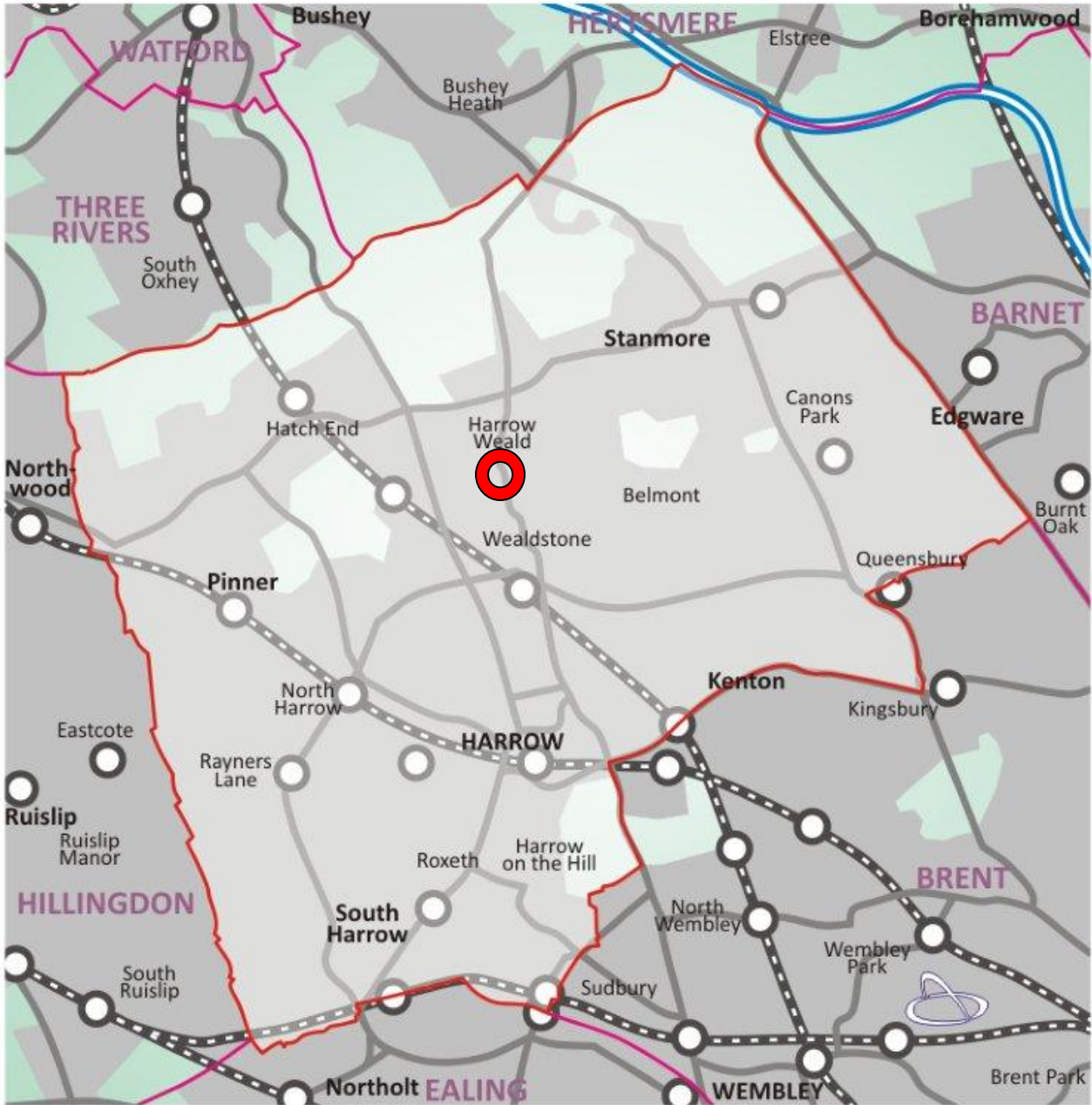


 = application site



<b>221-227 High Road, Harrow</b>	<b>P/5323/16</b>
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<b>221-227 High Road, Harrow</b>	<b>P/5323/16</b>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

15<sup>th</sup> FEBRUARY 2017

APPLICATION NUMBER: P/5323/16  
VALIDATE DATE: 21/11/2016  
LOCATION: 221 – 227 HIGH ROAD, HARROW  
WARD: WEALDSTONE  
POSTCODE: HA3 5EE  
APPLICANT: MR SUNIL NAGPAL  
AGENT: POWELL SKEETE ASSOCIATES LIMITED  
CASE OFFICER: OLIVE SLATTERY  
EXPIRY DATE: 06/01/2017

### **PURPOSE OF REPORT/PROPOSAL**

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

A 'Change of use of the ground floor from a restaurant (Class A3) to an education centre (Class D1) and external alterations'.

The Planning Committee is asked to:

### **RECOMMENDATION**

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

### **REASON FOR THE RECOMMENDATIONS**

The proposal would result in the provision of educational facilities within the Borough and would meet the Council's regeneration aspirations. The proposal would not have a detrimental impact on the character of the area, residential amenity of neighbouring occupiers or on highway safety. 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 the development is justified in this instance and the application is recommended for grant.

### **INFORMATION**

This application is being reported to Planning Committee as a petition has been received objecting to the proposed development. The application is therefore of significant public interest. The application is therefore referred to the Planning

Committee as it is excluded by Proviso E of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type:	E.18 Minor development, all other
Council Interest:	None
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A as an educational facility is proposed
Local CIL requirement:	N/A as an educational facility is proposed

## **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 proposal. 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
- National Planning Policy Framework
- London Plan
- 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

## OFFICER REPORT

### PART 1: PLANNING APPLICATION FACT SHEET

The Site	
Address	221 – 227 High Road, Harrow, HA3 5EE
Applicant	Mr Sunil Nagpal
Ward	Wealdstone
Local Plan allocation	N/A
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	N/A
Other	N/A

Non-residential Uses		
Existing Use(s)	Existing Use	Restaurant - Use Class 3
	Existing Use Class(es) sqm	190 sqm.
Proposed Use(s)	Proposed Use	Education centre – Use Class D1
	Proposed Use Class(es) sqm	190 sqm.
Employment	Existing number of jobs	12
	Proposed number of jobs	2 full time staff and 2 part time staff

Transportation		
Car parking	No. Existing Car Parking spaces	0
	No. Proposed Car Parking spaces	0
	Proposed Parking Ratio	0
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	5
	Cycle Parking Ratio	1 space per 8 staff and 1 space per 8 students
Public Transport	PTAL Rating	3
	Closest Rail Station / Distance (m)	1200m
	Bus Routes	340, 258, 182, 140, H18, H19, H12
Refuse/Recycling Collection	Summary of proposed refuse/recycling strategy	Refuse storage at the rear of the site

<b>Education</b>		
No. of Pupils	Existing	0
	Proposed	24
No. of Staff	Existing	12
	Proposed	2 full time staff and 2 part time staff
No. of Classrooms	Existing	0
	Proposed	3

## **PART 2: ASSESSMENT**

### **1.0 SITE DESCRIPTION**

- 1.1. The application relates to the ground floor of a two-storey building with a flat roof on the western side of High Road.
- 1.2. The building comprises four terraced properties (No's 221 – 227) and it has a mixed white mock Tudor and red brick frontage. The building is set back from the public highway, High Road, which is a London distributor road.
- 1.3. The lawful use of the ground floor is a café / restaurant (Use Class A3).
- 1.4. Planning permission was granted on 31<sup>st</sup> May 2016 for the 'Change of use of the first floor from a restaurant to a House in Multiple Occupation with seven rooms (Use Class Sui Generis) and a first floor rear extension' (planning application reference P/0988/16). It was noted during the officer site visit that this planning permission has been implemented.
- 1.5. There is an existing external metal staircase at the rear of the building, which together with a walkway on top of the ground floor, form an enclosed secondary access to the first floor of the building.
- 1.6. A three/four storey block of residential flats, Durrant Court, is sited to the north of the site, on the opposite side of an access road which leads to a private carpark.
- 1.7. There is a service road off Whitefriars Drive to the south that leads to the rear of the terraced shopping parade.
- 1.8. The application site is not situated within a designated centre, or within a designated primary or shopping frontage.

### **2.0 PROPOSAL**

- 2.1 The application proposes to change the use of the ground floor from a restaurant (Use Class C3) to an education centre (Use Class D1).
- 2.2 The total area proposed for the change of use is 190sqm.
- 2.3 The submitted Design and Access Statement states that the facility would provide a tutoring service for 16 – 18 year old GCSE and A level students.
- 2.4 Two full-time staff and two part-time staff would be employed and a total of 24 students would be accommodated.
- 2.5 Refuse bins would be stored at the rear of the site.
- 2.6 It is proposed to store five bicycles within the building.



2.7 It is proposed to insert a window opening in the rear elevation and two window openings in the northern elevation.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 A summary of the relevant planning application history is set out in the table below:

<b>Ref no.</b>	<b>Description</b>	<b>Status and date of decision</b>
P/0183/13	Change of use of ground and first floors from restaurant (Use Class A3) to mixed use education, training, counselling and place of worship (Use Class D1)	Granted: 04/06/2013. The permission has expired. It was not implemented
P/4436/14	Conversion of first floor of no. 221 - 225 from restaurant (use class A3) into two self-contained flats (use class C3); external alterations at the rear	Refused: 06/01/2015
P/4437/14	Change Of Use Of Ground And First Floors Of No. 227 From Restaurant With Ancillary Store And Office (Use Class A3) To Two-Bedroom Dwellinghouse; External Alterations	Refused: 06/01/2015
P/0988/16	Change of use of first floor from restaurant and ancillary office (class A3) to house in multiple occupation (HMO) (sui generis) with seven rooms; first floor rear extension; refuse and cycle storage at rear; re-siting external staircase at rear	Granted: 31/05/2016

### **4.0 CONSULTATION**

4.1 A total of 42 consultation letters were sent to neighbouring properties regarding this application.

4.2 The overall public consultation period expired on 3<sup>rd</sup> January 2017.

#### 4.3 Adjoining Properties

Number of letters Sent	42
Number of Responses Received	2 (including 1 petition with 21 signatures)
Number in Support	0
Number of Objections	1 letter and 1 petition
Number of other Representations (neither objecting or supporting)	0

4.4 1 objection was received and 1 petition objecting to the proposed development was received

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

<b>Details of Representation</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
234a High Road, HA3 7BA	Concerned that the parking for adjacent flats will be used by users of the education centre	Issues relating to parking are assessed in section 6.5 of this report.
Tenants of Durrant Court	Concerned that the users of the education centre would obstruct the gate serving the adjacent carpark  No consultation with neighbours relating to on-going exterior works	Issues relating to parking are assessed in section 6.5 of this report.  Planning permission P/0988/16 has been implemented on site. The LPA carried out full consultation during the assessment of this planning application.

#### 4.6 Statutory and Non Statutory Consultation

4.7 The following consultations have been undertaken:

LBH Highways  
LBH Travel Planner

#### 4.8 External Consultation

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

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
LBH Highways	No objections. A Travel Plan is required Cycle parking should be provided	Noted and addressed in section 6.5 of this report.
LBH Travel Planner	The submitted Travel Plan is not acceptable. A revised Travel Plan is required.	Noted and addressed in section 6.5 of this report.

#### 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].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

#### 6.0 ASSESSMENT

6.1 The main issues are:

Principle of the Development  
Regeneration  
Amenity and Accessibility  
Traffic, Parking and Refuse

## 6.2 Principle of Development

6.2.1 In this instance, the principle of the proposed development is two-fold.

6.2.2 *Loss of Restaurant Use:* The application site is situated within an established parade with ground floor commercial uses, but it is not located within a designated centre or frontage. The proposal would result in the loss of a lawful Class A3 premises. There are no Development Plan policies that restrict the loss of the restaurant floorspace and it is therefore considered that the proposal to change the use of the ground floor from a restaurant use is acceptable in principle.

6.2.3 *Provision of Educational Use:* As the proposal is for the provision of a new non-residential institution (i.e. – a community, sport or education facility), policy DM46 would apply. This policy supports the re-use and refurbishment of existing premises for community, sport and education uses. It also supports the provision of new community, sport and education facilities where such uses are located within the community that they intend to serve, are safe and located in an area of good public transport accessibility and there would be no adverse impact on residential amenity or highway safety.

6.2.4 The proposed educational use, subject to appropriate conditions, would provide an appropriate use which meets the thrust of policy DM46 and would not have a detrimental impact on neighbouring occupiers or highway safety (both discussed in separate sections below). It would comply with policy 3.18C of The London Plan (2016) which supports development proposals that enhance education and skills provision.

6.2.5 On this basis, it is considered that the proposal is acceptable and accords with Policy DM46 of the Harrow Development Management Policies (2013). As discussed in section 6.4 of this appraisal, the uses proposed under the current application are considered to be compatible.

## 6.3 Regeneration

6.3.1 It is envisaged that the proposed change of use would assist towards the Councils Regeneration agenda, as it would bring a vacant unit back into productive use, and it would provide educational facilities within the Borough.

## 6.4 Amenity and Accessibility

6.4.1 Policy DM 1 of the Development Management Policies DPD 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.

6.4.2 The only physical changes proposed under the current application are the insertion of two windows in the rear elevation of the building, and one window in the northern elevation. It is considered, given its orientation towards a rear

service yard, that one of the proposed windows in the rear elevation would not give rise to a loss of amenity for neighbouring occupiers. The second window proposed in the rear elevation and the window proposed in the northern elevation would be high level and would face directly towards a carpark. On this basis, it is considered that these proposed windows would not give rise to a loss of amenity for neighbouring occupiers. It is further considered that the proposed windows would not unduly impact on the character and appearance on the building or the surrounding area.

- 6.4.3 The opening times of the existing restaurant use vary throughout the week, with evening opening from 18:00hrs to 22:00hrs Monday to Wednesday, and 12:00hrs to 14:30hrs and 18:00hrs to 22:00hrs Thursday to Sunday. The application proposes that the new educational use would open between 9:00hrs and 21:00hrs Monday to Friday; 10:00hrs and 18:00hrs on Saturdays, and 10:30hrs and 16:30hrs on Sundays.
- 6.4.4 The current proposal would result in a change in the nature of activities at the application site, as it would introduce increased daytime activity. However, the site is located within a parade of shops, many of which open during the day. Having regard to this and the modest scale of the proposed educational use (24 students), it is considered that the proposal would not give rise to detrimental impacts on neighbouring amenities in terms of comings and goings. As discussed later in the report, the submitted travel plan has been assessed and is considered to be acceptable by the Councils Travel Planner.
- 6.4.5 The site is located along a busy distributor road and in this respect, it is considered that the occupiers of the near-by residential properties (including the future occupiers of the upper floor HMO) already experience a high level of background noise. In this context, it is considered that the levels of noise and disturbance associated with the proposed small scale educational use would be relatively minor. A condition is recommended that would require no music or any other amplified sound caused as a result of this permission to be audible at the boundary of any residential premises in the vicinity of the premises to which this permission refers.
- 6.4.6 In view of the above, it is considered that the proposal would accord with Policies DM1 and DM46 of the DMP Local Plan (2013).
- 6.4.7 The premises have a level threshold and a toilet (3.3m<sup>2</sup>) is proposed within the building. In terms of accessibility, the proposal would be consistent with policies 3.8, 7.1 and 7.2 of The London Plan (2016), policies DM1 and DM2 of the Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document: Access For All (2006), which require all new developments to be fully accessible and inclusive to all.

## 6.5 Traffic, Parking and Refuse

- 6.5.1 Core policy CS1.R of the Core Strategy (2012) encourages and advocates 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 DM 42 of the DMP requires new development to address the related travel demand arising from new development to comply with London Plan parking standards. Policy DM43 states that proposals that fail to satisfactorily mitigate the transport impacts of a development will be resisted.

- 6.5.2 It is noted that a petition has been received objecting to the application. The main thrust of the objection concerns the effect of the proposed educational use on the access to an adjacent private carpark.
- 6.5.3 The application site has a PTAL rating of 3. The application does not propose any carparking. However, given that the proposal is for a small scale educational use, it is not anticipated that a significant parking demand would be generated. Waiting restrictions operate between 7am and 7pm Monday to Friday and 9am and 5.30pm on Saturdays. This would prevent parking immediately outside the premises throughout the day. Furthermore, the High Road is served by several bus routes (340, 258, 182, 140, H18, H19, H12) and the age profile of students using the premises (age 16 – 18) are likely to travel by public transport. A condition has been attached to ensure that the premises shall be used for education use of students aged sixteen and above and for no other purpose. On this basis, the Councils Highways Authority have not objected to the proposal.
- 6.5.4 It is noted that an objection has been received raising concerns that the carparking area serving the adjacent flats will be used / blocked by users of the proposed education centre. It was noted during a site visit that this carparking area is gated, thereby preventing unauthorised parking in this carpark. However, it is acknowledged that the location of the gates to this carpark presents an opportunity for drivers to stop off the highway, thereby blocking the entrance. It is considered that the proposed change of use will not diminish the opportunity for stopping off the highway. However, it is further considered, given the modest scale of the proposed education centre, that the current proposal will not detrimentally exacerbate the existing situation.
- 6.5.5 The Council's Travel Planner initially raised some concerns in relation to the submitted Travel Plan. In order to address these concerns, the applicant submitted a revised travel plan. This revised travel plan has been assessed and is considered to be acceptable. Condition no. 2 requires the mitigation measures identified in the travel plan to be implemented for the duration of the use. It is considered that this would assist to promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan policies 6.1 and 6.3 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).
- 6.5.6 Policy 6.9 of the London Plan (2016) requires that the proposal provides secure, integrated, convenient and accessible cycle parking facilities (1 space per 8 staff and 1 space per 8 students). Five cycle spaces are proposed within the building, thereby complying with adopted policy.

6.5.7 Refuse storage bins would be stored at the rear of the site. It is considered that this location would ensure that the bins would be sited to provide satisfactory access for collectors, and screened to avoid nuisance to neighbouring occupiers and adverse visual impact, as required by Policy DM 45 of the DMP.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

7.1 The proposal would result in the provision of educational facilities within the Borough and would meet the Council's regeneration aspirations. The proposal would not have a detrimental impact on the residential amenity of neighbouring occupiers or on highway safety. 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 the development is justified in this instance and the application is recommended for grant.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 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 Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PSD1006 B Rev. B, PSD1002 C Rev. C, PSD1001 C Rev. C, Design and Access Statement (dated 30/01/2017), PSD1007 A Rev. A, PSD 1008 D Rev. D, PSD1003 Rev. D1, PSD1005 D Rev. D, PSD1004 Rev. D1, Travel Plan Statement (dated 30/01/2017)

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

#### 3 Refuse Storage

The designated refuse storage area, as shown on the approved drawings, shall be kept clear of obstacles and made available for the storage of refuse bins at all times. The refuse bins shall be stored at all times, other than on collection days, within this designated refuse storage area.

Reason: To ensure adequate provision for refuse storage and to safeguard the appearance of the locality.

#### 4 Patronage

The maximum number of patrons of the education centre shall not exceed 24 persons at any time, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the use of the site is not over-intensive and to safeguard the amenity of neighbouring residential properties.

#### 5 Opening Times

The approved use shall not be open outside of the following hours:

- (a) 09.00 to 21.00 hours Monday to Friday,
- (b) 10:00 to 18:00 hours on Saturdays, and
- (c) 10:30 to 16:30 hours on Sundays,

without the prior written permission of the Local Planning Authority.



Reason: To safeguard the amenities of neighbouring residential occupiers.

6 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 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.

7 Permitted Development Restrictions

The premises shall be used for the education of adult students (aged sixteen years and above) and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

Reason: To safeguard the amenity of neighbouring residents and in the interests of highway safety.

## Informatives

1 Policies

The following policies are relevant to this decision:

**National Planning Policy Framework (2012)**

**The London Plan (2016)**

6.3 Assessing effects of development on transport capacity

6.9 Cycling

6.10 Walking

6.13 Parking

7.2 An Inclusive Environment

7.4 Local Character

7.6 Architecture

**Harrow Core Strategy (2012)**

CS1 Overarching Policy

Core Policy CS2 Harrow and Wealdstone

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

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM42 Parking Standards

DM43 Transport Assessment and Travel Plans

DM45 Waste Management

2 Pre-application engagement

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 Considerate Code of Practice

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

4 Party Wall Act

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

5 Compliance with 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.

## 6 Windows

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

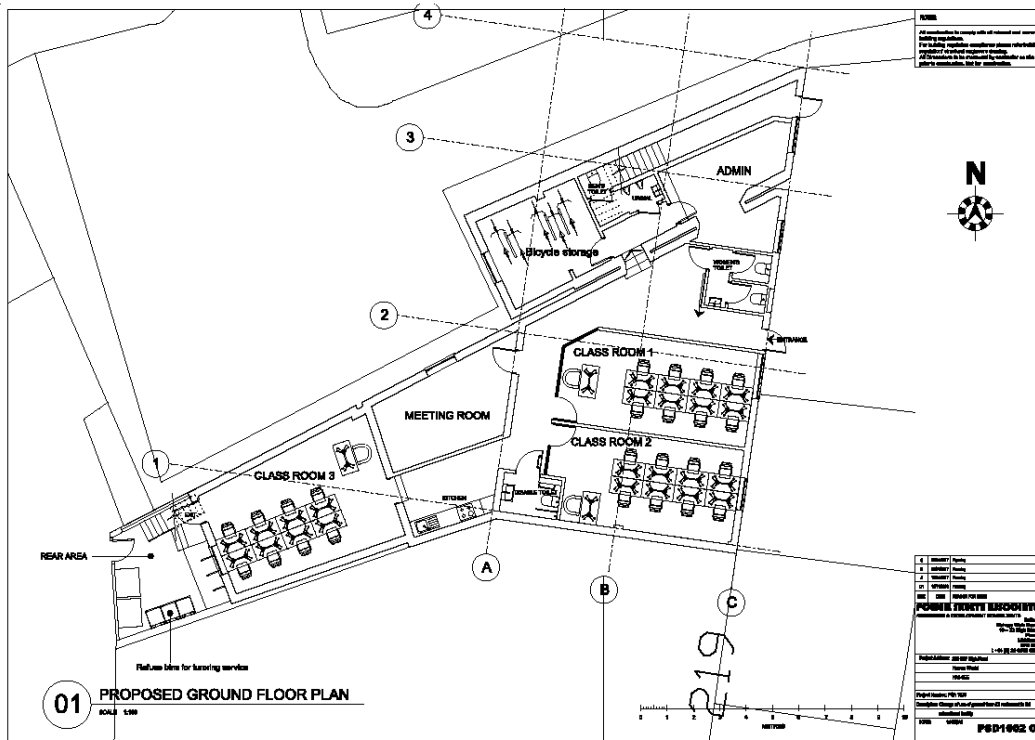
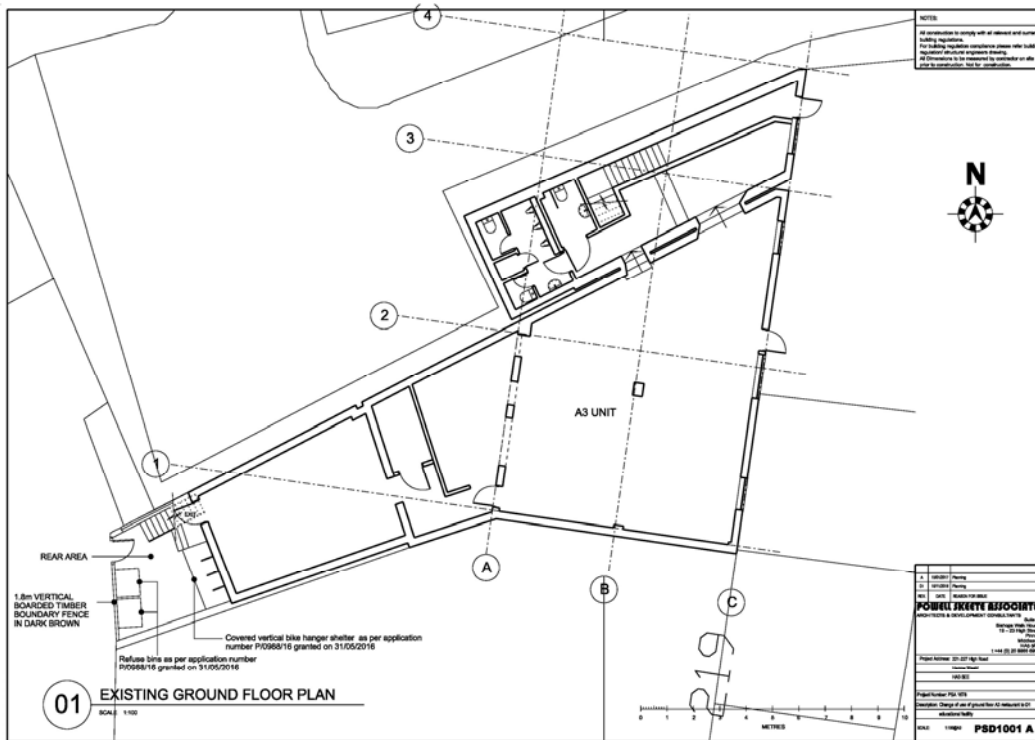
# APPENDIX 2: SITE PLAN



**APPENDIX 3: SITE PHOTOGRAPH**



# APPENDIX 4: PLANS AND ELEVATIONS



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