

SECTION 1 – MAJOR APPLICATIONS

Item: 1/01
WHITMORE HIGH SCHOOL, 8 PORLOCK AVENUE, HARROW HA2 0AS **P/1159/10/SL**

Ward HARROW-ON-THE-HILL

VARIATION TO CONDITION 16 OF PLANNING PERMISSION REF: P/0892/08 DATED 23.05.2008 FOR 'OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES' TO ALLOW REVISIONS TO CAR PARKING LAYOUT AND THE IMPLEMENTATION OF THE REVISED LAYOUT PRIOR TO THE OCCUPATION OF THE DEVELOPMENT.

Applicant: LONDON BOROUGH OF HARROW
Agent: HOWARD FAIRBAIRN MHK
Statutory Expiry Date: 11-AUG-10

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, **GRANT** permission for the variation of Condition described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Whitmore High School is owned by LB Harrow.

REASON

This variation of Condition application would allow for an appropriate revision to the car parking layout within the site that would respect the appearance of the School and the street scene, and would not adversely affect the amenities of neighbours.

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

Legal Comments

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow who intends to carry out the development and the land at Whitmore High School is owned by LB Harrow.

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004] and any other relevant guidance.

The London Plan [2008]

3A.24 – Education Facilities

London Borough of Harrow Unitary Development Plan [2004]:

D4 – The Standard of Design and Layout

Harrow's Sustainable Community Strategy [Mar 09]

INFORMATION

a) Summary

Statutory Return Type: Major Development
Site Area: 4.2 ha
Council Interest: Council-owned property

b) Site Description

- Large triangular site is to the north of Porlock Avenue, to the south of houses on Whitmore Road, and to the east of houses on Shaftesbury Avenue.
- Access to the site is off Porlock Avenue.

c) Proposal Details

This application seeks approval for a car park layout, which has been amended as a consequence of the consideration of another application for planning permission for a revised access arrangement off Porlock Avenue. Condition 16 of the outline planning permission states that the car parking layout must be in accordance with a specific plan. As the proposal for the revised access arrangement would impact on the possibility of implementing the approved car parking layout, the applicant has submitted this application to vary the Condition for a revised car parking layout, which reflects the proposal for a revised access arrangement.

d) Relevant History

P/0892/08	OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES.	GRANTED 23-MAY-08
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P/3539/08	APPROVAL OF RESERVED MATTERS [APPEARANCE, SCALE & LANDSCAPING] PURSUANT TO PERMISSION P/0892/08.	APPROVED 18-MAY-09
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e) Consultations:

Notifications:

Sent: 268

Replies: 1

Summary of Responses:

One response received at the time of writing this report objecting to the proposal on highway grounds in respect to unacceptable swept paths.

APPRAISAL

1) Background Information and Re-worded Condition

Outline planning permission [Ref: P/0892/08] for 'Redevelopment to provide new two and three-storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities' was granted on 23 May 2008. Condition 16 of this consent requires the car parking layout to be constructed in connection with Drawing No: 5440-F02. The car parking layout has since been amended in connection with an application for revised access arrangement [Ref: P/0458/10]. The application for the revised access arrangement is separately reported on this agenda.

With the proposed revised access arrangement application [P/0458/10], the majority of the car parking would not be located opposite to the properties to the east side of Porlock Avenue, thereby improving their outlook. In addition, there will be significant 'greening' of areas currently used as car parking, which are opposite these Porlock Avenue properties. The proposed main car park area bays [opposite 'Bramber'] would be interspersed with tree planting. Unlike the existing arrangement, the car parking area would not be sited up to the boundary with Porlock Avenue, thereby maintaining a green margin and would be enhanced and augmented by the proposed landscape scheme, with additional trees and hedging. Details regarding boundary treatment, landscaping and trees as part of Conditions 4, 7 and 8 respectively of the outline consent are currently under consideration as part of an application [Ref: P/0656/10] and have yet to be approved. However, the Council's landscaping officer has confirmed that, subject to details, the revised landscaping scheme would be appropriate and would allow for additional planting on this frontage, which is welcomed. It would provide an opportunity for screening and softening elements of the site in respect to occupiers of nearby residential properties. It is therefore considered that Condition 16 is amended as detailed below to facilitate these revisions, and ensure all necessary parking is in place prior to the occupation of the School.

Harrow's Highways Engineer is satisfied with the proposal.

Condition 16

The development hereby permitted shall not be occupied until the car parking, turning and loading area[s] shown on the approved plan number 70289-H05 have been constructed and surfaces with impervious materials, and drained in accordance with details submitted to and approved in writing by the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose at any time without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

2) Section 17 Crime & Disorder Act

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

3) Consultation Responses

One response received at the time of writing this report, objecting to the proposal on highway grounds in respect to unacceptable swept paths. Notwithstanding, Harrow's Highways Engineer is satisfied with the proposal and that a satisfactory arrangement would be achieved in regard to swept paths and turning circles.

CONCLUSION

This variation of Condition application would allow for an appropriate revision to the car parking layout within the site that would respect the appearance of the School and the street scene, and would not adversely affect the amenities of neighbours.

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**.

CONDITIONS

1 The permission hereby granted is supplemental to planning permission Ref: P/0892/08 dated 23 May 2008. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

INFORMATIVES

1 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 / the Harrow Unitary Development Plan set out below, and to all other relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

The London Plan (2008): 3A.24

Harrow Unitary Development Plan (2004) : D4

Plan Nos: 70289-H05

WHITMORE HIGH SCHOOL, 8 PORLOCK AVENUE, HARROW HA2 0AS

Ward HARROW-ON-THE-HILL

REVISIONS TO VEHICULAR AND PEDESTRIAN ACCESS OFF PORLOCK AVENUE OF APPLICATION REF P/0892/08/COU DATED 23/5/2008 FOR 'OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES'.

Applicant: LONDON BOROUGH OF HARROW

Agent: HOWARD FAIRBAIRN MHK

Statutory Expiry Date: 31-MAY-10

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Whitmore High School is owned by LB Harrow.

REASON

The reduction in the number of vehicular access points would represent an improvement; both in terms of visual amenity and highway safety. It is on these grounds that the application is recommended for GRANT.

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation.

Legal Comments

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow who intends to carry out the development and the land at Whitmore High School is owned by LB Harrow.

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

CONCLUSION

The reduction in the number of vehicular access points would represent an improvement, both in terms of visual amenity and highway safety. It is on these grounds that the application is recommended for GRANT.

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, subject to the following conditions.

CONDITIONS

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 and Country Planning Act 1990.

2 Prior to first occupation of the School, details of a Green Travel Plan shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of pedestrian and highway safety.

3 The development hereby permitted shall be carried out in accordance with the following approved plans: 70289-H01; 70289-H02; 70289-H03; 70289-H04; 70289-H05; 70289-H06; and 70289-H07.

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

INFORMATIVES

1 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 other relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

The London Plan [2008] Policies: 3A.24

The London Borough of Harrow UDP [2004] Policies: D4

2 The permission hereby granted is supplemental to planning permission Ref: P/0892/08 dated 23 May 2008. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

Plan Nos: 70289-H01; 70289-H02; 70289-H03; 70289-H04; 70289-H05; 70289-H06; and 70289-H07.

Item:
WHITMORE HIGH SCHOOL, 8 PORLOCK AVENUE, HARROW HA2 0AS P/0458/10

Ward HARROW-ON-THE-HILL
REVISIONS TO VEHICULAR AND PEDESTRIAN ACCESS OFF PORLOCK AVENUE OF APPLICATION REF P/0892/08/COU DATED 23/5/2008 FOR 'OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES'.

Applicant: LONDON BOROUGH OF HARROW

Agent: HOWARD FAIRBAIRN MHK

Statutory Expiry Date: 31-MAY-10

RECOMMENDATION

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Whitmore High School is owned by LB Harrow.

REASON

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation.

Legal Comments

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow who intends to carry out the development and the land at Whitmore High School is owned by LB Harrow.

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

INFORMATION

a) Summary

Statutory Return Type: Major
Site Area: 4.2 ha
Council Interest: Council-owned property

b) Site Description

- Large triangular site is to the north of Porlock Avenue, to the south of houses on Whitmore Road, and to the east of houses on Shaftesbury Avenue.
- Access to the site is off Porlock Avenue.

c) Proposal Details

As above.

d) Relevant History

P/0892/08	OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES.	GRANTED 23-MAY-08
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e) Consultations:

Notifications:

Sent: 267 Replies: 5

Summary of Responses:

Five responses received, detailed in Section 4 of the Appraisal.

APPRAISAL

1) Principle of Development

The approved access arrangement off Porlock Avenue has been established through outline planning permission Ref: P/0892/08 and subsequent approval of conditions. Accordingly, the proposal for a revised access arrangement off Porlock Avenue is considered acceptable in principle.

2) Transport

The access points delineated on the plan submitted for and granted outline planning permission under Ref: P/0892/08 is now not appropriate to the detailed scheme that has been developed.

Currently, there are four permanent vehicular access points on to Porlock Avenue with an additional temporary access point into the Contractor's car parking compound. This will be reduced to three access points in total to serve the following:

- That serving the staff parking and delivery / refuse area;
- The ingress to the 'lay-by' area and staff / visitor parking; and
- The egress to the 'lay-by' area and staff / visitor parking.

The vehicular access between the School House and Millook will be closed to school traffic and will serve the School House garage only.

In addition, there are to be four pedestrian access points as shown on Drawing No. 70289-H01 including one as a shared surface as part of the vehicular access between the School House and Millook.

Harrow's Highways Engineer raises no objection to the proposal.

3) Section 17 Crime & Disorder Act

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

4) Consultation Responses

Five responses received [Two in support and three objecting] to the proposal on the following grounds:

- Clarification of the proposal;
- Potential for accidents as a result of the revised access points; and
- Detriment to visual amenity from opposite properties along Porlock Avenue.

The proposal is explained in Section 3 above with five existing access points, which would be reduced to three. Harrow's Highways Engineer is satisfied with the proposal and raises no objection. The proposal, which would reduce the number of access points off Porlock Avenue is considered to represent an improvement to the visual amenity along this part of the highway.

CONCLUSION

The reduction in the number of vehicular access points from five to three would represent an improvement; both in terms of visual amenity and highway safety. It is on these grounds that the application is recommended for grant.

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, subject to the following condition.

CONDITIONS

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 and Country Planning Act 1990.

INFORMATIVES

1 INFORMATIVE:

INFORM40_M – Reasons for Grant of Planning Permission

The London Plan [2008] Policies: 3A.24

The London Borough of Harrow UDP [2004] Policies: D4

Plan Nos: 70289-H01; 70289-H02; 70289-H03; 70289-H04; 70289-H05; 70289-H06; 70289-H07

**PRINCE EDWARDS PLAYING FIELDS, P/2912/09/NR
ST DAVID'S DRIVE, EDGWARE**

Ward QUEENSBURY

VARIATION OF CONDITION 17 (FLOODLIGHTING) OF PLANNING PERMISSION REF: P/0002/07 DATED 8 APRIL 2008 FROM 'THE FLOODLIGHTING HEREBY PERMITTED FOR PLAYING SURFACES SHALL ONLY BE USED ON ANY DAY UP TO 22.00 HOURS EXCEPT WHEN EVENING MATCHES ARE BEING PLAYED AT THE MAIN STADIUM WHEN FLOODLIGHTING SHALL ONLY BE USED UP TO 23.00 HOURS' TO 'THE FLOODLIGHTING HEREBY PERMITTED FOR PLAYING SURFACES SHALL ONLY BE USED ON ANY DAY UP TO 22.30 HOURS EXCEPT WHEN EVENING MATCHES ARE BEING PLAYED AT THE MAIN STADIUM WHEN FLOODLIGHTING SHALL ONLY BE USED UP TO 23.00 HOURS';

VARIATION OF CONDITION 18 (EXTERNAL LIGHTING) FROM 'ALL EXTERIOR LIGHTING OTHER THAN FLOODLIGHTING SHALL BE EXTINGUISHED ON ANY DAY NOT LATER THAN 22:30 HOURS, EXCEPT LIGHTING NOT MORE THAN 1M ABOVE THE FINISHED ROAD OR CAR PARK LEVEL THAT SHALL BE EXTINGUISHED NOT MORE THAN 60 MINUTES AFTER THE END OF ANY MATCH OR EVENT' TO 'EXTERIOR LIGHTING OTHER THAN FLOODLIGHTING SHALL BE EXTINGUISHED ON ANY DAY NOT LATER THAN 23.00 HOURS EXCEPT LIGHTING IN THE MAIN CAR PARK WHICH SHALL BE EXTINGUISHED NOT LATER THAN 23.30 HOURS. WHEN HOLDING A MATCH OR EVENT, LIGHTING NOT MORE THAN 1M ABOVE THE FINISHED ROAD AND CAR PARK LIGHTING SHALL BE EXTINGUISHED NOT MORE THAN 60 MINUTES AFTER THE END OF SUCH MATCH OR EVENT'.

Applicant: Football First

Agent: AND Architects

Statutory Expiry Date: | 25-MAR-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans.

REASON

The proposed variation would enable an increased use of the all weather pitches, to cater for evening football matches that go into extra time. This is in line with national, London Plan and UDP policy objectives promoting community sport and recreational opportunities. The proposal would also contribute to the objectives of Harrow's Sustainable Community Strategy, in terms of improving health and wellbeing by increasing participation in sport. The proposed increased hours are considered acceptable in relation to the impact on the amenities of neighbouring residential occupiers and the proposal is considered to comply with relevant policy.

National Planning Policy:

PPG17 – Planning for Open Space, Sport and Recreation

PPG24 – Planning and Noise

The London Plan 2008:

3D.6 – Sports Facilities

3D.8 – Realising the Value of Open Space and Green Infrastructure

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D23 – Lighting, Including Floodlighting

EP25 – Noise

EP47 – Open Space

R4 – Outdoor Sports Facilities

R5 – Intensive Use Pitches

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Open Space and Recreation Policy (PPG17, 3D.6, 3D.8, D4, EP47, R4, R5)
- 2) Residential Amenity (PPG24, D4, D23, EP25)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Large Scale Major Development

Site Area: 17 hectares

Council Interest: The Council is Freeholder

b) Site Description

- Site comprises former educational sports grounds designated as open space within the UDP, now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.
- The site has recently been developed, in accordance with permission granted in 2007, to expand the stadium and improve the playing fields provided on the site.
- Site is bound by Jubilee Line railway to the west, residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east the site adjoins residential properties along Buckingham Gardens, St David's Drive and Little Stanmore Nursery, First and Middle School.
- The section of railway that adjoins the western site boundary is identified as a site of nature conservation importance.
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.
- The site is designated as a proposal site within the UDP, the 2007 permission on the site is consistent with this designation.
- The main access to the site is from Camrose Avenue, with secondary access from Whitchurch Lane.

Details of Lighting on Site

- Floodlighting is located around the all weather pitches at the southern end of the site, close to the rear boundaries of the Camrose Avenue properties, and consists of nine floodlighting columns with a height of approximately 10 metres.
- Car park lighting (over 1.0 metre in height) consists of a number of street lights located around the car parking areas and access roads, with a height of approximately 7 metres.
- Low level lighting (less than 1.0 metre above road or car park level) is principally located along the pedestrian access between the stadium complex and the Whitchurch Lane entrance and consists of a series of low level illuminated bollards.

c) Proposal Details

- Planning permission was granted on the 8th April 2008, for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking, subject to a number of conditions, including conditions 17 and 18 relating to hours of operation for lighting.
- Variation of condition 17 of planning permission P/0002/07 from:
The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours.
To
The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours.
- Variation of condition 18 of planning permission P/0002/07 from:
All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event.
To
Exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. When holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event.
- The proposal encompasses both conditions 17 and 18, and therefore effectively relates to all exterior lighting within the site. The boundary of the main car park is highlighted in red on the submitted drawing 258/PLC(0)1011, to provide precise identification in relation to the proposed wording of condition 18.
- The table below summarises the situation in relation to these two conditions, in terms of the currently approved hours and the hours proposed as part of this application:

	Floodlights	Car Park Lights	Low Level Lights
Currently Approved	2200 hours, 2300 hours when matches held at stadium	2230 hours	60 minutes after the end of any event
As Proposed	2230 hours, 2300 hours when matches held at stadium	2300 hours, 2330 hours for main car park	60 minutes after the end of any event

- The time extension is sought to cater for evening games that go into extra time. The current occupants of the site are contracted to provide a certain amount of sports provision and the extended hours for lighting are requested to ensure that there is provision to finish evening games.

d) Relevant History

P/0002/07	Redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking	GRANTED 08-APR-08
P/2022/09	Variation of condition 18 (external lighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road and car park level that shall be extinguished not more than 60 minutes after the end of any match or event.'	GRANTED 06-NOV-09
P/2257/09	Variation of condition 17 (floodlighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2200 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 2300 hours' to 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2300 hours, until commencement of use of the playing surface of the main stadium, at which time floodlighting for the main stadium shall only be used on any day up to 2300 hours, and any other floodlighting within the site hereby permitted for playing surfaces shall only	REFUSED 29-DEC-09

be used on any day up to 2230 hours'.

Reason for Refusal:

1) The proposed variation of condition to extend the hours of floodlighting would result in unacceptable detriment to the living conditions of neighbouring residential properties contrary to policies D4 and EP25 of the Harrow Unitary Development Plan.

e) Pre-Application Discussion

- N/A.

f) Applicant Statement

- N/A.

g) Consultations:

Notifications:

Sent: 119

Replies: 1

Expiry: 13-MAY-10

Addresses Consulted:

- 28-34 (even) St Davids's Drive;
- 35-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 72, 74, 85 and 87 Bransgrove Road;
- 19- 32 (conc) Buckingham Gardens;
- 38-54 (even) St Bride's Avenue;

Summary of Response:

- Would affect residents peaceful environment and ability to sleep;
- Noise from players and supporters, as well as light from floodlights and other lighting disturbs local residents;
- There have been a number of changes to the original permission requested;
- Landscaping has not been carried out to the earth mounds.

APPRAISAL

1) Open Space and Recreation Policy

The open air recreational use on the site is appropriate to this designated area of open space and saved UDP policy EP47 supports the principle of recreational use in such areas. The proposed variation of condition would allow for extended hours of use of the all weather pitches and, given the policy support for the promotion of sports facilities, this is supported in principle, subject to full consideration of the likely impact on the amenities of neighbouring residential occupiers, as undertaken below.

2) Residential Amenity

The proposal seeks to increase the hours of operation of the lighting on the site. The proposed variation would enable the use of the floodlights up until 2230 hours, 30 minutes beyond what is currently allowed. The use of the car park lighting would be extended up until 2300 hours, except in the main car park which would be extended up until 2330 hours, 30 and 60 minutes respectively beyond what is currently allowed. The low level lighting (less than 1 metre above the car park/road level) would remain as existing, 60 minutes after the end of a match or event, although it should be noted that the proposed extension of the hours for floodlighting could potentially lead to events finishing later, which could in turn lead to the low level lighting remaining on later than the current situation, in theory up until 2330 hours. This however would not be detrimental to amenity due to the low intensity of the low level lighting.

The all weather sports pitches served by the floodlighting are in close proximity to the Camrose Avenue properties, with the closest floodlight being approximately 35 metres from the main rear wall of the nearest property. Use of the pitches, car parks and access roads would inevitably result in some noise and disturbance to the occupiers of neighbouring properties. There are some earth mounds located between the all weather pitches and the Camrose Avenue properties, which would provide a certain amount of noise abatement, although in the absence of a full report, only limited weight can be attached to this.

The previous proposal to extend the hours of use for floodlighting up to 2300 hours was considered unacceptable on amenity grounds (P/2257/09). However, it is considered that the current proposal for 2230 hours is considered to be acceptable and would result in only a modest increase in the duration of noise and disturbance experienced by neighbouring occupiers. The proposal would not result in use of the pitches within the hours of 2300-0700 specified in PPG24 as being the hours when people are normally sleeping. It is also noted that only one objection was received in relation to the proposal. Given the number of properties that are potentially affected by the use of the pitches, this is not considered to be a significantly high level of response. The proposed variation of condition 17 relating to floodlighting is therefore considered on balance to be acceptable in relation to its impact on the amenities of neighbouring residents.

The proposed variation of condition 18 relating to the other lighting on the site is also considered acceptable. The car park lighting in the small car park which is behind properties in Camrose Avenue would be extended to 2300 hours, 30 minutes after the latest proposed time for the floodlights to be switched off. It is considered that activity in the small car park up until 2300 hours would have an acceptable impact on the amenities of neighbouring residents given the distance from the rear of these properties. The proposal to allow lighting of the main car park up until 2330 hours is also considered acceptable, given that the main car park is located some 90 metres from the boundaries of the nearest residential properties on Camrose Avenue.

Despite the potential use of the main car park later into the night, it is considered that the level of vehicle movements within the site and the access roads into and out of the site would not increase to an unacceptable degree beyond 2300 hours, given that the use of the all weather pitches will cease at 2230 hours. The amenities of neighbouring residents would therefore not be detrimentally affected by the later vehicle movements.

Whilst it is acknowledged that the low level 'bollard style' lighting would in theory also be likely to be switched on for longer, this lighting is below 1.0 metre in height and occupies the pedestrian path between the stadium complex and the Whitchurch Lane entrance. It is therefore considered that the use of this lighting later into the night would not unreasonably impact on the amenities of neighbouring occupiers. The proposed variation of condition 18 is therefore considered acceptable.

In summary, the proposed variation of conditions 17 and 18 relating to lighting would help to ensure the viability of this open air recreational use, thus providing greater opportunity for sport and recreation, in line with the objectives of London Plan policy 3D.6 and saved UDP policies R4 and R5. As discussed above, the proposal would not unreasonably impact on the amenities of the occupiers of neighbouring residential properties.

3) S17 Crime & Disorder Act

It is considered that the proposal would not give rise to undue security concerns and would therefore be acceptable in relation to this legislation.

4) Consultation Responses

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

- There have been a number of changes to the original permission requested: The applicant is legally entitled to make applications to amend the original approval. Each application must be assessed on its own individual merits and each application is consulted on and comprehensively assessed, taking into account the comments of neighbouring residents.
- Landscaping has not been carried out to the earth mounds: This is a separate matter and not relevant to the determination of this application.

CONCLUSION

The proposed variation would enable an increased use of the all weather pitches, to cater for evening matches that go into extra time. This is in line with national, London Plan and UDP policy objectives promoting community sport and recreational opportunities. The proposal would also contribute to the objectives of Harrow's Sustainable Community Strategy, in terms of improving health and wellbeing by increasing participation in sport. The proposed increased hours are considered acceptable in relation to the impact on the amenities of neighbouring residential occupiers and the proposal is considered to comply with relevant policy and is therefore recommended for grant.

CONDITIONS

1 The permission hereby granted is supplemental to planning permission ref: P/0002/07 granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

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:

National Planning Policy:

PPG17 – Planning for Open Space, Sport and Recreation

PPG24 – Planning and Noise

The London Plan Policies:

3D.6 – Sports Facilities

3D.8 – Realising the Value of Open Space and Green Infrastructure

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D23 – Lighting, Including Floodlighting

EP25 – Noise

EP47 – Open Space

R4 – Outdoor Sports Facilities

R5 – Intensive Use Pitches

Plan Nos: 258/AL(1)001 Rev A; 258/PLC(0)1011A

186 TO 194 PINNER ROAD, HARROW HA1 4JP P/0163/10/SOS

Ward HEADSTONE SOUTH

REDEVELOPMENT TO PROVIDE 14 SELF CONTAINED FLATS ABOVE AN A2 (FINANCIAL & PROFESSIONAL SERVICES) UNIT AT GROUND FLOOR LEVEL, WITH A FRONTAGE ON TO PINNER ROAD, WITH 13 OFF STREET PARKING SPACES TO THE REAR, SECURE CYCLE SPACES AND A LIFT TO PROVIDE EASIER ACCESS TO UPPER FLOORS. (REVISION OF PLANNING PERMISSION P/2414/06).

Applicant: DE VISCO HOLDINGS

Agent: EAMON O'SULLIVAN ARCHITECTS

Statutory Expiry Date: 23-APR-10

RECOMMENDATION

GRANT PERMISSION SUBJECTO CONDITIONS

REASON

The proposed development would provide a modern contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for the future occupiers of the development. The revisions to the approved scheme (ref. P/2414/06) are considered to be improvements to the original scheme, and include the installation of a lift to access the upper floors of the proposed building. The decision to grant permission has been taken having regard to National Planning Policies, policies and proposals in the London Plan and saved policies of the Harrow Unitary Development Plan set out below.

National Planning Policy:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

London Plan:

3A.1 Increasing London's supply of Housing

3A.2 Borough Housing Targets

3A.3 Maximising the potential of sites

3A.5 Housing Choice

3A.6 Quality of new housing provision

3D.13 Children and Young Peoples Play and Informal Recreation Strategies

4A.3 Sustainable Design and Construction

4A.4 Energy Assessment

4A.6 Decentralised Energy: Heating, Energy and Cooling

4A.7 Renewable Energy

4A.8 Hydrogen Economy

4A.9 Adaptation to Climate Change

4A.1 Tackling climate change

4A.3 Sustainable design and construction

4A.4 Energy Assessment

4A.6 Provision of heating and cooling networks

4A.7 Renewable Energy

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

S1 The Form of Development and Pattern of Land Use

EP20 Use of previously developed land

EP25 Noise

EP27 Species Protection

EP28 Conserving and Enhancing Biodiversity

EP29 Tree Masses and Spine

EP30 Tree Preservation Orders and new planting

T6 The transport Impact of Proposals

T11 Cycle and Motor Cycle Parking in Public Spaces

T13 Parking Standards

D4 The standard of Design and Layout,

D5 New Residential Development –Amenity Space and Privacy

D9 Street side Greenness and Forecourt Greenery

D10 Trees and New Development

H7 Dwelling Mix

C16 Access to Buildings and Public Spaces

C18 Special Mobility Requirements and Access to Transport

Supplementary Planning Document Access for All [2006]

Supplementary Planning Document Accessible Homes SPD [Apr 2006]

Sustainable Community Strategy [Mar 09]

Supplementary Planning Document Sustainable Building Design [May 2009]

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).

- 1) Principle of Development (3A.3, 3A.15).
- 2) Affordable Housing (3A.9, 3A.10).
- 3) Housing Density and Unit Mix (3A.3, 3A.5, 3A.6).
- 4) Design and Character of the Area (PPS1, 4B.1, 4, D4)
- 5) Living Conditions for Future Occupiers D4, D5, 3D.13).
- 6) Landscape Setting (D4, D10)
- 7) Neighbourhood Amenity (D5).
- 8) Parking and Highway Safety (T6, 3C.23)
- 9) Accessibility (3A.5, 4B.5, D4, C16)
- 10) Sustainability – Energy Demand and Water Resources (3A.5, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.16, 4B.5, EP15),
- 11) S17 Crime & Disorder Act (4B.1, 4B.6).
- 12) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Major development
Site Area:	1,120m ²
Floor Area:	1465m ²
Car Parking:	Standard: 14 (Maximum)
	Justified: 13
	Provided: 13

Council Interest: None

b) Site Description

- The site is a vacant area of land of 1120 square metres, previously in use as a petrol filling station, with a small convenience shop at the rear.
- The site is located on the north side of Pinner Road (A404) and is surrounded by terraced and semi detached housing. A parade of shops extends eastward from the site from the corner of Bedford Road. A detached house used as a GP's surgery is located on the corner with Pinner View to the west of the site.
- The site fronts Pinner Road, between the junctions with Bedford Road and Pinner View.

c) Proposal Details

- Full planning permission was granted in 2006 for the redevelopment of the site to provide 14 self contained flats and an A2 (Financial & Professional Services) unit at ground floor level, with a frontage on to Pinner Road. The approved building would be 3 storey in height, with the highest part of the building fronting the Pinner Road. The approved building would include the provision of 13 off street parking spaces at the rear. One of these 13 spaces would be a disabled parking space. The approved scheme would also include the provision of communal garden space, 9 secure cycle spaces and a pedestrian entrance on to Bedford Road and vehicular access on to Pinner View.
- This application is a revision to the approved scheme for 14 flats, as detailed below.
- The following external amendments are proposed to the current approved scheme:
 1. Lift added to improve access to upper floors.
 2. Staircase moved closer to new lift location.
 3. Timber screen moved to obscure relocated staircase.
 4. Roof extended over relocated staircase.
 5. Roof over 2nd floor lift entrance extended and roof light window added.
- The following internal amendments are proposed to the approved scheme:
 1. Flat 6 changed from 2 bedroom flat to 3 bedroom flat.
 2. Flat 7 changed from 3 bedroom flat to 2 bedroom flat.
 3. Flat 11 changed from 3 bedroom flat to 2 bedroom flat.
 4. One bedroom lost from the entire scheme.
 5. Part of staircase area consumed into the floor area of the flats.
 6. Internal layout for flats 1, 2 and 3 changed and rear windows for each flat converted to "escape" doors.
 7. Minor adjustments to internal layout of all flats.

d) Relevant History

P/1929/05	Erection of a part 2 part 3 storey building to provide 14 flats, 1 retail unit, access and parking.	WITHDRAWN 16-JUN-06
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P/2414/06	Erection Redevelopment to provide 14 self contained flats and an A2 (Financial & Professional Services) unit at ground floor level, with a frontage on to Pinner Road. Construction has commenced on the above permission and building work has reached a stage above damp course level.	GRANTED 08-NOV-06
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e) Pre-Application Discussion

- The proposed changes to original 2006 decision (P/2414/06) were submitted, and the applicant has been advised that the changes are considered to be material amendments to the approved scheme. This application has been submitted as a result of this advice.

f) Applicant Statement

- The relevant policy issues have been addressed by the applicant with the scheme.
- The form of the existing building has been respected with the design of the proposed scheme.
- The bulk, massing and palette of the materials used in the proposed scheme, accord with those in use elsewhere in the area.
- The design and scale of the proposed scheme take account of the “urban grain” of the local area and is in accordance with policy D4 of the UDP.
- The design and layout of the proposed building allows generous natural light to enter habitable rooms at all levels.
- The amenity of neighbouring residents has been considered with the design of the proposed scheme, both in respect of overlooking and visual intrusion.

g) Consultations:

Metropolitan Police - No objection raised, due to conditions being discharged for the original scheme.

Highways Engineer - No objection raised, due to conditions being discharged for the original scheme.

Environmental Health - No objection raised, due to conditions being discharged for the original scheme.

Drainage Engineer - No objection raised, due to conditions being discharged for the original scheme.

Design Officer - No objection raised, due to conditions being discharged for the original scheme.

Landscape Architect - No objection raised, subject to conditions that have not been discharged for the original scheme.

Advertisement:	Major Development General Notification	Expiry:16-APR-10
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Notifications:		
Sent: 145	Replies: 1	Expiry: 15-APR-10

Summary of Response:

- Increased car parking problems in Bedford Road.
- 13 spaces proposed for 14 flats.
- Proposed building higher than neighbouring houses.
- Loss of sunlight to neighbouring streets.
- Provision of flats will mean more “comings” and “goings”.
- Disruption of the “quietness” of Bedford Road.

APPRAISAL

1) Principle of Development

The principle of the development of this site for 14 flats and an A2 unit has already been established, with the planning permission granted in 2006, (ref. P/2414/06). The proposed development remains consistent with relevant development plan policy (in the form of London Plan policies 3A.3 and 3A.15), in that it contributes to improving and increasing the housing stock within the Borough and the A2 unit at ground floor level would increase employment provision in the local area and compliment the vitality of the neighbouring shopping parade to the east.

2) Affordable Housing

London Plan policy 3A.9 states that affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply and should take account of the strategic target that 35% of housing should be for social renting and 15% for intermediate provision (50% overall affordable housing provision target); and the promotion of mixed and balance communities. London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing; having regard to own overall target for affordable housing. Whilst the proposed development would exceed the provision of 10 residential units, given that the approved scheme, which has commenced, is for the same number of units, without provision of affordable housing, it is considered that an objection on these grounds would not be reasonable.

3) Housing Density and Mix

London Plan policy 3A.5 requires new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. London Plan policy 3A.6 requires new development to take account of the design and construction policies set out in Chapters 4A and 4B, and the density requirements of policy 3A.3 and their implications for bedroom numbers per dwelling.

Target guidance ranges for the density of new residential development are specified in Table 3A.2 Density Matrix of the London Plan. The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.

The proposed development would have a residential density of 125 units per hectare and 339 habitable rooms per hectare. This compares with the higher figure of 348 habitable rooms per hectare with the scheme approved for this site in 2006. This density is consistent with the London Plan guidance for the form, type, location and accessibility of the scheme.

4) Design and Character of the Area

PPS 1 recognises the importance of the planning process in enhancing the built environment and encouraging high design. To meet this aim, PPS1 requires new development to respond to the local context and to create or reinforce local distinctiveness. London Plan policy 4B.1 seeks to ensure that new development promotes high quality inclusive design, create or enhance the public realm and respect local context, history, built heritage, character and communities. Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

The proposed building would be 3 storey in height, with the highest part of the building fronting the Pinner Road. There would be a shopfront at ground floor level facing on to the Pinner Road. The building would have a Mansard Roof. Roof slating would be a very dark grey artificial slate with a semi-matt finish and with rough jagged edges which mimic the look of natural slate. Dormer windows would be clad in natural lead. This would respect the details of the scheme approved in 2006.

Facing Brickwork: would be light red and coarse textured. Feature lintels would be of white brick and precast concrete. Windows would be metal framed polyester powder coated and coloured cream, to compliment the brickwork and this would help to ensure that the frames do not look like PVC. The timber cladding element of window openings: would have vertical boards of Western Red Cedar, to compliment the selected facing brickwork. The slatted timber screen within the rear courtyard/ parking area would consist of vertical timbers.

The materials and design of the proposed scheme are in accordance with those permitted on the approved development and are considered to be acceptable and would meet the requirements of both PPS1 and Policy D4 Harrow Unitary Development Plan 2004.

5) Living Conditions for Future Occupiers

Policy D5 of the Harrow Unitary Development Plan 2004 requires new residential development to provide adequate amenity for future occupants. A communal garden space. would be provided as part of the scheme. All of the dwelling units proposed would benefit from appropriate levels of privacy, outlook and daylight/sunlight.

All of the proposed residential properties meet the minimum floorspace requirements of either 50 square metres for one bedroom, two person dwellings or 70 square metres for two bedroom, four person dwellings, outlined within the Mayor of London's "London Housing Design Guide".

6) Landscape Setting

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D10 seeks to achieve a balance between the design, bulk and location of new buildings and the retention of as many trees as possible.

The Council's Landscape Architect considers that the scheme is acceptable in principle, subject to conditions requiring details of hard and soft landscaping of the site being submitted and approved by the Council, a Landscape Management Plan and Maintenance Schedule or a minimum period of 5 years and a 5 year period for replacements of soft landscape. The landscaping strategy submitted with this application is considered to be acceptable, subject to further detail being submitted by condition, in accordance with London Plan Policy 3D.15 and HUDP policies D4, D9 and D10.

7) Neighbourhood Amenity

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings and future occupants. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The height of the proposed development is three storeys and is the same height as the scheme approved in 2006 and causes no greater impact on the amenity of neighbouring properties. As was the case with the scheme approved in 2006, the proposed building would be set level with the front building line of no.2 Bedford Road and the rear building line of this neighbouring house. Part of the proposed building would cause a slight increase in the sense of enclosure and loss of daylight to the rear of no.2, but this would be across the proposed car park and more than 20 metres away. Therefore the proposed scheme would have no significant impact on the amenity to the rear of no.2 Bedford Road, or any other neighbouring property in this street.

The proposed scheme would face residential properties on the southern side of Pinner Road and the eastern side of Bedford Road. Nevertheless, the front of the proposed scheme would be at a distance of at least 20 metres from the existing properties in Pinner Road and more than 18 metres from residential properties on the opposite side of Bedford Road. In addition, any overlooking that took place would also be between properties facing each other across a street. Therefore, any overlooking caused by the proposed scheme, would be acceptable in this instance. This impact would not differ from that of the scheme approved in 2006.

There appear to be no further significant amenity issues arising from this planning application.

8) Parking and Highway Safety

London Plan Policy 3C.23 seeks to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. Annex 4 Parking Standards of the London Plan states that Public transport accessibility should be used to assist in determining the appropriate level of car parking provision. Policy T6 of the HUDP requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards. In common with the scheme approved in 2006, the proposed development complies with these standards, by providing the same number of 13 car parking spaces and the same number of 9 secure cycle parking spaces. There are also bus stops with regular bus services close by, along with West Harrow Tube Station. Compared to the previous use of the site as a petrol station with a general store, the proposed scheme is expected to generate less traffic within the locality. As such, this level of traffic generation would be in accordance with policy T13 of the UDP.

9) Accessibility

London Plan Policy 3A.5 requires that all new housing is built to lifetime homes standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Policy D4 of the Harrow Unitary Development Plan requires that buildings should be laid out in such a way to encourage pedestrian movement, minimise the distance to other land uses and transport and maintain a high level of accessibility. Policy C16 of the HUDP seeks to ensure that buildings and public spaces are readily accessible to all.

The 3 proposed ground floor apartments would have their own front doors and an external door to the bedroom at the rear. All 3 would be wheelchair accessible and provide level access to the front and the rear, in compliance to Lifetime Home Standards. These ground floor apartments would also have their own front garden area and paved access from Bedford Road. Access to apartments above ground floor level would be via a walkway and a lift to the rear. Internal staircases between link some apartments internally between first and second floor levels. The lift would be accessible to wheelchair users, with level access at ground floor level and 8 apartments on the upper floors would also be wheelchair accessible. This is a material improvement over the scheme approved on this site in 2006.

Accordingly, the development is considered to comply with the accessibility requirements of policies 3A.5, 4B.5 of the London Plan and policies D4 and C16 of HUDP.

10) Sustainability – Energy Demand and Water Resources

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

No Renewable Energy Strategy Report has been submitted with the application, which provides a calculation of the site base line energy demand of the development and details lean energy savings and reviews opportunities for clean energy reductions and renewable 'green' energy provision in line with the policy requirements of the London Plan. Therefore a condition has been added in this regard.

All new homes are to be built to Code 3 level for Sustainable Homes Standards a condition has been added in this regard. In terms of energy reduction, this will provide a 25% improvement from Part L of the Building Regulations. The applicant has not stated whether or not a minimum of a 20% reduction in carbon emissions would be achieved Therefore a condition has been added in this regard.

11) S17 Crime & Disorder Act

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards and to ensure that the design minimises opportunities for crime. The siting, design and internal layout of the buildings have been designed around Secure by Design principles. Integral bin enclosures have been incorporated into the blocks of flats and separate enclosures provided for dwellings. The car parking has been located in areas that benefit from natural surveillance. The relevant condition to ensure implementation of recommendations by the Police, has been discharged for the original permission on this site P/2414/06, granted in 2006.

12) Consultation Responses

As it has been stated in the previous section, the scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards. The scheme has also been designed following extensive public consultation at the pre-application stage. There is no evidence that any part of this phase will worsen crime and drug abuse in the area The addition of modern homes, with open space and landscaping in this location is likely to improve the quality of life for local residents.

CONCLUSION

Full planning permission was granted in 2006 for the redevelopment of the site to provide 14 self contained flats and an A2 (Financial & Professional Services) unit at ground floor level, with a frontage on to Pinner Road. Construction on site, in accordance with the 2006 permission, has already begun. The current application offers the added advantage of a lift to the upper floors. No affordable units were asked for with the original 2006 scheme and the 14 units proposed; only just exceed the current threshold. Therefore no affordable units are asked for with the current application. Overall, the appearance of the proposed development would compliment this part of Pinner Road.

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, subject to the following conditions.

CONDITIONS

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 shall not be occupied or brought into use 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 in accordance with the approved details before the buildings are occupied and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality and in accordance with Saved HUDP Policy D4.

3 During demolition or site works in connection with the development hereby approved, the frontage and boundary of the site must be 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 and in accordance with Saved HUDP Policy D4.

4 The development hereby permitted shall not be occupied or brought into use until there has been submitted to and approved in writing 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, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance of the character of the area and to enhance the appearance of the development and in accordance with Saved HUDP Policy D4.

5 All planting, seeding or laying of turf 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 and in accordance with Saved HUDP Policy D4.

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

REASON: In the interests of creating safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime and in accordance with Saved HUDP Policy D4.

7 The standard for 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'.

REASON: In the interests of creating safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime and in accordance with Saved HUDP Policy D4.

8 The development hereby permitted shall not be occupied or brought into use until there has been submitted to and approved in writing by the local planning authority, a Renewable Energy Strategy Report, which provides a calculation of the site base line energy demand of the development hereby approved and how a minimum of a 20% reduction in carbon emissions would be achieved. The Renewable Energy Strategy Report should also detail lean energy savings and review opportunities for clean energy reductions and renewable 'green' energy provision

REASON: To reduce energy demand and to help tackle Climate Change, in accordance with London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7.

9 All new homes forming part of the development hereby approved are to be built to Code 3 level for Sustainable Homes Standards.

REASON: To reduce energy demand and to help tackle Climate Change, in accordance with London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7.

10 The materials used on the exterior of the development hereby approved shall be the same as those approved with the original scheme P/2414/06 for this site in 2006, unless by written consent of the Local Planning Authority.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development and in accordance with Saved HUDP Policy D4.

11 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Nos: 00 Rev.P2, 01 Rev.P2, 02 Rev.P2, 03 Rev.P2, 10 Rev.P2, 11 Rev.P2, 13 Rev.P1, 50 Rev.P2, E-mail dated 20th May, 2010 and the Design and Access Statement.

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

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 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:

Harrow Unitary Development Plan:

SEP5 Structural Features

EP20 Use of Previously-Developed Land

EP22 Contaminated Land

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

T13 Parking Standards

2 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.

3 INFORMATIVE:

In June 2006 Harrow Council adopted two Supplementary Planning Documents: "Access for All" and "Accessible Homes", containing design guidelines for the provision of safe and convenient access for all disabled groups. Both documents can be viewed on the Planning pages of Harrow Council's website - the URL address is <http://www.harrow.gov.uk/ccm/content/housing-and-planning/planning/news-letter.en>

4 INFORMATIVE:

Separate advertisement consent to any planning permission granted with this application may be required for any external signage installed above the shopfront at the front of the site.

5 INFORMATIVE:

Separate consent to any planning permission granted with this application shall be required for any external roller shutter and associated apparatus installed above the shopfront at the front of the site.

Plan Nos: 00 Rev.P2, 01 Rev.P2, 02 Rev.P2, 03 Rev.P2, 10 Rev.P2, 11 Rev.P2, 13 Rev.P1, 50 Rev.P2, E-mail dated 20th May, 2010 and the Design and Access Statement.

Item: 1/05

**HARROW BOROUGH FOOTBALL CLUB, P/1018/10/SL
EARLSMEAD, HARROW HA2 8SS**

Ward ROXETH

VARIATION OF CONDITION 14 ATTACHED TO PLANNING PERMISSION LBH/1408/6 DATED 30/01/1973 TO ALLOW A PRE-SEASON FIXTURE TO BE HELD ON SUNDAY 1ST AUGUST 2010 AGAINST BIRMINGHAM CITY FOOTBALL CLUB (KICK OFF 3PM).

Applicant: HARROW BOROUGH FOOTBALL CLUB

Statutory Expiry Date: 23-JUL-10

RECOMMENDATION

GRANT permission for the variation of condition as described in the application.

REASON

This variation of condition application would enable the use of the football pitch and floodlights for a pre-season fixture between Harrow Borough Football Club and Birmingham City Football Club on Sunday 1st August 2010 only [3pm kick-off], as the main permission [Ref: LBH/1408/6] does not allow games to be played during this time of the day on Sundays. It is considered that this once-only occurrence would not compromise the living conditions of occupiers of neighbouring residents in the longer term.

The decision to recommend GRANT of planning permission has been taken having regard to the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the vision of the Council in promoting Health, Wellbeing and Independence, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004]

The London Plan [2008]

N/A

London Borough of Harrow Unitary Development Plan [2004]:

EP25 Noise

T13 Parking Standards

Harrow's Sustainable Community Strategy [Apr 09]

INFORMATION

a) Summary

Statutory Return Type: Major

Council Interest: None

b) Site Description

Harrow Borough Football Club is situated off Earlsmead and is bounded to the north-east and south by the rear gardens of two-storey residential properties in Earlsmead, Carlyon Avenue and Arundel Drive. To the west, the site is bounded by a school.

c) Proposal Details

Permission is sought to vary Condition 14 of planning permission ref: LBH/1408/6 to allow the use of the pitch on Sunday 1st August 2010 for a potential fixture between Harrow Borough Football Club and Birmingham City Football Club.

d) Relevant History

LBH/1408/6	ALTERATIONS AND ERECTION OF NEW STANDS AND TWO STORIED SOCIAL CLUB WITH CAR PARKING	GRANTED 30-JAN-73
LBH/44841/92	VARIATION OF CONDITION 4 OF PLANNING PERMISSION LBH/1408/6 TO ALLOW USE OF FOOTBALL PITCH ON SUNDAYS (REVISED)	GRANTED 18-AUG-92
WEST/269/93	VARIATION OF CONDITION 4 OF PLANNING PERMISSION LBH/1408/6 TO ALLOW 4 CHARITY FOOTBALL GAMES PER YEAR	GRANTED 08-SEP-93
WEST/831/98	VARIATION OF CONDITION 14 OF PLANNING PERMISSION LBH/1408/6 GRANTED ON 14/08/73 TO ALLOW USE OF THE PITCH BETWEEN 10.30HRS AND 12.30HRS ON SUNDAYS	GRANTED 13-JAN-99

e) Consultations

Sport England raises no objection.

Notifications:

Sent: 491

Replies: 3

Summary of Responses:

Three representations received objecting to the proposal for the following reasons:

- Car parking concerns;
- Insufficient public transport to the venue;
- Disturbance of the peace;
- Anti-social behaviour and vandalism;
- Insufficient provision of WCs; and
- Noise and lighting levels.

Site Notice displayed on 28 April 2010. Application advertised in Harrow Observer on 29 April 2010.

APPRAISAL

1) The Principle

Condition 14 of planning permission Ref: LBH/1408/6 dated 30 Jan 1973 states:

'That the playing pitch and floodlights shall not be used between the hours of 11.59pm Saturdays and 6.30pm on Sundays or between 10.00pm and 08.00am on other nights, without the prior written permission in writing of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property.'

The application has been submitted to allow a one-off pre-season fixture on Sunday 1st August 2010 between Harrow Borough Football Club and Birmingham City Football Club [kick-off 3pm]. The main permission Ref: LBH/1408/6 does not allow use of the pitch on Sundays during this time without the agreement in writing of the Local Planning Authority. Temporary permissions have been granted in the past for games to be played on Sundays at other times. Accordingly, the principle of this proposal is considered acceptable.

2) Noise and Lighting

Harrow's Environmental Health Officer raises no objection to the proposal. The proposal would be of a temporary nature, applicable for one-day only on Sunday 1st August 2010 in the afternoon.

Given the location of the club within a residential area and the proximity to residential properties, unrestricted sports activities could have a detrimental impact on the occupiers of these properties. The proposed fixture would commence at 3pm and would finish by 5pm. It would not be at unsociable hours and accordingly, this one-off occurrence would not compromise the amenities of the occupiers of surrounding residential properties in the long term.

3) Transport

Harrow's Highways Engineer raises no objection to the proposal. The proposal is a one-off fixture with a low to moderate short term expected attendance and accordingly, it is considered that there will be no additional material impact on the surrounding public realm given the already established fixture scheduling in the extant condition.

4) Section 17 Crime & Disorder Act 1998

It is considered that the proposal would not have any material detrimental impact in the long term upon community safety and is therefore acceptable on these grounds.

5) Consultation Responses

Three representations received objecting to the proposal for the following reasons:

- Car parking concerns;
- Insufficient public transport to the venue;
- Disturbance of the peace;
- Anti-social behaviour and vandalism;
- Insufficient provision of WCs; and
- Noise and lighting levels.

The issues highlighted by the representations received have been addressed in the previous sections of this report. Sport England raise no objection.

CONCLUSION

This variation of condition application would enable the use of the football pitch and floodlights for a pre-season fixture between Harrow Borough Football Club and Birmingham City Football Club on Sunday 1st August 2010 only [3pm kick-off], as the main permission [Ref: LBH/1408/6] does not allow games to be played on Sundays in the afternoon. It is considered that this once-only occurrence would not compromise the living conditions of occupiers of neighbouring residents in the longer term.

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**.

CONDITIONS

1 The playing pitch and floodlights shall only be used between 2pm and 5:30pm on Sunday 1 August 2010.

REASON: To safeguard the amenities of neighbouring residents.

2 The permission hereby granted is supplemental to planning permission Ref: LBH/1408/6 dated 30 January 1973. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

INFORMATIVES

1 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 Harrow Unitary Development Plan set out below, and to all other relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan [2004]: EP25, T13

190 STATION ROAD, HARROW, MIDDLESEX HA1 2RH

Item: 1/06

P/1130/10/SL

Ward GREENHILL

VARIATION TO CONDITION 5 OF PLANNING PERMISSION REF: EAST/1407/02/FUL DATED 14.10.2004 TO PERMIT OPENING HOURS FROM SUNDAY TO WEDNESDAY BETWEEN 7AM - 12AM AND FROM THURSDAY TO SATURDAY BETWEEN 7AM - 2AM.

Applicant: FARHAD DAVARZANI

Statutory Expiry Date: 03-AUG-10

RECOMMENDATION

GRANT permission for the variation of Condition as described in the application.

REASON

The proposed variation would not give rise to unacceptable noise at unsocial hours outside the premises, in accordance with Planning Policy Guidance 24: Planning and Noise [1994] and Policies EM25 and EP25 of Harrow's UDP [2004].

The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, and any comments received in response to publicity and consultation.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004 and any other relevant Guidance]

The London Plan [2008]

N/A

London Borough of Harrow Unitary Development Plan [2004]:

EP25 Noise

EM25 Food, Drink and Late Night Uses

Other Relevant Guidance

Planning Policy Guidance 24: Planning and Noise

INFORMATION

a) Summary

Statutory Return Type: Major Development Other

Council Interest: None

b) Site Description

- Four-storey building on corner of Station Road and Bonnersfield Lane.
 - Ground floor, mezzanine and basement used as restaurant [A3].
 - Upper floors are vacant flats.
 - Building is set back from adjacent small parade of shops to the north with these as offices at first floor and flats at second floor level.
 - Two-storey parade adjacent on Bonnersfield Lane; Solicitors office at No. 10, office and flat over at No. 12, and two flats at No. 14.
- The A3 use can currently open from 08:00 hours to 01:00 hours following an approval of a variation of the condition [Ref: P/2960/05].

c) Proposal Details

To vary Condition 5 of Planning Permission EAST/1407/02/FUL to allow altered opening hours. Existing planning permission allows the premises to be open between 8am to 1am daily. The proposed opening hours are:

- Sunday to Wednesday 7am – 12am;
- Thursday 7am – 1am; and
- Friday to Saturday 7am – 2am.

d) Relevant History

EAST/1407/02	CHANGE OF USE:CLASS A1 TO A3 ON GROUND & 1ST FLOORS WITH NEW SHOPFRONT, FUME EXTRACTOR DUCT AT REAR & NEW WINDOWS	GRANTED 14-OCT-04
P/2960/05	VARIATION OF CONDITION 5 ON PLANNING PERMISSION EAST/1407/02/FUL TO PERMIT OPENING 08:00 HOURS TO 01:00 HOURS DAILY	GRANTED 24-JAN-06
P/2271/09	VARIATION OF CONDITION 5 ATTACHED TO PLANNING PERMISSION NO. EAST/1407/02/FUL GRANTED ON 14/10/2004 TO PERMIT OPENING ON SUNDAY FROM 10:30 HOURS TO 23:00 HOURS; MONDAY TO WEDNESDAY FROM 08:00 HOURS TO 24:00 HOURS; THURSDAY FROM 08:00 HOURS TO 02:00 HOURS; AND FRIDAY AND SATURDAY FROM 08:00 HOURS TO 03:00 HOURS	REFUSED 16-MAR-10

e) Consultations:

No response received to date from Environmental Health. However, in the previous application P/2271/09, stated that the sound insulation scheme is sufficient to cope with any music noise issues.

Notifications:

Sent: 83

Replies: 3

Summary of Responses:

Three responses received objecting to the proposal on the following grounds:

- Noise generated and impact on residential amenity.

APPRAISAL

1) Re-worded Condition

Condition 5

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

07:00 hours to 00:00 hours Sunday to Wednesday inclusive and 07:00 hours to 02:00 hours the following day Thursday to Saturday inclusive; without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

2) Noise and Late Night Uses

The use already benefits from opening hours of 07:00 hours to 01:00 hours the following day on a daily basis.

The property is situated on the periphery of the Town Centre in a Secondary Parade. On the ground floors of the surrounding parades, there are a number of cafes, restaurants, A1 and A2 uses. There are also Public Houses within close proximity to the site within the Town Centre. Directly behind the site, provides a transition into the wholly residential houses beyond in Bonnersfield Lane. The property is located on Station Road, which is a London Distributor Road.

As a consequence of the surrounding mixed character of this urban area and the associated atmosphere, i.e. pedestrians and traffic, it is considered that extending the hours in the morning by one hour, reducing it by one hour to 00:00 hours Sunday to Wednesday and extending it by one hour between Friday to Saturday to 02:00 hours the following day is acceptable.

The shopfront approved as part of the original planning permission Ref: E/1407/02 indicates the only entrance and exit from the restaurant be sited on the front elevation facing Station Road. Accordingly, most of the activities are concentrated in this area beneath a canopy [which also assists to serve as a buffer]. In addition, the site is set back from the front boundary of Greenhill House. The residential properties on the second floor of this building are sited forward of the site and away from the main entrance to the premises.

Policy EM25 of Harrow's UDP [2004] states the Council will seek to ensure that proposals for food and drink uses do not have a harmful effect on residential amenity. Environmental Health have stated the building has adequate insulation in regard to preventing the transmission of noise nuisance. In addition, other noise prevention measures are in place such as noise limitation controls on the loudspeakers, an acoustic lobby with secondary doors and Security Industry Authority registered security personnel. Accordingly, it is considered there are existing noise disturbance mitigation measures at the subject site. Condition 2 of the original planning permission [Ref: E/1407/02] also ensures that regardless of the opening times, there should be no music or amplified sound audible at the boundary of any residential properties. Therefore, in these circumstances, it is considered there would not be any unacceptable impact on neighbouring residential amenity.

3) Highways

Harrow's Highways Engineer, as with the previous application Ref: P/2271/09 raises no objection to the proposal. As the use of the property is already established, it is considered the proposed increase in opening hours would not raise any issues in regard to parking.

4) Section 17 Crime & Disorder Act

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

5) Consultation Responses

Three responses received objecting to the proposal on grounds of noise and impact on residential amenity. This issue has been addressed in the Appraisal Section above.

CONCLUSION

Taking the above into account, it is considered the proposal to vary opening hours would not give rise to unacceptable noise at unsocial hours outside the premises, in accordance with Planning Policy Guidance 24: Planning and Noise [1994] and Policies EM25 and EP25 of Harrow's UDP [2004].

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**.

CONDITIONS

1 The permission hereby granted is supplemental to planning permission Ref: EAST/1407/02/FUL dated 14 October 2004. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

INFORMATIVES

1 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 Harrow Unitary Development Plan set out below, and to all other relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan (2004): EM25, EP25.

**GOVERNMENT BUILDINGS, HONEYPOT LANE,
STANMORE, HA7 1BB**

**Item: 1/07
P/2777/09/SOS**

Ward: CANONS

PROVISION OF A TEMPORARY 106 SPACE CAR PARK ASSOCIATED WITH PLANNING PERMISSION REFERENCE P/2317/06, ALLOWED ON APPEAL DATED 12TH NOVEMBER, 2007, FOR A REDEVELOPMENT TO PROVIDE 816 RESIDENTIAL UNITS (INCLUDING 40% AFFORDABLE HOUSING); 959 SQUARE METRES OF CLASS A1/A2/A3/A4/A5/D1 AND D2 FLOORSPACE; 7,927 SQUARE METRES OF CLASS B1, (A), (B), (C) FLOORSPACE, INCLUDING A BUSINESS INCUBATOR CENTRE; CREATION OF A NEW ACCESS ON TO WHITCHURCH LANE; AND ASSOCIATED FLOOD ALLEVIATION, LANDSCAPING, CAR PARKING AND HIGHWAY WORKS

Applicant: St. Edward Homes Ltd
Statutory Expiry Date: 24-MAR-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 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 and the need to provide temporary car parking space, until a multi-storey car park is built to the south of the site.

National Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13:Transport

London Plan:

4A.3 – Sustainable Design and Construction
4B.1 – Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout
T13 Parking Standards
C16 Access to Buildings and Public Spaces

Supplementary Guidance/ Documents

Supplementary Planning Document Access For All (April 2006)
Supplementary Planning Document Sustainable Building Design (May 2009)
Sustainable Community Strategy [March 2009]

MAIN CONSIDERATIONS AND POLICIES (National Planning policies, London Plan & saved policies of the Unitary Development Plan (2004))

- 1) Principle of Development (PPS 1;PPS:3 and PPG13)
- 2) Residential Amenity (D4)
- 3) Accessibility (C16, London Plan Policy 3A.5, SPD)
- 4) S17 Crime & Disorder Act (D4)
- 5) Other Matters
- 6) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Major Development		
Site Area	2,344 square metres		
Car Parking	Standard	740	
	Justified	740	
	Provided	106 (temporary)	
Council Interest:	None		

b) Site Description

- The application site is located in areas of what will eventually be Phase 5 and Phase 7 of the development approved with planning permission Ref: P/2317/06 allowed on appeal dated 12th November, 2007. This location is the only area where construction is not currently being undertaken. The wider site has an area of 6.2 hectares. The southern area of the wider site was previously occupied by Ministry of Defence offices, which have now been demolished. The northern area of the wider site was previously occupied by DVLA offices, which have now been demolished.
- The northern boundary of the wider site abuts the rear garden boundary to homes along the southern side of Whitchurch Lane. The western boundary of the wider site follows the line of the trees adjacent to the Edgware Brook, which is set back from Honeypot Lane. The southern boundary to the wider site adjoins industrial buildings in Parr Road; the eastern boundary to the wider site follows the Jubilee Line embankment and a fence enclosing an associated electrical sub-station.

c) Proposal Details

- Since submitting this planning application, the applicant has now seeks to construct a temporary car park for a period of two years, rather than the three year period initially envisaged. After the two year period, the temporary car park would be dismantled. The temporary car park would be a rectangular area of 2,185 square metres, surrounded by a 2.4 metre high site hoarding. The hoarding to the front of the site will be an anti-climb open mesh fencing, to allow for greater surveillance and to enhance the overall security measures proposed. The final details of the hoarding will be sought by condition, along with the drainage details for the car park.

- The proposed temporary car park would be accessed from the road known as Unwin Way, opposite building B3, Victoria Court. A fob operated barrier control would be installed to limit access and egress to the car park. The temporary car park would provide 106 spaces, which along with the permanent on street parking, would provide sufficient spaces for the residents of Phase 1. Disabled parking bays are provided on-street, rather than in the temporary car park, due to these bays needing to be closer to where residents live. Areas adjacent to the entrance of the car park and in the corners of the temporary car park will be landscaped. Details of these areas and other features of the car park, will be secured by condition.

d) Relevant History

P/2317/06	Redevelopment to provide 816 residential units (including 40% affordable housing); 959SQM Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927SQM of Class B1 (A) (B) (C) floorspace, including a Business Incubator Centre; creation of a new access on to Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works.	ALLOWED ON APPEAL 12-NOV-07
P/2563/09	Part discharge of condition 17 (Phased Parking) of planning permission P/2317/06 for the 56 affordable dwellings for social rent as part of Phase 2 to the north of the site	GRANTED 18-MAY-10

f) Applicant Statement

- This application is supported by a Design and Access statement and a letter dated 12th March, 2010, which are summarised below:
 - The applicant has stated that they achieved “sufficient” sales during the summer of 2008 with Phase 1. Unfortunately, following this, no further sales were achieved until September 2009, when a sales suite was constructed on the site.
 - Since the sales suite was opened, a “steady rate” of sales have been achieved. Nevertheless, according to the applicant, this is well below “practical levels”.
 - The disappointing rate of private housing sales has meant that the release of further private units to build would not be commercially viable. Having commenced work on the site, St Edward Homes are committed to the delivery of homes at Stanmore Place. Following discussions with their RSL, the applicant intends to deliver much needed affordable housing ahead of ahead of the provision of private units.

- The applicant now intends to build Phases 3, 4, 6 and 8, due to these four phases providing predominantly affordable housing, for which the applicant has a contract to meet with A2Dominion. Adopting this strategy, the applicant will maintain build continuity, continuous employment for local contractors and provide much needed affordable housing.
- The temporary car park would provide a “stop gap” on site parking solution, until the multi-storey car park is built. The multi-storey car park proposed with the scheme allowed at appeal in 2007, is not, according to the applicant, likely to be built until August 2011. The disappointing rate of private housing sales, due to the recent economic climate and the provision of affordable housing, has not generated sufficient funds to progress site infrastructure.
- The construction of the multi-storey car park would allow the transfer of car parking from the temporary car park and for it to be dismantled, in order that Phases 5 and 7 can be built.

g) Consultations

Canon’s Park Residents’ Association:-

- Raise no objection to the proposal. Nevertheless, concern is expressed about the developer being rumoured to have advised residents living in the development to use the access road on to Honeypot Lane parade for parking. Construction workers have also apparently been parking on public roads around the site. These roads are already over parked.
- The access on to Whitchurch Lane, to the 56 affordable dwellings, which form part of Phase 2 to the north of the site, is intended for use only for 100 cars and should not have a “through route” to Honeypot Lane. The access on to Whitchurch Lane, is also hazardous, due to it being close to a bus stop and this was discussed during the planning appeal public inquiry.
- Double yellow lines should also be painted on the opposite side of Whitchurch Lane to the bus stop, due to the narrowness of the road at this point.

Advertisement: Site Notice

Expiry: 28-JAN-10

Notifications:

Sent: 375

Replies: 5

Expiry: 26-JAN-10

Summary of Responses:

- Building of the multi-storey car park should have corresponded with the building completion of Phase 1.
- Temporary car park would cause extra traffic congestion.
- Temporary car park unnecessary, due to good public transport links in the area.
- Need for temporary car park shows lack of foresight by the Developer.
- Damage to the environment and quality of life of the local community.
- Access road to Honeypot Lane used for parking.

APPRAISAL

1) Principle of Development

The disappointing rate of private housing sales has meant that the release of further private units to build would not be commercially viable. Private housing sales have not generated sufficient funds to progress site infrastructure. The temporary car park would provide a “stop gap” on site parking solution, until the multi-storey car park is built. The multi-storey car park proposed with the scheme allowed at appeal in 2007, is not, according to the applicant, likely to be built until August 2011. It is considered in these circumstances, that the principle to provide a temporary car park in this location would be acceptable.

2) Residential Amenity

The proposed temporary car park would be accessed from the road known as Unwin Way, opposite building B3, Victoria Court. Other than the more regular use of this road by residents parking their cars in the temporary car park, no other significant impacts on residential amenity are envisaged with this temporary scheme.

3) Accessibility

Disabled parking bays are provided on-street, rather than in the temporary car park, due to these bays needing to be closer to where residents live. Areas adjacent to the entrance of the car park and in the corners of the temporary car park will be landscaped. Details of these areas and other features of the car park, will be secured by condition.

4) S17 Crime & Disorder Act

Saved policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seek to ensure that developments should address security issues and provide safe and secure environments.

The scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards and to ensure that the design minimises opportunities for crime. To ensure that the proposed measures are implemented, a condition is recommended requiring further detail of compliance with the Metropolitan Police Secure by Design scheme.

5) Other Matters

The type and positioning of the hoarding or fencing surrounding the temporary car park, will be governed by condition. Areas adjacent to the entrance of the car park and in the corners of the temporary car park will be landscaped. Details of these areas and other landscape features of the car park will be secured by condition.

6) Consultation Responses

- The proposed temporary car park would be accessed from the road known as Unwin Way, opposite building B3, Victoria Court. A fob operated barrier control would be installed to limit access and egress to the car park. There is no “through route” on to Whitchurch Lane intended with this proposal.

- The disappointing rate of private housing sales, due to the recent economic climate and the provision of affordable housing, has not generated sufficient funds to progress site infrastructure. The temporary car park would provide a “stop gap” on site parking solution, until the multi-storey car park is built. The multi-storey car park proposed with the scheme allowed at appeal in 2007, is not, according to the applicant, likely to be built until August 2011.
- Due to the likely reduction of on street parking caused by the temporary car park, the proposal would be likely to cause less rather than more traffic congestion in the local area.
- The provision of a temporary car park would compliment the high public transport accessibility within the area.
- The 2007 planning permission was allowed at appeal by the Planning Inspectorate. Neither the Planning Inspectorate nor the Developer could have anticipated the ferocity or depth of the recent economic downturn.
- The applicant has agreed that the temporary car park need only be in place for a period of 2 years, rather than 3. A condition will be imposed which requires the applicant to return the site of the temporary car park to its previous state and remove all associated development, at the end of this 2 year period.

CONCLUSION

Overall, the temporary car park would provide a “stop gap” on site parking solution, until the multi-storey car park is built. The temporary car park would allow much needed affordable housing to be provided earlier in the scheme than it was intended and allow the overall scheme to succeed. 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, subject to the following conditions.

CONDITIONS

1 The development hereby permitted is granted for a temporary period only and shall no longer be used as a car park or hard surfaced area after Midnight on 1st September, 2012. All associated development shall be removed from the site within 56 days of the expiration of this temporary period.

REASON: To safeguard the appearance and character of the area, and to allow the scheme allowed in 2007, to be completely built in accordance with saved policy D4 of the Harrow Unitary Development Plan.

2 The development hereby permitted shall be used only for the parking of private motor vehicles (and domestic storage if appropriate) in connection with the development hereby permitted, and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards and e in accordance with saved policies D4 and T13 of the Harrow Unitary Development Plan.

3 Before the temporary car park hereby permitted is brought into use, 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:

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.

4 The development hereby permitted shall be carried out in accordance with the following approved plans:

26244-(00)020, 4313/CP/ESK/01 Rev.A, 130597/40-14 Rev.P4, Lighting Details, Design and Access Statement.

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

INFORMATIVES

1 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.

Plan Nos. 26244-(00)020, 4313/CP/ESK/01 Rev.A, 130597/40-14 Rev.P4, Lighting Details, Design and Access Statement.

**GOVERNMENT BUILDINGS, HONEYPOT LANE,
STANMORE, MIDDLESEX HA7 1BB**

**Item: 1/08
P/1289/10/SOS**

Ward: CANONS

DISCHARGE OF CONDITION 17 (PHASED PARKING PROVISION) OF PLANNING PERMISSION REFERENCE P/2317/06, ALLOWED ON APPEAL DATED 12TH NOVEMBER, 2007, FOR A REDEVELOPMENT TO PROVIDE 816 RESIDENTIAL UNITS (INCLUDING 40% AFFORDABLE HOUSING); 959 SQUARE METRES OF CLASS A1/A2/A3/A4/A5/D1 AND D2 FLOORSPACE; 7,927 SQUARE METRES OF CLASS B1, (A), (B), (C) FLOORSPACE, INCLUDING A BUSINESS INCUBATOR CENTRE; CREATION OF A NEW ACCESS ON TO WHITCHURCH LANE; AND ASSOCIATED FLOOD ALLEVIATION, LANDSCAPING, CAR PARKING AND HIGHWAY WORKS.

Applicant: St. Edward Homes Ltd
Statutory Expiry Date: 24-MAR-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 set out below, and to all relevant material considerations, as outlined in the application report. The proposed development would ensure that the provision of car parking on the site, would consistent and in accordance with the phasing of development.

National Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13:Transport

London Plan:

4A.3 – Sustainable Design and Construction
4B.1 – Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout
T13 Parking Standards
C16 Access to Buildings and Public Spaces

Supplementary Guidance/ Documents

Supplementary Planning Document Access For All (April 2006)
Supplementary Planning Document Sustainable Building Design (May 2009)
Sustainable Community Strategy [March 2009]

INFORMATION

a) Summary

Statutory Return Type: Major Development

Site Area 6.2 Ha.

Car Parking	Standard	740
	Justified	740
	Provided	740

Council Interest: None

b) Site Description

- The northern boundary of the site abuts the rear garden boundary to homes along the southern side of Whitchurch Lane. The western boundary of the site follows the line of the trees adjacent to the Edgware Brook, which is set back from Honeypt Lane. The southern boundary to the site adjoins industrial buildings in Parr Road The eastern boundary to the site follows the Jubilee Line embankment and a fence enclosing an associated electrical sub-station.
- The southern area of the site was previously occupied by Ministry of Defence offices, which have now been demolished. The northern area of the site was previously occupied by DVLA offices, which have now been demolished.

c) Proposal Details

On 18th May, 2010, condition 17 (Phased Car Parking Provision) of planning permission P/2317/06 was part discharged, to allow the occupation and use of car parking spaces for the 56 affordable dwellings for social rent as part of Phase 2 to the north of the site. The applicant now seeks the complete discharge of Condition 17. Due to the recently poor economic climate, the applicant now intends to build Phases 3, 4, 6 and 8 of the overall development first of all. The multi-storey car park to be built to the south of the site will not now be constructed and ready for use until August 2011. This delay is due to insufficient funds being generated to progress site infrastructure A temporary car park, (planning application P/2777/09), will provide a "stop gap" on site parking solution, until the multi-storey car park is built. The construction of the multi-storey car park would allow the transfer of car parking from the temporary car park and for it to be dismantled, in order that Phases 5 and 7 can be built.

d) Relevant History

P/2317/06	Redevelopment to provide 816 residential units (including 40% affordable housing); 959SQM Class A1/A2/A3/A4/A5/D1 and D2 floorspace; 7,927SQM of Class B1 (A) (B) (C) floorspace, including a Business Incubator Centre; creation of a new access on to Whitchurch Lane; and associated flood alleviation, landscaping, car parking and highway works.	ALLOWED ON APPEAL 12-NOV-07
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P/3204/08	Variation of condition 17 (Phased Parking) of planning permission P/2317/06 to read as follows 'No dwelling shall be occupied until a phased parking solution has been submitted to, and approved by, the local planning authority in accordance with an approved phasing sequence and the approved parking plan for 740 cars.'	GRANTED 14-OCT-08
P/2563/09	Part discharge of condition 17 (Phased Parking) of planning permission P/2317/06 for the 56 affordable dwellings for social rent as part of Phase 2 to the north of the site	GRANTED 18-MAY-10

e) Applicant Statement

- This application is supported by a letter dated 12th March, 2010, which is summarised below:
 - The applicant has stated that they achieved “sufficient” sales on this site during the summer of 2008 with Phase 1. Unfortunately, following this, no further sales were achieved until September 2009, when a sales suite was constructed on the site.
 - Since the sales suite was opened, a “steady rate” of sales have been achieved. Nevertheless, according to the applicant, this is well below “practical levels”.
 - The disappointing rate of private housing sales has meant that the release of further private units to build would not be commercially viable. Having commenced work on the site, St Edward Homes are committed to the delivery of homes at Stanmore Place. Following discussions with their RSL, the applicant intends to deliver much needed affordable housing ahead of ahead of the provision of private units.
 - The applicant now intends to build Phases 3, 4, 6 and 8, due to these four phases providing predominantly affordable housing, for which the applicant has a contract to meet with A2Dominion. Adopting this strategy, the applicant will maintain build continuity, continuous employment for local contractors and provide much needed affordable housing.
 - A temporary car park, (planning application P/2777/09), will provide a “stop gap” on site parking solution, until the multi-storey car park is built. The multi-storey car park proposed with the scheme allowed at appeal in 2007, is not, according to the applicant, likely to be built until August 2011. The disappointing rate of private housing sales, due to the recent economic climate and the provision of affordable housing, has not generated sufficient funds to progress site infrastructure.
 - The construction of the multi-storey car park would allow the transfer of car parking from the temporary car park and for it to be dismantled, in order that Phases 5 and 7 can be built.

f) Consultations

Highways Engineer ~ no objection raised to the complete discharge of condition 17 or the provision of a temporary car park, (planning application P/2777/09), to provide a “stop gap” on site parking solution,

APPRAISAL

1) Condition 17

Condition 17 (Phased Car Parking Provision) of planning permission Ref: P/2317/06 allowed on appeal dated 12th November, 2007 states:

“No dwelling shall be occupied until a phased parking solution has been submitted and approved by the local planning authority in accordance with an approved phasing sequence and the approved parking plan for 740 cars.”

Overall, the phased parking solution for this site is acceptable. The temporary car park, (planning application P/2777/09), is also part of the June Committee agenda, and it would provide a “stop gap” on site parking solution, until a multi-storey car park is built.

CONCLUSION

The temporary car park would allow much needed affordable housing to be provided earlier in the scheme than it was intended when the appeal was originally allowed, which would allow the overall scheme to succeed. 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**.

INFORMATIVES

1 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.

Plan Nos. 26244-(00)020, 4313/CP/ESK/01 Rev.A, 130597/40-14 Rev.P4, (PL)007 Rev.A, Letter dated 12th March, 2010 and e-mail dated 10th May 2010.

Item: 1/09

FORMER CASE IS ALTERED PUBLIC HOUSE, 74 HIGH STREET, WEALDSTONE HA3 7AF

P/2241/09/SL

Ward WEALDSTONE

REDEVELOPMENT TO PROVIDE THREE-TO-SIX-STOREY BLOCK OF 33 FLATS, 447SQM OF A1 RETAIL FLOOR SPACE AND CYCLE PARKING.
[RESIDENT PERMIT RESTRICTED]

Applicant: FRUITION PROPERTIES
Agent: DALTON WARNER DAVIS
Statutory Expiry Date: 07-JAN-10

RECOMMENDATION

INFORM the applicant that:

1. The proposal is acceptable subject to the completion of a legal agreement within six months of the date of the Council's decision, to include the following Heads of Terms:
 - i) **Affordable Housing Provision:** The developer to submit to the Council's Housing Enabling Team for its approval an updated financial viability appraisal [i.e. the most up to date development costs and anticipated sales value of the residential units] prior to occupation of 80% of the residential units hereby permitted. If required, the developer to pay for the Council to have an independent review of the viability assumptions made in the financial appraisal submitted by the developer. In the event that the viability appraisal submitted by the developer [or the Council's independent review of the appraisal] shows a surplus residual land value, the developer to pay 50% of the surplus value to the Council as a contribution towards the provision of affordable housing in the borough;
 - ii) **Resident Permit Restricted:** All residents and users of the development shall be ineligible for resident parking permits;
 - iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
 - iv) **Planning Administration Fee:** Payment of **£500** administration fee for the monitoring of and compliance with this agreement.
2. A formal decision notice to **GRANT** permission for the development described in the application and submitted plans and materials, subject to referral to the Mayor of London [and any required planning conditions as a consequence of that referral] and planning conditions will be issued upon completion by the applicant of the aforementioned legal agreement.

REASON

The proposed development would contribute to the development of the site within this District Centre through the introduction of quality housing and ground floor A1 use. The proposal would deliver a commercial use on the ground floor with residential accommodation above and would assist the local economy through the provision of increased footfall and consumer spending, in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6 and Harrow UDP Policies EP20 and H7.

The proposal would result in a modern, contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for existing and future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered acceptable.

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]

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.'

In this instance, the Development Plan comprises the London Plan 2008 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

The London Plan [2008]:

- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 4A.1 Tackling climate change
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

SEM2 Hierarchy of Town Centres
EM7 Redevelopment of Retail Premises
EM16 Change of Use of Shops – Primary Shopping Frontages
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings
EP25 Noise
D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
D7 Design in Retail Areas and Town Centres
D9 Streetside Greenness and Forecourt Greenery
D10 Trees and New Development
D11 Statutory Listed Buildings
D29 Street Furniture
D30 Public Art and Design
H7 Dwelling Mix
T6 The Transport Impact of Development Proposals
T13 Parking Standards

Other Relevant Guidance:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
Harrow's Sustainable Building Design SPD [May 09]
Harrow's Accessible Homes SPD [Mar 10]
Harrow's Access for All SPD [Apr 06]
Harrow's Sustainable Community Strategy [Apr 09]

- 1) **Principle of Development and Land Use**
The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.
London Borough of Harrow UDP 2004: D4, D10.
- 2) **Design and Character of the Area**
The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.
London Borough of Harrow UDP 2004: D4, D10.
- 3) **Residential Amenity**
London Borough of Harrow UDP 2004: EP25, D5.
- 4) **Housing Provision and Density**
The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5.
- 5) **Parking and Highway Safety**
London Borough of Harrow UDP 2004: T6, T13
- 6) **Accessible Homes**
The London Plan 2008: 3A.5
London Borough of Harrow UDP 2004: Accessible Homes SPD [Mar 10] and
Access For All SPD [Apr 06].

- 7) **Retail Policy**
London Borough of Harrow UDP 2004: SEM2, EM7, EM16
- 8) **Flood Risk Assessment**
PPS25
- 9) **S17 Crime & Disorder Act**
London Borough of Harrow UDP 2004: D4
- 10) **Consultation Responses**

INFORMATION

a) Summary

Statutory Return Type:	Major Development Setting of a Listed Building
Site Area:	1,197 sqm
Density	693 HRH [83 Habitable Rooms]
Car Parking:	0
Lifetime Homes	33
Wheelchair Standards	4
Council Interest:	None.

b) Site Description

- Existing two-storey building with habitable roof space, formerly known as The Case is Altered Public House;
- Rectangular site bounded by High Street to the west and George Gange Way to the east;
- Building frontage off High Street set back from main shopping parade with hard surfaced forecourt to the front;
- Site is within Wealdstone District Centre;
- Former Case is Altered Public House is identified in Harrow's UDP [2004] as part of a Primary Shopping Frontage;
- To the south of the site is Boots retail unit;
- To the north of the site is the two--storey Wealdstone Police Station, a Grade II Listed Building;
- Harrow and Wealdstone Train and Underground Station is situated approximately 300m away;
- George Gange Way is a designated London Distributor Road and acts as a by-pass around the District Centre.

c) Proposal Details

This scheme [as part of the same application] has been reduced by three units from the originally submitted proposal containing 36 units, as a consequence of a review of the design. The proposal would now provide 33 units and commercial use on the ground floor:

- 13no. x one-bed flats;
- 20no. x two-bed flats; and
- Ground floor retail [A1] use.

d) Relevant History

P/1673/08	REDEVELOPMENT TO PROVIDE 24 FLATS IN 3 SEPARATE BLOCKS RANGING BETWEEN 4 AND 6 STOREYS IN HEIGHT; 352 SQUARE OF RETAIL FLOOR SPACE [USE CLASS A1] AT GROUND FLOOR LEVEL [RESIDENT PERMIT RESTRICTED]	REFUSED 02-OCT-08 APPEAL DISMISSED 11-MAY-09
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Reasons for Refusal

1. The proposal represents an over intensive use of the site by reason of poor design, excessive mass and bulk and would appear to be visually obtrusive in the street scene, thereby not making a positive contribution to the overall built environment, contrary to HUDP policy D4 and PPS 3.
2. The block fronting on to the High Street would adversely affect the character of the Grade II Listed Building next door by reason of poor design and scale, contrary to HUDP policy D4 and D11.
3. The proposed development fails to fully comply with lifetime homes and wheelchair access because there is no provision for disabled parking to the detriment of the residential amenity of the future occupiers, contrary to Accessible Homes SPD, HUDP policy D4 and 3A.5 of the London Plan.

e) Pre-Application Discussion

Pre-application comments dated 17 August 2009 confirmed the agreement in principle that the revised scheme was a significant improvement on the previous-refused proposal. Pre-application discussions with the Council have been favourable toward the redevelopment of the site for mixed retail and residential development.

f) Consultations

Environment Agency

Object to the grant of planning permission. Requirement for an acceptable Flood Risk Assessment.

English Heritage

No objection.

Thames Water

No objection.

Environmental Health

Deconstruction/Construction:

Details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimised.

A Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network.

Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects, based on the Department of Environmental Services' Code of Deconstruction and Construction Practice, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.

REASON: To protect the amenities of nearby residents and commercial occupiers from on site works.

Noise:

1) No vehicle connected with the works to arrive on site before 08:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays unless agreed otherwise in writing by the local planning authority.

2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

3) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control:

1) All waste arising from any ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No fires to be lit on site at any time.

- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
- 4) All building materials shall be stored within the site.

Sound Insulation:

1. A test of compliance should be carried out in accordance with BS EN ISP 140-4 1998 "Field measurements of airborne sound insulation between rooms" all test results should be rated in accordance with SB EN ISO 717-1: 1997 "Rating of sound insulation in buildings and of building elements. Part 1 Airborne sound insulation"

2. A test of compliance should be carried out in accordance with BS EN ISP 140-7 1998 "Field measurements of impact sound insulation of floors" all test results should be rated in accordance with SB EN ISO 717-2: 1997 "Rating of sound insulation in buildings and of building elements. Part 2 impact sound insulation"

The certificate of compliance should be submitted to the planning authority for approval before the development is occupied.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

Landscape Architect

Unacceptable landscaping / amenity space provision. Note Japanese Knotweed on-site and should not be allowed to spread. It should be regarded as controlled waste and has to be disposed of at licensed sites. It requires assessment and proposal as to how the weed would be dealt with.

Drainage Services

The proposals include development in close proximity to a tributary of The Wealdstone Brook. This will prejudice flood defence interests and adversely affect the character of the watercourse, and restrict necessary access to the watercourse for maintenance.

Land Drainage Act 1991 Byelaw 10

No Obstructions within 5 Metres of the Edge of the Watercourse.

No person shall, without the previous consent of the Council shall erect any building or structure whether temporary or permanent or plant any tree, tree shrub, willow or other similar growth within 5 metres of the landward toe of the bank where there is an embankment or wall within 5 metres of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 5 metres of the enclosing structure.

The proposed development is shown to be built within the flood plain of the Wealdstone Brook and lies within an area of land liable to flood as shown on maps held by the Environment Agency. The construction may be at risk of flooding, and may increase the risk of flooding elsewhere The applicant should ensure that the structure is designed to mitigate the effects of any possible flooding on site or elsewhere.

The applicant's attention should be drawn to Planning Policy Statement 25: Development and Flood Risk (PPS25) as a reference for flood risk development.

Conditions if recommended for GRANT:

The development should not be permitted until flood mitigation measures and / or a Flood Risk Assessment [FRA] that form part of the proposals are included and submitted to and approved by the EA and LPA.

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.

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.

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.

Highways Engineer

No objection.

Advertisement: Major Development
Setting of Listed Building

Notifications:

Sent: 50 Replies: 1

Summary of Responses:

One response received objecting to the proposal on grounds of insufficient provision for car parking spaces within the development.

APPRAISAL

1) Principle of Development and Land Use

The principle of development of the site is considered acceptable having regard to the existing built form on-site as well as the designation of the site in Harrow's UDP 2004 as a District Centre and Primary Shopping Frontage.

A scheme for mixed-use comprising ground floor retail [A1] with 24 flats above [eight as affordable housing] between four and six storeys was refused by the Council on 2 October 2008 citing, design, bulk, impact on listed building and non-compliance with lifetime homes standard. An appeal was subsequently lodged and dismissed on 11 May 2009. The Inspector concluded that the proposal would be detrimental to the street scene and the setting of the listed building. The Inspector also concluded that car parking provision, in regard to disabled spaces should not be an issue if it were not provided in any future proposals by reason of the site being within a highly accessible town centre location.

The applicant has revised the proposal, which is the subject of this application, incorporating the Inspector's comments and reasons for refusal. It is on this basis, which a scheme for ground floor A1 use with a residential component above is acceptable in principle.

2) Design and Character of the Area

PPS1 states that development should respond to their local context and create or reinforce local distinctiveness. Planning Policy Statement 3 advises that design in residential development should be *'Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.'*

Explanatory paragraph 4.10 of Policy D4 of Harrow's UDP 2004 states that, *'New development should contribute to the creation of a positive identity for the area through the quality of building layout and design and should take account of the character and landscape of the locality.'*

Explanatory paragraph 4.11 of Policy D4 in Harrow's UDP 2004 states that *'All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street.'*

It is considered the proposal would represent an effective development of a brownfield site and would introduce active frontages to both High Street and George Gange Way, improving the urban pattern of the surrounding area. Simultaneously, the proposal would be sympathetic to the character and appearance of the neighbouring Grade II Listed Building [Wealdstone Police Station]. The character of the surrounding area comprises a mixture of uses and architectural types within the retail shopping parade of the Wealdstone District Centre, residential blocks of flats on George Gange Way and the Police Station. It is considered that the design of the proposal would complement the key make up of the surrounding areas and would represent a good design approach to address the mixed character of the surrounding area.

The proposal is made up of a single block, set back from High Street from the and would incorporate varying heights with four storeys [ground plus three] fronting High Street, lowering to three storeys as the central core area and rising to six storeys fronting George Gange Way. This stepped approach relates to the surrounding character of the buildings which are relatively modest in two-to-three storeys along High Street but increase in height facing George Gange Way, particularly the new residential development on the corner of George Gange Way and High Street which is also six storeys.

The proposed High Street frontage would have a suitable relationship with the neighbouring two-storey, Grade II Listed Building. Where it is taller, it would be considerably set back. Materials have been conditioned to ensure the local planning authority would be satisfied with the appearance of the development and that the materials would not detract from the character or setting of the listed building.

The proposed redevelopment would result in bringing forward the building line to that of the existing shopping parade fronting High Street. This would infill the existing gap of the street frontage and complete the shopping parade, providing a continuous building line. This is considered to benefit the character and appearance of the street scene. Fronting George Gange Way, the creation of the six-storey residential element and habitable rooms orientated towards the street gives this part of the highway an active frontage where historically, there has been none.

The proposed development would represent a contemporary design and an appropriate use of this brownfield site while maintaining the character and setting of the neighbouring listed building. Accordingly, the scale, layout and design of the proposal would comply with Policies 4B.1 and 4B.4 of the London Plan 2008; Policies D4 and D5 of Harrow's UDP 2004, and Harrow's Supplementary Planning Guidance: Designing New Development 2003.

3) Residential Amenity

Amenity provision is considered satisfactory for a high-density residential development within the town centre. The amenity space involves a courtyard, a terrace and the provision of balconies to most flats.

Due to a design-led approach taken by the applicant, it is considered there will be no significant issues in regard to overlooking or loss of privacy within the development. The design avoids bedroom windows from one block facing bedroom windows from another and the same applies for living rooms to living rooms. The reasoning behind this approach to that bedrooms and living rooms are typically used at different times of the day.

On-site play space provision would be inadequate to meet the requirements set out in the London Plan SPG on Providing for Children and Young Peoples Play and Informal Recreation [March 2008]. Notwithstanding, with regards to off site amenity space, the site is within 400m walking distance to Byron Recreation Ground and approximately 1,000m to Kenton Recreation Ground.

It is considered that future occupants are most likely to use these two parks. Internal space standards are considered appropriate and the stacking of rooms within each unit is considered well-designed.

The proposed refuse collection area is 24m from the High Street. Current planning guidance does not set a maximum distance from store to collection point.

Overall the proposed development is considered to comply with Policy D5 of Harrow's UDP 2004 and SPG on Designing New Development [March 2003].

4) Housing Provision and Density

The proposal would represent 33 units to Harrow's housing stock, which would make a positive contribution in meeting annual housing targets for the Borough. This aspect of the development is therefore supported. The scheme would provide:

- 13no. x one-bed flats;
- 20no. x two-bed flats; and
- Ground floor retail [A1] use.

As part of a mixed-use development, the proposal would result in a density of 693HRH, based on a site area of 1,197 sqm and 83 habitable rooms. Although the density levels are in excess of those recommended by Policy 3A.2 and Table 3A.3 of the London Plan 2008, this would not justify a reason for refusal alone. The site is within the District Centre in a highly accessible location and higher density developments are considered appropriate in such locations.

The applicant has submitted a Toolkit to demonstrate that affordable housing provision as part of this proposal is not financially viable. Housing's analysis of the submitted Toolkit indicate that a cascade mechanism be part of any s106 legal agreement to govern the provision of such housing should economic circumstances change.

Accordingly, the proposal is considered to comply with policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11 of the London Plan 2008 and Policy H7 of Harrow's UDP 2004.

5) Parking and Highway Safety

The proposed development would represent a car-free scheme. The applicant proposes cycle storage to accommodate 33 cycles. Given the site's location to a wide range of public transport links and with a PTAL rating of 4, it is considered that a car-free scheme is appropriate in this location. To ensure the development does not result in an increase in on-street parking in the immediate vicinity future occupants will be ineligible to apply for resident parking permits.

Accordingly, the proposal is considered to comply with Policies T6 and T13 of Harrow's UDP 2004.

6) Accessible Homes

The proposed development is considered to comply with the Accessible Homes SPD (April 2006), which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case all 33 units are to meet the Lifetime Homes Standards, furthermore 4 of the units would be built to meet the Wheelchair Homes Standards meeting Harrow UDP 2004 and London Plan 2008 policy requirements. Whilst the scheme is car-free, parking bays are available in the High Street and could be used by 'Blue Badge' holders.

The retail unit shall also be constructed to provide level access to accommodate the needs of disabled customers and / or employees.

Accordingly, the proposed development is considered to comply with Policy 3A.5 of the London Plan 2008 and Harrow's SPDs on Accessible Homes [Mar 10] and Access For All [Apr 06].

7) Retail Policy

The proposed commercial unit at ground floor level on the High Street would be used for A1 purposes only. This approach is supported in principle, as it would reinforce the retail function of the Wealdstone High Street Primary Shopping Frontage. Currently, there is an over-representation of non-A1 uses in the Primary Shopping Frontage and the proposed retail use will have a positive impact on helping restore this imbalance.

8) Flood Risk Assessment

The applicant has submitted a revised Flood Risk Assessment [FRA], which requires the approval of Environment Agency before further consideration of this proposal. Currently, Environment Agency object to the proposal [at the time of writing this report] as the revised submission of the FRA has not yet been fully appraised. However, they have stated they would be in a position to provide a response to the re-submitted FRA before the Planning Committee of 9 June 2010. If Environment Agency confirm the acceptance of the revised FRA before the Committee date, this matter will be verbally reported at Planning Committee. Otherwise, this item will be removed from the Committee agenda to allow further consideration of the proposal on these grounds.

9) S17 Crime & Disorder Act 1998

The proposed design and layout offers adequate natural surveillance. Policy D4 of Harrow's UDP 2004 advises crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan 2008 seeks to ensure that developments should address security issues and provide safe and secure environments.

There are no details of lighting levels, car park security or door and window security. A condition is recommended to request that these details are submitted prior to first occupation of any part of the development.

10) **Consultation Responses**

Environment Agency

In the absence of an acceptable FRA [at the time of writing this report], Environment Agency object to the grant of planning permission. The applicant has submitted a revised FRA, which is currently being considered by Environment Agency. If Environment Agency confirm the acceptance of the revised FRA before the Committee date of 9 June 2010, this matter will be verbally reported at Planning Committee. Otherwise, this item will be removed from the Committee agenda to allow further consideration of the proposal on these grounds.

Environmental Health

Comments recommended as conditions and informatives to any planning permission.

Landscape Architect

Amenity provision is considered satisfactory for a high-density residential development within the town centre. The amenity space involves a courtyard, a terrace and the provision of balconies to most flats. A landscaping condition is recommended to secure some form of landscaping on-site.

Drainage Services

Comments recommended as conditions to any planning permission.

Neighbour Responses

One response received objecting to the proposal on grounds of insufficient provision for car parking spaces within the development. This is addressed in Section 5 of the Appraisal above.

Accordingly, the representation set out above has been addressed and is not considered to outweigh the extensive benefits that the proposed development would provide future occupiers of the development and to the District Centre.

CONCLUSION

The proposal would represent a satisfactory form of development, which would respect the character of the neighbouring area. The proposed design and scale and separation distances to existing nearby residential dwellings have been specifically considered. In consideration of the existing situation on-site in vacant form, the applicant's willingness to develop the site would benefit the local economy. It is considered this proposal is acceptable in planning policy terms.

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** subject to the following conditions and completion of the legal agreement.

CONDITIONS

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 the commencement of development, 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 before any part of the building is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be permanently retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy D4 of Harrow's UDP 2004.

3 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 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, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policy D4 and D5 of Harrow's UDP 2004.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the occupation of any part of the building. Any 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 in accordance with policy D4 and D5 of Harrow's UDP 2004.

5 No site works or development other than demolition, substructure and drainage shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with policy D4 of Harrow's UDP 2004.

6 Prior to commencement of development hereby permitted, details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted 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 permanently retained.

REASON: To safeguard the appearance of the locality, to ensure that quality of design is maintained in accordance with policy D4 of Harrow's UDP 2004.

7 The development hereby permitted shall not be occupied until a scheme for the storage and disposal of refuse / waste has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with policy D4 of Harrow's UDP 2004.

8 The development hereby permitted shall not commence 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 in accordance with policy D4 of Harrow's UDP 2004.

9 The development of any buildings hereby permitted shall not commence 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 in accordance with policy D4 of Harrow's UDP 2004.

10 The development of any buildings hereby permitted shall commence 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 in accordance with policy D4 of Harrow's UDP 2004.

11 The development hereby permitted shall not commence until details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 20% or such percentage which is feasible from on-site renewable energy generation and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7 and policy D4 of Harrow's UDP 2004.

12 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.

13 The development hereby permitted shall not be occupied or used until all the works detailed in the application, with the exception of the retail unit fit out, have been completed in accordance with the consent unless otherwise agreed in writing with the Local Planning Authority.

REASON: To preserve the historic interest of the adjacent listed building and to ensure a satisfactory form of development in accordance with policy D11 of Harrow's UDP 2004.

14 The residential units hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards and provide 4 units to be built to Wheelchair Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' and 'Wheelchair Home' standard housing in accordance with policy D4 of Harrow's UDP 2004.

15 Prior to commencement of development, details of obscured glazing for all of the balconies shall be submitted to and approved in writing by the local planning authority. Such details as approved shall be implemented prior to occupation of any of the flats or the commercial unit and thereafter permanently retained.

REASON: In the interest of residential amenity in accordance with policy D4 of Harrow's UDP 2004.

16 Prior to commencement of development, the site shall be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey shall be submitted to the local planning authority. The survey must also note any Knotweed adjoining the site. Full details of a scheme for its eradication and / or control shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work on-site, and the approved scheme shall be implemented prior to first occupation of any part of the building.

REASON: To ensure the species would not affect the development of the proposal in accordance with policy D4 of Harrow's UDP 2004.

17 The development hereby permitted shall provide an integrated cable system for all of the units for satellite TV and broadband facilities without the requirement for any satellite dishes or antennae.

REASON: To prevent visual intrusion and in the interest of residential amenity in accordance with policy D4 of Harrow's UDP 2004.

18 Satellite dishes, antennae or other communications equipment are not permitted on any part of building hereby approved.

REASON: In the interest of visual intrusion in accordance with policy D4 of Harrow's UDP 2004.

19 Details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimised in accordance with policy T6 of Harrow's UDP 2004.

20 A Demolition Method Statement shall be submitted to and approved in writing by the local planning authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with policy T6 of Harrow's UDP 2004.

21 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects, based on the Department of Environmental Services' Code of Deconstruction and Construction Practice, has been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved scheme.

REASON: To protect the amenities of nearby residents and commercial occupiers from on-site works in accordance with policy EP25 of Harrow's UDP 2004.

22 A test of compliance should be carried out in accordance with BS EN ISO 140-4 1998 "Field measurements of airborne sound insulation between rooms" all test results should be rated in accordance with SB EN ISO 717-1: 1997 "Rating of sound insulation in buildings and of building elements. Part 1 Airborne sound insulation". A test of compliance should be carried out in accordance with BS EN ISO 140-7 1998 "Field measurements of impact sound insulation of floors" all test results should be rated in accordance with SB EN ISO 717-2: 1997 "Rating of sound insulation in buildings and of building elements. Part 2 impact sound insulation". The certificate of compliance shall be submitted to the local planning authority for approval prior to first occupation of any part of the development.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents in accordance with policy EP25 of Harrow's UDP 2004.

23 The retail unit shall be constructed to provide level access to accommodate the needs of disabled customers and / or employees.

REASON: To ensure access for all in accordance with Harrow's Access for All SPD.

24 The development hereby permitted shall be carried out in accordance with the following approved plans: A001; A002 REV B; A100; A101; A102 REV B; A103 REV B; A104 REV B; A105 REV B; A106 REV B; A107; A200 REV B; A201 REV B; A250 REV B; A251 REV B; A252 REV B; A253 REV B; A254 REV A; A255 REV A; A256 REV A; A257; and A300 REV B.

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

25 The development hereby permitted shall not commence beyond ground level damp proof course until details of under sink waste disposal units to be installed in each of the 33 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 food waste collection from the residential element and to ensure a sustainable form of development in accordance with policy D4 of Harrow's UDP 2004.

26 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 33 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 London Plan 2008.

INFORMATIVES

1 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:

The London Plan [2008]:

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing provision

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes.

- 3A.11 Affordable housing thresholds
- 4A.1 Tackling climate change
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

- SI 1 Implementation and Resources
- SEM2 Hierarchy of Town Centres
- EM7 Redevelopment of Retail Premises
- EM16 Change of Use of Shops - Primary Shopping Frontages
- EP20 Use of Previously-Developed Land
- EP21 Vacant and Disused Land and Buildings

EP25 Noise

- D4 Standard of Design and Layout
- D5 New Residential Development - Amenity Space and Privacy
- D7 Design in Retail Areas and Town Centres
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- D11 Statutorily Listed Buildings
- D29 Street Furniture
- D30 Public Art and Design
- T13 Parking Standards
- H7 Dwelling Mix

Sustainable Design & Construction: The London Plan Supplementary Planning Guidance [May 2006]

Providing for Children and Young People's Play and Informal Recreation: The London Plan Supplementary Planning Guidance [March 2008]

Supplementary Planning Guidance: Designing New Development [March 2003]

Accessible Homes Supplementary Planning Document [March 2010]

Access For All Supplementary Planning Document [April 2006]

2 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 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

4 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 (i.e. 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.)

5 In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

6 **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.

7 For the purposes of the avoidance of doubt demolition shall not constitute the commencement of development.

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8 The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

9 The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

10 All waste arising from any ground clearance and construction processes to be recycled or removed from the site.

11 No fires to be lit on site at any time.

12 All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

13 All building materials shall be stored within the site.

Plan Nos: A001; A002 REV B; A100; A101; A102 REV B; A103 REV B; A104 REV B; A105 REV B; A106 REV B; A107; A200 REV B; A201 REV B; A250 REV B; A251 REV B; A252 REV B; A253 REV B; A254 REV A; A255 REV A; A256 REV A; A257; and A300 REV B.

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

THE BUNGALOW, ALMA ROW, HARROW, HA3 6HN **Item: 2/01**
P/2746/09/GL

Ward HARROW WEALD

REDEVELOPMENT: CONSTRUCTION OF THREE TWO STOREY HOMES WITH PARKING SPACES AND LANDSCAPING; DEMOLITION OF EXISTING BUNGALOW

Applicant: Mr M Kanbi

Agent: Saloria Architects

Statutory Expiry Date: | 15-FEB-10

RECOMMENDATION

Had an appeal not been lodged against non-determination of the application, the Council would have been minded to GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON:

The decision to GRANT planning permission has been taken as the proposal would provide good quality additional housing in the borough that would comply with Lifetime Homes standards and having regard to the policies and proposals of the London Plan 2008 and 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:

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing

London Plan:

- 3A.1 – Increasing London's supply of housing
- 3A.2 – Borough housing targets
- 3A.3 – Maximising the potential of sites
- 3A.5 – Housing choice
- 4A.7 – Renewable Energy
- 4B.1 – Design principles for a compact city
- 4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- EP12 – Control of Surface Water Run-off
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)
Supplementary Planning Document, Accessible Homes (2006)
Sustainable Planning Document, Sustainable Building Design (2009)
Draft London Housing Design Guide (2009)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Principle of Development and Character of the Area (London Plan 3A.1, 3A.2, 3A.3, 4B.1, 4B.8, D4, D5, D9, EP12, SPG)
- 2) Residential Amenity, including Lifetime Homes (London Plan 3A.5, D4, D5, C16, SPD)
- 3) Parking/Highways Considerations (T6, T13)
- 4) Sustainable Development (4A.7, SPD)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

Following a Members' site visit on 14th April 2010 the application was deferred at Committee on 21st April 2010 to allow Officers to discuss alternative car parking arrangements to those proposed with the Applicant and the Council's Highways Engineer. The Applicant subsequently appealed against the non-determination of the application, prior to any discussions having taken place. As a result of the appeal, the Council cannot now determine the application. A decision therefore needs to be made, on the basis of the original plans, as to whether or not planning permission would have been granted had an appeal not been submitted. This will then form the basis of the Council's case on appeal.

a) Summary

Statutory Return Type:	Minor Dwellings	
Lifetime Homes	3	
Wheelchair Homes	0	
Parking	Standard	3.6
	Provided	3
Residential Density	48 dph / 238 hrph	
Council Interest:	None	

b) Site Description

- The application site is a rectangular plot (approximately 20m x 30m) on the north side of Alma Row at its junction with Elm Terrace, which contains a single-storey family dwelling house.
- Both Alma Row and Elm Terrace are private unmade streets
- Alma Row has a recently-built three-storey block of 14 flats on the north-eastern side near the junction with High Road, with two two-storey blocks of two purpose-built flats immediately adjacent to the application site. The south side of Alma Row has the rear gardens of properties on High Road and Weighton Road, together with a development of three two-storey blocks of two purpose-built flats arranged off an access road between Alma Row and Weighton Road
- Elm Terrace comprises 19 two-storey Victorian terraced houses on its western side. The southern part of the eastern side of Elm Terrace has the return frontage of the application site, with the rear of the High Road bus depot beyond

c) Proposal Details

- Demolition of existing single-storey dwellinghouse
- Construction of a terrace of three two-storey dwellinghouses facing onto Alma Row with a single parking space, vehicular access and landscaping in each of the front gardens
- The terrace would be a total of 17.7m long and 10.1m deep (maximum), with each house having a two-storey bay window.
- The terrace would have a hipped roof with a ridge height of 7.8m.
- The houses would each have a living/dining room, a kitchen and a WC on the ground floor and three bedrooms (one with en-suite) and a bathroom on the first floor
- Refuse storage for the two end houses would be in the rear gardens, with the refuse storage for the centre house in a shielded enclosure

Revisions to previous application:

Following the previous refusal of planning permission (reference P/2878/08), the following amendments have been made:

- Number of proposed dwellinghouses reduced from five to three
- Orientation of development changed from facing onto Elm Terrace to facing onto Alma Row
- Accommodation in roofspace removed
- Integral garages removed

Revisions to current application:

The following amendments have been made to the current application:

- Number of proposed dwellinghouses reduced from four to three.

d) Relevant History

HAR/9823	Erection of bungalow	GRANTED 29-OCT-54
HAR/9823/A	Erection of bungalow and garage	GRANTED 03-DEC-54
HAR/9823/C	Increase height of flank wall	GRANTED 07-MAY-56
HAR/13145	Refused 17-Jul-1957	REFUSED 17-JUL-57
LBH/2932	Erection - 8 flats, pair s/d houses and detached house and garages	REFUSED 07-FEB-68

Reason for Refusal:

The proposal represents an overdevelopment of the site

LBH/2932/1	Erection – 6 flats, pair of semi detached houses and detached house with garages – outline	GRANTED 18-APR-68
P/2878/08	Redevelopment: Construction of five two-storey terraced homes with accommodation in the roof space and integral garages; demolition of existing bungalow	REFUSED 23-OCT-08 APPEAL DISMISSED 08-SEP-09

Reasons for Refusal:

- The proposal, by reason of inappropriate siting, excessive site coverage, poor design and inappropriate materials, would represent an overdevelopment of the site, and would fail to respect the local context of development, to the detriment of the character and appearance of the area and the visual and residential amenities of neighbouring occupiers, contrary to policy D4 of the Harrow Unitary Development Plan (2004).
- The proposal, by reason of poor design and inappropriate siting, would result in overlooking of the rear gardens of neighbouring properties, to the detriment of the residential amenities of neighbouring occupiers, contrary to policies D4 & D5 of the Harrow Unitary Development Plan (2004).
- Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s) and the amenity of neighbouring residents, contrary to policies D4, T6, and T13 of the Harrow Unitary Development Plan (2004).
- The proposal would result in the unacceptable loss of trees of significant amenity value which, in the opinion of the local planning authority, would be detrimental to the character and appearance of the locality, contrary to policies D4, D9 and EP29 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

PAT/ENQ/4023/2/7/2008 (Part 2, part 3 storey building to provide 9 x 1 & 2 bed flats)
Overdevelopment of site – considered to be excessive in scale and massing, and 3 storeys height would be out of keeping with modest scale of adjacent residential development in Elm Terrace and Alma Row

PAT/ENQ4023/17/07/2008 (6 x 3-bed dwellings)

Design considered bulky and blocky, too big for this modest corner site and completely out of scale with neighbouring residential properties. Proposal for a maximum of 2-3 units or a block of 4 flats more likely to be acceptable

PAT/ENQ/00005/20/1/2009 (4 x 3-bed dwellings)

Boundary to boundary width still considered excessive and visually obtrusive, particularly on Elm Terrace frontage

Excessive hard surfacing to front with minimal landscaping provision considered unacceptable

Parking frontage should have a minimum of 4.8m, proposal varies between 3 – 4.5m

Obtrusive refuse storage – refuse storage should be designed as an integral part of the buildings or sited at side or rear

Suggest site can take a maximum of 2 to 3 small houses to allow reasonable spacing to boundaries and a more satisfactory appearance in the streetscene

Whilst the proposal appears to comply with Part M (Building Regulations), it does not comply with Lifetime Homes standards – each unit should comply with all relevant Lifetime Homes Standards

f) Applicant Statement

- Site has good public transport links and local facilities; design of properties would respect the scale of development in the locality; new dwellings would conform to Lifetime Homes standards

g) Consultations

Thames Water: Developer needs to make proper provision for surface and foul water drainage. Storm flows need to be attenuated. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

Drainage Engineers: Conditions regarding foul and surface water drainage and surface water storage and attenuation required.

Landscape Architect: Conditions regarding hard and soft landscaping, including permeable driveways, required

Highways Engineers: If one parking space is provided per dwelling there is no objection

Planning Arboricultural Officer: Previous trees on site have been removed

First Notification:

Sent : 48

Replies : 7

Expiry : 13-JAN-10

Plus petition with 29 signatures

Neighbours consulted:

1 – 7 (odd) Weighton Road

435, 465 High Road

Azure, 465 High Road (14 flats)

3, 4, 5, 6 Ravenscourt, Alma Row

6 – 12 (even) Alma Row

1 – 19 (consecutive), Elm Terrace

Summary of Responses:

- Overdevelopment; parking pressure in unadopted road; loss of light to properties in Elm Terrace; risk of flooding from pressure on drains; lack of landscaping on Elm Terrace boundary; damage to road surface during construction; no access to Boxtree Park as stated in Design and Access Statement; danger to pedestrians; insufficient access for emergency vehicles; out of character with area

Second Notification (amended proposal):

Sent: 48

Replies: 12

Expiry: 23-FEB-10

Plus petition with 20 signatures

Summary of Responses:

Overdevelopment; parking pressure in unadopted road; loss of light to properties in Elm Terrace; risk of flooding from pressure on drains; lack of landscaping on Elm Terrace boundary; damage to road surface during construction; no access to Boxtree Park as stated in Design and Access Statement; danger to pedestrians; insufficient access for emergency vehicles; out of character with area; change in proposal should warrant a fresh planning application

APPRAISAL

1) Principle of Development and Character and Appearance of the Area

The principle of the redevelopment of this site for residential purposes is considered acceptable, subject to consideration of a number of relevant strategic, local and supplementary planning policies.

Alma Row and Elm Terrace were among the first areas to be developed in this part of Harrow Weald. Maps from 1896 show terraced houses on the west side of Elm Terrace and the north side of Alma Row.

Although all the terraced houses that used to occupy Alma Row before World War 2 have now been demolished and redeveloped into either purpose-built flats or, in the case of the application site, a bungalow, the original terraced houses on Elm Terrace have remained largely unaltered since the nineteenth century. Although these houses are neither statutorily nor locally listed, and are not in a Conservation Area, they retain a distinctive character and are of historic interest. Any development proposal in the vicinity of these cottage-style dwellings should respect the built form of the terrace, as required by London Plan policy 4B.8 and UDP policy D4.

The previous refused application, P/2878/08, involved a proposal for five terraced houses facing Elm Terrace. This would have contrasted with the historical arrangement in which the original terraced houses in Alma Row were aligned to face Alma Row. Although the Inspector, in dismissing the appeal against that refusal, did not comment on the orientation of the then proposed terrace, he did concur with the Council's reason for refusal relating to the cramped nature of the proposed development and the overdevelopment of the site.

This current application would provide three two-storey terraced dwellinghouses facing onto Alma Row. This would, in officer's opinion, better reflect the historical arrangement of development in the area.

The proposal would result in three two-storey houses that would be centrally located within the plot. The terrace would have space at either end, which would maintain an element of space around the development.

An indicative landscaping scheme for the front garden is shown on the submitted drawings. Approximately half of the front gardens would be given over to car parking. Subject to a detailed hard and soft landscaping scheme being approved and implemented, it is considered that this would provide a reasonable level of streetside greenness and forecourt greenery, as required by saved policy D9 of the UDP.

Between the refusal of the previous application and the Inspector's site visit, the applicants removed the mature trees and hedging on the Elm Terrace boundary of the site. These trees, which were not worthy of statutory protection, nevertheless provided a useful screen to the site, and made a significant contribution to streetside greenery in this location. Any proposed landscaping scheme would need to include the provision of trees or hedges on the Elm Terrace boundary to mitigate the impact of the development on that boundary and to improve streetside greenness.

The refuse storage arrangements for the two end dwellinghouses would be in the rear gardens. This is considered acceptable. The refuse storage for the central dwellinghouse would be at the front of the house, in an area below the WC window. This position is considered acceptable, although full details of any screening enclosure for these bins would need to be submitted and approved in writing before the development commences to ensure that it would have a satisfactory appearance.

The proposed site coverage of the dwellinghouses has been optimised. Therefore, in order to restrict extensions of the dwellinghouses, and to limit the coverage of land by buildings and hard surfaces, a condition removing permitted development rights in Classes A, B, D, E and F has been attached.

Neighbouring occupiers have expressed concerns about the capacity of the drains in Elm Terrace and Alma Row to cope with additional surface and foul water. Connection to public sewers is a matter that is covered by other legislation. However, the sewerage undertaker has the right to impose conditions on flow rates into the public sewers. Notwithstanding this, saved policy EP12 of the Harrow Unitary Development Plan requires that appropriate attenuation measures should be incorporated in all development generating surface water run-off. To this end, conditions requiring surface and foul water drainage, together with surface water storage and attenuation details, to be approved and implemented before the development of buildings on the site have been attached.

2) Residential Amenity, including Lifetime Homes

The room sizes in the proposed dwellinghouse would meet the needs of the intended occupiers and would comply with the previously adopted Environmental Health Standards and the Draft London Housing Design Guide (2009).

The internal arrangements of the proposed new dwellings are considered acceptable, and conform to the requirements of Lifetime Homes, as required by saved policy C16 of the Harrow Unitary Development Plan, London Plan policy 3A.5 and the adopted SPD, "Accessible Homes".

Saved policy D5 of the UDP requires new residential development to provide an adequate area of amenity space as a usable amenity area for the occupiers of the development. Although the UDP does not have minimum sizes for garden areas, the reasoned justification, at paragraph 4.30, states that the form and amount of usable amenity space that should be provided in new development will depend on the character of the surrounding area and the configuration of the site.

The house nearest Elm Terrace would have a rear garden area of approximately 110 sq.m, and the other two houses would have rear garden areas of approximately 90 sq.m. These garden areas are comparable with other properties in the area and are considered acceptable.

The proposed terrace would comply with the horizontal 45 degree code with respect to the neighbouring block of maisonettes, Nos. 6 & 8 Alma Row. The proposed dwellings would have windows only to the front and rear and would not result in overlooking of neighbouring properties.

The flank wall of the proposed terrace facing the properties in Elm Terrace would be 10.1m from the front windows in Elm Terrace at its closest point. This complies with the vertical 45 degree code with respect to these properties and would not result in overshadowing of the dwellings in Elm Terrace. The proposed terrace would have a hipped roof, which would lessen the impact of the bulk of the proposed terrace and it is considered that the proposed development would not have an overbearing impact on the occupiers of the properties in Elm Terrace.

3) Parking/Highways Considerations

Each of the proposed dwellinghouses would have a single off-street parking space. This is less than the maximum permitted by schedule 5 attached to saved policy T13 of the UDP. Given the level of public transport accessibility in the area, this is considered adequate.

Both Alma Row and Elm Terrace are private unmade roads. There have been representations regarding the effect that the development would have in terms of overspill parking resulting from the development itself, and the loss of existing on-street parking facilities in Alma Row itself.

The Inspector, in dismissing the appeal against the earlier refusal, noted that both Alma Row and Elm Terrace are heavily parked and that the existing arrangement has the potential for pedestrian and vehicle conflicts given the restricted manoeuvrability and the volume of parked vehicles.

In that refused scheme, the proposed garages would not have been adequate to accommodate a single car without overhanging onto the highway.

In the current scheme, the proposed parking areas would each be adequate to accommodate a car, and the previous concerns have largely been addressed. It is considered that the proposed parking arrangements are adequate. The number of associated vehicle movements with two additional dwellings would not have any significant highway safety implications, especially as the condition of the highway does not lend itself to driving at high speed.

The control of parking on these private roads would be outside the remit of the Council, and the impact of the development is not considered to warrant refusal on these grounds.

In addition to the concerns about overspill parking, concerns have been raised about potential damage to the roadway. As both Alma Row and Elm Terrace are private roads, this would be a private matter between the developer and the frontagers.

4) Sustainable Development

The Design and Access Statement makes some reference to sustainable building techniques and methods of reducing the environmental impact of the proposed development.

Harrow Council has recently approved a new Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

It is considered that the Sustainable Building Design Vision contained within the SPD can be adequately addressed by the imposing of a condition on the proposed development which would satisfactorily address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes or Buildings Research Establishment Environmental Assessment Method (BREEAM) standards.

5) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

6) Consultation Responses

Overdevelopment; risk of flooding from pressure on drains; lack of landscaping on Elm Terrace boundary; out of character with area – *these issues have been addressed in the Character and Appearance of the Area section of the appraisal above*

Loss of light to properties in Elm Terrace – *this issue has been addressed in the Residential Amenity section of the appraisal above*

Parking pressure in unadopted road; damage to road surface during construction; danger to pedestrians; insufficient access for emergency vehicles – *these issues have been addressed in the Transport Impact section of the appraisal above*

No access to Boxtree Park as stated in Design and Access Statement – *although there is no direct access from Elm Terrace to the Recreation Ground, the Recreation Ground is a short walk from the application site, and this error is not considered sufficient to warrant refusal of the scheme.*

Change in proposal should warrant a fresh planning application – *the applicant is free to amend a planning application during the course of its consideration. All neighbours were consulted on the revised scheme.*

CONCLUSION

The principle of the development, which involves a reduced scheme of three units, is considered acceptable. The proposal would provide three additional Lifetime Standard homes for the borough that would not have a detrimental impact on the residential amenities of neighbouring occupiers. Conditions have been attached to ensure that the dwellinghouses are not extended and that the privacy of neighbouring occupiers is maintained.

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, this application is recommended for grant:

CONDITIONS

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 and 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 extension / building(s)

b: the ground surfacing

c: the boundary treatment

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 development hereby permitted shall be carried out in accordance with the following approved plans:

8164-00-P0; 8164-09-P1; 8164-10-P5; 8164-11-P6; Design and Access Statement

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

4 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, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

5 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 5 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.

6 Development of the proposed dwellinghouse, hereby permitted, shall not be commenced until the applicant has demonstrated that the development will achieve the appropriate level to meet the Code for Sustainable Homes or BREEAM Standards. To this end, the applicant is required to provide certification and other details submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

REASON: To ensure that the proposed development is sustainable.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

9 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.

10 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.

11 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.

12 The development hereby permitted shall not commence until a scheme for:

a: the storage and disposal of refuse/waste

has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

13 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

14 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

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.

15 The vehicular access hereby permitted shall not be used until a fence or wall of a maximum height of 600mm has been provided on the remainder of the property frontage, such fence or wall to be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

16 The development hereby permitted shall not be occupied or used until all the works detailed in the application have been completed in accordance with the permission granted unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory form of development.

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 – Increasing London's Supply of Housing

3A.2 – Borough Housing Targets

3A.3 – Maximising the potential of sites

3A.5 – Housing Choice

4A.7 – Renewable Energy

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)

Supplementary Planning Document, Accessible Homes (2006)

Draft London Housing Design Guide (2009)

2 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.

3 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

4 INFORMATIVE:

There may be public sewers crossing / adjacent to the site, so any building within 3m of the sewers will require an agreement with Thames Water Utilities. 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: 0645 200 800

5 INFORMATIVE:

Note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

6 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.

Plan Nos: 8164-00-P0; 8164-09-P1; 8164-10-P5; 8164-11-P6; Design and Access Statement

1 DEWSBURY CLOSE, PINNER, HA5 5JG

Item: 2/02

P/0465/10/HG

Ward: RAYNERS LANE

EXTERNAL ALTERATIONS TO FRONT ELEVATION; CONVERSION OF GARAGE TO HABITABLE ROOM; SINGLE AND TWO STOREY REAR EXTENSIONS

Applicant : Mr Jim Murphy

Statutory Expiry Date: 23-APR-10

RECOMMENDATION

The decision to **GRANT** permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 set out below, Supplementary Planning Guidance, Extensions; A Householders Guide (2008) and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The proposed development is considered acceptable and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

London Plan:

4B.1 Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

Supplementary Guidance/ Documents

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

MAIN CONSIDERATIONS AND POLICIES (London Plan & saved policies of the Unitary Development Plan (2004))

- 1) Character and Appearance of the Area (London Plan 4B.1, D4, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is referred to committee as a petition containing a total of 14 signatures objecting to the proposal has been received.

a) Summary

Statutory Return Type: 21 - Householder Development

b) Site Description

- Two storey semi-detached interwar period, dwellinghouse with a cat-slide roof design, front ground and first floor bay windows and an integral garage.
- Dewsbury Close is characterised by dwellinghouses of this design.
- The adjoining dwellinghouse to the north is no.2 has been historically extended through a single storey rear conservatory extension.
- The southern side boundary of the site property is shared with the rear gardens of properties of Church Avenue which are also two storey semi-detached dwellinghouses.
- No.58 Church Avenue, whose rear elevation faces the side elevation of the dwelling, is approximately 18m from the existing boundary.
- Nos. 54 and 56 which would be most directly affected by the proposal have their rear elevations some 21m from the dwellinghouse at no.1.

c) Proposal Details

- Conversion of the garage to a habitable room and external alterations to the front elevation to replace the garage door with a window and brick infill.
- Two storey rear extension in line with the flank wall to a depth of 3m and a width of 5.1m. This extension would be set off the common boundary with no. 2 by 3.2m.
- This element would have a hipped roof with a crown in order to not rise above the existing roof ridge.
- Single storey rear extension adjacent to the attached dwelling at no.2 with a flat roof to a height of 2.9m.
- This extension would have a depth of 3m on the boundary with no.2 and, after 2.4m, would extend a further 1.15m to 3.55m across the remainder of the rear elevation of the building.
- The single storey rear element to the rear of the two storey rear extension would have a flat roof.
- No flank windows or doors are proposed.
- Windows and doors in the rear elevation.

d) Relevant History

P/2618/09	TWO STOREY/ EXTENSION, FIRST FLOOR SIDE EXTENSION, SINGLE AND TWO STOREY REAR EXTENSIONS, FRONT PORCH, EXTERNAL ALTERATIONS AND MODIFICATIONS TO EXISTING REAR DORMER	WITHDRAWN 25-JAN-10
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e) Applicant Statement

None

f) Consultations

Pinner Association: No response received.

Notifications:

Sent: 11	Replies: 3 plus one petition containing a total of 14 signatures in objection to the scheme	Expiry: 22-APR-10
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Neighbours consulted: 48-60 Church Avenue (even numbers), 2, 11 and 12 Dewsbury Close.

Consultations included:

- The Pinner Association – No response

Summary of Responses:

Respondents objected on the grounds of the size, scale and height of the extension, loss of light, outlook and a generally overbearing impact for dwellings and gardens. Objectors also referred to the development being out of character, with the area, that it would lead to negative impacts on plants and trees and that it would lead to overlooking of their properties.

APPRAISAL

1) Character and Appearance of the Area

Supporting paragraph 4.11 of saved policy D4 of the Harrow UDP (2004) states that new development should respect the building form, massing and proportion amongst other design elements. In addition to this paragraphs 2.2 A and 2.3 of the adopted SPG – Extensions (2008) state that, depending on site circumstances, additions should be subordinate to, and reflect the character of the original house and that an extension should have a sense of proportion and balance, both in its own right and in its relationship to the original building and should not dominate the original building.

Notwithstanding the objectors concerns, it is considered the extensions would not be disproportionately large in relation to the host building and that they would not dominate the original building. The ridge of the first floor extension is set below the main ridge and would appear clearly subservient to it. Additionally, the depth of the first floor element of the extension at 3m is considered to be in proportion with, and be complimentary to, the original depth of the dwelling which is some 8.5m. It is acknowledged that there may be some impact on the rear gardens of adjacent properties, particularly Nos 54 and 56 Church Avenue. However, given the length of the gardens of these properties and the relatively open nature of the area, it is not considered that the impacts on these properties would be sufficient to justify refusal of the scheme.

The proposed extensions and external alterations are considered acceptable and would not significantly harm the character or appearance of the area. The extensions would be compatible with the style of the original building and would comply with saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Guidance – Extensions: A Householder Guide (2008).

Given the above considerations, it is considered that the development would be an appropriate addition to the dwelling and can be supported.

2) Residential Amenity

Saved policy D5 of the Harrow UDP (2004) states that new residential development should maintain adequate separation distances to site boundaries in order to protect the privacy and amenities of the surrounding occupiers. It is considered that the proposed roof extensions would be sited at an adequate distance to mitigate any unreasonable harm to the amenities of the surrounding occupiers.

It is considered that the separation distances from the extension to properties of Church Avenue would be adequate and that the two storey rear extension would not appear overbearing or obtrusive when viewed from these properties. It is also noted that the extension is located to the north of properties on Church Lane so that sunlight to these neighbouring properties would not be significantly affected.

Privacy concerns from neighbours are noted with regard to fenestration on the side elevation. It is noted that the application includes two windows at first floor level on the flank wall, both of which currently exist. It is acknowledged that a secondary window which serves the rear bedroom would be lost on the rear elevation as a result of the development. It is further noted that this is smaller and appears to be secondary to that on the side elevation and as such, whilst there may be some increase in use of this window, this is not considered to be significant. As such, on balance, it is considered that any increase in overlooking would not be significant.

The first floor extension of the dwelling would comply with the 45 degree rule contained within Supplementary Planning Guidance due to its set in from the common boundary with no. 2 Dewsbury Close. It is not considered that there are any site specific circumstances which would require additional constraints, and that the attached dwelling would not suffer any significant detriment through loss of light or restricted outlook.

The proposed single storey rear extension would, on the common boundary with no. 2 Dewsbury Avenue, comply with the 3m restriction contained within Supplementary Planning Guidance. Whilst it would step out to a depth greater than generally acceptable, given the relationship with properties to the south and the distance from their rear elevations, it is considered that in this instance, the single storey rear extension can be supported.

3) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

4) Consultation Responses

Concerns of objectors in regards the size, scale, height and appearance, and any losses of outlook or light as a result of the proposal have been addressed in part 1 (Appraisal) of this report. The Appraisal section also addresses concerns raised in terms of the development being out of character with the area.

With regard to trees and other plants being affected by the development it is noted that there are no protected trees within the site or on surrounding properties. Should the proposed development be approved and implemented, legislation outside of planning control such as the Party Wall Act 1996 would be more appropriate in addressing these concerns.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations as set out above, the application is considered the proposal would respect the character and scale of the original dwellinghouse without having an adverse impact on the character and appearance of the area or residential amenities of surrounding occupiers. The application is therefore recommended for grant.

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 2008 and the saved policies of the Harrow Unitary Development Plan 2004 set out below, Supplementary Planning Guidance, Extensions; A Householders Guide (2008) and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The proposed development is considered acceptable and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

London Plan:

4B.1 Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

CONDITIONS

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 and Country Planning Act 1990.

2 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 appearance of the locality and in order to comply with saved Policy D4 of the London Borough of Harrow Unitary Development Plan 2004.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the southern flank wall of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and in order to comply with saved Policy D5 of the Harrow Unitary Development Plan 2004.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: LBH/10/1/02B and Site Plan.

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

INFORMATIVES:

1 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.

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.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos. LBH/10/1/02B; Site Plan

Item: 2/03

UNIT 5, WHITEFRIARS INDUSTRIAL ESTATE, TUDOR ROAD, HARROW, HA3 5QD

Ward WEALDSTONE

CHANGE OF USE FROM INDUSTRIAL USE TO ENGINEERING SKILLS AND TRAINING USE (CLASS D1)

Applicant: Harrow College

Agent: David Kann Associates

Statutory Expiry Date: 14-JUN-10

RECOMMENDATION

The proposed use is considered to be acceptable, having regard to the specific circumstances of this case, and would help support the delivery of the Sustainable Community Strategy. 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:

Planning Policy Statement 1: Delivering Sustainable Development (2006)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

London Plan:

2A.10 – Strategic Industrial Locations

3B.4 – Industrial Locations

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

EM14 – Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Access for All (2006)

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Principle of Development (PPS1, PPS4, 2A.10, 3B.4, EM14, C7)
- 2) Residential Amenity (D4, EP25)
- 3) Traffic and Parking (T6 and T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

The application is reported to Committee as the proposal constitutes a departure from the development plan.

a) Summary

Statutory Return Type: Minor Development, all other
Council Interest: None

b) Site Description

- The subject site is an end of terrace building located on the eastern side of Tudor Road within the Whitefriars Industrial Estate. The building, which has a gross internal floorspace of 458sqm is currently vacant, but has permission for 'light industrial' use.
- Whitefriars Industrial Estate is safeguarded in the UDP as part of the Wealdstone Preferred Industrial Location and the Wealdstone Industrial Area is safeguarded as Harrow Preferred Industrial Location in the London Plan.
- There is a large open car parking area to the front of the building.
- The neighbouring buildings are occupied as follows: Unit 4 by Middlesex Bar and Cleaning Supplies, Unit 3 by Nagle Flooring, Unit 2 by Plumbase and Unit 1 is a training facility for Harrow College.
- The Industrial Estate is bounded to the east by Whitefriars First and Middle School playing field.
- The surrounding area is characterised by large industrial buildings and open space.

c) Proposal Details

- Change of use from existing industrial unit (with 458sqm gross internal floorspace) to an engineering skills and training facility (use class D1) for Harrow College. 'Whitefriars Training Centre'
- The proposal would require internal alterations to form two class rooms, a workshop, reception and office, social area and toilets/changing facilities.
- There would be a maximum of 50 students at peak times
- Opening hours: Monday to Thursday inclusive 7.30am to 9.30pm, Friday and Saturday 7.30am to 6.30pm and the occasional Sunday 10am to 4pm when weekend courses are run.

d) Relevant History

Unit 5

LBH/18495/E	Ten industrial/warehouse units and parking provision	GRANT 05-MAR-81
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EAST/433/93/F UL	Satellite dish on rear elevation	GRANT 14-DEC-93
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Unit 1

P/0969/09	Change of use from industrial use to engineering skills and training use (Class D1).	GRANT 29-JUN-09
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e) Pre-Application Discussion

None specific to this site, but PAM/ENQ/00048 related to Unit 1

Pre application meeting 23rd April 2009 and subsequent letter dated 11 May 2009

Summary of discussion:

Proposal conflicts with Policy EM14 of the UDP and represents a departure from the plan, the proposal was considered to have merit and be acceptable in principle.

- Appropriate location with building at the end of row with parking provision, close to public transport links.
- Nature of the use acceptable (industrial training) within an industrial area

f) Applicant Statement

- Proposed development is for an engineering skills and training facility
- Need to provide additional training courses following the success of Harrow College's skills centres at Forward Drive and at Unit 1.
- Internal alterations necessary to create workshop and classrooms with associated facilities (no external alterations required)
- Maximum 50 students at peak times

g) Consultations:

Highways Engineer – Change of use acceptable therefore no objection.

Advertisement:	PUBLISHED: 06-MAY-10	EXPIRY: 27-MAY-10
	POSTED: 29-APR-10	EXPIRY: 20-MAY-10

Notifications:

Sent: 31	Replies: 1	EXPIRY: 18-MAY-10
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Neighbours consulted:

Units 1, 2, 3, 4, 6, 7, 8, 9, 10 Whitefriars Trading Estate

1, 1a, 1b, 1c, 1d, 1e, 2, 3, 3a Tudor Gardens

2a Tudor Road

93, 95, 95a, 97, 99 Athelstone Road

7, 9 Barratt Way

Unit 4, 7, 9 Barratt Way Industrial Estate

Summary of Response:

- Additional pedestrian activity would increase accident risk within the Trading Estate

APPRAISAL

1) Principle of Development

There are no explicit policies within the Harrow Unitary Development Plan for the change of use of a light industrial use to an engineering training facility.

The site is located within a designated Industrial and Business Use Area as shown within the Harrow Unitary Development Plan (2004). Policy EM14 of the UDP states that Whitefriars Industrial Estate is part of the Wealdstone Preferred Industrial Location and outlines that the Council will resist the loss of land and buildings within this site from business, general industrial or warehousing uses. Although the proposed change of use to a training facility (Use Class D1) is a departure from the development plan, it is considered that given that the property currently has a light industrial use, a change of use to an engineering training facility would still be in character with the surrounding industrial area and would be an alternative use which would be acceptable within the Whitefriars Industrial Estate, as outlined in Policy EC11 of PPS4.

Although the proposed site is safeguarded as an industrial location, the proposed training facility would provide courses for engineering skills, and would supplement the facility already provided at Unit 1. The skills taught at the proposed facility are similar to the uses of the surrounding industrial estate.

The proposal would therefore help support the delivery of the Sustainable Community Strategy for Harrow. This sets out how the public sector partnership in Harrow will deliver that shared vision for the future. The Economic development (part 6) vision seeks to ensure that young people will be better prepared for life and work and there will be opportunities to relearn and retrain for all ages to meet skill demands for both current and future employment.

Furthermore, the proposal would provide an educational facility, which is supported by saved policy C7 of the UDP.

The proposed training facility would occupy a vacant building and support business development through the development of necessary skills. The use is considered consistent, in terms of character, with adjacent business uses. Whilst noting that the proposal represents a departure from planning policy EM14, the proposal is supported by policy EC11 of PPS4 and saved policy C7 of the UDP. In this case, the benefits of the proposal in terms of educational facilities, the employment benefits both for staff at the location and the future employment prospects of the students, are considered, in this case, to justify in principle, departing from saved policy EM14 for the site.

No external work is planned as part of this application. In this respect there would be no visual effect on the character and amenity of the area.

2) Residential Amenity

The premises are located within an established light industrial area where activities associated with engineering already exist. Although there would be an increased number of people visiting the building it is considered that it would not have an unreasonable level of harm to the neighbouring industrial sites.

As there are no residential properties that are adjacent to the subject site, it is considered that the proposed change of use would not result in an unreasonable impact to any residential properties within the wider area.

3) Traffic and Highway Safety/Parking

The plans indicate that there would be eight parking spaces on the forecourt of the site. The highways engineer has assessed the application and has no objection to the change of use. Although the change of use would result in an increased number of pedestrians accessing the unit, there is ample visibility within the site and the onus is on all parties, including students and the drivers of vehicles to exercise due care and attention and to ensure that safety within the Trading Estate is maintained. The industrial estate itself has good visibility and is relatively small (ten units) and would not generate large numbers of vehicle movements.

In terms of pedestrian safety and the free flow of traffic on the public highway, the proposal is considered acceptable.

In terms of parking, the surrounding area is heavily controlled, and parking within the estate is also controlled locally. This will assist in encouraging sustainable modes of travel by the students.

4) S17 Crime & Disorder Act (D4)

The proposal is not expected to have any impact in relation to this legislation.

5) Consultation Responses:

- Pedestrian safety concerns are addressed in Traffic and Highway Safety/Parking section of the appraisal above.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies, notwithstanding the objectives of the London Plan and Policy EM14 of the Harrow UDP, the use proposed, for reasons outlined above, is considered to be acceptable. Subject to planning conditions, especially to ensure that the use of the premises is not further opened up to encompass wider D1 class uses and users which would not deliver the business communities needs or community strategy aspirations, approval is recommended.

CONDITIONS

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 Unless otherwise approved in writing by the Local Planning Authority, the use hereby permitted shall be carried on only by Harrow College (or it's approved training supplier).

REASON: To reflect the particular circumstances of the applicant and ensure that the premises are returned to industrial use when no longer required for training and development by the applicant, in compliance with London Plan policies 2A.10 and 3B.4 and saved policies D4 and EM14 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the industrial nature of the site and the character of the locality, in compliance with London Plan policies 2A.10 and 3B.4 and saved policies D4 and EM14 of the Harrow Unitary Development Plan (2004).

4 The use hereby permitted shall not be open to students outside the following times:-

a: 0730 hours to 2130 hours, Monday to Thursday inclusive,

b: 0730 hours to 1830 hours on Fridays and Saturdays

c: 1000 hours to 1600 hours on Sunday when applicable

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in compliance with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

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:

Harrow Unitary Development Plan:

Planning Policy Statement 1: Delivering Sustainable Development (2006)

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

London Plan:

2A.10 – Strategic Industrial Locations

3B.4 – Industrial Locations

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

EM14 – Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Access for All (2006)

2 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.

3 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

Plan Nos: HC/WE/01; Design and Access Statement

Item: 2/04
10 HARTFORD AVENUE, KENTON, HA3 8SY P/0926/10/OS
Ward KENTON WEST
SINGLE STOREY DETACHED OUTBUILDING IN REAR GARDEN

Applicant: Mr and Mrs Varsani
Agent: Mr Paresh Hirani
Statutory Expiry Date: | 09-JUN-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

Reason: - The decision to **GRANT** planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed detached outbuilding would provide an appropriate form of development and preserve the character of the area without impinging on the amenity of neighbouring properties.

London Borough of Harrow Unitary Development Plan 2004
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance - Extensions: A Householder Guide (2008)

MAIN CONSIDERATIONS AND POLICIES (London Borough of Harrow Unitary Development Plan 2004 and any other relevant policy considerations)

- 1) Character and Appearance of the Area (D4, SPG)
- 2) Residential Amenity (D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to Committee as one of the applicants is employed by Harrow Council.

a) Summary

Statutory Return Type: Householder Development
Council Interest: None

b) Site Description

- The subject planning application applies to a property on the northern side of Hartford Avenue.
- The property contains a two-storey semi-detached dwellinghouse in pebbledash finish, which has not previously been extended. The dwellinghouse features a hipped, pitched roof profile and a double height projecting bay window on the front elevation.

- The rear garden of the application property extends approximately 25 metres in depth from the main rear wall of the dwelling. There is a small detached wooden outbuilding in the rear garden which is sited towards the rear wall of the dwelling.
- The rear garden is enclosed by close-boarded fencing to the east and west, while the rear boundary is comprised of wire fencing.
- The site is bounded by three properties –
 - No. 12 Hartford Avenue is the adjoining, western semi-detached dwelling, which features a single storey rear extension. The property features a detached outbuilding, sited towards the rear boundary of the property.
 - No. 8 Hartford Avenue is the semi-detached dwelling sited to the east of the application property. This property also features a single storey rear extension and a detached outbuilding, sited towards the rear boundary of the property.
 - Priestmead First and Middle Schools are sited to the rear of the application property.

c) Proposal Details

- It is proposed to construct a detached outbuilding in the rear garden of the application property.
- The rear wall of the proposed outbuilding would be sited 0.2 metres from the rear boundary of the site.
- The eastern and western flank walls of the proposed structure would abut the neighbouring boundaries with No's 8 and 12 Hartford Avenue.
- The structure would have a gable ended, pitched roof with a maximum height of 4 metres. The eaves height of the proposed outbuilding would be 2.3 metres.
- The flank walls of the proposed outbuilding would have a depth of 5.9 metres, while the front and rear walls of the structure would have a width of 7.2 metres.
- The front elevation of the proposed outbuilding which would face towards the rear elevation of the dwellinghouse would feature double doors and two window openings.
- The remaining elevations would not feature any fenestration.
- Brick elevations and a tiled roof are proposed

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations:

Notifications:

Sent: 3

Replies: 0

Expiry: 10-MAY-10

Neighbours Consulted:

Hartford Avenue: No.'s 8, 12
Priestmead First and Middle Schools

Summary of Response:

- None Received

APPRAISAL

1) Character and Appearance of the Area

The proposed single storey detached outbuilding would not be visible within the streetscene, but would however be visible from the Priestmead First and Middle Schools, sited to the rear of the property.

Ancillary outbuildings are common features in the rear gardens of the neighbouring residential properties. A number of the neighbouring outbuildings are of similar size and scale to the proposed outbuilding. It is considered subject to a condition requiring the approval of materials, that the proposed outbuilding would have a satisfactory relationship with buildings in the surrounding area and would have a minimal impact on the visual amenity of the area, thereby complying with saved policy D4 of the Harrow UDP.

2) Residential Amenity

The rear garden of the property extends approximately 25 metres in depth, beyond the main rear wall of the dwelling. The rear gardens of the neighbouring properties extend to a similar depth as this rear garden. Both of the neighbouring properties, No. 8 and No. 12, feature outbuildings in their rear gardens which are sited in a similar position to the siting of the proposed outbuilding. As a result, it is therefore considered that there would be no undue impact in terms of loss of light or overshadowing of the neighbouring properties, No. 8 and No. 10, or harm in terms of loss of outlook.

The outbuilding would be sited 0.2 metres from the rear boundary of the site which adjoins Priestmead First and Middle Schools and it is considered that no undue overbearing or overshadowing impact would result on this neighbouring property to the rear.

The front elevation of the outbuilding facing towards the back of the application dwelling would feature a double doors and two window openings. There are no windows proposed in the rear or flank walls of the building and it would not therefore give rise to direct overlooking or loss of privacy for neighbouring properties. It is considered that a condition is necessary to ensure that no windows are installed in the rear and flank walls in the future, in the interests of the amenities of neighbouring residents. It is also considered that a necessary condition is required to ensure that the use of the proposed outbuilding would remain incidental to the use of the main dwellinghouse.

The front wall of the proposed outbuilding (which would face towards the rear wall of the main dwelling) would be sited approximately 18 metres from the rear wall of the main dwelling. Sufficient useable rear garden amenity space would thereby be retained as a result of this proposal.

It is considered that the proposed detached outbuilding would not unreasonably affect the residential amenities of the neighbouring properties and that the proposal would be compliant with saved policy D5 of the Harrow UDP and Supplementary Planning Guidance: Extensions (2008).

3) S17 Crime & Disorder Act

It is considered that the proposed development would not have any adverse crime or safety concerns.

4) Consultation Responses

None received.

CONCLUSION

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, the application is considered to provide an appropriate form of development, without unduly infringing upon the amenity of neighbouring occupiers. The application is therefore recommended for grant:

CONDITIONS

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 and 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: outbuilding

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, in accordance with saved policy D4 of the Harrow Unitary Development (2004)

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows/doors shall be installed in the flank and rear walls of the detached outbuilding hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved policy D5 of the Harrow Unitary Development (2004)

4 The outbuilding hereby permitted shall be used only for purposes which are incidental to the enjoyment of the dwellinghouse

REASON: To safeguard the amenity of neighbouring residents, the character of the locality and to prevent any over intensive use of the site, in accordance with saved policies D4 and D5 of the Harrow Unitary Development (2004)

5 The development hereby permitted shall be carried out in accordance with the following approved plans: 58-001-PL

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

INFORMATIVES

1 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.

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.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE:

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

4 INFORMATIVE:

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.

Plan Nos: 58-001-PL

37 GERARD ROAD, HARROW, HA1 2NE **Item: 2/05**
P/0638/10/GL
Ward GREENHILL
SINGLE STOREY FRONT TO SIDE INFILL EXTENSION; CONVERSION OF GARAGE
TO STORAGE AND UNTILITY ROOM; REPLACEMENT STEPS TO GARDEN

Applicant: Mr Jake Bender
Agent: Mr Yahya Salman
Statutory Expiry Date: 20-MAY-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions

REASON:

The decision to GRANT planning permission has been taken as the proposal represents a typical form of householder development that would be in keeping with the character and appearance of the area and would not be detrimental to the residential amenities of neighbouring occupiers and having regard to the policies and proposals of the London Plan 2008 and 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:

Planning Policy Statement 1 – Delivering Sustainable Development

London Plan:

- 4B.1 – Design principles for a compact city
- 4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (London Plan, 4B.1, 4B.8, D4, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is referred to Committee as the applicant is related to a member of staff.

a) Summary

Statutory Return Type: Householder Development

Council Interest: None

b) Site Description

- The property is a two-storey semi-detached dwellinghouse on the northwest side of Gerard Road
- The property has a single-storey detached garage at the side with a gated access leading to the rear
- The property has a fall in levels of approximately 1.5m from the front to the rear, and the rear garden is at this lower level and accessed via a stairway near the boundary with No. 39 Gerard Road, the neighbouring unattached dwellinghouse. This is characteristic of properties in this part of Gerard Road
- The streetscene is characterised by two-storey semi-detached and detached dwellinghouses
- The street has residential parking controls in force

c) Proposal Details

- The proposal would involve the rebuilding of the existing garage such that it would extend from the boundary to the flank wall of the dwellinghouse, incorporating the space currently used as a side access
- The garage would be extended rearwards to provide a utility room, with its rear wall 6.4m from the front wall of the garage, and 3m from the rear building line of the dwellinghouse.
- The utility room would provide access to a new set of steps leading to the garden. The steps would be in the area between the flank wall of the dwellinghouse and the shared boundary and would not project beyond the rear building line
- The converted garage would have a garage style door at the front, and the utility room would have a door and a window at the rear.
- The side extension would have a 3m high flat roof, with a rooflight in the front portion of the roof and rooflights in the rear part

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations

Notifications:

Sent : 4

Replies : 0

Expiry : 30-APR-10

Neighbours consulted:

28, 35, 39 Gerard Road

15 Woodway Crescent

Summary of Responses:

- N/A

APPRAISAL

1) Character and Appearance of the Area

The proposal is for a typical form of householder development.

The conversion of the garage to a storage room would involve the provision of a wider garage style door. This would represent a minimal change to the existing front elevation and would maintain the character and appearance of the property and of the streetscene.

The loss of the garage would not involve the loss of any off-street parking space as the existing garage is only 2.13m wide and therefore unsuitable for car parking. The property benefits from an existing off-street parking space in front of the garage, which is deep enough to accommodate a family car.

The alterations at the rear of the property would not project beyond the rear of the neighbouring single-storey side extension and would also represent a typical form of householder development in the locality. The design would be sympathetic to the original dwellinghouse, and the single-storey side extension is considered acceptable in terms of the character and appearance of the area.

The dimensions of the proposed side extension, with a flat roof height of 3m, comply with the requirements of the Supplementary Planning Guidance on Householder Extensions and are considered acceptable.

The replacement stairs to the rear garden are required because of the change in levels between the front and the rear of the dwellinghouse. The proposed design is typical of other external staircases on this side of Gerard Road and is considered acceptable.

2) Residential Amenity

The proposed side extension would only have a window and a door facing the rear. This would not result in overlooking of neighbouring properties and is considered acceptable in terms of the residential amenities of neighbouring occupiers.

The rooflights on the proposed side extension have the potential to be overlooked. However, there are no habitable windows on the flank wall of the neighbouring property (No. 39 Gerard Road), and any potential overlooking of the subject site would be minimal.

The external staircase could result in some overlooking of the rear gardens of neighbouring properties. However, there would be no change from the existing situation, and therefore no additional harm would arise from the revised staircase. It is therefore considered that the proposal would have no adverse impact on residential amenities.

3) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

4) Consultation Responses

None

CONCLUSION

The development would be typical form of householder development that would be in keeping with the character and appearance of the area and would not be detrimental to the residential amenities of neighbouring occupiers and is therefore considered acceptable.

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, this application is recommended for grant:

CONDITIONS

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 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 appearance of the locality, in compliance with saved policy D4 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: "Site Plan; 37/P/01; 37/P/02; 37/P/03; 37/P/04; 37/BC/05; 37/BC/06; 37/BC/07; 37/BC/08"

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

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.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)

2 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.

3 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

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Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos: Site Plan; 37/P/01; 37/P/02; 37/P/03; 37/P/04; 37/BC/05; 37/BC/06; 37/BC/07;
37/BC/08

Item: 2/06
GARAGES ADJACENT TO MAYFIELD P/2327/09/NR
HOUSE, MAYFIELD AVENUE, HARROW,
HA3 8EX

Ward KENTON WEST
CHANGE OF USE FROM LOCK UP GARAGES TO OFFICES (SUI GENERIS TO CLASS B1) WITH EXTERNAL ALTERATIONS

Applicant: Mr S Randhawa and Others
Statutory Expiry Date: 01-JAN-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to grant planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for business use, as well as to all relevant material considerations including any comments received in response to publicity and consultation. The proposed use is considered to be acceptable and appropriate for its town centre location. The proposed external alterations to the building would improve the appearance of this back of shops area and the proposed use would have an acceptable impact on the amenities of neighbouring residents and on local highway conditions.

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth

The London Plan 2008:

2A.1 – Sustainability Criteria
3B.2 – Office Demand and Supply
3D.1 – Supporting Town Centres
3D.2 – Town Centre Development
4A.22 – Spatial Policies for Waste Management
4B.1 – Design Principles for a Compact City

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout
D7 – Design in Retail Areas and Town Centres
D10 – Trees and New Development
EP25 – Noise
EM22 – Environmental Impact of New Business Development
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C16 – Access to Buildings and Public Spaces
Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)
Supplementary Planning Document: Access For All (2006)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Principle of Development (PPS1, PPS4, 2A.1, 3D.1)
- 2) Character and Appearance of the Area (4A.22, 4B.1, D4, D7, D10, EM22; SPG:Extns)
- 3) Residential Amenity (EM22, EP25, SPG:Extns)
- 4) Employment and Retail Policy (PPS4, 3B.2, 3D.1, 3D.2)
- 5) Traffic and Parking (T6, T13, EM22)
- 6) Accessibility (C16, SPD:Access)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is reported to the Committee because of three petitions totalling 97 signatures in objection. It was deferred from the meeting of the 21st April 2010 for a Committee Site visit.

a) Summary

Statutory Return Type: 14. Minor Offices
Council Interest: None

b) Site Description

- Single storey row of 12 vacant lock up garages, occupying land between a service road and the gardens of residential dwellings on Mayfield Avenue.
- The site is located within Kenton Local Centre, at its northern edge and forms a transitional zone between the principal town centre development and the suburban residential dwellings.
- To the south east is the service road to the rear of the parade No.162-190 Kenton Road, a three storey parade comprising a mixture of retail and commercial uses, with residential flats above. The service road is accessed from Mayfield Avenue.
- To the south west is Mayfield House, a single storey building with habitable roofspace comprising an office on the ground floor, with a residential flat above. Beyond Mayfield House is Mayfield Avenue itself.
- To the north west of the site are the rear gardens of the residential dwellings on Mayfield Avenue.
- To the north east is Fitzgerald House, a 2/3 storey office building.

c) Proposal Details

- Change of use of the lock up garages to offices (Sui Generis to B1), to provide 165m² of office space including ancillary facilities.
- External alterations are proposed, replacing the existing garage doors with windows and timber screens. Two new doors are proposed, one in each of the end garages.
- An additional layer of insulation is proposed to the roof of the garages, which would raise the roof height by 150mm.
- The proposed offices would incorporate internal refuse storage, accessible toilet, cycle parking and shower facilities.
- The existing path to the north west of the garages would be retained as a rear yard.

d) Relevant History

P/2392/04/CFU	Detached 2 storey building to provide 6 office units (Class B1) and 6 studio flats	REFUSED 11-NOV-04
P/3171/04/DOU	Outline: Part single, part 3 storey building to provide 6 office units (B1) and 4 flats with parking	REFUSED 27-JAN-05 APPEAL DISMISSED 04-NOV-05
P/2811/05/DOU	Outline: Demolition of garages, single and 2 storey extension to 1a Mayfield Avenue to provide 4 flats and 7 office suites (Class B1)	REFUSED 23-JAN-06 APPEAL DISMISSED 02-OCT-06

e) Pre-Application Discussion

- N/A.

f) Applicant Statement

- Design and Access Statement.
- Travel Plan.

g) Consultations:

Notifications:

Sent: 156

Replies: 10 (including three petitions totalling 97 signatures in objection)

Expiry: 23-DEC-09

Addresses Consulted:

- 1-43 Mayfield Avenue;
- 1-42 Willowcourt Avenue;
- 2, 6, 11, 26 and 30 Carlton Avenue;
- 6 and 8 Becmead Avenue;
- 140-206 (even) Kenton Road (including flats above).

Summary of Response:

- Would adversely affect the service road and servicing of shops, including refuse storage;
- Would cause congestion and parking problems;
- Inadequate parking provision;
- Potential for noise and disturbance and pollution to residents;
- Loss of privacy, development would overlook gardens;
- There is already a lot of unoccupied offices in the area;
- The applicant has a history of breaching planning regulations;
- Could lead to the applicant applying for other developments at a later date;
- The proposal fails to comply with Building Regulations or Health and Safety Regulations;

- The proposed office building would be out of character with the area;
- The applicant does not own the strip of land between the garages and No.1 Mayfield Avenue;
- Potential impact on a coniferous tree in the rear garden of No.1 Mayfield Avenue;
- The proposed offices would provide inadequate accommodation for future occupiers;
- The proposed entrance door onto the service road would be unsafe;
- Inadequate provision for refuse storage.

APPRAISAL

1) Principle of Development

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and this is re-iterated in London Plan policy 2A.1. As the site currently comprises a row of lock up garages, it is considered to be previously developed land. The conversion and extension of an existing building is considered acceptable in principle, subject to the implications of the use proposed, which is discussed in more detail below. The principle of an office development is considered acceptable in this town centre location and would be consistent with the character of the area. An office (B1) use by definition should not be detrimental to the amenities of neighbouring residents.

2) Character and Appearance of the Area

The existing row of lock up garages has a dated appearance and does not contribute positively to the character and appearance of this service road. The proposed change of use to offices would introduce activity to this back of shops area, at a level appropriate to this edge of centre location. Concerns have been raised that the office use would be out of character in this location. However it is noted that Mayfield House, to the south west of the site and Fitzgerald House, to the north east, are both in use as offices and both occupy similar locations in the transitional area between the shopping parade to the south east and the residential properties to the north west. It is therefore considered that the proposed office use would be entirely appropriate in this location and consistent with the prevailing character of the area.

The proposed external alterations would result in an improved appearance, with the existing garage doors being replaced with timber screens and windows. A condition is imposed requiring samples of these materials to be submitted, prior to commencement of the development, to ensure that the materials used would have an acceptable appearance. As no new buildings or extensions are proposed, the proposed works would not adversely impact any nearby trees.

Refuse storage for paper waste is proposed within the offices and this is considered to be an appropriate arrangement. The small amount of additional waste that would arise from an office of this size is proposed to be stored within the existing arrangement at the front of Mayfield House, which is also within the applicant's ownership. Given the modest size of the office and the small amount of non-paper waste that would be generated, it is considered that the proposal to share the existing arrangement would be acceptable.

3) Residential Amenity

It is proposed to install additional insulation to the roof of the building, which would result in an increase in height of 150mm. It is considered that this marginal increase in height would not materially affect the amenities of the occupiers of the residential properties on Mayfield Avenue. The proposal would not result in overlooking of the Mayfield Avenue properties as no flank windows or roof terraces are proposed. It is proposed to use the pathway at the rear of the garages as a rear yard to serve the offices. There is a concern that this area may be used as an amenity or smoking area for the occupants of the offices. Accordingly, a condition is imposed requiring that this area be used only for maintenance of the building.

The proposed office use falls within the B1 use class which, by definition, would not be detrimental to the amenities of neighbouring residents. As discussed, the area between the shopping parades along Kenton Road and the residential properties on Mayfield Avenue is characterised by office uses. It is therefore considered that the scale of the proposed office use would not give rise to excessive activity and disturbance in relation to nearby residential premises. The proposal would therefore comply with criteria A and B of saved UDP policy EM22. Discussion of the remaining criteria is undertaken below.

4) Employment and Town Centre Policy

The proposal would introduce a new office use to this edge of centre location which, as discussed, is considered acceptable in principle in the context of PPS4. Concerns have been raised that there is vacant office accommodation in the locality. However, the proposal would provide a small scale office use, and in addition it is considered that, for a Centre of its size, Kenton does not have an over-provision office space. It is therefore considered that the proposed small scale office use would not be detrimental to the viability of existing offices in the Local Centre or other nearby centres, which are likely to attract different occupiers.

It is considered that the likely levels of activity generated from the proposed use would not adversely affect the function of the service road. The modest sized proposed office unit would not attract significant volumes of service traffic, and only 12 full time members of staff are likely to be employed. The proposal would therefore not adversely affect the vitality and viability of the existing shops and businesses along Kenton Road.

5) Traffic, Parking and Pedestrian Safety

The site is considered to be in an accessible location, close to local bus routes and Kenton London Underground Station. Whilst the garages themselves and proposed office unit would not incorporate off street parking spaces, there are three parking spaces on the frontage of Mayfield House, which is also within the application site. This would result in an over-provision of parking spaces, when the floor areas of the existing office at Mayfield House and the proposed offices are combined. This over-provision is considered to be acceptable, given that the three parking spaces currently exist and serve a smaller office area.

The applicant has submitted a Travel Plan to support the proposal and has amended the proposed floor plans to show an internal cycle storage area to encourage employees to cycle to work. As discussed, the site is well located for public transport links and is close to London Cycle Network Route 88. The Council's Highways Engineer and Sustainable Transport Co-ordinator consider that the submitted Travel Plan adequately addresses any potential concerns about the highways impact. Given the conclusions of the Travel Plan, it is considered that the proposed use would not result in an unacceptable increase in on street parking, nor would it be detrimental to highway safety. A condition is imposed to ensure that the proposals contained within the Travel Plan are implemented prior to occupation. The proposal would therefore comply with Criteria C of saved UDP policy EM22.

The entrance to the proposed offices would be located adjacent to the service road, although there is a low pavement with a width of 1.3 metres between the building and the service road. Given the scale of the proposed use, it is considered that the users of the offices would not be unduly affected in terms of pedestrian safety. The proposed entrance would have a similar siting to the neighbouring entrance to the first floor flat at Mayfield House and there would be an adequate footway for pedestrian use. It is considered that the number of deliveries associated with the proposed office use would not be so significant as to result in undue congestion in the service road.

The lock up garages are currently vacant and underused. They do not serve neighbouring properties for parking or storage purposes and the loss of these garages would therefore not be objectionable. The proposal would therefore comply with Criteria D of saved UDP policy EM22.

6) Accessibility

The proposed external alterations would incorporate level access from the service road pavement and an accessible toilet would be provided. It is therefore considered that the proposal would comply with the Council's SPD on accessibility and would be fully accessible to all.

7) S17 Crime & Disorder Act

It is considered that the proposal would not give rise to undue security concerns and would therefore be acceptable in relation to this legislation.

8) Consultation Responses

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

- The applicant has a history of breaching planning regulations: This is not a material consideration, as proposals are to be judged on their planning merits.
- Could lead to the applicant applying for other developments at a later date: This is not a consideration in relation to this application as the applicant is legally entitled to make further applications. Any further application would have to be assessed on its individual merits.
- The proposal fails to comply with Building Regulations or Health and Safety Regulations: These regulations are not material planning considerations.

- The applicant does not own the strip of land between the garages and No.1 Mayfield Avenue: The applicant has outlined this area in red on the submitted site plan, therefore declaring ownership of this land.
- The proposed offices would provide inadequate accommodation for future occupiers: This is not a material planning consideration, as it is covered by other legislation.

CONCLUSION

For all the reasons considered above, the proposed use is considered to be acceptable and appropriate for its town centre location. The proposed external alterations to the building would improve the appearance of this back of shops area and the proposed use would not have an adverse impact upon the amenities of neighbouring residents and on local highway conditions. The proposal is therefore recommended for grant, subject to the following condition(s):

CONDITIONS

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 and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 01, 02, 03 Rev A, Site Plan, Design and Access Statement and Travel Plan.

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

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the approved alterations 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 safeguard the appearance of the locality and to ensure compliance with saved UDP policy D4.

4 The rear yard as shown on the approved plans shall be accessed for maintenance only and shall not be used as an amenity area, without the further grant of specific permission from the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring residents and to ensure compliance with saved UDP policy EM22.

5 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class B1 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, the viability of the shopping parade and in the interests of highway safety, to comply with saved UDP policies D4, EM22 and T6.

6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage areas, as shown on the approved drawing.

REASON: To safeguard the appearance of the locality and to comply with saved UDP policy D4.

7 The Proposed Travel Planning Measures outlined within the approved Travel Plan shall be implemented upon occupation of the development hereby approved.

REASON: To ensure that employees and visitors are made aware of the travel options available, in the interests of highway safety and to ensure compliance with saved UDP policies T6 and T13.

8 The use hereby permitted shall not operate outside the following times:-

07.30 hours to 18.30 hours, Monday to Saturday inclusive and at no times on Sundays or Bank Holidays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to comply with saved UDP policy EM22.

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:

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

The London Plan Policies:

2A.1 – Sustainability Criteria

3B.2 – Office Demand and Supply

3D.1 – Supporting Town Centres

3D.2 – Town Centre Development

4A.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

D10 – Trees and New Development

EP25 – Noise

EM22 – Environmental Impact of New Business Development

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extensions: A Householder's 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.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: 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.

Plan Nos: 01; 02; 03 Rev A; Site Plan; Design and Access Statement; Travel Plan.

406-412 UXBRIDGE ROAD, HATCH END, P/0769/10/GL
HA5 4HP

Ward HATCH END

NEW THREE STOREY BUILDING AT REAR TO PROVIDE EXTENSION TO RESTAURANT AND ONE FLAT AT GROUND FLOOR LEVEL WITH THREE FLATS AT FIRST AND SECOND FLOORS; NEW CAR PARKING AT REAR WITH ACCESS FROM WOODRIDINGS CLOSE; CYCLE STORE; LANDSCAPING; DEMOLITION OF EXISTING GARAGES, WORKSHOP AND OFFICE (REVISED)

Applicant: Mr Andrea Surace
Agent: Alan Ward Architects
Statutory Expiry Date: 26-MAY-10

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans, subject to conditions

REASON:

The decision to GRANT planning permission has been taken as the proposal would provide good quality housing with a design that would introduce a new street scene into Woodridings Close, together with a typical form of commercial extension to ground floor restaurant premises, and having regard to the policies and proposals of the London Plan 2008 and the saved policies of 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:

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing
Planning Policy Statement 4 – Planning for Sustainable Economic Growth

London Plan:

3A.1 – Increasing London's supply of housing
3A.2 – Borough housing targets
3A.3 – Maximising the potential of sites
3A.5 – Housing choice
4A.7 – Sustainable Development
4B.1 – Design principles for a compact city
4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout
D5 – Residential Amenity
D9 – Streetside Greenness and Forecourt Greenery
EP11 – Development within Floodplains
EP22 – Contaminated Land
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)
Supplementary Planning Document, Accessible Homes (2010)
Sustainable Planning Document, Sustainable Building Design (2009)
Draft London Housing Design Guide (2009)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (4B.1, 4B.8, D4, D5, D9, SPG)
- 2) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPG, SPD)
- 3) Flood Risk (EP11)
- 4) Sustainable Development (4A.7)
- 5) Extensions to commercial premises, Contaminated land (D4, EP22)
- 6) Traffic and Highway Safety (T6, T13)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Minor Dwellings	
Site Area	780 m2	
Habitable Rooms	10	
Density	128 hrph, 51 dph	
Car Parking	Standard	6
	Justified	4
	Provided	4
Lifetime Homes	4	
Wheelchair Homes	0	
Council Interest:	Council owned site	

b) Site Description

- The application site comprises land within a three-storey designated parade in Hatch End local centre, which fronts Uxbridge Road and is partly adjacent to Leeway Close to the rear.
- The site has two restaurant units on the ground floor. The restaurant unit at 410/412 Uxbridge Road has a 19m deep single-storey rear extension. This extension is linked to an office building and four garages (which have been demolished) facing Woodridings Close, and with access from Woodridings Close.
- The other restaurant unit, 406/408 Uxbridge Road, has a 10m deep single-storey rear extension with a 20m deep open yard beyond.
- The residential premises on the upper two floors of the parade fronting Uxbridge Road have entrances from the rear with roof terraces over the single-storey rear extensions.
- The site also includes a single-storey workshop building (384e Uxbridge Road) adjacent to the open yard and to the rear of 402/404 Uxbridge Road. This workshop has an open area to the rear which leads to a private access area off Leeway Close.

- The open yard and workshop are separated from Leeway Close by a further workshop building (384d Uxbridge Road).

c) Proposal Details

- The workshop (384e) and office building would be demolished. The garages that formerly stood at the rear of the site have already been demolished.
- Single-storey rear extension to restaurant at 406/408 Uxbridge Road. The extension would be 21m deep and 6m wide (immediately to rear of restaurant) and 11.5m wide where it extends into the space currently occupied by the workshop at 384e Uxbridge Road. This extension would link to the three-storey element at the rear.
- The three-storey building at the rear of the site would be a maximum of 14.7m wide and 20.7m deep.
- The three-storey building would be a maximum of 9.7m high. The building would have one section with a 7.3m wide gabled roof structure running east-west and parallel with Leeway Close. It would also have a 13.2m long semi-hipped roof (ridge height 5.7m) parallel to Woodridings Close in the section nearer to the buildings on Uxbridge Road.
- The proposed building would have windows on the east and west elevations (facing towards Woodridings Close and the rear part of the properties in Uxbridge Road), including dormer type windows in the long roofslope parallel to, and facing, Woodridings Close.
- The three-storey building would have a one-bedroom flat on the ground floor at the rear of the building (the remainder of the ground floor would be part of the restaurant extension); two x two-bedroom flats on the first floor and one x one-bedroom flat on the second floor.
- One car parking space is proposed with access from Woodridings Close.
- A refuse store for the flats, with a 1m high wall and screened with a 2.6m high (from ground level) pergola, would be provided at the rear of the site
- A cycle store would be provided at the ground floor rear facing towards the access area behind the Uxbridge Road properties
- There would be two entrances to the flats; one facing Woodridings Close and one at the rear of the property. Each residential entrance would be close to a fire exit to the proposed restaurant.
- The ground floor flat would have a private garden space facing Woodridings Close

Revisions to previous application

Following the previous refusal of planning permission (P/3586/08), the following amendments have been made:

- Overall dimensions of three-storey structure at the rear reduced from 14.7m wide, 21.4m deep and 10.7m high to 14.7m wide, 20.7m deep and 9.7m high.
- Size of two-storey element reduced in length from 14.5m to 13.8m and reduced in height from 8.9m to 5.7m.
- Number of proposed flats reduced from six to four, with one x one-bedroom flat omitted from first floor and the size of second floor flat reduced from two-bedroom to one-bedroom

- First floor rear terrace facing the rear of the properties in Uxbridge Road omitted
- Number of car parking spaces reduced from four to one, with remainder of previous car parking area allocated to a garden for the ground floor flat.

d) Relevant History

406/408 Uxbridge Road

P/2460/05/DFU	Ground, first and second floor rear extension to provide six self-contained flats	REFUSED 25-NOV-05 APPEAL WITHDRAWN 26-JAN-06
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Reasons for Refusal:

- The proposed flats at the rear of the property, by reason of their siting, would not provide an appropriate setting for new residential units and would not provide adequate outlook, at odds with the established form and character of residential development within this locality and contrary to the relevant policies of the Harrow Unitary Development Plan.
- The proposal makes no provision for the storage of refuse/recycling associated with the flats, leading to unsatisfactory living conditions for future occupiers and to the potential detriment of neighbouring residents' amenity.
- The proposed first floor extension, by virtue of its height, bulk and rearward projection would result in loss of light and outlook for the adjoining residential properties and appear overbearing to the occupiers thereof to the detriment of their residential amenities and the character of the locality.
- The proposed second floor rear extension, by reason of its size and bulk, would appear unduly obtrusive and out of character in this location.

P/1877/06/DFU	Change of use from A2 to A3 (restaurant) on ground floor, single and 3 storey rear extensions and conversion of 1st & 2nd floors to two self-contained flats with access via existing front door	GRANTED 14-DEC-06
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P/0470/08/DFU	Vehicular access and parking space off Uxbridge Road	REFUSED 28-MAR-08
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Reasons for Refusal:

- The proposed vehicular crossover and forecourt parking space would result in vehicles crossing and manoeuvring over the public footpath, and interrupting traffic flow on Uxbridge Road which would be prejudicial to pedestrian and highway movement and safety contrary to policies D4 and T13 of the Harrow Unitary Development Plan (2004).
- The proposed parking of vehicles on the forecourt would be unduly obtrusive, to the detriment of the visual amenity and character of the shopping parade contrary to policies D4 and D7 of the Harrow Unitary Development Plan (2004).

Item 2/07 : P/0769/10/GL continued/...

P/2787/08 Single storey rear extensions;
new shopfront and 1 metre high
forecourt railings GRANTED
09-OCT-08

410-412 Uxbridge Road

WEST/987/99/FUL Single storey rear extension and
alterations to frontage and access
to upper floor at rear. GRANTED
17-JAN-00

P/0951/09 Two advertisement (non
illuminated) signs of front of
outdoor seating area railings CURRENT
APPLICATION
EXPIRES
19-AUG-09

P/1267/09 Use of 408 and 410 Uxbridge
road as restaurant (Use Class
A3); external and internal
alteration to form one unit; new
shop front; new tiled canopy;
use/extension of part of public
highway outside 408 Uxbridge
Road as external seating area
including new decking, new 1.1m
high external seating enclosure
(railings) CURRENT
APPLICATION
EXPIRES
19-AUG-09

406-412 Uxbridge Road

P/2459/05/DFU 408: ground, first and second floor
rear extension, conversion of first
and second floor to 2 self-
contained flats; 408-410: change
of use of restaurant and estate
agency (Class A3 and A2) to
public house (Class A4) REFUSED
21-DEC-05
APPEAL DISMISSED
02-MAY-06

Reasons for Refusal:

- The proposed use of the ground floor as a public house, by reason of its siting in relation to surrounding residential property and associated activity, would pose a significant threat to the amenity of neighbouring occupiers.
- The proposed second floor rear extension, by reason of its size and bulk, would appear unduly obtrusive and out of character in this location.

P/3586/08 New three storey building at rear
to provide extension to restaurant
and one flat at ground floor level
with five flats at first and second
floors; new car parking at rear
with access from Woodridings
Close; cycle store; demolition of
existing garages, workshop and
office REFUSED
22-DEC-08

Reasons for Refusal:

- The proposal, by reason of unacceptable appearance, design, bulk, massing and siting, would represent an overdevelopment of the site, would be incongruous and fail to respect the local context of development and the appearance and proportions of nearby properties, to the detriment of the character and appearance of the area and the visual and residential amenities of neighbouring occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004), and Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).
- The proposed flats, by reason of poor design and layout, non-compliance with Lifetime Homes standards and inadequate provision of amenity space, would provide cramped and substandard accommodation, to the detriment of the residential amenities of future occupiers of the site, contrary to London Plan policy 3A.5, policies D4, D5 and C16 of the Harrow Unitary Development Plan (2004), and Supplementary Planning Document, Accessible Homes (2006).
- The proposal, by reason of its location in an area at risk from flooding, and the absence of a flood risk assessment, could prejudice flood defence interests and would cause flooding within the site and elsewhere, contrary to policy EP11 of the Harrow Unitary Development Plan (2004) and PPG25.
- The applicant has failed to demonstrate that the land is free from contamination, and in the absence of such information, the proposal would potentially be harmful to the living conditions of future occupiers of the site, contrary to policies D4 and EP22 of the Harrow Unitary Development Plan (2004).
- The proposed development, by reason of its second entrance at the rear, would not have adequate surveillance and would give rise to a risk of crime or fear of crime, contrary to policy D4 of the Harrow Unitary Development Plan (2004) and section 17 of the Crime and Disorder Act 1998.

P/0277/09

New three storey building at rear to provide extension to restaurant and one flat at ground floor level with five flats at first and second floors; new car parking at rear with access from Woodridings Close; cycle store; landscaping; demolition of existing garages, workshop and office.

CURRENT
APPLICATION
EXPIRES
03-APR-09

e) Pre-Application Discussion

NB The Pre-application discussion referred to the previous proposal for a **SIX FLAT** scheme

ENQ.3842/PAT/21/05/08

- Proposals are objectionable in principle
- Bulk, scale, massing and height would be excessive and out of keeping on this site at the rear of a parade of shops
- Juxtaposition of residential and commercial within the site would be unacceptable, raising many issues of conflict between the two uses

- Pedestrian access would be contrived, complex and unsafe
- No amenity space for future residents
- Development relies wholly on adjacent sites for its setting
- Residential units would have limited aspect
- Parking provision is unimaginative and represents too great a length of crossover

PAM/ENQ/4163/05/08/08

- Reduction in parking spaces would allow for access from Woodridings Close
- Bin store would lack natural surveillance
- Cycle storage would need to be enclosed and secured
- Additional amenity space through use of parapet wall or glass screen suggested
- Development should be built to Sustainability Code level 3 minimum

f) Applicant Statement

- Design aims to achieve the maximum contribution to the housing stock and retain employment use.
- Area has good public transport links
- Redevelopment would allow for new buildings meeting modern requirements
- Proposal would provide low cost accommodation
- Proposal site is a brownfield windfall site
- Context of the wider area is residential and building palette would reflect the local context
- Access to upper floors would be by staircase with full wheelchair access at ground floor
- Proposal would meet Secure by Design principles
- Greywater/rainwater harvesting, ground source heating and green walls/roof will be actively encouraged

g) Consultations

Hatch End Association: Although this proposal is another attempt at improving the area behind the shops, it is still an overdevelopment of a cramped area and would provide poor quality of living for incoming residents. The increased activity could compromise the running of shops which is very limited already in spite of being close to a small public car park.

Drainage Engineers: Conditions required for foul and surface water drainage and surface water storage and attenuation.

Waste Management: No response received

Highways Engineers: No response received

Notifications:

Sent : 107

Replies : 2

EXPIRY: 30-APR-10

Plus petition of support with 17 signatures submitted with the application

Neighbours consulted:

Uxbridge Road: 384 – 420 (including flats)
Lutyens Lodge: Flats 1 – 46 (Uxbridge Road)
Woodridings Close: Garages adjacent to 12a, Vacant office opposite 22
Woodridings Close: 1 – 26 (including flats)
Hanover Court: Flats 1 – 7 (432 Uxbridge Road)
Leeway Close: Units 1 - 3

Summary of Responses:

- Proposal is in course of construction, prejudicial to highway safety; proposal would be detrimental to operation of restaurant; concern over structural integrity of existing building; sewage pipe would be inside building envelope

APPRAISAL

1) Character and Appearance of the Area

The area in which the proposed three-storey extension would be located is at the rear of the mixed three-storey commercial/residential parade on Uxbridge Road. The properties in Woodridings Close are two-storey residential properties.

As is common with this type of backland site, the immediate area is characterised by single-storey flat roofed extensions to the ground floor commercial units, together with some single-storey detached buildings with pitched roofs, access roads and refuse storage areas.

Given these immediate surroundings, a three-storey building could be regarded as out of character with its context, which is one of ancillary commercial structures, rather than an active frontage.

However, the west elevation, facing Woodridings Close, would have an element of interest, with its feature gable and first floor dormer windows, and would have the effect of creating a new residential street frontage on the east side of Woodridings Close.

The proposed building has been reduced in scale and height, and it is considered that this amended design is sufficient to overcome the first reason for refusal of the previous scheme (P/3586/08).

It is noted that the submitted plans include the 'as built' extension at the rear of 406-408 Uxbridge Road. This extension has not been constructed in accordance with the approved plans attached to planning permission P/1877/06/DFU. The proposal under consideration is capable of construction notwithstanding this apparent breach of planning permission and would not prejudice any future action to be taken by the Local Planning Authority to remedy any breach of development control at the site.

2) Residential Amenity, including Lifetime Homes

The residential use of upper floors of commercial premises such as restaurants in parades is commonplace, although this proposal would have one of the flats (Flat 1) on the ground floor adjacent to the restaurant extension. However, the ground floor flat would be separated from the commercial use by a corridor, and, when taken into consideration with current Building Regulations requirements for sound insulation, this is considered sufficient to minimise any harm that could arise from the co-location of residential and commercial uses on the ground floor.

The flats on the first and second floors would be dual aspect, although. Flat 1, on the ground floor, would only have windows to the living room and the bedroom which would face onto a private garden area.

The only amenity space proposed would be for the ground floor flat. However, in this town centre location, most residential flats above commercial premises have no private amenity space available. There is a park (Shaftesbury Playing Fields) within walking distance of the site, and the lack of amenity space for the upper flats is not considered sufficient to warrant a reason for refusal.

Lifetime Homes

Policy 3A.5 of the London Plan, which is supported by saved policies D4 and C16 of the Harrow Unitary Development Plan and Supplementary Planning Document, Accessible Homes (2006), requires that all new residential properties comply with Lifetime Homes standards. The proposed flats would comply with these requirements.

Refuse storage arrangements

In addition to the existing refuse storage area for the commercial premises, a landscaped area for domestic refuse storage would be provided. This is considered acceptable.

Fire exit

The proposal would have both entrances to the flats adjacent to fire exits to the restaurant extension. A privacy screen has been provided for the front entrance, and the rear entrance would be separated from the fire exit by a fence. This is considered acceptable.

The revised design and layout of the proposal is considered sufficient to have overcome the second reason for refusal of the previous determined scheme.

3) Flood Risk

It has been determined that the application site is not within the flood plain of the Woodridings Brook, and therefore the previous third reason for refusal is no longer applicable.

Notwithstanding this, the proposal would increase the built area of the site, and would result in increased pressure on the foul and surface water drainage system. In order to minimise the risk of surface water run-off and flooding, conditions requiring drainage schemes to be submitted to, and approved in writing by, the Local Planning Authority have been attached

4) Sustainable Development

The applicant has stated that the proposal would include measures to reduce the environmental impact of the proposed development. These include the use of a solar roof to provide electricity and heating for the upper floors, ground source heat pumps to provide heating for the ground floor and rainwater harvesting.

These aspects of the proposal are in accordance with London Plan policy 4A.7, which requires boroughs to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

However, no details of the methodology of achieving this, or compliance with level 3 of the Code for Sustainable Homes, are given.

Harrow Council has recently approved a new Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

It is considered that the Sustainable Building Design Vision contained within the SPD can be adequately addressed by imposing a condition on the proposed development which would satisfactorily address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes or Buildings Research Establishment Environmental Assessment Method (BREEAM) standards.

5) Extensions to commercial premises, Contaminated land

The front of the application site contains two restaurants fronting Uxbridge Road, in Hatch End local centre. Many of the commercial premises in this parade have long single-storey extensions. The principle of a single-storey rear extension to the restaurant is therefore considered acceptable.

Part of the application site contains an industrial building, and could be contaminated from industrial processes. Policy EP22 of the UDP requires that on sites suspected of being contaminated, an investigation of the hazards posed and appropriate remedial measures is required. The applicant demonstrated that the land is free from contamination, and therefore the fourth reason for refusal of the previous scheme has been overcome.

6) Transport and Highways considerations

The proposal would have one car parking space accessed from Woodridings Close. The proposal also includes a secure storage area for bicycles. No objections have been received from the Council's Highways Engineers in relation to this proposal. Having particular regard to the location of the site and its associated good public transport links together with Government advice for the reduction of private motor car use, it is considered that the subject proposal would be acceptable and would not impact on highway safety, thereby complying with saved Policy T13 of the Harrow Unitary Development Plan (2004).

7) S17 Crime & Disorder Act

One of the entrances to the residential part of the development is shown in an area behind the warehouse building at 384d Uxbridge Road and accessed by a 6m long and 4m wide passageway. A gate is proposed for the passageway, and the area would be covered by CCTV and movement operated lighting.

This would comply with the principles and practices of Secured by Design and Safer Places, and is considered sufficient to overcome the previous fifth reason for refusal.

8) Consultation Responses

Proposal is in course of construction – a site visit indicates that only the previous garages have been demolished

Prejudicial to highway safety – addressed in Transport and Highways considerations section of the appraisal

Proposal would be detrimental to operation of restaurant – addressed in Extensions to Commercial Premises section of the appraisal

Concern over structural integrity of existing building; sewage pipe would be inside building envelope – these are matters for Building Regulations

CONCLUSION

The proposal would provide good quality housing with a design that would introduce a new street scene into Woodridings Close, together with a typical form of commercial extension to ground floor restaurant premises, and the proposal would be in keeping with the pattern of development in the area and would not cause harm to the visual or residential amenities of the area or of neighbouring occupiers.

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, this application is recommended for grant:

CONDITIONS

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 and Country Planning Act 1990.

2 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 appearance of the locality, in compliance with saved policy D4 of the Harrow Unitary Development Plan (2004).

3 The development of the new three storey building at rear to provide extension to restaurant and one flat at ground floor level with three flats at first and second floors; new car parking at rear with access from Woodridings Close; cycle store; landscaping; demolition of existing garages, workshop and office hereby permitted shall be carried out in accordance with the following approved plans

“0812.TP01A; 02A; 03D; 04F; 05E; 06E; 07; 0812.L.01A; 02; Design and Access Statement”

The approved plans shall not have effect to the three-storey rear extension at 406-408 Uxbridge Road.

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

4 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with policy 3A.5 of the London Plan, saved policy C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Accessible Homes (2010).

5 Development of the proposed flats, hereby permitted, shall not be commenced until the applicant has demonstrated that the development will achieve level 3 of Code for Sustainable Homes. To this end, the applicant is required to provide certification and other details to be submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

REASON: To ensure that the proposed development is sustainable, in compliance with policy 3A.7 of the London Plan, saved policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Sustainable Building Design (2009).

6 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, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with saved policies D4 & D9 of the Harrow Unitary Development Plan (2004).

7 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 5 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, in compliance with saved policies D4 & D9 of the Harrow Unitary Development Plan (2004).

8 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, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

9 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, in compliance with saved policy D4 of the Harrow Unitary Development Plan (2004).

10 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, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

11 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality, in compliance with saved policy of the Harrow Unitary Development Plan (2004).

12 The development hereby permitted shall not commence until details of a scheme to provide one car parking space have been submitted to and approved in writing by the Local Planning Authority. Such space shall be provided and designed to BS 8300 specifications to enable it to be used by people with mobility impairments, and the space shall be marked out accordingly. The development shall not be occupied or used until the spaces has been completed in accordance with the approved details and thereafter retained.

REASON: To ensure suitable parking provision for people with disabilities in compliance with policy 3A.5 of the London Plan, saved policy C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Accessible Homes (2010).

13 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.

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

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:

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

London Plan:

- 3A.1 – Increasing London’s supply of housing
- 3A.2 – Borough housing targets
- 3A.3 – Maximising the potential of sites
- 3A.5 – Housing choice
- 4A.7 – Sustainable Development
- 4B.1 – Design principles for a compact city
- 4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

- D4 – The Standard of Design and Layout
- D5 – Residential Amenity
- D9 – Streetside Greenness and Forecourt Greenery
- EP11 – Development within Floodplains
- EP22 – Contaminated Land
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces

- Supplementary Planning Guidance, Extensions: A Householder’s Guide (2008)
- Supplementary Planning Document, Accessible Homes (2006)
- Sustainable Planning Document, Sustainable Building Design (2009)
- Draft London Housing Design Guide (2009)

2 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.

3 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

4 INFORMATIVE

The applicant is advised that the rear extension to No. 406/408 Uxbridge Road has not been built according to the approved plans. This grant of planning permission relates only to the ground floor extension and new three-storey building at the rear and does not prejudice the right of the Local Planning Authority to serve an Enforcement Notice relating to this breach of planning control.

5 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.

Plan Nos: 0812.TP01A; 02A; 03D; 04F; 05E; 06E; 07; 0812.L.01A; 02; Design and Access Statement; Environmental Statement

237 KENTON LANE, HARROW, HA3 8RP **Item: 2/08**
P/0238/10/ML1
Ward KENTON WEST
CHANGE OF USE FROM A SHOP TO A CAFÉ/RESTAURANT (CLASS A1 TO A3);
EXTRACT DUCT TO SIDE

Applicant: Mr S Budhdeo
Agent: Mr K Handa
Statutory Expiry Date: | 12-MAY-10

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to conditions.

REASON

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the use would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers and the character of the area.

Harrow Unitary Development Plan (2004):
SEM2 Hierarchy of Town Centres
C16 Access to Public Buildings and Spaces
D4 Standard of Design and Layout
EM20 Change of Use of Shops Outside Town Centres
EM25 Food, Drink and Late Night Uses
EP25 Noise
T13 Parking Standards
Supplementary Planning Document 'Access for All' (2006)

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Retail Policy and Character and Appearance of the Area (SEM2, D4, EM20, EM25)
- 2) Residential Amenity and Accessibility (EM25, EP25, 'Access for All' SPD)
- 3) Parking, Highway Safety and Servicing (D4, EM20, EM25, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to Committee as a petition of objection to the application has been received.

- a) **Summary**
Statutory Return Type: Change of Use
Council Interest: None

b) Site Description

- Ground floor retail unit located in a local parade of 16 units on the western side of Kenton Lane, a Borough Distributor Road.
- The unit is within a two storey parade, is currently vacant and formerly in use as a Class A1 retail unit 'Zellers Windows Doors & Conservatories'.
- The first floor of the parade contains residential units with access from Kenton Lane and from the rear service road.
- There is a flat above the ground floor unit, No.237A, spread over the first floor and roofspace.
- The majority of the ground floor units are in commercial use, the adjacent units both being in Class A1 uses.
- The site lies in a non-designated parade outside of a designated centre, with Belmont Local Centre, around 700 metres away to the north.
- A service road at the rear of the site serves the parade's commercial units.
- The frontage of the shop consists of a display window and an entrance door.
- The surrounding area is predominantly residential, consisting of semi-detached and terraced dwellings.
- The immediate parade Nos.215-245(odd) which is located to the north of the junction with Hartford Avenue comprises of the following uses:

Number(s)	Use	Use Class
215	Financial Services	A2
217	Newsagent/Post Office	A1
219	Education Shop	A1
221	Chartered & Certified Accountants	A2
223	Off-licence	A1
225	Greengrocers	A1
227	Electrical Shop	A1
229	Chemist	A1
231	Audio Sales & Repairs	B1
233	Hair & Beauty	A1
235	Fire Protection	A1
237	Application Site: Vacant	A1
239	Car Accessories	A1
241	Estate Agents	A2
243	Members Club	A3
245	Travel Agent	A1

c) Proposal Details

- Change of use of ground floor unit from shop to café/restaurant (Class A1 to Class A3).
- 34 covers are proposed.
- There would be 2 full time staff and 3 part time staff.
- The proposed opening hours are between 8am to 3pm Monday to Friday and 8am to 1:30pm on Saturdays, closed on Sundays and Bank Holidays.
- A low level extract duct is proposed at the rear of the site.

d) Relevant History

P/0482/08/DFU Change of use from retail to financial & professional services (Class A1 to A2) GRANTED
31-MAR-08

e) Pre-Application Discussion

- None.

f) Applicant Statement

Design and Access Statement:

- Shop has been vacant for more than two years
- Planning permission for change of use to Class A2 was not implemented.
- Proposed breakfast and lunch café.
- Public transport and off-street parking is available.
- Consideration has been given to cater for all needs of both customers and staff in the design of the proposal including the provision of a disabled WC.
- Extract duct sited away from the rear walls of the flats above.

g) Consultations:

Environmental Health – Requirements are:

1. That effective extraction is installed / commissioned /maintained.
2. That effective waste management is maintained.
3. That the planning is granted for the proposed opening hours.

Conditions suggested to ensure the acceptability of the extract duct proposed.

Notifications:

Sent: 15 Replies: 6 + 26 signature petition Expiry: 12-APRIL-10
of objection

Addresses consulted:

Kenton Lane: 224, 226, 231, 231A, 233, 233A, 235, 235A, 237A, 239, 239A, 241, 241A, 243, 243A.

Summary of Responses:

Support (1 response):

- Support the proposal subject to effective extraction and its maintenance, effective waste management and the proposed opening hours stated on the application.

Objections (5 responses & petition):

Character and Appearance

- Several applications for restaurants in the area have been refused planning permission;

Existing restaurant at the Boulevard Club, no reason why there should be an additional restaurant in a residential area.

Traffic/Parking

- Patrons of shops park in large numbers in surrounding residential roads;
- A restaurant has a higher throughput of customers than a shop and a second restaurant would exacerbate the existing problem for residents, many who are elderly and infirm and need to park close to their properties;
- Parking is now overflowing into the rear service road which blocks access to garages;
- Lack of parking in the surrounding area, on several occasions called the police to remove vehicles obstructing driveways;
- Frequent congestion at the junction of Queens Avenue and Kenton Lane opposite the proposal due to vehicles parking along the Kenton Lane and obstructing the view when coming out of Queens Avenue;
- Cars being illegally parked on the corners and as a consequence accidents are common, proposal will exacerbate this.

Health & Safety

- Additional large volumes of food waste would be discarded in bins at the rear where there are already serious vermin problems.

Noise & Disturbance

- Smokers will need to go outside, current practice is for customers to congregate at the front or rear of the premises which results in noise late into the night especially at weekends, the proposed development will further disturb residents in this way;
- Parade was designed for small retail operations operating 09:00-17:30 Monday to Friday and 09:00-13:00 on Saturdays, this rule has been breached and residents object to a further breach.

Extract

- On a windy day the smell from the extractor will all be pushed towards the surrounding houses, residents have had to close vents due to the smell of an existing extract.

Miscellaneous

- The applicant damaged the wall of 239A while converting the loft at 237A and has not repaired this to the neighboring occupant's satisfaction who might suffer further damage to their property as a result of this proposal;
- Requests that the Council pressurize the owner to repair the damage ASAP.

APPRAISAL

1) Retail Policy and Character and Appearance of the Area

The proposal seeks a change of use from a shop to a café/restaurant. The property is not located within a designated shopping centre or parade. Were this application granted, 10 units out of 16 in the parade would remain in retail use, including a convenience store, a greengrocers and a post office. It is considered that the remaining retail provision in the parade would be adequate.

The application property is only a short walk from Belmont Local Centre, where further retail provision is available and it is therefore considered that this proposal would not result in the loss of necessary local retail provision, both due to the alternative retail provision within the parade and the proximity to the Belmont Local Centre, and would thereby comply with policy EM20.

The proposed extract duct would be at a low level and sited away from the rear walls of residential properties above the ground floor units along the parade. It would also be sited adjacent to a large rear extension and screen at the rear of the adjoining unit No.239 which would further lessen its impact. It is therefore considered that this proposed extract duct would have an acceptable impact upon the character and appearance of the area.

2) Residential Amenity and Accessibility

The principle of the change of use of this site is considered not to be detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers. The site is located on a moderately busy road which is classified as a Borough Distributor Road in the Council's UDP. Given the current levels of activity and ambient noise levels it is considered that the impacts of any activity associated with the proposed use would be acceptable in this location. As the proposed hours of use are limited to daytime the proposed use would not result in any late night noise and disturbance to neighbouring occupants.

In terms of accessibility, no changes are proposed in relation to the shopfront and so access would remain the same as at present. The submitted plans show the provision of a wheelchair accessible WC.

The proposed extract duct would be at a low level and sited a minimum of approximately 9m away from the rear of residential properties above the ground floor units along the parade. It would also be sited adjacent to a large rear extension and screen at the rear of the adjoining unit No.239 which would further lessen its impact on the amenities of occupiers at neighbouring residential properties. No objections have been raised to the proposed extract duct by the Council's Environmental Health officers, subject to the inclusion of an appropriate condition. It is therefore considered that this proposed extract duct would have an acceptable impact upon the residential amenities of neighbouring occupiers.

3) Parking, Highway Safety and Servicing

The Council's Highways Engineer raises no objections to this proposed change of use. This is based upon the fact that the proposed breakfast/lunchtime café use proposed is considered to be unlikely to cause any highway problems as it would not compound the effect of the existing Boulevard Club at No.243 which is a primarily evening use. The Highways Engineer also noted that the existing parade is a customer draw and that a visit to the proposed café may be incidental to another trip to the parade for a shopping activity, therefore limiting the overall increase in activity. No parking restrictions operate on this part of Kenton Lane, so on-street parking is available.

The site is also served by public transport. Refuse storage can be accommodated at the rear adjacent to the service road, from where any deliveries can also take place. This arrangement is considered acceptable and it is considered therefore that the use would comply with the terms of criteria (b) and (c) of Policy EM20.

4) S17 Crime & Disorder Act

The proposal is considered not to have any detrimental impacts with respect to this legislation.

5) Consultation Responses:

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

- *Health & Safety* – A condition is suggested requiring all storage is within the building, this should help ensure the development would not add to any current infestation problems.
- *Miscellaneous* – Damage as a result of previous works is not a material consideration in terms of this current planning application. The resolution of any disputes are a civil matter.

CONCLUSION

This proposal for the change of use of the site to a café/restaurant (Class A3) does not conflict with the relevant non-retail policy EM20 of the UDP (2004). The site is located in a sustainable location and it is considered that the proposed use would not have an adverse impact upon local residential amenity, or highway conditions.

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.

CONDITIONS

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 and Country Planning Act 1990.

2 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with policies EM25 and EP25 of the Harrow UDP 2004 (saved policies).

3 Storage shall not take place anywhere within the application site except within the building(s).

REASON: To safeguard the amenity of neighbouring residents in accordance with policy EM25 of the Harrow UDP 2004 (saved policies).

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

08:00 hours to 15:00 hours, Monday to Friday inclusive, and 08:00 hours to 13:30 hours on Saturdays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with policies EM25 and EP25 of the Harrow UDP 2004 (saved policies).

5 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents in accordance with policies EM25 and EP25 of the Harrow UDP 2004 (saved policies).

6 The level of noise emitted from the proposed extract duct shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S.4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often as is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers from noise and vibration in accordance with policies EM25 and EP25 of the Harrow UDP 2004 (saved policies).

7 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: KH/SUNJ/C.O.U/PLNG/0110/1A; KH/SUNJ/C.O.U/PLNG/0110/2; Design & Access Statement.

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

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:

Harrow Unitary Development Plan:

SEM2 Hierarchy of Town Centres

C16 Access to Public Buildings and Spaces

D4 Standard of Design and Layout

EM20 Change of Use of Shops Outside Town Centres

EM25 Food, Drink and Late Night Uses

EP25 Noise

T13 Parking Standards

Supplementary Planning Document 'Access for All' (2006)

2 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.

3 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.

4 INFORMATIVE:

This planning permission does not grant advertisement consent for any proposed changes to signage which would require a separate application for advertisement consent.

Plan Nos: KH/SUNJ/C.O.U/PLNG/0110/1A; KH/SUNJ/C.O.U/PLNG/0110/2;
Design & Access Statement

**RAEBARN HOUSE, 100 NORTHOLT ROAD,
SOUTH HARROW, HA2 0DT**

Item: 2/09

P/0216/10/SMC

Ward ROXBOURNE

CHANGE OF USE OF GROUND AND FIRST FLOORS FROM COMMERCIAL TO
EDUCATION USE (USE CLASS D1)

Applicant: BELLWAY HOMES LTD. – MR JAMES MCCONNELL

Agent: BARTON WILLMORE

Statutory Expiry Date: 17-MAY-10

RECOMMENDATION

GRANT permission subject to the conditions set out in this report.

REASON

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation.

The proposed education use is considered appropriate in this location, and, subject to conditions, would not result in an undue adverse impact on the amenities of adjoining occupiers.

MAIN CONSIDERATIONS AND POLICIES (London Plan & saved policies of the 2004 UDP)

- 1) Loss of Designated Office Space (SEM1, EM13, EM15)
- 2) Amenity and Character of the Area (4B.1, D4, C7, C10 and EP25)
- 3) Parking and Highway Considerations (T13)
- 4) Access for All (C16, C17 and SPD)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor

Council Interest: None

b) Site Description

- Site is 0.48 ha in area and is located on the west side of Northolt Road
- Site contains a 6/7 storey building which consists of 150 flats and 834 square metres of commercial space at ground and first floor levels off Northolt Road;
- The commercial space has not been occupied since completion.
- The site is approximately 400m north of the South Harrow District Centre and the South Harrow underground station.
- The surrounding area has a mixture of uses – retail, offices and residential;
-

- To the immediate north of the site is Templar House a 7-storey block of 84 affordable housing units
- To the immediate south is the junction of Northolt Road and Cowen Avenue.
- To the immediate east across Northolt Road are 3-4 storey blocks of flats.
- To the west is a petrol filling station and superstore with its car park.
- The site is within the Northolt Road, South Harrow Employment Area as designated in the UDP.

c) Proposal Details

- Change of use of approved commercial floor space to an educational institution (Use Class D1).
- The full time student registration for the site will be between 400 and 500 students. However, a maximum of 130 students would be permitted on the site at any one time.

Revisions to Current Application:

To address concerns regarding the impact on the amenities of neighbours revisions to the details of the proposal were sought and subsequently received to reflect the following requested changes to student numbers and operation times:

- It was requested the maximum number of students using the facilities at time be reduced to 130 Students (originally, 150 to 165 students were proposed).
- The hours of classes to be reduced to 9.30am to 6pm, Monday to Friday, and 9.30 am to 1pm Saturdays.
- Minor changes to the floor plans were requested to ensure compliance with Access for All Standards.

d) Relevant History

P/2464/05/CFU	Redevelopment to provide part 4/part 8 /part 10 storey building to comprise 150 flats, offices, car parking and offices	WITHDRAWN 15-DEC-05
P/41/06/CFU	Redevelopment to provide part 4/part 8 /part 10 storey building to comprise 150 flats, 1740 sqm of commercial floorspace, access and parking.	REFUSED 15-MAR-06

Reasons for Refusal:

1. The proposal represents an overdevelopment of the site by reason of excessive density to the detriment of the amenities of future occupiers of the properties and the infrastructure and amenities of the roads and properties in the surrounding areas.
2. The parking provision is inadequate, affording less than half a space per dwelling, to the detriment of the residential amenities of the properties in the surrounding area, resulting in overspill car parking in the roads within walking distance of the site.
3. The proposal offers no amenity space, to the detriment of the residential amenities of the future occupiers of the residential properties.
4. The poor design and appearance of the proposal will be visually obtrusive in the streetscene by reason of the mass, bulk and scale of the development when viewed from Northolt Road and surrounding areas.

5. The proposal does not sufficiently take into account the character and landscape of the locality and does not achieve a satisfactory relationship with the adjoining buildings and spaces, giving rise to a loss of residential amenity to the occupiers of Osmond Close.

P/2471/06/CFU	Redevelopment to provide 150 residential units and 834 square metres of commercial floor space	GRANTED 19-OCT-06
P/3498/08	Change of use of 834 square metres of office floor space to nine flats	REFUSED 22-DEC-06

Reasons for Refusal:

1. The proposed change of use would, due to the loss of designated office space of strategic importance to South Harrow and the wider borough, be unacceptable in principle and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.
2. The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of PPS1 of promoting mixed and balanced communities and would result in an unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.
3. The proposed development by reason of its poor layout and location next to sources of disturbance and inadequate provision of outdoor amenity space for the larger family sized units would result in poor living conditions for future occupants contrary to policy 4B.1 of the consolidated London Plan 2008 and policies D4, D5 and EP25 of the Harrow Unitary Development Plan 2004.

P/0221/09	Change of Use of 460 square metres of First Floor Office Floor Space To Eight Flats	REFUSED 20-APR-09 APPEAL DISMISSED
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Reasons for Refusal:

1. The proposed change of use by reason of the loss of designated office space of strategic importance to South Harrow and the wider borough, is unacceptable in principle and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.
2. The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of Planning Policy Statement 1 (PPS1) which seeks to promote mixed and balanced communities and would result in an unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.

e) Pre-Application Discussion

None

f) Applicant Statement

The key arguments are:

- The office use has been actively & extensively marketed since December 2007 and there has been no material interest received;

- The proposed education use is a “commercial business” and therefore will ensure that a commercial related activity is retained on the subject site.
- An employment generating use is proposed for the subject site which will create 12 – 15 new jobs on this vacant site.
- A sustainable mixed use building will be provided with active ground floor frontage onto Northolt Road.
- Over the intervening period since the Appeal was dismissed, there has been no market interest in the commercial floorspace of the subject site other than for its use for education purposes. There is no reason to believe that this lack of market interest in its use for other commercial purposes will change in the foreseeable future.
- The proposed development will include a number of benefits that weigh heavily in favour of its approval, including the provision of local education facilities and the trickle down benefits to the local shops resulting from the need to cater for student needs and lunch periods.

g) Consultations

The Council’s Highways Engineer:

In overall traffic movement terms the peak hour vehicular activity would be less for a D1 use as compared with B1 as the D1 use would be more spread throughout the working day and evening thus predominantly avoiding peak periods. However this on impact, in disturbance terms, on the residential element especially given the 7 day operation already mentioned. (Note. The application has been revised to limit the hours of use in response to concerns about potential disturbance).

The site has a good PTAL and the surrounding roads are heavily controlled by waiting restrictions hence the proposed travel plan builds on these facts and is generally satisfactory in principle.

In summary there is no objection forthcoming on highway/public realm grounds for the stated reasons.

Advertisements:

Site Notice

Expiry: 13-MAY-10

Notifications:

Sent: 166

Replies: 201
Including a petition
containing 93 signatures

Expiry: 27-APR-10

The following properties were notified of the proposal:

- All properties in Eastcroft House (formally known as Raebarn House).
- All properties in Templar House.
- 61 – 121 Northolt Road (odd numbers only).
- 52 – 75 Osmond Close.
- 22 - 28 Stanley Road (even numbers only).
- Auxiliary Forces HQ

- Substation of 84 Auxiliary Forces HQ.
- Service station adjacent to 140 Northolt Rd
- Bovis House, 142 Northolt Road.
- 140 Northolt Road
- Car park adjacent to 89 Northolt Road.
- 2 Grange Road

Summary of Responses:

Use:

- It is an inappropriate location for an educational institution, other sites should be considered.
- The change of use to education would not be in keeping with the commercial nature of the district. The number of people entering and exiting the building would also be greatly increased.
- There are already 2 colleges nearby – One is an international college in Viglen House, Perivale industrial estate away from a residential area.
- The land should remain as commercial or be converted to be fully residential. Harrow has sufficient educational facilities. The area is lacking new business.
- Bellway have not extensively marketed the commercial premises.
- Education facility for infants and primary school aged children may be more acceptable as college students require more space.
- The residential flats on the site were sold on the promise of the ground and 1st floors being dedicated to Monday to Friday commercial use. Now neighbours are confronted with the possibility that they will be sharing the development with up to 500 other people in an educational establishment. Undoubtedly, had this been apparent at the time of buying the property, some residents may not have purchased their properties.
- Neighbour questions whether Harrow Council would want another higher education facility that does not offer meaningful and recognised degree courses.

Amenity and character of the building/area:

- Noise pollution.
- Littering
- Loitering.
- The appearance of the building would not blend in well with the residential appearance of the building.

Parking:

- Parking within the area is already limited. The proposal would generate more traffic.
- The development would cause problems for residents who have a vehicle and want to enter the courtyard area via the front building gates.
- The proposal would increase the people, cars and taxis, which would affect residents' right of way into their homes and private parking bays. This will cause problems for pedestrians and drivers who use Northolt Rd on a daily basis. It is a safety issue.
- Students will park in the Waitrose car park next door as it is free until 8pm.

Other:

- Neighbour cannot see any of the addresses of the actual residents of Raebarn House on the neighbour summary sheet.
- Some people do not have access to the internet or are computer illiterate therefore will not be able to express their views on the Council's website.
- Concern for personal safety and private security.
- Damage to property resulting in increased service charge.
- Reduction in property value.
- Students smoking would be a health and fire hazard.
- Substance abuse and drug dealing.
- Antisocial behaviour.
- The proposal does not comply with fire regulations.
- The sound proofing and plumbing in this building are not sufficient for students.
- Resources used to police disturbances. Community police officers are already in place to support the residents in the building but this is having little impact.
- The majority of students are foreign and would not benefit the community only the inflated fees they will pay.
- You cannot constantly change the nature of a planning application. The building was approved for specific reasons and did not contain an educational facility. Harrow Council should therefore not allow for these amendments to be included.
- Students will be the only people who will want to rent the residential flats above forcing the families out who live there at the moment.
- The proposal is financially motivated.
- Council tax payers and local residents should be the primary concern of the Council.

APPRAISAL

1) Principle of the Education Use

This part of Northolt Road in South Harrow is characterised by blocks of residential flats and large scale B1 office use, and as such it is recognised for its strategic importance for not only South Harrow but the borough as a whole. Saved policy EM13 of the Harrow Unitary Development Plan (HUDP) 2004 states:

'The Council will resist the loss of land and buildings within the following business use areas, as defined on the proposals map, from business and light industrial B1 uses: -

...

Northolt Road, South Harrow (North of South Harrow Station)...

...Those industrial areas listed above ... are of borough significance, and will be protected equally from loss to other uses.'

This is reinforced by policy SEM1 of the HUDP 2004 point 2.96 which states:

'The limited amount of land for employment use in the Borough means that land and buildings suitable for such use need to be protected. When one business vacates a site, that site should be retained for employment purposes for the benefit of new businesses ...The only exception to the retention of employment land may be where small sites, undesignated by the Council (see policy EM15), are not viable for continued employment use ...'

Furthermore, the URS London Borough of Harrow Employment Land Study 2006 recommendation 3b states:

'All existing office uses should be protected unless their quality and/or location do not meet current and projected future demands and requirements for office space in Harrow.'

The site was formerly a large seven storey office building providing 3,222m² of B1 office space. The mixed use redevelopment granted under planning permission P/2471/06/CFU reduced the overall commercial floor space to 834m² and confined it to parts of the ground and first floor levels on the Northolt Road frontage of the new building. The retention of this commercial element and re-provision of smaller but more modern, high grade commercial facilities was considered a key element to the acceptability of the approved mixed use scheme.

However, the planning permission did not restrict this commercial use to a specific use class, neither were conditions imposed to control the hours of use of the commercial floorspace, or the nature of the activities allowed. Whilst it has previously been considered that a B1 (office) use would be the best possible use of this site, the 2006 planning permission allows for a whole range of uses which could be described as commercial. This would include A1 (retail), A2 (financial and professional services), A3, A4, A5 (Food and drink uses such as restaurants, pubs and takeaways), and B1 uses (offices, and light industrial). This is a material consideration in considering the future use of these premises.

Notwithstanding the possible range of uses, the applicant has provided information that the building has been unsuccessfully marketed since 2007. The Marketing and Marketing Activity Report prepared by Brasier Freeth demonstrates that the property has been extensively marketed for B1 offices but also has dealt with enquiries for other commercial uses since December 2007. This marketing included web listings, applicant mailing, and adverts in property magazine "Property Direct".

This report also suggests that the failure to secure a tenant or purchaser is a reflection of a deeper problem than the current difficult market and economic conditions. South Harrow is a poorly regarded office location with poor amenity and transport links. Additionally, the report states that there seems to be a reluctance for occupiers of good quality offices to take space in locations or building that are being perceived as being primarily residential whilst purpose built offices are available to lease and purchase in locations such as Harrow, Watford and Uxbridge.

The Inspector stated in the appeal for the subject site (Ref: APP/M5450/A/09/2105312) that a marketing period of 2 years was considered to be more proper test of market demand. It is considered that the proposal has now been extensively marketed for 2 and a half years and therefore would meet this test.

It is concluded that the market information submitted in support of the application demonstrates that the application floorspace would not be viable for future commercial use.

It is therefore considered that the proposed change of use would comply with policies SEM1 and EM13 of the HUDP 2004 and recommendation 3b of the URS London Borough of Harrow Employment Land Study 2006.

In the light of the above conclusions on the current viability of the site for commercial uses, it is considered that the at the proposed education use, offering employment opportunities for up to 30 people, would be an appropriate alternative use within the site, subject to the detailed considerations below. It is further considered, that in providing employment opportunities, the proposals would be in accordance with the aims of Planning Policy Statement (PPS) 4 (Dec 2009) on Economic Growth.

In addition, the site has a high public transport accessibility level as a result of the proximity of South Harrow underground station and several bus routes. Access for delivery is also good and the commercial space is modern and newly built.

Based on these factors it is considered that the proposal complies with saved policies SEM1 and EM13 of the Harrow UDP.

2) Amenity and Character of the Area

The proposed use of the floorspace for an education facility would not involve external alterations only internal alterations. Therefore, the proposal would not affect the external appearance of the building.

The site is in close proximity to neighbouring residential properties including the flats above the development. The impact on the amenities of the residents of the flats, taking into account the range of potential uses allowed by the 2006 planning permission, is a key consideration in determining the acceptability of this proposal.

The access to the educational facility would be via the main front door of the site, which is exclusive to the ground and first floor commercial space. A lift and internal stairs would allow movement between the ground and first floors. Notwithstanding objectors' clear concerns on conflict with access to the flats, students would not have access to the shared access used by residents in the flats above.

HUDP Policy EP25 commits the Council to minimise noise and disturbance, through, amongst other things, controlling times of operation. As the site is located in a mixed use area along Northolt Road, which is a heavily used Borough Distributor Road a relatively high level of activity is expected when compared to the level of activity anticipated in a purely residential area.

Conditions to control hours of use, the maximum number of students on the site and staff numbers in relation to the use are recommended in order to protect the amenities of the neighbouring residential occupiers.

Therefore it is considered that, subject to those conditions, the proposal would not cause unreasonable disturbance to the occupiers of the residential flats above, as people would be dispersing at reasonable (social) hours. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours.

It is considered that the hours of operation in terms of teaching students from 0930 hours to 1800 hours Monday to Friday and 0930 hours to 1300 hours on Saturdays would be adequate to mitigate the impact of disturbance to a reasonable degree. It is considered that the employment of up to 30 staff, who could work outside these hours would not have an unreasonable impact on neighbouring residential amenity.

Given the unrestricted potential use of these premises, it is considered that the proposed use, operating within the permitted hours, could allow for a greater degree of protection for the amenities of the residents above, and would afford the Council the opportunity to control any intensification of the use, in terms of hours of operation and student numbers on the premises, through the planning process.

Therefore, it is considered that the proposed Educational D1 use would not be unduly detrimental to the residential amenity of the neighbouring residential properties or the character of the area in accordance with London Plan Policy 4B.1 and saved policies D4, C7, C10 and EP25 of the HUDP.

3) Parking and Highway Considerations

Four existing car parking spaces are allocated to the non residential floorspace of Raebarn House.

Two cycle stands are already provided and 16 spaces are proposed for the use of the students/staff at the facility.

The site is in a high public transport accessibility level as a result of the proximity of South Harrow station and several bus routes. A travel plan has been submitted as part of the application, which indicates that there would be a low number of trips and there can be no foreseeable reason on transport impact grounds to prevent the change of use of the site from its existing commercial use to the proposed D1 use. Therefore, the proposal is considered to be acceptable on transport grounds.

It is considered that the proposal would not unduly impact upon highway safety and the Council's Highways Engineer has not raised an objection to the application.

4) Access for All

The proposed internal layout of the units complies with the Harrow Council SPD on Access for All.

5) S17 Crime & Disorder Act

It is considered that the proposed change of use would not result in an increase in the risk of crime to the site.

6) Consultation Responses

Use:

- The concern that residential flats on the site were sold on the promise of the ground and 1st floors being dedicated to commercial use is not a material planning consideration rather it is a civil matter between the residents and the developer. The ground and first floors have planning permission for commercial use (please note, this is not confined to office use).

- Every application is assessed on its merits. This application is for a change of use from commercial to educational use (D1). Therefore, this is what has been assessed above, not potential alternatives (neither different uses nor sites). The Council solely considers material planning concerns and assess applications against various policies and planning documents in order to make a recommendation on applications. The impact on residents has been assessed in the report above.
- Marketing of the proposal as commercial floor space has been assessed in the application above.
- Issues with Bellway, the developer and their correspondence with residents is not a material planning issue rather, it is a civil matter that should be sorted out between the relevant parties.
- The usefulness of the courses offered at the college is not a material planning consideration.
- An application to change the use of a site can be made at any time and will be assessed by the Council on its merits.

Amenity and character of the building/area:

- A maximum of 130 students would be allowed on the site at any one time. There is a common room proposed within the educational institute. The hours of the proposal have been conditioned in order to ameliorate any harm to neighbouring residents. The proposed hours of the education centre are considered to be acceptable and would not be outside usual sleeping hours.
- There is a bin store facility that was granted permission under the extant permission. Littering is not a material planning consideration.
- The impact of the proposal on the character of the area and residential amenity has been assessed in the report above.
- With regards to concerns that the number of people entering and exiting the building would be greatly increased, this is not considered to be the case. The proposal currently has permission for a commercial use with no hours of restriction. Therefore, the site could potentially be used for a use such as a pub or fast food outlet as of right, which would likely have a far greater impact on neighbouring amenity than the use proposed.
- There is a bin store facility that was granted permission under the extant permission. Littering is not a material planning consideration.

Parking:

- The impact of the proposal in relation to parking and highway safety has been assessed in the report above.

Other:

- Initially, the residents of Raebarn house were not correctly consulted. However this problem was rectified early in the process and correct consultation was undertaken.
- If neighbours are not able to use a computer/the internet to view the proposal, there are computers available at the Civic Centre. The Council's staff are able to assist in bringing up the correct plans if required. There is also an in person duty planner service Monday to Friday mornings. The duty planner is able to help with questions regarding planning applications.

- The proposal would be accessed via a separate door from the outside. The communal entrance used by residents of the residential properties above would not be used by the students.
- Increased service charges on the property are not a material planning concern; rather they are a matter to be agreed between the developer and the residents.
- Potential damage to property, substance abuse, antisocial behaviour, violence between residents and students and drug dealing are not material planning concerns, rather they are matters for the Police.
- Reduction in property value is not a material planning consideration.
- Fire safety is a matter for building control rather than a material planning consideration.
- The types of occupier of the flats are not a material planning consideration.
- Sound proofing and plumbing is not a material planning consideration rather it is a matter for building control.
- Where the students come from to study 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, subject to the following conditions.

CONDITIONS

1 The use 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 The premises shall only be used for the purpose specified in the application [D1(c) education use] and for no other purpose, including any other purpose in Class D 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 amenities of neighbouring residents in particular the residents of the flats within the building in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

3 The education facility hereby permitted shall only be used for teaching of students between the following times:-

09:30 hrs to 18.00 hrs Monday to Friday

09.30 hrs to 13.00 hours on Saturdays

and at no time on Sundays or Bank Holidays

REASON: To ensure that the hours of teaching are within reasonable hours in order safeguard the amenity of neighbouring residents in particular the residents of the flats within the building in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

4 The education facility hereby permitted shall only be open to staff between the following times:-

a: 08.00 hours to 19.00 hours Monday to Friday

b: 08.00 hours to 17.00 hours on Saturdays,

c: 12.00 hours to 18.00 hours on Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residents in particular the residents of the flats within the building in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

5 The number of students within the premises shall not exceed 130 at any time and the number of staff within the premises shall not exceed 20 at any time.

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the student/staff numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the occupiers of the residential flats within the building is kept to a minimum to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

6 No primary cooking of unprepared food shall be carried out on the premises. Only reheated or cold food that has been prepared elsewhere shall be served on the premises.

REASON: To safeguard the amenities of neighbouring residents in particular the residents of the flats within the building in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

7 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To safeguard the amenities of neighbouring residents in particular the residents of the flats within the building in accordance with saved policies EP25 and D5 of the Harrow Unitary Development Plan (2004).

8 The use hereby permitted shall be carried out in accordance with the following approved plans: SK52 P1, SK53 Rev P1, PL-300 Rev P3, PL-500 Rev P1, PL-501 Rev P1, PL-502 Rev P1, PL-503 Rev P1, PL-600 Rev P1, PL-601 Rev P1, Regal International College Statement, Transport Statement, Planning Statement and Marketing and Marketing Activity Report.

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

INFORMATIVES

1 INFORMATIVE:

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:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

The London Plan Policies: 4B.1

HUDP 2004 Polices: SEM1, EM13, EM15, D4, EP25, T13, C7, C10 and C17

Supplementary Planning Document: Access for All (2006))

URS London Borough of Harrow Employment Land Study 2006.

2 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.

3 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

Plan Nos: FIGURE 01, SK52 P1, SK53 Rev P1, PL-300 Rev P3, PL-500 Rev P1, PL-501 Rev P1, PL-502 Rev P1, PL-503 Rev P1, PL-600 Rev P1, PL-601 Rev P1, Regal International College Statement, Transport Statement, Planning Statement, Marketing and Marketing Activity Report and Site Plan.

Supplementary Planning Guidance: Designing New Development (2003)
Supplementary Planning Guidance: Extensions - A Householders Guide (2008)
Supplementary Planning Document: Accessible Homes (2010)
Supplementary Planning Document Sustainable Building Design (2009)
"Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2009)"

MAIN CONSIDERATIONS AND POLICIES (The London Plan (2008), Saved policies of the Harrow Unitary Development Plan (2004) and other relevant guidance)

- 1) Character and Appearance of the Area and Neighbouring Amenity (PPS1, PPS3, 4B.1, D4, D5, EP25, SPG)
- 2) Living conditions of the occupiers of the dwellinghouse in the rear garden (D4, D5, D9, H10)
- 3) Sustainable Building Design (D4, 4A.1)
- 4) Accessible Homes (London Plan Policy 3A.5, SPD, UDP policy C16)
- 5) Traffic and Parking Standards (T6 and T13)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor Dwellings
Council Interest: None

b) Site Description

- The subject site is located on the northern side of Paines Lane where Moss Lane joins Paines Lane. The site contains a two storey detached property on a large site.
- The dwelling has a two storey side extension, a single storey front extension, rear conservatory and a double garage.
- The adjacent dwellinghouse at number 27 is a two storey detached dwelling on a large plot.
- The adjacent site at number 1 Moss Lane contains a two storey detached dwellinghouse, which is set approximately 15m back in the streetscene from the existing dwellinghouse on the subject site. It has a rear conservatory.
- The front garden is mostly (approx. 80%) hard surfaced.
- The surrounding area is characterised by a mixture of two storey detached dwellings.
- There is a backland development at number 23 Paines Lane, which was approved in 1956.

c) Proposal Details

- No. 29 Paines Lane would be subdivided into two plots.
- The existing double garage would be removed to provide access up the side of no. 29 Paines Lane.

- The proposed house would be sited in the current rear garden of 29 Paines Lane. It would have a total internal area of 121 square metres. It would have 3 bedrooms, all with areas of over 12m²; the living/dining room would have an area of 26.66m², the kitchen would have an area of 19.19m² and there would be a bathroom.
- The proposed dwellinghouse would be single storey. It would have a height at the eaves of 2.5m and a height at the apex of the roof of 4m.
- A refuse and recycling area is proposed in the front garden area.
- Two off-street carparking spaces have been shown on the plans.

d) Relevant History

HAR/13200/D	ERECT DETACHED BUNGALOW AND GARAGE (OUTLINE)	GRANTED 01-OCT-62
LBH/31473	TWO STOREY/SINGLE STOREY SIDE EXTENSION (REVISED)	GRANTED 22-DEC-86
P/2367/05/DFU	DETACHED DOUBLE GARAGE AT REAR	GRANTED 15-NOV-05
P/2771/09	CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DETACHED SINGLE STOREY OUTBUILDING IN REAR GARDEN FOR USE AS A STUDY, GARDEN ROOM, GYM, CHANGING ROOM AND SHOWER ROOM.	GRANTED 08-MAR-10

f) Applicant Statement

- See Design and Access Statement

g) Consultations

Council's Highways Engineer: In use intensity terms there would be a negligible increase hence there are no specific concerns here. The crossing into the site is existing and has not demonstrated any problem hence is acceptable.

The new 'access' road appears to have adequate separation from the adjacent property however the 'mini' turning head appears to be very close to the fence line which is undesirable on amenity grounds. Redesign?

The provision of 2 spaces (1.5 spaces required under UDP standard) is considered acceptable given that the PTAL for the location is on the low side hence the unavoidable private car dependency. A lower provision may result in injudicious parking around the road junction which we must avoid.

Drainage Engineer: Conditions recommended, should permission be granted.

Tree Officer: There are no significant tree issues with this application.

Landscape Architect: Conditions recommended, should permission be granted.

The Pinner Association: The HUDP requires new development to take into account the character and landscape of the locality within which it is built. It should have regard to the scale and character of the surrounding environment. Buildings should respect the form, massing, composition, proportion and materials of the surrounding landscape. The predominant characteristic of the area where this development is proposed is of large detached houses on substantial plots.

This proposed backland development is at variance with this.
The design and proposed materials are unattractive and incongruous.

The proposed new bungalow is intended to be sited very close to the boundary with no. 27 whose garden is very narrow at this point. An outbuilding ancillary to the main house may be tolerable but a new dwelling unit is not acceptable. It would bring noise and activity at all times to the detriment of the privacy and amenity of no. 27.

Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Notifications:

Sent: 17

Replies: 3

Expiry: 22-APR-10

Summary of responses:

- The proposed dwelling is outside of the building line. This would be out of character with the area.
- It would overlook and be overlooked by neighbouring dwellings.
- Although the garden at 29 Paines Lane is a larger garden because it is a corner plot, it is not significantly larger than the other gardens in the area.
- The junction of Paines Lane and Moss Lane is already busy and hazardous because of the limited visibility for traffic approaching up the hill from Uxbridge Rd.
- The proposed development would result in additional traffic both during the construction phase and after occupation whose only access to the site is off Moss Lane immediately by this junction with resulting noise disturbance and danger.
- The gardens in this area, being larger and mature are wildlife habitats with many bird species including owls and woodpeckers nesting in the mature trees. The proposal would likely result in the cutting down of trees, which would be detrimental to wildlife and the ambience of the area both during the construction phase and thereafter.
- The proposal would have an unacceptable impact on neighbouring amenity.
- The proposal in close proximity to neighbouring dwellings would result in increased density resulting in increased activity/noise/disturbance.
- The proposal does not comply with Policy D5 of the HUDP.
- The proposed parking bays and vehicular access is located directly adjacent to the common boundary. This represents an overdevelopment.
- The proposal is in contraction with the Council's Parking standards as 2 spaces are proposed, whereas 1 is specified as the maximum and there is no provision of cycle parking.
- The application does not accurately reflect the extent of neighbouring plot.

APPRAISAL

1) Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises Local Planning Authorities when making determinations. Section 38(6) states 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"

Paragraph 10 of The Planning System: General Principles (the companion guide to PPS1) further explains the position as follows:

"If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision."

It is considered that the following National and Local policies set the policy framework in determining this application and form the starting point.

Planning Policy Statement 1: Delivering Sustainable Development (2005)

PPS1 provides the procedural context for making planning decisions as set out above. However, it also makes sustainable development a key objective of the planning system and provides some guidance on the significance to be attached to consideration of design issues in achieving this key objective. Specifically, at paragraph 33, PPS1 advises that:

“Good design ensures attractive useable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning”

It goes on to say in paragraph 34 that:

“Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”

Planning Policy Statement 3: Housing (2006)

Paragraph 9 of this policy seeks to ensure that everyone has the opportunity to live in a decent home. For this to be achieved there should be a wide choice of high quality homes. Paragraph 12 advises that good design is fundamental to the development of high quality housing. Paragraphs 40 and 45 advice that Local Planning Authorities should make effective and efficient use of land and in achieving this, *inter alia* good design should be fundamental to using land efficiently by identifying the distinctive features that define the character of a particular local area (paragraph 48). Paragraph 49 goes onto state that careful attention to design is particularly important where it involves intensification of the existing urban fabric and goes on to state that more intensive development is not always appropriate.

The London Plan

The Mayor’s Spatial Development Strategy for London identifies a number of key criteria in assessing the design qualities of development proposals. This is clarified in policy 4B.1 where it is advised that boroughs should, seek to ensure that developments should *inter alia* maximise the potential of sites, promote high quality inclusive design and create or enhance the public realm and be attractive to look at and, where appropriate, inspire, excite and delight.

Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. Policy 3A.5 of the London Plan identifies the need for housing to be built to “Lifetime Homes” and “Accessible Homes” standards.

Harrow Unitary Development Plan (2004)

The Harrow Unitary Development Plan, which was adopted on 30 July 2004, was drafted in the light of the vision, objectives and strategic policy context of the London Plan. Both of these plans were prepared having regard to Government advice and have been reviewed to reflect, in particular, PPS1, PPS3 and their supplementaries.

Saved policies D4 D5, D9, D10, D14, D15 and T13 the Harrow Unitary Development Plan are of most relevance to this application and are discussed further within the context of the appraisal below.

Supplementary Planning Guidance/ Documents

The Council has produced Supplementary Planning Guidance (SPG) on Householder's Extensions. This SPG was adopted by Cabinet on 18 March 2003 and was updated and revised in March 2008. Although this guidance sets out the detailed design principles for extensions to residential property, these principles are also applied to all new residential development adjacent to existing residential property.

The Accessible Homes Supplementary Planning Document was adopted in April 2010. This document follows on from the principles sets out in the London Plan Policy 3A.5 on housing choice and saved policies D4 and C16 of the UDP. The SPD sets out the important principles of designing accessible homes to meet the future needs of different people and it is therefore considered to be a material consideration to the appeal proposal.

2) Character and Appearance of the Area and Neighbouring Amenity

The proposed detached dwellinghouse in the rear garden of no. 29 would provide living accommodation comprising three double sized bedrooms, a living room, a kitchen and a bathroom. It would be located a distance of approximately 24m from the rear wall of the frontage dwellinghouse (no. 29).

Saved policy D4 of the HUDP (2004) states that the Council will expect a high standard of design and layout in all development proposals. Paragraph 4.10 states that new development should take into account townscape features such as frontage widths and massing and should have satisfactory relationship with adjoining buildings. In addition to this the SPG: Designing New Development (2003) also recommends that new dwellinghouses should integrate with the surrounding area in terms of layout and massing.

The proposed backland development to the rear of number 29 is considered to be out of character with the form and pattern of development in the locality, which consists of large two storey detached dwellinghouses on large plots fronting a public highway. The location of the new detached dwellinghouse in the existing rear garden of number 29 would have an unsatisfactory relationship with the garden of the existing dwellinghouse at number 29 and the neighbouring rear gardens. It is noted that the building line along Paines Lane is staggered. However, (with the exception of the 1956 house discussed below) there are no other dwellinghouses constructed in the rear garden of nearby sites. It is acknowledged that an ancillary outbuilding of the same dimensions and location is lawful development. However, the proposed fenestration, which gives the appearance of a dwellinghouse and the intensive use associated with a dwellinghouse rather than an outbuilding is out of character with the area and is considered to represent a significant intensification of the site and is therefore unacceptable.

The backland development at number 23 Paines Lane was approved in 1956. However, this was approved under entirely different policies than the adopted policies used currently and this proposal must be assessed against current planning policies and guidance. In addition, backland development is not considered to be part of the predominant character of the area.

Saved policy D5 of the Harrow UDP seeks to ensure that all new residential development inter alia provides amenity space that is sufficient to protect the privacy and amenity of the occupiers of the surrounding buildings, as a usable amenity area for the occupiers of the development and as a visual amenity. Criterion B goes on to state that new buildings should provide space around buildings by maintaining adequate separation between buildings and site boundaries in order to reflect the setting of neighbouring buildings and to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. In order to assess the impact of a development on the privacy and amenity of adjoining properties, the general quality of privacy in the surrounding area will be taken into account (paragraph 2.27).

There is a separation of approximately 17m from the dwelling to the rear of number 29 to the rear wall of the neighbouring property at numbers 1 Moss lane and 28m to no. 27. Due to this separation distance, it is considered that the windows in the front elevation of the proposed dwelling to the rear of number 29 would not cause undue overlooking over the neighbouring properties. Any overlooking from these windows would be at oblique angles, which is considered to be acceptable. If the application was considered to be acceptable, a condition could be attached requiring suitable boundary treatment to avoid overlooking.

Paragraph 3.8 of the SPG recognises that new doors in the side walls of extensions can cause unreasonable disturbance and activity where they are sited within 3m of a shared boundary.

There would be a door in the flank wall of the proposed dwelling facing number 27 located approximately 2m from the boundary. Due to the location of the proposed dwellinghouse in the rear garden and the siting adjacent to the rear gardens of neighbouring sites, it is considered that the adjacent site at number 27 would not be unduly affected in terms of disturbance by the proposed door.

It is therefore considered that the proposed dwellinghouse would have a negative impact on the character of the area and neighbouring amenity contrary to London Plan 4B.1, 3A.1, 3A.2, 3A.3, 3A.4, 3A.5, 4B.1 and saved Policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008) and Supplementary Planning Guidance: Designing New Development (2003).

3) Living conditions of the occupiers of the dwellinghouse in the rear garden

When considering what is an appropriate standard of accommodation and quality of design the Council is mindful of the Housing Quality Indicators (HQI) with reference to the Draft London Housing Design Guide (2009). Whilst noting that a departure from the industry standard HQI does not justify refusal in itself, it does highlight a shortfall in relation to PPS1, PPS3, London Plan policies and saved Harrow UDP policies.

Circulation and Layout

Room sizes

The overall proposed gross internal area (GIA) of the dwellinghouse is 121 square metres, which would comply with the Housing Quality Indicators stipulated in the Draft London Housing Design Guide (July 2009) which recommends a GIA of 96 square metres for a 3 bedroom, 5 person unit. The kitchen/living size also conforms to the minimum space standards stipulated in the Draft London Housing Design Guide (July 2009). The Draft London Housing Design Guide (July 2009) stipulates a minimum size for a double bedroom of 12 square metres. All three bedrooms comply with this minimum space standard.

Accordingly, it is considered that the proposed room sizes would be acceptable in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008) and PPS1 and PPS3.

Access to Amenity Space

Saved policy D5 of the Harrow UDP does not set out a minimum or maximum level of amenity space required, but will assess each case against the standard of amenity space of the surrounding area. The accommodation for the new house would provide three bedrooms. In accordance with policy D5 it is considered that the layout of the amenity space is sufficient as a useable amenity area for the occupiers of the proposed development. The application demonstrates direct access to the rear garden amenity space between the frontage house and the proposed dwellinghouse. The plans show separate amenity areas for the existing main house and the proposed dwellinghouse to the rear of number 29. The amenity area in the side and rear garden of the proposed dwelling would be approximately 776 square metres. The amenity area for the existing dwelling would be 337 square metres. The immediate locality is characterised by large rear gardens and therefore the proposed level of amenity space would be comparable with the level of amenity space of the surrounding area. If this proposal was otherwise considered to be acceptable, a condition could be placed on such a permission requiring fencing to protect the privacy and amenity of no. 29 and the future occupiers of the dwellinghouse.

Soft Landscaping / Refuse and Recycling Storage

Paragraph 4.21 of policy D4 of the UDP (2004) recognises the contribution front gardens can make to the character of an area or locality and policy D9 recommends that the Council should seek their retention, reinstatement and enhancement as part of new development proposals. The proposed forecourt layout would include two off-street parking spaces for the new dwellinghouse. As a general rule approximately half of the front garden area should be landscaped. Only a small proportion (approximately 20% of the front garden) would be soft landscaped, which is considered to be unacceptable.

Saved policy D4 also refers to the storage of refuse and waste and states that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. The refuse and recycling bin area for the new dwelling would be located in the front garden and would therefore not be screened from the streetscene. It is not stated how many bins are proposed for the new dwelling, whereas 3 bins would be required in order to meet the guidelines set out in: "Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2009)".

It is therefore considered that the number of bins and their proposed location in the front garden along with the lack of soft landscaping would be unacceptable and would be detrimental to the character of the area, contrary to saved policy D4 and D9 of the UDP. However, if all other aspects of the development were considered to be acceptable, a landscaping condition could have been placed on this application to screen the view of the bins from the road.

Sustainable Design

London Plan policy 4A.1 and saved policy D4 of the Harrow UDP seeks to ensure that new development proposals takes into account climate change. These policies promote design which has regard to energy efficiency and minimises emissions of carbon design. A supplementary planning document 'Sustainable Building Design' (2009) has been adopted by the LPA. The applicant's Design and Access statement does not state how the proposed development would achieve Level 4 rating. Had this application been considered acceptable, it is considered that a full detailed report on how Sustainable Homes to include renewable energy and sustainable materials could be controlled by a suitably worded planning condition.

4) Accessible Homes

London Plan policy 3A.5 requires boroughs to take steps to identify the full range of housing needs within their area including housing for disabled people.

Saved policy C16 of the UDP requires the Council to ensure that buildings as well as public spaces are readily accessible to all, particularly elderly people and disabled people, including wheelchair users. Development proposals should be adequately designed to accommodate the needs of all users.

The Council's adopted Supplementary Planning Document (SPD) on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards.

It is considered that the proposed dwellinghouse to the rear of 29 Paines Lane would not meet the following Lifetime Homes criteria:

- The access to the dwellinghouse in the rear garden is not level.
- The bathroom does not meet point 14 of the lifetime home standards which requires at least 700mm between items of bathroom furniture. A gap of less than 700mm does not allow for a transfer area for a wheelchair user. It is considered that the bathroom does not provide adequate space for disabled persons and does not meet the lifetime homes standards.
- The internal doors for the kitchen, bedroom 1 and bedroom 2 would not have 300mm of wall space to the side of the leading edge.
- A covered lighted entrance is not shown on the plans.

The proposed dwellinghouse is therefore contrary to policy C16 of the UDP, policy 3A.5 of the London Plan and the Council's adopted SPD on Accessible Homes.

5) Parking Standards/Highway Safety

The site is within walking distance (200m) to bus routes along Uxbridge Road. According to Schedule 5 of the Harrow UDP, the maximum car parking standard for the proposal would be 2 spaces. The applicant has shown two parking spaces proposed on the forecourt for the new dwellinghouse.

It is considered that increased use of the access would be acceptable.

The Council's Highways Engineer is satisfied with the application. Therefore, it is considered that the proposal would not impact unduly on parking in the area or highway safety and thus would be compliant with policies T6 and T13 of the Harrow Unitary Development Plan.

6) S17 Crime & Disorder Act

The site would not be naturally overlooked by passers by along Lower Road. In terms of Secure by Design principles, the overlooking between the proposed development and the existing property at 29 Paines Lane would provide natural surveillance of the proposed development. The presence of mature vegetation along both side boundaries would prevent natural surveillance from the neighbouring sites, which is considered to be unacceptable and contrary to the objectives set out under paragraphs 4.19 and 4.20 of the reasoned justification to saved policy D4 of the HUDP.

7) Consultation Responses

- The effect of the proposal on the character of the area, residential amenity, parking and highway safety has been addressed in the report above.
- A cycle store is not required for the proposed development.
- The application site plan shows the outline of the property boundary.
- The Council's landscape and tree officers' are satisfied with the application.

CONCLUSION

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 refusal.

Plan Nos: 10/2536/2 Rev C, 10/2536/1 Rev C, 09/2527/3 Rev C and Design and Access Statement

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

Item: 4/01
NORTHOLT JUNCTION, CIVIC WAY P/1023/10/SMC
RUISLIP

Ward ADJOINING BOROUGH
CONSULTATION FROM NEIGHBOURING BOROUGH: TRACK AND JUNCTION IMPROVEMENTS INVOLVING WIDENING THE EXISTING UP LINE EMBANKMENT FOR 1.2KM; STABILISING THE EXISTING EMBANKMENT; LAYING A SECOND TRACK SOUTH OF EXISTING UP MAIN LINE; PROVISION OF NEW JUNCTIONS; REPLACING THE EXISTING SINGLE TRACK BRIDGE OVER CIVIC WAY WITH A DOUBLE TRACK BRIDGE; INFILLING REDUNDANT UNDER BRIDGE AND ANCILLARY WORKS

Applicant: LONDON BOROUGH OF HILLINGDON
Statutory Expiry Date: 21-MAY-10

RECOMMENDATION

INFORM London Borough of Hillingdon that Harrow Council raises no objection to this application having any unacceptable impact on the Borough of Harrow.

REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations.

MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development

The London Plan [2008]:

4B.1 Design principles for a compact city

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

INFORMATION

a) Summary

Statutory Return Type: Consultation by adjoining Borough

Council Interest: Adjoining Borough

b) Site Location

Subject site is located in the London Borough of Hillingdon, a neighbouring authority.

The proposed site is part of the railway land.

c) Proposal Details

Track and junction improvements involving widening the existing up line embankment for 1.2KM, stabilising the existing embankment, laying a second track south of existing up main line, provision of new junctions, replacing the existing single track bridge over Civic Way with a double track bridge and infilling redundant under bridge and ancillary works.

d) Relevant History

None

e) Consultations

None

APPRAISAL

1) Impact on Character and Residential Amenity within the London Borough of Harrow

The proposed track and junction improvements would not result in the loss of light or outlook of the neighbouring properties nor would they unduly affect the character of the area.

Any diverting of Field End Road would be dealt with under the Highways Act.

Accordingly, it is considered that the proposal would be acceptable in terms of character and amenity impact in relation to the London Borough of Harrow.

2) S17 Crime and Disorder Act

It is considered that the proposed development would not have any adverse crime or safety concerns.

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that NO OBJECTION be made.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None