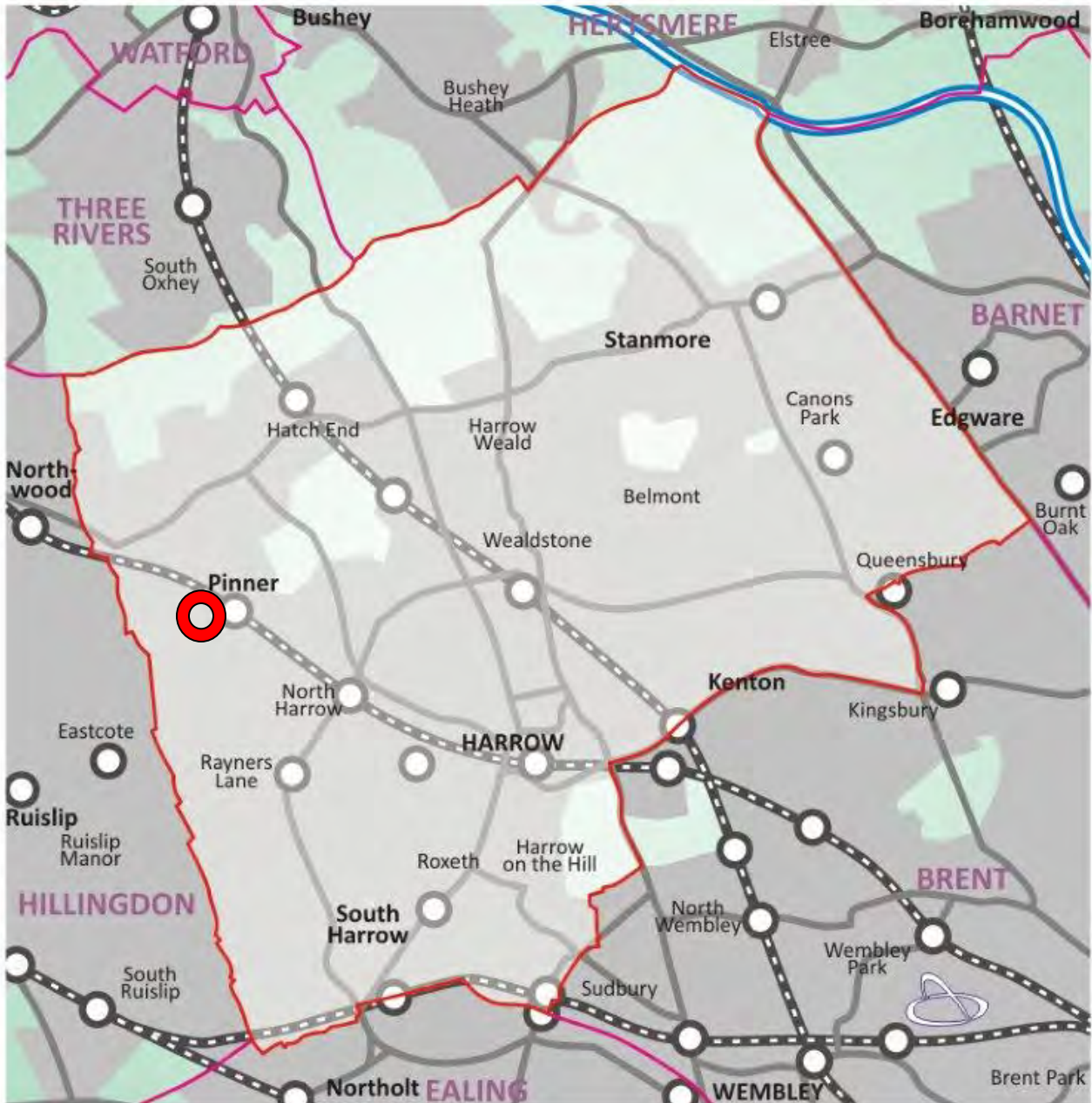


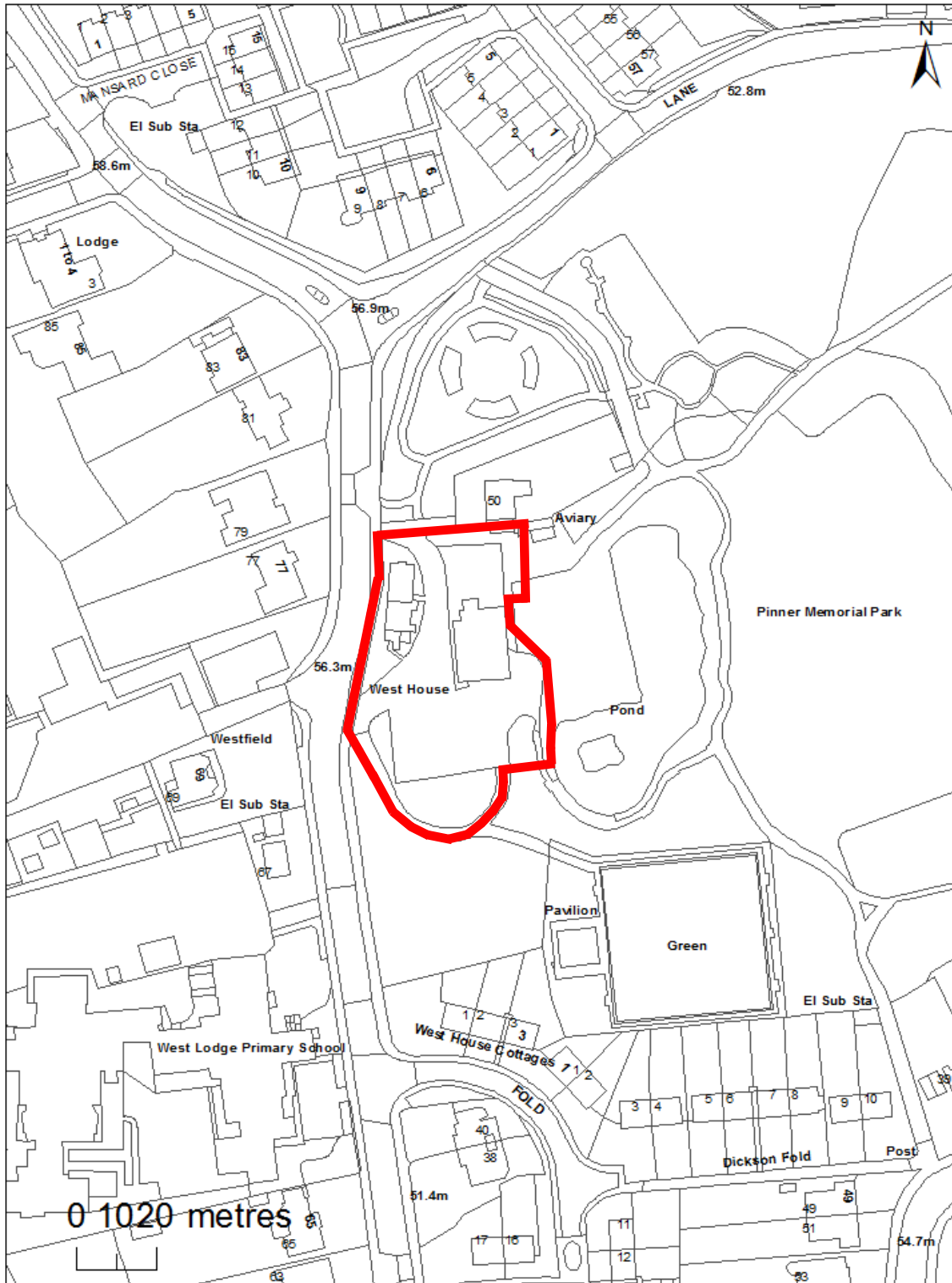
Agenda Items : 2/04 & 2/05

 = application site



West House Gallery Café, West House Gallery, West End Lane, Pinner, HA5 1AE

**P/1792/16 &
P/1796/16**



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West House Gallery Café, West House Gallery, West End Lane, Pinner, HA5 1AE	P/1792/16 & P/1796/16
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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

7th September 2016

Application Number: P/1792/16 & P/1796/16
Validation Date: 28th April 2016
Location: West House Gallery, West House, West End Lane, Pinner
Ward: Pinner
Postcode: HA5 1AE
Applicant: Ms Cynthia Wells
Agent: Orchard Associates
Case Officer: Graham Mansfield
Expiry Date: 20th June 2016 (Extended Expiry: 22nd July 2016)

PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to The Planning Committee regarding applications for planning permission relating to the following proposals.

P/1792/16: Extension of Paved Terrace with Low Timber Post and Rail Fence
P/1796/16: Retention of Existing Terrace

The proposal for the retention of the existing terrace was considered at Planning Committee on the 20th July 2016 where members resolved to defer both applications pending a site visit. A site visit has been arranged ahead of this meeting, and the proposals have been bought back for further consideration.

RECOMMENDATION

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out this report; and
- 2) grant both planning permissions subject to the Conditions listed in Appendix 1 of this report

REASON FOR THE RECOMMENDATIONS

The existing terrace and proposed terrace extension would involve development on designated Open Space and as such would represent a departure from the development Plan. It is considered that the moderate environmental impact on the open space and the modest scale of the development would be offset by the high quality of design of the development proposed. The retention of the existing terrace and proposal to extend the terrace would have a positive impact on social and economic impacts in enhancing the quality and value of open space, enhancing cultural quality and access to culture in the area and potentially attracting tourism and investment to the locality.

INFORMATION

These applications are being reported to Planning Committee as Harrow Council are the landowner of the application site and the development would be located within a site which is greater than 0.1 hectares. The application also represents a departure from the development plan as the proposed development is on designated Open Space. The application is therefore referred to the Planning Committee as it is excluded by Category 1(h) of Part 1 and Proviso D of the Scheme of Delegation dated 29 May 2013 respectively.

Statutory Return Type:	Minor Development
Council Interest:	Harrow Council are the Leaseholder of the land
Gross Floorspace: 60sqm	N/A
Net Additional Floorspace: 43.4sqm	
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	
Local CIL requirement:	N/A

HUMAN RIGHTS ACT

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

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010. For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposals. It is considered that the development does not adversely affect crime risk.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- Nation Planning Policy Framework 2012
- London Plan 2016
- Local Plan - Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

LIST OF ENCLOSURES / APPENDICES:

Officer Report:

Part 1: Planning Application Fact Sheet

Part 2: Officer Assessment

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Plan

- Appendix 3 – Site Photographs
- Appendix 4 – Plans and Elevations
- Appendix 5 – Site Plan provided by Harrow Council Highways

OFFICER REPORT

PART 1 : Planning Application Fact Sheet

The Site	
Address	West House Gallery Cafe, West House, West End Lane, Pinner, HA5 1AE
Applicant	Ms Cynthia Wells
Ward	Pinner South
Local Plan allocation	Designated Open Space
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	West House is a locally listed building
Tree Preservation Order	There are a number of tree of amenity value within close proximity to the proposed development
Other	

Development Foot Print	
Outdoor space (m ²)	Existing (Existing Terrace) – 60sqm Proposed 43.4sqm

PART 2 : Assessment

1.0 SITE DESCRIPTION

- 1.1 The site comprises the grounds of West House, a locally listed building, used currently as offices, a medical centre, café, and the surrounding car parking area and ancillary buildings.
- 1.2 Permission was granted under planning application P/2618/13 for a new museum building and link to West House, this is now nearing completion on site.
- 1.3 The wider expanse of the Pinner Memorial Park, a locally listed garden, comprise a bowling green and mature tree cover to the south, an ornamental lake and large expanses of open space to the east and north and a dwellinghouse, West House Lodge, immediately to the north of the site.
- 1.4 West End Lane is primarily characterised by residential development with generously sized detached buildings. West Lodge School is located further to the south

2.0 PROPOSED DETAILS – P/1792/16

- 2.1 It is proposed to construct an extension to the existing terraced area adjacent to Daisy's Café within the ground floor of West House.

- 2.2 It is proposed to use a similar paving material to what already exists on site.
- 2.3 The proposed terraced area would measure 6.1m by 7.2m and would be bound by a low post and rail timber fence on the west, south and east side of the terrace
- 2.4 The proposed post and rail timber fence would measure 1.35m and would rise to a maximum height of 1.7m owing to the change in natural ground level.
- 2.5 The proposed terrace and wall would be located close to trees of amenity value.

PROPOSED DETAILS – P/1796/16

- 2.6 The proposal seeks permission for an existing terraced area adjacent to Daisy's Café within the ground floor of West House.
- 2.7 The terrace was constructed without permission in 2014.
- 2.8 The terraced area measures 8.3m by 7.2m
- 2.9 The existing terrace is located around a tree of amenity value.

3.0 HISTORY

- 3.1 P/2412/06
Partial Demolition And Part Single And Part Two Storey Extension On South Side To Provide Cafe Exhibition And Function Rooms New Pitched Roof Incorporating Dormers Over The Building To Provide Office Accommodation At Loft Level And External Alterations
Granted - 03 November 2006
- 3.2 P/1016/11
Change Of Use Of Second Floor From An Office To A Medical Facility (Class B1 To Class D1)
Granted - 21 June 2011
- 3.3 P/2618/13
New Two Storey Museum Building With Covered Link To Existing West House Building
Granted - 18 October 2013
- 3.4 P/0973/15
Details pursuant to conditions 11 (construction method statement) and 12 (surface water storage/attenuation) attached to planning permission P/2618/13 dated 18/10/13 for new two storey museum building with covered link to existing West House building;
Approved - 26 May 2015

3.5 P/3256/15
 Details Pursuant To Condition 3 (Materials) Of Planning Permission P/2618/13
 Dated 18.10.2013 For New Two Storey Museum Building With Covered Link To
 Existing West House Building
 Approved - 2nd September 2015

3.6 P/1686/16
 Enlargement of Car Park; Relocation of Bin Store; Cycle Racks; Payment Kiosk
 Information Board and Payment Kiosk;
 Withdrawn by Applicant

4.0 **CONSULTATION**

4.1 In regards to application P/1792/16 a Site Notice was erected on 29th July 2016,
 expiring on 19th August 2016. For planning application P/1796/16 a Site Notice
 was erected on 22nd June, expiring on the 13th July.

4.2 For application P/1792/16 a Press Notice was advertised in the Harrow Times on
 the 28th July 2016 expiring on 18th August 2016. For application a Press Notice
 was advertised in the Harrow Times on 23rd June, expiring on 14th July

4.3 The applications were advertised as a 'Departure from the Development Plan'

4.4 A total of 6 consultation letters were sent to neighbouring properties regarding this
 application. The public consultation period expired on 19th August 2016.

4.5 Adjoining Properties

Number of Letters Sent	6 for each application
Number of Responses Received (From Adjoining Properties)	1
Numbers of Responses Received (in Response to the Site Notice and Advert)	5
Number in Support	0
Number of Objections	5
Number of other Representations (neither objecting or supporting)	0

4.6 1 Objection was received from an adjoining resident and 5 Objections were
 received as part of the advertisement of the application via site notice and advert.

4.7 A summary of the responses received along with the Officer comments are set
 out below:

Details of Representation and date received	Summary of Comments	Officer Comments
Mr Alex Mote Synergy Health Plus West House	Objects to the application due to:	Certificate B was sent out as part of a revised application form and

<p>50 West End Lane Pinner, HA5 1AE</p> <p>Date Received: 20/05/2016</p>	<p>As a longlease holder of the site we were not officially informed of any planning application. The proposal will have a direct impact on our business</p>	<p>synergy health plus was added as an external consultee on the second round of consultation letters dated 26/07/2016</p>
<p>Michael and Valerie Landon 59 West End Lane, Pinner, HA5 1AH</p>	<p>The terraced area will become enclosed preventing anyone but the clients of the café from using it.</p> <p>Pinner Memorial Park is intended for the free access of the public and not to areas dedicated for use of paying customers.</p> <p>There is a covenant on the land stating that the open space is solely for the recreation, benefit and use of the public.</p> <p>The state of the ground for the proposed terrace is due to an exceptionally wet period, which people are forced to detour across because of siting of the existing terrace.</p> <p>The paved right of the way in front of the café would be reduced in width.</p> <p>This area of Pinner Memorial Park would not be enhanced due to the exclusive use by café users</p> <p>Objection to the existing terrace due to the fact it has allowed the café to overspill onto the park</p> <p>The existing terrace surrounds a swamp Cyprus tree.</p>	<p>The comments are noted.</p> <p>Planning law does not allow the enforcement of covenants. Therefore a covenant is not a material planning consideration.</p> <p>According to Harrow Council Highways no rights of way exist within Pinner Memorial Park</p> <p>No works are being carried out to the existing pathways</p> <p>A tree report has been submitted in relation to impact on adjacent trees and is addressed in the report below.</p>
<p>Elisabeth Webster 13 Meadow Road Pinner, HA5 1EB</p>	<p>The commercial enterprise should not restrict the park that is open to the public free of charge.</p> <p>The path beside the café is</p>	<p>The comments are noted. The existing paths are not being altered as part of the proposal.</p> <p>Concerns relating to the</p>

	<p>difficult to access due to the tables and chairs.</p>	<p>table and chairs is a management issue for the café</p>
<p>Jackie Lindop 8 Meadow Road Pinner, HA5 1EB</p>	<p>The proposed terrace would create a bottleneck and would in effect prioritise the use of the park for café users.</p> <p>The degradation of the existing land needs careful assessments as this could be a result of the existing terrace and water management underneath. The nearby fir tree could also be a contributing factor to the muddy area.</p> <p>The spread of café users would create a café barrier between ordinary park movements and the lakeside lawn. Consideration for an alternative pathway.</p> <p>The café is already a success and does not need to become a greater attraction.</p> <p>Reference to the covenant; the park is common land for which the public have the right to roam</p> <p>The broad pathways are crucial for wheelchairs</p> <p>Doubling the terrace area would add to further physical ease of passing through tables and chairs</p> <p>Conflict between the café users and pedestrians, specifically wheelchair and buggy users</p> <p>Reference to alternative pathways around the proposed terrace area which suggests the diversion of the 'public right of way'</p>	<p>The comments received are noted and the principles of the proposed terrace are discussed in the report below.</p> <p>The pathway in front of West House is not defined as a public right of way. Notwithstanding this, the access path is not being altered as part of the proposed terrace.</p> <p>A condition has been added to the planning permission to ensure tables and chairs are stored away outside the hours of use.</p> <p>In regards to the placement of the table chairs this is regarded as a management issues and not a material planning consideration.</p> <p>In regards to the plan provided with the letter of objection. The local planning authority can only assess the application which is before them and each planning application is assed on its own merits.</p>

<p>Jackie Lindop 8 Meadow Road Pinner, HA5 1EB (Letters of 16th & 18th August 2016)</p>	<p>The proposal for the extended terrace would:</p> <ul style="list-style-type: none"> • Conflict with the safe inclusive function of the pathway across West House • Would not be appropriate in terms of scale as it represents an expansion of the seated café area • Chairs are visually intrusive • The proposal has equality implications in regards to wheelchair users of the existing pathway • The current proposal would cause a blockage to the pathways • The management strategy of providing a clear passage past West House often breaks down and is not maintained well enough. • There has been no real accessible public consultation on the subject. 	<p>The merits of the application are discussed within the body of the report.</p> <p>The impact of the existing terrace and proposed extension in terms of character, accessibility and impact on the open space are explored further within the report.</p> <p>The existing terrace and proposed extension would not seek to change the existing pathway around West House.</p> <p>The purposes of the equalities section is to ensure that planning applications are assessed fairly. Furthermore, it is to ensure that as a council we assess each planning application on its own merits and in line with the Councils adopted policies and guidance.</p> <p>The concerns regarding the chairs are acknowledged. However, this is not a material planning consideration and is an issue for the management of the café.</p> <p>The council has undertaken its statutory obligations in terms of advertising the applications. Letters were sent to adjoining properties and a site</p>
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		notice put up at each entrance to Pinner Memorial Park.
Christina and Neil Dalglish 6 Meadow Road Pinner, HA5 1EB	Object to the retrospective application for the existing terrace. Reference to the covenant on the park which states that the park should be used solely for recreation and benefit and use of public Area outside West House should remain without further intrusion by further construction	The comments are noted. The covenant on Pinner Memorial Park is not a material planning consideration.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken*:

LBH Parks
LBH Highways
LBH Tree Officer
LBH Conservation
Pinner Association

4.10 External Consultation

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee	Summary of contents	Officer Comments
Pinner Association	No comments received.	N/A

4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee	Summary of contents	Officer Comments
LBH Tree Officer	No Objections subject to work in accordance with tree report	A condition has been added to the permission requiring work to be carried out in accordance with the tree report provided

LBH Highways	There may be an increase in demand for parking but it is unlikely to be consistent throughout the day; there are likely to be peaks such as at lunchtime. The Controlled Parking Zone only operates for 1 hour per day and there is capacity in the surrounding streets and Chapel Lane car park is only a short walk away. If the venue became very popular, there are alternatives to parking in West House car park.	The comments from the Highway officer is noted and explored in the report below
LBH Conservation	The proposal preserves the special interest and character of both heritage assets. It also helps ensure the ongoing vitality of both.	The conservation observations are noted.
LBH Parks	No objections to the proposals.	

5.0 **POLICIES**

5.1 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.’

5.2 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.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

6.0 APPRAISAL

6.1 The main issues are:-

Principle of the Development

Regeneration

Character and Appearance of the Area and Impact of Development on Open Space' Locally Listed Building and Gardens

Trees and Development

Residential Amenity and Accessibility

Development and Flood Risk

Highways

6.2 Principle of Development

6.2.1 Pinner Memorial Park is designated as Open Space within the local plan. The Open Space has some built development on it at the western end including West House Lodge, a residential dwellinghouse and West House, a locally listed building. West House is currently used as café, office and medical centre. A museum is currently being constructed to house the William Heath Robinson Trust collection, a collection of artworks by the internationally renowned artist and illustrator William Heath Robinson.

6.2.2 DM18 of the DMP expands on the policies of the LP recognising a deficiency in the availability of local open spaces and the fact that quantitative improvements are unlikely to come forward. Given the price of land in the area and other pressures on land, a strategy of quantitative retention and qualitative improvement to open spaces is the most appropriate approach for the area. Policy DM18 of the DMP also expands on the policies of the LP, recognising that the survival of local open space relies on the use and value attributed to them by the community and that qualitative improvements of Open Space can be realised through the provision of ancillary facilities. Policy DM46 of the DMP supports community facilities which are located in the areas which they are intended to serve, they are safe and accessible and would not result in adverse impacts on residential amenity.

6.2.3 The existing terrace and proposed terrace would be located on part of the lawn which serves West House. As the existing terrace and proposed extension to the terrace would be for a use which is clearly linked to an existing function of the Open Space, i.e. The café which serves the users of Pinner Memorial Park, it is considered that the proposal would constitute ancillary development of the Open Space that would potentially have positive impacts on the use and value attributed to this area of Open Space. The development should therefore be assessed against the criteria of policy DM18.C of the DMP which state that development will be supported where:

- a. it is necessary to or would facilitate the proper functioning of the open space;
- b. it is ancillary to the use(s) of the open space;
- c. it would be appropriate in scale;
- d. it would not detract from the open character of the site or surroundings;
- e. it would not be detrimental to any other function that the open space

performs; and

f. it would contribute positively to the setting and quality of the open space.

The applicant has indicated that the retention of the existing terrace and proposed extension of the terraced area is required for the continued vitality of the café which serves Pinner Memorial Park. It is noted that an objection has been received in relation to the application in relation to the existing terrace in terms of the open space it has taken over and the amount of space which would be lost as a result of the proposed terrace. It has also been pointed out by means of an objection that the proposed terrace would restrict access and detract from other uses of the open space.

6.2.4 However, it is considered that the provision of a high quality, purpose built space attracts a greater number of persons to the park to enjoy the open qualities of the space and thereby facilitate the proper functioning of the space. The existing terrace provides positive impacts on the vitality of the café which serves Pinner Memorial Park and the wider community. As such, it is considered that the development accords with criteria a, b and e of policy DM18.C of the DMP.

6.2.5 In regards to the proposed extension to the terrace, whilst not an overriding factor in the consideration of the application, given the existing nature of the space in terms of its poor nature of muddy soil and worn grass it is considered that the proposed terrace would facilitate a better function of the open space. Furthermore, due to the nature of the existing space it is considered that this area is not contributing positively to the use of the open space. Overall, it is considered that the provision of a high quality, purpose built space would attract a greater number of persons to the park to enjoy the open qualities of the space and thereby facilitate the proper functioning of the space. The proposal would have positive impacts on the vitality of the café which serves Pinner Memorial Park and the wider community. As such, it is considered that the proposal would accord with criteria a, b and e of policy DM18.C of the DMP.

6.2.6 Criteria c, d and f of policy DM18.C of the DMP will be considered in more detail in section 2 of the report below, where it is considered that the proposal would be proportionate in scale and that, on balance, the high quality design of the development would outweigh the moderately adverse impacts on the open character of the site and its surroundings.

6.2.7 For these reasons, and noting the objections received it is considered that the principle of the existing and proposed use can be supported in this instance and development would accord with policy DM18 of the DMP.

6.3 Regeneration

6.3.1 It is considered that the existing terrace supports the ongoing vitality of the West House Gallery Café. The proposal to increase the seating area for the West House Gallery Café would contribute to the vibrancy of Pinner Memorial Park. The Heath Robinson Museum, which is in close proximity to the proposed development is likely to generate an increase in footfall within the park, which in turn would continue to strengthen the vitality of this local business.

6.4 Character and Appearance of the Area and Impact on Open Space, Locally Listed Buildings and Gardens

6.4.1 Policy and Site Context

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4.B and 7.6.B of The London Plan 2016 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. Criteria c, d, and f of policy DM18.C are also relevant to this application given the nature of the proposal within designated Open Space.

6.4.2 Policy CS1.D of the Harrow Core Strategy 2012 and policy DM7 of the DMP are also relevant given the location of the site within a locally listed historic garden and adjacent to the locally listed West House. These policies seek to ensure that the historic environment would not be compromised by development. The NPPF and policy 7.8.C/D/E of The London Plan 2016 set out similar aims.

6.4.3 The application site is partly defined by its open and spacious setting within the designated Open Space of Pinner Memorial Park but also within the more suburban environment of the locally listed West House and West End Lane and the dwellinghouse immediately to the north, West End Lodge.

6.4.4 It is considered that the scale and layout of the existing paved terrace and proposed extension would successfully relate to the surrounding environment, whilst also ensuring that important views of the locally listed West House and the dwellinghouse are not adversely affected. Furthermore, due the low and open nature of the proposed timber post and rail fence, it is considered that views towards the locally listed building would not be unduly impacted.

6.4.5 The Council's Conservation Officer has commented on the application and considers that both developments preserve the special interest and character of both heritage assets. It also helps ensure the ongoing vitality of both the museum and café.

6.4.6 Nonetheless, development on an area of land not previously built upon would have some impact on the open qualities of the space. The paved terrace and proposed extension does contribute to the setting of the open space, albeit only moderately given the quality of the existing space which is predominately bare earth and the scale of the development proposed. It is considered that the loss of this space would have a moderately adverse impact on the open qualities of the Open Space. However, this loss would be outweighed by the public benefits of the existing and proposed extended terrace.

6.4.7 An objection has been received in relation to the permeability of the existing and proposed paving.

6.4.8 The material used for the existing terraced area consists of paving slabs laid on crushed mortar. There are gaps between the slabs and gravel around the base of the existing tree allowing drainage. The existing paving material is identical to

the paving laid to the front of West Hose and is considered to be suitable for the intended use and harmonises with the paving adjacent to West House. Furthermore the material for the terrace does not detract from the appearance of the surrounding open space.

6.4.9 It is proposed to use a similar permeable material to the existing terraced area and it is considered that this treatment would be suitable for the intended use. Notwithstanding this a condition is attached to this permission requiring the submission of materials for the terrace and the low post and rail fence to ensure the character of the area is maintained. Furthermore a condition has been attached to this permission requiring the paving materials to be of a permeable nature.

6.4.10 For these reasons, and noting the objections received, it is considered that the existing and proposed development would accord with policies 7.4.B, 7.6.B and 7.8.C/D/E of the LP and policies DM1, DM7 and DM18 of the DMP, in providing high quality architecture that would enhance the visual and cultural qualities of the locality whilst respecting the scale and siting of the surrounding context.

6.5 Trees and Development

6.5.1 An objection has been received in relation to the impact of the existing terrace on the swamp cypress tree of significant visual amenity. However, an arboricultural report highlights that no ill-effects have been noted to the swamp cypress in terms of the terrace located around its' base. The report states that the tree has a good vitality and suggests that the terrace is retained, as moving it could cause irreparable root damage.

6.5.2 The proposed extended terrace area would be sited close to two trees of significance adjacent to the eastern and northern edge of the proposed terraced area, a swamp cypress tree and a silver fir tree. The proposal would be close to these trees of amenity value and therefore it is vital that the health of the trees are not unduly impacted by the proposed hardstanding.

6.5.3 An arboricultural report and tree protection plan has been submitted as part of the applications which sets out procedures for ensuring the protection of the adjacent trees during the construction phase.

6.5.4 The Council's Arboricultural Officer has reviewed the applications and is satisfied with the details covered in the arboricultural report. Furthermore, subject to the remediation measures suggested for the protection of these trees, considers that the proposed development does not have any adverse impact on the existing or future health or setting of those trees of amenity value on the site.

6.5.5 Subject to conditions, the development therefore accords with policy 7.19 and 7.21 of the LP and policies DM20 and DM22 of the DMP.

6.6 Amenity and Accessibility

6.6.1 Policy 7.6.B of The London Plan (2016) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and

buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy DM1 of the DMP similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

6.6.2 Given the nature of the development, the paved terrace would not impact on any of the adjacent properties in terms of residential amenity. Furthermore, the modest height of the post and rail timber fence surrounding the proposed terrace would ensure that neighbouring residential amenity is maintained.

6.6.3 Notwithstanding the above, it has been necessary to attach conditions to this permission restricting the times of use of the terrace and to prevent undue noise impacting on neighbouring residents.

6.6.4 Subject to these conditions, the development therefore accords with policy 7.6.B and policy DM1 of the DMP in ensuring that the amenities of the neighbouring occupiers are not adversely affected.

6.6.5 A number of objections have been raised in relation to access in front of West House. However, the existing and proposed terrace would not infringe upon the existing pathway, as this would not alter as part of the proposal. Therefore it is considered that the existing terrace nor the proposal to extend the terrace would not unduly impact upon accessibility within the surrounding park.

6.7 Development and Flood Risk

6.7.1 The site is not located within a flood zone. However, given the potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall. With regards to surface water run-off and surface water attenuation, it has been necessary to attach a condition to this permission. Subject to such condition the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and policy DM9 of the DMP.

6.8 Highways

6.8.1 The Council's Highways Officer has commented on the applications and notes that there may be an increase in demand for parking but it is unlikely to be consistent throughout the day; as there are likely to be peaks such as at lunchtime.

6.8.2 However, as the surrounding Car parking Zone only operates for 1 hour per day and there is capacity in the surrounding streets and Chapel Lane car park is only a short walk away. The impact on car parking pressure would be satisfactory.

6.8.3 As such, the developments would accord with National Planning Policy, The London Plan policy 6.9 and 6.13 and policy DM42 of the DMP.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 As both proposals would involve development on designated Open Space, the proposals would represent a departure from the development plan. However, it is considered that the moderately adverse environmental impacts of development on Open Space would be offset by the high quality design of the existing and proposed development. The existing terrace and proposal to extend the terrace would have a positive impact on social and economic impacts in enhancing the quality and value of the Open Space, enhancing cultural quality and access to culture in the area and potentially attracting tourism and investment to the locality.
- 7.2 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, it is considered that a departure from the development is justified in this instance and the applications are both recommended for grant.

APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions for Planning Application P/1792/16 (Extension of Terrace)

1 Timing

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 Approved Plans and documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 563/10; 562/11 Rev A; 562/12 Rev A; 562/13 Rev A; 562/14 Rev A; Tree Protection Plan dated 08/06/16; Design and Access Statement; Arboricultural Impact Assessment

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

3 Trees

The erection of fencing for the protection of any retained tree and the lopping of any trees shall be undertaken in accordance with the recommendations outlined in the approved Arboricultural Impact Assessment by Arbol Euroconsulting dated 8th June 2016 and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No works to trees, including their removal or lopping shall occur between the months of March to August (inclusive).

Reason: To safeguard any trees near the site of amenity value and mitigate the impact of development on local ecology and in the interests of site ecology.

4 Surface Water & Drainage

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk.

5 Use

The terrace hereby permitted shall not be open to customers outside the following times:-

8am – 9pm Monday – Sunday inclusive without the prior permission in writing by the local planning authority.

Reason: To safeguard the residential amenities of nearby residents.

6 Tables and Chairs

All tables, chairs and furniture relating to the use of the terrace shall be removed from the terrace and stored away when not in use (9pm – 8am the following day).

Reason: To ensure the openness of the site is retained when not in use.

7 Audible Noise

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.

8. Materials

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

a: the proposed post and rail materials

b: the ground surfacing

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

Reason: To ensure a satisfactory form of development and safeguard the appearance of the locality.

Conditions for Planning Application P/1792/16 (Extension of Terrace)

1 Approved Plans and documents

The development hereby permitted shall be retained in accordance with the following approved plans and documents: 563/10; 562/11 Rev A; Tree Protection Plan dated 08/06/16; Design and Access Statement; Arboricultural Impact Assessment.

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

2 Surface Water & Drainage

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk.

3 Use

The terrace hereby permitted shall not be open to customers outside the following times:-

8am – 9pm Monday – Sunday inclusive without the prior permission in writing by the local planning authority.

Reason: To safeguard the residential amenities of nearby residents.

4 Tables and Chairs

All tables, chairs and furniture relating to the use of the terrace shall be removed from the terrace and stored away when not in use (9pm – 8am the following day).

Reason: To ensure the openness of the site is retained when not in use.

5 Audible Noise

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.

Informatives

1 Policies

The following National Planning Policy, the policies and proposals in The London Plan 2016, the Harrow Core Strategy 2012 and Development Management Policies Local Plan 2013 are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2015: 5.3.B, 6.3.A/B/C, 6.9; 6.10.B, 6.13.C/D/E, 7.4.B, 7.6.B, 7.8.C/D/E, 7.18.B, 7.19.C/D/E, 7.21.B

The Harrow Core Strategy: CS1.A/B/D/F/G

Development Management Policies Local Plan 2013: DM1, DM7, DM18, DM20, DM22, DM42

2 Pre-application engagement

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 Compliance with Planning Conditions

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.

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 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

6 SUDS

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

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

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

7 Consent for Works

Notwithstanding the planning permission hereby permitted, further consent is required for the proposed works from Harrow Council Estates department.

APPENDIX 2: SITE PLAN



Site Plan – provided with application

APPENDIX 3: SITE PHOTOGRAPHS



Looking towards West House from the South East



Proposed site of terrace



Proposed location of Terrace





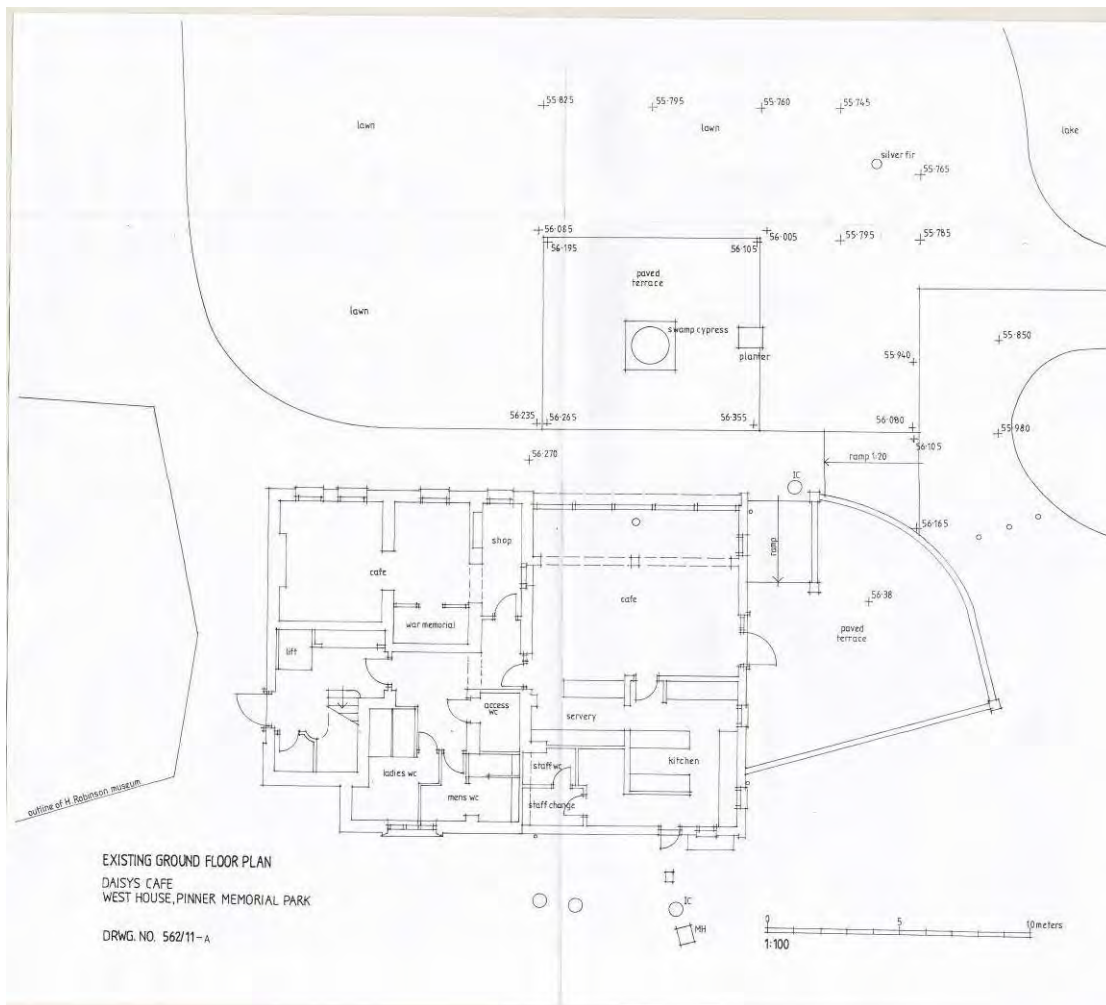
Existing path in front of West House – looking South



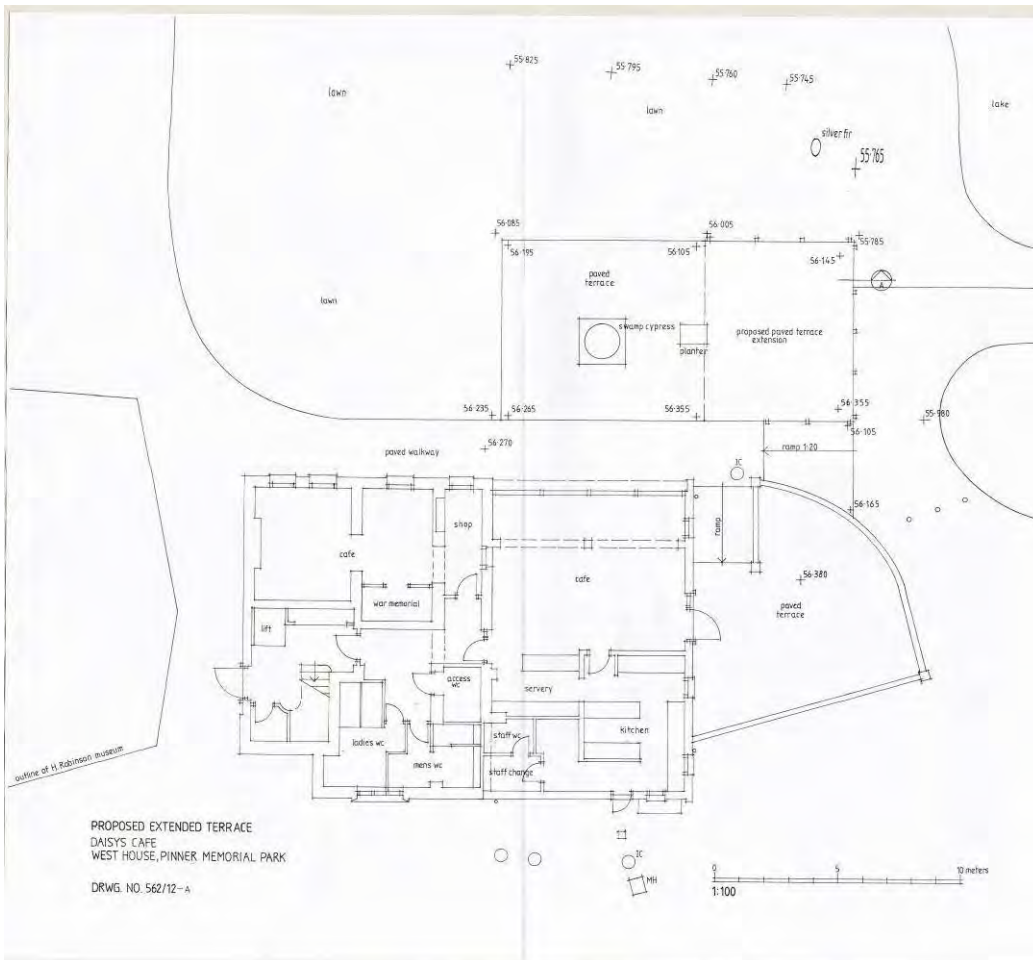
Existing Path - looking North



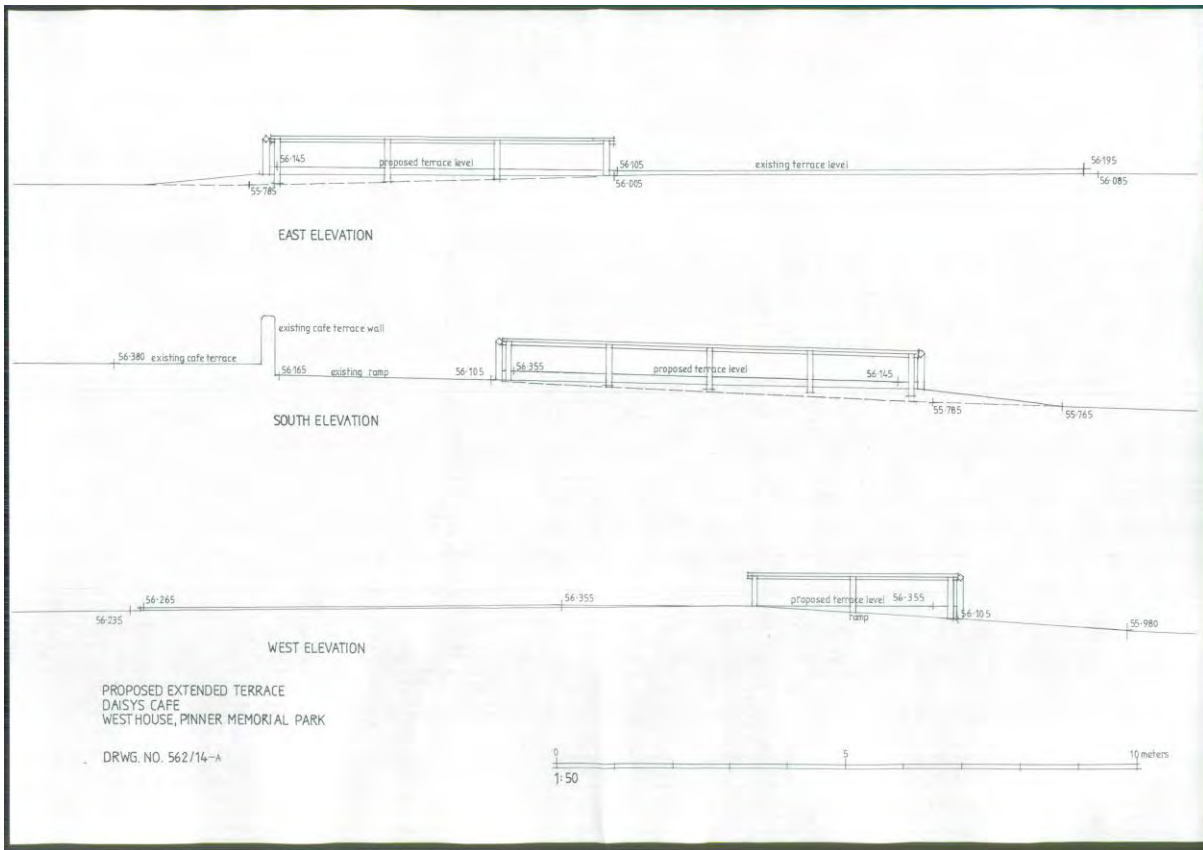
APPENDIX 4: PLANS AND ELEVATIONS



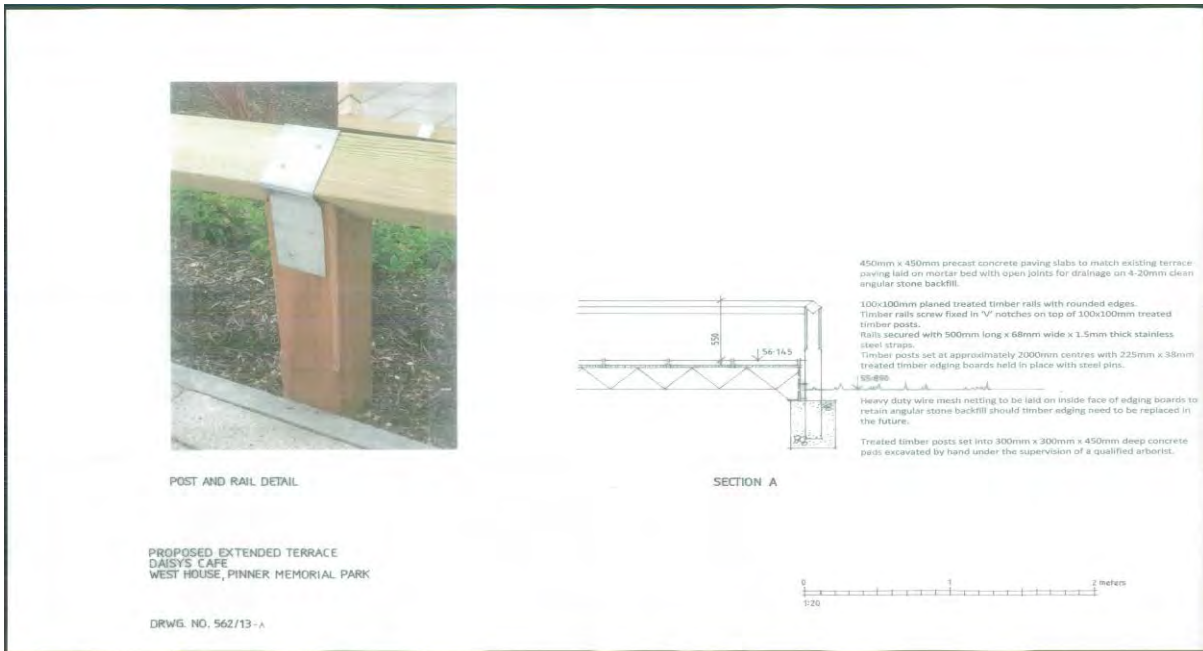
Existing Floor Plan



Proposed Floor Plan



Proposed Elevations

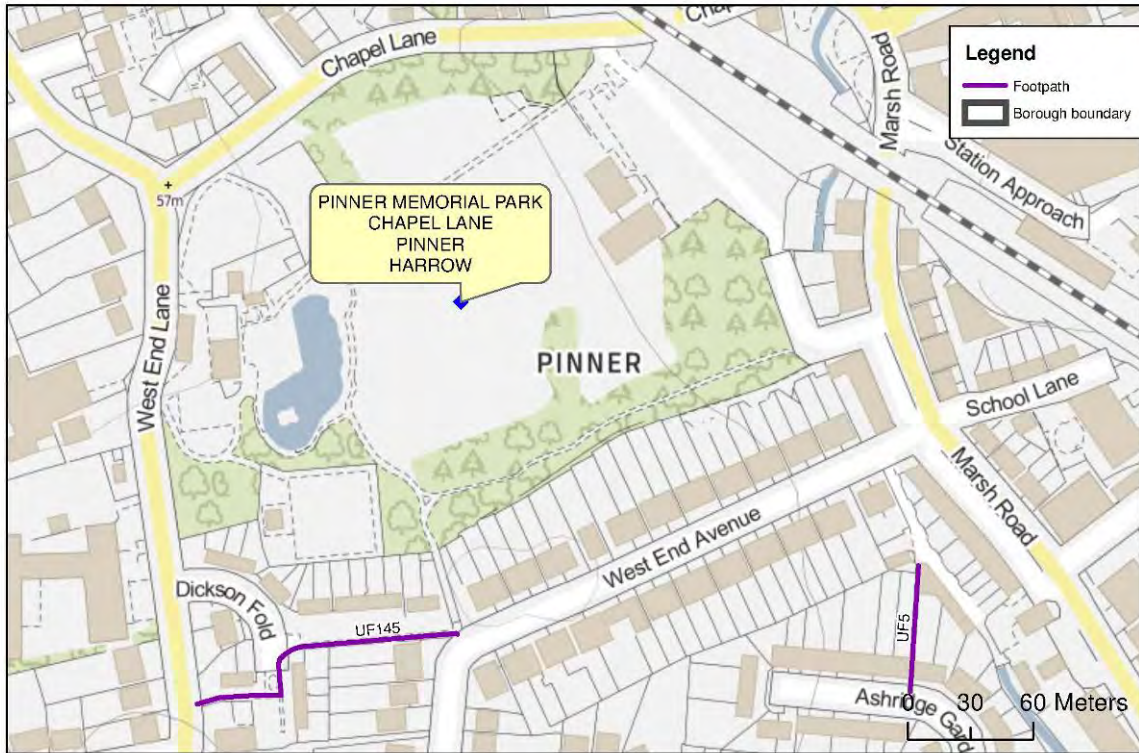


Proposed Details

Appendix 5

Harrow Council Map indicating Public Rights of Way

Pinner Memorial Park



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Scale 1:3500