

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

ITEM NO: 2/01  
ADDRESS: LIDL UK GMBH , 69 BRIDGE STREET , PINNER  
REFERENCE: P/1822/16  
DESCRIPTION: DISPLAY ONE INTERNALLY ILLUMINATE FREE-STANDING TOTEM SIGN (RETROSPECTIVE)  
WARD: PINNER  
APPLICANT: MR HENRY NEEL  
AGENT: N/A  
CASE OFFICER: TENDAI MUTASA  
EXPIRY DATE: 22/06/2016

### RECOMMENDATION

**GRANT** Advertisement Consent for the advertisement described in the application and submitted plans, subject to condition(s).

### REASON:

The sign as installed poses no danger to public safety. It is not detrimental to the safe use and operation of drivers and pedestrians and does not distract, nor cause confusion to passing drivers. Subject to conditions including preventing the sign from being illuminated outside the store opening hours the sign would not compromise public safety and is therefore considered consistent with the NPPF and policy DM5 of the Harrow Development Management Policies Local Plan (2013) in this regard.

### 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: Advertisement Consent

Council Interest: None

Gross Floorspace: sqm

Net additional Floorspace: None

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

### Site Description

- 69 Bridge Street Pinner comprises a three storey building with a Lidl supermarket on the ground floor.
- The rear of the site comprises a car park that is in use by Lidl supermarket.
- The application relates to the front entrance of the store on the entrance from Bridge Street leading to the car park.

- It should be noted that the sign is currently in place.
- Immediately to the north-west are No's 81-95 Bridge Street, which has retail units on the ground floor and flats on the upper floor which have access from the rear.
- Surrounding the site are primarily ground floor retail shops with signage of varying sizes.
- The site is a secondary shopping area within the District Centre of Pinner.
- On the opposite side of Bridge Street is Waxwell Lane Conservation Area, the Grade II listed Police Station and Mile Post and locally listed No.60 Bridge Street, No. 2 Waxwell Lane and the Christian Science Church.

### • **Proposal Details**

The application proposes;

- One internally illuminated free standing totem sign (retrospective); the sign is supported by a frame with an overall height of 1.35m above ground level; the sign itself would measure height 2.80m, 1.93m in width and 0.33m in depth
- The sign is located at the entrance to the car park of the property.

### **Revisions to Previous Application**

- None

### **Relevant History**

P/3345/14 - Display One X Internally Illuminated Fascia Sign  
GRANTED - 18/12/2014

P/3664/14- External Alterations To Shop Front And Cladding On Front Elevation; Installation Of New Fire Escape Doors Delivery Dock And Bollards On Car Park Access Road  
GRANTED - 18/11/2014

P/3344/14- Display of 1 x internally illuminated fascia sign  
GRANTED - 16/12/2014

P/2238/14- Display Of 1 X Internally Illuminated Replacement Box Sign On Fascia  
REFUSED - 07/08/2014

#### Reason for Refusal:

The proposed internally illuminated box sign on the fascia above the main entrance by reason of it's excessive size in conjunction with its siting across a first floor window would be excessively prominent and obtrusive in the street scene and detract from the appearance of the building, which would harm the visual amenity of the area, contrary paragraph 67 of the NPPF (2012) and policy DM5 of the Harrow Development Management Policies (2013).

Appeal reference: APP/M5450/H/14/2226048

Decision: ALLOWED

P/2192/14

External Alterations To Shop Front And Cladding On Front Elevation; Installation Of New Fire Escape Doors Delivery Dock And Bollards On Car Park Access Road  
REFUSED - 03/09/2014

#### Reason for Refusal:

The proposed cladding on the front elevation by reason of its siting across a first floor window would be unduly obtrusive in the street scene and detract from the appearance

of the building, which would harm the visual amenity of the area, contrary Policies DM1 and DM4 of the Harrow Development Management Policies (2013).

Appeal reference: APP/M5450/A/14/2227127

Decision: ALLOWED

P/2246/14

Display Of 1 X Internally Illuminated Box Sign On Rear Elevation

GRANTED - 07/08/2014

P/2245/14

Display Of 1 X Internally Illuminated Box Sign On Front Elevation

ALLOWED - 07/08/2014

Reason for Refusal:

The proposed internally illuminated box sign on the front elevation by reason of excessive size in conjunction with its location below an existing sign would be unduly obtrusive in the street scene and create a cluster of advertisements which would have a cumulatively harmful impact upon the visual amenity of the area, contrary paragraph 67 of the NPPF (2012) and policy DM5 of the Harrow Development Management Policies (2013).

Appeal reference: APP/M5450/H/14/2226051

Decision: ALLOWED

P/2302/12

1 X Externally Illuminated Free-Standing Hoarding Adjacent To Vehicular Access And 1 Elm Park Road And 1 X External Illuminated Hoarding Mounted To The North East Elevation Of Lidl 69 Bridge Street Pinner

REFUSED - 14/11/2012

Reason for Refusal:

The proposed externally illuminated hoarding signs by reason of their prominent location, siting, external illumination and excessive size would result in obtrusive additions which would not preserve the setting of heritage assets of the Waxwell Lane Conservation Area, would be detrimental to the character and appearance of the street scene, and the visual amenities of residential occupiers of No.83, No. 87, No. 91 and No.95 Bridge Street, being contrary to the National Planning Policy Framework (2012) .

P/3099/04/DAD

Internally illuminated projecting sign and 2 wall signs – at first and second floor level

GRANTED - 04/01/05

WEST/718/00/ADV

Externally illuminated fascia and hanging signs

GRANTED - 12/09/00

WEST/570/99/FUL

Change of use: retail to assembly and leisure (class A1 to D2) to private fitness centre on part of ground and first floors with extension to 1st floor mezzanine)

GRANTED - 08/09/1999

WEST/41/93/ADV

Non illuminated gantry sign

GRANTED - 24/04/1993

LBH/19410/W

Outline application: Supermarket with 2 flats at first floor & parking for 120 cars with access road

GRANTED - 18/06/1981

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

- None

### **Applicant Submission Documents**

- None

### **Consultations**

Highways:

- *Would recommend that the sign is only illuminated during opening hours as there isn't a need for this particular sign to be lit outside of these times.*
- *Provided the lighting complies with luminance regulations, no objection to this proposal.*

Conservation Team – No objections due to distance away from the Listed Police Station

### **Advertisement**

- None

### **Notifications**

- N/A

### **Summary of Responses**

Neighbour notification is not applicable on this particular type of application, however the following objection was received;

- The signage illumination should be restricted to the store's opening hours.

### **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**

Amenity and Public Safety

S17 Crime & Disorder Act

Equalities statement

Consultation Responses

## **Amenity and Public Safety**

Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.

Policy DM5 of the Development Management Policies DPD states:

*A. Proposals for advertisements on buildings and freestanding units will be approved where:*

*a. they do not adversely affect the visual amenity of the area, having regard to the character and use of the area;*

*b. they do not adversely affect the amenity of residential occupiers by reason of siting, illumination or noise;*

*c. they are appropriate in scale and illumination to and illumination to the location and, in the case of advertisements on buildings, the host building*

Because the proposed sign has now been installed, it has been possible to assess the actual sign in situ and to photograph it.

Applications for Advertisement Consent should be assessed in terms of their potential impact on amenity of the site, the area and neighbours; also in terms of any hazard they might present.

The site is located within the District Centre where a strong commercial and residential character prevails. Within the surrounding area there are various illuminated and non-illuminated advertisements. In this regard it is considered that the signs would not appear out of place in this environment.

The proposed sign as installed features high quality finish and the choice of materials used in its construction. It is considered that the signage would remain proportionate with the scale of the building and would not appear unduly prominent.

Objections have been raised regarding the period the sign is left illuminated well after the store has closed. This is contrary to the aims of DM5 section b and c as outlined above. It is considered that the sign's negative impacts can be mitigated by limiting the illumination to the stores opening hours only in order to reduce unnecessary light pollution. Further, the levels of illumination of the signage could be controlled by condition so as to ensure that there will be no glare or dazzling of motorists using the adjacent highway. This is necessary as the sign is located next to a residential property and an objection has been raised and since the advertisement has already been installed, its impact on neighbouring properties has been observed.

The Highways Authority was consulted and has no objections to the proposed signs in terms of potential harm to public safety. It is therefore considered that the proposal would not have any adverse impact on highway or public safety subject to conditions including preventing the sign from being illuminated outside the store opening hours.

Consideration has been given regarding the location of the sign in terms of its impact on the setting of the conservation area and the listed building opposite. It is considered that the design of the sign and its setting away from these heritage assets would ensure that there would not be a harmful impact on the setting of these assets in accordance with

policy DM7 of the Harrow Development Management Policies Local Plan (2013)  
The proposal would not compromise public safety and is therefore considered consistent with the NPPF and policy DM5 of the Harrow Development Management Policies Local Plan (2013) in this regard.

### **Equalities Statement**

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

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. 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**

- The signage illumination should be restricted to the store's opening hours.

*Officer response*

*This can be controlled by condition limiting the illumination of the sign to opening times only.*

### **CONCLUSION**

The sign has been prematurely installed. It causes no harm to the visual amenity of the site and in addition it poses no public safety issues.

### **CONDITIONS**

1 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3 No advertisement is to be displayed without the permission of the owner of the site, or any other person with an interest in the site entitled to grant permission.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4 Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.  
REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.  
REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6 The maximum luminance of the sign shall not exceed the values recommended in the Institution of Lighting Engineers' Technical Report No. 5 (Second Edition).  
REASON: In the interests of highway safety and amenity.

7 All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.  
REASON: To safeguard the amenities of the locality.

8 The sign hereby approved shall only be illuminated during the following opening hours:  
08:00 and 21:00, Mondays - Saturdays  
11:00 to 18:00 Sundays, Public or Bank Holidays.  
REASON: To ensure that the proposed development does not give rise to light pollution to neighbouring residents in accordance with policies DM1 and DM5 of 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 alterations since 2011) (2015) Policy 7.6B, 7.8  
Harrow Core Strategy (2012) CS.1B, CS1 D  
Development Management Policies Local Plan (2013) Policy DM5, DM7

2 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)

3 INFORM\_PF2  
Grant without pre-application advice  
Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)  
This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow has a pre-application advice service and actively encourages applicants to use this service.  
Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Site plan, and 3262



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## Appeal Decisions

Site visit made on 17 December 2014

by **P G Horridge BSc(Hons) DipTP FRICS MRTPI**

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

Decision date: 5 January 2015

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### **Appeal A Ref: APP/M5450/A/14/2227127**

#### **69 Bridge Street, Pinner HA5 3HZ**

- 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 Lidl UK GmbH against the decision of Harrow Council.
  - The application Ref P/2192/14 was refused by notice dated 3 September 2014.
  - The development proposed is the refurbishment of the existing shop front, including replacement of zinc cladding with Alucobond cladding, new entrance/exit doors, new fire escape doors, new delivery dock, and installation of bollards on car park access road.
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### **Appeal B Ref: APP/M5450/H/14/2226048**

#### **69 Bridge Street, Pinner HA5 3HZ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Lidl UK GmbH against the decision of Harrow Council.
  - The application Ref P/2238/14 was refused by notice dated 7 August 2014.
  - The advertisement proposed is the removal of existing sign and erection of a new 1950mm x 1950mm sign built on to fascia.
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### **Appeal C Ref: APP/M5450/H/14/2226051**

#### **69 Bridge Street, Pinner HA5 3HZ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Lidl UK GmbH against the decision of Harrow Council.
  - The application Ref P/2245/14 was refused by notice dated 7 August 2014.
  - The advertisement proposed is the removal of existing sign and erection of a new 1950mm x 1950mm sign built on to fascia.
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### **Preliminary Matters**

1. The above descriptions of development are taken from the application forms. The development proposed in Appeal A was amended by the council on the decision notice to read: "external alterations to shop front and cladding on front elevation; installation of new fire escape doors, delivery dock and bollards on car park access road." That on Appeal B was amended to "display of 1 x internally illuminated replacement box sign on fascia." Appeal C was amended to "display of 1 x internally illuminated box sign on front elevation." These wordings more accurately describe the works for which planning permission or advertisement consent is required.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)



2. There is no objection to the new entrance/exit doors, fire escape doors and delivery dock, and the installation of bollards on the car park access road. The matters at issue revolve around the alterations to the cladding on the front elevation (Appeal A), the installation of a replacement box sign on this cladding (Appeal B) and the installation of a new box sign at ground floor level on the front elevation of the building (Appeal C).

### **Decisions**

#### Appeal A

3. The appeal is allowed and planning permission is granted for external alterations to shop front and cladding on front elevation; installation of new fire escape doors, delivery dock and bollards on car park access road at 69 Bridge Street, Pinner in accordance with the terms of the application, Ref P/2192/14, dated 27 May 2014, and the plans submitted with it, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3262/02A, 3262/05, 3262/06, 3262/11F, 3262/15E, 3262/16C and 3262/23A.
  3. No development shall take place until full details, including samples and colour, of materials to be used in any external works 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.

#### Appeal B

4. The appeal is allowed and consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

#### Appeal C

5. The appeal is allowed and consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### **Main issues**

6. At issue in all 3 appeals is the effect of the new cladding and the advertisements on the appearance of the streetscene.

### **Reasons**

7. The appeals relate to a modern building of ostensibly three-storey height, located on the south-west side of one of the main shopping streets in the centre of the town of Pinner. The front part of the ground floor is occupied by a gym (Fitness First), with the Lidl supermarket at the rear and accessed from the street via a passageway entrance. An access road to the side of the building leads from Bridge Street to a car park located over the supermarket and to a delivery dock.

8. On the front elevation of the building is a band of zinc cladding above the ground floor windows. This contains an illuminated sign for Lidl over the shop entrance and further signs for Fitness First. A second illuminated Lidl sign projects from the end of the cladding, with a third being located at a higher level between the first and second floor windows.
9. The proposals in Appeal A include the replacement of the zinc cladding with Alucobond cladding. Immediately over the shop entrance this would be extended upwards to incorporate a larger Lidl sign. This sign is the subject of Appeal B. The existing third sign would be removed but a larger replacement sign would be installed at ground floor level further along the site frontage (Appeal C).
10. Relevant development plan policies include those in the council's Development Management Policies Local Plan Document (DMPLPD), adopted in 2013. Policy DM1 seeks to achieve a high standard of development, with particular attention amongst other matters to the appearance of buildings. Policy DM4 deals specifically with shop fronts and forecourts, which should be in scale and proportion to the host building and appropriate to the character of the local area. Policy DM5 covers advertisements, which should not adversely affect the visual amenity of the area, having regard to its character and use.
11. The Waxwell Lane Conservation Area lies on the opposite side of Bridge Street, although the appeal site is outside the designated area.

#### *Appeal A*

12. The upward extension of the cladding over the shop entrance would be over what appears to be a first floor window, but which the appellants point out is effectively a 'dummy' window to an unused roof void. It is the end one of a row of 4 such windows in the front elevation. The council argues that this additional area of cladding would interrupt the horizontal line of the existing façade, and be unduly obtrusive in the streetscene. However, it would also add visual interest and would emphasise the location of the store entrance immediately below. It would remain subtle and discreet amongst the wide variety and brashness of other shopfronts in the town centre. It would not therefore have a harmful effect on the streetscene, and would not conflict with relevant development plan policies, notably DMPLPD Policies DM1 and DM4. It would have a neutral effect on the setting of the adjacent conservation area.
13. Planning permission is therefore granted, subject to conditions specifying the approved plans, for the avoidance of doubt and to simplify the procedures involved in making any minor amendments to the scheme, and requiring full details of external materials to be approved. The condition suggested by the council in this respect has not been adopted as it would require materials to match those used in the existing building, whereas the application proposes changes to these materials. A differently-worded condition is therefore imposed.

#### *Appeals B and C*

14. In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, decisions on these appeals can be made only on the grounds of the impact on amenity or public safety. No public safety issues have been raised. Although there is no statutory requirement to make the

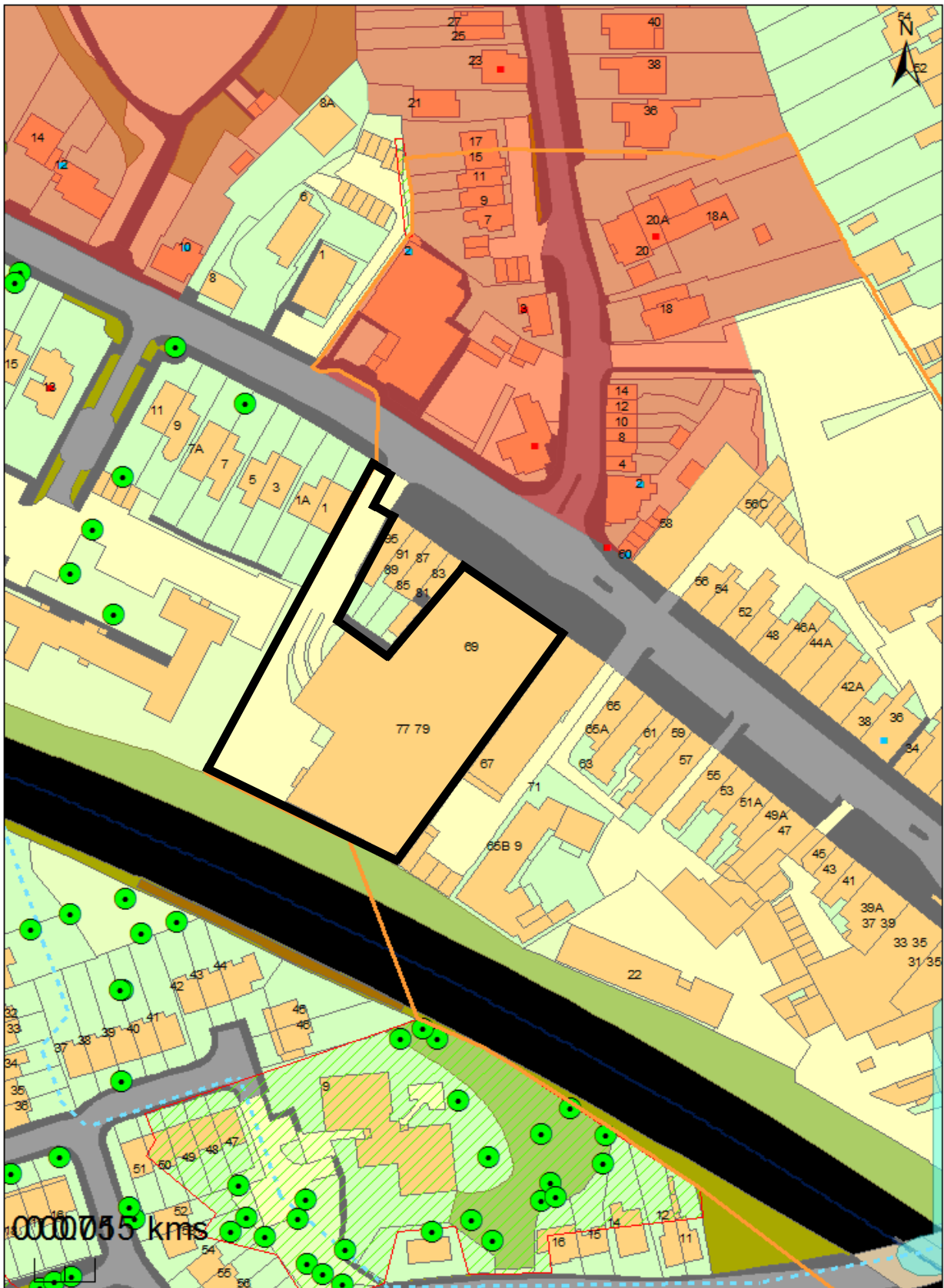
decision in accordance with the development plan, regard has been had to DMPLPD Policy DM5.

15. The two advertisements would be larger than the two they would effectively replace. However, the sign above the shop entrance (Appeal B) would be smaller and more discreet than most of the signs above shopfronts in the town centre. The sign in Appeal C would be below one of the existing signs for the gym at the front of the building. However, it would be at street level within an area of bland brick wall where one might ordinarily expect to find some visual activity such as a shopfront display. Given the existing character of this area, the two signs would not be excessively prominent or contribute to clutter to the detriment of amenity or the appearance of the streetscene. There would be no detrimental effect on the setting of the adjacent conservation area. The appeals are therefore allowed.

*Peter Horridge*

INSPECTOR

LIDL UK GMBH , 69 BRIDGE STREET , PINNER



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ITEM NO: 2/02  
ADDRESS: 9 - 11 ST ANNS ROAD, HARROW  
REFERENCE: P/1466/16  
DESCRIPTION: ADDITION OF FOURTH AND FIFTH FLOORS TO PROVIDE EIGHT FLATS; EXTERNAL ALTERATIONS TO THIRD FLOOR; EXTENSION TO REFUSE STORE  
WARD: GREENHILL  
APPLICANT: ALTOMART LTD  
AGENT: DAVID YEAMAN & ASSOCIATES  
CASE OFFICER: JUSTINE MAHANGA  
EXPIRY DATE: 29 JULY 2016

### **RECOMMENDATION A**

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

- i) Notwithstanding any approvals granted for the conversion or change of use (including prior approval P/4655/14), the existing office floor space at first and second floor of 1-9 St Anns Road is retained and renewed.
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- iii) Planning Administration Fee: Payment of £500 administration fee for the monitoring and compliance of the legal agreement

### **REASON**

The first and second floors of the application premises currently benefit from prior approval for a change of use to 6 residential apartments. Both the Council and landowner agree that it would be preferable to retain these floors in office use. The additional residential units would therefore be provided within a two-storey extension to the building.

Accordingly, the proposed development of 1-9 St Anns Road would provide a high quality mixed use development through the retention of the ground floor retail unit, secured office use at first and second floors and the conversion and additional floors of residential units (third – fifth floors). It is considered that the mixed-use building would enhance the urban environment in terms of material presence, active streetscape, and makes a positive contribution to the local area, in terms of quality and character. The proposed development would have a satisfactory impact on the amenities of existing neighbouring occupiers and future occupiers of the development.

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

### **RECOMMENDATION B**

That if, by 29<sup>th</sup> August 2016 or such extended period as may be agreed in writing by the Divisional Director of Planning, the section 106 Planning Obligation 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 secure the retention of the office floor space at first and second floors of 1-9 St Anns Road, would fail to adequately mitigate the impact of the development in terms of retaining and providing new employment led land uses within the wider town centre area, thereby being contrary to the aspirations of policies 2.13B, 2.15B, 3.16B, 3.18C and 4.2 of The London Plan 2015, policies CS1.N and CS1.P of the Harrow Core Strategy 2012, policy AAP1 of the Harrow and Wealdstone Area Action Plan 2013 and policies DM31, DM32 and DM47 of the Development Management Policies Local Plan (2013).

### **INFORMATION**

This application is reported to Planning Committee as it would provide in excess of 6 residential units. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a) – 1(h) of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: Minor dwellings

Council Interest: None

Net additional Floorspace: 705sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £24,675.00

Harrow CIL: £77,550.00

### **Site Description**

- The application site comprises a four storey building (including basement) located on the southern side of St Anns Road.
- The existing building is constructed of red brick with a lead roof.
- There is a ramped service access leading to the basement, which is accessed from Havelock Place.
- The ground floor has a lawful use as a shop (use class A1).
- The first and second floors are currently in lawful use as offices (Class B1). These floors benefit from prior approval granted under ref: P/4655/14 to convert into 6 self-contained flats.
- The third floor also benefits from Prior Approval to convert into 3 residential units (P/0933/15). Conversion of this floor has commenced.
- The site is located within a primary frontage of the Town Centre and falls within the sub-area of Harrow Town Centre as designated in the Harrow and Wealdstone Intensification Area.
- The rear boundary of the site adjoins site allocation No. 16 (Havelock Place) as designated in the Harrow and Wealdstone Area Action Plan 2013.
- Whilst the site is not located within a conservation area, it is located within the setting

of the adjacent Natwest Grade II Listed Building.

### **Proposal Details**

- The application proposes extending the existing building with the addition of two new floors to provide residential accommodation.
- The proposal seeks external alterations to the third floor which would include the replacement of the existing lead cladded roof with brickwork to match the lower levels of the building.
- New fenestration including Juliet style balconies are proposed to the existing third floor.
- The new fourth floor would be constructed in brickwork to match the existing and would comprise 1 x 1 bedroom flat and 3 x two bedroom flats.
- The new fifth floor would be inset from the lower levels and constructed in dark grey metal cladding. This floor would comprise 1 x studio flat, 1 x 1 bedroom and 2 x two bedroom flats.
- It is also proposed to construct a new lift head and access stairs to the roof which would be constructed in the same metal cladding as that used for the fifth floor.
- Access to the new flats would be via the existing entrance off St Ann's Road.

### **Relevant History**

P/1547/12

Removal of existing plant unit from roof & installation of four external roof mounted air condenser units (retrospective)

GRANTED - 30/08/2015

P/4655/14

Conversion of first and second floor offices (class b1a) to six self-contained flats (class c3) prior approval of transport impacts of the development and of contamination risks and flooding risks on the site).

GRANTED - 20/01/2015

P/0933/15

Conversion of third floor offices (class b1a) to 4 self-contained flats (class c3) (prior approval of transport & highways impacts of the development and of contamination risks and flooding risks on the site).

GRANTED - 17/04/2015

P/1279/15

Change of use of retail shop (use class a1) to financial & professional services (use class A2)

GRANTED - 11/05/2015

P/5497/15

Alterations to third floor level (flats 3 & 4) to infill and align glazed wall with external building line on corner and frontage; installation of two additional windows on side elevation

GRANTED - 19/01/2016

### **Pre-Application Discussion**

- The applicant and the Council have had pre-application discussions centred on the principle of extending the application premises by a further two storeys and the

impact this would have on the setting of the adjacent Listed Building.

- In order to reduce the bulk and scale of the proposed extension, it was agreed that the width of the fifth floor would be reduced.
- During pre-application discussions, the applicant agreed to secure the first and second floor offices by way of a legal agreement. The retention of the office floorspace was considered to contribute to the overall public benefit of the scheme.

### **Applicant Submission Documents**

Design and Access Statement

Heritage Statement

Daylight & Sunlight Assessment

### **Consultations**

Highways Authority: No objections

### **Notifications**

Sent: 13

Replies: 0

Expiry: 27/04/16

### **Addresses Consulted**

315, 317, 319, 321 Station Road

Natwest House (1- 9 - all floors)

1-15 St Anns Road

### **Summary of Responses**

- N/A

### **APPRAISAL**

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

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

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

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

On 11 October 2013, the Greater London Authority [GLA] published Revised Early Minor Alterations [REMA] to The London Plan 2011. From this date, the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow.

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



## **MAIN CONSIDERATIONS**

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

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

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

The application site falls within the sub area of Harrow Town Centre Central as set out in the AAP. The St Anns Road frontage is located within a primarily shopping frontage. The rear boundary of the site also adjoins site allocation No.16 (Havelock Place) as designated in the Harrow and Wealdstone Area Action Plan 2013.

The ground floor shop (Class A1) is currently vacant. This application does not propose any alterations to this unit.

The first and second floors of the building were last in use as offices (Class B1). These floors benefit from prior approval to convert into residential accommodation comprising a total of six units (reference P/4655/14). This conversion has not yet commenced.

The third floor of the building also benefits from prior approval (reference P/0933/15) to convert into residential accommodation, comprising four flats. This has been implemented. External alterations to this floor were approved on 19 January 2016, within planning application P/5497/15.

The proposal is to construct a two storey extension atop of the existing building to provide eight residential units. In support of this proposal, the applicant has provided a draft deed of agreement indicating that the existing office floor space at first and second floor would be retained and renewed. Specifically, should the additional floors of residential units proposed herewith be approved, the applicant would agree not to implement any conversion or change of use at these floors.

Accordingly, subject to a legal agreement, the proposed development of 1-9 St Anns Road would provide a high quality mixed use development through the retention of the ground floor retail unit, secured office use at first and second floors, and the conversion and additional floors of residential units (third – fifth floors). The mixed-use building would enhance the urban environment in terms of material presence, active streetscape,

and makes a positive contribution to the local area, in terms of quality and character.

In conclusion, the extension to the building and proposal to secure the first and second floor offices by way of a legal agreement, would provide an over-riding public benefit through the delivery of high quality new homes and the retention of office floorspace in a sustainable, town centre location.

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

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

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

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

The surrounding area has a strong urban character, without any significant coherence or commonality of design, with the exception of the three-storey Victorian terrace buildings on the opposite side of St Anns Road. Buildings such as the Natwest Bank building, a Grade II Listed Building, the subject site and adjoining four-storey building at 9-15 St. Anns Road and Sheridan House (on the corner of Havelock Place and St Anns Road) provide significant landmark buildings in the immediate area. The differences in form and design of these buildings are indicative of the variances in the built form in the locality. In close proximity to the site, these buildings nonetheless serve to contextualise the development site.

In 2014 Planning permission (ref: P/1197/14) was granted for a new six storey building at the rear of No.321 Station Road, adjoining the rear boundary of the application site. The construction of this building is underway.

Planning Permission has also been granted under application reference P/4011/14 for the construction of two additional storeys to the adjoining building at no. 11-15 Anns Road. Construction of the additional floors has recently commenced.

### New 4<sup>th</sup> and 5<sup>th</sup> Floors

The subject application proposes to extend the existing building with the addition of two new floors. Specifically, the proposed fourth floor would be constructed in brickwork to match the lower levels. This floor has been designed to align with the adjoining building at no. 11-15 St Anns Road. The proposed fifth floor would also align with the adjoining building and would be constructed in dark grey metal cladding to match. Following pre-application discussions the proposed fifth floor has been inset and includes a lightweight conservatory-style extension. Glazed element.

Given the town centre location of the site, the six storey buildings currently under construction on the adjoining properties at no.11-15 St Anns Road and 321 Station Road (rear of the site, fronting Havelock Place) and the existing six storey building at Sheridan

House (corner of Havelock Place and St Anns Road), the addition of the two floors would not appear out of context or scale in this locality. Furthermore, within the wider town centre context, maximum building heights range from 3- 7 storeys. Of note, is the extant planning permission (P/0737/15) to redevelop the former Harrow Post Office building on College Road to provide buildings up to 20 storeys in height. Accordingly, in this wider context, the scale of the building including the required lift head and access stairs to the roof area would be comparable in height to the other buildings in the vicinity and would be appropriate within the town centre setting.

The proposed design of the extension would also reduce the overall prominence and bulk within the streetscene. Specifically, while the lower levels would be constructed of brickwork, the use of metal cladding at fifth floor ensures that this level distinguishes from the appearance of the lower levels, thereby breaking up the mass of the building. The footprint of this level has also been set back from the northern and eastern elevations. The reduced prominence of the fifth floor, in urban design terms, is considered to be an appropriate mechanism in addressing the prominence of the two-storey extension.

Notwithstanding this, the Conservation officer has raised an objection to the proposed height and massing of the proposal and the impact this would have on the setting of the adjacent listed building. This concern will be addressed in proceeding sections of this report.

Accordingly, the design approach is considered to satisfactorily relate to the surrounding development, while the appropriate proportions of the additional storeys would sit comfortably within its surroundings. The proposal would therefore accord with policies 7.4.B and 7.6.B of the London Plan, policy CS1.B of the CS and policy AAP 1, 4 and 6 of the AAP.

#### External Alterations and Appearance

The external alterations to the third floor of the existing building and the proposed fenestration within the extension would help to differentiate the upper floor residential uses from the commercial floors below. The brickwork would match that of the existing building. In order to break-up the massing of the building the top floor including the lift head would be clad in grey metal vertical cladding. The proposed external alterations to the building would also ensure a consistent appearance with the adjoining property at no. 11-15 St Anns Road. Overall, the proposed external alterations to the existing building and the design of the proposed extension would enhance and modernise the overall appearance of the existing building.

While no alterations are proposed to the lower levels, it is considered that the commercial unit and entrance to the upper floor commercial floorspace and residential units are appropriately designed to appear as focal parts of the frontage.

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

#### Landscaping

As the buildings on the site would abut the boundaries, no provision is made for the setting of the building, in common with other surrounding buildings in the town centre. The design of the building would ensure that any adverse impacts upon the character of

the area are minimised, the development would derive its setting from a high quality public realm adjacent to the site from which residential occupiers and retailers will benefit.

### Refuse Storage

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

Refuse stores would be located externally within the rear ramped service access, leading to the basement. The applicant has indicated that two additional bins would be provided within the existing refuse storage area. The storage shelters would be constructed of matching brickwork and would include a flat roof with a maximum height of 2.9m. Separate refuse storage areas would be provided for the commercial and residential use.

Given the appropriate design of the refuse shelters and their location at the rear of the site, these structures would not affect the appearance of the area. Furthermore, the location of the refuse storage would ensure servicing arrangements would not be compromised.

Notwithstanding this, concerns are raised in regards to the capacity of this refuse storage to serve the existing building and proposed extension. A condition of approval will require that further detail is submitted in this respect. Should the proposed refuse storage area not be sufficient, it is noted that additional capacity could be accommodated within the basement.

In conclusion, it is considered that the proposed development would be acceptable in terms of its impact upon the character and appearance of the area and would give rise to no conflict with above stated policies.

### **Impact on adjoining heritage asset**

Paragraph 137 of the NPPF states: 'Local planning authorities should look for opportunities for new development...within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Furthermore, as aforementioned, 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 application site is within the setting of the Grade II Listed Natwest Bank building, located on the corner of St Anns Road and Station Road (No. 315 Station Road). Specifically, the rear elevation of the Listed Building is located approximately 3.0m from the eastern flank elevation on the application premises.

The list description for this building reads:

'1915, by Sir Bannister Fletcher. Vigorously detailed and unconventional classical bank building in fine red brick on a pink granite base. In temple form, short pedimented end to

the front and long return side to the right. A corner site. Pseudo-peripteral Tuscan order, but front is canted forward under pediment and aedicula window set in front of pediment (sitting on the entablature). Pilasters and three-quarter columns (some rusticated) form the order. Entrance right bay with rusticated brickwork and swagged panel over. Enriched scrolls support aedicule, which encloses arched window'

During pre-application discussions, the Conservation Officer raised concerns in regards to the proposed height of the extension and the impact this would have on the setting and significance of the adjacent listed building. In response to this and prior to the submission of the subject planning application, the applicant entered into discussions with the Council's urban design team to produce an amended proposal that would be acceptable in design terms and would reduce the harm to the setting of the listed building. As a result of these discussions the proposed fifth floor has been reduced to half the width of the building and a lightweight, inset conservatory style extension would project from the eastern elevation. This projection would be inset 1.2m from the front and rear of the building and 3.9m from the eastern elevation, adjacent the listed building. The extension would primarily be constructed of glazed panels, contributing to its lightweight appearance.

In support of the proposal, the applicant has also prepared a Heritage Statement. This report concludes that the proposal would preserve the interest and setting of the adjacent listed building.

While the amended scheme is accepted in urban design terms, the Council's Conservation Officer has upheld the initial objection to the proposal, based on the impacts resulting from the height. Specifically, it has been indicated that in views from Station Road, the buildings behind are not currently visible and in this respect, the proposal would have an impact on the setting. While these comments are acknowledged, a recent officer visit to the application site has confirmed that the construction of the 6 storey developments at 11-15 St Anns Road and to the rear of 321 Station Road have commenced. As such, it is confirmed that the upper levels of these developments can be seen above the Listed building from in views from Station Road.

In addition to this, it is considered that at present, the design and appearance of the application premises does not positively contribute to the setting of the listed building. Specifically, when viewed from Station Road, the dated metal clad mansard roof currently extends above the listed building.

Notwithstanding this, it is acknowledged that the application premises is in closer proximity to the listed building than the properties currently under construction and as such, the extension would have a greater impact on the setting. As previously detailed, in response to this, the fifth floor has been reduced in depth to ensure that the massing has been set away from the listed building. Furthermore, the lightweight appearance of this floor is considered to break up the massing and provide visual articulation. In this context, while the third floor metal clad mansard is currently visible above the listed building, the proposal would result in the extension of the brick flank elevation, with windows installed to create visual articulation. Accordingly, on balance, the design and appearance of the recessive fifth floor provides a suitable transition between the listed building and the 6 storey development at 11-15 St Anns Road and is considered to have a negligible impact on the setting of the listed building.

Furthermore, it is noted that the proposal would result in some public benefit, due to the

retention of second and third floor offices and the additional residential units provided within the extension to the building.

Accordingly, on balance, when considering the emerging 6 storey development within the setting of the listed building, the current appearance of the application premises and the public benefit that would result, the proposal would preserve the setting the listed building, in accordance with NPPF paragraphs 131, 132, 134, 137, London Plan policy 7.8 C and D, Harrow Core Strategy policy CS1, and Development Management Policies Local Plan policy DM 7.

## **Residential Amenity**

### Residential Amenity of Future Occupiers

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

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

### Room Size, Layout & Stacking

Policy 3.5C of The London Plan requires all new residential developments to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2016.

On 25 March 2015 through a written ministerial statement, the Government introduced new technical housing standards in England and detailed how these would be applied through planning policy.

The national standards came into effect on 1st October and therefore an application submitted at this site would be considered against the new national standards instead of the current London Plan standards. Furthermore, the imposition of any conditions requiring compliance with specific policy standards relating to new housing would need to be considered against the national standards.

These standards came into effect on the 1st of October 2015.

Therefore from October 2015, policy 3.2 (c) requires that table 3.3 to be substituted with Table 1 of the nationally described space standards, which is set out in the table below. Policy 3.8 (c) of the London Plan relating to Housing Choice, from the 1 October should be interpreted as 90% of homes should meeting building regulations M4 (2) –

'accessible and adopted dwellings'. Policy 3.8 (d) will require 10% of new housing to meeting building regulations M4 93) – 'wheelchair user dwellings'.

Bedrooms	Bed spaces	Minimum GIA (sq m)			Built – in storage (sq m)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

\*Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37 sqm.

Proposed Flats	Gross Internal floor Area	Amenity Space
<b>Proposed Fourth Floor</b>		
Flat 1 (2 bedroom, 3 person)	98sqm	N/A
Flat 2 (1 bedroom, 2 person)	55sqm	N/A
Flat 3 (2 bedroom, 3 person)	74sqm	N/A
Flat 4 (2 bedroom, 4 person)	96sqm	N/A
<b>Proposed Fifth Floor</b>		
Flat 5 (2 bedroom, 3 person)	96sqm	N/A
Flat 6 (1 bedroom, 2 person)	50sqm	15sqm
Flat 7 (studio flat)	43sqm	15sqm
Flat 8 (2 bedroom, 3 person)	82sqm	15sqm

As demonstrated within the above table, the proposed flats meet the minimum floorspace standards as required by national housing standards. Each flat would also meet the requirements for built in storage.

Paragraph 4.55 of the Residential Design Guide SPD specifies that 'the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs'.

The proposed development would stack appropriately in a vertical fashion. In terms of the horizontal layout, similar rooms would adjoin similar rooms and therefore there would

be no conflict in this regard.

#### *Relationship between uses*

No alterations are proposed to the existing ground floor retail unit as part of this application. A separate access is provided for these retail units. Accordingly, no conflict arises between the retail use and the upper floors.

While the commercial floorspace at first and second floors has received prior approval for the conversion into 6 residential units (P/4655/14), the applicant has agreed to enter a legal agreement, securing the commercial use of these floors.

The third floor also benefits from prior approval to convert into 3 residential units (P/0933/15). Conversion of this floor has commenced.

In this context, the proposal would provide one access point for the residential and commercial units. The upper floors would also be accessed via a single lift and stairwell. Given the scale of the commercial floorspace, which occupies the entire first and second floors, the use of one lift / access to the commercial and residential units is generally not considered to adequately address secured by design principles. Specifically, concern is raised in regards to the sense of security experienced by the future occupiers of the residential units as a result of the shared access to all floors. While it is acknowledged that commercial and residential uses are able to function well within mixed-use schemes, it is generally preferred that a separate access provides access to the residential floorspace. Where this cannot be achieved, the applicant should explore alternative secured by design principles.

In this respect, the applicant has provided justification within a secured by design statement as to how the proposed residential units would be introduced to the commercial building without detrimentally impacting the standard of the residential units or the continued functioning of the established commercial use. Following consultation with the Boroughs Metropolitan Police Service, the following secured by design principles were agreed:

- The main entrance to the building on St Anns Road would include two separate video entry systems, one for the office use and one for the residential;
- The lift would have controlled key fob access. Office users would only have access to the first two floors, while the residential occupiers would have access to the top three floors;
- A secondary line of security would be provided on the residential floors at the lobby doors leading from the lift to the corridor; and,
- CCTV would be installed in the entrance lobby and all landings.

In this respect, subject to a condition requiring compliance with the secured by design statement, there would be no conflict of uses which would impact upon the standard of accommodation of the future occupiers or the continued operation of the commercial floorspace.

#### Outlook, Light and Privacy

Given the compact nature of the mixed-use development surrounding the application premises, an assessment of the level of outlook, light and privacy afforded to the proposed units has been undertaken. The applicant has also provided a report on the



daylight within the proposed dwelling. This report concludes that of the 22 rooms tested, 19 (86%) of the rooms adhere to the BRE guidelines and those which do not adhere only fall marginally below the BRE targets. Specifically, the windows that fall marginally below the BRE guidelines are located within the western flank elevation and serve a kitchen and bedroom at fourth floor and kitchen at fifth floor.

#### *Proposed north facing windows to proposed units 3, 4 & 8*

These windows overlook St Ann's Road and are located approximately 16.5m from the front elevation of properties opposite. Given these windows would overlook the public realm of St Anns Road and are sited a sufficient distance from the properties opposite, the level of outlook and privacy to these windows is acceptable. Furthermore, while north facing windows are not favourable, proposed flat 4 would be the only north facing single aspect flat within the development.

#### *Proposed east facing windows*

These windows would overlook the NatWest Bank and the rear of properties at 317 & 319 Station Road. It is noted that the NatWest building is two storeys in height with a pitched roof and the properties on Station Road are two-storey terraced buildings, with single storey rear infill extensions. In this context, the north facing fourth and fifth floor windows and fifth floor roof terraces would extend above these properties, and as such, would be afforded an acceptable level of outlook. Similarly, given the relationship with surrounding properties and the east facing orientation, these windows would experience an acceptable level of privacy and natural light.

#### *Proposed south facing windows to proposed units 2 & 6*

These windows would overlook the ground floor terraced area and northern flank elevation of the approved development at 321 Station Road (P/1197/14). An 11.7m distance separates the flank wall of this neighbour from the south facing elevation of the proposal. While the outlook from these windows would not be of a high standard, it is noted that the flats served by these windows are dual aspect, east / south facing. Accordingly, on balance, these flats would be served by an acceptable level of outlook and light. Furthermore, given the adjacent neighbour does not include any flank wall windows facing the application site, no privacy issues arise.

#### *Proposed west facing windows to flats 1 & 5*

Proposed flats 1 and 5 include a bedroom and kitchen window within the western flank elevation, facing Havelock Place. These windows are enclosed by a 9.5m flank elevation of 321 Station Road to the south and the 9.5m rear elevation of 11-15 St Anns Road to the north. While this relationship between the buildings would result in some sense of enclosure, given the orientation of the buildings the level of light afforded to these windows would be sufficient. This has been confirmed within the daylight and sunlight assessment submitted by the applicant. Furthermore, while it is noted that the habitable room windows within the flank elevation of 321 Station Road includes privacy shades, some degree of mutual overlooking would occur between the habitable room windows within the rear elevation of no. 11-15 St Anns Road and the bedroom windows of the proposed development. However, as this mutual overlooking would occur at oblique angles, this arrangement would not result in a significant loss of privacy to the future occupiers.

#### Outdoor Amenity Space

Policy AAP13 of the AAP seeks to *inter alia* ensure that development proposals provide an appropriate form of useable outdoor space. This is further reinforced under paragraph

4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

In this case, due to the site constraints, the applicant has shown the provision of a Juliet style balcony for proposed flats 1, 2, 3 and 4, and roof terraces for proposed flats 6, 7 and 8. Whilst the Juliet balconies do not provide external amenity space in a traditional sense it does provide some enhanced outlook for future occupiers. Furthermore, it is considered that the town centre location would also provide other forms of amenity for the future residents. The proposed development is considered to be acceptable in this regard.

In order to protect the privacy of the occupiers served by private roof terraces, 1.8m high obscured glazed panels would be provided between each terrace.

In conclusion, while the compact character of development in the surrounding area results in a limited degree of outlook and sense of enclosure to some windows within the proposed development, this relationship is not uncommon for residential schemes within town centre locations. Notwithstanding this, the above assessment confirms that each of the units achieves an acceptable space and layout, and would be adequately lit. Accordingly, the proposed units are considered to achieve an acceptable standard of accommodation, in accordance with Policy 3.5C of The London Plan and Policy DM1 of the DMP 2013.

#### Impact on neighbouring properties

The proposed development would introduce 8 residential units to the application property. It is likely that up to a maximum of 23 people would occupy the proposed flats. Given the mixed character of the surrounding area and also the location of the site within the town centre, it is considered that the proposed development would not unacceptably exacerbate any existing levels of noise and disturbance experienced within the area. In this respect, any potential amenity impacts of the proposed development would be limited to the scale and siting of the proposed building.

The applicant has submitted a sunlight and daylight assessment which has assessed the potential impact of the proposed development upon the adjoining buildings. The following buildings were assessed:

The rear of 321 Station Road  
11-15 St Anns Road

It is noted that no objections have been received from surrounding residents / occupiers in regard to the proposed development.

#### 321 Station Road

The adjoining premises to the rear of the application site (321 Station Road) is currently under construction in accordance with extant planning permission P/1197/14. Specifically, this permission granted approval for a six storey mixed-use building.

Given the orientation between the properties, the proposed development would not result in an undue harm to the level of daylight, outlook or privacy experienced by the front (west) and rear (east) facing windows within the neighbouring property.

While it is noted that the proposed development at no. 321 Station Road includes

habitable room windows within the northern flank elevation, the approved plans for this development indicate the installation of an external louvre system to these windows. It is assumed that this louvre system was proposed to restrict overlooking and protect privacy. In this respect, the proposed development would not have an undue impact on the privacy or outlook experienced by the occupiers of these habitable rooms. Accordingly, while the applicant's daylight and sunlight assessment has confirmed that these windows would retain good levels of daylight in the absence of the louvre detail, due to the presence of these louvres, it is considered that no light would be obtained from over the development site. Furthermore, sunlight is not a material consideration for this property because the windows facing towards the development site face 90 degrees of due north. As such, the proposal would not result in an undue loss of light to the future occupiers of this development.

While the proposal includes windows and Juliet balconies facing the amenity area of this adjoining property, it is considered that in built up areas within the Town Centre location that some level of mutual overlooking would exist given the compact nature of the urban built form.

#### 11-15 St Anns Road

The adjoining property to the west of the application premises, no. 11-15 St Anns Road, is a four storey building. In accordance with planning permission P/4011/14, two additional floors of residential floor space are currently under construction. Prior approval has also been granted for the conversion of the 1-3 floors into residential flats.

The front elevation of this property aligns with the application premises and as such, no loss of amenity would occur in this respect. The rear facing windows of this adjoining property are located 90 degrees west of the application property. It is noted that the rear elevation of this property includes bedroom windows that are immediately adjacent to the application premises and living rooms, which are dual aspect. Given the relationship between the properties, the proposed development would not result in an undue loss of sunlight or outlook to these windows. Furthermore, while some mutual overlooking may occur, given the relationship between the properties, any overlooking would occur at oblique angles and for this reason, would not result in an undue harm to the occupiers.

The applicant's daylight and sunlight assessment has confirmed that the bedroom windows that are immediately adjacent to the application premises would retain a good quality of daylight in the proposed condition.

#### Properties fronting Station Road

To the east, the application site adjoins the rear of properties fronting Station Road. These properties are two-storey terraced properties, with single-storey infill extensions. The property at no. 317 Station Road is currently occupied by a shop (Class A1) at ground level, with ancillary office / storage space above. No. 319 Station Road is currently in use as a restaurant (Class A3) at ground level, with ancillary storage provided at first floor. Given the commercial use of both neighbouring properties, there would be no unacceptable loss of amenity as a result of the proposal.

Accordingly, while it is noted that the western flank elevation of the application premises and the adjoining properties at 321 Station Road and 11-15 St Anns Road are located in close proximity, as discussed above, the addition of two floors at the application premises is not considered to result in an undue harm to the amenity of the current and future occupiers of these properties.

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).

### **Traffic, Parking and Servicing**

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

The London Plan (2015) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel.

Policy AAP 19 of the AAP seeks to limit on site car parking and development proposals to support the use of sustainable modes of transport, in particular in areas that have a high level of public transport accessibility.

The application site is located within an area with a PTAL (Public transport Accessibility Level) of 6a, which is considered to be an excellent level of accessibility to public transport nodes and community facilities. It is considered that a number of users will utilise the very good public transport links to the site. It is also noted that the surrounding area includes extensive parking controls. Although the building currently includes 6 parking spaces within the basement, the proposal would not introduce any additional parking spaces at the site. Given the excellent PTAL of the site, no issues arise in this respect.

The proposal shows a provision of cycle storage at basement level for up to 22 cycles for the commercial and residential floorspace, in line with London Plan Standards. The basement is accessed via the vehicle access ramp from Havelock Place.

In summary the highway network is unlikely to suffer from any adverse impact in capacity and parking impact terms hence the proposal is acceptable on highway grounds. Notwithstanding this, the Council's Highways Officer has requested that a construction management plan is submitted to the Local Authority prior to works commencing on site.

### **Development and Flood Risk**

The site is not located within a flood zone. However it is sited within a critical drainage area. Whilst the proposed development seeks to extend the building by an additional two floors, the proposed development would not increase the footprint of the existing building. The Council's Drainage Authority have raised no objection to the proposed development and accordingly the proposal would give rise to no conflict with National Planning Policy, The London Plan policy 5.12.B/C/D, policy AAP9 of the AAP and policy DM10 of the DMP.

### **Accessibility**

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2015) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

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

While the above policies require compliance with Lifetime Home Standards, in October 2015 these standards were replaced by New National Standards which require 90% of homes to meet Building regulation M4 (2) - 'accessible and adaptable dwellings'.

The Design and Access Statement has confirmed that the layouts and generous room size of the units ensures that the proposed flats would comply with Lifetime Homes Standards. The existing building also benefits from a lift which would serve the additional floors.

While compliance with the Lifetime Homes Standards is acknowledged, a condition of approval is required to ensure that the proposed development would meet regulation M4 (2) of the building Regulations which would secure an appropriate standard for future occupiers and make the units accessible to all.

Accordingly, subject to compliance with this condition, it is considered that the proposed accommodation would be satisfactory and as such would comply with policy 3.5 of The London Plan (2015), standard 5.4.1 of the Housing SPG (2012).

### **Sustainability**

Policy 5.1 of The London Plan 2011 seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

For minor development proposals, the development plan at this point does not set out energy and sustainability targets greater than those required by Building Regulations. As these standards will be secured through other legislation, no conditions are required in relation to sustainability measures. Accordingly, no conflict with sustainability policies in the development plan is found. Notwithstanding this, it is noted in the applicant's Design and Access Statement sets out the measures to achieve a sustainable development.

### **Housing Mix**

Policy 3.8B of The London Plan (2015) requires councils to take account of housing requirements, and to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types.

Core Policy CS1.I of the Core Strategy notes that new residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods.

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

The proposed development would provide 1 x 2 bedroom, 4 person units, 2 x 2 bedroom, 3 person units, 2 x 1 bedroom, 2 person units and a studio flat. Given the town centre location of the application site, this mix of housing is considered appropriate and in line with the aspirations of the above policies.

### **Equalities Impact**

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

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

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

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

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

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

The entrance to the proposed flats would be from St Anns Road, which is a busy thoroughfare and is afforded natural surveillance from passer-bys. Furthermore, following consultation with the Boroughs Metropolitan Police Service, secured by design principals have been proposed. Subject to a condition requiring compliance with the secured by design statement, the proposal is not considered to give rise to any conflict with regards to the above stated policies.

### **Consultation Responses**

- None

### **CONCLUSION**

It is considered that the proposed scheme for 8 residential units would contribute to a strategically important part of the housing stock of the borough, in accordance with paragraph 3.55 of the London Plan (2015). 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.

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

## CONDITIONS

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

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

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

2 The development hereby permitted shall be carried out in accordance with the following documents and plans: 000; 100; 101; 102; 103; 104; 105; 106; 107; 108; 109; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120; 121; 122; 123; 124; 125; 126; Planning Statement; Heritage Impact Assessment; Daylight within the proposed dwellings, dates March 2016; Daylight / Sunlight, dated 27 May 2016.

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

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

a: the upper floor extension

b: the brick infill to the existing building and fourth floor extension

c: the windows/ doors including details for the balconies and privacy screens

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

REASON: To safeguard the appearance of the locality and to ensure a satisfactory form of development in accordance with policy 7.4B of The London Plan 2011, policy CS.1B of the Harrow Core Strategy and policies AAP 1 and AAP 4 of the Harrow and Wealdstone Area Action Plan 2013. Details are required PRIOR TO THE COMMENCEMENT OF DEVELOPMENT BEYOND 150MM ABOVE GROUND LEVEL to ensure a satisfactory form of development and avoid potentially unenforceable conditions.

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 plans.

REASON: To safeguard the appearance and character of the surrounding area, in accordance with policy 7.4.B of The London Plan 2011 and ensure a high standard of residential quality in accordance with Policy AAP 4 of the Harrow and Wealdstone Area Action Plan (2013).

5 The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards in accordance with policies 3.5 and 3.8 of The London Plan, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

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

- detailed timeline for the phases and implementation of the development
- demolition method statement
- the parking of vehicles of site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to control the emission of dust and dirt during construction; and
- scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall be carried out in accordance with the approved Method Statement & Logistics Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority.

REASON: To minimise the impacts of construction upon the amenities of neighbouring occupiers, in accordance with Policy DM1 of the Local Plan, and to ensure that development does not adversely affect safety on the transport network in accordance with Policy 6.3 of the London Plan and Policy DM43 of the Local Plan.

Details are required PRIOR TO COMMENCEMENT OF DEVELOPMENT to ensure a satisfactory form of development.

7 The development hereby permitted shall be constructed and operated in accordance with the secured by design details contained with the approved planning statement, dated 20 March 2016, prepared by David R Yeaman & Associates.

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 Policies 7.3.B and 7.13.B of The London Plan (2015) and policy AAP 4 of the Harrow and Wealdstone Area Action Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

8 Notwithstanding the approved plans, no television facilities (aerials, satellites or any other equipment), ventilation, extraction systems or associated ducting shall be introduced onto the exterior elevations of the building without the prior written permission of the Local Planning Authority.

REASON: To ensure an appropriate standard of development which provides a high quality appearance in the interests of the visual amenity of the area, thereby according with according with policy 7.4.B of The London Plan 2015, policy CS1.B of the Harrow Core Strategy 2012 and policies AAP1, AAP2 and APP4 of the Harrow and Wealdstone Area Action Plan 2013.

9 Notwithstanding the approved plans, prior to commencement of the development, further details regarding the capacity of the refuse storage must be submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

REASON: To minimise the impacts of refuse collection upon the amenities of neighbouring occupiers, in accordance with Policy DM1 of the Local Plan, and to ensure that development does not adversely affect safety on the transport network in accordance with Policy 6.3 of the London Plan and Policy DM43 of the Local Plan. Details are required PRIOR TO THE COMMENCEMENT OF DEVELOPMENT.

## **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2015)



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

The Harrow Core Strategy (2012)  
Core Policies CS1

Harrow and Wealdstone Area Action Plan (2013)  
AAP1, AAP4, AAP9, AAP13, AAP19

Development Management Policies Local Plan (2013)  
Policies DM1, DM2, DM10, DM12, DM24, DM27, DM31, DM32, DM42, DM45, DM47.

Supplementary Planning Document – Residential Design Guide (2010)  
Supplementary Planning Document – Accessible Homes (2010)  
Supplementary Planning Document – Access for All (2006)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008).  
Housing: Supplementary Planning Guidance (2012)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

#### 5 INFORMATIVE:

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

#### 6 INFORMATIVE:

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of **£24,675.00** of Community Infrastructure Levy, in addition to the liability payment of £45,675 required for planning permission P/1226/12. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

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

Your proposal is subject to a CIL Liability Notice indicating a levy of **£24,675.00** for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of **705 sqm**

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

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

#### 7 INFORMATIVE:

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

Harrow's Charges are:

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

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

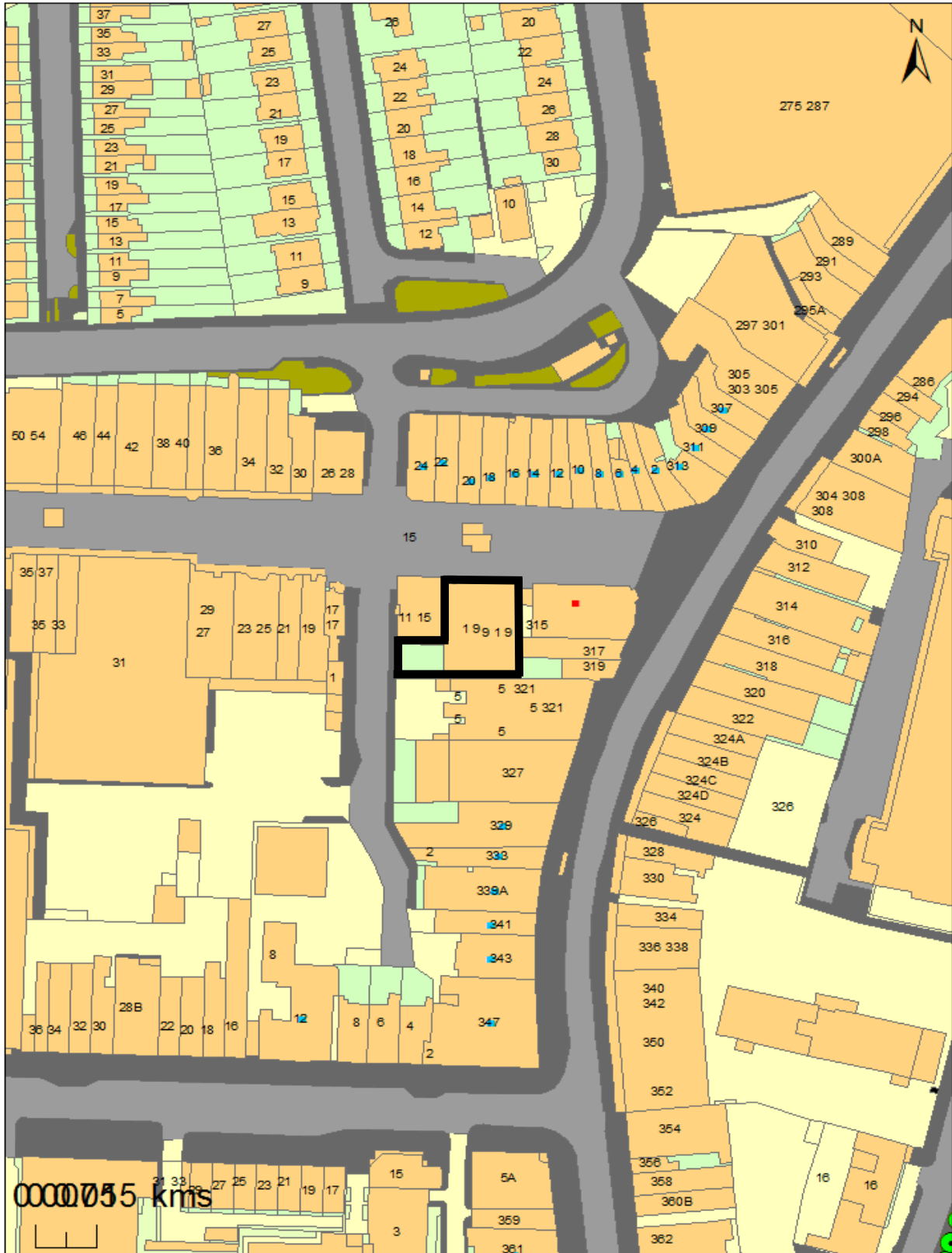
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL contribution for this development is **£77,550.00**

Plan Nos: 000; 100; 101; 102; 103; 104; 105; 106; 107; 108; 109; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120; 121; 122; 123; 124; 125; 126; Planning Statement; Heritage Impact Assessment; Daylight within the proposed dwellings, dates March 2016; Daylight / Sunlight, dated 27 May 2016.

# 9 - 11 ST ANNS ROAD, HARROW



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ITEM NO: 2/03  
ADDRESS: ST. ANSLEMS CATHOLIC PRIMARY SCHOOL, ROXBOROUGH PARK, HARROW  
REFERENCE: P/1998/16  
DESCRIPTION: REPLACEMENT WINDOWS TO MAIN HALL  
WARD: HARROW-ON-THE-HILL  
APPLICANT: GOVERNORS OF ST ANSELMS CATHOLIC PRIMARY SCHOOL  
AGENT: DHP PROPERTY CONSULTANTS  
CASE OFFICER: GRAHAM MANSFIELD  
EXPIRY DATE: 20<sup>TH</sup> JUNE 2016

### **RECOMMENDATION**

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

### **REASON**

The development within the St Anselms RC Primary School would secure improved facilities. The proposed development would preserve the character of the Roxborough Park and the Grove Conservation Area and would not unacceptably harm the amenities of neighbouring residential occupiers. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2015, the Harrow Core Strategy 2012, the Development Management Policies Local Plan 2013, The Harrow on the Hill Conservation Area SPD (2008), Roxborough Park and the Grove Conservation Area Appraisal and Management Strategy and policies DM1, DM7, DM46, DM47 of the harrow Development Management Local Policies Plan (2013).

### **INFORMATION**

This application is reported to planning committee due to the site area being more than 0.1 hectares and so falls outside of the thresholds set by category 1(d) of the Council's Scheme of Delegation for the determination of new development

Statutory Return Type: Minor

Council Interest: None

Gross Existing Floorspace: N/A

Net additional Floorspace: N/A

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

Harrow CIL: N/A

### **Site Description**

- The application site is Saint Anselms RC Primary School, which is located on the southern side of Roxborough Park.

- The site is located within the Roxborough Park and the Grove Conservation Area, and is within the setting of a Grade II Listed Building, which is located at the northern end of the site.
- The main school building was built in the early 1930's and has had many additions since then.
- The school hall building which is subject of this application, is flat roofed and characterised by long narrow crittal windows.
- There are a number of group Tree Preservation Orders within the property, located to the north and east of the site.
- The site adjoins both Metropolitan Open Land and a site of nature conservation.

### **Proposal Details**

- It is proposed to replace the existing crittal windows on the main hall building of the school.
- The proposed replacement windows would largely reflect the layout and arrangement of existing windows
- The material of the replacement windows would be powder coated aluminium

### **Revisions to Previous Application**

- N/A

### **Relevant History**

LBH/7489/1

ALTERATIONS AND ERECTION OF 2-STORIED EXTENSION TO PROVIDE 4 ADDITIONAL CLASSROOMS AND NEW PARKING AREA  
GRANTED - 11/12/1973

WEST/365/93/FUL

REPLACEMENT RETAINING WALL AND SURFACING OF NEW PLAYGROUND AREA WITH ASSOCIATED LANDSCAPING  
GRANTED - 08/09/1993

EAST/267/95/FUL

ALTERATIONS AND TWO STOREY IN-FILL EXTENSION AT SIDE  
GRANTED - 19/06/1995

P/0917/08

PART DEMOLITION OF EXISTING BUILDINGS AND AN EXTENSION TO PROVIDE NEW/MAIN ENTRANCE AND ADMINISTRATION BLOCK ON THE NORTH EASTERN FRONTAGE, AN EXTENSION ON THE SOUTH WESTERN ELEVATION TO PROVIDE ADDITIONAL HALLSPACE, NEW CLASSROOMS, GROUP SPACE, LIBRARY AND ANCILLARY FACILITIES ALONG WITH THE RECONFIGURATION AND REFURBISHMENT OF EXISTING FACILITIES, NEW MULTI USE GAMES AREA AND MEANS OF ENCLOSURE.  
GRANTED - 15/05/2008

P/1077/09

APPROVAL OF DETAILS PURSUANT TO CONDITIONS 2, 4, 6, 7, 8, 9 & 10 OF PLANNING PERMISSION  
REF: P/0917/08 DATED 15 MAY 2008 FOR PART DEMOLITION OF EXISTING BUILDINGS AND AN EXTENSION TO PROVIDE NEW/MAIN ENTRANCE AND

ADMINISTRATION BLOCK ON THE NORTH EASTERN FRONTAGE, AN EXTENSION ON THE SOUTH WESTERN ELEVATION TO PROVIDE ADDITIONAL HALL SPACE, NEW CLASSROOMS, GROUP SPACE, LIBRARY AND ANCILLARY FACILITIES ALONG WITH RECONFIGURATION AND REFURBISHMENT OF EXISTING FACILITIES, NEW MULTI USE GAMES AREA AND MEANS OF ENCLOSURE  
APPROVED - 10/08/2009

P/2654/13

RE-CONFIGURATION AND REFURBISHMENT OF EXISTING PLAYGROUND TO INCLUDE NETBALL COURT, RAMP AND SOFT PLAY AREA; RE-BUILDING OF EXISTING RETAINING BOUNDARY WALL AND REPLACEMENT ENTRANCE GATES  
GRANTED - 20/12/2013

### **Applicant Submission Documents**

- Design and Access Statement

### **Summary of Design and Access Statement**

- Existing windows are poorly fitted and have a low thermal performance
- New powder coated aluminium frames would be same layout and arrangement
- Replacement windows would be a similar colour to the existing windows
- Proposal would have a limited impact on the conservation area due to the scale and location of the proposal.

### **Consultations**

- Harrow Hill Trust– No Response
- Roxborough Residents Association – No Response
- CAAC – No Objections, although sections would need to be seen to ensure the proposed frames are not too chunky.

### **Advertisement**

#### **Reason for Advertisement:**

#### **Character of the Conservation and Setting of a Listed Building**

- Newspaper Advert – Expiry Date: 02/06/2016
- Site Notice – Expiry Date: 07/06/2016

### **Notifications**

Sent: 35

Replies: 0

Expiry: 30/05/2016

### **Addresses Consulted**

Presbytery, 22 Roxborough Park, Harrow, HA1 3BE

Copperfields, 14 Roxborough Park, Harrow, HA1 3BE

Flats 1- 17, Copperfields, 14 Roxborough Park, Harrow, HA1 3BE

Church Fields, West Street, Harrow.

Flats 1 – 14 Sheppards Court, Roxborough Avenue, Harrow, HA1 3BY

Sheppards Court, Roxborough Avenue, Harrow, HA1 3BY

### **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.'

In this instance, the Development Plan comprises The London Plan 2015, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

The policies relevant to this application and themes are set below and at the end of this report at Informative 1.

## **MAIN CONSIDERATIONS**

Principle of Development - *DMP: DM46; DM47*

Character and Appearance of the Conservation Area and Setting of a Listed Building

*LP: 7.4, 7.6, 7.8, CS; CS1. B & D, DMP: DM1; DM7, SPD: Residential Design Guide*

*The Harrow on the Hill Conservation Area SPD (2008), Roxborough Park and the Grove Conservation Area Appraisal and Management Strategy*

Residential Amenity - *LP: 7.6, DMP: DM1*

Equality and Human Rights

Crime and Disorder Act - *LP: 7.3, DMP: DM1*

Consultation Responses

### **Principle of Development**

The application proposes to undertake works to the school to replace the existing windows in the main hall. The existing windows due to their age are in poor condition and perform badly in terms of thermal insulation.

The proposed works are to be undertaken to improve the existing main hall facilities for the school, which given the current situation would modernise and create a sustainable teaching environment. It is therefore considered that the proposed replacement windows would accord with Policies DM46 and DM47 of the DMP (2013).

The property is located within the Roxborough Park and The Grove Conservation Area, and within the curtilage of a Grade II Listed Building. Therefore any development within the site would need to comply with the relevant policies for development that is located within such areas.

### **Character and Appearance of the Roxborough Park and the Grove Conservation Area and Setting of a Listed Building**

DM16 of the Harrow Development Management Local Policies Plan (2013) states that the Council will support development proposal which would not have a detrimental visual impact on the open character of the Green Belt and Metropolitan Open Space.

Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (2013) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. Policies 7.4.B and 7.6.B of The London Plan 2015 and core policy CS1 B of the Harrow Core Strategy which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm. Policy DM7 of the

Harrow Development Management Local Policies Plan (2013) provides further guidance on managing heritage assets and requires new development not to adversely affect the character or amenity of Conservation Areas, Listed Buildings or other heritage assets.

Roxborough Park and the Grove Conservation Area is characterised by its undulating topography, and unusually permeable pedestrian plan form. There is historic interest and a high quality of architecture throughout, but particularly along Grove Hill and Peterborough Road. As a mark of this nine properties are listed whilst 36 are locally listed. The area contains mainly Victorian and Edwardian buildings providing a good variety of architectural styles including Arts and Crafts designs, late Victorian and Edwardian semi-detached houses and Medieval/Gothic style properties. Public and private greenery also contributes greatly to the area's appearance, which helps soften the streetscene and provide an attractive setting for the architecture of the area. The area has a varied character as the density of development ranges from relatively high with semi-detached residential properties, to green, open grassland or meadowland. It also creates an area of some biodiversity value.

The proposed works would involve the replacement of the existing Crittall windows on the north east and south west elevations of the main hall.

The Council's Conservation Officer has commented on the application and notes the windows to the modern part are powder coated aluminium double glazed units and therefore the proposal would unify the building by installing the same style of windows to the school hall as the remainder of the building.

It is noted that there would be some loss to the historic Modernist character as slim profile aluminium double glazed units would not be a replication of the original Crittall windows. However, there would be public benefits of improved insulation for the school and the proposal is to use slim profile replacements to bring about a quite close match in character of design.

On balance therefore the proposal is appropriate and would preserve the character and appearance of the conservation area. The church that is located within the northern end of the site is Grade II Listed. The Grade II Listed building is located some 66m away from the proposed works and is sufficiently screened from the development by existing buildings located within the site. It is therefore considered that the proposed works would not unacceptably harm the setting of the Grade II Listed building located within the site. Furthermore, any potential harm would be outweighed by public benefits of the proposed replacement windows.

The south west flank wall of the main hall fronts onto adjoining Metropolitan Open Land and also a Site of Nature Conservation Importance. Due to the minor external alterations proposed, it is considered that the proposed replacement windows would not have an unacceptable impact on the openness of the Metropolitan Open Land or adversely impact on the adjoining Site of Nature Conservation Importance. Given the above considerations, the proposed development, by reason of its satisfactory design, would constitute a visually harmonious feature.

Subject to a condition requiring the applicant to provide samples of the proposed replacement windows, the development would accord with the, it is considered that the proposal would accord with policies 7.4.B, 7.6.B and 7.8 of The London Plan (2015), policy CS1.B/D of The Harrow Core Strategy 2012, policies DM1 and DM7 of the Harrow Development Management Policies Local 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. 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 proposed replacement windows would not result in any additional windows being inserted into the existing north east and south west flank walls of the main hall. Furthermore, due to the separation distances and the land uses to the south west (Church Fields) it is considered that there would be little impact in terms of amenities of adjoining sites.

In summary, the proposal respects the amenities of the neighbouring occupiers in accordance with Policy 7.6B of The London Plan (2015), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and guidance contained in the council's adopted Supplementary Planning Document: Residential Design Guide (2010).

## **Human Rights and Equalities**

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

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

## **S17 Crime & Disorder Act**

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

## **Consultation Responses**

CAAC - *No Objections, although sections would need to be seen to ensure the proposed frames are not too chunky.*

The comments of the CAAC are noted. A condition has been attached to this permission requiring the applicant to submit sections for the proposed replacement windows.

## **CONCLUSION**

The development would provide the existing school with improved facilities whilst maintaining the character and appearance of the site and the character of the conservation area. Furthermore, the development would have a reasonable impact 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 proposed extension would maintain the appearance of the surrounding Conservation Area.

## **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 shall match the existing materials used in the existing outbuilding and shall thereafter be retained.

REASON: To ensure the external materials of the development match those used in the existing outbuilding and site in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

3 Subject to the requirements of condition 4, the development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; 1000; 1001; 1002

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

4 Notwithstanding the details on the approved plans, the development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by, the local planning authority, a metric scaled drawing showing sections through the replacement windows. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the proposal is in keeping with the character of the existing school and the conservation area in accordance with policy DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013). Details are required prior to the commencement of development to ensure irreparable harm is not caused to the conservation area.

## **INFORMATIVES**

1 The following policies are relevant to this decision.

### **National Planning Policy**

National Planning Policy Framework 2012

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

7.2 An inclusive environment

7.4.B Local Character

7.6.B Architecture

7.8 Heritage Assets and Archaeology

### **The Harrow Core Strategy 2012**

CS1.B Local Character

CS1D Local Character

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

DM1 Achieving a High Standard of Development

DM7 Heritage Assets

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

DM46 New Community, Sport and Education Facilities

DM47 Retention of Existing Community, Sport and Educational Facilities

### **Adopted Supplementary Planning Documents**

Supplementary Planning Document Residential Design Guide 2010

The Harrow on the Hill Conservation Area SPD (2008), Roxborough Park and the Grove Conservation Area Appraisal and Management Strategy

#### **2 INFORM\_PF2**

Grant without pre-application advice

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

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

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

#### **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 INFORM 51\_M Compliance With Planning Conditions Requiring Submission and Approval 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.

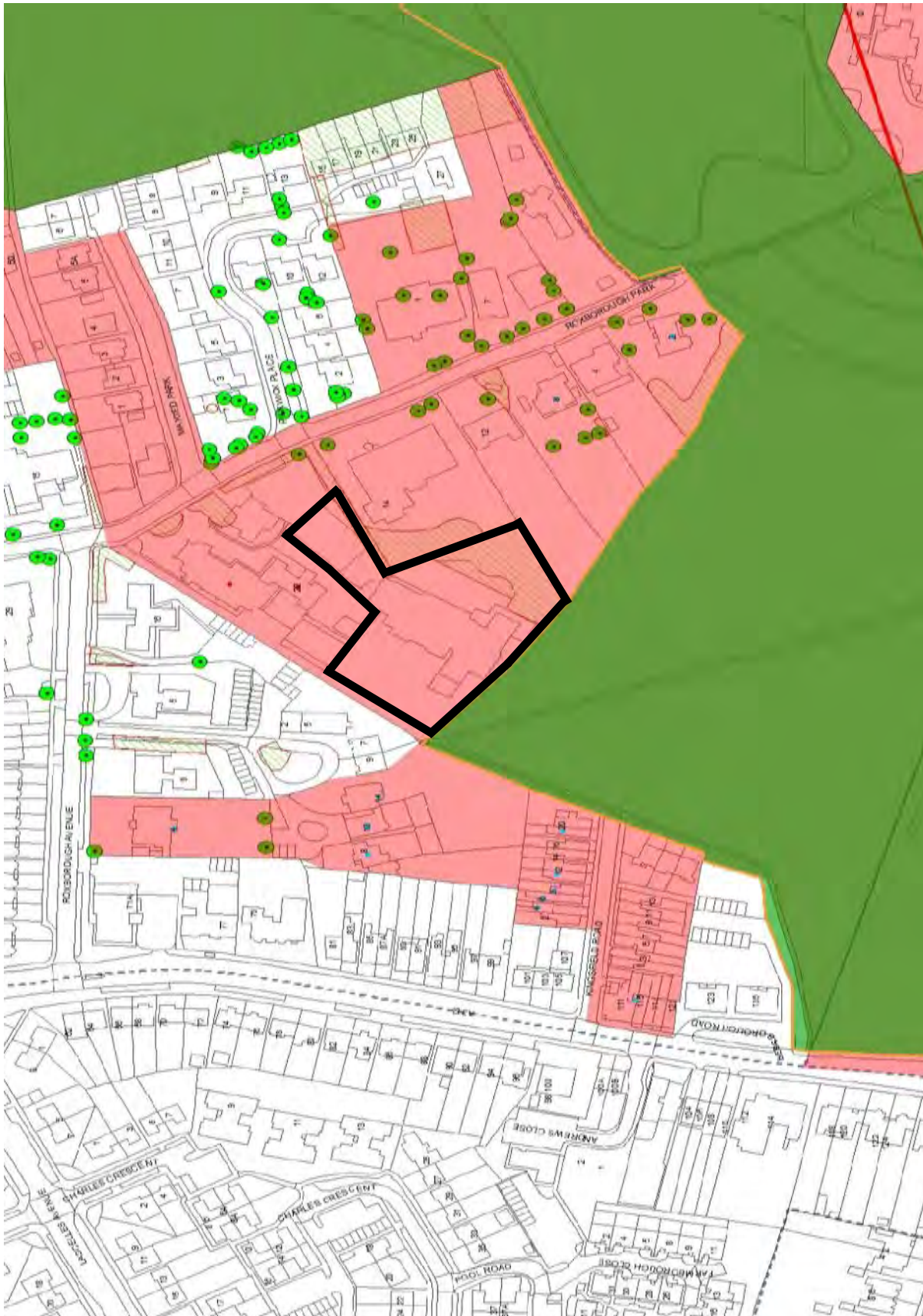
\* Beginning the development in breach of a planning condition will invalidate your planning permission.

\* 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 A yellow Site Notice relating to this planning application describing the development and alerting interested parties of the development has been placed in the vicinity of the application site. You should now REMOVE this Site Notice.

Plan Nos: Design & Access Statement; 1000; 1001; 1002

ST. ANSLEMS CATHOLIC PRIMARY SCHOOL, ROXBOROUGH PARK, HARROW



ITEM NO: 2/04  
ADDRESS: 75 LOCKET ROAD, WEALDSTONE, HARROW  
REFERENCE: P/1608/16  
DESCRIPTION: CONVERSION OF SINGLE DWELLINGHOUSE TO FOUR FLATS WITH SEPARATE AND COMMUNAL AMENITY SPACES; PARKING AND BIN / CYCLE STORAGE (DEMOLITION OF CONSERVATORY)  
WARD: WEALDSTONE  
APPLICANT: MR VALJI RABADIA  
AGENT: CONSTRUCT 360 LTD  
CASE OFFICER: NABEEL KASMANI  
EXPIRY DATE: 30/06/2016

## RECOMMENDATION

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

## INFORMATION:

This application is reported to the Planning Committee due to the petition received under Part 1 Proviso E of the scheme of delegation dated 29th May 2013

Statutory Return Type:	Minor Development
Council Interest:	None
Net additional Floorspace:	n/a
GLA CIL (provisional):	n/a
Harrow CIL (provisional):	n/a

## Site Description

- The application site comprises a two storey semi-detached dwellinghouse located on the northern side of Locket Road. The subject property has been previously extended by means of a two-storey side to rear extension and a single storey rear extension
- The property is not a listed building and it is not located in a conservation area or known flood zone.
- The attached neighbouring property, no. 77/77a is subdivided into two flats and features a single storey rear extension and rear dormer
- The rear gardens of nos. 235-241 Byron Road adjoin the application site to the west

## Proposal Details

- It is proposed to convert the existing dwellinghouse into four self-contained flats (3x Studio flats and 1x one bed, two person).
- Private amenity space is proposed for the occupiers of the flats within the rear

garden

- One off-street car parking space is proposed within the forecourt.

### **Revisions to Previous Application**

- n/a

### **Revisions during course of application**

Storage space has been provided within the flats

### **Relevant History**

LBH/12209: Single storey rear extension

Grant: 08-10-1976

LBH/37242: Two storey side extension

Grant: 28-04-1989

P/4997/15/preapp: Conversion of dwelling into flats

*Proposal Considered acceptable subject to amendments outlined within report*

### **Applicant Submission Documents**

Design and Access Statement

### **Consultations**

- n/a

### **Advertisement**

- n/a

### **Notifications**

Sent: 8

Replies: 8 and a petition with 49 signatures

Expiry: 31-05-2016

### **Addresses Consulted**

77 Locket Road, Harrow, HA3 7NN

77a Locket Road, Harrow, HA7 7LY

35 Warham Road, Harrow, HA3 7JA

235-243 Byron Road (odd), Harrow, HA3 7TE

### **Summary of Responses**

- Excessive number of vehicles; parking issues; traffic congestion
- Suitability of waste storage at rear; possible rat infestation; affect business of adjoining child-minder; adjacent properties converted to flats and have refuse storage in forecourt
- Potential non-upkeep of property
- Concern at increased noise due to expected occupancy
- No legal right of way to use the alley at the rear of Byron Road properties
- Security compromised with increased use of side alley to access gardens and refuse
- Reduced property prices
- Located in critical drainage area
- Wealdstone being overpopulated

### Petition with 49 Signatures

- The conversion of a single dwelling to a four dwelling tenement will have an adverse effect upon the local area, infrastructure and quality of life. Particularly with reference to parking, traffic flow and both vehicular and pedestrian safety

### **APPRAISAL**

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

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

In this instance, the Development Plan comprises The London Plan 2015, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

The policies relevant to this application and themes are set below and at the end of this report at Informative 1.

### **MAIN CONSIDERATIONS**

Principle of Development - LP: 3.8

Character and Appearance of the Area - LP: 7.4, 7.6, DMP: DM1, DM23, DM45, SPD: Residential Design Guide

Residential Amenity - LP: 3.5, 7.6, DMP: DM1, DM2, DM27, SPD: Residential Design Guide, London Plan

Traffic and Parking - LP: 6.3, 6.9, DM: 42

Accessibility - LP: 3.8, 7.2, DMP: DM2, SPD: Accessible Homes

Equalities Implications

Crime & Disorder Act - LP: 7.3, DMP: DM1

Consultation Responses

### **Principle of Development:**

#### New Residential Accommodation

Having regard to The London Plan (Policy 3.8) and the Council's policies and guidelines, it is considered that the proposed flats would provide an increase in smaller housing stock within the Borough, thereby complying with the housing growth objectives and policies of the Core Strategy and The London Plan.

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

No extensions are proposed to the existing property. Consequently, it is considered the proposal would not have a detrimental impact upon the character and appearance of the property or the locality.

### Refuse Storage

Policy DM45 of the Development Management Policies (2013) requires all proposals to make 'on-site' provision for general waste, recyclable materials and organic material. Furthermore, the bin and refuse storage must be located and screened to avoid nuisance to occupiers and adverse visual impacts. It is considered that the proposed location of the refuse storage would be acceptable.



A number of objections relate to the location of the refuse storage adjacent to the shared access path and the rear gardens of the neighbouring properties along Byron Road. The location of the refuse storage away from the forecourt is supported by Policy DM45 of the adopted Development Management Policies (2013). It is understood from the representations received that the subject property has no legal right to use the access road that serves the rear gardens of the neighbouring properties along Byron Road. However, this is a civil matter and would not constitute a reason for refusal in this instance.

To mitigate the potential for the area where the refuse bins are stored being neglected, giving rise to increased litter, odour and the increased likelihood for vermin, it is considered that the refuse bins could be stored within a purpose built enclosure. A condition is attached accordingly.

#### Landscaping

The existing forecourt is entirely hard-surfaced. The proposal would include the provision of one off-street parking space. Additional soft landscaping is also proposed adjacent to the shared boundary with the attached dwelling. It is considered that this would provide street scene impact and enhance the biodiversity of the area. It is therefore considered that the proposal would have a positive impact on the character and appearance of the area and would find support with Policy DM23 of the Harrow Development Management Policies (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. Following on from this, policy DM1B states that all development 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.

#### Impact on the Residential amenities of the Neighbouring Occupiers

It is likely that up to a maximum of 5 people would occupy the flats. The proposed conversion would decrease the use profile of the property which at present, could be occupied by up to 10-14 persons. It is therefore considered that unreasonable impacts arising from the nature of the use of the property would not arise.

The submitted existing floorplans indicate that the existing dwellinghouse has a maximum of eight bedrooms spread over the first and second floors. The submitted Design and Access Statement states that the dwellinghouse could have a potential occupancy of 16 persons. However, it is evident that some of the bedrooms would only be suitable for a single person and it is therefore considered that the maximum occupancy would be between 10-14 persons. Even though the existing dwelling may have never been occupied to its maximum capacity, it is accepted that the existing dwelling could accommodate the aforementioned number of occupants. The proposal for 1 x 1bed and 3 x studio flats would therefore decrease the maximum occupancy level to 5 persons which is considered to reduce the intensity/use profile of the site. It is therefore considered that unreasonable impacts arising from the nature of the use of the property from a single family dwellinghouse to small four self-contained residential units would not arise, in this case.

## Impact on the Residential amenities of the Host Occupiers

### • Room Size and Layout

Development proposals would be required to meet policy DM1 of the Development Management Policies Local Plan (2013), which seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

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

Through a written ministerial statement, the Government introduced new Technical Housing Standards in England (2015). These standards came into effect on the 1st of October 2015. The Mayor of London published the London Plan Housing Supplementary Planning Guidance SPG (2016) in order to bring the London Plan in line with the Technical Housing Standard. The Minimum GIA and room standards as set out in the Technical Housing Standards (2015) and The London Plan Housing Supplementary Planning Guidance (SPG)

<b>Flat no.</b>	<b>Room</b>	<b>Proposed Floor Area (m<sup>2</sup>)</b>	<b>Minimum Floor Area Required (m<sup>2</sup>)</b>
1 (Studio)	Internal Storage	1	1
	Total GIA	37.5	37
<hr/>			
2 (1b, 2p)	Bedroom (double 1)	12	11.5
	Internal Storage	1.5	1.5
	Total GIA	50	50
<hr/>			
3 (studio)	Internal Storage	1	1
	Total GIA	37.5	37
<hr/>			
4 (studio)	Internal Storage	1	1
	Total GIA	36.8	37

The studio flats would all feature a shower and would therefore be required to meet a minimum internal floor area of 37m<sup>2</sup>. As demonstrated in the above table, only one of the proposed studio units marginally fails to meet the internal floor area required. However, the proposed flats would be dual aspect which would enhance the quality of the living accommodation. On balance, it is considered that the proposed marginal shortfall to studio 4 would be considered acceptable in this instance. The vertical stacking

relationship between flats is also considered to be acceptable in this case.

### Outdoor Amenity Space

Policy DM27 of the DMP states that residential development proposals should provide appropriate amenity space, the form and amount of which should be informed by the Mayor's London Plan Housing SPG. Paragraph 5.16 of Harrow's Residential Design Guide SPG states that amenity space should be provided where possible (except for the conversion of maisonettes above shops and mid-terraced properties).

Private amenity space would be provided for the ground floor units and a communal garden space would be available for the occupiers of the studio flats on the first-floor. It is considered that the proposed amenity space would accord with the above policies.

### **Traffic and Parking**

Policies DM1 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 London Plan and the adopted Core Strategy encourage and advocate sustainable modes of travel and requires that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided. Policy DM42 of the DMP requires new development to comply with relevant London Plan standards. The proposed off-street parking space would be considered acceptable. The subject site is located in close proximity to Wealdstone High Street which benefits from regular bus services and an train station that is connected to the London Underground/Overground network and Midlands Railway. Therefore, given the relatively sustainable location of the subject site and the proposed single occupation of three of the units, it is considered that the proposal would not give rise to any material transport or highway impacts.

Policy 6.9 and table 6.3 of The London Plan require the provision of one secure cycle space per flat. Details of the proposed cycle storage has not been provided but it is considered that there is sufficient space within the rear gardens and shared access path to accommodate designated cycle storage in order to comply with the above policy. A condition is accordingly attached to this effect.

### **Accessibility**

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

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

The Technical Housing Standards (March 2015) altered the interpretation of the relevant London Plan (2015) policies and associated Housing SPG standards, placing the previous Lifetime Homes Standards under the control of Building Control regime (specifically Part M of the Building Regulations). It is considered that the submitted plans satisfactorily illustrate that the proposed flats could meet the relevant standards. Notwithstanding this, an instructive condition is attached to this effect.

## **Equalities Implications**

Section 149 of the Equalities Act 2010 places obligations on local authorities with regard to equalities in decision making. It is considered that this application does not raise any equality implications or conflict with development plan policies in this regard.

## **Crime and Disorder**

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

## **Consultation Responses**

- Excessive number of vehicles; parking issues; traffic congestion

*This has been addressed in section 4 of the report*

- Suitability of waste storage at rear; possible rat infestation; affect business of adjoining child-minder; adjacent properties converted to flats and have refuse storage in forecourt

*This has been addressed in section 2 of the report. It is considered that the distance of the proposed refuse store from the rear elevation and garden of no. 239 and the condition requiring a purpose built enclosure for the refuse bins would overcome the concerns in relation to the potential impact on the child-minding business.*

- Potential non-upkeep of property

*This is not a material planning consideration*

- Concern at increased noise due to expected occupancy

*This has been addressed in section 3 of the report*

- No legal right of way to use the alley at the rear of Byron Road properties

*This is a civil matter between the interested parties. It is not a material planning consideration*

- Security compromised with increased use of side alley to access gardens and refuse  
*Access to the side alley would be through a secure (locked) door. Notwithstanding the potential increased use of the gate, it is nonetheless considered that the retention of the door to the alleyway would be sufficient to ensure the security of the neighbouring occupiers is not unduly compromised*

- Reduced property prices

*This is not a material planning consideration*

- Located in critical drainage area

*No extensions are proposed so it is considered that the proposal would have a neutral effect on surface water disposal and drainage.*

- Wealdstone being overpopulated

*This is noted. However, part of Wealdstone is strategically designated as an Opportunity Area to contribute towards Harrow's and London's current housing and employment needs.*

## **CONCLUSION**

The proposal would contribute towards the smaller housing stock within the borough and would provide a high quality of accommodation for the future occupiers of the residential units in accordance with the development plan and policies without impinging on the residential amenities of the neighbouring occupiers. Accordingly, the development is recommended for grant.

#### **CONDITIONS:**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: LR75-1001 Revision 1st, LR75-1002 Revision 1st, LR75-1003 Revision 1st, LR75-1004A Revision A, LR75-1005 Revision 1st, LR75-1008 Revision 1st, LR75-1006A Revision A, LR75-1007A Revision A

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

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 2011 and policy DM1 of The Development Management Policies Local Plan (2013).

4 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to "accessible and adaptable" standards as set out at standard M4(2) of the Building Regulations and thereafter retained to those standards.

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

5 Notwithstanding the submitted details, the outdoor rear private garden areas shall be bounded by close-boarded timber fencing to a height of 1.8metres. The fencing required by this condition shall be erected prior to the occupation of the flats and shall be retained thereafter.

REASON: To protect the residential amenities of the existing and future occupiers of the development in accordance with policies DM1 & DM26 of the Harrow Development Management Policies Local Plan (2013) and the Residential Design Guide SPD (2010).

6 Notwithstanding the details provided in the approved plans, the development shall not be occupied until details of secure cycle storage and a refuse enclosure within has been submitted to and approved in writing, by the Local Planning Authority. The works shall be implemented on site, in accordance with the approved details and shall thereafter be retained.

REASON: To provide secure, convenient and accessible refuse storage and cycle parking facilities in accordance with Policies DM1 and DM45 of the Harrow Development Management Policies (2013) and Policy 6.9 of the London Plan (2015)

#### **INFORMATIVES**

1 The following policies are relevant to this decision:

The National Planning Policy Framework (2012)

The Technical Housing Standards (2015)

The London Plan (2015): 3.3, 3.5, 3.8, 6.9, 7.2, 7.3, 7.4, 7.6,  
The Harrow Core Strategy (2012): CS1  
Harrow Development Management Policies Local Plan (2013): DM1, DM2, DM23,  
DM27, DM42, DM45  
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: The London Plan Housing Supplementary Planning  
Guidance (SPG)

## 2 INFORMATIVE:

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 INFORMATIVE:

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.

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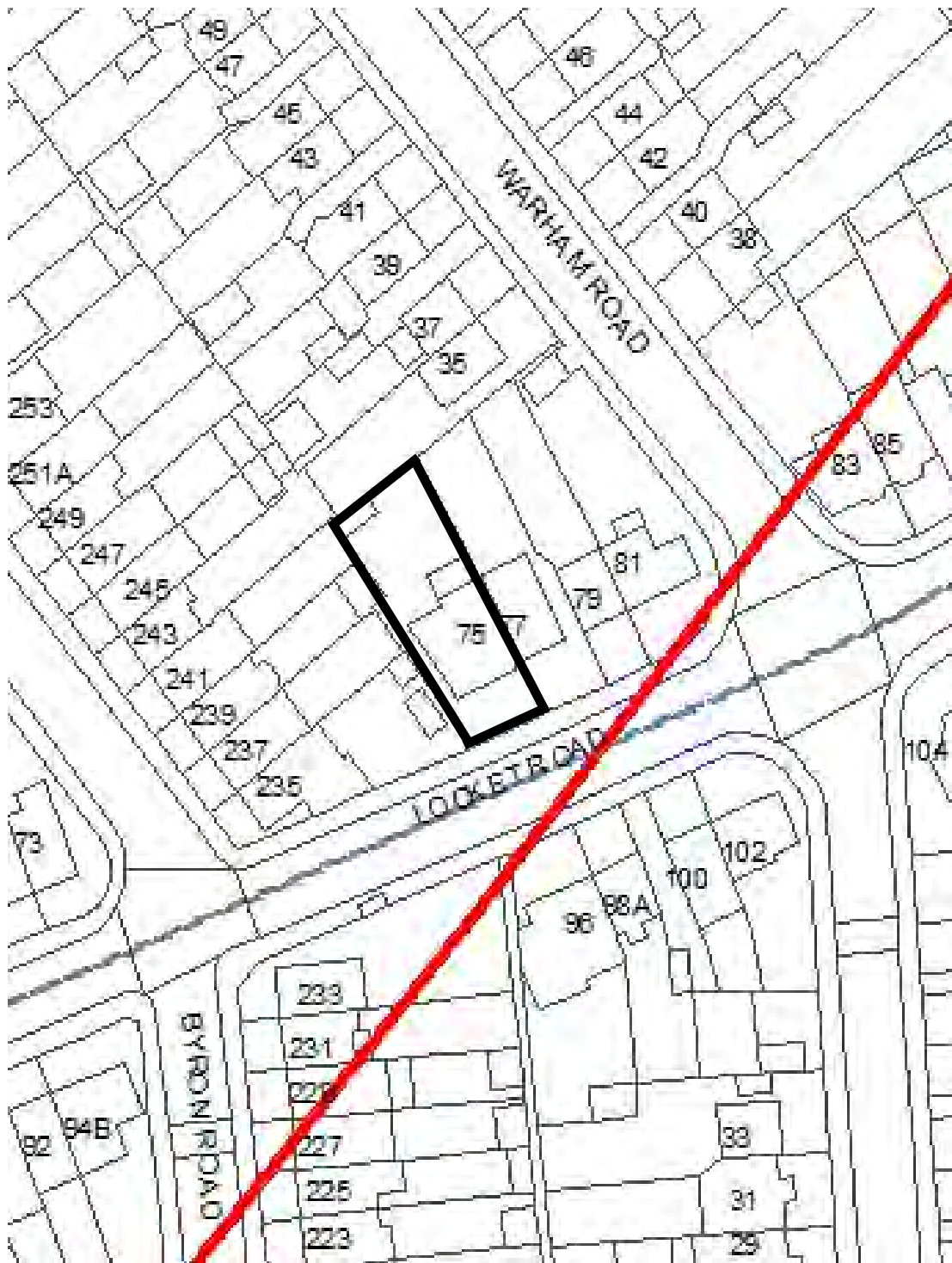
## 4 INFORMATIVE:

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

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. 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: LR75-1001 Revision 1<sup>st</sup>, LR75-1002 Revision 1<sup>st</sup>, LR75-1003 Revision 1<sup>st</sup>,  
LR75-1004A Revision A, LR75-1005 Revision 1<sup>st</sup>, LR75-1008 Revision 1<sup>st</sup>, LR75-  
1006A Revision A, LR75-1007A Revision A

75 LOCKET ROAD, WEALDSTONE, HARROW



ITEM NO: 2/05  
ADDRESS: 47 HIGH STREET, EDGWARE  
REFERENCE: P/4593/15  
DESCRIPTION: PART CHANGE OF USE FROM STORAGE (USE CLASS B8) TO KITCHEN FACILITIES ANCILLARY TO THE EXISTING BANQUETING AND WEDDING VENUE (SUI GENERIS); EXTERNAL STAIRCASE  
WARD: EDGWARE  
APPLICANT: MR SUNDEEP BHAMRA  
AGENT: TEW AND SMITH  
CASE OFFICER: NABEEL KASMANI  
EXPIRY DATE: 30/06//2016

### **RECOMMENDATION A**

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

- i) The submission of a Travel Plan
- ii) The submission of an Event Management Strategy; and
- iii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- iv) Planning Administration Fee: A £500 fee payable to the Local Planning Authority for monitoring of compliance with the agreement.

### **REASON**

The banqueting/function facility (Sui Generis) is situated in an appropriate town centre location for a high intensity use. The proposed increase in the capacity of the use is therefore acceptable in this sustainable location. It is considered that the proposal would not result in any adverse impacts on the local highway or result in any unreasonable adverse impacts on the residential amenities of the neighbouring residential properties above what has been approved under Ref: P/3012/11. Overall the development would not result in any significant visual, highways or residential amenity impacts that would warrant refusal of planning permission.

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan (2015) and other development plan policies as well as to all material considerations, including site circumstances and comments received in response to consultation.

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 28 September 2016, then it is



recommended to delegate the decision to **REFUSE** Planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure a Travel Plan and Event Management Strategy would result in an unacceptable and adverse impact on the amenities of the surrounding properties and would prejudice the free flow of traffic with consequent harm to highway safety and residential amenity, contrary to policy 8.2 of the London Plan (2015) and policies DM42 and DM43 of the Harrow Development Management Policies (2013)

## **INFORMATION**

The application is reported to the Planning Committee because the recommendation is subject to a Legal Agreement.

Statutory Return Type: Change of Use

Council Interest: None

Floorspace (subject of change of use): 378m<sup>2</sup>

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £13,230

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

## **Site Description**

- The application site relates to a two and a half storey building located on the south western side of High Street, Edgware.
- The immediate surrounding locality of this part of High Street, Edgware hosts a mix of uses including, retail, offices and a warehouse/storage unit immediately adjacent and residential units and a school opposite the site.
- The opposite side of the site on the northeastern side of the High Street, Edgware comprises of a mix of uses, including retail, offices and a school opposite the site.
- The use of the premises known as a 'VIP Lounge', a banqueting and wedding venue (Sui Generis). The entrance to The 'VIP lounge' is at ground floor level from Edgware High Street and the function and banqueting facilities is sited over part of the first and second floors of the adjacent warehouse/storage unit towards the front sections of the building.
- Beyond the rear and south-west elevation is a car park and residential dwellings in Handel Way which are located to the rear of the building on a lower level.
- Edgware High Street is a London Distributor Road.
- The site is within flood zone 2/3 and identified as having a medium to high probability of flooding, as shown on maps in LB Harrow Strategic Flood Risk Assessment (SFRA)(2011).
- The site is situated within an Archaeological Priority Area.
- The site is not within a Conservation Area and not within the setting of a Listed Building.

## **Proposal Details**

- The application proposes the change of use of 378m<sup>2</sup> of existing storage area on the first floor to increase the kitchen and function room area.
- The creation of a fire escape door and external staircase is to be constructed to the south west elevation of the building that is sited adjacent to the Lidl supermarket.

## **Revisions to Previous Application**

Following the previous decision (P/1037/15) the following amendments have been made:

- A Flood Risk Assessment, Transport Management Plan and a Travel Plan have been submitted in support of the proposal.

### **Relevant History**

P/1037/15: Part change of use from storage (Use Class B8) to Restaurant/Kitchen Facilities (Use Class A3) on First-floor; External Staircase

REFUSED : 12-05-2015

#### Reasons for Refusal:

1. Insufficient information has been submitted to enable the Local Planning Authority to comprehensively assess the development in respect of its impact on the highway and safe flow of traffic, and its impact on the residential amenities of the neighbouring properties.
2. The proposal, by reason of the site being located within an area of land liable to flooding and the lack of any Flood Risk Assessment, including appropriate flood resistant and resilience measures, the applicant has failed to demonstrate that the proposed development would not exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere.

P/2548/12: Variation of condition 3 attached to planning permission P/3012/11 dated 31/08/2012 to allow opening from 08:00 hours to 00:45 hours Monday to Sundays (including bank holidays)

REFUSED : 24-12-2012

#### Reason for Refusal:

1. The proposed variation of condition 3 attached to planning permission P/3012/11, dated 31/08/2012 to increase the opening hours would give rise to an increased noise and disturbance and general activity at unsocial hours and would have an unacceptable detrimental impact on the residential amenities of the occupiers of the surrounding neighbouring residential properties, contrary to policy 7.15 of The London Plan (2011) and saved policies EP25 and EM25 of the Harrow Unitary Development Plan (2004).

P/3012/11: Continued use of main function room on the first floor (490m<sup>2</sup>) (sui generis use) and change of use of first floor storage areas to two reception rooms and a function room (1403m<sup>2</sup>) together with ancillary storage areas at first floor (167m<sup>2</sup>) and second floor levels (269.01m<sup>2</sup>) including change of use of part of second floor storage areas to ancillary office, conference room and reception area (98.5m<sup>2</sup>). installation of new shop front to no. 47 and 49 high street incorporating change of use of part of ground floor unit of no. 47 to provide an enlarged entrance area to the first and second floor uses (sui generis use); installation of new external staircase to north western side elevation; external alterations

Granted: 31-08-2012

P/3051/11: Display of an illuminated projecting sign and new fascia sign

GRANTED : 28-03-2012

EAST/1423/02/FUL: Use of first floor as a restaurant/bar and function hall (class A3)

REFUSED : 17-03-2003

#### Reasons for Refusal:

1. The proposed change of use would result in increased disturbance and general activity within the car park at unsocial hours to the detriment of the amenities of the neighbouring residents.
2. Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development and the likely increase in parking on

the neighbouring highway would be detrimental to the free flow and safety of traffic on the neighbouring highway and the amenity of the neighbouring residents.

EAST/412/95/FUL: Change of use of ground floor from retail to Ten Pin Bowling Alley (class A1 to D2) with parking

GRANTED : 08-08-1995

EAST/334/93/FUL: Change of use of first floor from Sui Generis to Class B1 (Photographic studio to business use)

REFUSED : 08- 11-1993

#### Reason for Refusal

1. The proposed change of use would lead to a more intensive use of the premises resulting in on street parking to the detriment of highway safety and the free flow of traffic.

Appeal Allowed: 09-09-1994

### **Pre-Application Discussion**

- n/a

### **Applicant Submission Documents**

Design and Access Statement

Flood Risk Assessment

Transport Statement

Workplace Travel Plan

Event Management Strategy

### **Consultations**

#### Drainage Engineer

The Flood Risk Assessment submitted is satisfactory.

#### Highways

The proposal is acceptable.

#### Travel Planner

The revised travel plan is acceptable as the changes requested have been made.

#### Environmental Health

No objections subject to conditions.

### **Advertisement**

Site Notice: 23-10-2015

### **Notifications**

Sent: 35

Replies: 1

Expiry: 29/10/2015

### **Summary of Responses**

- Expanding the restaurant will only aggravate the noise level from the car park and they have ignored the rules and the hours and the noise level from the car park is the same.

### **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  
Character and Appearance of the Area  
Residential Amenity  
Traffic and Parking  
Development and Flood Risk  
Equalities Statement  
S17 Crime & Disorder Act  
Consultation Responses

### **Principle of the Development**

The site is located within the Edgware District Centre, just outside of the Business Use Area and currently in use as a banqueting and function facility which has been in operation since 2004. The use is considered of an appropriate location for a high intensity Sui Generis banqueting/function facility and there was no objection in principle to an increase in capacity of the site demonstrated by planning permission P/3012/11 which was granted in 31 August 2012 (for conversion of storage areas on the first-floor to two receptions rooms, a function room with ancillary storage and kitchen facilities). That previously approved proposal sought to expand the capacity of the existing main function hall on the first floor from 300 to 500 guests. The application also proposed an additional function hall on the first-floor that could accommodate a further 200 people, thereby creating an overall potential maximum occupancy of 700 people.

The London Plan (2015) outlines a supportive approach to culture and entertainment provision in appropriate locations under policy 4.6. Policy DM 41 of the Harrow Council Development Management Policies (2013) outlines that the Council will encourage multi-purpose use of new and existing recreation facilities, provided that there is no impact on the environment or on residential amenity. However, it goes on to say that such facilities should be accessible to all, acceptable in terms of their environmental impact, on residential amenity, wildlife and travel to and from those facilities. Furthermore, the facilities should be located in specific areas, depending on the nature of the use. High intensity activities should be located in town centres or other areas of good public transport accessibility.

This application is a scaled down version of the planning application P/3012/11 to expand the seating area of the main function/banqueting hall and kitchen facilities on the first-floor. It is important to note that the change of use subject to application P/3012/11 was not implemented. The subject application proposes to change 378m<sup>2</sup> of floorspace, as opposed to the previously approved application which proposed a change of use of

1403m<sup>2</sup> on the first-floor. Although this would increase the number of guests using the main banqueting hall from 300 to 400 persons, the previously approved planning application allowed for an increase in banqueting/function rooms on the first-floor to cater for up to 700 persons.

It is therefore considered that there is no objection in principle to the increase in capacity and kitchen facilities of the site. However, detailed consideration of the above policy requirements and other policy considerations are undertaken in the sections below.

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

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

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

The London Plan policy 7.4B, Core Policy CS1.B of the Harrow Core Strategy and policy DM1 of the Harrow Development Management Policies Local Plan (2013) seeks to encourage development with a high standard of design that responds positively to the local context in terms of scale, siting and materials. The adopted SPD ‘Residential Design Guide’ elaborates upon these policies with detailed guidance.

The only external alteration to the building would be the installation of a fire escape staircase sited in the car park involving the insertion of a fire door in the first floor northwest flank of the building which was already been approved under Ref: P/3012/11.

The fire escape is to facilitate the increase in the additional seating capacity of the function room, and as it is to be sited in the car park along the southwest boundary of the site which is enclosed by the adjoining Lidl supermarket, it would not be visible from the public realm. As such, the staircase and fire door would not have a detrimental impact on the character and appearance of the existing building or the surrounding area.

### **Residential Amenity**

Noise and disturbance from the intensified use (by reason of the increase in capacity of the main banqueting hall from 300 to 400 persons) is considered to be a potential issue with the proposed development, particularly in relation to the residential properties at the rear of the site in Handel Way. Policies DM40 and DM41 of the Harrow Council Development Management Policies (2013) seek to ensure that people and sensitive environments are not subjected to excessive noise levels from new development or changes of use. Noise generating development will not be permitted in noise sensitive area, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses. Developers will be expected to ensure that noise arising from the proposals, including noise generated by people and vehicles arriving and leaving the premises, does not cause excessive disturbance to adjacent land uses.

It is acknowledged that the increase in use capacity and the existing parking area has the

potential to have additional harmful impacts in terms of disturbance and associated activity in the surrounding area. Harrow Council's Environmental Health Officer has not raised any objection to the proposal, and has suggested a number of conditions to limit future noise levels.

The subject application proposed to enlarge the main banqueting hall on the first-floor by 200m<sup>2</sup>. This would increase the existing occupancy off 300 to approximately 400 persons. However, this would still be significantly short of the previously approved change of use application P/3012/11, which allowed for a maximum capacity of 700 persons. As a result, it is considered that the proposed change of use would not result in any additional noise or disturbance above that already approved. Despite the proposed increase in capacity from 300 to 400 persons, the existing parking arrangement would remain unchanged from the current situation and so it is unlikely that there would be additional vehicle movements into the rear parking area as compared to the existing situation. Environmental Health has not raised any concerns in relation to loud music coming from the site.

The proposed fire escape staircase and fire door is to be located to the southwest boundary of the site which is sited adjacent to the Lidl supermarket/ warehouse building. The door would open and look out on to the roof of the supermarket and as such it is not considered that the external alterations would result in any loss of amenity in the form of loss of privacy to the closest residential properties that are sited to the rear of the building.

In view of the above, a condition is recommended to control hours of operation between 12.00 and 23.00 hours Monday to Thursday, 12.00 to 00.00 hours on Friday and Saturday and 12.00 to 22.30 hours on Sunday and Bank Holidays. These controlled hours of operation are the same as those approved under application Ref: P/3012/11 which is considered to ameliorate any undue harm and address the concerns expressed by the nearest residential properties, particularly those along Handel way. Subject to the suggested conditions, it is considered that the proposed development would not result in significant adverse impacts on neighbouring amenity through increased noise disturbance or associated activity in accordance with policy 7.15 of The London Plan (2015) and Policy DM1 of the Harrow Development Management Policies (2013).

### **Traffic and Parking**

The London Plan (2015) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. The site is located within a very high sustainable location with easy access to public transport; within a 5- 10 minute walk of the Edgware train station in the London Borough of Barnet and there is also a plethora of bus services. It is considered that the site is in a good location in terms of access to public transport with a Public Transport Accessibility Level (PTAL) of 3 and is an appropriate level for a banqueting venue given the national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

Notably, activities would occur outside of peak traffic times, thereby minimizing overall impacts during these key periods. There are currently 41 parking spaces available on-site which are allocated to guests prior to the event. A further 81 parking spaces are available behind Elizabeth House (opposite the application site) which is on a lease agreement and available for use by the VIP Lounge guests in the evenings.

It is accepted that, the Council would not be able to control these additional parking spaces by way of a suitable condition or a section 106 agreement as the areas of land are

not within the applicant's ownership. Nevertheless, it is anticipated that it is in the applicant's best interest to maintain such facilities in order for their operation to accord with their business model. It appears that this arrangement has operated successfully as the Council is not aware of any parking issues with regard to the current operational use. The sustainable location coupled with the stringent parking controls in the area contributes to a travel mode shift away from the private motor car.

Although the application proposes to increase the floor area of the banqueting/function hall, it would nonetheless result in a smaller increase in the number of users from the previously granted application Reference P/3012/11. As such, the proposal is not seen as increasing the parking above what has already been approved. Overall, it is considered that the site is located in a satisfactory location for an expanded function room facility. In terms of highway capacity and safety, the level of car trips associated with the proposal is not predicted to be detrimental due to the 'off-peak' nature of existing and proposed activities as well as sustainable travel choices currently available and used by patrons. The submitted Travel Plan states that a total of 19 Cycle Parking spaces would be provided which would accord with Policy 6.9 of the London Plan (2015).

The application has been referred to the Council's Highways Department and Travel Planner who have raised no objection to the proposal on transport impact grounds, subject to the Travel Plan being secured through a Section 106 Agreement.

### **Development and Flood Risk**

The site is within flood zone 2/3 and is identified as having a medium to high probability of flooding, as shown on maps in LB Harrow Strategic Flood Risk Assessment (SFRA)(2011). Policy DM 9 of the Harrow Council Development Management Policies states that "development will be managed to achieve an overall reduction in flood risk and increase resilience to floor events."

Given the proposed increase in the capacity of the premises, the applicant is required to demonstrate that there will be no additional flood risk, or that any risk of flooding can be addressed through a series of flood mitigation measures.

The applicant has submitted a Flood Risk Assessment which demonstrates that the existing floor levels will not be altered and there will be no increase in the surface water run off as a result of the proposal. The proposed development would not exacerbate the risk of flooding within the site or increase the risk and consequences of flooding elsewhere and Harrow's Drainage Engineer has confirmed that the Flood Risk Assessment is satisfactory.

It is considered that the submitted Flood Risk Assessment overcomes the Council's concerns regarding the previous planning application in this regard, and that the proposal complies with policy 5.12B/C of the London Plan (2015) and policy DM9 of the Harrow Council, Development Management Policies (2013).

### **Equalities Statement**

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 (2015).

### **Consultation Responses**

- Expanding the restaurant will only aggravate the noise level from the car park and they have ignored the rules and the hours and the noise level from the car park is the same.

*This application would result in a less intensity of use than what has already been approved under ref: P/3012/11 and Environmental Health have not raised any concern subject to a condition being attached at any approval to ensure that any plant and machinery (including that for fume extraction, ventilation, refrigeration and air conditioning) shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour/fume into any neighbouring premises.*

### **CONCLUSION**

The banqueting/function facility (Sui Generis) is situated in an appropriate town centre location for a high intensity use. The proposed increase in the capacity of the use is therefore acceptable in this sustainable location. It is considered that the proposal would not result in any adverse impacts on the local highway or result in any unreasonable adverse impacts on the residential amenities of the neighbouring residential properties above what has been approved under Ref: P/3012/11. Overall the development would not result in any significant visual, highways or residential amenity impacts that would warrant refusal of planning permission.

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan (2015) and other development plan policies as well as to all material considerations, including site circumstances and comments received in response to consultation.

### **CONDITIONS**

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

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

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

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

3 The use hereby permitted shall not be open to customers outside of the following times without the prior written permission of the Local Planning Authority:

12:00 hours to 23:00 hours, Monday to Thursday.



12:00 hours to 00:00 (midnight), Fridays and Saturdays

12:00 hours to 22:30 hours, Sundays and BANK Holidays

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

4 The maximum number of patrons and staff in the premises shall not exceed 400 persons at any time.

REASON: To ensure that the use of the site is not over-intensive and to permit an assessment of patron / staff numbers in the future in the light of the circumstances then prevailing as a measure to ensure that disturbance /disruption or noise to the neighbouring residential properties are kept to a minimum in order to comply with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 Before the change of use hereby permitted commences, any plant and machinery (including that for fume extraction, ventilation, refrigeration and air conditioning) shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour/fume into any neighbouring premises.

REASON: To safeguard the amenity of neighbouring residents, in accordance with Policy DM1 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 change of use hereby permitted shall not be brought into use until a scheme for the storage and disposal of refuse/waste has been submitted to and approved in writing by the Local Planning Authority and shall be retained in accordance with the approved details

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

## **INFORMATIVES**

1 The following polices are relevant to this decision:

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

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

3.16 Protection and Enhancement of Social Infrastructure

4.12 Improving Opportunities for All

4.5 London's Visitor Infrastructure

4.6 Support for and Enhancement of the Arts, Culture, Sport and Entertainment Provision

5.12 Flood Risk Management

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.13 Parking

7.1 Building London's Neighbourhoods and Communities

7.2 An Inclusive Environment

- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing Noise and Enhancing Soundscapes

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

- Core Policy CS1 – Overarching Policy
- Core Policy CS 8 – Edgware and Burnt Oak

### **Harrow Council Development Management Policies (2013)**

- DM 1 Achieving a High Standard of Development
- DM 9 Managing Flood Risk
- DM 42 Parking Standards
- DM 43 Transport Assessment and Travel Plans

### **Supplementary Planning Guidance and other relevant guidance**

- Harrow Strategic Flood Risk Assessment (2011)

#### **2 INFORMATIVE:**

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

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

#### **3 INFORMATIVE:**

The proposed kitchen facilities are to be fitted, furnished and equipped to the satisfaction of the Environmental Health Department.

#### **4 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.

#### **5 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 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

## 6 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 7 INFORMATIVE:

Please be advised that this application attracts a liability payment of £13,230 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 £13,230 for the application, based on the levy rate for Harrow of £35/m<sup>2</sup> and the change of use floor area of 378m<sup>2</sup>.

Plan Nos: 4224\_S01, 4224\_S02, 4224\_S03, 4224\_S04, 4224\_SK02 Rev B, 4224\_SK03, 4224\_SK04 Rev B, Design and Access Statement (September 2015), Flood Risk Assessment (July 2015), Transport Statement, VIP Lounge Event Management Plan (Revision C), Workplace Travel Plan (May 2016)



## The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
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Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-878927  
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Fax No 0272-878769  
GTN 1374-

APPEAL 2104  
ALLOWED

Peter Pendleton Associates  
Chelsea Bridge Business Centre  
334 Queenstown Road  
LONDON SW8 4NP

Your Ref: Peter Pendleton  
Our Ref: T/APP/M5450/A/94/238081/P6

12 SEP 1994

Date: 29 SEP 1994

Dear Sirs

*JAB/hawmc*  
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY ROWBAIRD PROPERTY COMPANY LTD  
APPLICATION NO: EAST/334/93/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 change of use to B1 of the first floor of premises at 47-49 High Street, Edgware. I have considered the written representations made by you and by the Council and also those made by another party. I have also considered a representation made directly to the Council which has been forwarded to me. I inspected the site on 8 August 1994.

2. From the written representations I received and my inspection of the site and surrounding area I consider that this appeal turns on whether, when relevant national and local planning policies are taken into account, the change of use would be unacceptably detrimental to the flow of traffic along adjoining roads and to residents' amenities.

3. The appeal premises comprise a 2-storey building with floorspace of 0.46ha, built in the 1960s as ground-floor shops with a bowling alley above. Along the north-west side, below a projection of the first floor which is carried on piers, is a wide access with parking spaces along its sides. An area of open ground at the rear provides more parking space.

4. In 1973 the ground floor was a Green Shield trading stamp gift shop, and the Council granted planning permission for change of use of the bowling alley to a warehouse serving the gift shop. Subsequently however the first floor was occupied by a firm who worked exclusively on the production of photographic material and artwork for the catalogues of Green Shield, and their successor Argos. That was regularised by planning permission (ref 18564/E) granted in 1980 for continued use of the first floor as "retail photographic



studio & warehouse & design studios with ancillary offices". (The word "retail" is somewhat misleading as there is no evidence that the occupants have ever traded direct with the public.) At that time they employed only 32 people, and the Council considered their parking requirements, along with those associated with the Argos shop, could be satisfactorily accommodated on the site.

5. That firm remains on the first floor doing the same kind of work, though for other clients as well as Argos, who have vacated the ground floor. Only the front part of that is now in use, as a shop selling women's clothing; the much larger area behind retains rows of storage fixtures, but is currently unused. Nearly half the first floor is used as a warehouse, where merchandise is held before and after being photographed in the 5 large studios which occupy much of the rest. At the front, above the present shop, is a design office with some smaller units partitioned from it. There are also rooms for photographic processing and storage and a small suite of management offices. In September 1993 the firm employed 67 people there.

6. You question the Council's description of this activity as *sui generis*, arguing that it falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987. It is clearly a composite use comprising photography, photoprocessing, graphic design and typography with ancillary storage and office uses. Individually these functions could form part of a B1 use, but they are combined here to produce a very low intensity of occupation (about 40 sq m per person) which clearly distinguishes it from the generality of office and light industrial uses. Surveys quoted by the Council show that used as offices this amount of floorspace might accommodate up to 4 times as many people. The small number employed was an important consideration for them when granting permission in 1980, and I think they rightly call it *sui generis*.

7. The statutory development plan for the area comprises the Greater London Development Plan and the Harrow Borough Local Plan. Policy 61 of the latter encourages office development in district centres, subject to their suitability for that purpose, including the availability and capacity of public transport facilities, whether the roads can accommodate the traffic generated, and the availability of adequate parking facilities. Policy 121 refers to standards for parking provision which the Council will apply.

8. A Unitary Development Plan (UDP) which will replace these plans is at an advanced stage of the statutory process, and its policies carry considerable weight. The appeal site is within a Business Use Area defined in Policy EM5, where the Council will encourage the retention, development or redevelopment of land and buildings for business and light industrial (B1) uses only. Policy EM7 says that when considering applications for business development the Council will have regard to its impact on the amenity of adjoining

property, and whether the surrounding roads can accommodate the traffic generated. Policy T17 echoes Policy 121 of the Borough Plan. The parking standards contained in a Schedule are subject to revision in response to the recent Government Planning Policy Guidance Note 13, but as they stand require 92 spaces for the authorised use of the ground floor and proposed B1 use of the first floor of the appeal building.

9. The revised PPG13 was published after the public inquiry on the UDP and submission of the Inspector's recommendations. It emphasises encouragement of public transport use, and the discouragement of private cars in planning decisions. In paragraph 1.8 it advises local authorities to promote development within urban areas, and major generators of traffic demand, at locations highly accessible by means other than the private car, and to limit parking provision to discourage reliance on the car for work where there are effective alternatives. Paragraph 3.6 urges them to provide locations for offices and other employment intensive uses at locations in urban centres well served by public transport.

10. Parking spaces on the appeal site are not marked out, but the Council estimate that 38 cars can be parked at the side and rear of the building. Immediately in front of the building there is a bus-stop served by 8 weekday routes and just to the south is a pedestrian crossing with guard rails either side. Elsewhere kerbside parking is permitted except between 8 and 9.30 am and 4.30-6.30 pm on Mondays to Fridays. As the Council point out those restrictions prevent people working in the premises from parking there all day. I note that the adjoining London Borough of Barnet, who are the highway authority, have made Edgware High Road their highest priority for establishing a controlled parking zone. About 5 minutes' walk away are Edgware underground station and a public car park off Station Road. Both are as near as, or nearer than, the unrestricted residential roads where the Council fear that extra people working at the appeal premises might park.

11. I find it difficult to reconcile the Council's objections to B1 use of the first floor with their inclusion of the appeal site in the Business Areas defined in UDP Policy EM5. According to them no part of the building has ever been in such use, unlike most of those nearby, so its inclusion must have been a conscious decision. Its location, in an urban centre, with comprehensive shopping facilities in Station Road and well served by public transport seems to me to accord very closely with what PPG13 recommends for such development. That more recent advice clearly conflicts to some extent with the development plan policies and the Council acknowledge that they will need to revise the parking standards in the latter. In the circumstances of this case I consider the PPG to be a material consideration which outweighs the requirements of the development plan for a particular level of parking provision.

12. The local policies and regional guidance referred to by the Council assume that unless sufficient parking space is provided in developments, people will still use their cars but park in ways which are harmful to amenity. The PPG assumes the contrary: that limiting parking space will encourage people to use other means of transport. In my view the restrictions on rush-hour parking in the High Road and the proximity and variety of public transport available would tend to bring about the second outcome, discouraging employees from travelling to work by car. I am not convinced that a B1 use employing more people than at present work in the building would inevitably create so much more vehicular traffic as to impede the flow of traffic on adjoining roads, or be detrimental to the amenities of neighbouring residential roads.

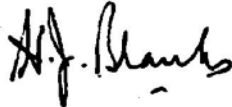
13. I have considered all other matters raised in the written representations but found nothing which led me to different conclusions on the main issues.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of the first floor at 47/49 High Street, Edgware to one falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 in accordance with the terms of the application (No EAST/334/93/FUL) dated 21 July 1993 and the plans submitted therewith subject to the condition that the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

15. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

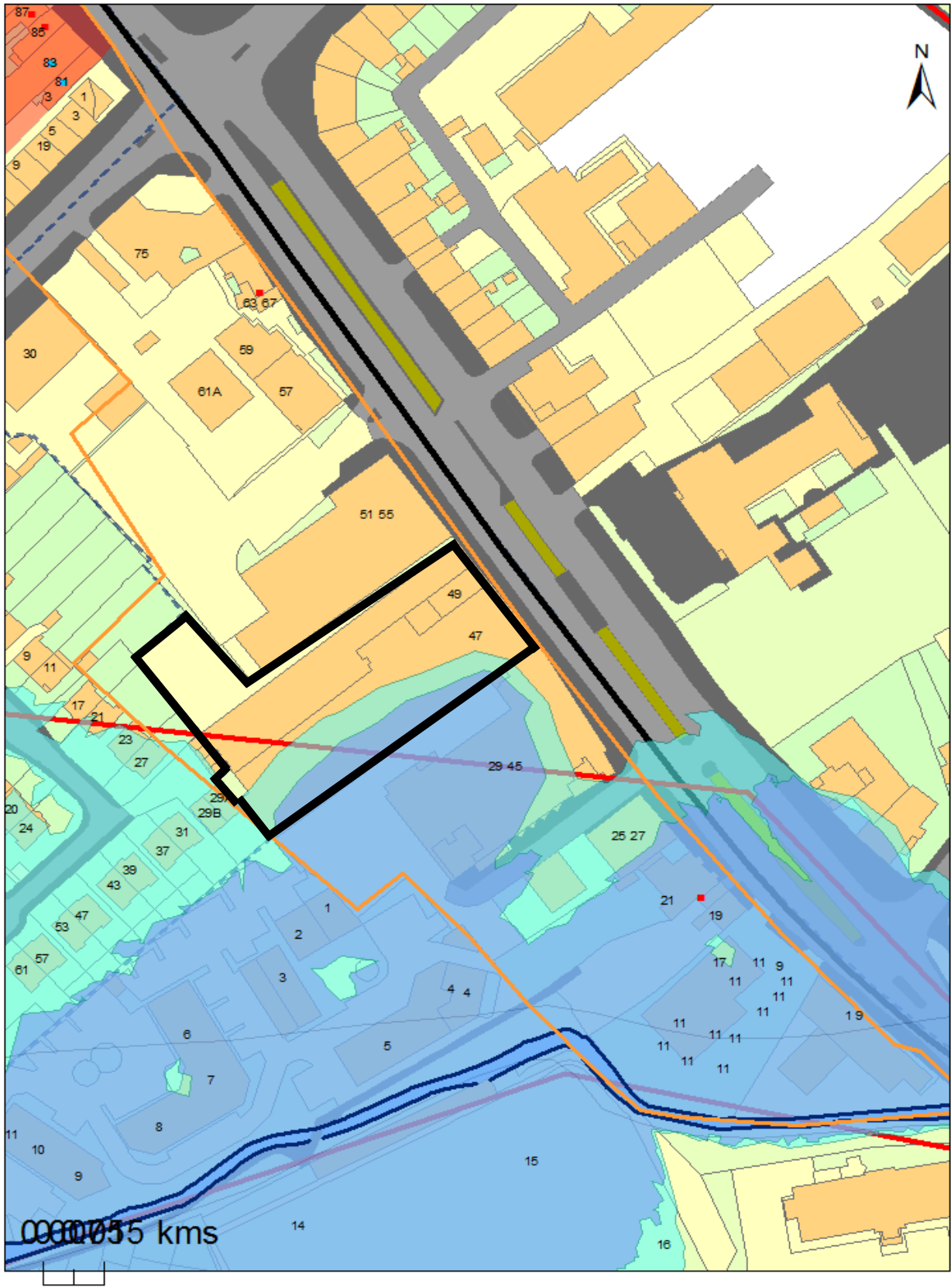
16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



H J BLANKS BA(Oxon)  
INSPECTOR

# 75 LOCKET ROAD, WEALDSTONE, HARROW



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ITEM NO: 2/06  
ADDRESS: 87 SANDRINGHAM CRESCENT, HARROW  
REFERENCE: P/0865/16  
DESCRIPTION: CONVERSION OF SINGLE DWELLING TO TWO FLATS WITH NEW ACCESS; PARKING, SEPARATE AMENITY SPACE, BIN / CYCLE STORAGE  
WARD: ROXBOUNE  
APPLICANT: MRS VIJITHA VIJAYAKUMAR  
AGENT: BUILDING DESIGN CONSULTANCY UK LTD  
CASE OFFICER: KIMRY SCHLACTER  
EXTENDED EXPIRY DATE: 01/06/2016

## RECOMMENDATION

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

## INFORMATION:

This application is reported to Planning Committee under Proviso E of the Scheme of Delegation, dated 29th May 2013, as there has been significant public interest in this application.

This application was deferred from the Planning Committee on 25<sup>th</sup> May 2016 for a Members' site visit which took place on 25<sup>th</sup> June 2016.

Statutory Return Type: 13. Minor Dwellings  
Council Interest: None  
Net additional Floorspace: 0m<sup>2</sup>  
GLA CIL (provisional): N/A  
Harrow CIL (provisional): N/A

## Site Description

- Two storey end-of-terrace dwelling located on the northern side of Sandringham Crescent, at the beginning of a curve in the road.
- No. 85, to the south-east, is the attached mid-terrace property; no. 89 is the adjoining property to the west.
- The site's rear boundary backs onto the Roxbourne River.
- The property has been previously extended with a rear dormer. A rear ground floor extension 6.0m deep with patio and a small side extension were under construction at the time of the site visit.
- There are changes in site levels from the front to the rear of the property, and parts of

the garden of no. 89 are lower than that of no. 87.

- The site lies within a critical drainage area, and includes a 1-in-100yr flood zone area. A 1-in-30yr surface water flood zone is adjacent to the rear boundary.

### **Proposal Details**

- It is proposed to convert the existing dwelling into two self-contained flats.
- The ground floor is proposed as a 2-bedroom, 3-person flat. The first and loft floor is proposed as a 1-bedroom, 2-person maisonette.
- The rear garden would be divided into two amenity spaces, with timber fencing.
- A new vehicle access is proposed, with two new off-street parking spaces. Two secure cycle brackets are proposed in the front garden.
- Four refuse and recycling bins are proposed to be located on the side access path, and one additional in each of the private rear garden areas (Six in total).

### **Revision to This Application**

- N/A

### **Revisions to Previous Application**

- N/A

### **Submitted Documents:**

- Flood Risk Assessment
- Design & Access Statement

### **Relevant History**

P/3525/15 – Prior Approval Notification of Intention: Single Storey Rear Extension:  
Extending 6m deep, 3.45m maximum height, 2.9m high to the eaves  
NOB – 01/09/2015

P/4487/15 – First Floor Extension

REFUSED – 17/12/2016

#### Reason for Refusal:

The proposed first floor rear extension, in addition to the existing extensions to the dwellinghouse, by reason of the unduly disproportionate scale of extension and unsympathetic juxtaposition of additions, would result in obtrusive and incongruous extensions of the property, to the detriment of the dwellinghouse and the character and appearance of the surrounding area, contrary to policy 7.4B of The London Plan (2015), policy CS1.B of the adopted Harrow Core Strategy (2012), and policy DM1 of the Development Management Policies (2013).

### **Consultations**

Waste Management:

- No comments received

Drainage:

- Details were requested as to whether the proposed hardstanding in the forecourt is permeable. Additional details were submitted and deemed satisfactory.
- Proposed vehicular access should be maximum 3.6m wide as per highways requirements

Traffic & Highways:

- Parking for this location is very poor, PTAL is low at 2; therefore off-street parking is preferable.
- One (1) parking space is required for The London Plan 2015 maximum parking standards.
- Width of the forecourt is only just wide enough to accommodate two cars, which would be a problem for use by disabled drivers. As one space is required and a single car can more comfortably be accommodated, ideally no more than one space should be provided.
- Cycle parking needs to be a minimum of 3 spaces (1 for the 1-bed unit, 2 for the 2-bed).
- No record of a previous application for vehicle cross-over at this address. The site is located on a bend, however high traffic volumes or speeds would not be anticipated so no problems anticipated for a future cross-over application.

### **Advertisement**

- None

### **Neighbour Notifications**

Sent: 2

Replies: 2

Expiry: 24/03/2016

### **Summary of Responses**

Summary of comments received:

- Enough flats already existing on this street; do not want more
- Concerns that more flats on this street (in addition to those existing) will devalue other properties.
- Concerns that additional flats will exacerbate parking situation, given that parking is already very limited.
- Does not seem feasible that two car parking spaces and a cycle shed can be accommodated within the space available.
- Unemployment statistics are high; and therefore concern regarding what additional effects flats may have on the area.
- Several instances of bad neighbours needing to be evicted in the past.

### **Summary of comments received via petition (dated 12-4-16, with 16 signatures) from residents of Sandringham Crescent:**

- Believe application should be rejected on the basis that flats would drastically change the character of the street as a small, quiet, and neighbourly place
- Demand for parking in Sandringham Crescent is high due to several double lines, fewer home owners being allowed to drop kerbs due to trees, and given that there are already several flats on the street. Development would likely result in further increases in parking demand on an already congested street.
- Plans for two off-street parking spaces do not seem achievable in the space available.
- Proposal would give rise to further flat developments which will ruin the street.

### **APPRAISAL**

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

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

In this instance, the Development Plan comprises The London Plan 2015, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

The policies relevant to this application and themes are set below and at the end of this report at Informative 1.

## **MAIN CONSIDERATIONS**

Principle of Development - LP: 3.3 3.4, 3.8, HCS: CS1.I, DMP: DM24

Design, Layout, Character of the Area and Amenity - LP: 3.5, 3.8, 7.4, 7.6, HCS: CS1.B, CS1.K, DMP: DM1, DM22, DM27, DM26, SPD: Residential Design Guide, SPG: Housing, MALP: Housing Standards

Residential Amenity - LP: 7.6, DMP: DM1, DM2, DM26, SPD: Residential Design Guide SPG: Housing

Accessibility - LP: 7.1, 7.2, HCS: CS1.K, DMP: DM2, SPD: Accessible Homes

Traffic and Parking - LP: 6.9, 6.13, HSC1.R, DMP: DM26, DM42, SPG: Housing

Development and Flood Risk - DMP: DM10,

Equalities Implications

Crime and Disorder Act - LP: 7.3, DMP: DM1 Consultations Responses

### **Principle of the Development**

Policy 3.8 of The London Plan (2015) 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 CS1.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'. Having regard to the London Plan and the Council's policies and guidelines, it is considered that the proposed conversion would constitute an increase in housing stock within the borough in terms of unit numbers and tenure types, and would therefore be acceptable in principle.

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

The proposed conversion of the existing dwellinghouse to flats would involve no external alterations to the dwellinghouse itself (notwithstanding those dealt with under other applications), however will include alterations to the rear garden amenity space and to the forecourt (addressed below).

#### Internal Design and Layout of New Dwellings

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2016.

On 25 March 2015 through a written ministerial statement, the Government introduced new national technical housing standards in England and detailed how these would be

applied through planning policy. As of March 2016, the Mayor has adopted the new standards through The London Plan Housing Standards Minor Alteration to the London Plan.

Therefore from March 2016, policy 3.5C refers to table 3.3 as set out in the 2016 Housing Standards, which is set out in the table below. Policy 3.8B(c) of the London Plan relating to Housing Choice, from the 1 October should be interpreted as 90% of homes should meeting building regulations M4 (2), – ‘accessible and adopted dwellings’ Policy 3.8B(d) will require 10% of new housing to meeting building regulations M4 93) – ‘wheelchair user dwellings’. However, this does not generally apply to dwellings resulting from a conversion.

**Table 3.3**

Bedrooms	Bed spaces	Minimum GIA (sqm)			Built – in storage (sqm)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0

*Notes to Table 3 3*

1. \* Where a one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.
2. The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls<sup>1</sup> that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres (m<sup>2</sup>).
3. The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

Note that space less than 1.5m ceiling height cannot be counted for gross internal area unless used solely for storage. Please refer to the diagram labelled “Cross Section A-A” of Drawing No. 15488/10 Rev A. As seen here, part of the floorspace towards the front of the house on the loft level of the upper maisonette is below 1.5m. While this area can be used for storage purposes, and can be counted towards the total Gross Internal Area if used for storage, it is not counted otherwise. The total floorspace of the upper

maisonette, including the area under 1.5m is 58m<sup>2</sup>. The area which is less than 1.5m high is 4m<sup>2</sup>. Thus the habitable floorspace with a ceiling height greater than 1.5m for the upper floor maisonette is:

(Total Gross Internal Area) 58m<sup>2</sup> – (area under 1.5m high which can be used for storage) 4m<sup>2</sup> = 54m<sup>2</sup> floorspace greater than 1.5m<sup>2</sup> high

	<b>Gross Internal Floor Area</b>	<b>Storage</b>	<b>Bedroom (national space standards)</b>
Minimum Floor Area Required	2b 3p = 61 sqm	2b 3p = 2.0 sqm	Double (11.5sq m)
	1b 2p = 58 sqm	1b 2p = 1.50 sqm	Single (7.5 sqm)
Ground Floor Flat 2b 3p	66 sqm	0.5 sqm	12.6 sqm (double) 8.8 sqm (single)
Upper Floor Flat 1b 2p	58sqm	0 sqm dedicated (but 4m <sup>2</sup> under 1.5m high which could be used for storage and counted in the gross internal floor area)	12.1 sqm (single)

The proposed conversion would result in 1 x 2 bedroom (3 person) flat on the ground floor and 1 x 1 bedroom (2 person) maisonette on the upper floors. The overall gross internal floor area of the units would meet the required standards, however inadequate storage is provided in both units. There is sufficient space to allow potential revisions which could address this issue in both units, however. A condition requiring amended plans for a revised layout including a minimum standard of storage space is therefore attached to this permission.

As part of the conversion of the existing dwellinghouse into two flats it is proposed to convert the existing loft space into a living room and a bathroom. Nationally described standards require a minimum of 2.3 metres ceiling height for a least 75% of the dwelling area, while Standard 31 of the London Plan Housing SPG strongly encourages a minimum 2.5m, so that the new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Please note that the nationally described standard of 2.3m is required, while the additional 2.5m height in the London Plan is encouraged, but is not required. The ground floor flat provides a ceiling height of 2.46 metres throughout. The upper maisonette has a height of 2.39 metres on the first floor and 2.3 metres on the loft floor. The total floor space (with a ceiling height greater than 1.5m) is 54 m<sup>2</sup>: of this area, 4m<sup>2</sup> is between 2.3m – 1.5m high. The upper maisonette therefore provides a total of 50m<sup>2</sup> of floorspace at a ceiling height of 2.3-2.39 metres.

(Total Gross Internal Area) 58m<sup>2</sup> – (area under 1.5m high) 4m<sup>2</sup> = 54m<sup>2</sup>  
54m<sup>2</sup> – (area under 2.3m high) 4m<sup>2</sup> = 50m<sup>2</sup> floorspace with a height of 2.3-2.39m

This equals 93% of the total habitable floor space – and thus is above the 75% required - and 60% of the living room (Note that the area under 1.5m high has already been

omitted from these figures). Although it does not meet the higher encouraged standards of the London Plan, the proposal does meet the nationally required minimum.

Subject to a condition requiring amended plans to provide adequate storage space, without compromising the minimum internal floor space and quality of the bedrooms and other habitable rooms, the proposal would accord with relevant local and national policies.

#### Future Occupier Amenity- Light, Outlook and Privacy

Both units are dual aspect, and all of the habitable rooms are provided with windows. Bathrooms on the ground floor flat do not have windows, but as they are not habitable, this is not considered inappropriate. The outlook from the smaller bedroom of the ground floor flat is somewhat limited and looks onto the planned space for one of the bins, but it is still acceptable as the use of the room is not a main habitable space comparable to a living room, and the bin could be re-located further away if desired. There is also a marginal overlap between this bedroom and the kitchen on the first floor, however as the proposal would be subject to Part E of building control regulations, noise and disturbance from this marginal overlap would be mitigated. Stacking between the units relative to the other rooms is satisfactory.

The proposal is therefore considered satisfactory with regard to the amenity and privacy of future occupiers.

#### Amenity Space

The proposal to convert the existing dwellinghouse into two flats would include the subdivision of the rear garden to allow access to amenity space for both flats. The details of the amenity spaces comply with paragraph 5.16 of the Residential Design Guide SPD, and the patio of the ground floor flat is not considered to be high enough to give rise to concerns of overlooking of the rearmost amenity area. Amenity space provided for the upper floor maisonette totals 78m<sup>2</sup> and that for the ground floor flat totals 88m<sup>2</sup>, therefore are in compliance with Standard 26 of The London Plan's Housing SPG.

#### Forecourt Treatment

Hardsurfacing of the forecourt and the proposed new access would not be uncharacteristic of the area in themselves, however no soft landscaping appears to have been provided, contrary to paragraph 5.5 of the Residential Design Guide SPD and policies DM22 and DM26 of the Development Management policies. A condition requiring soft landscaping details to be approved prior to the occupation of the flats is therefore attached to this permission.

#### Bin Storage

The supporting documents and proposed plans provided indicate that the bins for each proposed flat would be stored either against the side elevation of the property, or to the rear (with level access to the front of the property). This is consistent with paragraph 5.8 of the Harrow Residential Design Guide SPD, and therefore would be satisfactory. A condition requiring bins to be maintained in this location at all times, other than on collection days, is attached to this permission.

In summary, whilst some minor issues have been noted above, these could be addressed via conditions with amendments to the submitted plans. The proposal would thus be considered to be in accord with the relevant policies of the development plan and the Council's adopted SPD: Residential Design Guide 2010, with regard to outlook

and potential disturbance to the smaller bedroom of the ground floor flat.

### **Residential Amenity**

The proposal does not include any additional structures to the dwellinghouse itself. Existing flank windows would still serve the stairwell, so would not create any new concerns with regard to overlooking.

The proposed changes to the forecourt would be typical of similar neighbouring developments and would not impact amenity areas of neighbouring properties. To the rear, the proposed boundary treatments would consist of timber fencing 2.0 metres high along the boundary with neighbouring property no. 89, and to separate the designated amenity areas for the flat users. The recently built patio has been lowered to an acceptable height to avoid overlooking and loss of privacy, in particular with regard to no. 89.

Though it is acknowledged that the development would give rise to a marginal increase in the use of the premises with two households rather than one, movements and associated disturbance would remain residential in nature and any increase in activity around the premises would be minor and would not cause unreasonable disturbance to neighbouring occupiers.

Sufficient amenity space has been provided for each of the proposed units. Amenities for the occupiers of the subject dwelling, as detailed in section 1, are satisfactory.

In summary, the development would accord with development plan policies in respect of amenity.

### **Accessibility**

Core Policy CS1.K of the Harrow Core Strategy and Policies 3.8, 7.1 and 7.2 of The London Plan (2015) require all new housing to be built to Lifetime Homes Standards. This has been replaced by New National Standards which require 90% of homes to meet Building regulation M4 (2) - 'accessible and adaptable dwellings'.

Although two parking spaces are proposed, such an arrangement would not allow for accessible use for disabled persons. Reducing this to one space as per the Highways Authority recommendation would allow this to be accommodated as an accessible / disabled space, with a width no less than 3.3m, if needed. The ground floor flat has level access, and may potentially be adaptable for some accessible use.

A condition has been attached to ensure that the proposed dwellings will meet regulation M4 (2) of the Building Regulations which would secure an appropriate standard for future occupiers and make the units accessible to all. Given some of the details shown in the submitted drawings, such as widths of proposed doorways, compliance with regulation M4(2) may require further minor amendments to the proposed plans.

### **Traffic and Parking**

The proposal includes the provision of a new vehicle access and two car parking spaces, as well as two cycle brackets, in the front forecourt. The highways officer has not raised any potential issues with the vehicle crossover, although this would require a separate application to the Highways Authority.

The highways officer has indicated that it would be just possible to accommodate two



cars within the proposed forecourt space, however this would not allow for use as disabled parking. As one car parking space is required in this case under The London Plan (2015) maximum parking standards, and this would be more comfortably accommodated than two, it is recommended to provide one space only.

It is acknowledged that parking availability is poor in this location; and that the area has a relatively low PTAL rating. However, given the maximum number of potential occupiers, the intensity of use with regard to traffic would be relatively comparable to that of a single family household with multiple cars. Furthermore, this would still provide an increase in off-street parking from that available at present. It is therefore considered that the proposal would not result in impacts sufficient to merit refusal with regard parking issues.

Although two cycle brackets are provided, three secure cycle storage spaces would be required to comply with The London Plan standards. Furthermore, the cycle storage is not sheltered as per standard 21 of The London Plan's Housing SPD.

A condition requiring an amended parking plan showing three secure sheltered cycle storage units, and reducing the proposed car parking to one space capable of accommodating disabled use, to be submitted and approved in writing prior to the occupation of the units, is attached.

### **Development and Flood Risk**

The site is located in a critical drainage area and surface water flood risk zone. The development would result in additional hardsurfacing in the forecourt area, however this has been confirmed to be permeable, which is considered to be satisfactory by drainage officers. As the site is located within a Critical Drainage Area, sustainable urban drainage [SUDs] is encouraged. An informative regarding SUDs is attached to this effect.

### **Equalities Implications**

Section 149 of the Equalities Act 2010 places obligations on local authorities with regard to equalities in decision making. It is considered that this application does not raise any equality implications or conflict with development plan policies in this regard.

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

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies and relevant legislation in this regard.

### **Consultation Responses**

Response to other issues raised by 83 Sandringham Crescent:

- *Enough flats already existing on the street:* See section 1 regarding principle of the development (housing mix). It has been confirmed that 4 properties on Sandringham Crescent have been converted to flats.
- *More flats would bring down the value of homes:* Speculation of property prices is not a material planning consideration
- *Additional flats will exacerbate parking situation:* See section 5 for parking considerations
- *Two car parking spaces and cycle shed cannot be accommodated within the space available:* See section 5 for parking considerations

- *Unemployment statistics are high:* Unemployment statistics are not relevant to the application or a material planning consideration.
- *Instances of bad neighbours:* Not a material planning consideration. Future potential occupiers cannot be discriminated against or punished on the basis of real or perceived undesirable behaviour by others.

Response to other issues raised by petition (dated 12-4-16) from residents of Sandringham Crescent:

- *Believe application should be rejected on the basis that flats would drastically change the character of the street as a small, quiet, and neighbourly place:* No substantive evidence is apparent that the proposal would, in itself, have significant impacts on the character of the area. Characterisation of peoples on the basis of tenure type is not supported by substantive evidence, and would be discriminatory.
- *Demand for parking in Sandringham Crescent is high, development would likely result in further increases in parking demand:* See section 5 for parking considerations.
- *Plans for 2 off-street parking spaces do not seem achievable in the space available:* See section 5.
- *Proposal would give rise to further flat developments:* Precedents of other conversions in the area are not normally a consideration in applications for conversions of existing houses to flats, as demonstrated by this application. No substantive evidence is apparent that granting this application will influence future similar applications.

## **CONCLUSION**

The development would add to the housing provision and choice within the borough and would have a satisfactory impact on the character and appearance of the property and the area. Furthermore, the development would not unduly impact on the amenity of the neighbouring occupiers, and would result in a net increase in off-street parking.

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.

## **CONDITIONS**

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

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

2 Save where modified by other planning conditions comprising this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 15488/09; 15488/10 Rev A; Design & Access Statement; Flood Risk Assessment

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

3 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until revised plans of the layout of the flats and forecourt showing the following:

- i. a minimum of storage space in each unit, in accordance with the London Plan standards as set out in this report, and without compromising the minimum internal

- floor space and quality of habitable rooms, in particular bedrooms;
- ii. one (1) parking space in the forecourt, of a width and design able to accommodate disabled use
  - iii. provision of three (3) cycle parking spaces in secure and sheltered storage
  - iv. a revised scheme of hard and soft landscape works in the forecourt, which shall include details for boundary treatments. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

have been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall therefore be implemented in accordance with the approved plans and retained as such thereafter.

REASON: To provide minimum adequate internal storage, cycle storage and parking facilities, and to safeguard the appearance and character of the area, and enhance the appearance of the development, in accordance with policies 3.5 and 3.8 of The London Plan (2015), policies CS1.B and CS1.K of the of the Harrow Core Strategy (2012), policies DM 1, DM 22, and DM 26 of the Development Management Policies Local Plan (2013), the adopted (London Plan) Supplementary Planning Guidance: Housing (2016), the Minor Alterations to the London Plan: Housing Standards (2016), and the adopted Harrow Supplementary Planning Document: Residential Design Guide (2010)

Details are required prior to the occupation of the development as the approval of details beyond this point would be likely to be unenforceable.

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 building, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

5 The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards in accordance with policies 3.5, 3.8 7.1, and 7.2 of The London Plan, policy CS1.K of The Harrow Core Strategy (2012) and policies DM1 and DM2 of the Development Management Policies Local Plan (2013), and the adopted Supplementary Document: Accessible Homes (2010).

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

REASON: To safeguard the appearance of the locality, as required by policy DM45 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

1 The following policies are relevant to this decision:

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

**The London Plan 2015:**

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

**The Harrow Core Strategy 2012:**

- CS1.B Local Character
- CS1.I, CS1.K Housing
- CS1.R Transport

**Harrow Development Management Policies Local Plan 2013:**

- DM1 Achieving a High Standard of Development
- DM2 Achieving Lifetime Neighbourhoods
- DM10 On Site Water Management and Surface Water Attenuation
- DM22 Trees and Landscaping
- DM 24 Housing Mix
- DM26 Conversion of Houses and other Residential Premises
- DM27 Amenity Space
- DM42 Parking Standards

**Adopted Supplementary Planning Documents**

- London Plan Housing Supplementary Planning Guidance (2016)
- Minor Alterations to the London Plan: Housing Standards (2016)
- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)

**2 INFORM23M: 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 INFORM32M: 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 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 INFORM\_PF2: Grant without pre-app

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.

#### 5 SUDS: Sustainable Urban Drainage

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.

#### 6 INFORM54M Permeable Paving Guidance

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

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

#### 7 INFORM\_65 - Homeowner liable for damage to highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing,

carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property

#### 8 INFORM51M: Compliance with 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.

9 A yellow Site Notice relating to this planning application describing the development and alerting interested parties of the development has been placed in the vicinity of the application site. You should now REMOVE this Site Notice.

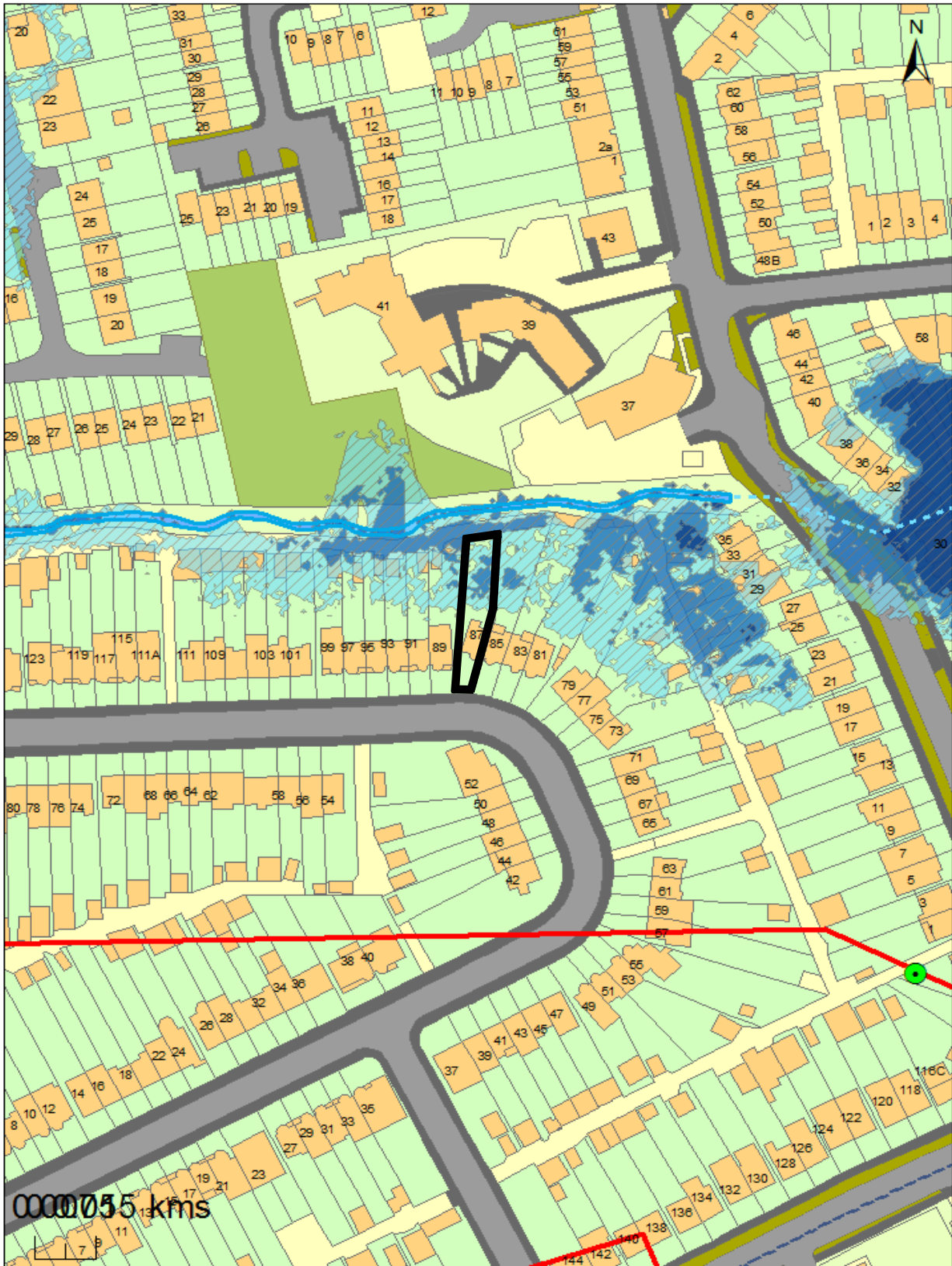
10 Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939.

All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

You can apply for SNN by contacting [technicalservices@harrow.gov.uk](mailto:technicalservices@harrow.gov.uk) or on the following [link](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering).  
[http://www.harrow.gov.uk/info/100011/transport\\_and\\_streets/1579/street\\_naming\\_and\\_numbering](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering)

Plan Nos: 15488/09; 15488/10 Rev A; Design & Access Statement; Flood Risk Assessment

# 87 SANDRINGHAM CRESCENT, HARROW



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ITEM NO: 2/07

ADDRESS: JOHN LYON SCHOOL, MIDDLE ROAD, HARROW

REFERENCE: P/1020/16

DESCRIPTION: MODIFICATION TO SECTION 106 PLANNING OBLIGATION RELATING TO PLANNING PERMISSION WEST/695/94/FUL DATED 23RD JUNE 1995 (PRINCIPAL AGREEMENT) TO INCREASE THE NUMBER OF PUPILS ON ROLL FROM 525 TO 710 (PREVIOUSLY MODIFIED BY DEED OF VARIATION DATED 24.09.2007

WARD: HARROW ON THE HILL

APPLICANT: THE KEEPERS & GOVERNORS OF THE FREE GRAMMAR SCHOOL

AGENT: GATELEV PLC

CASE OFFICER: CATRIONA COOKE

EXPIRY DATE: 26/04/2016

## **RECOMMENDATION**

**APPROVE** modification to the principal Section 106 Agreement dated 23rd June 1995 relating to the limitations of students numbers subject to the completion of a Deed of Variation. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

1. Under Second Schedule, paragraph 2 replace the limit on pupil numbers 525 (previously modified by deed of variation dated 24.09.2007 to 600 pupils) with 710.
2. To submit to the Council on an annual basis a plan indicating credible gradual improvement in the School Travel Plan [STP] performance.
3. The School to achieve a STP capable of Gold Status within 4 years.
4. Enhanced Travel Plan Enforcement
5. Payment of reasonable Legal Fees in the preparation of the legal agreement.

## **INFORMATION**

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

This application was deferred from the 25<sup>th</sup> of May 2016 Planning Committee to allow adequate time for the consultees, the public and the Local planning Authority to consider the additional information which was submitted by the applicant.



Statutory Return Type: Other  
Council Interest: None  
Gross Floorspace: n/a  
Net additional Floorspace: n/a  
GLA Community Infrastructure Levy (CIL) Contribution (provisional): n/a

### **Site Description**

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

### **Proposal Details**

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

### **Revision to current application**

- Submission of a Transport Assessment
- Revision to the Schedule of modifications to enable enforcement of the School Travel Plan.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

The site has an extensive planning history. However, the following applications are most relevant to this current application:

WEST/695/94/FUL

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

GRANTED : 26-JUN-95

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

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

GRANTED : 31-JUL-2014

P/4247/14 - Modification to section 106 planning obligation relating to planning permission WEST/695/94/FUL dated 23rd June 1995 (principal agreement) to increase the number of pupils on roll from 525 to 710 (previously modified by deed of variation dated 24.09.2007

REFUSED : 24/02/2015

#### Reason for Refusal

1. The proposed modification to the principal Section 106 Agreement dated 23rd June 1995, as varied by the deed of variation dated 24th September 2007, relating to the limitations of students numbers, would result in an unacceptable level of noise,

disturbance and traffic movements, to the detriment of the residential amenities in Middle Road, Lower Road, Byron Hill Road, Crown Street, Chartwell Place, Clonmel Close and surrounding areas, contrary to policy 7.15 of The London Plan (2011) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Applicant Submission Documents**

- Schedule of Modifications Application one – February 2016 and updated May 2016
- Supporting Statement – February 2016
- The John Lyon School Travel Plan 2015
- Traffic Flow and Parking Survey Analyses – February 2016
- Transport Assessment- May 2016
- Noise Impact Assessment – February 2016
- Planning Report in Respect of Amenity – February 2016

### **Consultations**

Highways Authority:

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

Harrow on the Hill Trust:

The Trust finds it difficult to understand what is going on. There are three separate applications. One talks of increase to 710, another of an increase to 660. They all talk of an 'enhanced travel plan', two talk of an 'enforcement mechanism' the third doesn't. One talks of 'Star Performance Management' the other two don't.

The unfortunate effect of this plethora of applications is it leads to lack of confidence in any of them.

The main traffic problem, as the residents know, is created by pupils in their last year or so driving their own cars to school and parking on adjacent streets. The problem gets worse through the school year as an increasing number of pupils reach the age at which they have passed the driving test. At a meeting at the school last autumn, i.e at the beginning of the school year, the School indicated that it could solve this problem, but we are not yet into the Summer Term. It seems a trifle early from the residents' point of view to reply on these assurances. Indeed the suspicious might think that the School wanted to get the applications in and approved before the Summer Term arrived and the assurance could be checked.

The applications have two substantially different target numbers, one for a ten percent increase, others for an eighteen percent increase. This attitude of "let's try it on and see what happens" permeates this bunch of applications, so much that, however much may wish the school well, we must ask that this portfolio of application is refused and the position sorted out.

Byron Hill Residents' Association:

There is still "daily chaos" notwithstanding the traffic marshalling.

The Bellamy Roberts report is flawed in relevant respects.

The School should not have submitted further applications without there being any reduction in noise disturbance and traffic movement in the locality.

## **Advertisement**

General Notification

Posted: 17.03.2016

Expired: 07.04.2016

## **Notifications**

Sent: 131

Replies: 26

Expiry: 29/03/2016

## **Second Notification (amended details):**

Sent: 131

Replies: 2 plus Petition of 179 Signatures

Expiry: 25/05/2016

## **Addresses Consulted**

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

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

Roxeth Mead, Chartwell Place, Harrow, HA2 0HF

1 – 7 Chartwell Place, Harrow, HA2 0HE

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

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

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

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

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

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

23, 29, 31, 32, 34, 36, Byron Hill Road, Harrow, HA2 0JD

1 – 9 Chartwell Place, Harrow, HA2 0HE

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

48 Crown Street, Harrow, HA2 0HR

50 – 60 Crown Street, Harrow, HA2 0HR

55 – 65 Crown Street, Harrow, HA2 0HX

Byron House, Clonmel Close, Harrow, HA2 0JZ

The Penthouse, The Garden House, and 1 – 3 Clonmel Close, Harrow, HA2 0JZ

Street Record, Clonmel Close, Harrow

1 – 3 Clonmel Close, Harrow, HA2 0JZ

The Garden House, 4 Clonmel Close, Harrow, HA2 0JZ

1 – 15 Pavilion Lodge, Lower Road, Harrow Council

15 West Street, HA1 3ED

Roxeth Mead School, 25 Middle Road, Harrow, HA2 0HW

Harrow School Cricket Ground South Side, West Street, Harrow.

Cricket Field Cottage, Middle Path, Middle Road, Harrow, HA2 0HP

Charmouth, Middle Path, Middle Road, Harrow, HA2 0HP

Welsh Congregationalist Church, Lower Road, Harrow, HA2 0DE

First Floor Flat, and White Horse Public House, 50 Middle Road, Harrow, HA2 0HL

Red house And School Buildings, Middle Road, Harrow, HA2 0HW

2a, Ortygia, Lower Road, HA2 0DA

## **Summary of Responses**

- Car has been “bashed and scraped on two separate occasions” coinciding with increased parental activity e.g. parents’ evenings.
- The Hill is an environment of narrow streets – not comparable to the Avanti House

School area.

- To increase pupil numbers will increase traffic, litter and noise pollution.
- Would the School be prepared to offer resident's parking on the School site during parents' evenings /School events?
- Parking – severe shortage.
- Congestion – Middle Road has two Schools in it.
- Consultants are not familiar with the area – Middle Road is subject to 20 mph not 30 mph. They fail to consider the effects and not just the impacts.
- The School is a “quart in a pint pot”.
- Parents will still drop off pupils on Byron Hill Road irrespective of the travel plan.
- Concerned about increased traffic and parking – a complete re-think is necessary – the School has land which could accommodate this type of facility
- Clonmel Close/Byron Hill Road is sandwiched between 3 Schools ...and there are office premises ...All of which contribute to excessive traffic and parking problems
- Gridlock is created by parents in the morning peak.
- The one way system is not enforced and pupils parking all day is a problem not prevented by the School.
- The plans promise to address two major problems that so far JLS have failed singularly to do
- I have no objection per se to increasing numbers
- Noise – traffic movements figure is flawed as it ignores additional staff – all traffic movements are noise events worsening residential amenity.
- Traffic – the School causes 641 traffic movements over the “Peak two morning and afternoon”. An increase in pupil numbers to 710 would cause an additional 118 traffic movements.
- There ought to be parking data for 0930 to 1545 hours.
- JTS Report – this is a series of unjustified opinions.
- There are no free parking spaces as Bellamy Roberts suggest however.
- Middle Road cannot cope.
- Parents from John Lyon park on double yellow lines whilst waiting to collect their sons.
- Outside the Cricket Montessori School, the vast number of vans to transport the boys are left running.
- The School has no intention of doing anything to alleviate the already unacceptable congestion.
- The proposal will cause chaos.
- The School should only be allowed to increase number “if they can provide ample car parking space within their grounds along with clear access to that parking and off-road drop-off zones”.
- The traffic flow and parking survey analysis is inaccurate/misleading.
- Gridlock (which already exists at certain times of the day) will make it impossible for any emergency vehicles to have access to any parts of Harrow-on-the-Hill for far longer periods of time.
- In 1995, the original s106 agreement was signed limiting pupil number to 525. Documentation from the planning committee meeting that approved the variation to the s106 in 2004 referred to “a clear sanction in that if (traffic) reductions are not achieved, the numbers would revert back to these previously approved”. This did not happen.
- Traffic has become intolerable.
- The applications rely on the School's own data from 2013 and 2014, both of which “significantly breach what was supposed to be the base line figure of 175 car

journeys”.

- HLBC and TJLS have undertaken to monitor the situation on an annual basis, but this has not taken place.
- It is disingenuous to believe that the increase in traffic will be marginal, and that no further building work will be required.
- Independent evidence is needed that the School can maintain the base line figure of 175 car journeys for at least 2 years before any increase in pupils can be considered.
- Trying to leave premises for those living in Lower Road is almost impossible to ask due to parents using scarce parking facilities to pick up or to leave their sons from the school.
- Parents park without respect / consideration, including trespassing on their premises. The School should move to another area.

## **APPRAISAL**

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

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

In this instance, the Development Plan comprises The London Plan 2015 [LP], 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 [SALP].

## **MAIN CONSIDERATIONS**

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

Equalities Impact

S17 Crime & Disorder Act

Consultation Responses

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

Paragraph 72 of the National Planning Policy Framework (2012) sets out that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It goes on to state that the LPA’s should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy 3.18C of The London Plan (2011) will support development proposals which enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. This is further emphasised under policy DM46 of the Development Management Policies Local Plan (2013). Policy DM43 in the case for major development sites will require a Transport Assessment to be undertaken. It goes onto state that any impact identified in the Transport Assessment should be mitigated through the implementation of Travel Plans which should include the desirability of achieving modal shift away from private car use towards sustainable modes of transport.

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

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

As part the obligations set out under the 2007 deed of variation, the School was required to submit a travel plan prior to the implementation of the modification. The Council's records show that such a Travel Plan had indeed been submitted by the School which was subsequently approved by the Council's Travel Plan Officer. Whilst there was no further obligation under the deed of variation dated 24 September to 2007 to provide an annual updated Travel Plan to the Council for monitoring purposes, the School has on an ad-hoc basis submitted further Travel Plans in 2010, 2012 and 2014 (in addition to the original 2007 Travel Plan).

The current proposal to vary the legal agreement to increase pupil numbers would introduce a number of mechanisms to mitigate the proposed uplift in pupil numbers and consequent impacts on the surrounding area. It includes the following measures:

- Requirement to comply and fully implement the travel plan;
- pay a contribution towards local highway network measures in the event of a breach
- maintain in-post a Travel Plan Coordinator
- use reasonable endeavours to ensure that the Travel Plan is complied with and that each of the targets contained in the Travel Plan are met
- to carry out a baseline travel survey with all pupils and staff within 6 months
- revise the School Travel Plan in light of the travel survey and relevant consultation and resubmit the School Travel Plan to the Council and obtain approved to the same from the Council within the same academic year
- express requirement for annual community engagement
- carry out annual monitoring in accordance with Transport for London's standardised approach to monitoring within the same calendar month as the travel survey.

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

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

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

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

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

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

The School, as part of the firm commitment to reduce car dependency and traffic movement in the locality, would enter into a modified deed of variation which would include a clause requiring the school to achieve Gold STARS Status within four years. The School has achieved bronze STARS status which required the school to reduce both single occupancy car travel and car share by 2%. In 2015 car travel to the school was at 45%. In 2016, car travel is at 35% which equates to a reduction of 60 vehicles driving to the school. If the school were to achieve Gold level accreditation, this would involve the delivery of more than double the number of activities and initiatives. We would expect a further reduction of in car travel of at least a further 6% - likely bringing the level of car travel to 29%. The average reduction for Gold level travel plans across London is 11%, but in reality this can be much higher depending on certain factors, such as the school's commitment. John Lyon School has already embedded sustainable travel activities into

the school and as a result has achieved a 10% reduction in car use. The School Travel Plan Officer is confident that in achieving Gold, the school would see a further drop in car use to a maximum of 30% as shown in the table below.

Travel plan year	No. pupils	Single occupancy car use	Car sharing	Total level of car travel to the school	Actual number of cars travelling to the school
2014	600	38%	7%	45%	270
2015	600	37%	8%	45%	270
2016	600	30%	5%	35%	210
By 2020	710	24%	5%	29%	206

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

### Equalities Impact

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

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

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

### S17 Crime & Disorder Act

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

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

### Consultation Responses

- Car has been "bashed and scraped on two separate occasions" coinciding with increased parental activity e.g. parents' evenings.
- The Hill is an environment of narrow streets – not comparable to the Avanti House School area.
- To increase pupil numbers will increase traffic, litter and noise pollution.
- Would the School be prepared to offer resident's parking on the School site during parents' evenings /School events?



- Parking – severe shortage.
- Congestion – Middle Road has two Schools in it.
- Consultants are not familiar with the area – Middle Road is subject to 20 mph not 30 mph. They fail to consider the effects and not just the impacts.
- The School is a “quart in a pint pot”.
- Parents will still drop off pupils on Byron Hill Road irrespective of the travel plan.
- Concerned about increased traffic and parking – a complete re-think is necessary – the School has land which could accommodate this type of facility
- Clonmel Close/Byron Hill Road is sandwiched between 3 Schools ...and there are office premises ...All of which contribute to excessive traffic and parking problems
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- I have no objection per se to increasing numbers
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- There ought to be parking data for 0930 to 1545 hours.
- JTS Report – this is a series of unjustified opinions.
- There are no free parking spaces as Bellamy Roberts suggest however.
- Middle Road cannot cope.
- Parents from John Lyon park on double yellow lines whilst waiting to collect their sons.
- Outside the Cricket Montessori School, the vast number of vans to transport the boys are left running.
- The School has no intention of doing anything to alleviate the already unacceptable congestion.
- The proposal will cause chaos.
- The School should only be allowed to increase number “if they can provide ample car parking space within their grounds along with clear access to that parking and off-road drop-off zones”.
- The traffic flow and parking survey analysis is inaccurate/misleading.
- Gridlock (which already exists at certain times of the day) will make it impossible for any emergency vehicles to have access to any parts of Harrow-on-the-Hill for far longer periods of time.
- In 1995, the original s106 agreement was signed limiting pupil number to 525. Documentation from the planning committee meeting that approved the variation to the s106 in 2004 referred to “a clear sanction in that if (traffic) reductions are not achieved, the numbers would revert back to these previously approved”. This did not happen.
- Traffic has become intolerable.
- The applications rely on the School’s own data from 2013 and 2014, both of which “significantly breach what was supposed to be the base line figure of 175 car journeys”.
- HLBC and TJLS have undertaken to monitor the situation on an annual basis, but this has not taken place.
- It is disingenuous to believe that the increase in traffic will be marginal, and that no

further building work will be required.

- Independent evidence is needed that the School can maintain the base line figure of 175 car journeys for at least 2 years before any increase in pupils can be considered.
- Trying to leave premises for those living in Lower Road is almost impossible to ask due to parents using scarce parking facilities to pick up or to leave their sons from the school.
- Parents park without respect / consideration, including trespassing on their premises. The School should move to another area.

### **Officer Response**

The representations received can generally be summarised as related to three main themes: 1) issues relating to highway convenience and parking availability in the surrounding area currently; 2) inconsiderate parking in the surrounding area; 3) whether the proposed measures can be implemented and enforced properly.

Each of these points is reasonable and fair. The baseline situation is material to this application. However, the test of appropriateness for this application in relation to surrounding impacts is whether the development would have a neutral or enhance effect on the surrounding area. Even if effects are worse than neutral on the surrounding area, the LPA must consider the application in the planning balance, and acknowledge that an uplift in the number of pupils who could use the school is a positive in terms of provision of school places in the Borough. This positive impact must be weighed against any negative impact on the surrounding area, if there is one.

In assessing the impact of development on the surrounding road network, officers have robust and critically analysed the information provided and the mechanisms that would be secured, which are not currently available. The proposed deed of variation would introduce a suite of measures not currently available intended to improve and reduce the level of car dependency for access to the school as well as introduced robust and express punitive measures to discourage any failure to deliver the targets set out. Officers consider that the approach is fair, reasonable and achievable. It would therefore achieve a neutral or better impact on the surrounding area. Even if it would not, any adverse impact in comparison with the existing situation would only be short-lived as the punitive mechanisms within the revised legal agreement could be enforced. The mechanisms proposed are wholly appropriate, proportionate and deliverable. For these reasons, and coupled with the benefits associated with the additional provision of school places, officers are recommending that the application be granted.

### **CONCLUSION**

Having regard to the policies and proposals in the NPPF, The London Plan 2015, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, it is considered that the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of an enhanced Sustainable Travel Plan working towards a Transport for London Gold Status and associated traffic mitigation measures.

### **INFORMATIVES**

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2015):

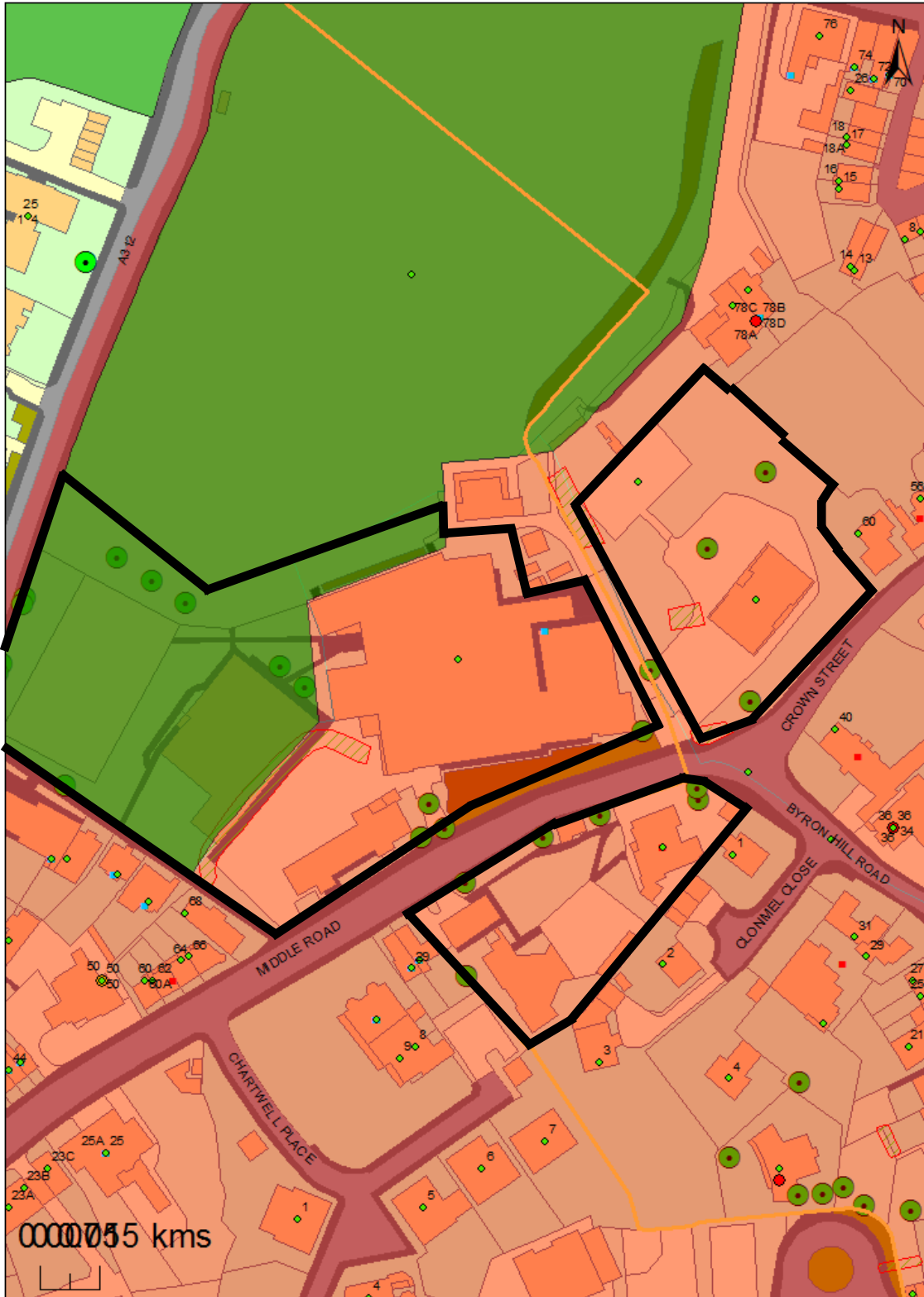
Policies 3.18, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.13

The Harrow Core Strategy (2012)  
Core Policies CS1

Development Management Policies Local Plan (2013)  
Policies DM2, DM43, DM46

Plan Nos: Schedule of Modifications Application one – February 2016 and updated May 2016; Supporting Statement – February 2016; The John Lyon School Travel Plan 2015; Traffic Flow and Parking Survey Analyses – February 2016; Transport Assessment- May 2016; Noise Impact Assessment – February 2016; Planning Report in Respect of Amenity – February 2016

# JOHN LYON SCHOOL, MIDDLE ROAD, HARROW



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ITEM NO: 2/08

ADDRESS: JOHN LYON SCHOOL, MIDDLE ROAD, HARROW

REFERENCE: P/1014/16

DESCRIPTION: MODIFICATION TO SECTION 106 PLANNING OBLIGATION RELATING TO PLANNING PERMISSION WEST/695/94/FUL DATED 23RD JUNE 1995 (PRINCIPAL AGREEMENT) TO INCREASE THE NUMBER OF PUPILS ON ROLL FROM 525 TO 660 (PREVIOUSLY MODIFIED BY DEED OF VARIATION DATED 24.09.2007

WARD: HARROW ON THE HILL

APPLICANT: THE KEEPERS & GOVERNORS OF THE FREE GRAMMAR SCHOOL

AGENT: GATELEV PLC

CASE OFFICER: CATRIONA COOKE

EXPIRY DATE: 26/04/2016

## **RECOMMENDATION**

**APPROVE** modification to the principal Section 106 Agreement dated 23<sup>rd</sup> June 1995 relating to the limitations of students numbers subject to the completion of a Deed of Variation. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

1. Under Second Schedule, paragraph 2 replace the limit on pupil numbers 525 (previously modified by deed of variation dated 24.09.2007 to 600 pupils) with 660.
2. To submit to the Council on an annual basis a plan indicating credible gradual improvement in the School Travel Plan [STP] performance.
3. The School to achieve a STP capable of Gold Status within 4 years.
4. Enhanced Travel Plan Enforcement
5. Payment of reasonable Legal Fees in the preparation of the legal agreement.

## **INFORMATION**

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

This application was deferred from the 25th of May 2016 Planning Committee to allow adequate time for the consultees, the public and the Local planning Authority to consider the additional information which was submitted by the applicant

Statutory Return Type: Other  
Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

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

### **Site Description**

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

### **Proposal Details**

- The application proposes to increase the number of pupils for full time education from its current roll of 600 to 660 pupils.
- The expansion would be undertaken within the demise of the existing buildings on the School site.

### **Revision to current application**

- Submission of a Transport Assessment
- Revision to the Schedule of modifications to enable enforcement of the School Travel Plan.

### **Revisions to Previous Application**

- N/A

### **Relevant History**

The site has an extensive planning history. However, the following applications are most relevant to this current application:

WEST/695/94/FUL

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

GRANTED : 26-JUN-95

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

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

GRANTED : 31-JUL-2014

P/4247/14 - Modification to section 106 planning obligation relating to planning permission WEST/695/94/FUL dated 23rd June 1995 (principal agreement) to increase the number of pupils on roll from 525 to 710 (previously modified by deed of variation dated 24.09.2007

REFUSED : 24/02/2015

#### **Reason for Refusal**

1. The proposed modification to the principal Section 106 Agreement dated 23rd June 1995, as varied by the deed of variation dated 24th September 2007, relating to the limitations of students numbers, would result in an unacceptable level of noise, disturbance and traffic movements, to the detriment of the residential amenities in Middle Road, Lower Road, Byron Hill Road, Crown Street, Chartwell Place, Clonmel Close and

surrounding areas, contrary to policy 7.15 of The London Plan (2011) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

### **Applicant Submission Documents**

- Schedule of Modifications Application one – February 2016 and updated May 2016
- Supporting Statement – February 2016
- The John Lyon School Travel Plan 2015
- Traffic Flow and Parking Survey Analyses – February 2016
- Transport Assessment- May 2016
- Noise Impact Assessment – February 2016
- Planning Report in Respect of Amenity – February 2016

### **Consultations**

#### Highways Authority:

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

#### Harrow on the Hill Trust:

The Trust finds it difficult to understand what is going on. There are three separate applications. One talks of increase to 710, another of an increase to 660. They all talk of an 'enhanced travel plan', two talk of an 'enforcement mechanism' the third doesn't. One talks of 'Star Performance Management' the other two don't.

The unfortunate effect of this plethora of applications is it leads to lack of confidence in any of them.

The main traffic problem, as the residents know, is created by pupils in their last year or so driving their own cars to school and parking on adjacent streets. The problem gets worse through the school year as an increasing number of pupils reach the age at which they have passed the driving test. At a meeting at the school last autumn, i.e at the beginning of the school year, the School indicated that it could solve this problem, but we are not yet into the Summer Term. It seems a trifle early from the residents' point of view to reply on these assurances. Indeed the suspicious might think that the School wanted to get the applications in and approved before the Summer Term arrived and the assurance could be checked.

The applications have two substantially different target numbers, one for a ten percent increase, others for an eighteen percent increase. This attitude of "let's try it on and see what happens" permeates this bunch of applications, so much that, however much may wish the school well, we must ask that this portfolio of application is refused and the position sorted out.

#### Byron Hill Residents' Association:

There is still "daily chaos" notwithstanding the traffic marshalling.

The Bellamy Roberts report is flawed in relevant respects.

The School should not have submitted further applications without there being any reduction in noise disturbance and traffic movement in the locality.

### **Advertisement**

General Notification

Posted: 17.03.2016  
Expired: 07.04.2016

### **Notifications**

Sent: 131  
Replies: 26  
Expiry: 29/03/2016

Second Notification (amended details):

Sent: 131  
Replies: 2 plus petition of 179 signatures  
Expiry: 25/05/2016

### **Addresses Consulted**

1 - 4 Ortygia Lower Road, Harrow, HA2 0DA  
Flat 1 – 4, Roxeth Mead, Chartwell Place, Harrow, HA2 0HF  
Roxeth Mead, Chartwell Place, Harrow, HA2 0HF  
1 – 7 Chartwell Place, Harrow, HA2 0HE  
12, 14, 14a, 20, 20a, 22, 24, 26, 28, Lower Road, Harrow, HA2 0DA  
29, 29a, Lower Road, Harrow, HA2 0DE  
Flats 1 – 3, 12 Lower Road, Harrow, HA2 0DA  
29, 31, Middle Road, Harrow, HA2 0HW  
60, 60a, 62, 62a, 64, 66, 68, Middle Road, Harrow, HA2 0HL  
32 – 40 Byron Hill Road, Harrow, HA2 0HY  
23, 29, 31, 32, 34, 36, Byron Hill Road, Harrow, HA2 0JD  
1 – 9 Chartwell Place, Harrow, HA2 0HE  
1 – 14 Greville House, Lower Road, Harrow, HA2 0HB  
48 Crown Street, Harrow, HA2 0HR  
50 – 60 Crown Street, Harrow, HA2 0HR  
55 – 65 Crown Street, Harrow, HA2 0HX  
Byron House, Clonmel Close, Harrow, HA2 0JZ  
The Penthouse, The Garden House, and 1 – 3 Clonmel Close, Harrow, HA2 0JZ  
Street Record, Clonmel Close, Harrow  
1 – 3 Clonmel Close, Harrow, HA2 0JZ  
The Garden House, 4 Clonmel Close, Harrow, HA2 0JZ  
1 – 15 Pavilion Lodge, Lower Road, Harrow Council  
15 West Street, HA1 3ED  
Roxeth Mead School, 25 Middle Road, Harrow, HA2 0HW  
Harrow School Cricket Ground South Side, West Street, Harrow.  
Cricket Field Cottage, Middle Path, Middle Road, Harrow, HA2 0HP  
Charmouth, Middle Path, Middle Road, Harrow, HA2 0HP  
Welsh Congregationalist Church, Lower Road, Harrow, HA2 0DE  
First Floor Flat, and White Horse Public House, 50 Middle Road, Harrow, HA2 0HL  
Red house And School Buildings, Middle Road, Harrow, HA2 0HW  
2a, Ortygia, Lower Road, HA2 0DA

### **Summary of Responses**

- Car has been “bashed and scraped on two separate occasions” coinciding with increased parental activity e.g. parents’ evenings.
- The Hill is an environment of narrow streets – not comparable to the Avanti House School area.
- To increase pupil numbers will increase traffic, litter and noise pollution.



- Would the School be prepared to offer resident's parking on the School site during parents' evenings /School events?
- Parking – severe shortage.
- Congestion – Middle Road has two Schools in it.
- Consultants are not familiar with the area – Middle Road is subject to 20 mph not 30 mph. They fail to consider the effects and not just the impacts.
- The School is a “quart in a pint pot”.
- Parents will still drop off pupils on Byron Hill Road irrespective of the travel plan.
- Concerned about increased traffic and parking – a complete re-think is necessary – the School has land which could accommodate this type of facility
- Clonmel Close/Byron Hill Road is sandwiched between 3 Schools ...and there are office premises ...All of which contribute to excessive traffic and parking problems
- Gridlock is created by parents in the morning peak.
- The one way system is not enforced and pupils parking all day is a problem not prevented by the School.
- The plans promise to address two major problems that so far JLS have failed singularly to do
- I have no objection per se to increasing numbers
- Noise – traffic movements figure is flawed as it ignores additional staff – all traffic movements are noise events worsening residential amenity.
- Traffic – the School causes 641 traffic movements over the “Peak two morning and afternoon”. An increase in pupil numbers to 710 would cause an additional 118 traffic movements.
- There ought to be parking data for 0930 to 1545 hours.
- JTS Report – this is a series of unjustified opinions.
- There are no free parking spaces as Bellamy Roberts suggest however.
- Middle Road cannot cope.
- Parents from John Lyon park on double yellow lines whilst waiting to collect their sons.
- Outside the Cricket Montessori School, the vast number of vans to transport the boys are left running.
- The School has no intention of doing anything to alleviate the already unacceptable congestion.
- The proposal will cause chaos.
- The School should only be allowed to increase number “if they can provide ample car parking space within their grounds along with clear access to that parking and off-road drop-off zones”.
- The traffic flow and parking survey analysis is inaccurate/misleading.
- Gridlock (which already exists at certain times of the day) will make it impossible for any emergency vehicles to have access to any parts of Harrow-on-the-Hill for far longer periods of time.
- In 1995, the original s106 agreement was signed limiting pupil number to 525. Documentation from the planning committee meeting that approved the variation to the s106 in 2004 referred to “a clear sanction in that if (traffic) reductions are not achieved, the numbers would revert back to these previously approved”. This did not happen.
- Traffic has become intolerable.
- The applications rely on the School's own data from 2013 and 2014, both of which “significantly breach what was supposed to be the base line figure of 175 car journeys”.
- HLBC and TJLS have undertaken to monitor the situation on an annual basis, but this has not taken place.

- It is disingenuous to believe that the increase in traffic will be marginal, and that no further building work will be required.
- Independent evidence is needed that the School can maintain the base line figure of 175 car journeys for at least 2 years before any increase in pupils can be considered.
- Trying to leave premises for those living in Lower Road is almost impossible to ask due to parents using scarce parking facilities to pick up or to leave their sons from the school.
- Parents park without respect / consideration, including trespassing on their premises. The School should move to another area.

## **APPRAISAL**

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

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

In this instance, the Development Plan comprises The London Plan 2015 [LP], 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 [SALP].

## **MAIN CONSIDERATIONS**

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

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

Paragraph 72 of the National Planning Policy Framework (2012) sets out that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It goes on to state that the LPA's should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy 3.18C of The London Plan (2011) will support development proposals which enhance education and skills provision, which includes new build, expansion of existing facilities or change of use to educational purposes. This is further emphasised under policy DM46 of the Development Management Policies Local Plan (2013). Policy DM43 in the case for major development sites will require a Transport Assessment to be undertaken. It goes onto state that any impact identified in the Transport Assessment should be mitigated through the implementation of Travel Plans which should include the desirability of achieving modal shift away from private car use towards sustainable modes of transport.

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

to 600. This deed of variation now seeks to modify the deed further by increasing the number of students on roll to 660.

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

As part the obligations set out under the 2007 deed of variation, the School was required to submit a travel plan prior to the implementation of the modification. The Council's records show that such a Travel Plan had indeed been submitted by the School which was subsequently approved by the Council's Travel Plan Officer. Whilst there was no further obligation under the deed of variation dated 24 September to 2007 to provide an annual updated Travel Plan to the Council for monitoring purposes, the School has on an ad-hoc basis submitted further Travel Plans in 2010, 2012 and 2014 (in addition to the original 2007 Travel Plan).

The current proposal to vary the legal agreement to increase pupil numbers would introduce a number of mechanisms to mitigate the proposed uplift in pupil numbers and consequent impacts on the surrounding area. It includes the following measures:

- Requirement to comply and fully implement the travel plan;
- pay a contribution towards local highway network measures in the event of a breach
- maintain in-post a Travel Plan Coordinator
- use reasonable endeavours to ensure that the Travel Plan is complied with and that each of the targets contained in the Travel Plan are met
- to carry out a baseline travel survey with all pupils and staff within 6 months
- revise the School Travel Plan in light of the travel survey and relevant consultation and resubmit the School Travel Plan to the Council and obtain approval to the same from the Council within the same academic year
- express requirement for annual community engagement
- carry out annual monitoring in accordance with Transport for London's standardised approach to monitoring within the same calendar month as the travel survey.

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

It is also noted that local residents have raised concerns with regard to the implementation of the past Travel Plans and the various commitment made by the School to tackle parking and congestion in the nearby road. Reference has also been made with

regard to the meetings of the development management meeting held in May 2004 which states that should the traffic generation is not significantly reduced over the 5 year period then the School would agree to phased reduction over a further 3 years back to the agreed level of 525. The formal deed of variation was issued over 3 years from the date of this meeting and on the basis that the annual Travel Plans being submitted by the School showed an improvement to the traffic and adherence to the Travel Plan. It is noted that there was no such clause within the signed deed of variation that required the reversion of the roll numbers to 525 over a phased period.

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

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

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

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

The School, as part of the firm commitment to reduce car dependency and traffic movement in the locality, would enter into a modified deed of variation which would include a clause requiring the school to achieve Gold STARS Status within four years. The School has achieved bronze STARS status which required the school to reduce both single occupancy car travel and car share by 2%. In 2015 car travel to the school was at 45%. In 2016, car travel is at 35% which equates to a reduction of 60 vehicles driving to the school. If the school were to achieve Gold level accreditation, this would involve the delivery of more than double the number of activities and initiatives. We would expect a further reduction of in car travel of at least a further 6% - likely bringing the level of car travel to 29%. The average reduction for Gold level travel plans across London is 11%, but in reality this can be much higher depending on certain factors, such as the school's commitment. John Lyon School has already embedded sustainable travel activities into the school and as a result has achieved a 10% reduction in car use. The School Travel Plan Officer is confident that in achieving Gold, the school would see a further drop in car use to a maximum of 30% as shown in the table below.

Travel plan year	No. pupils	Single occupancy car use	Car sharing	Total level of car travel to the school	Actual number of cars travelling to the school
2014	600	38%	7%	45%	270
2015	600	37%	8%	45%	270
2016	600	30%	5%	35%	210
By 2020	660	24%	5%	29%	191

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

### Equalities Impact

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

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

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

### S17 Crime & Disorder Act

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

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

### Consultation Responses

- Car has been "bashed and scraped on two separate occasions" coinciding with increased parental activity e.g. parents' evenings.
- The Hill is an environment of narrow streets – not comparable to the Avanti House School area.
- To increase pupil numbers will increase traffic, litter and noise pollution.
- Would the School be prepared to offer resident's parking on the School site during parents' evenings /School events?
- Parking – severe shortage.
- Congestion – Middle Road has two Schools in it.
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- The applications rely on the School’s own data from 2013 and 2014, both of which “significantly breach what was supposed to be the base line figure of 175 car journeys”.
- HLBC and TJLS have undertaken to monitor the situation on an annual basis, but this has not taken place.
- It is disingenuous to believe that the increase in traffic will be marginal, and that no further building work will be required.
- Independent evidence is needed that the School can maintain the base line figure of 175 car journeys for at least 2 years before any increase in pupils can be considered.
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due to parents using scarce parking facilities to pick up or to leave their sons from the school.

- Parents park without respect / consideration, including trespassing on their premises. The School should move to another area.

### *Officer Response*

The representations received can generally be summarised as related to three main themes: 1) issues relating to highway convenience and parking availability in the surrounding area currently; 2) inconsiderate parking in the surrounding area; 3) whether the proposed measures can be implemented and enforced properly.

Each of these points is reasonable and fair. The baseline situation is material to this application. However, the test of appropriateness for this application in relation to surrounding impacts is whether the development would have a neutral or enhance effect on the surrounding area. Even if effects are worse than neutral on the surrounding area, the LPA must consider the application in the planning balance, and acknowledge that an uplift in the number of pupils who could use the school is a positive in terms of provision of school places in the Borough. This positive impact must be weighed against any negative impact on the surrounding area, if there is one.

In assessing the impact of development on the surrounding road network, officers have robust and critically analysed the information provided and the mechanisms that would be secured, which are not currently available. The proposed deed of variation would introduce a suite of measures not currently available intended to improve and reduce the level of car dependency for access to the school as well as introduced robust and express punitive measures to discourage any failure to deliver the targets set out. Officers consider that the approach is fair, reasonable and achievable. It would therefore achieve a neutral or better impact on the surrounding area. Even if it would not, any adverse impact in comparison with the existing situation would only be short-lived as the punitive mechanisms within the revised legal agreement could be enforced. The mechanisms proposed are wholly appropriate, proportionate and deliverable. For these reasons, and coupled with the benefits associated with the additional provision of school places, officers are recommending that the application be granted.

### **CONCLUSION**

Having regard to the policies and proposals in the NPPF, The London Plan 2015, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, it is considered that the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of an enhanced Sustainable Travel Plan working towards a Transport for London Gold Status and associated traffic mitigation measures.

### **INFORMATIVES**

- 1 The following policies are relevant to this decision:

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

#### **The London Plan (2015):**

Policies 3.18, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.13

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

Core Policies CS1

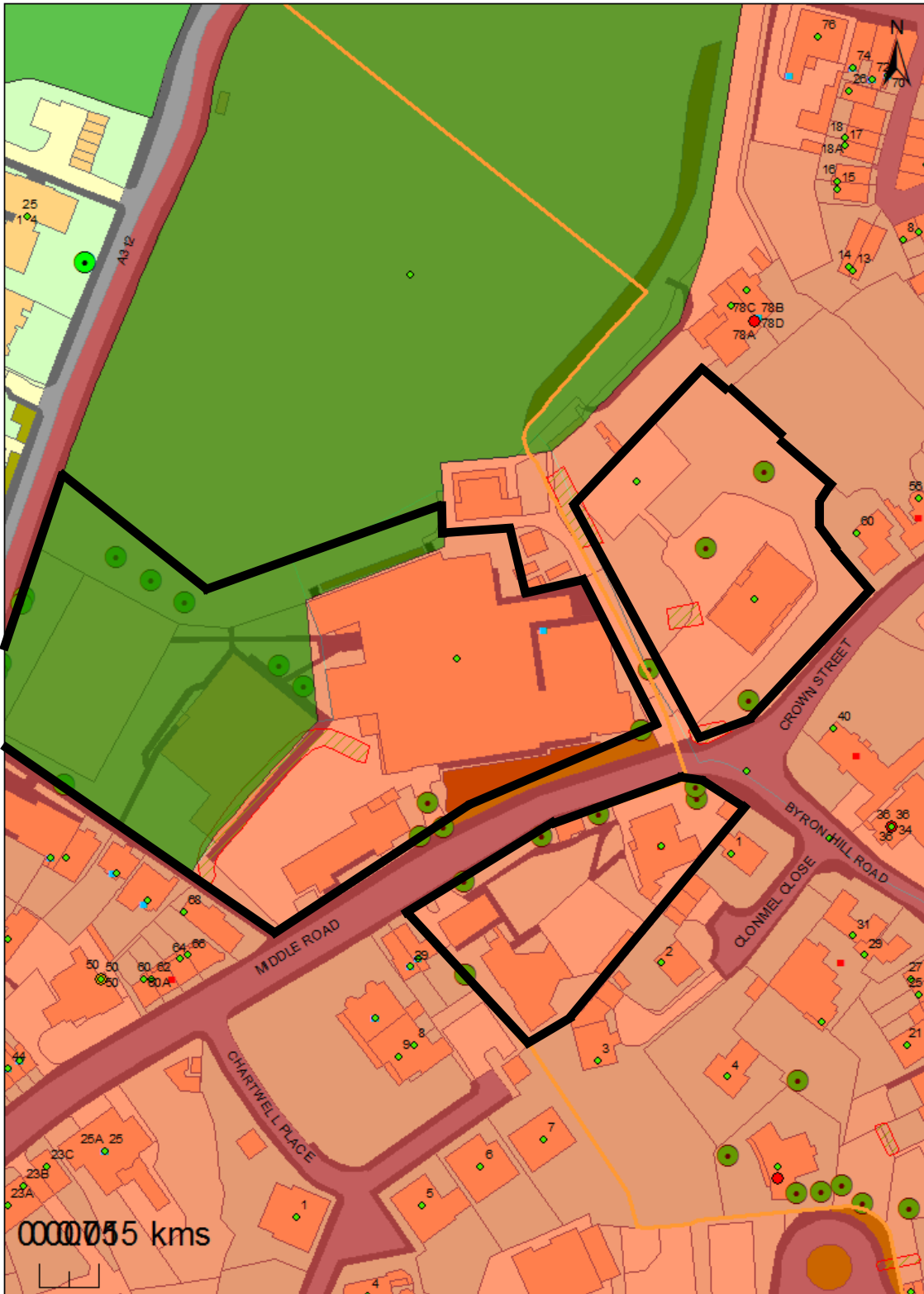
## **Development Management Policies Local Plan (2013)**

Policies DM2, DM43, DM46

Plan Nos: Schedule of Modifications Application one – February 2016 and updated May 2016; Supporting Statement – February 2016; The John Lyon School Travel Plan 2015; Traffic Flow and Parking Survey Analyses – February 2016; Transport Assessment- May 2016; Noise Impact Assessment – February 2016; Planning Report in Respect of Amenity – February 2016



# JOHN LYON SCHOOL, MIDDLE ROAD, HARROW



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### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.