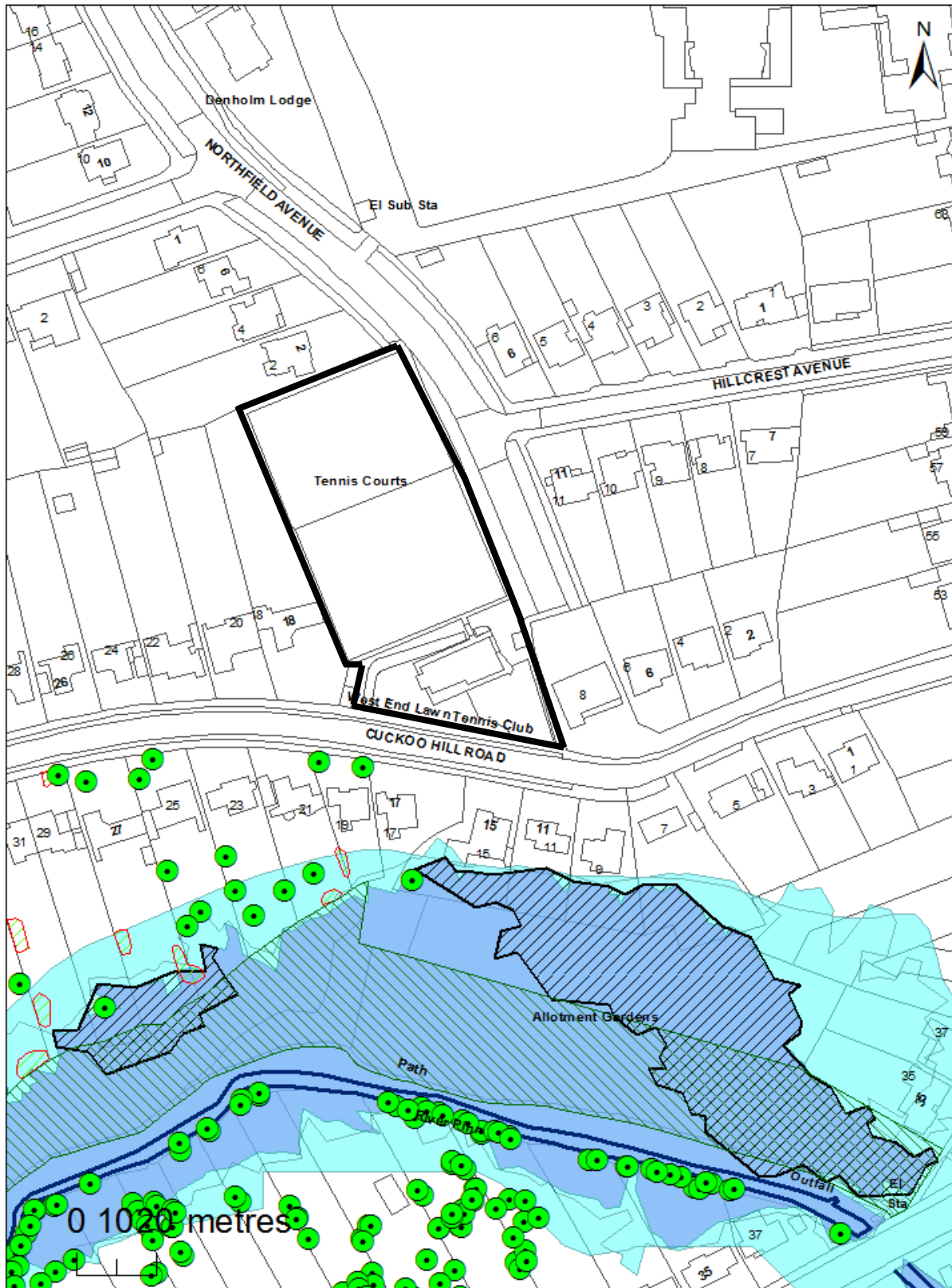
#### 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

Plan Nos: Design and Access Statement dated 30th April 2015; WELTC/FLOOD/300;  
LS11312-1-7; LS113-1-7A-V; LS113-1-7B-V1; LS113-7B-V2; LS11312-1-7C-V1;  
LS11312-1-7C-V2; LS11312-1-7C-INT

# WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER



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# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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**APPEAL 1941**  
**DISMISSED**

Lennon Planning Partnership Ltd.  
Oxford House  
2A Oxford Road East  
WINDSOR  
Berkshire  
SL4 1EF

Your Ref: **MHC**

Our Ref: **T/APP/M5450/A/92/212753/P4**

Date: **23 FEB 1993**

Ladies and Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY WEST END LTC (PINNER) LTD  
APPLICATION NO: LBH/F/44853/W/140792PA

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the London Borough of Harrow Council to refuse planning permission for the provision of floodlights to court 1 and court 2 including the erection of 8 columns at the West End Pinner Lawn Tennis Club, Cuckoo Hill Road, Pinner. I have considered the written representations made by you and by the Council, and by Mr Robert G Hughes MP and other interested persons including those made directly to the Council and forwarded to me. I inspected the site on 16 December 1992.

2. Government policy is expressed in Planning Policy Guidance 17 (Sport and Recreation) which encourages the provision of facilities for outdoor sports, and suggests that permission may be granted for floodlights subject to time limiting conditions and the installation of some sort of shielding. The development plan consists of The Greater London Development Plan 1976 and The Harrow Borough Local Plan 1986. I also have had regard to Strategic Planning Guidance for London 1989 and the deposit version of the Harrow Unitary Development Plan. The protection of residential amenities is one of the objectives of all these documents. Copies of other relevant sections of the UDP have not been supplied to me, but policies R9 and R12 are quoted in the representations; they support proposals for outdoor and intensive use sports facilities which do not result in serious harm to the amenities of local residents.

3. Bearing in mind the planning policies, and from my inspection of the appeal site and the surrounding area and my consideration of the representations made, I consider that the main issue in this case is the effect of the proposal on the



amenities of neighbouring residents, in particular as regards noise and visual disturbance.

4. The West End Lawn Tennis Club premises are used for various recreational purposes. They are a local centre for such purposes as playgroups and evening classes, and therefore already generate some noise and disturbance, as well as demand for parking, until late evening throughout the year. The open air tennis courts are at present available in all daylight hours, which means that in summer at least play already continues during the evening. Given the already intensive use of the premises for other purposes it does not seem to me that the playing of tennis on only 2 of the 6 courts until the same time in winter as in summer, involving very few extra hours of play, would unreasonably increase any existing noise disturbance to neighbours, particularly as I think that they are unlikely to be in their gardens in the hours of winter darkness. Any extra traffic and parking requirement resulting from the use of these 2 courts would still be less than that caused by the use of all 6 courts on summer evenings so I do not think the increased use of the existing facilities would cause an unacceptable growth in the volume of traffic to or parking near the premises. For these reasons I do not consider that noise and disturbance arising from this proposal would be detrimental to the amenities of neighbouring residents.

5. I now turn to the question of visual disturbance. The 8 proposed columns, clustered round 2 tennis courts and at a height of 7m., would be visible from some of the surrounding streets and properties even when the lights were off. However, I do not think that such pylons would appear so inappropriate in the context of a long established sports club as to cause undue harm to the visual amenities of the area.

6. I am much more concerned by the effect of the illumination of the tennis courts during the hours of darkness. The courts are surrounded by residential properties, and as far as I could tell the street lighting in the area is of the limited kind usual in residential side streets, that is, neither very bright nor with the lamp standards very close together. The trees along the border seemed thin and in midwinter, when I saw them, bare; in my opinion they would hardly screen any bright light. The dwellings adjacent to the tennis courts, 18 Cuckoo Hill Road and 2 Northfield Avenue, have windows overlooking the site and I do not think that their garden fences and garages are high enough to screen light from the pylons proposed. I think that light spillage could also reach 8 Cuckoo Hill Road and the 2 houses on the corners of Hillcrest and Northfield Avenue. In these circumstances and in this domestic context I consider that visible bright floodlighting from poles 7m high would be incongruous and disturbing to the amenities of neighbouring residents.



7. It is argued that such disturbance would not arise because the floodlights proposed have been carefully designed to have a very clearly focused light pattern which would have minimum spillage and no glare. For this reason the appellants are confident that the lights would not need shielding. However no technical details have been provided and on the sole grounds of the assertions made by The Lawn Tennis Association and the suppliers of the lighting I am not convinced that the lighting would be so concentrated as to prevent visual disturbance. Because of their very close proximity to the appeal site, I think adjoining dwellings in this case are particularly vulnerable, and in the absence of evidence as to whether the lighting system proposed is suitable for the fitting of shielding or screens, I do not feel satisfied that a condition requiring the installation of screening would overcome this problem. I consider the floodlights as proposed would be likely to seem so glaring and obtrusive as to cause undue discomfort and disturbance, doing harm to the amenities of neighbouring residents.

8. I have carefully considered all the other representations made, including the demand for junior tennis facilities and the club's need to remain competitive. I have also taken into account the council's grant of permission for floodlights at Kenton Lawn Tennis Club as well as various appeal decisions to which my attention has been drawn, in particular refs T/APP/M5450/A/87/74550 AND T/APP/M5450/A/92/197958/P8. I visited the Pinner Lawn Tennis Club, where a similar application for floodlighting has succeeded. In my view, however, it is on a less enclosed site than the appeal site, with, as far as I could see from the highway, the neighbouring properties at a greater distance from the tennis courts. I do not therefore regard it as an exact parallel; this case must be decided on its own merits and I have found nothing of such significance as to alter my conclusion.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Ladies and Gentlemen  
Your obedient Servant

*J.D.E. Thomas*

J.D.E. THOMAS MA LLB  
Inspector



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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2083

APPEAL: 20  
DISMISS

Lennon Planning Partnership  
Oxford House  
2A Oxford Road Street  
WINDSOR  
Berkshire  
SL4 1EF

Your Ref: MHC/583/caf  
Our Ref: T/APP/M5450/A/94/234600/P4

26 JUL 1994 PM

RO/KM/CMC

26 JUL 1994

Acknowledged

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY WEST END LTC (PINNER) LTD.  
APPLICATION NO: WEST/645/93/FUL

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Council of the London Borough of Harrow to refuse planning permission in respect of an application for provision of 9 six metre high floodlighting columns to Courts 1 and 2 at West End Lawn Tennis Club, Cuckoo Hill Road, Pinner. I have considered the written representations made by you and by the Council and also those made by Robert Hughes MP and other interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 13 June 1994. On 7 July 1994, I visited the Pinner Lawn Tennis Club in Little Moss Lane, Pinner, where a similar form of floodlighting is installed; this visit was made at 2230 hours so that the floodlights on one court there could be turned on.

2. From my inspection of the appeal site and its surroundings, and the representations made, I consider that this case turns on whether the proposed floodlighting would be visually obtrusive, or detrimental to the amenities of local residents.

3. The Harrow Borough Local Plan was adopted in June 1986. Policy 23 seeks to ensure a high standard of design and layout in new developments with no adverse effects on adjoining occupiers, whilst Policy 35 seeks to prevent noise nuisance from new development. Objections to the draft Unitary Development Plan for Harrow were considered at an inquiry in January and February 1993. Policies E6, E44 and E50 restate the Council's aims to ensure a high standard of design and layout in new development with the prevention of noise nuisance for neighbours. Policy R12 offers support for proposals for intensive use pitches, with floodlighting,



provided that no unreasonable disturbance occurs for nearby residents. Overall, these policies taken in the context of Section 54A of the Town and Country Planning 1990 appear to me to support proposals which would not adversely affect local amenities.

4. The Council refers to the advice on the intensive use of sports facilities in Planning Policy Guidance Note 17, and the improvement of the amenity of residential districts mentioned in the Strategic Planning Guidance for London. The local planning authority is particularly concerned about the effect of the proposal on Nos.8 and 18 Cuckoo Hill Road, and No.2, Northfield Avenue.

5. An appeal relating to the provision of eight 7 metre high floodlighting columns to Courts 1 and 2 on the appeal site was dismissed in 1993 (Department ref.no. APP/M5450/A/92/212753). In that appeal, the Inspector concluded that noise and disturbance arising from the proposal would not be detrimental to the amenities of neighbouring residents. The appeal was dismissed because of the anticipated effect of the lighting proposed on the basis of the information made available.

6. The appeal before me would reduce the height of the columns supporting the floodlights to 6 metres, increase their number from 8 to 9, and proposes the addition of back baffles to reduce light spillage. You say that advice in the document "Floodlighting for Sport" issued by the Sports Council in 1994 has been followed in preparing this proposal. The appellants are willing to switch off the lighting automatically at 2200 hours and to incorporate shields, which you say would fully concentrate the light.

7. I have considered very carefully the likely effects of the proposal on the basis of the information provided with the appeal, and taking into account my visit to the facilities at the Pinner Lawn Tennis Club. The situation there in relation to neighbouring properties is very different from the appeal site. The appeal land is much more open to view from the adjoining streets than are the courts at the Pinner Lawn Tennis Club, and I consider that the overall effect of the proposal, worthwhile though it might be to those using the sporting facilities, would be an extensive illuminated area which would be intrusive and out of keeping in the locality of the appeal site which has residential properties on all sides.

8. Whilst I accept that the measures suggested by you could contain the direct glare from the lighting to the immediate proximity of Courts 1 and 2, I am not satisfied that the level of illumination on the areas of ground outside the courts, and particularly adjoining the homes in Cuckoo Hill Road, would be appropriate in this locality. I am therefore of the view that this appeal should be dismissed.

9. I have considered all the other matters raised, including the views of the consultants and the petition and

- 2 -

correspondence from local residents and others, but do not find that these outweigh the considerations which have led me to my decision.

10. For the above reasons and in exercise of powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

*Jean Brushfield*

Mrs Jean Brushfield LLB FRICS FCI Arb  
Inspector

- 3 -



## Appeal Decision

Site visit made on 15 January 2002

by Neil Pope BA (Hons) MRTPI

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

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Date

23 JAN 2002

APPEAL  
2576  
ALLOWED

Appeal Ref: APP/M5450/A/01/1074774

West End Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner, Middlesex.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End Lawn Tennis Club (Pinner) Ltd against the decision of London Borough of Harrow.
- The application (Ref. WEST/923/00/FUL), dated 19 October 2000, was refused by notice dated 6 April 2001.
- The development proposed is the erection of nine floodlighting columns to court Nos 1 and 2.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

### Procedural Matters

1. Prior to the determination of the application by the Council the appellant amended the proposed scheme by way of letters dated 22 November 2000, 12 March 2001 and 20 March 2001. Additional drawings Nos WELTC/FLO/01B (dated October 2000) and WELTC/FLO/03 (dated March 2001) were also considered by the Council. These letters and drawings include the use of eight triangular profile lanterns/court (with 400 watt high pressure sodium lamps), the attachment of woven mesh shading along sections of the existing fencing to parts of courts Nos 1, 4 and 5, additional tree planting adjacent to Cuckoo Hill Road and Northfield Avenue and graphical tables of light over spill. I have taken these details into account in determining the appeal.
2. At the site inspection I informed the parties present that I had undertaken an unaccompanied inspection of the surrounding area during the hours of darkness.

### Main Issues

3. I consider that this appeal raises two main issues:
  - (a) The effect of the proposed development upon the character and appearance of the area;
  - (b) The effect of the proposed development upon the living conditions of neighbouring residents.

### Planning Policy

4. The development plan includes the Harrow Unitary Development Plan, which was adopted in 1994. Policy E46 requires a high standard of design for new development, with consideration given to community impact, visual appearance and the discouragement of crime. Policy E51 provides that noise levels will be considered when determining applications. Under policy R1 support is given to the preservation and improvement of land

for sporting activities and policy R2 encourages the provision of sports subject to a number of criteria. These include acceptability on the local road network and environment with regard given to external appearance, siting, amenity and nature conservation interests. Policy R9 aims to secure the further provision of outdoor sports facilities, which are limited in supply, by encouraging private recreational schemes.

5. In 2001 the Council published the Replacement Harrow Unitary Development Plan 1<sup>st</sup> Deposit Draft. Policies SD1 and D4 are similar to adopted policy E46. Policy SD1 also requires development to make a positive contribution to the quality of the built environment and to enhance the character and appearance of the Borough. Policy D25 identifies a number of criteria for assessing proposals for floodlighting. These include the effect on the character and amenity of the surrounding area, the impact of sky glow, glare and light trespass and any disturbance arising from such use. Policy R4 is similar to adopted policy R9. I have not been informed of the outcome of the public consultation on these emerging policies, and at this stage in the preparation of the plan I consider that the policies are of limited weight in determining this appeal.
6. In 1996 the Council published supplementary planning guidance relating to light pollution. This is based on the 'Guidance Notes for the Reduction of Light Pollution' published by the Institution of Lighting Engineers. I have not been informed of the extent of public consultation in respect of this supplementary planning guidance and I consider that it is of limited weight in determining this appeal.

#### **Reasons**

##### ***Character and Appearance***

7. The appeal site lies within a residential area. It includes six all weather tennis courts on a split-level site with a clubhouse and car park. There is tall, dark green fencing around the courts and some boundary vegetation, including planting/fencing within the gardens of neighbouring dwellings. From adjacent roads and dwellings there are views into and across the site. Along parts of these highways there are various parking restrictions and different types of streetlighting.
8. In my opinion the proposed floodlighting columns and woven mesh shading would be apparent from neighbouring properties and highways. The development would also result in a concentration of light output on part of the site when the lights were in use. This would obviously be more apparent during the hours of darkness and would extend the hours of sporting activity on the site especially during the winter period.
9. I consider however that the floodlights and shading would be well related to the tennis courts and would appear as ancillary features to this established sporting facility. The triangular profile of the lighting units and slender columns on which they would be mounted would not be dissimilar to some of the streetlighting in the neighbouring roads. Unlike the previous appeal drawn to my attention for the felling of a 12 metre high tree in the front garden of 19 Cuckoo Hill Road (LRP25/M5450/05), the floodlights would be set well back from this street. In my opinion they would not harm the character or appearance of the area and would accord with the provisions of adopted policy E46. The strengthened planting would also make a positive contribution to the appearance of the area and accord with emerging policy SD1.

10. The appellant's suggestion of switching the lights off at 21:30 hours would bring winter use of the site in line with summer activity and in my opinion would not harm the overall character of the area. This extension of use would also accord with the Council's adopted and emerging policies that support and encourage sporting activity as well as the Government's objective of promoting sport and recreation as set out in Planning Policy Guidance Note 17 entitled 'Sport and Recreation' (PPG17).
11. The Council and a number of residents consider that the proposed floodlighting would create an extensive area of illumination and contend that the proposal is very similar to a previous appeal that was dismissed by another Inspector in 1994 (Ref. T/APP/M5450/A/94/234600/P4).
12. I note from the technical information supplied by the appellant that the type of lamp fitting proposed (Philips M/SNF 210) would enable all light distribution to be below the horizontal plane. Furthermore such fittings would permit low-glare asymmetric beams as recommended in the 'Guidance Notes For The Reduction of Light Pollution' published by The Institution of Lighting Engineers. Whilst some light would fall outside the area of the tennis courts I consider that the calculations supplied by the lighting manufacturer show that the use of 400 watt high pressure sodium lamps would limit the extent of surface illuminance and indirect light coming off the courts. The appellant's Lighting Consultant has also advised that using 400 watt lamps instead of 1000 watt lamps would reduce the lighting levels significantly and provide considerable sky glow reductions.
13. The light from the proposed lamps would also be similar in colour to the glow generated from streetlights in the adjacent highways when in use. The proposed shading on various sections of the fencing around the site would also in my opinion reduce the passage of light from the site when the floodlights were in use. In my judgement therefore light generated by the proposed development would not result in demonstrable harm to the character or appearance of the area and would accord with the provisions of emerging policy D25 relating to character, glare and sky glow. I also note that the Council's Lighting Engineer raised no objections to the application.
14. The previous scheme that was dismissed on appeal in 1994 related to courts Nos 1 and 2 and proposed the use of nine 6 metre high floodlight columns. From the representations made to me it is evident that different light fittings and lamps were proposed at that time, although it is unclear as to how many and precisely what number and type of lamp fittings/watts were intended (the Council's statement refers to 12000 watt lamps). However, I understand that the unit of illumination per square metre of the courts would have been considerably greater under the 1994 scheme and the lights would have been switched off at 2200 hours. Whilst I consider that there are some similarities with the proposal before me, in my opinion the type of light fittings, lamps to be used and proposed shading amount to significant material differences between the two schemes.
15. I therefore conclude on the first issue that the proposed development would not harm the character or appearance of the area and would accord with adopted policies E46, R1, R2 and R9 and emerging policies SD1, D4 and D25.

***Living Conditions***

16. The Council has also expressed concern that the floodlighting would be detrimental to the amenities of the occupiers of neighbouring dwellings. It has not however specifically

identified those properties that it considers would be affected or explained how the development would harm the living conditions of neighbouring residents. It appears to me that the Council has relied heavily upon the 1994 appeal decision. However, I have found above that there are significant material differences when compared to the scheme before me. I consider that the Council has failed to demonstrate that it has given due regard to these differences, having regard in particular to the technical information provided in support of the application and the observations of its own Lighting Engineer. In my judgement the Council has not substantiated its concerns.

17. I note however the representations from a number of residents including various reports submitted by consultants acting on behalf of some of them and the comments of the Member of Parliament for Harrow West. My attention has also been drawn to Article 8 of Part I and Article 1 of Part II to Schedule 1 of The Human Rights Act 1998.
18. During my site inspection I saw the relationship of residential properties to the appeal site. In the presence of both main parties and the respective owners. I also viewed the site from several neighbouring houses and gardens in Cuckoo Hill Road, Hillcrest Avenue and Northfield Road.
19. In my opinion the appellant has given careful consideration to the proposed siting and design of the floodlights in order to limit the impact upon neighbouring residents. The floodlights would be erected some distance from the boundaries with the adjoining properties at 18 Cuckoo Hill Road and 2 Northfield Avenue. Although 8 Cuckoo Hill Road lies immediately to the south east of the site and is at a lower level than the courts, it is set well forward of the proposed floodlights with its rear garden roughly in line with the clubhouse. The lights would be designed to concentrate light upon the two courts and I have noted above that the proposal would comply with The Institution of Lighting Engineers guidelines.
20. The Council recognises that the proposal would comply with its supplementary planning guidance and has raised no objections in respect of adopted or emerging planning policies. I agree and consider that when seen from within the houses and gardens of neighbouring properties light trespass and encroachment, including that from reflective light would be limited and would not be intrusive.
21. Some residents have also expressed concern that the proposal would increase noise and disturbance within the surrounding area and would impact upon the enjoyment of the night sky. Although the floodlights would extend playing time and activity in and around the site this would be limited to the use of two courts. The floodlights would also be switched off at 2130 hours. To my mind such activity would be most likely to occur during the winter months and would be considerably less than that likely during a summers evening when I would expect that a greater number of courts would be in use without the necessity for floodlighting. Whilst I appreciate that in general light pollution impacts upon understanding and enjoyment of the night sky no evidence has been presented to me that demonstrates the harmful effect of the proposal. I note that the proposed lights are designed to restrict sky glow and in my opinion any harmful effects would be very small.
22. In my judgement the activity and disturbance (including sky glow and reflective light) associated with this limited use of the site would not result in unacceptable harm to the living conditions of neighbouring residents and would not violate their human rights. Whilst my attention has also been drawn to the comments of another Inspector in respect of an



appeal in Epping Forest (Ref. T/APP/52155/A/80/14430/G6) I have not been provided with a copy of that decision. It is not evident as to what type of lighting was proposed in that case or the relationship of houses to the site. I do not consider therefore that meaningful comparisons can be made with the proposal that is before me.

23. I therefore conclude on the second issue that the proposed development would not harm the living conditions of neighbouring residents and would accord with adopted policy 51, the Council's supplementary planning guidelines on light pollution and emerging policy D25.

**Other Matters**

24. Some residents have also raised concerns in respect of traffic and parking. I consider however that the limited extension in use of the site would not result in congestion or compromise highway safety on the local highway network and I note that the Council's Traffic and Transportation Manager raised no objections. Whilst some residents also consider that the application could establish a precedent for further floodlighting on the site I have determined the application on its own merits. It would be for the Council to do the same were any subsequent application to be made. Although mention has been made of wildlife in the area no evidence has been presented to me which demonstrates that the proposal would harm such interests. My attention has also been drawn to the potential increase in crime within the area. I agree with the appellant however that the presence of additional lighting and the modest increase in activity around the site could deter criminal activity. To my mind also, any effect on property values (whatever they may be) is not a proper matter for consideration by me in this appeal.

**Conditions**

25. The Council has suggested several conditions and I have considered these having regard to the advice contained within Circular 11/95 entitled 'The Use of Conditions in Planning Permissions.'
26. I consider that a condition limiting the hours of use of the floodlights is necessary in order to safeguard the character of the area and the living conditions of neighbouring residents. Although the Council has suggested that the lights should not be used beyond 2200 hours, I consider that the appellant's suggested timing of 2130 hours is more appropriate and would bring the use of the site more in line with summertime use. Given the various amendments to the scheme and the technical support for the proposal I also consider that a condition relating to the type/number of lights is necessary for safeguarding the character and appearance of the area and the living conditions of neighbouring residents. In my judgement it is also necessary to impose a condition concerning the proposed strengthened boundary planting and shading in order to minimise the visual impact of the development and to reduce light spill.

**Conclusions**

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

**Formal Decision**

28. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of nine floodlighting columns to court Nos 1 and 2 at West End
-

Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner, Middlesex. The permission is granted in accordance with the terms of the application Ref. WEST/923/00/FUL dated 19 October 2000 and the plans submitted therewith, as amended by the letters dated 22 November 2000, 12 March 2001 and 20 March 2001 and drawing Nos WELTC/FLO/01B and WELTC/FLO/03. The permission is granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) The floodlighting hereby approved shall not be used between 2130 hours and 0800 hours Monday to Sunday inclusive.
- 3) The lighting units shall comprise eight Philips M/SNF 210 units/court fitted with 400 watt high pressure sodium lamps. The lighting units shall also be installed and maintained thereafter so that all light distribution is below the horizontal plane.
- 4) Prior to the commencement of development details of the proposed strengthened boundary planting specifying the type, number, size and location of trees/shrubs to be planted together with details of the shading to be affixed to the existing fencing shall be submitted to and approved in writing by the Local Planning Authority. The agreed planting and shading shall be completed prior to the use of the floodlights hereby permitted. Any trees/shrubs that are removed, die, become damaged or seriously diseased within five years of planting shall be replaced with trees/shrubs of a similar size and species. The agreed shading shall also be retained on the fencing thereafter.

**Information**

29. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.
30. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
31. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.



Inspector



# Appeal Decision

Site visit made on 14 October 2008

by **David Richards** BSocSci DipTP MRTPI

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

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**Decision date:**  
11 November 2008

**Appeal Ref: APP/ M5450/ A/ 08/ 2073769**

**West End Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner  
HA5 1AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End Lawn Tennis Club (Pinner) Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/2946/07/CFU, dated 6 September 2007, was refused by notice dated 2 November 2007.
- The development proposed is erection of 9 floodlighting columns to court nos 4 and 5.

## Decision

1. I dismiss the appeal.

## Reasons

2. The appeal site lies in a residential area. Floodlighting for courts 1 and 2 was allowed on appeal in 2002. The current proposal involves the erection of 9 floodlighting columns, similar in appearance to those already installed on courts 1 and 2, allowing courts four and five to be illuminated until 21:30. They would be six metres in height, and painted green.
3. The floodlighting columns would be sited close to the common boundary with No 2 Northfield Avenue. This is a much more direct relationship with any residential property than occurs with the existing floodlighting. I accept that 6 metre columns have been chosen to minimise the visual impact, when taller columns would be preferred for optimum illumination. However, even when unlit, the columns and floodlights would be visible in the outlook from No 2 Northfield Avenue, particularly from upstairs bedroom windows. Depending on the position of the viewer they would assume greater or lesser prominence, but there would be direct views of the two columns to the front through the principal bedroom window. Notwithstanding the proposal for additional screen netting, in my judgment the height, position and proximity of these elements would result in an unsightly and intrusive appearance, which could not be ignored, and would have an unacceptable impact on the living conditions of the occupiers. Another lamp column would stand close to the side window in the rear bedroom, and would have a similar undesirable effect.
4. This visual intrusion would be exacerbated when the floodlighting was in use. When lit, it is acknowledged that there would be some light spillage into the front garden of No 2 Northfield Avenue. While I accept that there is a street lamp opposite the drive of No 2, the proximity of the floodlights would intensify

the illumination of the area of the courts immediately adjoining the property, extending the illuminated area of the courts much closer to a dwelling than presently occurs. In addition, some light would fall on the columns and this would exacerbate the intrusive effect of the installations in the outlook from the front of the dwelling.

5. I accept that the club has gone to great lengths to minimise light spillage and glare. The proposed Philips MVP506 A/61 flood lights with asymmetric distribution mounted horizontally on 6 metre columns would provide a high degree of light control to reduce light spill to the minimum, and small backplates could reduce this further, although they would add to the unsightliness of the columns when viewed from No 2 Northfield Avenue. I consider that there would be unacceptable conflict with saved Policy D23 of the Harrow Unitary Development Plan (UDP), which sets out criteria for the consideration of floodlighting proposals, including the appearance of installations when unlit, and the effects of glow, glare and light trespass. I note that the side boundary at the front of the dwelling is more open than at one time, following the removal of an overgrown trellis. However I am informed that it was in a poor state of repair, and there is no evidence that this was done to frustrate the planning permission.
6. While concern over the effects of the proposal extends more widely and is shared by other residents, to my mind the adverse effects would be very localised, and would arise from the direct physical relationship between no 2 Northfield Avenue and courts 4 and 5. In my judgment, other properties would be sufficiently well separated from the club for these effects not to be material. I take a similar view of the effects of the proposal on the character and appearance of the wider area. While I understand that some would consider the floodlight installations to be an unwelcome addition to the street-scene, I do not consider in principle that they would be so out of character as to be unacceptable. Although courts 4 and 5 are at a higher level than courts 1 and 2, in my opinion the installations would not appear markedly more prominent, having regard to the land form which rises towards the north of the club site. In the wider context, I accept that they would appear as ancillary features to an established sporting facility. There is a significant tree screen along the boundary with Northfield Avenue which would help to mitigate the visual impact when viewed from this direction. While I accept that this would be less effective in winter, I do not consider that there would be material harm to the streetscene. I note also that elsewhere in Harrow and adjoining Boroughs, floodlighting has been permitted in residential areas. Notwithstanding this, I consider in this particular case that the harm to the living conditions of the occupiers of No 2 Northfield Avenue would be real and this is sufficient to justify dismissal of the appeal.
7. Residents have also expressed concern about increased noise and disturbance. The appeal proposal would also allow evening use of the courts all year round, with potential for increased noise and disturbance. However, there are already two courts in use which are floodlit, and which I am informed have given rise to no complaints in respect of noise and disturbance. The courts subject to this appeal can be used during the summer months until late in the evening, and I see no reason why winter use should give rise to any greater noise disturbance. In any event, I do not consider that that tennis is an inherently

noisy sport. Players could be expected to behave reasonably and the club itself has an interest in maintaining good neighbour relations, with appropriate sanctions at its disposal. In summary I do not consider that the intensity of use is likely to be so great that significant noise disturbance would be caused to neighbours.

8. In reaching my decision I have taken into account support for the proposal in the locality as well as the considerable benefits to club members from permitting extended evening use of the courts, and the wider benefits arising from the promotion of sport in the community. I acknowledge that there are pressures for the club to compete for membership, and that extending the opportunities for winter play would improve its attractiveness to potential members. Improvement of available facilities would accord generally with Policy R4 of the UDP provided there is no detrimental effect on residential amenity. While I am sympathetic with these objectives, I attach greater weight to the harm to the living conditions of the occupiers of No 2 Northfield Avenue arising from visual intrusion, and conclude accordingly that the appeal should be dismissed.

*David Richards*

INSPECTOR



# Appeal Decision

Site visit made on 2 September 2009

by **Michael Ellison MA (Oxon)**

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

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**Decision date:**  
**14 September 2009**

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**Appeal Ref: APP/M5450/A/09/2105014****West End (Pinner) Lawn Tennis Club, Cuckoo Hill Road, Pinner, HA5 1AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End (Pinner) Lawn Tennis Club Limited ("the Appellants") against the decision of Harrow Council ("the Council").
- The application (Ref P/3872/08), dated 26 November 2008, was refused by notice dated 26 February 2009.
- The development proposed is the installation of eight lighting columns (5 metres and 6 metres height) to Courts 4 and 5 at the northern end of the site.

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**Procedural matters**

1. The Appellants were concerned that all the material which they submitted in support of their application was not considered by the Planning Committee of the Council when they made their decision on the appeal application. If that concern is well founded, it has been remedied in dealing with the appeal, because I have had regard to all the material submitted by the parties and by interested parties which was received by the Planning Inspectorate by 31 July 2009, which was the deadline for submission of documents in connection with this case.
2. With the agreement of the parties, I accepted at the site visit copies of photographs which had been supplied to the Council by the occupiers of the house at 2 Northfield Avenue with their letter of objection to the planning application of 10 January 2009. A copy of that letter of objection had been supplied by the Council, but the accompanying photographs could no longer be traced. Copies were therefore supplied for my use by the occupiers of 2 Northfield Avenue.

**Decision**

3. I dismiss the appeal.

**Main issue**

4. The main issue in this case is the impact the appeal development would have on the living conditions of neighbouring residents at 2 Northfield Avenue.

**Reasons**

5. The Appellants operate a local private members tennis club as a non profit making company limited by guarantee. The Club will celebrate its centenary in 2010. It provides six all weather tennis courts surfaced with artificial grass, and has a club house which is used not just by the Club, but also for a variety of purposes by the community at large, including a playgroup, evening classes and various recreational activities.

6. Following a successful appeal in 2002, floodlighting was installed on Courts 1 and 2. This enables those courts to be used in the evenings, potentially all the year round, though the floodlights are automatically turned off at 9.30pm. Before the courts were floodlit, play could only take place beyond 8pm for around four months of the year.
7. The Appellants argue that there is increasing demand for evening use of the courts beyond the summer months, particularly from their expanding junior membership, and they therefore wish to install floodlighting to Courts 4 and 5, so that these courts can also be used until 9.30pm throughout the year.
8. The Appellants applied for planning permission in September 2007 to erect nine floodlighting columns to illuminate Courts 4 and 5. Their application was refused, and their appeal against that refusal was dismissed on 11 November 2008 under reference APP/M5450/A/08/2073769 because of concern at the impact the proposal would have on the living conditions of occupiers of the adjoining property at 2 Northfield Avenue.
9. The Club is located in a residential area, with houses adjacent to each of its boundaries. The area is characterised by detached dwellings within reasonably large plots in a landscaped setting. On the northern and western boundaries, the houses are immediately adjacent; on the eastern and southern boundaries, they are across the adjoining roads, Northfield Avenue and Cuckoo Hill Road. The property at 2 Northfield Avenue adjoins the northern boundary of the appeal site adjacent to Courts 4 and 5.
10. The present appeal application seeks to reduce the impact on the occupiers of 2 Northfield Avenue of the proposal dismissed in November 2008 in a number of ways.
  - a. The proposed number of lighting columns would be reduced from nine to eight.
  - b. The height of the three columns closest to 2 Northfield Avenue would be reduced from 6 metres to 5 metres.
  - c. The height of the Netlon anti glare screening on the chain link fence adjacent to 2 Northfield Avenue would be increased so that it would be higher than the 5 metre columns.
  - d. The position of column 1 adjacent to 2 Northfield Avenue would be changed, so that it would be 1.85 metres further away from the first floor flank bedroom windows as compared with the original proposal. It would be 0.7 metre below the bedroom window cills, and 5.4 metres and 6.9 metres from the two windows, behind the Netlon screening.
  - e. Lightweight tapered columns are proposed in place of the heavier weight columns previously intended to be used.
  - f. The columns would be finished in green anti reflective paint.

- g. The number of luminaires would be reduced from sixteen high output units to eight low output fittings, which are smaller in size than those previously proposed.
  - h. The average lighting level proposed for Courts 4 and 5 would be reduced from the 360 Lux previously proposed to 200 Lux.
  - i. The previous proposal to use back shields on the luminaires to avoid light spill has been withdrawn, because it has been established by the manufacturers that light spill can be avoided by black painting the front part of the inside reflector, which reduces stray light more effectively than any form of screening. The luminaires themselves would be painted green on the outside to match the columns and the surroundings.
11. A number of interested parties made written representations suggesting that the appeal application is little different from that which was rejected on appeal in November 2008. Given the amendments listed above, I do not accept that point at all. I consider that the Appellants have made considerable efforts to address the issue which led to the rejection of the previous appeal. The question is whether those efforts have succeeded.
12. The Development Plan for the area includes the Harrow Unitary Development Plan ("the UDP"), which was adopted on 30 July 2004. Saved UDP Policy D23 identifies a number of criteria for assessing the acceptability of floodlighting. They include the effect on the character and appearance of the surrounding area, any disturbance arising from such use, the impact of skyglow, glare and light trespass, the effect on wildlife, and the appearance of the installations while unlit. Saved Policy EP25 also provides that noise levels will be considered when determining applications. Policy SR2 supports the improvement of recreational facilities, and Policy R4 encourages the provision of further outdoor sporting facilities so long as there is no adverse impact on residential amenities or the environment. Both these Policies have also been saved to continue in operation.
13. In deciding the previous appeal, the Inspector found that the then proposals would not have an unacceptable impact on the **character and appearance** of the area. In my view that remains the case, particularly given the beneficial changes which have been made to the earlier proposals.
14. Similarly, in relation to concern about increased **noise and disturbance** from the appeal proposals, I share the view expressed by the Inspector on the previous appeal that the greater intensity of use arising from the floodlighting of two extra courts would not be likely to be so great that noise disturbance would be caused to neighbours. I am fortified in that view by the report of the noise consultants which was made available to me in dealing with this appeal. Based on a comparison of the level of noise from play on Courts 4 and 5 as well as Courts 1 and 2 with the situation when Courts 1 and 2 alone were in play, there was no increase in noise levels at 18 Cuckoo Hill Road, and at 2 Northfield Avenue the noise levels were within the guidance values contained in BS 8233:1999 and the World Health Organisation Community Noise Guidelines. The monitoring was carried out from positions inside the appeal site, close to



the boundaries with 2 Northfield Avenue and 18 Cuckoo Hill Road rather than within the gardens of the properties themselves, which would in fact overstate the noise readings produced.

15. The photographs referred to in paragraph 2 above show children playing football on the floodlit Courts 1 and 2 on 2 January 2009. Apparently that use of the Courts was stopped as soon as the Club became aware of it. There is no evidence that this has happened on other occasions, and I cannot see that it would be likely that the Appellants would permit it to happen if they were aware of it given the potential for damage to equipment on the courts. I have discounted any suggestion that if Courts 4 and 5 were floodlit they might be used for games of football, and that increased noise could therefore be anticipated from that alternative use.
16. I consider that the efforts made to channel light from the proposed installation efficiently, together with the proposed use of high pressure sodium lamps rather than the white light source which would normally be preferred for floodlighting and the extensive use of non reflective surfaces proposed, would avoid any significant problem from **skyglow or glare**. In terms of **light trespass**, I accept the conclusions set out by Mouchel in their lighting report. Although the tennis club is within an urban area which has lit streets, because most of the club area is unlit, the Consultants have assessed the impact of the appeal proposal against the standard for Environmental Zone E2, which applies to rural, small village or relatively dark urban locations, rather than Zone E3, which would have been justified in the residential area around the appeal site. Even with the more stringent requirements for Zone E2, the degree of light trespass would be acceptable for such an area. At 2 Northfield Avenue, light spillage on the front driveway would be between 0.0 Lux and 0.8 Lux; there would be similar readings in the rear garden; and in the front garden the readings would be between 0.3 Lux and 0.9 Lux. The value for full moonlight is approximately 1 Lux, and the standard level of illumination in a cul de sac in Harrow is an average of 10 Lux, with a minimum of 3 Lux.
17. The occupiers of 2 Northfield Avenue argue that a sea of very bright and intense light would spill on to their property, but this is simply not borne out by the expert advice provided.
18. The occupiers of 18 Cuckoo Hill Road, which lies on the eastern boundary of the tennis club quarrel with the statement in the lighting report that they have no window which directly faces the tennis courts. They have no window in the side elevation, but I accept that their patio windows and back bedroom windows look towards Courts 4 and 5. This is, however, at a distance of around 30 metres from what would be the nearest of the floodlights proposed as part of the appeal development, and I see no reason to question the finding in the Mouchel report that light spill from the proposal would have no effect on this property.
19. I note that the assessments made of the impact of the proposed lighting levels has included no assessment of the impact on the lighting levels of the blocking effects of fences and screening (existing or proposed) or of hedges and trees. The assessment has therefore been prepared on a worst case scenario.

20. I consider that the appeal proposal would not have an unacceptable impact arising from skyglow, glare or light trespass.
21. In terms of the **effect of the appeal proposals on wildlife**, I accept the information contained in the ecological report from RSK Carter Ecological Limited. One species of bat has been recorded in the area (common pipistrelle). There is potential for bat foraging in hedgerows around and outside the appeal site, and minimising light spill (as proposed) is therefore important. With that mitigation, however, I consider that the appeal proposal would not have an unacceptable impact on wildlife. In fact, as the report concludes, it would have a positive impact.
22. It was the **appearance of the proposed installations while unlit** which was a major reason for the dismissal of the previous appeal, and it formed the sole reason for refusal identified by the Council in relation to the present appeal application.
23. As compared with the previous application, the lighting columns closest to 2 Northfield Avenue would now be reduced in height so that they would be below the cill level of the flank wall bedroom windows; they would be further away from those windows and located behind Netlon screening; the columns would be of a less obtrusive design; the number of luminaires would be reduced by half; they would be smaller and they would no longer have back shields.
24. I accept the point made on behalf of the Appellants that photographs submitted by the occupiers of 2 Northfield Avenue purporting to show the impact of the present appeal development bear no relationship to the actual impact which the proposal would have. They exaggerate very significantly the height of the proposed lighting columns and the size of the proposed luminaires. I have placed no reliance whatsoever on those photographs in my assessment of the impact of the appeal proposal.
25. It remains the case, however, that three of the lighting columns would be situated very close to the boundary of the appeal site with 2 Northfield Avenue. They would be visible from the dining room, the lounge, and three of the bedrooms of that property as well as from the front and rear garden. The higher level of fencing proposed to reduce the impact of the columns would itself not be a thing of beauty, and would also, in my view, have an overbearing and adverse impact on the level of visual amenity currently enjoyed by the occupiers of 2 Northfield Avenue. I consider that the lighting columns and the increased height of the fencing proposed would be unsightly and intrusive. They would have an unacceptable impact on the living conditions of the occupiers of 2 Northfield Avenue.
26. The **support which is given in saved UDP Policies for the improvement of leisure and sporting facilities** is conditional upon there being no adverse impact on existing residential amenities. I consider that there would be such an adverse impact in this case.
27. I have given careful consideration to the expressions of support for the appeal proposal, which are primarily related to the additional recreational facilities which the appeal proposal would represent. These include letters of support from Mr Gareth Thomas MP, sent at the time of the consideration of the
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application by the Council, and from the Middlesex Tennis Association. There was also a petition in support signed by more than 400 people, some of whom were members of the Tennis Club, and some of whom were local residents. I accept that there would be real benefits arising from the appeal proposal in terms of the promotion of sport in the community.

28. While I am sympathetic to this objective, I attach greater weight to the harm which I consider the appeal proposal would do to the living conditions of the occupiers of 2 Northfield Avenue. On balance, **I conclude** that such harm would outweigh the benefits which would arise from the appeal proposal, and that is why I have dismissed the appeal.

*Michael Ellison*

INSPECTOR

### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.