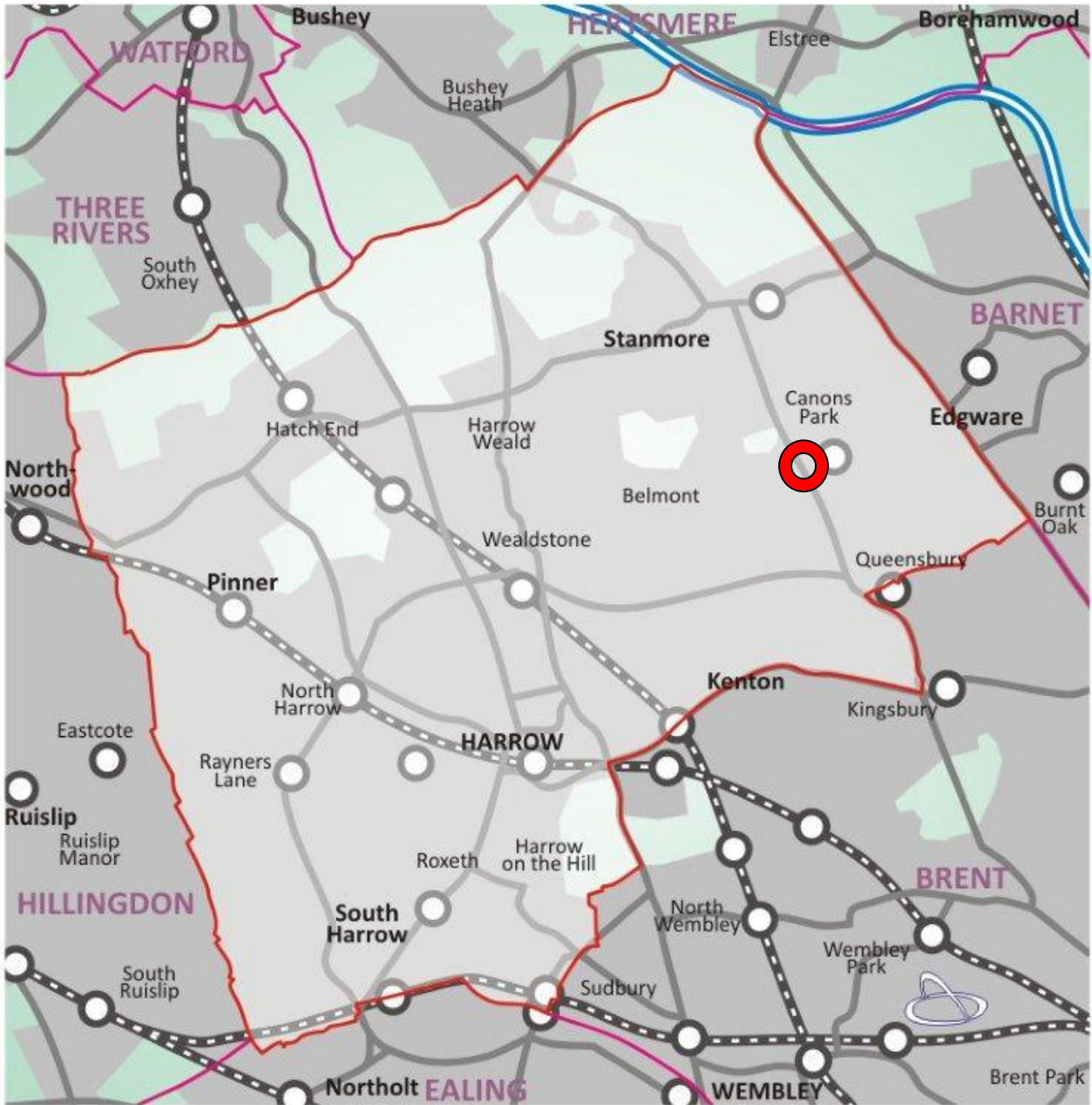
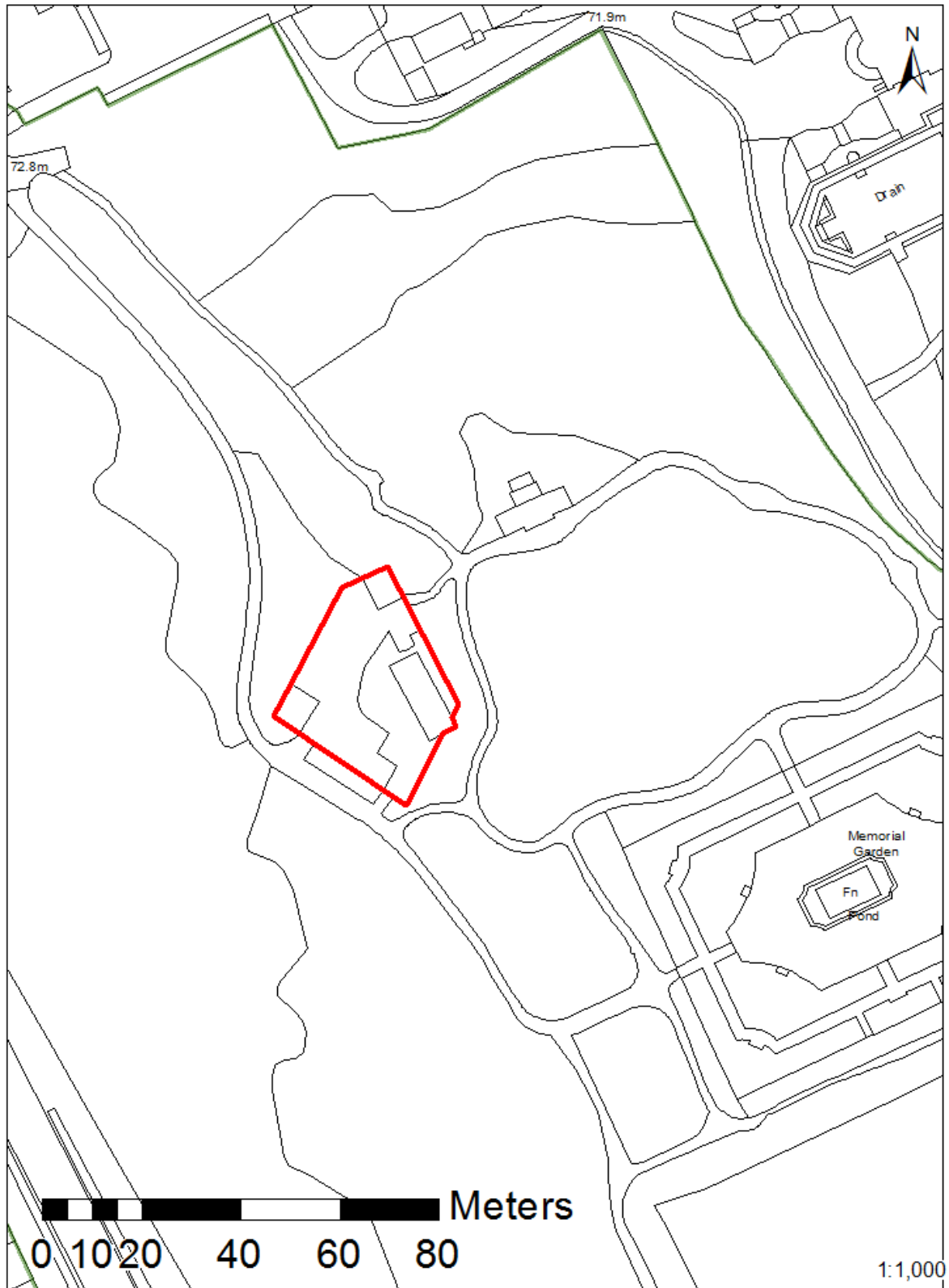


 = application site



| | |
|--------------------------------------|------------------|
| Canons Park, Whitchurch Lane, | P/0212/19 |
|--------------------------------------|------------------|

Canons Park, Whitchurch Lane



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd May 2019

APPLICATION NUMBER: P/0212/19
VALIDATE DATE: 25/02/2019
LOCATION: CANONS PARK, WHITCHURCH LANE
WARD: CANONS
POSTCODE: HA8 6QT
APPLICANT: HARROW COUNCIL
AGENT: DANNATT JOHNSON ARCHITECTS
CASE OFFICER: NABEEL KASMANI
EXTENDED EXPIRY DATE: 30TH MAY 2019

PROPOSAL

Single storey detached facilities building for use by The Shaw Trust; installation of three green houses; associated landscaping (removal of existing containers)

RECOMMENDATION

The Planning Committee is asked to:

- 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 provide replace the existing shipping containers with a facilities building and greenhouses for The Shaw Trust, who provide specialist support for adults with learning disabilities. The proposed horticultural related activities include maintenance of Canons Park and growing plants for planting within the Park. The proposal would therefore help to sustain the beneficial use of the Metropolitan Open Land in a way that is compatible with the area's character and the heritage designations. The proposed buildings would not have a greater impact on the Metropolitan Open Land. The proposal is also considered to have an acceptable impact on residential amenities, transport and highway considerations and flood risk.

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

INFORMATION

This application is reported to Planning Committee as the Council is the landowner and applicant and the proposal would create over 100m² floorspace. The proposal therefore falls outside Part 1 of the scheme of delegation.

| | |
|------------------------------------------|-----------------------|
| Statutory Return Type: | (E)13 Minor Dwellings |
| Council Interest: | n/a |
| Net Additional Floorspace: | 141m ² |
| GLA Community Infrastructure Levy (CIL): | £12,367 |
| 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 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 proposed access does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1 The application site consists of the area inside the walled compound adjacent to the 'Bothy' within the northern part of Canons Park. The proposal is within the Canons Park Conservation Area. The site features a number of shipping containers and items which are associated with existing function of the site for maintenance related storage for the Park.
- 1.2 Canons Park is a Grade II Listed Park and Garden, designated as Metropolitan Open Land and a Site of Importance for Nature Conservation. The walled compound and the Bothy are Grade II curtilage listed structures. The Bothy is currently used as a café.

2.0 PROPOSAL

- 2.1 The application proposes to remove the existing shipping containers and to provide a new single storey facilities building, the installation of three green houses and associated landscaping.
- 2.2 The proposed building would be sited adjacent to the north-east wall (where the shipping containers are currently located). The building would have a rectangular form with a maximum height of 3.2m. The proposed building would feature a common area, kitchenette, locker area and W/C's. The building would be finished with welsh timber larch cladding.
- 2.3 The proposed glazed greenhouses would be located adjacent to the north-west facing wall and would feature a dual pitched roof profile with a maximum ridge height of 3m.
- 2.4 The proposed facilities would be used by The Shaw Trust who would provide a range of activities for adults with learning difficulties. The proposed horticultural activities would include maintaining the site and community gardens and growing plants for planting within the Park. Up to 52 persons would use the facility each day. The proposed building would also be used on an ad hoc basis by the Friends of Canons Park as a meeting space.

3.0 RELEVANT PLANNING HISTORY

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

| Ref no. | Description | Status and date of decision |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| P/1575/04/DLB | Listed building consent: re-open existing blocked windows repairs internal alterations associated with erection of park keepers facility and kiosk | Grant: 22-07-2004 |

4.0 **CONSULTATION**

4.1 1 consultation letter was sent to North London Collegiate School regarding this application.

4.2 A site notice was erected on 21st March 2019 expiring on 11th April 2019. A press notice was advertised in the Harrow Times on 14th March 2019, expiring on 4th April 2019.

4.3 Adjoining Properties

| | |
|------------------------------|----|
| Number of letters Sent | 1 |
| Number of Responses Received | 11 |
| Number in Support | 11 |
| Number of Objections | 0 |

4.4 A summary of the responses received are set out below with officer comments in Italics:

| |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary of Comments on original consultation (including petition) |
| Building is vital for continuation of Shaw Trust Horticultural Programme; Considerable benefit for the park; Proposal will not be visible above walls of Bothy yard and will not interfere with historic aspect of the grounds; will bring further life to the park and help maintain areas; removal of containers would be positive; presence will ensure park area is monitored; will not intrude visual amenity of Canons Park and design is sensitive <i>These comments are noted</i> |

4.5 Statutory and Non Statutory Consultation

4.6 The following consultations have been undertaken and a summary of the consultation responses received are set out below.

Historic England
No Comment

The Gardens Trust
No Comment

Conservation Officer

The conservation area has high quality and traditional architectural character. The site has footings already and greenhouses would not be entirely out of keeping with the wider historic park and garden. There is a former kitchen garden already near by. However, the framework should be of timber in order to fit in with the high quality architectural character of the conservation area and the setting of the listed buildings.

The proposed outbuilding would have a similar impact in terms of scale to the existing shipping container. However, the shipping container is a temporary installation whereas these would permanently affect the historical openness in this area. The proposed outbuilding would be taller than the walls to the walled compound so would be partly visible from beyond the site.

Given the justification and the proposed Welsh Timber Larch Cladding finish proposed, the proposal would be acceptable.

Biodiversity Officer

No Comment

Landscape Officer

No Objection

Drainage Engineer

In line with our Development Management Policy 10, to make use of sustainable drainage measures to control the rate and volume of surface water runoff, to ensure separation of surface and foul water systems, make provision for storage and demonstrate arrangements for the management and maintenance of the measures used, the applicant should submit a surface water drainage strategy. No objection subject to conditions.

Conservation Area Advisory Committee

No concerns, if anything will enhance Conservation Area

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 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough. The document was published in draft form in December 2017 and is currently in the Examination in Public (EiP) stage, with the Panel's report expected in Autumn 2019. Given that the draft Plan is in the EiP stage of the formal process it holds some weight in the determination of planning applications, although lesser weight will be given to those areas of the plan that are being challenged through the EiP process (including any potential inconsistencies with the NPPF).
- 5.5 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
- Character and Appearance
- Residential Amenity
- Transport and Parking
- Flood Risk

6.2 Principle of Development

- 6.2.1 The application site is located within Metropolitan Open Land. Policy 7.17 of the London Plan (2016) states that 'the strongest protection should be given to London's Metropolitan Open Land (MOL) and inappropriate development refused, except in very special circumstances, giving the same level of protection as the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of Metropolitan Open Land'.
- 6.2.2 Policy DM16 of the Harrow Development Management Policies (2013) has a presumption against any loss of MOL or inappropriate development within it. Policy DM17 details the beneficial use of MOL including the potential use of the land for food production or community gardening.

- 6.2.3 The proposed facilities would be used by the Shaw Trust, an organisation that provides horticultural related activities for adults with learning difficulties. As detailed in the submitted design and access statement, the proposed activities of the Shaw Trust would include maintenance of the park, community gardens and growing plants for planting within the Park. The proposed greenhouses would therefore help to sustain the beneficial use of the MOL in a way that is compatible with the area's character.
- 6.2.4 Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt. However, the paragraph also states that there are some exceptions to this, one of which is the provision of appropriate facilities for outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.2.5 Additional supporting information has been provided during the course of the application. A sequential site search was undertaken to find suitable sites for the continuation of the horticultural projects of the Shaw Trust within the Borough. It was noted that the portfolio of parks in Harrow was reviewed in order to identify a suitable location. Canons Park was chosen due to its significance within the borough, the recent loss of dedicated on-site maintenance presence in the park, a suitable location within the park currently utilised as a maintenance depot thereby minimising visual impact, and the unique horticultural features requiring a greater degree of management to maintain. In addition to this, the proposed building is the minimum floorspace required to provide the appropriate welfare space for operation staff and support functions, as well as storage for plant and equipment.
- 6.2.6 On the basis of the above, officers consider that the proposed buildings within the site would provide the appropriate facilities for outdoor recreation associated with the horticultural activities of the Shaw Trust, thereby meeting the exception detailed in Paragraph 145 of the NPPF. Furthermore, the proposed buildings would be modest in scale and replace existing shipping containers that have been established at the site location for a number of years. For these reasons, officers consider that the proposal would not harm the openness of the Metropolitan Open Land and would accord with the relevant policies in this regard.
- 6.2.7 Taking into account the complementary relationship between the proposed use of the facilities by The Shaw Trust and the maintenance and beneficial use of the existing MOL, officers consider that it would be appropriate to include conditions which restrict the use of the building solely by The Shaw Trust for the aforementioned purposes.

6.3 Character and Appearance

- 6.3.1 Chapter 12 of the NPPF states that Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of

sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.3.2 The proposal is set within the Canons Park Conservation Area and also the Grade II Listed Canons Park and Garden. The walled compound and Bothy are Grade II Curtilage Listed.
- 6.3.3 Policy 7.8 of The London Plan (2016) states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials architectural detail'. Policy CS1 of the Harrow Core Strategy (2012) states 'proposals would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Policy DM7 of the Development Management Policies Local Plan (2013) states 'the impact of proposals affecting heritage assets will be assessed having regard to: b relevant issues of design, appearance and character, including proportion, scale, height, massing, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form'.
- 6.3.4 The site currently features shipping containers and serves a storage function for the maintenance related activities of the Park. The only visibility into the site is through the access gates on the south-western wall adjacent to the Bothy. The proposed greenhouses and building would be modest in scale and height. The proposed building would be finished with Welsh Timber Larch Cladding. The application was referred to the Council's Conservation Officer who is satisfied with the proposal.
- 6.3.5 Subject to conditions, officers consider that the proposed development would be appropriate in siting, massing, scale and external finishing. The proposal would therefore accord with the relevant policies in this regard.

6.4 Residential Amenity

- 6.4.1 A core principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 7.6 of the London Plan states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate.
- 6.4.2 Harrow Local Plan Policy DM1 undertakes to assess privacy and amenity considerations having regard to, among other things, the prevailing character of amenity and the need to make effective use of land; the relationship between buildings and site boundaries; and the visual impact when viewed from within the buildings and outdoor spaces.
- 6.4.3 The nearest residential properties are located more than 100m from the application site. Given the separation distance and the proposed built context and use, Officers consider that the proposal would not have a detrimental impact on the residential amenities of adjoining occupiers. The proposal would therefore accord with the above policies.

6.5 Transport and Parking

6.5.1 The application would not have a materially harmful impact on the functioning or safety of the highway. The proposal would therefore comply with the relevant policies of the Development Plan in this regard.

6.6 Flood Risk and Trees

6.6.1 The application site is located within a Critical Drainage Area. The Council's Drainage Authority have reviewed the proposal and raised no objection to subject to conditions.

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposal would provide replace the existing shipping containers with a facilities building and greenhouses for The Shaw Trust, who provide specialist support for adults with learning disabilities. The proposed horticultural related activities include maintenance of Canons Park and growing plants for planting within the Park. The proposal would therefore help to sustain the beneficial use of the Metropolitan Open Land in a way that is compatible with the area's character and the heritage designations. The proposed buildings would not have a greater impact on the Metropolitan Open Land. The proposal is also considered to have an acceptable impact on residential amenities, transport and highway considerations and flood risk.

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

CHECKED

| | | |
|--------------------------------|-----------------|--------|
| Interim Chief Planning Officer | Beverley Kuchar | 8/5/19 |
| Corporate Director | Paul Walker | 9/5/19 |

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 Plans and documents (named permission)

Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents:

585C-EW-01 Rev B, 585C-EW-02, 585C-EW-03, 585C-SKD-02 Rev B, 585C-SKD-06 Rev B, 585C-SKD-06 Option 2 Rev C, Design and Access Statement (January 2019 Rev D), Heritage Statement (January 2018)

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

3. Personal Permission and Restriction of Use

The development hereby permitted shall only be used by The Shaw Trust for the purposes specified in the application for as long as they shall occupy the premises, and shall not enure for the benefit of the land or be used for any 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) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To reflect the particular circumstances of the application and to enable the Council to retain control of the use in the event of The Shaw Trust vacating

4. Materials

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

a: All external appearance of the building

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

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area

4. Surface and Foul Water Disposal

The development hereby permitted shall not commence until works for the disposal of surface and foul water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Development Management Policies Local Plan (2013).

Details are required prior to commencement of development to ensure a satisfactory form of development.

5. Surface Water Attenuation

The development hereby permitted shall not commence until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Development Management Policies Local Plan (2013).

Details are required prior to commencement of development to ensure a satisfactory form of development.

6. Number of occupants

Unless otherwise agreed in writing with the Local Planning Authority, the maximum number of staff and patrons in the premises shall not exceed 60 persons at any one time, in accordance with the submitted information as part of the Planning Application.

REASON: To ensure that the use of the site is not over-intensive in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

Informatives

1. Planning Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2019) (NPPF)

London Plan (2016): 3.16, 5.13, 6.3, 7.1, 7.2, 7.4, 7.6, 7.8, 7.17

Draft London Plan (2017): D2, D4, S1, HC1, G3, SI13, T4

Harrow Core Strategy (2012): CS1

Development Management Policies (2013): DM1, DM7, DM10, DM16, DM17, DM24, DM42, DM45, DM46

Supplementary Planning Document: Residential Design Guide (2010)

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. 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

4. Mayoral Community Infrastructure Levy (provisional)

Please be advised that this application attracts a liability payment of £12,367 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 £12,367 for the application, based on the levy rate for Harrow of £60/sqm.

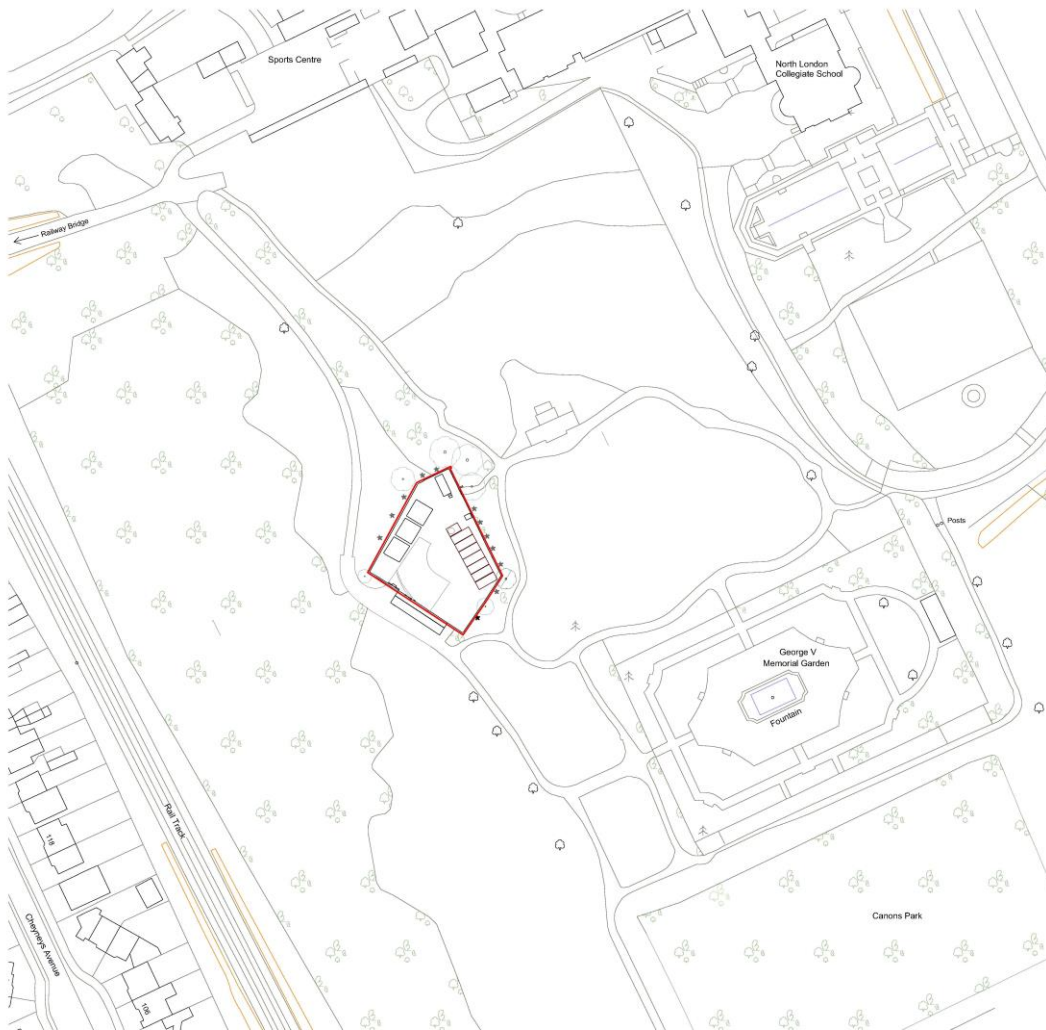
5. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This decision has been reached in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

6. Highways Interference

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 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.

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOGRAPHS



Entrance to site



Existing 'bothy'



View to walled enclosure from the north



Walled enclosure from west

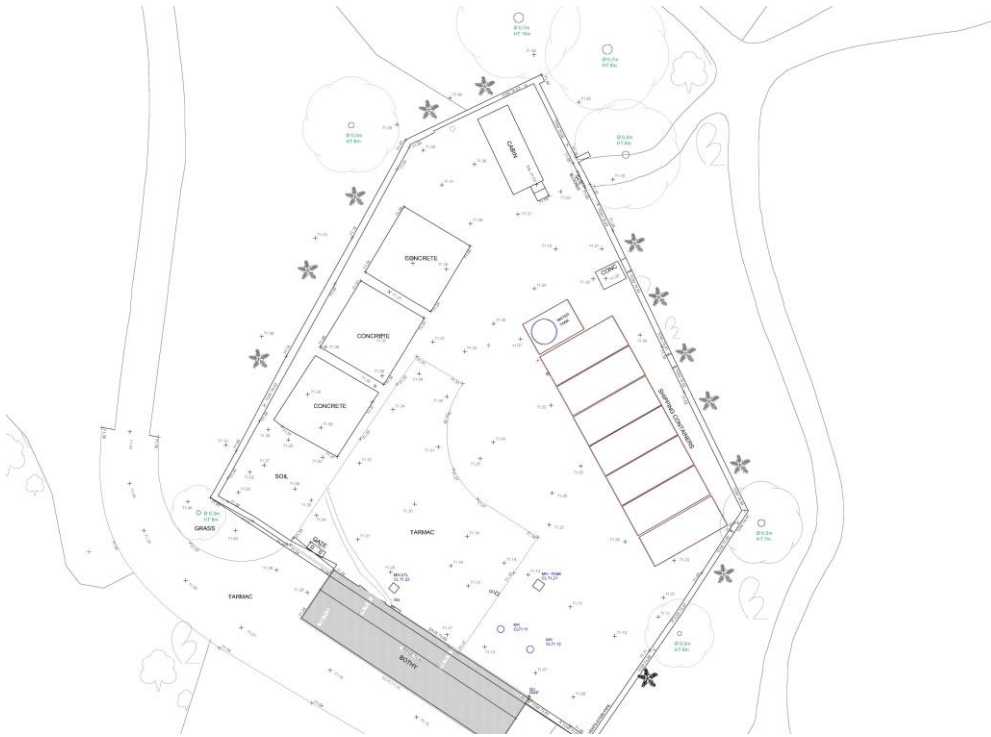


View towards walled enclosure from south

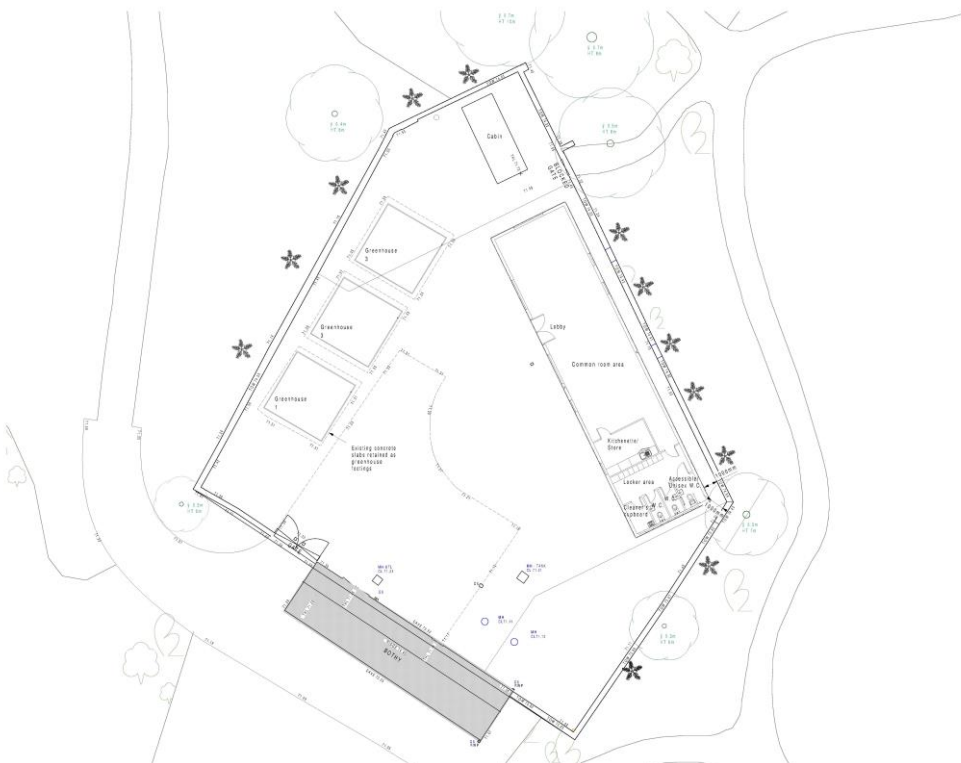


Existing use and shipping containers

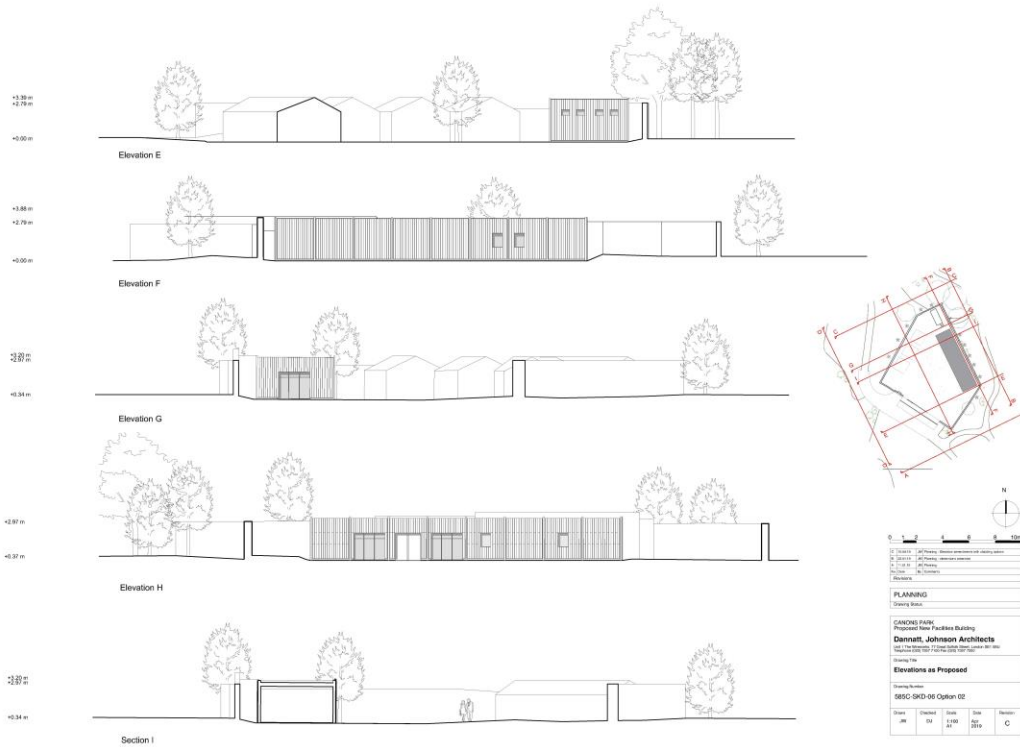
APPENDIX 4: PLANS AND ELEVATIONS



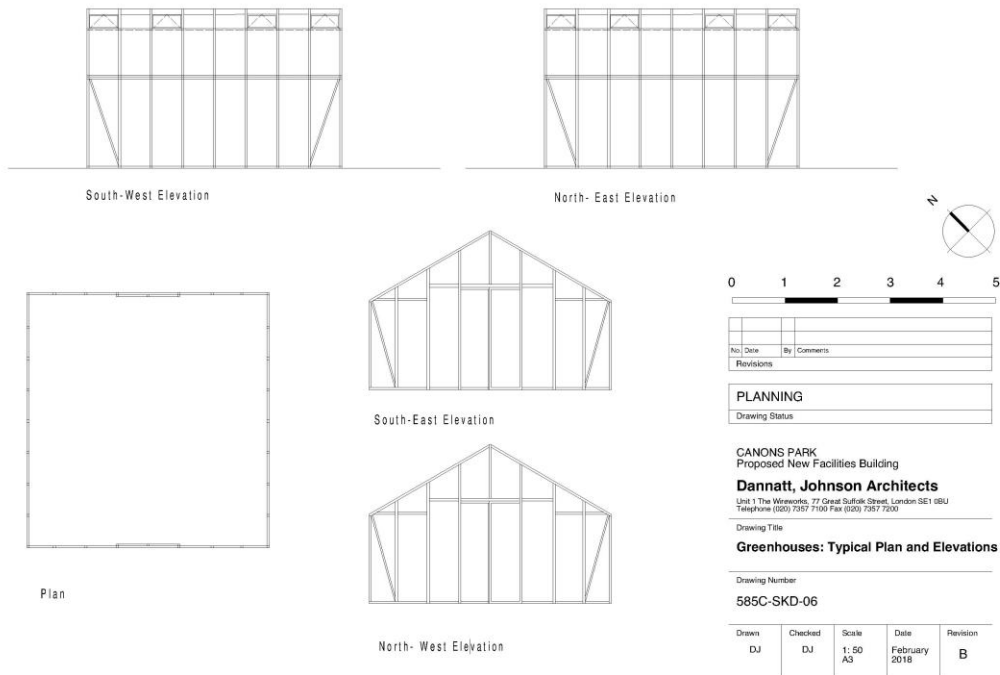
Existing Floor Plan



Proposed floor plan



Proposed building elevation



Proposed greenhouse elevation

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