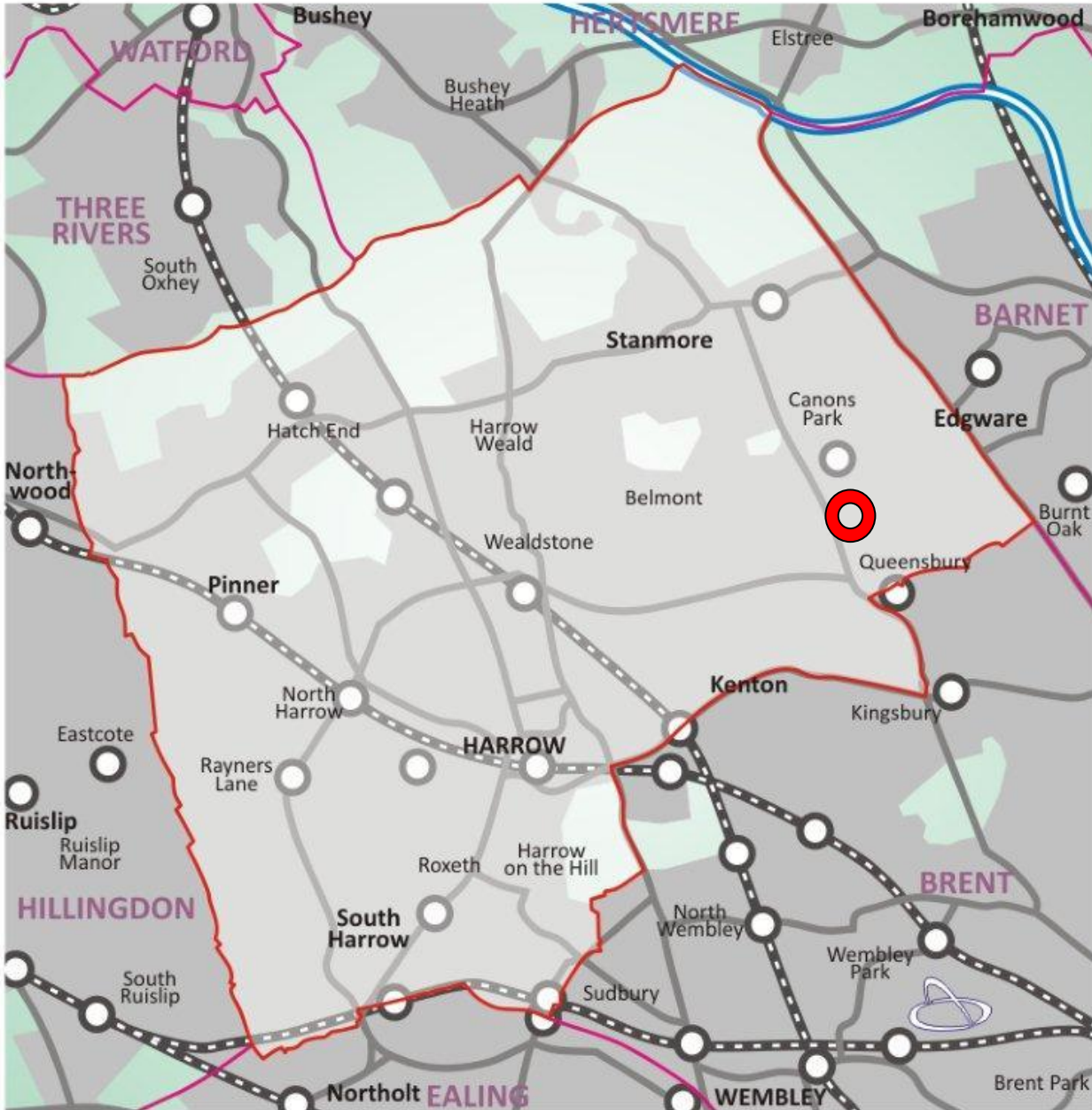


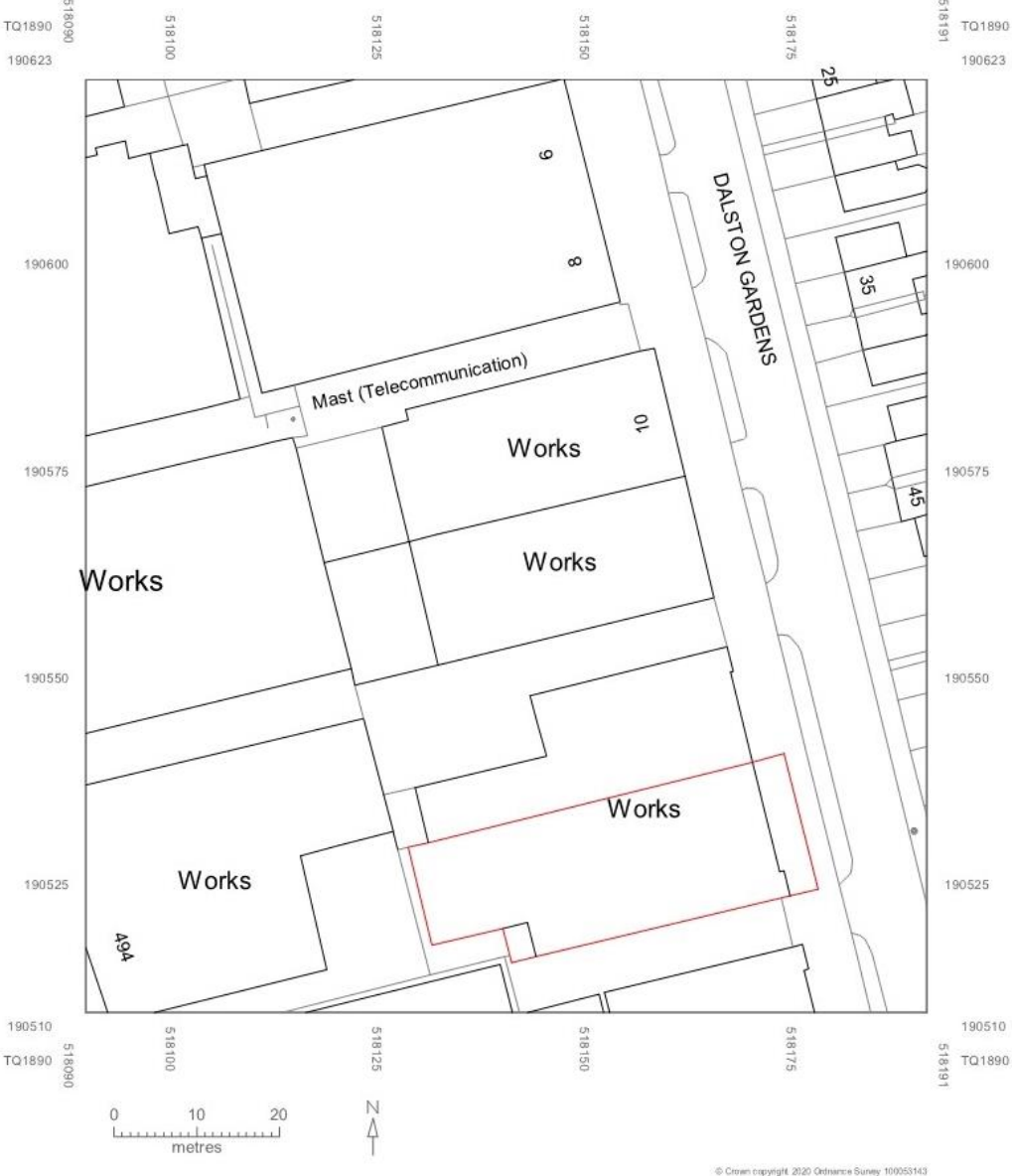
 = application site



16 Dalston Gardens, Stanmore, HA7 1DA	P/0480/21
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16 Dalston Gardens

MapServe



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**LONDON BOROUGH OF HARROW
PLANNING COMMITTEE**

30TH JUNE 2021

APPLICATION NUMBER: P/0480/21
VALID DATE: 11/02/2021
LOCATION: 16 DALSTON GARDENS, STANMORE
WARD: QUEENSBURY
POSTCODE: HA7 1DA
APPLICANT: SHREE SWAMINARAYAN MANDI BHUJ
AGENT: AC DESIGN SOLUTIONS LTD
CASE OFFICER: TOM BLACKMAN
EXTENDED EXPIRY DATE: 2nd JULY 2021

PROPOSAL

First Floor Rear Extension (Use Class B2)

RECOMMENDATION A

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 additional industrial floorspace within a Strategic Industrial Location and the extension would appropriately relate to the site, local context and massing. Officers are satisfied that the proposal would maintain an appropriate quality of residential amenity for the adjoining occupiers and would not have a harmful impact on the safety or functioning of the highway network.

Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the proposed development is worthy of support.

INFORMATION

This application is reported to Planning Committee as it would result in the provision of more than 400m² of floorspace and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	E18. Minor Development, All Other
Council Interest:	n/a
Net Additional Floorspace:	470m ²
GLA Community	
Infrastructure Levy (CIL):	£28,200
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 equality's 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

Policy D11 of the London Plan (2021) 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. However, a condition has been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

1.0 SITE DESCRIPTION

- 1.1. The application site relates to a two storey warehouse unit on the western side of Dalston Gardens. The site has a permitted use for B2/B8 use with ancillary offices.
- 1.2. There is a small hard-surfaced forecourt area to the front of the building which provides parking spaces for several vehicles. There is a shared service road between No. 16 and the adjacent building, No. 18. The western side of Dalston Gardens consists of two storey commercial and warehouse buildings while the eastern side is characterised by two storey semi-detached dwellinghouses.
- 1.3. The application site located within the Honey Pot Lane Industrial Business Park which is designated in the London Plan and Harrow Local Plan as a Strategic Industrial Location. The application site is also within a Critical Drainage Area.
- 1.4. The application site has a public transport accessibility level of 1b.

2.0 PROPOSAL

- 2.1 The application proposes a first-floor rear extension and the use of the premises for a snack and food manufacturing operation associated with the Shree Swaminarayan Mandir Bhujj (Use Class B2)

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status & date of decision
P/0115/12	Change of use of part of ground floor from an office to a yoga centre (class b1 to class d2)	Refused: 13/04/2012

4.0 CONSULTATION

- 4.1 A total of 16 consultation letters were sent to neighbouring properties regarding this application. The letters were sent on 11th February 2021 and residents were provided with a minimum 28 day period of consultation in which to provide a response.
- 4.2 No neighbour representations have been received following the public consultation.
- 4.3 Statutory and Non-Statutory Consultation
- 4.4 The following consultations have been undertaken and a summary of the consultation responses received are set out below.

Consultee and Summary of Comments

LBH Planning Policy

No Objection

Highways Authority

No Objection. The Highways officer comments are discussed in section 6.5 of the report.

Drainage Authority

No objections to the proposed development, subject conditions.

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 2019] sets out the Government’s planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [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.

6.0 ASSESSMENT

6.1 The main issues are;

- Principle of the Development
- Design, Character and Appearance of the Area
- Residential Amenity
- Transport and Parking
- Drainage and Flood Risk
- Fire Safety

6.2 Principle of Development

6.2.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2021): E4, E5
- Harrow Core Strategy (2012): CS10
- Development Management Policies (2013): DM31

6.2.2 The subject building consists of a light industrial unit located within the Honey Pot Lane Industrial Business Park which is designated in the London Plan and Harrow Local Plan as a Strategic Industrial Location (SIL). The proposal seeks to provide a first-floor extension to the host building and to use the enlarged building as a food and snack manufacturing operation (Use Class B2) associated with Shree Swaminarayan Mandir Bhujj.

6.2.3 The submitted floorplans, in conjunction with the supporting information provided within the Planning Statement, demonstrates that the additional floorspace is necessary for the successful operation of the proposed use. As the proposal would retain the industrial use within a SIL, subject to appropriate safeguarding conditions, the proposal would comply with the relevant policies in this regard.

6.3 Design, Character and Appearance of the Area

6.3.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2021): D3
- Harrow Core Strategy (2012): CS1B,
- Harrow Development Management Policies (2013): DM1

6.3.2 The subject building has a two-storey height fronting Dalston Gardens with a dual-pitched roof forming the warehouse element of the industrial unit. Most of the other industrial units within the Honey Pot Lane Industrial Business Park are of a similar design, with some units already benefiting from first-floor additions.

6.3.3 The proposed first-floor extension would have a functional appearance and would not exceed the height of the existing original two-storey component fronting Dalston Gardens. The proposed extension would therefore have an acceptable impact on host building and the character and appearance of the locality, in accordance with the relevant policies.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2021): D3, D14
- Harrow Development Management Policies (2013): DM1

6.4.2 The nearest residential properties are located on the opposite side of Dalston Gardens. The proposed extension would be buffered in view by the existing two-storey element of the subject building which fronts Dalston Gardens. The proposed extension would therefore not have a detrimental impact on the residential amenities of adjoining occupiers.

6.4.3 A Noise Impact Assessment has been submitted with the application and considers that the internal noise levels would be expected to meet the recommended levels from BS8233. Given that the application site is within a SIL, it is considered that the resulting noise impact would be entirely commensurate to the local noise climate and would not materially impact upon the amenity of the local residents in relation to undue noise and disturbances.

6.5 Transport and Parking

6.5.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2021): T4, T6, T7
- Harrow Core Strategy (2012): CS1R
- Harrow Development Management Policies (2013): DM42, DM43, DM44, DM45

6.5.2 A Transport Statement has been submitted with the application. This details that there would be 23 anticipated vehicular trips generated throughout the day. The 5 existing car parking spaces would be retained on site and 3 long stay cycle parking spaces are proposed.

6.5.3 The Council's Highways Authority has reviewed the proposal and raised no objection. The proposal would therefore accord with the relevant policies in this regard.

6.6 Flood Risk and Drainage

6.6.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2021): SI13
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies (2013): DM10

6.6.2 The application site is within a Critical Drainage Area. As the proposal is for a first-floor extension, an informative is included to encourage sustainable urban drainage measures on site.

6.7 Fire Safety

6.7.1 The relevant policies and guidance are:

- The London Plan 2021: D12A

- 6.7.2 London Plan Policy D12A requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly point and ensure robust strategies for evacuation are in place. The Fire Statement would require that a full emergency evacuation plan as well as a confirmation of the firefighting water supply would need to be confirmed and a management plan put in place for ongoing maintenance. As such, a condition is recommended to ensure that a fully comprehensive fire strategy is provided prior to the commencement of the development of the building.

7.0 CONCLUSION AND REASONS FOR RECOMMENDING APPROVAL

- 7.1 The statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant policies have been set out within the report above.
- 7.2 The proposal would provide additional industrial floorspace within a Strategic Industrial Location and the extension would appropriately relate to the site, local context and massing. Officers are satisfied that the proposal would maintain an appropriate quality of residential amenity for the adjoining occupiers and would not have a harmful impact on the safety or functioning of the highway network.
- 7.3 Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the proposed development is worthy of support.

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

The development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents: 1, 2, 4, 5, 6, 6804-001 Rev A, 6804-002 Rev A, Noise Impact Assessment (16 April 2021), Transport Statement (April 2021), Planning Statement

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

3 Materials to Match

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

REASON: To safeguard the character and appearance of the area

4 Air Extraction system

No air extraction system shall be used on the premises until a scheme for the control of noise, fumes and odours emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented before the development is first used for the purposes set out and thereafter shall be retained and maintained in good working order for so long as the building remains in the proposed use.

REASON: To ensure that the development achieves a high standard of amenity for future occupiers of this and the neighbouring buildings

5 Use Restriction

The premises shall be only in use for the purposes specified in the application and for no other purpose, including any other purpose in Class B2 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 the character of the locality and in the interests of highway safety

6 Fire Safety

Prior to the commencement of the development hereby approved, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) is constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021). To ensure appropriate fire safety measures are approved before development commences on site, this condition is a PRE-COMMENCEMENT condition.

Informatives

1. Planning Policies

The following policies are relevant to this decision:

The London Plan (2021): D3, D11, D12, D14, E4, E5, SI13, T4, T6, T7,
Harrow Core Strategy (2012): CS1

Development Management Policies DPD (2013): DM1, DM10, DM31, DM42, DM43, DM44, DM45

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. The Party Wall etc. Act 1996

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

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act. Procedures under this Act are quite separate from the need for planning permission or building regulations approval. "The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236 Wetherby, LS23 7NB. Please quote Product code: 02 BR 00862 when ordering. Also available for download from the CLG website: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf> Tel: 0870 1226 236, Fax: 0870 1226 237, Textphone: 0870 1207 405, E-mail: Ucommunities@twoten.comU4T

4. Mayoral Community Infrastructure Levy (provisional)

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £28,200. This amount includes indexation which is 323/323. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the [planningportal](http://planningportal.co.uk) website where you can download the appropriate document templates. Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0. https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf If you have a Commencement Date please also complete CIL Form 6: https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

The above forms should be emailed to HarrowCIL@Harrow.gov.uk Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

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 39-46 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.

6. 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

7. 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.

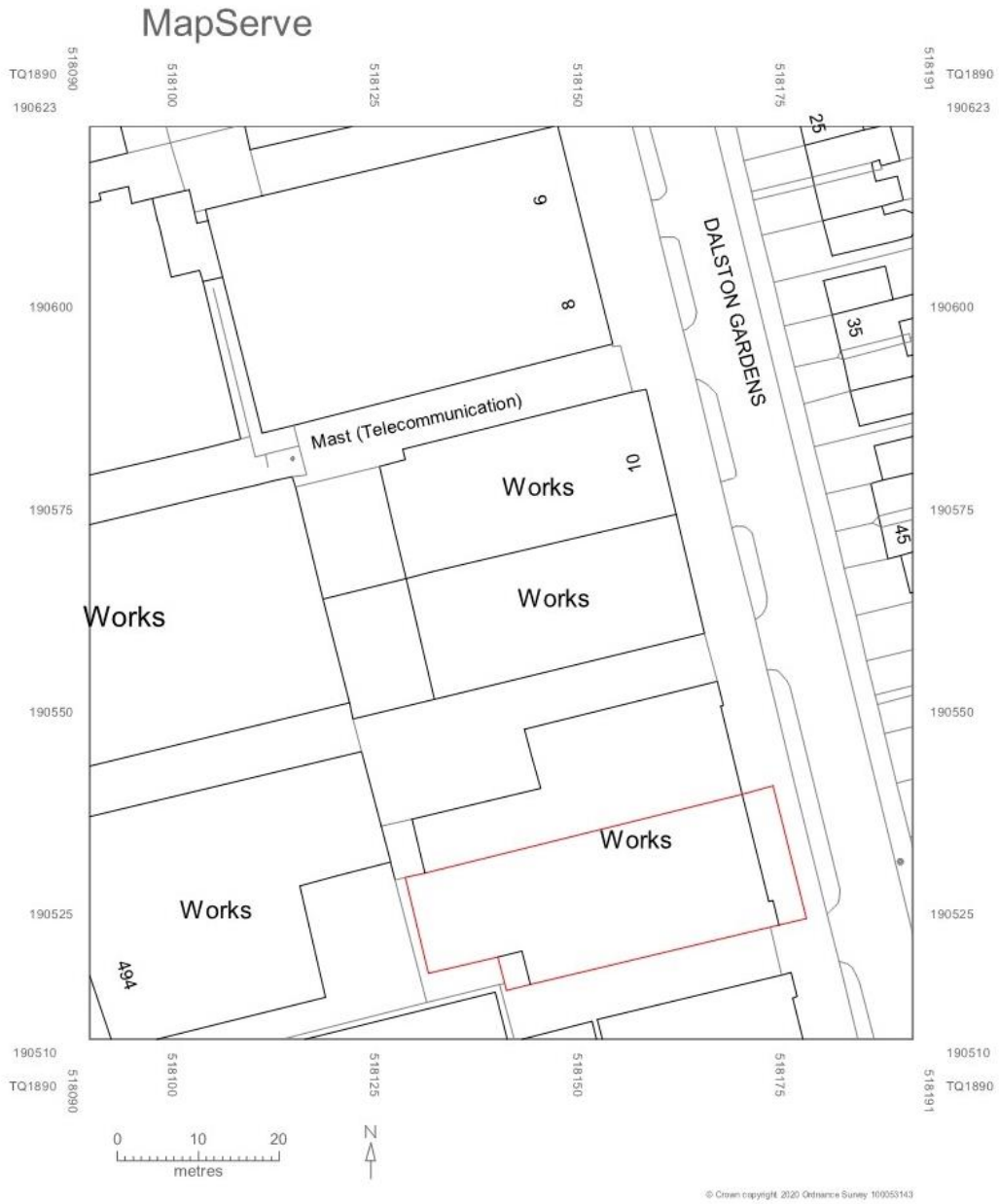
8. Highways Interference

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.

CHECKED

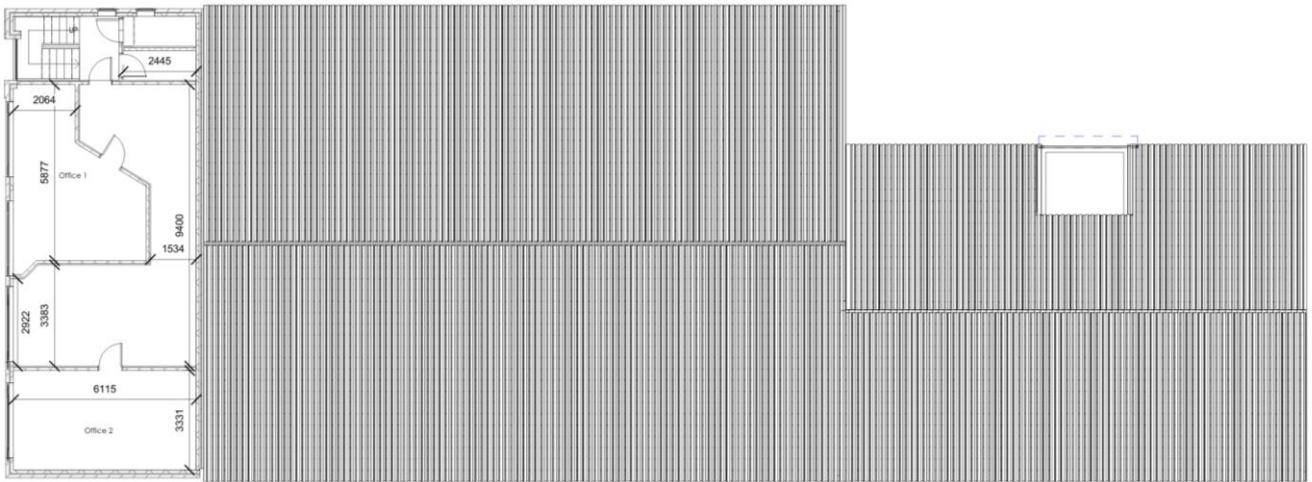
Interim Chief Planning Officer	Beverley Kuchar 17/06/2021
Interim Corporate Director	Mark Billington 17/06/2021

APPENDIX 2: SITE PLAN

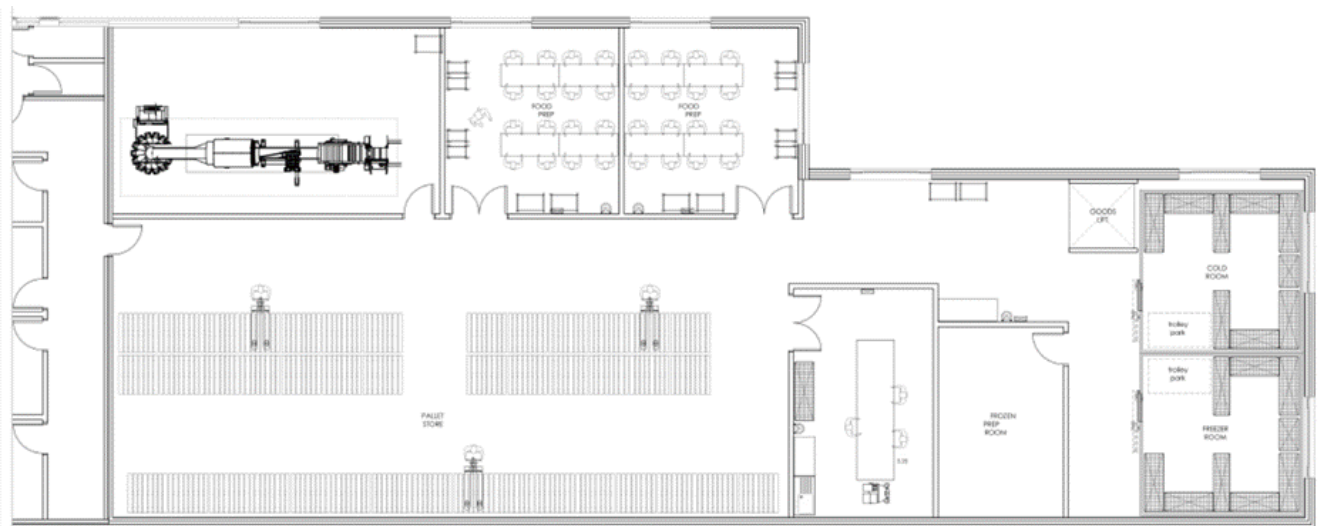


APPENDIX 3: PLANS AND ELEVATIONS

Existing / Proposed First Floor Plans

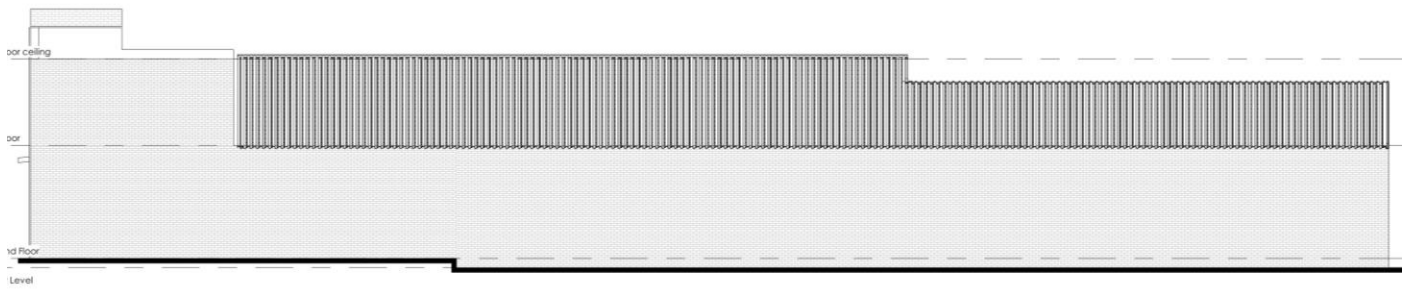


Existing First Floor Plan

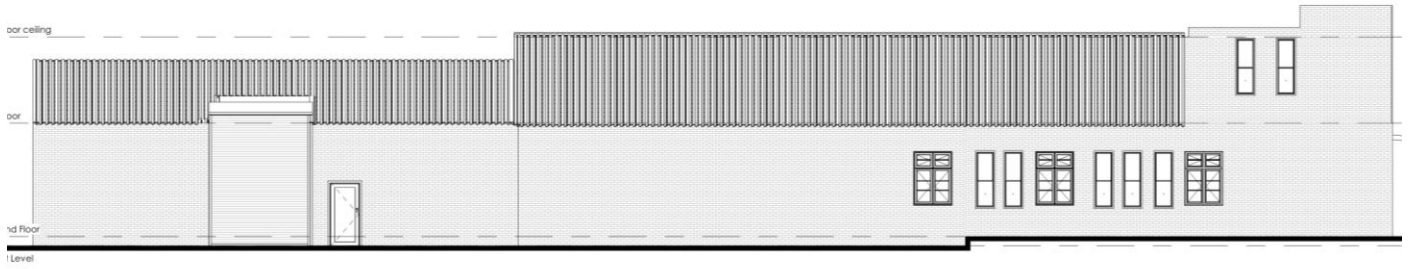


Proposed First Floor Plan

Existing / Proposed Side Elevations



Existing Side Elevation
00



Existing Side Elevations



Proposed Side Elevations

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