

## SUPPLEMENTARY AGENDA

### STRATEGIC PLANNING COMMITTEE 3<sup>rd</sup> December 2008

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Item: 1/01

1-16 CHALLINER COURT; 1-12 FERN COURT; 1-12 PRICE COURT; 1-12 HINES COURT, RICHARDS CLOSE, HARROW P/2843/08/DC3

Ward GREENHILL

DEMOLITION OF 55 DWELLINGS AND CONSTRUCTION OF 47 UNIT 'EXTRA CARE' SCHEME AND 29 FLATS, LANDSCAPING AND WORKS

**Applicant:** Octavia Housing & Care

**Agent:** Ms Sheelagh McManus

**Statutory Expiry Date:** 13-NOV-08

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#### RECOMMENDATION

Plan Nos: PL01 Rev P2, PL02 Rev P4, PL03 Rev P3, PL100 Rev P2, PL101 Rev P2, PL102 Rev P2, PL103 Rev P1, PL104 Rev P1, PL200 Rev P2, PL201 Rev P2, PL210 Rev P1, 2130-GMP-01 Rev A, J38.14/01 Rev B, J38.14/02.

Planning Statement

Design and Access Statement

Affordable Housing Statement

Sustainable Design and Construction Statement

Daylight and Sunlight Indicative Analysis Report

Report on Phase 1 Desk Study

Report on Phase 2 Site Investigation

Outline Flood Risk Assessment and Sustainable Drainage Strategy

Report

Arboricultural Implications Assessment

Landscape Strategy

Extended Phase 1 Habitat Survey and;

A Unilateral Undertaking whereby the Harrow Churches Housing Association commits to using its reasonable endeavours, on completion of the development applied for, to redevelop Becketts Fold within 10 years subject to the economic situation, grant support from the Housing Corporation and that the Council will continue to assist the RSL in the rehousing to enable the decanting process to proceed.

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

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

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

2 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

3 The development hereby permitted shall not commence until details of all homes within this scheme, built to 'Lifetime Home' and / or 'Wheelchair' standards, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the homes have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that, where the development is capable of meeting 'Lifetime Home' or 'Wheelchair' Standards, the development complies with the policies of the Harrow Unitary Development Plan.

4 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed:

b: before the building(s) is / are occupied

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

5 No demolition or site works in connection with the development hereby permitted shall commence before: b: the boundary of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

6 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the building(s) hereby permitted, and the carriageway and footways completed before any building is occupied in accordance with details to be submitted to, and approved by, the local planning authority. The development shall thereafter be retained.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic.

7 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans at a scale of 1:100, and schedules of plants, noting species, plant sizes and proposed numbers / densities including total plant numbers of each species. Hard landscape works shall include: details of any gates, fences, walls paving, external lighting cycle stores and external binstores.

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

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

9 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to submitted to, and approved in writing by, the Local Planning Authority. The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

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

a: the extension / building(s)

b: the ground surfacing

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

REASON: To safeguard the appearance of the locality

11 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

12 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To prevent the increased risk of flooding.

14 The development hereby permitted shall not commence beyond ground level damp proof course until details of sustainable water use measures including, but not limited to, rain water harvesting, low flow taps, dual flush toilets and low flow shower heads to be installed in each of the 76 units have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To reduce overall water consumption from the development, to ensure a sustainable form of development and to comply with policy 4A.16 of the consolidated London Plan.

15 The approved energy efficiency measures and onsite renewable energy provision showing at least a 20% reduction in carbon emissions from onsite energy sources and passive design measures shall be implemented in accordance with the Sustainable Design and Construction Statement dated 4 August 2008 and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.

REASON: To ensure consistency with London Plan policies 4A.3 and 4A.7.

16 Notwithstanding details showing on drawing number PL201 Rev P2 the windows at 1st and 2nd floor levels shown on 'Elevation F' of the approved development shall:

- a) be of purpose-made obscure glass,
- b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan: 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11, 4A.1, 4A.2, 4A.7, 4A.14, 4A.16, 4B.1

Harrow Unitary Development Plan:

S1, EP15, EP20, EP25, D4, D5, D9, D10, T6, T13, H7, H10, H11, H14, H17

Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation (March 2008)

Supplementary Planning Guidance: Designing New Development (March 2003)

Supplementary Planning Guidance: Extensions: A Householders Guide (March 2003)

Accessible Homes Supplementary Planning Document (April 2006)

### **2 INFORMATIVE:**

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

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

### **3 INFORMATIVE:**

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

4 INFORMATIVE:

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel:- 08459 200800.

5 INFORMATIVE:

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

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

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

“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)

6 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to “planning supervisor” has no connection with any Planning Officers within Harrow’s Planning Services or with the Town and Country Planning Act 1990.)

**7 INFORMATIVE:**

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if or when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

**8 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

**9 INFORMATIVE:**

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

**10 INFORMATIVE:**

The applicant is advised to install under sink waste disposal units in all kitchens within the approved development to reduce overall food waste collection.

**11 INFORMATIVE:**

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

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

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**MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

- 1) Design & Character of Area (4B.1 & S1, D4, D9, D10)
- 2) Residential Amenity (D5, EP25)
- 3) Affordable Housing, Housing Provision & Density 3A.1, 3A.2, 3A.3, 3A.9, 3A.10, 3A.11 & H7, H10, H11)
- 4) Provision of Care Facilities (H14, H17)
- 5) Renewable Energy & Sustainability (4A.1, 4A.7, 4A.14, 4A.16 & EP15, EP20, D4)
- 6) Parking and Highway Safety (T6, T13)
- 7) Accessible Homes & Access for All (3A.5 & D4)

- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

### **INFORMATION**

This application was deferred on 19<sup>th</sup> November 2008 so that officers might secure a definite proposal in respect of the adjacent bungalows at Beckett Fold. The applicant has now offered a Unilateral Undertaking, the terms of which are set out at the beginning of the report.

#### **a) Summary**

Statutory Return Type:	Small-scale major dwellings
Site Area:	0.67 ha
Density:	298 hrph 121dph
Car Parking:	Standard: Residential: 35 (maximum) Extra Care Units: assessed on own merits
	Justified: 25
	Provided: 25
Lifetime Homes:	76
Wheelchair Standards:	7
Council Interest:	None

#### **b) Site Description**

- Existing 1970's purpose built sheltered accommodation incorporating 55 self-contained units in four 2-storey blocks;
- Located in western end of Richards Close around 1km from Harrow Town Centre and Kenton Lane high street;
- To the southern boundary are allotment gardens;
- To the northern boundary are the rear garden areas of 2-storey terraced houses on Elmgrove Crescent;
- To the west are a mixture of residential properties off Becket Fold and Duffield Close;
- To the east are two-storey terraced and semidetached residential properties off Hill Crescent and Hill Road;
- General character of surrounding is a suburban residential area;

#### **c) Proposal Details**

- Redevelop existing site to increase capacity of affordable housing provision;
- Demolish existing single storey and 2-storey buildings 46 bedsits and 9x1 bedroom flats;
- Provision of 2 new blocks ranging in height from 2 to 4 storeys;
- Provision of 76 residential units split between 47 extra care units and 22 shared ownership units and 7 social rented wheelchair units;
- Realignment of existing footpath leading to Becketts Fold;
- Resurfacing of Richards Close;
- Provision of cycle store facilities to accommodate 22 bicycles;



- Parking for 25 cars including 7 disabled spaces;
- 33% reduction in carbon emissions from onsite energy sources (inclusive of CHP)

**d) Relevant History**

None Relevant.

**e) Pre Application Discussion**

The applicant has used the Council's Planning Advice Meeting (PAM) on the 9<sup>th</sup> of October 2007 and Planning Advice Team (PAT) service on the 24<sup>th</sup> of July 2008 prior to the formal submission of the current planning application. The key points raised through the pre-application process were:

- 4-storeys considered to be the most controversial element;
- Consideration must be given to the overall design regarding overshadowing and overlooking of Elmgrove Road properties;
- 20% reduction in carbon emissions from onsite renewable sources required by London Plan policy 4A.7;
- The use of green roofs would be welcomed;
- Highest quality of design and sustainability is recommended.

**f) Applicant Statement**

- Development complies with relevant London Plan and HUDP policies.
- Current accommodation layout on site does not allow for full access for less mobile residents;
- The high number of bedsit accommodation does not provide quality living space;
- Standards of accommodation would be substantially improved;
- The site is well located to public transport links and town centre services;
- The proposed redevelopment represents an more efficient use of the site;
- The scheme will discourage 100% car ownership by providing cycle store areas and encouraging the use of sustainable modes of transport

**g) Consultations:**

Environment Agency: No objection

Thames Water: Surface water to be attenuated. No building works within 3m of public sewer without permission from TW.

Crime Prevention Design Advisor: No response

**Advertisement:** | Major Development | Expiry: 11-SEP-08

**Notifications:**

Sent: 88

Replies: 1

Expiry: 08-SEP-08

**Summary of Responses:** 4-storey building would be overbearing on the landscape and spoil views, existing buildings in good condition and question the need to redevelopment them, existing buildings house elderly and concerned that younger people with families will result in increase in traffic and parking problems, development would cram too many people into too small a site.

## **APPRAISAL**

### **1) Design & Character of Area**

The character of the surrounding area is residential in a suburban setting. Architecturally the surrounding area is made up of 2-storey terraced and semi detached residential dwelling houses, single storey bungalow style terraces and 3-storey blocks of flats.

The proposed development would represent 2 residential blocks ranging between part 2, part 3 and part 4-storeys in height. The lower 2-storey elements would be on the elevations facing the rear garden areas of Elmgrove Crescent. The four storey element of the development would be on the extra care block facing the properties at 9-14 Becket Fold.

Although it is considered the building would have a dominant effect on these properties, they are earmarked for redevelopment within the next 10 years so the impact is likely to be short term only. This point is considered to be a material consideration which outweighs the immediate concerns with this aspect of the development.

Although the highest point of the development would be four storeys this part of the development is mostly facing the southwestern part of the site, which is further away from neighbouring properties with the exception of the Becket Fold properties. Furthermore with regards to height the redevelopment is not noticeable different to the neighbouring 3-storey blocks of flats on the 45-67 Elmgrove Crescent and the 3-storey blocks of flats at 13-18 and 19-24 Duffield Close on the north western corner of the site. It is considered the height would not result in adverse effect on the surrounding skyline.

The design of the building represents a modern housing development which seeks to reflect the built footprint of the existing building. Given the mixed architecture of the surrounding area the proposed development is not considered to adversely affect the character or appearance of the surrounding area.

The proposed development would be larger and accommodate more units onsite than the existing buildings. This aspect is supported in principle insofar as it would fully utilise the sites development potential.

Overall the proposal is considered to represent an effective and efficient use of this brown field site and would comply with policies 4B.1 of the London Plan 2008 and D4, and EP20 of the HUDP 2004.

### **2) Residential Amenity**

The development represents an increase in built form and intensity of use for the site compared with the existing situation, therefore careful consideration must be given to both the amenity of neighbouring and future occupants.

The applicant has submitted a daylight and sunlight report in support of the application. The findings show that although there would be an impact on daylight and sunlight from the development on some of the surrounding properties the majority of them would still receive amounts above the minimum British Research Establishment (BRE) Guidelines. The notable exceptions are the properties at 9-14 Becket Fold which are within the application site boundary. The findings of the daylight and sunlight study show that the amount daylight in particular would fail to achieve the minimum amount recommended in the BRE Guidelines. However this is not considered to warrant a reason for refusal in this instance for two reasons. Firstly the existing relationship with the properties at Becket Fold and the existing building Challiner Court already result in non-compliance with the BRE Guidelines with regard to daylight levels. Secondly the windows to the rear of these properties are not to habitable rooms and therefore concerns with daylight are not considered relevant in planning terms.

Subject to the suggested condition it is considered that there would not be any issues with regards to loss of privacy of overlooking from the proposed development. Windows to the rear facing Elmgrove Crescent are positioned in such a way as to avoid any direct overlooking of neighbouring gardens, further distances between habitable rooms are over 18m away.

On site amenity space provision is considered adequate for a higher density residential development of this nature. Given that the majority of residents will be elderly residents there is less of a requirement for useable green space / amenity area. The access to the site is not a through route and some benefit derives from the open space allotment gardens to the south.

It is anticipated that the development would be likely to accommodate no more than 9 children based on the GLA's SPD calculations. Therefore there is no requirement to provide on-site childrens' amenity space.

Although the proposal is considered to have an impact on the existing properties at 9-14 Becket Fold these properties are within the application site and there are plans to redevelop these properties within the next 10 years so any impact of the new buildings would only be short term.

It is considered that the housing benefits of the proposal (discussed in more detail below) outweigh other immediate concerns with the proposal.

Overall the proposed development is considered to comply with policies D5, D10, EP20 and EP25 of the HUDP 2004

### **3) Affordable Housing, Housing Provision & Density**

The proposed development would result in the redevelopment of existing social housing facilities of 46 bedsits and 9x1 bedroom flats with 76 new affordable units. This represents a 100% affordable housing development with a 71% to 29% split between social rent and intermediate housing.

The proposed development is considered to comply with policies 3A.9, 3A.10 and 3A.11 of the London Plan 2008 and policies H7 and H11 of the HUDP 2004.

**4) Provision of Care Facilities**

The existing site is used as extra care housing for the elderly accommodating 55 units. Most of these units are bedsits with the remainder as 1 bedroom flats. The redevelopment would re-provide 47 units however these would be larger than the existing units with 13 x 2 bedroom flats and 34 x 1 bedroom flats. This would provide much needed modern extra care housing for the boroughs affordable housing stock.

The proposed development is therefore considered to comply with policies H14 and H17 of the HUDP 2004.

**5) Renewable Energy & Sustainability**

The proposed development would result in an overall annual reduction in CO2 emissions by 71 tonnes per year representing a 33% reduction in CO2 emissions beyond current building regulations requirements. This reduction would be achieved through a combination of solar thermal panels, photovoltaic panels, a combined heat and power system (CHP) and passive design measures.

The development would aim achieve Code for Sustainable Homes Level 3 rating and also aims to reduce overall water consumption on site through the possible implementation of a range of water efficiency measures. This could possible bring it up to a Level 4 rating.

Given the above the proposed development would represent an efficient and sustainable design approach and compliant with policies 4A.1, 4A.7, 4A.16 of the London Plan 2008.

**6) Parking & Highway Safety**

The proposed parking allocation is considered acceptable for a development of this nature in this location. The proposed scheme would provide 25 parking spaces overall with 1 space being used for temporary parking outside the front of the extra care units, 7 spaces for disabled badge holders and 17 spaces for the affordable housing units.

The site currently provides 24 car parking spaces therefore it is considered that there would not be a noticeable increase in traffic movements to and from the site as a result of the proposal. The surrounding streets are located within a CPZ and future occupants would be ineligible to apply for residents parking permits to park on the street therefore it is considered the proposal would not lead to an increase in on street parking.

The applicant proposes to provide cycle store for 22 bicycles on a one to one ratio with the 22 shared ownership units. This is in line with policy and promotes the use of sustainable modes of transport.

Given the site has a PTAL rating of 3 (medium) and within walking distance to the town centre and good public transport links the provision of 25 onsite parking spaces is considered appropriate and consistent with policies T6 and T13 of the HUDP 2004.

**7) Accessible Homes & Access For All**

The applicants planning statement states that all the units will be designed to meet the lifetime homes standards and be fully wheelchair accessible. On closer inspection of the plans the units appear to generally comply with the Harrow Council SPD on Accessible Homes. There would be 7 units across the development that would be allocated to Wheelchair users meeting the 10% requirement. To ensure all points in the SPD are addressed a condition is attached to this report requiring further details.

Overall the proposal is considered to comply with policy 3A.5 of the London Plan 2008.

**8) S17 Crime & Disorder Act**

The proposed development appears to incorporate the basic principles of secured by design into its overall design approach. There is natural surveillance to most elevations and where there is none access is restricted through secured fencing. With the appropriate condition attached to this report the development is considered to provide a safe and secure environment and would comply with policies 4B.1 of the London Plan 2008, and D4 of the HUDP 2004.

**9) Consultation Responses:**

None.

**CONCLUSION**

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

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24-28 CHURCH ROAD, STANMORE

Item: 2/03

P/3809/07/CFU/NR

Ward STANMORE PARK

THIRD FLOOR EXTENSION TO PROVIDE OFFICES (CLASS B1), CHANGE OF USE OF NO.24 FROM RETAIL TO RESTAURANT/CAFE (CLASS A1 TO A3), EXTRACT DUCT AT REAR

**Applicant:** MR Partnership for R & C Pankhania

**Statutory Expiry Date:** 29-JUL-08

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## RECOMMENDATION

Plan Nos: E-01 Rev B; E-02 Rev B; E-03 Rev B; E-04 Rev B; E-05 Rev B; E-06 Rev B; E-07 Rev B; P-01 Rev E; P-02 Rev C; P-03 Rev C; P-04 Rev D; P-05 Rev E; P-06 Rev H; P-07 Rev G; P-08 Rev D; P-09 Rev E; Design and Access Statement

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

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

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

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

a: the glazed balustrading

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

REASON: To safeguard the appearance of the locality.

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

10.30 hours to 23.00 hours, Monday to Saturday inclusive, and 10.30 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

## INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

4B.1 Design principles for a compact city

4B.6 Safety, Security and fire prevention and protection

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D7 Design in Retail Areas and Town Centres

SEM2 Hierarchy of Town Centres

EM15 Land and Buildings in Business, Industrial and Warehousing Use - Outside Designated Areas

EM17 Change of Use of Shops - Secondary Shopping Frontages

EM25 Food, Drink and Late Night Uses

EP25 Noise

T13 Parking Standards

Supplementary Planning Guidance: Extensions: A Householders' Guide (2008)

Supplementary Planning Document: Access for All (2006)

## 2 INFORMATIVE:

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

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

and that work falls within the scope of the Act.

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

"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>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 3 INFORMATIVE:

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

## 4 INFORMATIVE:

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.

If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

**5 INFORMATIVE:**

The applicant's attention is drawn to the Council's policy to encourage developers to provide facilities for the separate storage and collection of different colour bottles for the purpose of recycling. The applicant should also note that such collections are carried out free of charge by the Council. Storage arrangements should be agreed with the Council's Cleansing and Transport Services Manager.

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**MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1) Character and Appearance (4B.1) (D4, D7, SPG)
- 2) Residential Amenity (D4, EP25)
- 3) Retail and Employment Policy (SEM2, EM15, EM17)
- 4) Food, Drink and Late Night Uses (EM25)
- 5) Traffic and Parking (T13)
- 6) Accessibility (D4, SPD)
- 7) S17 Crime & Disorder Act (4B.6) (D4)
- 8) Consultation Responses

**INFORMATION**

This application is reported to Committee at the request of a Nominated Member. The application was deferred from the Development Management Committee on the 19<sup>th</sup> November 2008, to require a change in facing materials for the proposed third floor extension.

**a) Summary**

Statutory Return Type: Minor Retail, Distribution and Service  
Council Interest: None

**b) Site Description**

- Three-storey commercial building on the south side of Church Road, within Stanmore District Centre.
- The ground floor is currently occupied by two retail units, entrance doors for access to the upper floors and a pedestrian walkway from Church Road to the rear service road.
- One of the existing retail units is currently vacant, the other is occupied by a hairdresser.
- The retail frontage forms part of the designated Secondary Frontage in the District Centre, within the parade 2-36 Church Road.
- The first and second floors of the building are in use as offices.
- The neighbouring property to the east, No.30 is a four storey building comprising retail uses at ground floor, with offices on the first floor and residential flats on the second and third floors.
- The neighbouring property to the west, No.22, is a three storey building with retail/food and drink uses at ground floor with residential flats on the first and second floors.



- To the rear of the property is a service road, serving the parade and Sainsbury's supermarket, which is located beyond the service road.

**c) Proposal Details**

- Third floor extension to provide additional office space (292m<sup>2</sup>).
- Extension would be set back 3.0 metres from the main front wall of the building, with the exception of a 4.5 metre wide section accommodating the lift lobby, which would be set 1.5 metres back from the main front wall, and set in 7.4 metres from the boundary with No.22.
- The extension would be set back 3.2 metres from the main rear wall of the building, adjacent to the boundary with No.30 and 1.5 metres adjacent to the boundary with No.22.
- The extension would have a height of 3.0 metres above the existing roof height at the eaves and 4.2 metres at the ridge height, including a roof plant area.
- The remaining flat roof areas at third floor would be used as roof terraces for the offices, with glazed balustrading along the top of the existing walls of the building, to a height of 1.0 metre above the existing eaves height.
- The extension would have a grey metal finish to the external walls.
- Change of use of the ground floor retail unit (No.24-26) from retail (A1) to restaurant/café (A3).
- Extract duct to rear elevation, running up the rear wall of the central stairwell.

**d) Relevant History**

LBH/17480	Demolition of existing and erection of new shop unit with two floors of office over and provision of car parking spaces at rear (outline)	GRANT 06-MAY-82
P/1114/05/DFU	Change of use: class A1 (retail) to class A2 (licensed bookmakers)	GRANT 24-JUN-05

**e) Pre Application Discussion**

- None

**f) Applicant Statement**

- Design and Access Statement.
- Property was purchased in early 2005 when ground floor unit was already vacant but being marketed.
- Since then interest received from Paddy Power, Café Nero, Costa Coffee, Bet Fred and for a bathroom showroom use, none of which came to fruition.

**g) Consultations:**

**Notifications:**

**Stanmore Society:** No need for more office accommodation in Stanmore, addition of two extra floors on Fountain House was an aberration and application proposal seeks to repeat the same eyesore, concerns over parking, consideration currently being given to the LDF core strategy that shows Stanmore as only a satellite to the principle area of development, Church Road should not be built up to five storeys high.

1<sup>st</sup> Round:

Sent:	Replies:	Expiry:
99	4	30-JUN-08

2<sup>nd</sup> Round:

Sent:	Replies:	Expiry:
99	2	16-SEP-08

**Summary of Response:**

Impact on character and amenity of area, too many restaurants in Stanmore at the moment so no need for more, will take business away from existing cafes, should not be allowed in current economic climate, need to retain retail, will end up being a club, concerns over noise and disturbance from building works.

**APPRAISAL**

**1) Character and Appearance**

Policy D4 states that 'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape'. Policy D7 states that 'buildings should create interest and maintain a scale complementary to the town centre'. London Plan Policy 4B.1 seeks to maximise the potential of sites and promote high quality, inclusive design. Stanmore District Centre incorporates a variety of building styles and heights. The buildings fronting the south side of Church Road, including the application property, are predominantly three or four storeys, with a strong vertical emphasis. The proposal would add a third floor to this commercial building, at a similar height to the adjoining building at No.30. The third floor extension would be set back 3.0 metres from the main front wall of the building, lining up with the third floor front wall of No.30. This set back results in the extension being subservient to the host building and it is considered that the extension would be visually acceptable when viewed from the street. The more prominent section, which would accommodate the lift lobby, is also considered acceptable, as it would line up with the concrete front elevation treatment on the existing building and would therefore relate well. A similar set back is provided at the rear and the appearance from the rear service road and Sainsbury's car park is also considered to be acceptable.

It is proposed to install glazed balustrading along the front and rear of the building to enclose the roof terraces. The residential flats at No.30 have similar features and it is considered that this addition would improve the appearance of the building.

It is proposed to construct the extension in a grey metal finish with metal composite pitched roofs. This is similar to the neighbouring buildings on the other side of Church Road and is considered acceptable. It is considered necessary to impose a condition requiring materials for the glazed balustrade to be approved, prior to the commencement of the development, in order to ensure an acceptable appearance.

The proposed high level extract duct at the rear of the property would be sited to minimise its visual impact, being partly screened by the existing three-storey rear projection. The proposed duct would finish 400mm below the height of the proposed third floor extension and would therefore not be an overly prominent feature. Such extract ducts are common features at the rear of commercial properties and therefore given the location, this part of the proposal is considered to have an acceptable appearance.

A refuse storage area was originally proposed within the pedestrian walkway. Further investigation has revealed that this would have been located on highways land and on a public right of way, thereby requiring a 'stopping up' procedure. In order to avoid this lengthy procedure and given that there are no other potential locations within the application site, it is considered that the revised arrangement to store the additional refuse bins resulting from the proposed change use and third floor office extension in the rear service road. This is the current arrangement for the majority of properties in this parade and the proposed arrangement is therefore considered to be acceptable.

## **2) Residential Amenity**

The proposed third floor extension would not project beyond the front and rear walls of the adjoining residential flats at No.30 and would therefore not result in loss of light or outlook to the occupiers of those residential properties.

The proposed roof terraces at third floor level would be side by side with the residential balconies at No.30, although a drop in levels of approximately 1.0 metre to the application property would mean that the residential properties would not be directly overlooked. It is considered that a similar level of privacy as is currently enjoyed by the occupiers of these flats would be maintained. It is not considered that the roof terraces at the rear would result in unacceptable overlooking of neighbouring properties, as Stanmore Towers is located approximately 22 metres from the nearest roof terrace and the nearest residential properties on Elm Park are some 60 metres away.

The proposed extract flue would be located 9.8 metres from the boundary with the residential flats at No.30 Church Road and 11.4 metres from the boundary with the residential flats at No.22 Church Road. These distances are considered to be adequate to ensure that no adverse impacts will occur to the occupiers of these flats in terms of noise and disturbance or fumes and smells from the extract duct.

**3) Retail and Employment Policy**

The proposal seeks the change of use of the ground floor of No.24 from retail to restaurant/cafe. The property is located within the secondary frontage of Stanmore District Centre. The Council's shop front figures for the secondary frontage show that 53.58% of the secondary frontage is currently occupied as non-retail use. Policy EM17 states that a change of use from retail (A1) to non-retail uses will only be permitted if the length of frontage in non-retail use does not exceed 50% of the total. However, the property currently benefits from an extant un-implemented permission for a change of use from retail (ref P/1114/05/DFU) and is therefore represented in the Council's figures as a non-retail use. Were this proposal granted, the figures would therefore be unaffected. An uninterrupted row of five retail units would remain to the west of the application property and it is therefore considered that a harmful concentration of non-retail uses would not result.

Criteria A, B and C of Policy EM17 requires that the use is appropriate to a town centre, is primarily for visiting members of the public and requires an accessible location. Policy SEM2 states that 'town centres are not purely retail centres' and a diversity of uses should be encouraged. It is considered that a restaurant use is appropriate to the District Centre and the proposal is also considered to comply with Criteria B and C. It is considered that a window display appropriate to the shopping area would be provided and the service road to the rear of the property would be adequate to serve the proposed use. It is therefore considered that the proposal complies with Criteria A-G of Policy EM17.

Policy EM15 seeks to resist the loss of land or buildings from business use. The proposed office extension would result in an additional 292m<sup>2</sup> of office space and would consolidate the employment use on the site by providing additional business use space.

**4) Food, Drink and Late Night Uses**

As discussed above, it is considered that the proposed restaurant/café use would be appropriate to this town centre location. Given the location, it is not considered that the residential flats on the upper floors of No.22 would be unduly affected in terms of noise and disturbance. As discussed it is considered that the proposed use would be adequately serviced without causing harm to neighbouring amenity. The site is reasonably well served by public transport and there is an adequate level of car parking in Stanmore District Centre to serve the proposed use. The Council's Highways Engineer raises no objections in this regard.

As discussed above, it is considered that the proposed arrangements for fume extraction are acceptable. It is therefore considered that the proposal complies with Policy EM25.

**5) Traffic and Parking**

It is considered that there would be adequate car parking provision within Stanmore District Centre to serve the proposed development. The site is reasonably well served by public transport and there are robust parking controls in the area. Given the location, the proposal is therefore considered to be acceptable on parking grounds.

**6) Accessibility**

The proposal would incorporate internal ramped access from the street to the offices, with a short stair lift to a lift providing access for the upper floors of offices. The internal alterations would remove the division between No.24-26 and No.28, ensuring that wheelchair access would be provided throughout the building.

**7) S17 Crime & Disorder Act**

It is proposed to retain the use of the existing entrance to No.28, adjacent to the pedestrian walkway, as B1 offices. The upper floor offices would then be accessed via the main entrance on Church Road, with internal access between the two buildings (No.24-26 and No.28) being provided on the upper floors. This would result in a self-contained ground floor office unit, which would have a partial frontage onto the pedestrian walkway. Policy D4 states that 'solutions that increase surveillance and public usage' will be encouraged. It is considered that the use of this unit would provide an 'active frontage' to the pedestrian walkway and would be likely to increase public usage of the walkway, if only during office hours. This part of the proposal is therefore welcomed.

**8) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- Too many restaurants in Stanmore: As discussed above, the proposal complies with the Council's retail policy and a restaurant is considered an appropriate use in this town centre location. It is not considered that a harmful concentration of restaurants would occur as a result of the proposal.
- Will take business away from existing cafes/should not be allowed in the current economic climate: These are not material planning considerations.
- Premises will become a club at a later date: Further planning permission would be required to change the use of the property into a drinking establishment (A4) or a nightclub (Sui Generis).
- Consideration currently being given to the LDF core strategy that shows Stanmore as only a satellite to the principle area of development: This document has not been formally adopted and so does not form part of the development plan.
- Church Road should not be built up to five storeys high: The proposal would result in a four storey building and it is considered that this is acceptable in this location.
- No need for more office accommodation in Stanmore: This is a commercial decision by the applicant and would not be grounds to refuse a planning application.

- Noise and disturbance from building works: This is not a material planning consideration.

**CONCLUSION**

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