

## SECTION 1 – MAJOR APPLICATIONS

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**Item: 1/01**  
**ST GEORGE'S CHURCH SPORTS P/1546/09/AH**  
**GROUND, PINNER VIEW, HA1 4RJ**

Ward HEADSTONE SOUTH

OUTLINE REDEVELOPMENT OF ST. GEORGES FIELD TO PROVIDE 7 X 1 BED FLATS, 8 X 2 BED FLATS, 4 X 3 BED HOUSES, 8 X 4 BED HOUSES; EXTENDED ACCESS ROAD; DETACHED DOUBLE GARAGE; ALTERED PARKING FOR ST GEORGES CHURCH HALL AND RETENTION OF 0.8 HECTARES OF OPEN SPACE

**Applicant:** St Georges Parochial Church Council  
**Agent:** Mr Charles Campion  
**Case Officer:** Abigail Heard  
**Statutory Expiry Date:** 21-OCT-09

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### RECOMMENDATION

GRANT permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the s106 and issue of the planning permission subject to minor amendments to the conditions or the s106 legal agreement.

#### Heads of Terms of s106 Agreement

- Transfer of the area of proposed Open Space detailed in the application to the Council subject to agreement of acceptable terms for such transfer; to include provision for the improvement of the land for use as open space and any related further contributions to its maintenance
- Provision of 52% Affordable Housing (70% social rent and 30% intermediate)
- Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- Payment of Planning Administration Fee

If members of the planning committee are minded to approve this planning application it will need to be referred to the Government Office for London as the proposal forms a departure from the adopted development plan policy

**Reason for Approval:** - The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS9, PPS5, PPG17 and PPG13 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 including any comments received in response to publicity and consultation. The loss of the open space whilst in conflict with policy EP47 of the UDP will be outweighed by the community benefits of the open space being accessible for all, the improved layout of the open space and the affordable housing proposed as part of the development. The layout of the development is acceptable and will not be to the detriment of highway safety. The development will not result in an increased flood risk and will reduce the opportunity for crime through natural surveillance of the open space. A number of conditions are recommended to be added to the permission to ensure that the carbon footprint of the proposal is reduced.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement 3 – Housing  
Planning Policy Statement 9 – Biodiversity and Geological Conservation  
Planning Policy Guidance 13 – Transport  
Planning Policy Statement 5 – Planning for Historic Environment  
Planning Policy Guidance 17 – Sport, Space and Recreation  
Planning Policy Statement 25 – Development and Floodrisk

### **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  
3D. 8 Realising the value of open space and green infrastructure  
3A. 18 Protection and enhancement of social infrastructure and community facilities  
4A.1 Tackling climate change  
4A.4 Energy assessment  
4A.7 Renewable energy  
4A12: Flooding  
4A13: Flood Risk management  
4A14: Sustainable Drainage  
4B.1 Design principles for a compact city  
4B.5 Creating an inclusive environment  
4B.6 Safety, security and fire prevention and protection

### **London Borough of Harrow Unitary Development Plan 2004**

D4: The Standards of Design and Layout  
D5: New Residential Development – Amenity Space and Privacy  
D9: Streetside Greenness and Forecourt Greenery  
D11: Statutorily Listed Buildings  
D12: Locally Listed Buildings  
D10: Trees and New Development  
EP20: Use of Previously Developed Land  
EP12: Control of Surface Water Run-Off  
EP27: Species Protection  
EP28: Conserving and Enhancing Biodiversity  
EP47: Open Space  
H7: Dwelling Mix  
T11: Cycle and Motor Cycle Parking in Public Places  
T13: Parking Standards  
T6: The Transport Impact of Development Proposals

**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (UDP policies EP20)
  - Loss of Open Space and Sports facilities (PPS1, PPS17, The London Plan Policies 3D.8, 3A.18 and UDP policies EP20, EP47)
  - Housing Need (PPS1, PPS3, The London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6)
- 2) Design and Layout (PPS1, PPS3, The London Plan policies 4B.1, 3A.5 UDP policies D4, D10, H7, D11, D12, SPD: Accessible Homes (March 2010) )
- 3) Impact on Neighbouring Occupiers (PPS1, UDP policy D5)
- 4) Traffic and Parking (PPG13, UDP policy T6, T13, T11)
- 5) Water Resources and Flood Risk (PPS25, The London Plan policies 4A.12, 4A.13, 4A.14 UDP policy EP12 )
- 6) Biodiversity (PPS9, UDP policies EP27, EP28)
- 7) S17 Crime & Disorder Act (UDP policy D4)
- 8) Sustainability and Climate Change (PPS1, The London Plan 4A.1, 4A.4, 4A.7, SPD: Sustainable Building Design (May 2009))
- 9) Consultation Responses

**INFORMATION**

This application is required to be determined by the planning committee as it is a major application. In addition a petition with more than five signatures objecting to the proposal has been submitted to the Local Planning Authority.

**a) Summary**

Statutory Return Type: Major Planning Application  
Council Interest: None

**b) Site Description**

- The application site is an area of open space associated with St Georges Parochial Church
- The site is private land bought in 1923 by the applicants. There is not a right of unrestricted public access to use the site. An eastern footpath access from Pinner View, immediately north of the Church Hall, and the vehicular entrance from the cul-de-sac road named Churchfield Close, are both gated and locked.
- The appeal site is approximately 1.4 ha in size, roughly rectangular and is generally flat. There are a number of trees and shrubs close to or along the boundaries
- The rear gardens of two storey semi detached houses bound the south, west and east of the application site. The grade II listed Church Hall and the unlisted vicarage bound the south-east of the site and to the north lie the well-maintained hard tennis courts of the Headstone Lawn Tennis Club.
- A large single-storey scout headquarters building, erected in the 1960's, stands in the north-west corner of the site, and is in active use by 1<sup>st</sup> Headstone Scouts.

- The trees on the boundary of the Headstone Lane tennis courts and rear gardens in Kingsway Crescent are protected by a TPO. A TPO Rowen tree (denoted T3 on the tree plan) will be removed as part of this development although this is not required to be assessed as part of this proposal as the removal of this tree was granted under a separate application.
- With the exception of the southern third of the site the majority of the application site forms open space as defined in the Harrow Unitary Development Plan. The southern third of the site which is undefined was formerly occupied by the grass and clay courts of a tennis club associated with the Church. The tennis club was disbanded and subsequent use of the courts abandoned over ten years ago in 1999.
- A number of local residents have submitted evidence to the Council to suggest that the application site is a Town Green under The Commons Act 2006. This evidence is in the early stages of being assessed by the Council (outside of the planning process) and if Town Green status is granted this would have implications for any proposed development on this site. However, the application for a Town Green is not (at this stage) a material planning consideration.

**c) Proposal Details**

- The proposal seeks outline planning permission for layout and access to be determined at this stage with scale, appearance and landscaping to form reserved matters, for the erection of 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. Georges Church Hall and the retention of 0.8 hectares of open space.
- The plans submitted with the application are indicative with only the access and circulation roads and the layout of the development (in terms of the relationship between buildings and public and private spaces) fixed as part of this application. The scale parameters for the maximum height (two storeys) width and depth of the development blocks are identified on the plans and will have a bearing on any subsequent reserved matters application.
- The scheme submitted identifies a single line of detached residential buildings along the southern part of the site; a continuation of that line runs northwards, next to the western site boundary, to a point where the southernmost part of the scout HQ now stands.
- A new vehicular access road to the site off Pinner View is proposed to be the main access to the site. As a result of this access road the drive an existing detached garage associated with the vicarage will need to be demolished and as such this application seeks outline permission for the erection of a new detached double garage for the vicarage as part of the proposals with a new driveway off Pinner View
- The existing scout hut falls outside the application site and will not be redeveloped
- This application has similarities with the scheme dismissed by the Planning Inspectorate in October 2008, with the main changes being:
  1. The removal of a proposed community building (subsequently increasing the retention of the open space),
  2. The retention of the scout hut and subsequently reorganisation of the dwellings so that the units to the west are sited a further 4 metres to the south,

3. A reduction in amenity space for the flats, (a reduction by 46 sqm for block A, 66 sqm for block 6 and 14 sqm for block 8)
  4. Nominal increase in footprint of the buildings due to the floor space requirements of affordable dwellings,
  5. Reorganisation of parking arrangements,
  6. Reduction in height of the proposed 8 x 4 bed houses to two storey from two and a half storey and;
  7. Further detail submitted with regard to the laying out and use of the open space.
- The height of any of the buildings will not extend beyond 2 storeys
  - 52% of the proposed units will be affordable (14 out of 27)
  - The density of the development is 21 dwellings per hectare
  - There is a total of 37 parking spaces proposed for the development with 10 of those allocated to the church hall and 5 cycle parking bays.
  - The applicant has indicated that they are prepared to enter into a s106 agreement to transfer the remaining open space to the Council, to lay out the open space to a standard which the Council is able to adopt the open space (including draining the site), for a sum of money to be provided for the long term maintenance of the open space and for 52% of the dwellings to be affordable (71% social rented and 29% intermediate housing). The mix of affordable housing is as follows 6 x 4 bed and 4 x 3 bed social rent and 2 x 2 bed flats and 2 x 1 bed flats intermediate housing.

**d) Relevant History**

P/2569/07	Development to provide 7 x 1 Bed flats, 8 x 2 bed flats, 4 x 2 storey houses, 8 x 2.5 storey houses, community hall, access, parking for church hall; retention of 0.7 Ha of open space	REFUSED: 21-NOV-07 APPEAL DISMISSED 08-OCT-08
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**Reasons for Refusal:**

1. The proposal would be an unacceptable development of a Greenfield site for which no justification has been given that would be contrary to Policy EP 20 of the Harrow Unitary Development Plan and relevant national guidance
2. Insufficient and inadequate information has been provided to show that as a result of the proposed development the loss of this sports and recreational facility could be offset by the availability of a similar facility in the nearby locality, contrary to policy EP47 of the Harrow Unitary Development Plan
3. The proposed development by reason of a poor layout and a cramped relationship between buildings and spaces would result in over development of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan
4. In the absence of any supporting information the development provides insufficient affordable housing contrary to The London Plan, policies 3A.7 and 3A.8

P/3626/06	Redevelopment of Open Space for Residential Use as Fifty Houses and Flats along with Parking, Access and a New Community /Scout Building	REFUSED 19-APR-07
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3. The proposed development by reason of a poor layout and a cramped relationship between buildings and spaces would result in an overdevelopment of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan
4. No Flood Risk Assessment has been submitted to accompany the proposal that would demonstrate how excess surface water run off could be attenuated as a result of the development that would ensure that serious structural harm to neighbouring residential properties would result, contrary to Harrow Unitary Development Policy EP12 and relevant national guidance

LBH/37739	Outline: Residential Development with Access between No. 96 and Church Hall (40 Detached /semi Detached and Terraced Houses with garages)	WITHDRAWN 21-JUL-89
LBH/78/1	Erection of Single Storey Cricket Pavilion	GRANTED 24-JUN-76
LBH/78	Continued Use of Pavilion, Changing Room and Store	GRANTED 25-MAY-65
HAR/15735	Erection of Pavilion	GRANTED 02-SEP-59

**f) Applicant Statements**

**Design & Access Statement**

- A phase 1 habitat survey was carried out in June 2006 which concluded that there was some potential for bats although no bat colonisation was observed and reptiles, possibly slow worms may be associated with the areas of rough grassland/scrub. The loss of habitat is of no special nature conservation importance
- Harrow Council commissioned a bat survey in August 2008 which provided no evidence of bat habitats as opposed to the presence of bats within the site
- The Housing Layout reflects the local townscape context with semi-detached properties creating a rhythmic layout, with hipped roofs where possible
- The existing Scout Hut is to be retained
- The proposal would generate approximately 10 car trips in the peak hour onto Pinner View during weekdays which will have a negligible impact locally
- The Church and Church Hall users will benefit from the open space parking provision as there is none at present
- The development offers natural surveillance of the proposed public open space
- The new access road will form a home zone with a reduced speed limit and finished in quality materials

- A community planning day was held on Saturday 25<sup>th</sup> March 2006. Following the community planning day proposals were displayed in an open staffed exhibition in the Church Hall on Friday 22<sup>nd</sup> September and relevant stakeholders were invited
- A meeting was held with the Scouts to discuss the design proposals for this third planning application on the site. The scouts have been party to a number of revisions to the masterplan which took into account their concerns, by relocating the turning head, car parking and modifying fence lines and access gates. The scouts now fully support the proposals for St Georges Field.

### **Applicant's Planning Statement**

- Although the appeal was dismissed, guidance was clear on what would be acceptable. The development was considered acceptable in principle subject to the resolution through the planning obligations of the key concerns;
  1. Access for the scouts and other users to retained open space, how the open space would be enclosed and drained
  2. Certainty about how the scouts would be accommodated in the new scheme
- The proposed development provides the same number and mix of houses as assessed in the previous scheme, half of which are affordable. The proposal does, however, omit the new community building and retains the existing scout hut head quarters. The applicant has advised that as part of the development they are willing to ensure adequate drainage of the open space and the area of land will be made more accessible for the community
- The amount of development on the 'open space' designated land has been reduced given the community building is no longer proposed
- The number of dwellings to be located on the 'open space' amounts to less than the proposed number of affordable dwellings
- The access road remains unchanged, however, as a result of the access road the garage associated with the Vicarage will need to be demolished and as such a new driveway and detached double garage has been proposed as part of the development
- 1st Headstone scouts have confirmed their support for the proposals. The scouts will be given access to the retained open space for their activities
- A new community building will not be provided. There is not a demand for this facility especially in light of the existing St Georges Hall. In addition to this the Church will look into making the Scout Hut Head Quarters available for other groups.
- New off-street parking will be provided to the rear of St Georges Hall for the building
- As a result of removing the original proposal for a new community building the retained open space is 0.8 ha rather than 0.7 ha as proposed in the previous scheme
- The open space retained will be enclosed by metal fencing together with a lockable gate or gates

- Comments on Council's suggested Conditions put forward at the appeal;
  - a) condition 2 is no longer required
  - b) condition 5; it is suggested that this condition relating to fencing during building works is amended to refer to the boundary of the actual development within the application site which should be sufficient to safeguard proper interests of amenity and highway safety
  - c) There would be no objection to a condition with regard to fencing of the open space
  - d) There would be no objection to a condition with regard to land drainage
- The contribution of £50,000 (which was put forward as part of the appeal) towards the improvement of local sporting provision on recreation grounds and other open space within 800m of the application site will not be provided. Careful consideration has been given to this provision and in light of the inspectors comments about current provision there is no justification for this payment, particularly having regard to the commitment to improve open space. The intention is that £50,000 will contribute to the cost of land drainage, fencing and future maintenance of the retained open space.

**Internal Consultations:**

**Landscape Architect:** No objections subject to conditions

**Traffic and Parking Engineer:** No objections subject to conditions

**Planning Arboricultural Officer:** no objections subject to conditions

**Conservation Officer:** The proposed development would be within the setting of the grade II listed church hall and within the setting of the recently locally listed vicarage.

It appears from plan 303 Rev C that the proposed pitch of the relocated and enlarged garage would be facing north to south so it is parallel with Pinner View. It should be facing west to east so that it matches the direction of the pitch of the existing garage roof and that of the main house of this locally listed building. This would make it appear more in harmony with the adjacent locally listed building and would help ensure compliance with Harrow UDP policy D12.

The current garage to the vicarage is a single garage and is set further from the highway than the main house. This helps ensure focus remains on the main house. However, the new garage would be set the same distance from the highway as the main house, and would be a double garage which would make it particularly prominent. So, to help ensure focus on the locally listed vicarage building it should be set slightly further away from the highway (by one more metre) to ensure compliance with Harrow UDP policy D12.

The plan mentions there will be a new 2.25m brick wall will be installed to the garden of the vicarage. This would be acceptable to the side and rear parts of the garden as it would not block important views to this building. To ensure compliance with Harrow UDP policy D12 the brickwork bond and type should be conditioned to match that of the main house.



Otherwise there are no objections to the proposal as it would comply with Harrow UDP policy D11 and D12. The current setting of greenery to the vicarage and the church hall does not detract from the listed building or that of the locally listed building. It seems both the church hall and the vicarage would be given sufficient breathing space by the proposed layout and access and would not be overwhelmed by the development.

The new access road would open up side views of the church hall and the vicarage, which would probably enhance their setting and appreciation. I do not think that this new road or the parking areas to the rear of the church hall and the vicarage would detract from the setting of the listed or the locally listed building.

**Drainage Engineer:** No Objections subject to Conditions

**Tree Officer:** Conditional No Objections subject to Conditions

**External Consultations:**

Sport England: Our position has not changed from previous applications on this site. The current LB Harrow PPG17 playing pitch strategy (2005) clearly shows that the borough should not lose any cricket field and also demonstrates that other pitches are in deficit.

We determine that the application fails to demonstrate that any of the above listed exceptions have been met and accordingly Sport England objects to the proposed development for the following reasons: -

- (a) Sport England has evidence that verifies the sports field has been consistently for organised cricket games and practice over a period of at least 75 years up to a period ending within the last five years. Therefore the established use of the site is as a sports field and not, as defined in the application, as open space
- (b) The Council's 2005 PPG17 Assessment on playing fields demonstrates a latent demand for cricket pitches in the borough approaching 2011 and a pronounced latent demand for such pitches in 2021. Sport England considers that partial loss of the field establishes the principle of development of the site and it remains a loss to sports use for which the entire site has been used consistently
- (c) The loss of the site has not been addressed by the replacement of facilities of equivalent or better standard elsewhere in the locality
- (d) Sport England notes that there is a latent demand in the locality for sufficient space for cricket clubs and to address growing demands for participation. Additionally we have ascertained from local schools that the site has been used informally for outdoor sports in suitable weather.
- (e) The application has not accounted for the two clubs who used the site as a base and have been removed from the site in recent years by the landlord. The loss of a base for any club renders the application for sports awards and grants impossible further diminishing the operations of local sports provision

**Environment Agency:** The proposed development will only be acceptable if the measures as detailed in the FRA submitted with this application are secured by way of condition.

**Notifications:**

Sent: 477

Replies:

101 letters of support received

101 letters of objection received

1 petition received with 13 signatures

**Neighbours Consulted:**

Churchfield Close: No.'s 1 – 27 (odd), 10

Hillfield Close: No.'s 1 – 12, 14, 16

Kingsfield Avenue: No's 4-90 (even), 3-117 (odd)

Headstone Lawn Tennis Club

Lyon Hall

St Georges Church Hall

St Georges Church

Pinner View: No.'s 88 – 138 (even), 142 – 172 (even), 43 – 87 (odd)

Brook Drive; No. 62

The Laurels

Carr Road: No. 55a

Chessfield Park: No. 22

Wealdstone lane: No. 53

Oldbury Close: No. 6

South Cottage Drive: No. 14

Kingsway Crescent: No's 2, 16 – 28 (even)

Falkland

Cunningham Park: No's 42 – 84 (even), 31 – 73A (odd)

Longley Road: No's 66 – 96 (even), 65 – 97 (odd)

Hide Road: No's 61 – 85 (odd), 68 - 84 (even)

Bolton Road: No's 32 – 78 (even), 43 – 93 (odd)

Scout Hut

Moat Drive: No's 38 – 64 (even), 39 – 59 (odd)

**Summary of Responses:**

**Loss of Open Space and Sporting Facilities:**

- Loss of Open Green Space
- The land was used for sporting activities and there is a shortage of this type of space within the borough a smaller field will not be suitable for sporting activities
- Green space needs to be retained to offset carbon emissions
- Damage wildlife habitats
- St Georges church field should be opened to the whole community
- There are no changing facilities proposed for the open space as such what will be its purpose
- The inspector made an error in assessing the previous application. Sport England did visit the site and indicate it was suitable for sport
- There is no justification given for building on Greenfield land
- The scouts will not be permitted to stay on the land
- The improvements put forward to improve the open space are not sufficient to overcome inspectors concerns

- Council should carry out a new survey to demonstrate the need for this field
- How soon will the field be protected by the Local Development Framework
- A condition should be added to any permission indicating that the Scout Hut HQ cannot be developed other than for the Scouts
- Rather than use greenfield space the council should refurbish the 82,000 empty Council properties
- Brownfield sites around Harrow need to be developed prior to greenfield sites
- Development will set a dangerous precedent
- Implications of the revisions to PPS3 and 'garden grabbing'
- The open space will by default be assumed by the residents to 'belong' to them and hence will not in fact provide genuine open space
- The sporting area cannot be replaced in the nearby locality
- A restrictive covenant is on the land which gives the land a purpose 'in perpetuity' and that is the way things have to remain
- Indicative plans do not illustrate the true proportions of the proposed remaining open space. There would be less than 0.8 hectares given to the Council, rendering the remaining open space effectively useless for team sports and multiple recreation activities, especially with landscaping and benches in the area

**Housing Need:**

- The housing need within the borough is being met by other developments
- Flats do not meet housing needs
- Infrastructure is not able to cope with additional pressure (schools, drainage, doctors)

**Design and Layout:**

- Appearance, size and height of units is out of keeping with character of the area and will be to the detriment of the amenity of adjacent residential occupiers
- Overdevelopment
- Flats are out of keeping with the character of the area
- The access road would be to the detriment of the setting of the listed buildings
- The vicarage garden appears to be divided leaving a plot with a potential for further development
- Lack of trees

**Impact on Highway Network:**

- Traffic and congestion problems
- There is too much parking provided as part of the development
- Parking Provision for the Church hall is unsustainable
- Increase in traffic and congestion will increase air pollution
- There is only one access for Emergency Vehicles on to a busy road, Traffic congestion and parking problems during construction

**Impact on Neighbouring Occupiers:**

- Overbearing impact on neighbouring occupiers
- Overlooking
- The 2.5 metre boundary treatment for vicarage should be extended to all properties backing on to the development

- Overshadowing
- Light pollution to the detriment of the amenities of neighbouring occupiers
- Noise and disturbance due to increase in traffic movements
- Increase in dust

**Water Resources and Flood Risk:**

- Flood Risk
- Sustainable Drainage must be provided
- The reduced area for natural drainage caused by the construction of the access road and the properties themselves will increase the risk of flooding subsidence

**APPRAISAL**

**1) Principle of Development**

The planning application proposes development on private land owned by the Church since 1923. Part of the application site is identified within the proposals map to the UDP as open space and as such the proposal is required to accord with policy EP47 of the Harrow UDP and policy 3D.8 of the London Plan. The application proposes a mix of affordable houses and flats as required under policy H7 of the Harrow UDP. The applicants also claim that the development would support the continued delivery of services to the community by the Church in accordance with policy 3A.18 of The London Plan. A planning application for a similar development (ref: P/2569/07) was refused by the Local Planning Authority on the 21<sup>st</sup> November 2007. This application was appealed and subsequently dismissed by the Planning Inspectorate. Alongside these policy considerations, the planning appeal decision is a material consideration. The main considerations in relation to the principle of development are considered to be;

- Loss of Open Space and Sports Facilities
- Housing Need

**Loss of Open Space and Sports Facilities**

Two thirds of the application site is allocated as public open space, the other third is unallocated land, historically used as tennis courts. The site layout plan, reflecting the broad pattern and form of the previous application for development around the southern and western perimeter of the site, places the majority of the built form on the land which is not specifically identified as open space in the adopted proposals map. Only three detached residential buildings and the northern part of the access road are located on the identified open space.

The Planning Inspector when assessing the previous scheme acknowledged that the loss of the section of open space for housing was in conflict with policy EP47 of the Harrow UDP 2004, which states inter alia that the Council will protect the Borough's Open Spaces, and policy EP20 of the Harrow UDP 2004 which seeks to secure all new build development is located on previously developed land. The Inspector assessed the justification submitted by the appellant for the loss of the open space and unallocated land submitted with the appeal and concluded that; *'In this case, I firmly believe that more active use of a smaller area of open land than now exists would give greater local benefit than what now obtains on a largely unused larger area, of private land; this might reasonably be considered to outweigh any technical contravention of policies EP20 and EP47'*

The Planning Inspector then further commented that;

*'The appeal must fail, because I find the way in which the open land would be used has been insufficiently spelt out at the outline planning stage'*

Local residents and Sport England have again made representations in this case that the development would compromise and harm the provision of private sporting and recreational facilities in the borough, notably the loss of cricket facilities contrary to Policy EP47 of the Harrow UDP. The earlier inquiry considered the evidence submitted by all parties on this matter. In that case, the Inspector concluded;

*'I find that the site has severe deficiencies for active sport use. In my opinion, neither the Council nor other parties opposed to the appeal scheme has shown that the local situation is one of material deficiency in respect of active outdoor activities'*

The Council is undertaking an audit of the Borough open space areas as part of the Core Strategy. It has engaged consultants to audit the areas of open space in the borough in order to inform the setting of new standards of provision for the future, within the Development Plan. A draft audit has been completed; this audit assesses the quantity, quality and accessibility to open space within the Borough. St Georges Field has not been included as contributing to the existing sport provision within the Borough, as for the purposes of PPG17 a site must have a level of public access which this site does not have. Further to this, without the inclusion of St Georges Field the audit has also established that there is a high level of accessibility to cricket pitches within the immediate area. There are 21 cricket pitches in the Borough as a whole, of which 4 are located in the central sub-area (Old Lionians, Harrow Recreation Ground, Byron Recreation Ground and Kenton Sports Club). All of the central area pitches are rated as of 'good quality'. Nearby Headstone Manor Recreation Ground also includes a cricket pitch rated excellent quality.

The PPG17 study also identifies a deficiency in parks and gardens with the study recommending an accessibility standard of 400m (from home) to a small open space. This application if approved will result in a small open space, laid out informally with public access and will therefore contribute to reducing this deficiency in parks and gardens and further ensure that local people are within close proximity to accessible open space.

The Inspector's report concluded that the reduction in open space would not be significantly harmful if the quality of and access to the open space was improved by virtue of the development. This view is consistent with the London Plan Policy 3D.8 which seeks to promote and improve access to London's network of open spaces. The applicants, in advancing this second application, have amended the proposal to retain the existing scout building in situ in the Northwestern corner of the site. This has served to reduce the area for development on the designated green space – replacing the originally proposed community centre/scout hall - with a smaller 10 space car park for users of the existing church hall.

The applicants, in response to the inspector's earlier comments on the future use and management of the open space, have also modified their proposals for the S106 agreement. The original resubmitted application withdrew the offer of a financial contribution to the Council in place of a proposed management plan providing future public access to the retained open space. Subsequent to the applicant's submission, and in discussion with officers, the applicants have now indicated a willingness to transfer to the Council, the area of open space to allow for a more secure and definite future free from further development. Any such transfer would require works to be carried out to ensure that the liabilities of the Council, and management of access and use by the Scouts etc were safeguarded.

The changes to S106 regulations on financial contributions and the clear need to balance the benefits and impacts of the development means that the Committee must give appropriate weight to the proposed S106 as a material planning consideration.

Having regard to the sites limitations, as a private (as opposed to public) facility and the uncertain and contested suitability for formal sports, officers consider that the proposed transfer of the site into public ownership, with an appropriate financial contribution to address future maintenance and works to ensure that the land is transferred in a suitable condition, amounts to a net benefit to the community at large. Such a conclusion is consistent with the conclusions of the planning inspector at the time of the previous appeal. The Committee needs to place this potential benefit in the balance alongside the other policy objectives of the plan. Officers however consider that this benefit, to the community at large, is capable of outweighing the harm to development plan policy interests associated with the safeguarding of this area of privately owned open space from any new development.

### **Housing Need**

At the planning appeal the Council provided evidence to demonstrate that there was a sufficiency of land available to meet PPS3 requirements and that the delivery of affordable housing has been satisfied up to the year 2006 – 2007. The Council sought at the appeal to argue that new housing on a greenfield site rather than previously developed land was not necessary or desirable. The Inspector assessed this issue and felt that the application could not be refused on this basis, particularly in light of the majority of the development being proposed on unallocated land.

Since the decision made by the Planning Inspectorate a revised version of PPS3: Housing has been published by the Government and is a material planning consideration. The revised version specifically excludes 'private residential gardens' from the definition of previously-developed land and the national, minimum density of residential development of 30 dwellings per hectare has also been deleted. This revision to PPS3 do not have any implications for this proposal as the density of the development is under 30 dwellings per hectare and the proposal will not result in the loss of any private residential gardens.

The mix and balance of affordable and private housing proposed would undoubtedly make a positive contribution towards the delivery of appropriate new homes in the Borough. The Inspector acknowledged and gave considerable weight to this benefit to the UDP. The applicants propose to provide 6 X 4 bedroom and 4 X 3 bedroom affordable social rented houses (plus and 2 x 2 bed flats and 2 x 1 bed intermediate affordable flats). Given the importance of delivering affordable new homes in the borough for families, the proportion, levels and type of homes to be provided on the site amount to a significant material consideration that can be afforded considerable weight.

The presumption against development on land identified in the UDP for open space is clear in the UDP. However, the Local Planning Authority is required to balance all policy objectives (and consider both the impacts and the benefits arising from the application) together with the S106 agreement. In this regard, officers consider that the benefits of securing both public access in perpetuity and new affordable family housing on the site, whilst potentially safeguarding the continued operation of the church and without the removal of the scouts hall, are reasons that overall outweigh the harm to the development plan policy associated with the protection of the existing site from any development. The more localised and specific impacts of the proposed development are considered in more detail below. Officers consider however that for the above reasons, the principle of this development on the site is acceptable.

In respect of the precedent that this application may set if approved, it is important to recognise that this application is being recommended for approval on the basis of the significant planning gain of this development and that each application must be assessed upon its planning merits.

This particular set of circumstances are unlikely, it is considered, to be repeated elsewhere in the borough so as to set a precedent for development on open space.

## **2) Character and Appearance of the Area**

The layout of the building is almost exactly as was assessed by the Planning Inspector in the previous scheme, with the main changes being the nominal increase in footprint to ensure that the units are acceptable to form dwellings suitable to be adopted by a registered social landlord, and the resiting of the development blocks to accommodate the original scout hut.

The Planning Inspector assessed this layout through the appeal process and raised no objections, stating that if the detailed designs for individual buildings in the outline scheme were of decent quality this would overcome the Council concerns with regard to the position of building 4 and its prominence and the front elevational parts of residential building No.6 being blocked from public view due to building No.5. Further to this the buildings will all extend to two storeys which is considered in keeping with the character and appearance of the area.

Concerns have been raised with regard to the fact that flats are out of keeping with the character of the area. The development will provide for a mix of housing types which is considered to be consistent with policy H7 of the HUDP and policy 3A.5 of the London Plan 2008. It is also important to recognise that the maximum height for the buildings is two storeys thus it is not intended that the buildings will be of a scale out of keeping with the character of the area.

In respect of parking provision concerns have been raised with the siting and level of parking proposed. The inspector raised no objections to the level and position of the car parking proposed in the previous scheme, indicating that an appropriate landscaping scheme could mitigate this impact. Whilst it is acknowledged there has been some reorganisation of the parking layout since the appeal and a reduction in the number of spaces provided for the open space, it is not considered on the basis of the Inspectors comments that the arrangement of the parking provision is significantly harmful as to warrant refusal of the application.

The level of amenity space provided for the development whilst less than previously assessed by the Inspector is considered acceptable given the public open space proposed opposite.

The access road proposed will enter the site between St Georges Church Hall (grade II listed building) and the Vicarage which is a locally listed building. It is not considered that the proposal will be to the detriment of the setting of the buildings. It is considered that the new access road would open up side views of the church hall and the vicarage, which would enhance their setting and appreciation.

The detailed design of the proposed garage will need to be assessed through a reserved matters planning application to ensure that the garage is subservient to the vicarage building. Amended plans have been received setting back the garage a metre from the front of the vicarage to ensure that the garage is subservient to the locally listed vicarage building. It is considered that the proposal will comply with policies D11 and D12 of the HUDP.

In respect of the layout of the open space, this is yet to be agreed but as part of the s106 agreement the applicant will be required to submit a satisfactory layout and implement this layout prior to the occupation of the development.

Further to this, whilst it is noted on the indicative plans that a 2.5 metre wall is provided for the vicarage, this is indicative only and full details of all the boundary treatments proposed will be required to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The Councils Accessible Homes SPD (April 2010) requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. Whilst it is acknowledged that the detailed design of the dwellings will need to be assessed through subsequent reserved matters applications, a condition is recommended to be added to the permission to ensure that the development accords with the life time homes standards. Equally the proposed open space will need to be accessible and this will be assessed through the submission of the detailed layout.



In light of the above it is considered that the proposal will comply with Government guidance contained within PPS1, PPS3, PPS5, policies 4B.1, 3A.5 of The London Plan and Harrow UDP policies D4, D10, H7, D11 and D12.

### **3) Impact on Neighbouring Occupiers**

As indicated above the layout as proposed is very similar to the layout as assessed by the Planning Inspector. The Planning Inspector considered that, despite similar concerns being raised by residents adjacent to the site, the proposal would not cause any significant loss of residential amenity to properties that border the site, in respect of distance, overlooking, loss of privacy, or loss of sunlight. Whilst it is acknowledged that block 6 and 8 will be closer to the rear boundary of the adjoining residential occupiers than was previously the case, given the length of the rear gardens of the adjoining occupiers and the fact that the proposed buildings are limited to two storeys, the impact is not considered significantly harmful as to warrant refusal of the application.

Concerns have been raised with regard to the position of the car parking areas and associated noise and disturbance. The position of the car parking areas is not significantly different to the position of the car parking areas assessed by the planning inspector. They are located close to the site boundaries but, at least 30 metres from the rear building line of the dwellings located on Kingsfield Avenue and Kingsway Crescent.

It is not considered that there has been any material change in circumstances since the earlier appeal and given the physical separation of the spaces, officers consider that this relationship remains acceptable.

With regard to the garage proposed for the vicarage, given this will be single storey and sited adjacent to the flank wall of a two storey house, the proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupier.

There have been concerns raised with regard to light pollution attributed to the development. However, as this site is located within a suburban context it is not considered that the lighting associated with this development would be significantly intrusive. Furthermore, appropriate lighting of the proposed open space would improve security making the open space more useable. It is therefore recommended that a condition is added to the permission indicating that details of lighting is submitted to and approved in writing prior to commencement of the development, and the proposal is carried out in accordance with the approved details.

In respect of vehicular movements, dust, noise and disturbance during construction it is recommended that a condition is added to the permission requiring the submission of a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects.

The proposal is therefore considered to comply with the objectives contained within PPS1, PPS3 and PPG15 together with policy D5 of the UDP.

**4) Traffic and Parking**

The issue of parking, congestion and additional trips on the network was assessed by the Planning Inspector and the Council in the appeal, both of which concluded that parking provision is not objectionable and those adequate access arrangements from Pinner View could be ensured by a planning condition.

The development is not considered to result in a significant increase in traffic congestion which would result in a significant increase in air pollution.

There have been no changes in circumstances in respect of the impact of the development on the Highway network since the previous decision was made. As such it is considered that the proposal will comply with Government guidance contained within PPG13, policies T6, T13 and T11 of the Harrow UDP.

**5) Water Resources and Flood risk**

The application site lies within flood zone 1 and has a low risk of flooding. However, as the application site is over a hectare in size a flood risk assessment (FRA) was required to be submitted with the application for assessment by the Environment Agency. The FRA submitted indicated a number of mitigation methods to prevent any damage to persons or property in the event of flooding and a surface water drainage strategy to reduce surface water run off. These mitigation methods included ensuring finished floor levels are 150mm – 300mm above ground level, a safe and dry access route being available at Pinner View and Sustainable Urban Drainage Systems in the form of tanked pervious pavement systems and a swale to accommodate any excess run-off from the proposed site access.

The Environment Agency has raised no objections to the scheme subject to a condition ensuring that the measures as detailed in the FRA are secured. The proposal is therefore considered to comply with Government guidance contained within PPS 25, The London Plan policies 4A.12, 4A.13, 4A.14 UDP policy EP12.

**6) Biodiversity**

Concerns have been raised with regard to the loss of wildlife including the presence of bats at the application site. A Council bat survey was carried out in August 2008 and this provided no evidence of any bat habitat within the appeal site. This survey did not, however, conclude that bats did not have any presence within the site. As such, whilst it is not considered that the proposal will be likely to cause any harm to protected species, it is considered that there is an opportunity for biodiversity to be enhanced through the provision of bat habitat in the roof areas of one or more of the proposed areas.

It is not considered that the site has any particular special interest in respect of flora or fauna needing to be accommodated in a detailed scheme. It is therefore considered that the proposal will comply with Government guidance contained within PPS9 and policies EP26 and EP27 of the UDP.

The majority of the trees on the site are the subject of a TPO; principally on the boundary of Headstone Lane tennis courts and rear gardens in Kingsway Crescent. A tree survey has been submitted with the application which identifies all the trees to be retained with the exception of one tree to the rear of St George's Church Hall.

It is not considered that the loss of this tree will be to the detriment of the visual amenity of the area and the Council's arboricultural officer has raised no objections to the scheme, on this basis, subject to conditions. It is also important to recognise that a landscaping scheme will need to be submitted with the application which could provide further trees as part of the proposals. It is therefore considered that the development will comply with policy EP30 of the UDP.

**7) S17 Crime & Disorder Act**

Whilst the site access road and development might offer more access to the site than currently, the orientation and outlook of the proposed homes would offer greater levels of natural surveillance to a section of land which is currently underutilised and poorly overlooked. Access and use of the open space by local residents and families during daylight hours would equally serve to ensure overlooking of the new homes and access road so that an overall neutral impact on crime and disorder is likely.

It is therefore considered that the application will comply with policy D4 of the Harrow UDP and policy 3A.5 of the London Plan.

**8) Sustainability and Climate Change**

There have been concerns raised with regard to the fact that providing parking for the Church Hall and Church which currently have zero provision will be unsustainable and encourage visitors to the Church by private car. Whilst this is the case it is important to recognise that 5 cycle parking bays will be provided as part of the proposals and given that the planning Inspector raised no objections to the parking levels which are proposed and this is reduced by two spaces that the impact will be significantly harmful.

Whilst green space is clearly essential in ensuring that carbon emissions are offset, given 0.8 hectares of green space is proposed to be retained the loss of the green space is not considered significantly harmful as to warrant refusal of the application.

The design and access statement submitted with the application does not refer to on-site renewable energy generation or sustainable construction methods. The Council has adopted an SPD on sustainable development which includes a commitment to achieving sustainable design, achieving efficient resource use, enhancing biodiversity, ensuring that residential development achieves Code for Sustainable Homes level 3 and to ensure that the site is responsibly managed. Given the size of the development and the outstanding reserved matters required to be submitted, it is considered reasonable and appropriate that the development meets policy objectives for sustainable construction and use of dwellings reflected in The London Plan policies 4A. and 4A.7 and policy D4 of the UDP. These matters can be addressed however, at outline stage, by way of a planning condition.

**9) Consultation Responses**

Concerns have been raised with regard to the potential for the vicarage garden to be sub divided into a further development plot. This does not form part of the proposal and if a planning application were to be submitted for a new dwelling it would need to be assessed upon its individual planning merits.

In respect of Emergency Access it is considered that the access proposed is satisfactory given the fact there is sufficient room for an emergency vehicle to turn within the site.

There have been concerns raised that the open space will belong to the new residents of the proposed dwellings and not the wider public. The open space will be transferred to the Council and will be managed by the Council the open space will not be for the sole use of the residents of the proposed dwellings.

An accurate detailed survey of the open space has yet to be carried out this may show that the open space is nominally less than 0.8 hectares but there will not be a significant reduction in the level of open space.

It has been stated that a restrictive covenant was attached to the original transfer of the land which gave the land a purpose in perpetuity as a sports and recreation ground. Any restrictive covenant on the land is not a material planning consideration but is a matter for private law.

Comments have been received enquiring as to when the field will be protected by the LDF. The planning policy considerations with regard to the loss of open space and sports facilities are addressed within section 1 of the appraisal section of the report. If this application is granted the public open space created will be afforded protection through the Local Development Framework process.

The additional dwellings are not considered to put significant pressure on local infrastructure and the transfer of the open space to the Council will result in an additional accessible public open space for the community

In respect of refurbishing Council houses rather than using greenfield space, this application is not just recommended for approval on the basis of the provision of affordable housing. Whilst this is considered a planning gain the provision of an area of public open space rather than a private space in accessible to the public is further considered to be a benefit of this proposal.

With regard to any planning conditions concerning the Scout Hut HQ, this lies outside the application site and it is not proposed to be amended as part of this application.

## **CONCLUSION**

This application is undoubtedly controversial and has resulted in considerable unease amongst some local residents. The proposals, in promoting development of part of an area identified as open space in the UDP, also delivers UDP policy objectives in relation to affordable housing and secures through a proposed S106, for the future, public ownership and access to an area of unmanaged, private land.

The loss of the open space, whilst in conflict with policy EP47 of the UDP is considered to be outweighed by the community benefits of the open space being accessible for all in pursuit of policy 3D.8 of the London Plan, the improved layout of the open space and the affordable housing proposed as part of the development. The layout of the development and its impacts upon residential amenity is acceptable and will not be detrimental to highway or community safety. The development will not result in an increased flood risk.

Subject to the S106 agreement being completed and a range of planning conditions, the application is considered to be acceptable having regard to all relevant development plan policy considerations and there are considered to be no other material planning considerations which would serve to alter the balance of merits away from approval of the application.

### **CONDITIONS**

1 The development permitted shall commence on or before whichever is the later of the following dates;

(a) Three years from the date of this decision, or

(b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved

REASON To enable the Council to review the suitability of the development in light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2 Details of the external appearance, landscaping and scale of the development (here in after collectively referred to as 'the reserved matters') shall be made to the Local planning Authority before the expiration of three years from the date of this permission. These matters shall be approved in writing by the Local planning Authority prior to the commencement of development.

REASON To ensure that the proposed development satisfactory and to comply with the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure).

3 No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy D4 of the Harrow UDP 2004

4 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.

5 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

6 The residential units hereby permitted, shall be built to Lifetime Home Standards and thereafter retained to those standards.

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

7 The development hereby permitted shall not commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day and car parking for contractors. The development shall be carried out strictly in accordance with the approved construction management plan.

REASON: In the interests of highway safety and to protect the amenities of the neighbouring occupiers in accordance with policy EP25 of Harrow's UDP 2004.

8 The development hereby permitted shall be carried out in accordance with the following approved plans: CCSG.H 303 Rev D, CCSG.H 302 Rev 0.

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

9 The development hereby permitted shall not commence until full details of the junction arrangements with Pinner View and technical drawings showing how pedestrian footways and kerbs will be provided at the site entrance and throughout the development are submitted to and approved in writing by the Local Planning Authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details and shall thereafter be retained

REASON: Inadequate details have been submitted to show how the access and contours of the roads will ensure a safe environment for all users of the highway in accordance with policy D4 of the Harrow UDP.

10 Prior to the occupation of the development detailed drawings showing the levels; precise siting, materials to be used and making out of the car parking areas hereby approved shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved details before the development hereby approved is occupied.

REASON: To ensure that the visual appearance of the parking areas is acceptable and that the parking bays are appropriate and safe in respect of there function to accord with policies D4 and T13 of the Harrow UDP.

11 No development shall commence until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway and any other changes proposed in the levels of the site, have been submitted to, and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

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 occupiers, the appearance of the development, drainage, gradient of access and future highway improvements in accordance with policies D4 and D5 of the Harrow UDP.

12 The development hereby approved shall not be occupied until details of the disposal of sewage 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 before the development hereby approved is first brought into use or is occupied.

REASON: To ensure that foul water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy EP12 of the Harrow UDP.

13 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment St Georges Field, Harrow by WSP dated July 2009 (ref 2523/updateFRA) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year + 30% critical storm so that it will not exceed the run-off rate of 9.3l/s from the site
- Provision of sustainable drainage in the form of swales, permeable paving and cellular storage, adequately sized to accommodate the required attenuation on site

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site to accord with policies 4A.12, 4A.13, 4A, 4A.14 of The London Plan and policy EP12 of the Harrow UDP.

14 The development hereby approved shall not be occupied until details of the external lighting for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development hereby approved is first brought into use or is occupied.

REASON: To ensure that the lighting proposed will not cause an unacceptable level of light pollution to the detriment of the amenities of neighbouring occupiers in accordance with policy D5 of the Harrow UDP.

15 The development hereby permitted shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works in accordance with policy D10 of the Harrow UDP

16 Notwithstanding the details submitted with the application the development hereby approved shall not commence until the following as been submitted to and approved in writing by the Local Planning Authority

- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

- (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development shall be carried out in accordance with the approved details

REASON: To ensure that the trees within the site are properly and effectively safeguarded during the construction of the development in accordance with policy D10 of the Harrow UDP.

17 Prior to the occupation of the development measures to provide for new bat roasts within the development site shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON: To compensate for any potential loss of foraging habitat arising from the development of the site in accordance with policy EP26 of the Harrow UDP.

18 A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to safeguard the future health of trees in accordance with policies D4 and D5 of the Harrow UDP.

19 Following practical completion of the dwellings hereby permitted, the dwellings shall not be occupied until details of compliance with the Code for Sustainable Homes Level 3 (or subsequent equivalent quality assured scheme) has been achieved.

REASON: In order to ensure that the construction of the development is sustainable in accordance with policy 4A.3 of The London Plan and guidance contained within the SPD: Sustainable Building Design (May 2009).

20 No development shall commence until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (i) control of noise
- (ii) control of dust

The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure that impact on neighbouring occupiers during the construction phase of the development is minimal in accordance with policy EP25 of the Harrow UDP and guidance contained within the SPD: Sustainable Building Design May 2009.



21 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the buildings hereby permitted, and the carriageway and footways completed before any building is occupied in accordance with details to be submitted to, and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic to accord with policy D4 of the Harrow UDP 2004.

## **INFORMATIVES**

### **1: REASON FOR GRANT OF PLANNING PERMISSION**

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS9, PPS5, PPG17 and PPG13 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 including any comments received in response to publicity and consultation. The loss of the open space whilst in conflict with policy EP47 of the UDP will be outweighed by the community benefits of the open space being accessible for all, the improved layout of the open space and the affordable housing proposed as part of the development. The layout of the development is acceptable and will not be to the detriment of highway safety. The development will not result in an increased flood risk and will reduce the opportunity for crime through natural surveillance of the open space. A number of conditions are recommended to be added to the permission to ensure that the carbon footprint of the proposal is reduced.

### **2: COMPLIANCE WITH PLANNING CONDITIONS**

**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: CCSG.H 303 Rev D, CCSG.H 302 Rev 0, CCSG.H 304 Rev 0

## APPENDIX 1

### SPORT ENGLAND LETTER

**GOODWILL TO ALL PUBLIC HOUSE P/1676/10/AR**  
**HEADSTONE DRIVE, HARROW, HA1 4UN**

Ward MARLBOROUGH

DEMOLITION OF EXISTING PUBLIC HOUSE AND REDEVELOPMENT OF SITE TO  
CREATE A FOUR-STOREY BUILDING COMPRISING 43 FLATS LANDSCAPING PARKING  
AND REFUSE [RE-SUBMISSION]

**Applicant:** Terry O'Sullivan & Catalyst Housing Group

**Agent:** Dalton Warner Davis LLP

**Case Officer:** Andrew Ryley

**Statutory Expiry Date:** | 29-SEP-10

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## RECOMMENDATION

### RECOMMENDATION A:

**GRANT** permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

- i) Provision of 23% Affordable Housing (all social rent) subject to review if the development is not substantially complete within 18 months of the date of the planning permission.
- ii) A contribution towards local highway improvements;
- iii) A contribution towards the provision of off-site landscaping in the local area;
- iv) A contribution towards local educational facilities improvements;
- v) A contribution towards open space improvements within the vicinity of the site;
- vi) A contribution towards construction training;
- vii) Provision of an Employment Co-ordinator
- viii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- ix) Planning Administration Fee: Payment of £3,000 administration fee for the monitoring of and compliance with this agreement.

The decision to grant permission has been taken on the basis that the proposed development would lead to the regeneration of this site and make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall. The associated impacts that the development would create can be adequately mitigated against through the use of appropriate planning conditions and Section 106 Agreement, and therefore the development would not have any significant visual, transport, flood risk or other impact that would warrant the refusal of planning permission. The application is therefore found to be consistent with 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:

PPS1 – Sustainable Development (2005)

PPS1 – Sustainable Development: Planning and Climate Change (Supplement to PPS1) (2007)

- PPS3 – Housing (2010)
- PPS4 – Planning for Sustainable Economic Development (2009)
- PPS5 – Planning for the Historic Environment (2010)
- PPG13 – Transport (2001)

London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.10, 3A.15, 3C.23, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4B.1, 4B.5, 4B.6, 4B.8, 6A.4, 6A.5

Harrow Unitary Development Plan: D4, D5, D9, EP12, EP48, H14, H17, C16, T6, T13 and SPG - Extensions: A Householders Guide (2008).

## **RECOMMENDATION B**

That if a Section 106 Agreement is not engrossed by the 23/08/2010 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

“The proposed development, in the absence of a legal agreement to provide appropriate affordable housing to meet the Council's housing needs, and appropriate provision for both infrastructure and community facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructure improvements arising directly from the development, thereby being contrary to policies 6A.4 and 6A.5 of the London Plan (2008) and policies D4 and D5 of the Harrow Unitary Development Plan (2004)”.

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

- 1) Principle of Development and Impact upon Kodak Site (3A.3, 3A.15)
- 2) Affordable Housing (3A.9, 3A.10)
- 3) Housing Density and Unit Mix (3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, H14, H17)
- 4) Design and Character of Area (4B.1, 4B.5, D4, D5, D10)
- 5) Living Conditions for Future Occupiers (D4, D5, 4B.1)
- 6) Environmental Impact Assessment (D4)
- 7) Parking and Highway Safety (3C.23, T6, T13)
- 8) Impact on Trees and Replacement Landscaping (EP48, D4, D9, D10)
- 9) Accessibility (3A.5, 4B.5, D4, C16, SPG)
- 10) Sustainability – Energy Demand and Water Resources (4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7)
- 11) Planning Obligations (6A.4, 6A.5)
- 12) S17 Crime & Disorder Act (4B.1, 4B.6, D4)
- 13) Consultation Responses

## **INFORMATION**

This application is reported to the Committee as it falls outside of the thresholds set by the Scheme of Delegation.

### **a) Summary**

Statutory Return Type:	Q12 Smallscale major
Site Area:	0.286 hectares, 2,860 sq m
Habitable Rooms:	110
Density:	150 dph, 384 hrph,

Car Parking	Standard: 52 Justified: 38 Provided: 38
Lifetime Homes:	43
Wheelchair Standards:	4
Council Interest:	None

**b) Site Description**

- The application relates to the generally rectangular shaped, 2,860 sq m site of the Goodwill to All Public House, which is located on the northwest corner of the junction of Headstone Drive and Harrow View, Wealdstone.
- The site is currently occupied by the two storey Public House building that is positioned to the western end of the site, addressing the road junction.
- An open air seated area for patrons is provided to the front of the building.
- Car parking is provided to the rear of the building, with access provided from both Harrow View and Headstone Drive.
- The Public House remains operational and has a distinct benefit in not directly adjoining any residential properties.
- Trees on the southern site boundary are covered by a Tree Preservation Order as is a tree to the rear of the Public House building.
- North and east site boundaries benefit from further tree and hedge planting, both within the site and on adjoining sites.
- Two advertisement hoardings have been erected on the southern boundary of the site.
- The site is not covered by any specific land use designation in the Harrow UDP, and the site is not within a Conservation Area.
- The site has a Public Transport Accessibility Level of 2.

**Surrounding Development**

- To the north and east, the application site adjoins the expansive industrial estate known as the Kodak Site, which forms a significant part of the Wealdstone Industrial Area.
- The Kodak site and wider Wealdstone Industrial Area are designated in the Harrow UDP as an Industrial and Business Use Area.
- The Wealdstone Industrial Area is identified in the London Plan as a Preferred Industrial Location.
- A large scale, three storey office building is located adjacent to the eastern boundary of the application site. This building is used as the principal office accommodation for the Kodak site.
- Smaller scale development adjoins the site to the north.
- To the south and west, the three other corners of the road junction are occupied by ground floor retail parades with residential flats above.
- The area to the south and west is characterised by two storey semi detached and terrace housing within a suburban setting. The exception to this predominant character is three storey development located diagonally opposite the site.

**c) Proposal Details**

- Full application for the demolition of the existing Public House building on the site and residential redevelopment.
- A single block of flats is proposed, providing frontage to both adjacent roads and four storeys in height along its width.
- The development would provide a total of 43 flats: 20 one bedroom units, 22 two bedroom units and 1 three bedroom unit.
- 10 of the units would be provided as affordable housing (23%), all of these affordable units would be provided for social rent.
- A total of 33 car parking spaces (including 5 designated for wheelchair users) would be provided on the site at ground floor level, with access provided from Harrow View. 46 cycle spaces are proposed.
- Communal amenity space would be provided to the rear of the building, on a raised area over the ground level car parking.

**Revisions to Previous Application:**

Following the previous decision (P/0898/09) the following amendments have been made:

- The scheme has been reduced from 56 units to 43. The number of parking spaces has been reduced from 47 to 33, reflecting the decrease in the number of units proposed.
- The height of the building has been reduced by a mix of five and six storeys to a four storey building. The height has been reduced from a maximum of 18.6m to 11.7m.
- The footprint of the proposed building broadly follows that of the previous application except it has been set back from both Harrow View and Headstone Drive by varying amounts. At a maximum this is approximately 5.2m along Headstone Drive, leading to the building now proposed to be set back from the Headstone Drive by approximately 7.1m, and by 3.8m back from Harrow View.
- The provision of affordable units has decreased from 50% to 23% which the applicant has stated is as a result of the reduced viability of the smaller number of units proposed.

**d) Relevant History**

HAR/14325/B	ERECTION OF 4 FLATS	REFUSED 17-JUN-59
HAR/14325/C	10 GARAGES AND CAR PARK	REFUSED 24-JAN-61
HAR/14325/D	10 GARAGES AND CAR PARK	GRANT 24-SEP-61
LBH/31239	ENTRANCE CANOPY, FRONT BUILDING WALL AND RAISED TERRACE	GRANT 08-JAN-87
EAST/511/01/FUL	SINGLE STOREY SIDE/REAR EXTENSION AND ALTERATIONS INCLUDING ESCAPE STAIR TO REAR AND ACCESS RAMP BETWEEN CAR PARKS	GRANT 04-SEP-01

P/0898/09	DEMOLITION OF EXISTING PUBLIC HOUSE AND REDEVELOPMENT OF SITE TO CREATE A PART 3, PART 4, PART 5 AND PART 6 NEW BUILD APARTMENT BUILDING COMPRISING 56 FLATS WITH CAR PARKING AND LANDSCAPED COURTYARD.	REFUSED (NON DETERMINATION) APPEAL DISMISSED 17-MAR-2010
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**Reasons for Refusal:**

1. The proposed development is, by reason of its scale, character and design, inappropriate to this site, its setting and its context. The proposal is therefore considered to be contrary to 'saved' Policy D4 of the Harrow Unitary Development Plan and policies 4B.1 and 4B.2 of the London Plan (consolidated with alterations since 2004) 2008 and the guidance at paragraph 34 in PPS1.
2. The proposed development fails to demonstrate how the proposed use could take place without compromising the continued operation of the commercial activities taking place on the adjacent strategic employment site which could result in pressure for restraint of activities on the adjacent site, contrary to the objectives of policies D5 and EM14 of the Harrow UDP and policies 2A.10 and 3B.4 of the London Plan (consolidated with alterations since 2004) 2008.
3. The proposed development, by reason of excessive residential density is considered to be an over intensive use of the site that would result in compromised living conditions for future occupiers, with north facing units receiving inadequate sunlight, enclosed rooms on flank elevations, an overall shortage of amenity space on site, inadequate children's playspace, noise and disturbance from adjacent uses and limited opportunity to mitigate this through the use of single aspect units, and enclosed internal corner units. The proposal is therefore considered to be contrary to policies D4, D5 and EP25 of the Harrow UDP and London Plan policies 3A.3, 3A.6, 3D.13 of the London Plan (consolidated with alterations since 2004) 2008.
4. The proposed development has failed to demonstrate that the loss of trees protected by Tree Preservation Order would be acceptable, or that the development would provide adequate opportunity for replacement planting or landscaping to soften the appearance of the development, contrary to D4, D9, D10 and EP29 of the Harrow Unitary Development Plan.
5. The proposed development has failed to demonstrate that it would provide adequate cycle storage facilities, contrary to sustainable transport initiatives and policy 3C.22 of the London Plan (consolidated with alterations since 2004) 2008.
6. The application fails to demonstrate how the development would satisfy the requirements of Policy 3A.5 of the London Plan to provide 10% of the proposed units to wheelchair housing standard, and is therefore considered to fail to address the shortage of accessible housing in London, contrary to policy 3A.5 of the London Plan (consolidated with alterations since 2004) 2008.

7. The application fails to provide a completed legal agreement to provide contributions to offset the impact of the proposed development on social infrastructure including education, primary health care and parks and recreation facilities or to provide for offsite tree planting that would be necessary to mitigate the loss of trees on site, contrary to policies C2, D5, EP30 of the Harrow UDP and policy 6A.5 of the London Plan (consolidated with alterations since 2004) 2008.

**e) Pre-Application Discussion**

- The applicant sought pre application advice from the Council four times prior to the submission of the first application, in July, September and October 2008 and in January 2009. The Officer opinion expressed through the pre application responses was generally supportive of that development.
- Since the appeal was dismissed further pre-application meetings have taken place in March, April and May 2010 to ensure the revised scheme was more appropriate. The discussions resulted in the current application being submitted

**f) Applicant Statement**

The site is rundown and not economically viable, the existing building is low quality. The development is to be constructed to optimum construction standards. The building would significantly enhance and contribute to the streetscene and amenity of the area. The development was designed in line with relevant local and national planning policy and guidance. The design of the scheme has fully embraced Lifetime Homes Standards. The scheme would work towards achieving a renewable energy target of 20% as defined by the London Plan. The scheme has benefited from considerable consultation with the Local Planning Authority. The proposed building has been designed as a landmark building that will add to the regeneration of the area. The proposed development aims to provide a more sustainable use of this site and contribute to the ongoing regeneration of the area, providing a high quality building in terms of architectural design, housing provision and materials, whilst making a valuable contribution to the streetscene and community life.

**g) Consultations:**

**Highway Engineer:** No objection. The current signal junction does exhibit capacity issues during both peak periods. However, in increased intensity of use terms, the predictions shown are robust and the increase in peak hour activity as compared to current use i.e. 11 (am) vehicles per hour & no increase (pm) is considered de minimis in traffic impact terms.

This conclusion is based on the additional traffic during the am period stacking within the site, which in public highway capacity terms is considered preferable, and then filtering through onto the highway incrementally. The small increase in peak pm activity will be absorbed by the highway network without measurable detriment to traffic movements. Some concerns raised regarding the refuse access to the site and the proposed realignment. A residential travel plan in accordance with Harrow and TFL requirements is also required. Section 106 obligation contributions are required to secure a similar figure as per previous (non-determined) application/appeal to cover minor changes to the highway network.



**Housing Officer:** No objection in principle. Some concerns have been raised with the GLA Affordable Housing Toolkit submitted and these concerns have been raised, and are being dealt with, through discussions with the applicant. Note the 23% provision of affordable housing is below the 50% target as set out in the London Plan (2008) but that the applicant has argued this is as a result of current market conditions and the decreased viability of the scheme. On this basis, advise that a clause is inserted in any Section 106 Agreement that reviews the viability of the scheme after a set period so the level of affordable housing provision can be reassessed at that time.

**Urban Designer:** No objection. The applicants have amended their design approach to reflect the Inspector's concerns following the appeal, with a building that turns the corner and creates enclosure all the way around the corner. The proposed 4 storey building would be in scale with the locality and reflect the massing of neighbouring buildings, at the same time introducing a strong but understated contemporary design that would sit well within the local context.

Whilst the building form – L-shaped – is the same single block as the previous proposals, the design amendments have produced a more successful building; the strong two storey coloured brick elements reduce the dominance of the horizontal elements, create vertical emphasis that is more characteristic of neighbouring developments, and give the appearance of separate blocks.

**Planning Policy:** No objection. Notes that UDP Policy C10 seeks to 'maintain and retain' existing premises used by the community. However, this policy is aimed primarily at the types of community activities that would normally fall under Use Classes D1 & D2 and is not intended to safeguard this type of premises. Notes the relationship to the existing Kodak industrial area and raises that potential conflicts may arise here. The application site is not located within a town centre and has a PTAL rating of 2 (which is low).

**Landscape Architect:** No objection in principle but some concerns raised. The Design and Access statement does not mention landscaping and only a brief reference is made to the tree loss on the site. Several trees are lost as a result of the scheme, including a TPO 288 group of trees, 2 Ash and 1 No Yew and an Area order on the trees adjacent to Headstone Drive, in particular 7 No trees. Trees are also lost on the boundary to the east of the site. These trees can be seen from a public place and therefore this is a loss of visual amenity and green softening to the area. Trees should be proposed to replace loss of trees, and since there is minimal space on site, a Section 106 agreement could be used to provide trees at the crossroads of Harrow View/ Headstone Drive. 10 street trees should be proposed (refer to Russell Ball's comments 18<sup>th</sup> June 2009) to replace the TPO'ed trees and boundary trees at the crossroads, subject to the constraint of any underground utility. Care should be taken to protect the existing neighbouring lime trees (adjacent to the site on the north boundary with Kodak at Harrow View), protected by a group TPO, number 874.

**Tree Officer:** No objection. A tree protection plan is required in relation to the trees on-site that are being retained.

**Drainage Engineer:** No objection. Recommends three standard surface water drainage disposal and attenuation conditions.

**Waste Management:** No objection, 6 no. 1280 bins for recycling and 6 no. 1100 bins for residual waste are required.

**Environmental Protection:** No objections.

**Thames Water:** No objection subject to conditions.

**Environment Agency:** No objection. Notes that the site is located at the boundary of London Clay and Lambeth Group, and then underlain by Chalk. The boundary between the London Clay and Lambeth Group can potentially represent spring lines where groundwater can appear at the surface thereby causing flooding issues, especially during high rainfall events. As such, the EA recommend that a surface drainage scheme is employed in the development in order to prevent potential water logging and local flooding problems.

The applicant is referred to the EA publication 'Groundwater Flooding-A guide to protecting your home from flooding caused by groundwater' for more preventive information and our Sustainable Drainage guidance.

**Metropolitan Police:** No comment received.

**Health and Safety Executive:** No comment received.

**Advertisement:** Major Development Expiry: 23-JUL-10

**Notifications:**  
Sent: 318 Replies: 10 Expiry: 23-JUL-10

**Summary of Responses:**

- Proposal is an overdevelopment of the site, would overshadow existing buildings and have an adverse impact on the character of the area.
- Concern over road congestion at the crossroads junction and inadequate parking provision for the number of units proposed. Inadequate public transport in the area. Further concern of noise and disturbance generated by the additional traffic.
- There have been a number of accidents at this junction and the additional traffic generated could exacerbate this risk. Concern over access into the site from Harrow View.
- Concern over demand on local facilities such as schools and GP surgeries.
- Concern raised over the long term Development Plan for Harrow versus current short term development proposals.
- Impact on the adjacent Kodak site
- Concern raise over the quality of the plans / 3D images presented with the planning application.

An objection has been received from the operators of the adjacent Kodak site. They have stated that:

- The close proximity of the proposed residential development to the Kodak site could raise issues in terms of noise and disturbance

- The current use of the Kodak site is an unrestricted Class B2 use, and the activities that take place under this use are likely to change over time which again may lead to amenity issues being raised from future occupiers.
- Should the Council be minded to approve application is strongly requested that conditions are imposed to ensure obscure glazing and non-opening of windows on the eastern elevation of the building as well as the habitable room windows on floors 1-3 of the northern elevation.

#### **h) Background**

This application has been submitted following a non-determination refusal of a previous scheme for 56 flats (P/0898/10), which was subsequently dismissed at appeal on the 17/03/2010. At the time of the non-determination appeal the Council considered there were seven main issues with the application, as set out above. Through the Statement of Common Ground, four of these issues were dealt with and did not feature in the appeal. Therefore, at the appeal, the Inspector considered that there were three main issues to consider.

These were, the impact of the proposed development on the character and appearance of the locality and on the streetscene at the junction of Headstone Drive and Harrow View; whether the proposal would result in any harmful constraint on the future use of the land in the adjoining Strategic Industrial Location; and whether adequate living conditions would be created for future occupiers of the development, with particular reference to levels of sunlight, enclosure, room layouts, amenity space provision and exposure to noise.

The Inspector found that, for the latter two issues, the appeal was acceptable. However, in relation to the impact of the proposed development on the character and appearance of the locality and on the streetscene, the Inspector did not consider that the appeal was acceptable. Therefore, it is important to note that whilst the Council must consider the individual merits of the application before them, the Inspectors Report has significant weight as a material planning consideration. The details of the Inspector's Report will be evaluated in the main body of this report.

### **APPRAISAL**

#### **1) Principle of Development and Potential Conflict with Kodak site**

The premises proposed for redevelopment are located wholly within the Harrow settlement envelope. National planning policies PPS1 and PPS3, and the London Plan (2008), are broadly supportive of the provision of new residential development within built up and sustainable locations such as this one. The application site is currently in use as a Public House and is not subject to any specific land use designation in the Harrow Unitary Development Plan (2004). As the existing site is commercial in nature it would be classified as 'Brownfield' development in accordance with the Government's definitions in PPS3.

Policy C10 of the Harrow Unitary Development Plan (2004) seeks to retain existing community facilities in the Borough. However, in the context of this policy, the definition of a community facility is not considered to extend to include public house uses located in the suburban area. There are no other land use policies in the Harrow Unitary Development Plan (2004) relevant to the existing Public House use.

Accordingly, there is not considered to be any policy protection of the existing Public House use on the site, and the loss of this use through redevelopment could be accepted, subject to an acceptable replacement use that meets the requirements of the other policies within the development plan.

While the proposed residential use of the site would be consistent with the character of the area to the south and west of the site, there is potential for conflict with the industrial and business uses of the Kodak site that adjoins the eastern and northern site boundaries.

The Kodak site is designated in policy EM14 of the Harrow Unitary Development Plan (2004) for Business, Industrial and Warehousing uses and forms part of the London Plan designated Wealdstone Preferred Industrial Location that is protected by London Plan policy 3B.4. This area to the north and west of the application site is a strategic employment location for commercial activities that are often incompatible with residential uses in close proximity. While the Kodak site is not currently in full use, Development Plan policies provide for the continuation of this commercial use.

Commercial uses consistent with the Kodak site designation could result in detriment to residential amenity on the application site, if redevelopment proposals did not fully take this potential impact into account. Given the strategic importance of the Preferred Industrial Location, it is important that redevelopment of the application site did not prejudice the future use or regeneration of the Kodak site. The existing relationship between residential properties and the Kodak site in the immediate vicinity is interrupted by the local highways, which act as a buffer between the site and the residential properties. The application scheme differs in that it proposes to introduce residential uses immediately adjacent the Kodak site.

While the adjoining Kodak site development to the east comprises a three storey office building, less neighbourly commercial activities occur across the site. These activities, storage of associated materials and general disturbance associated with activity on the site have the potential to significantly impact on the quality of the residential environment that would be provided on the application site, through noise and odour, and a general industrial appearance of the site. In particular the impact of low noise generating activities such as vehicle and staff movement, which are difficult to control, would be exacerbated on the application site were the Kodak site to be used more intensively over its existing 24 hour operations.

It is noted that Kodak have made a formal objection to the application on the basis of potential future conflicts with their industrial operations and the future occupiers of a residential development here. It also noted that, somewhat paradoxically, a representative of Kodak attended the public inquiry into the appeal of the last application and confirmed that the company did not object to that development going ahead. In any event, this matter was considered in some detail by the Inspector. The Inspector noted that the close proximity of residential to commercial uses was not uncommon in Greater London, and that in this case he considered that the existing and future industrial activities at the Kodak site would not make the relationship unacceptable. The Inspector further noted that *“potential occupiers would also be well aware of the proximity of the industrial site before moving into the flats and would make their choices accordingly.”*

It is further noted that the Council's Environmental Protection Team have raised no objection to the application on the basis of this relationship, and furthermore have not stipulated planning conditions to be imposed on any planning permission.

Kodak have requested that, were the Council minded to grant planning permission, planning conditions are imposed to mitigate any impacts arising from the potential conflict of uses. As a minimum they have requested that a condition is imposed requiring obscure glazing and non-opening of all windows on the eastern elevation of the building as well as the habitable room windows on floors 1-3 of the northern elevation. Whilst this request is noted it cannot be agreed to. The proposed flats are 'single aspect', and all of the habitable rooms require normal glazing and fully opening windows, not only to enjoy acceptable living conditions for future occupiers, but also to satisfy building regulations. The Inspector noted that a number of flats would have their sole aspect looking north towards the Kodak site, but that this would be well separated from the boundary by the open landscaped courtyard, and this would be acceptable.

It is therefore considered that the residential redevelopment of the site is acceptable in principle, and would be compatible with the commercial use of the Kodak site. It is noted that the applicant has requested that, should planning permission be granted, the Council allow a five year implementation period (as opposed to a standard period of three years). The applicant has highlighted that a letter from the Secretary of State (SoS) in April 2009 set out that under Section 91 of the Town and Country Planning Act 1990 (as amended) to Local Planning Authorities have the ability to grant planning permission for periods other than three years. While the default period for planning permissions is three years (s.91(1)(a)), Local Planning Authorities have discretion under s.91(1)(b) and 91(2) to grant permission for any other period which they consider to be appropriate, having regard to the provisions of the development plan and to any other material considerations. The SoS set out that in the current economic conditions, Local Planning Authorities may wish to consider granting permissions with a longer duration. Following the request of the applicant, and the Government advice, a planning permission of five years is considered acceptable in this instance.

## **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 their own overall target for affordable housing.*

*The application proposes that 10 units would be affordable, all for social rent, which is 23% of the total. The applicants have submitted a Greater London Authority (GLA) Affordable Housing Toolkit. The Toolkit assists in appraising the viability of residential development schemes in relation to the Mayor's objective for the provision of affordable housing.*

The Council's Housing Team have identified that as a result of the 2009 planning appeal decision, there has been a reduction in saleable floor space to account for the excessive bulk of the original application. Total unit numbers fall from 56 to 43. Since the last application, social housing grant receipts have fallen and it is therefore more difficult to make schemes with social rented housing "stack up".

The applicant has stated that the existing deficit against the acquisition cost is at such a level that to provide any further affordable housing units (and subsequently worsen financial viability) would make the scheme unviable and it is likely that the development would not be able to proceed. Clearly, increasing the level of affordable housing worsens the deficit of the scheme against the acquisition cost and reduce the developer profit available to cover the deficit and therefore increasing the likelihood that the scheme would not be in a position to move forward.

The Council's Housing Team have noted that the applicant's agent has requested a 5 year planning permission in this instance. Much can happen in terms of open market housing values within such a period, especially in London. In line with recent GLA and Homes and Communities Agency (HCA) Guidance on negotiating for affordable housing in uncertain financial climates, the Councils Housing Team state that it may be beneficial here to explore the possibility of reviewing the financial viability of this scheme closer to completion; paragraph 4.61 of the Interim SPG states:

*"For schemes with a shorter development term, consideration should be given to using short-term permissions or to using S106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty"*

The Councils Housing Team have advised that in this instance it is suggested that a review clause is inserted in any Section 106 Agreement that would require that "if the development is not substantially complete within 18 months (or other suggested date) of the date of the planning permission (or completed legal agreement), the affordable housing proposals shall be re-appraised through the submission of an up to date financial appraisal."

On this basis it is considered the level of affordable housing proposed is acceptable at this time, but subject to an obligation within the Section 106 Agreement that requires a review of this at an agreed date with the applicant.

### **3) Housing Density and Unit Mix**

London Plan policy 3A.5 and Harrow Unitary Development Plan (2004) policy H7 require 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 application site is considered to be located within a suburban area, and has a PTAL of 2. The London Plan density guidance for such a site, set out in table 3A.2 of the London Plan, provides a range of 150 – 250 habitable rooms per hectare and 50 – 95 units per hectare as being appropriate for residential development in this setting.

As noted above the number of units proposed has been reduced from 56 to 43. This would lead to the proposed development having a residential density of 150 units per hectare (reduced from 256 in the original scheme) and 384 habitable rooms per hectare (reduced from 746 in the original scheme).

The net density of the scheme has therefore been reduced significantly from the original application. Whilst still above the London Plan guidance for a PTAL Level 2 area, this does not automatically render the scheme unacceptable. Whilst it is noted that the Inspector did consider the previous scheme to be an overdevelopment of the site, and cited the aforementioned density levels in that regard, the scheme as proposed is considered to strike an appropriate balance between ensuring an appropriate level of development and ensuring the maximum use of available land.

#### **4) Layout, Scale and Design**

Policy D4 of the Harrow Unitary Development Plan (2004) sets out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design. Good design lies at the core of national planning policy guidance. Planning Policy Statement 1 Delivering Sustainable Development (PPS1) advises at paragraph 34 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also encourages the efficient use of land and the use of higher densities, although not at the expense of good design.

Furthermore PPS1 refers to a range of design guidance including By Design that identifies the analysis and understanding of the character of an area as an essential prelude to the design of any proposed development.

The fact that this corner site can be approached from 4 directions and affords a variety of publicly accessible viewpoints is indicative of the complexity of the design challenge facing the development, it requires a sophisticated robust design approach. The existing PH is a two storey building and the proposed building would be a substantial change in the street scene.

As set out above, the design of the building was one of the main issues of the previous application. The previous scheme proposed a mixed 5 and 6 storey building. The Council, and ultimately the Inspectors, found that this was not acceptable.

The Inspector noted that a building of this size and scale would be higher than the adjacent surrounding development, even the large office building within the Kodak site. Whilst setting out that the replacement of the existing public house required a landmark building, the Inspector concluded that:

*“...the height of the building would go beyond what is necessary to create a landmark to give identity to the crossroads or to provide an appropriate transition to and screening of the industrial area to the north-east. Overall, the appeal proposal would, in my view, be a building of excessive scale bulk and height in the context of the predominant suburban development forms that characterise the area. It would be an over-dominant and intrusive element in the street scene that would be inappropriate to its setting.”*

In terms of the individual aesthetics of the building, whilst accepting that a modern and contemporary design may be appropriate in this location, and being mindful that Local Planning Authorities should not attempt to impose specific design or architectural styles on a development, the Inspector found that the design of the previous scheme would not have been of sufficient quality or respond to the local context. In particular, the Inspectors Report highlights that the previous scheme would have:

*“..the most prominent feature of the elevation would, in my judgment, be the balconies and associated balustrades. These would form a strong horizontal component, particularly where they would be continuous above the 3rd storey. Notwithstanding the setback of the 4th and 5th storeys, the use of different materials and the staggered plan at the eastern end, the result would be a building that would be of a noticeably different scale to its surroundings and would read more as a monolithic whole than as individual smaller elements.”*

In response to the outcome of the appeal, and in particular the detailed comments made by the Inspector, the applicant has undertaken a review of the design of the proposed building. This process has involved detailed discussions with Officers regarding a number of different design solutions, which were aimed at achieving a viable development whilst having regard to the Inspectors comments regarding the scale, size and elevational treatment of the building.

The result is the proposed 43 unit, four storey building. The building follows a similar form of that of the previous scheme. That is, an L shaped building which addresses both Headstone Drive and Harrow View, with its focus on the corner of these two roads. At this focal point the building is essentially a drum with two blocks connecting along the main roads. However, significantly, the scale of the building has been reduced to four storeys along its entire width. Clearly, this has helped to reduce the impact of the scale of the building in this location. Furthermore, the applicant has set out how the design of the building has attempted to address the concerns set out by the Inspector of the previous scheme in relation to the ‘monolithic’ structure:



*“The top floor is set behind the building / street line and of significantly lesser bulk, and the massing along the main street frontage is divided into “bay” elements thus breaking down the building into a series of layered fragments both horizontally and vertically. There has been a desire to create a scheme which is at the same time, bold unique and striking but also one which allows a comfortable and harmonious bridge between the existing elements of the surrounding streets. The broken up elevation serves to be a visual reference to the terraced forms which are immediately adjacent to the development site.*

Noting the comments of the Inspector in relation to the design of the building, the applicant has sought to address these concerns and amend the scheme accordingly. In terms of the elevational treatment, the applicant has stated:

*The elevation is broken down into series of successive brickwork sections, in order to eliminate the bulky looking of the building mass like the adjoining Kodak Building. The alternate brickwork wall sections with a subtle and gradual change of colours are organised in a well thought out manner, which in return continues the coherent rhythm of the neighbouring terraced houses. The top floor is recessed and clad in visually lighter weight materials such as aluminium cladding. At the corner of the site, the curved balconies and strips of attractive varnished timber panels will create an immediately recognisable sense of place and therefore a point of focus. The language of the building is intended to at the same time include subtle and controlled reference to its surrounding parents, and also quite unique but scheme specific detailing.*

*The elevations generally are designed to have a composition and rhythm which pays attention to the neighbouring buildings. Solid elements in either a London stock brick or Certified sustainable timber cladding present a language which is contemporary in spirit. The choice of a London stock brick is an important connection with the adjacent buildings, and is further emphasised by the continuation of the brick band from the parade into our building. The band is however intercepted by sections of timber claddings. Instead of having a monotonous monochromic colour, we opted to select a wide and bright, and therefore cheerful spectrum of colour, derived from the primarily red, which is prevailing around the site.*

The Council's Urban Design Officer has reviewed the application and has stated that in terms of both its scale, massing and elevational treatment that the new design is an improvement and would make a positive impact on the area. The Council's Urban Design Officer has concluded that the building would be:

*“...in scale with the locality and reflect the massing of neighbouring buildings, at the same time introducing a strong but understated contemporary design that would sit well within the local context. The end result is a development that would create visual interest and relate well to the existing suburban development on this junction, helping to tie in visually the various elements. The form of the openings and solids around the two street elevations in particular is far more balanced than on the previous scheme, and this is assisted by the use of the coloured brickwork panels and timber facades, that create variety and interest but as part of a homogeneous entity.”*

The applicant proposes a brick boundary wall along the site boundary between the new building and the adjoining properties. The area adjacent to the pedestrian pavement is proposed to be railings sitting onto a low dwarf brickwork wall, which would be 1.8 metres in height overall.

Overall then, it is considered that the changes to the proposed design of the building have addressed both the concerns of the Council and the Inspector in relation to the previous scheme at this site. The combination of the reduced scale of the building, the set back of the building line and the revisions to the fenestration and design of the main elevations of the building, has led to a scheme that is now considered to be acceptable in design terms. It is recommended that conditions are imposed controlling precise details of materials to be used and boundary treatment, to ensure that the development is finished to a high quality.

#### **5) Living Conditions for Future Occupiers**

Policy D5 of the Harrow Unitary Development Plan (2004) requires new residential development to provide suitable amenity for future occupants. This is also a requirement of policy D4 of the Harrow Unitary Development Plan (2004).

London Plan Policy 3D.13 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Children and Young Peoples Play and Informal Recreation, requires well designed play and recreation space for every child to be accommodated in new housing development. Specifically, appropriate and accessible facilities within 400m for 5-11 year olds or within 800m for 12 plus age group alternatives are recommended.

The London Borough of Harrow Play Strategy [2007-2012] seeks to ensure that new development recognises and addresses the importance of incorporating good quality, inclusive, safe and stimulating play spaces.

In relation to the previous application, the Council was concerned with the living conditions of potential occupiers of the development, and this issue was of significant weight to warrant the Council identifying this as a refusal reason during the appeal. However, as set out above, the Inspector did not concur with this view, and had the application been acceptable in design terms, it would have been allowed in relation to this issue. In summary, the Inspector considered that issues associated with access to light, noise levels and layout, were all acceptable. Whilst he noted there would of course be some impacts in relation to these issues – for example the issue of noise from the adjacent busy roads – that those impacts were a) not uncommon in built up areas such as this and therefore not of sufficient weight to make the scheme unacceptable, b) could be mitigated through the use of planning conditions, and c) would be evident to future occupiers prior to moving into the new development, and would therefore be a personal choice of those occupiers. In relation to this application, the Council's Environmental Protection team have raised no objections to the scheme, and have not advised of the use of any planning conditions to control any impacts. As such, it is considered that in relation to the current application, that the living conditions of the future occupiers would be acceptable.

Notwithstanding the above, the applicant has made a number of notable changes to the proposed scheme that it is considered would further improve the living environment for future occupiers. The proposed building is set back from the Headstone Drive by 9.2m to 9.4m, and between 5.9m and 10.3m back from Harrow View. This would result in those ground floor apartments having greater private amenity space and reduced noise levels from the main road. At first floor level a number of apartments would have private gardens. As previously, the applicant has committed to providing Lifetime Homes Standards to all of the units as well as 10% Wheelchair Standards units, which is in accordance with the London Plan (2008) and saved policy C16 of the Harrow Unitary Development Plan (2004).

A mixture of private amenity and shared amenity space is proposed. The private amenity space, totalling 672m<sup>2</sup>, is laid out in private gardens serving the ground floor and first floor units, and balconies serving second and third floor units. As before, the proposed communal amenity space (650 m<sup>2</sup>) to the rear of the site would be on podium level, above the ground floor car parking level.

The application drawings have been detailed to show this as a formally laid out amenity space. This amount of space was found to be acceptable by the Inspector in relation to the provision for children under 5, but that it would not be suitable for ages 5-11. On this matter the Inspector noted that Headstone Manor Recreation ground was accessible from the site (approximately 400m distance) and could be used by residents of the proposed development. It was agreed that a financial contribution would be made for the improvement of these facilities as a result of the additional demand created from the proposed development. This is considered appropriate in this instance, and is discussed in greater detail in the Planning Obligations section of this report.

Overall, the proposed development is considered acceptable in terms of the living conditions of future occupiers. However, details of on site play facilities should be sought by way of a planning condition.

## **6) Environmental Impact Assessment**

The development falls outside the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.286 hectares and therefore the proposed development does not require an EIA.

## **7) Parking/Highways Considerations**

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development.

PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:

- i) promote more sustainable transport choices for both people and for moving freight;
- ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- iii) reduce the need to travel, especially by car.

London Plan Policy 3C.23 of 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 Harrow Unitary Development Plan (2004) 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.

While acknowledging that the adjacent junction has peak period capacity issues, the Council's Highway Engineer has no objection to the traffic generation arising from the proposed development. Minor alterations are however, recommended to the proposed site entrance arrangement.

The Council's Highway Engineer also recommends that a travel plan should be sought by condition. The principal purpose of travel plans is to encourage the use of sustainable travel modes. Given the limited public transport facilities available in this location, it is considered that travel planning would be of limited value for this site.

The Council's car parking standard would allow a maximum of 52 car parking spaces, including 9 visitor spaces, to be provided on the site. The application proposes car parking provision of less than one space per unit (0.84 spaces per unit), providing a total of 38 car parking spaces (including 5 designated wheelchair spaces). This car parking provision is within the maximum limit and is considered to be acceptable.

The application proposes the provision of 46 cycle parking spaces. This accords with the London Plan standard, which requires a minimum of one space per unit. Details of cycle parking provision should be submitted by way of a planning condition

#### **8) Impact on Trees and Replacement Landscaping**

Policy D4 of the Harrow Unitary Development Plan (2004) 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 siting of new buildings and the retention of as many trees as possible.

The applicant proposes felling of the existing trees on the site that are protected by Tree Preservation Orders. A Tree Survey has been submitted by the applicant that acknowledges the general good health of these trees.

The northern flank elevation of the proposed building would be within the crown spread of trees that are positioned on the adjoining site to the north. The lime trees on this northern boundary are protected by a group Tree Preservation Order. The scheme would also effectively require the felling of these trees on the adjoining site. This would be subject to further civil agreement between the two parties.

The proposed development scheme provides limited opportunity for substantial replanting within the site. The proposed layout provides inadequate space for substantial planting to the road frontages and there are significant concerns that the proposed podium amenity level would not provide adequate root depth for substantial planting. No detail of replacement planting is provided with the application.

The felling of trees on the site was considered to be acceptable in relation to the previous scheme, where the specifics of the proposed redevelopment were considered to be of suitable merit to outweigh the loss of the trees on the site, subject to provision for replacement planting both on and off the application site. As such, the current application is considered acceptable in this regard subject to appropriate provision within the Section 106 Agreement, which is discussed in greater detail later on this report.

#### **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 (2004) 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 Harrow Unitary Development Plan (2004) seeks to ensure that buildings and public spaces are readily accessible to all.

A lift would be provided within the flats to provide access to all floors. The applicant has provided details to confirm the compliance of the units with Lifetime Homes Standards. In accordance with the London Plan policy guidance, 4 units should be provided to wheelchair housing standard. The applicant has confirmed that this would be the case. 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 Harrow Unitary Development Plan (2004).

#### **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. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Sustainability Report submitted with the application states that the baseline CO<sub>2</sub> emissions of the scheme would be reduced by 10.7% through energy efficient design and fitted appliances, and a further 20% through ducted air source heat pump renewable energy generation. This is considered to comply with the requirements of London Plan policies 4A.3 and 4A.7, which require energy efficient design and construction and the on-site generation of renewable energy to reduce CO<sub>2</sub> emissions by 20%. The applicant has set out that the dwellings would be built in accordance with Level 3 of the Code for Sustainable Homes.

Furthermore, the applicant has set out that the following sustainability measures would be adopted and utilised in the scheme:

- Available natural ventilation to all habitable rooms and the main stair core.
- High levels of day lighting are provided to all bedrooms and living areas.
- Day lighting / movement controls in the common areas and external areas would switch off or dim lights when they are not required and activate them if they are.
- The building would have a highly insulated fabric using products of low embodied energy where possible.
- Low level water consumption would be encouraged through the use of water saving appliances, such as low flush cisterns, and spray taps.
- High efficiency low Nox boilers
- The heating systems are conceived as being low temperature water systems allowing for flexibility in energy source (CHP, fuel cell, LPG).
- All heating and hot water pipework should be thermally insulated including valves.
- The heating systems will have zoned control and operation to reduce unnecessary heating.

On the basis of the applicants Energy Statement, it is considered that the Sustainable Building Design Vision contained within the SPD would be adequately addressed. However, to ensure this is the case, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet Level 3 of the Code for Sustainable Homes.

## **11) Planning Obligations**

Policies 6A.4 and 6A.5 of the London Plan (2008) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.

It is noted that a number of local residents have raised the issue of what local amenities would serve this development should it go ahead. Issues such as what provision for schools, doctors dentists and so on have been raised. Any planning obligation sought by the Council to address such concerns must conform with Government guidance introduced on 6<sup>th</sup> April, 2010, which requires planning obligations to meet all of the following legal requirements:~

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related to the scale and kind of development.

As a result of the changes to the planning legislation, the scope for Councils to request financial contributions by way of a Section 106 Agreement to tackle infrastructure deficits or requirements is limited. Officers have initiated discussions regarding a potential Section 106 Agreement for this site with the applicant to establish the level of financial contributions and other relevant obligations. The following areas are considered to be relevant on the basis of the impact of the development, and form the Heads of Terms for the Section 106 Legal Agreement:

- Highways contribution towards the improvements of the adjacent junction at Headstone Drive and Harrow View. A scheme is being prepared by Transport for London (TFL) that will result in this junction being improved; the proposed development would have a direct impact on this by way of the traffic movements associated with the new development.
- Contribution towards the replacement of trees lost though the proposed development in the vicinity of the application site. There is limited capacity for meaningful onsite replanting provision, and given that a number of the trees that would be lost are subject to a TPO, replanting within the vicinity of the application site is considered necessary to justify the proposed development proceeding.
- Contribution towards the increase capacity at local schools to offset the additional demand created through the development. The development would result in 43 flats, including over 50% which would have two or more bedrooms. As a consequence the development is likely to increase the demand for local school places, and therefore must make a financial contribution for a commensurate increase in the provision of such.
- Contribution towards the improvement of open space within the vicinity of the application site, again to offset the additional demand generated through this development. Whilst it is noted that the proposed development does include provision for open space within the application site, and that facilities could be provided onsite to cater for some ages ranges, that not all age ranges would be catered for. As such it is considered that a contribution of the improvement and upgrading of a local park, namely Headstone Recreational Manor Park, could be sought. A project is already in place for the improvement of this area and monies sought though the proposed development could be utilised to part fund this project, which would benefit a range of age groups that would likely inhabit the proposed development.
- Employment and training contribution. This would be expended by the Council towards construction training and the provision of the Employment Co-ordinator. The Employment Co-ordinator would be employed to assist in the placement of job seekers from the local area into jobs created by the proposed development.
- Legal Fees. Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- Planning Administration Fee. Payment of administration fee for the monitoring of and compliance with this agreement.

## **12) 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 proposed development would lead to the regeneration of this area with a new use that would ensure increase surveillance and natural pedestrian footfall of the local area. These effects are known to have a positive impact upon crime reduction by virtue of the natural deterrent that is created. Of course, the proposed residential units could be a target for crime themselves and therefore it is important to ensure that the development would be built to a high standard including Secure by Design measures. The proposed development has been revised to ensure that it would be more secure, most notably by increasing the depth and are of defensible space between the ground floor units and Headstone Drive. Other, more specific measures should be sought by way of a planning condition imposed on a consent to ensure compliance with, insofar as possible, with Secure by Design standards.

### **13) Consultation Responses**

The objections relating to excessive scale of development, loss of community facility additional pressure on the car parking availability in surrounding streets and the impact on schools and local services are noted, and reflected in the content of the report.

Objection to traffic generation arising from the proposal is not considered to be sustainable, given the limited impact that this would have in relation to existing flows. Similarly the impact on bus services is not considered a sustainable reason for refusal, given the population yield from this development in relation to the existing passenger numbers.

The impact of general noise and disturbance to the area is not considered to be sustainable give the residential use and suburban location. Concern regarding loss of light is noted, however this is not considered to be a sustainable objection given the orientation of the site and development in relation to neighbouring residential uses and the separation between the site and these properties.

Comments received in relation to the quality of the plans / 3D images presented with application are noted, however, it is considered that the details submitted are of an acceptable quality.

Policy C10 of the Harrow Unitary Development Plan (2004) seeks to retain existing community facilities in the Borough. However, in the context of this policy, the definition of community facility is not considered to include public house uses located in the suburban area. There are no other land use policies in the Harrow UDP relevant to the existing Public House use.

The site is located within Flood Zone 1 (the least vulnerable zone) and the application represents operational development on less than 1Ha of land. In accordance with the Environment Agency's PPS25 Flood Risk Standing Advice (FRSA), the Environment Agency has not raised any objections to the application. The FRSA generates good practice advice in terms of effective surface water management. The application is considered acceptable in this context.

The applicant would have to obtain separate permission from the Three Valleys Water Company for water supply for the development. The Council's Drainage Engineers have recommended conditions requiring details of drainage system for the development to be submitted should the application be recommended for approval.



## **CONCLUSION**

The decision to grant permission has been taken on the basis that the proposed development would lead to the regeneration of this site and make an important contribution to the delivery of housing, including affordable housing where there is an indentified significant shortfall. The associated impacts that the development would create can be adequately mitigated against through the use of appropriate planning conditions and Section 106 Agreement, and therefore the development would not have any significant visual, transport, flood risk or other impact that would warrant the refusal of planning permission. For all the reasons considered above, and weighing up the development plan polices and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of five 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 ground surfacing

b: 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 in accordance with Policy D4 of the Harrow Unitary Development Plan (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, including details of on site play equipment for under 5s. 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 Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

4 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 accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

5 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 and Policy D4 of the Harrow Unitary Development Plan (2004).

6 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. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions. The applicant should contact Thames Water Utilities Limited 0845 850 2777 and Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and Policy D4 of the Harrow Unitary Development Plan (2004).

7 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25. The applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

8 The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

9 No site works or development 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 the Harrow Unitary Development Plan (2004).

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

- a: the storage and disposal of refuse/waste
- b: and vehicular access thereto

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 the Harrow Unitary Development Plan (2004).

11 Occupation of the proposed building hereby permitted, shall not be commenced until the applicant has demonstrated that the development will achieve the appropriate level to meet Level 3 of the Code for Sustainable Homes. 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 the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and Policy D4 of the Harrow Unitary Development Plan (2004).

12 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

13 Prior to the commencement of development a Construction Environmental Management Plan (CEMP) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of the intended hours and duration of work, measures proposed to minimise dust and noise, on and off site traffic management proposals (including details of wheel washing facilities) and the location of waste management and site compound areas within the site.

REASON: To manage the impact of the development upon the local area during its construction in the interests of public amenity and the local natural environment in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

14 The development hereby permitted shall not commence until revised details of the means of vehicular access have been submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

15 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 (2004), and Section 17 of the Crime & Disorder Act 1998.

16 The development hereby permitted shall be carried out in accordance with the following approved plans: 28130, 28130E, F520/NP001, F520/NP002, F520/NP003, F520/NP004, F520/NP005, F520/NP006, F520/NP007, F520/NP010, F520/NP011, F520/NP012, F520/NP013, F520/NP100, F520/NP110, F520/NP120, F520/NP130, F520/NP140, F520/NP200 Rev A, F520/NP201 Rev A, F520/NP202 Rev A, F520/NP203, F520/NP204, F520/NP205, F520/NP210, F520/NP211. Design and Access Statement, Sustainability Statement, Pre-Construction Energy Statement, Transport Report, Planning Statement, Environmental Desk Top Report.

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

- PPS1 – Sustainable Development (2005)
- PPS1 – Sustainable Development: Planning and Climate Change (Supplement to PPS1) (2007)
- PPS3 – Housing (2010)
- PPS4 – Planning for Sustainable Economic Development (2009)
- PPS5 – Planning for the Historic Environment (2010)
- PPG13 – Transport (2001)

London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.10, 3A.15, 3C.23, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4B.1, 4B.5, 4B.6, 4B.8, 6A.4, 6A.5

Harrow Unitary Development Plan: D4, D5, D9, EP12, EP48, H14, H17, C16, T6, T13 and SPG - Extensions: A Householders Guide (2008).

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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

### 3 PARTY WALL ACT:

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

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

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 THAMES WATER:

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 PERMEABLE PAVING:

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

### 6 COMPLIANCE WITH PLANNING CONDITIONS:

**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: 28130, 28130E, F520/NP001, F520/NP002, F520/NP003, F520/NP004, F520/NP005, F520/NP006, F520/NP007, F520/NP010, F520/NP011, F520/NP012, F520/NP013, F520/NP100, F520/NP110, F520/NP120, F520/NP130, F520/NP140, F520/NP200 Rev A, F520/NP201 Rev A, F520/NP202 Rev A, F520/NP203, F520/NP204, F520/NP205, F520/NP210, F520/NP211. Design and Access Statement, Sustainability Statement, Pre-Construction Energy Statement, Transport Report, Planning Statement, Environmental Desk Top Report.

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**1-5 SUDBURY HILL, HARROW, HA1 3SB**

**Item: 1/03**

**P/1989/09/IH**

Ward HARROW ON THE HILL

DEMOLITION OF FIVE DETACHED DWELLINGHOUSES AND CONSTRUCTION OF 54 FLATS COMPRISING 11 1- BED 26 2 –BED 9-3 BED 7-4 BED AND 1 4/5 – BED WITH PHOTOVOLTAIC PANELS AND SATELLITE RECEIVERS AT ROOF LEVEL UNDERGROUND PARKING – 54 SPACES INCLUDING 6 DISABLED SPACES

**Applicant:** Messers Doyle, Losowski & Burgess

**Agent:** Kenneth W Reed and Associates.

**Case Officer:** Ian Hyde

**Statutory Expiry Date:** 03-FEB-10

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## RECOMMENDATION

**GRANT** permission for the development subject to the signing of a s106 legal agreement within 6 months and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the s106 legal agreement and to agree any minor amendments to the conditions or the legal agreement. The Legal Agreement would cover the following matters:

- i) A contribution towards local highway improvements;
- ii) A contribution towards local educational facilities improvements;
- iii) A contribution towards construction training;
- iv) Provision of an Employment Co-ordinator
- v) Agreement to provide affordable housing of the type and number detailed within the application.
- vi) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- vii) Planning Administration Fee: Payment of £3,000 administration fee for the monitoring of and compliance with this agreement.

The decision to **GRANT** permission has been taken on the basis that the proposed development would lead to the regeneration of this site and make an important contribution to the delivery of a variety of residential units, including affordable housing. The associated impacts that the development would create can be adequately mitigated against through the use of appropriate planning conditions and Section 106 Agreement and therefore the development would not have any significant visual, transport, flood risk or other impact that would warrant the refusal of planning permission. The application is therefore found to be consistent with 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:

PPS1 – Sustainable Development (2005)

PPS1 – Sustainable Development: Planning and Climate Change (Supplement to PPS1) (2007)

PPS3 – Housing (2010)

PPS4 – Planning for Sustainable Economic Development (2009)

PPS5 – Planning for the Historic Environment (2010)

PPG13 – Transport (2001)

London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10; 3D.13, 4A.1, 4A.3, 4A.4, 4A.5, 4A.6 4A.7, 4B.1, 4B.8, 6A.4, 6A.5.

Harrow Unitary Development Plan: D4, D5, D9, EP12, H14, H17, C16, T6, T13

SPG – Extensions: A Householders Guide (2008) and

SPD – Accessible Homes (2010)

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**MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Principle of Development and Character of the Area (London Plan 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 4B.1, D4, D5, D9, EP12, H17, SPG)
- 2) Residential Amenity (London Plan 3A.5, D4, D5, SPD)
- 3) Parking/Highways Considerations (T6, T13)
- 4) Affordable Housing (3A.5, 3A.10, H7)
- 5) Sustainable Development (4A.7, SPD)
- 6) Section 106 Requirements
- 7) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

**INFORMATION**

This application is reported to the Committee as it falls outside of the thresholds set by the Harrow Council Scheme of Delegation.

**a) Summary**

Statutory Return Type:	Q12 Smallscale major
Conservation Area:	N/A
Site Area:	0.807 hectares
Scale of scheme:	54 Units 179 Habitable rooms
Density of Units:	66.9/ha
Habitable room density :	221/ha
Lifetime Homes:	Stated at 54
Parking:	Standard: 66 Provided: 54 Justified: 54
Council Interest:	None (Council owns part of the site but is not part of the application).

**b) Site Description**

- The application site comprises five residential properties, each currently occupied by a detached two storey dwelling. Each site has an average garden depth of 50m with no. 1 reduced to some 45m.
- The adjoining area is predominantly residential with 2-3 storey properties with a 3/4 storey flatted development opposite the Sudbury Hill frontage known as Assisi Court built 1994 and a residential care home of 3 /4 storeys to the south of a similar age known as Buchanan Court.



- No.1 Sudbury Hill is council owned, the remainder of dwellings on the site are privately owned.
- The application site levels rise from the east corner to the north corner by 2.5m approx . Adjoining the western boundary of the site is a complex of school buildings and a dwellinghouse which provides caretakers accommodation.
- Sudbury Hill is a Borough distributor road and Sudbury Court Drive is a London distributor road along the north east site boundary,
- The site is close to established bus routes and Sudbury Hill Underground station.
- Metropolitan Open Land lies on the opposite side of Sudbury Hill to the west of the site.
- Harrow boundary with Brent to the opposite side of Sudbury Court Drive.
- The site is in close proximity to but does not abut the Harrow on The Hill Area of Special Character and Harrow-on-the-Hill Conservation Area.
- There are a significant number of mature preserved trees on the application site which are protected by a Group Preservation Order.

**c) Proposal Details**

- The application proposes the demolition of the five existing dwelling houses and the erection of a single “L” shaped building with its primary elevations addressing Sudbury Court Drive and Sudbury Hill. The building is proposed to provide a mix of housing types ranging from 1 through to 4-5 bedrooms. The development would propose a split of housing types at 65% (35 units) privately owned, 24%, (13 units) socially rented and 11% (6 units) shared ownership.
- The building would be set back from the highway boundaries by a minimum distance of 7.25m at its closest point (on the Sudbury Court Drive/Sudbury Hill junction. This distance would increase to a maximum of 12.25m along the road frontages. Landscaping would be provided and retained between the building and the boundary.
- In order to respond to onsite levels changes, the building would be dug into the ground towards the north of the site. This is shown have a depth of some 2.55m below relative ground level at its most north western point.
- The building would have a maximum height (excluding chimneys) of 12m above ground level to provide 4 levels of residential accommodation (including at roof level) and a basement parking area for 54 vehicle spaces (6 disabled), spaces for 28 motorcycles and 54 cycles.
- The structure would have a width of 47m along the Sudbury Court frontage and 69m along the Sudbury Hill boundary. Design of the structure would consider elements of the existing buildings onsite and in the area by utilising pitched roofs, projecting bays with roof level gable ends and replicating the height of the adjoining dwelling on Sudbury Court Drive. Materials would comprise brick and render with tiles at roof level to acknowledge existing conditions in the area.
- The proposal would utilise a dummy pitched roof arrangement with an internal recess to provide space for green energy collection and communal television reception equipment.
- Ventilation for units (extraction equipment and ducting) would be directed to roof level to minimise impacts on elevations.

Item 1/03 : P/1989/09/IH continued/...

- The main vehicular entrance to the site would be to the north east of the site leading into a basement parking area, whilst a second access off Sudbury Court Drive would be located along the north eastern boundary. This second access would provide access for fuel delivery and emergency access. A piece of land would be taken from 1 Sudbury Court Drive in order to facilitate this access.
- Ground floor units would be provided with rear facing private amenity space and communal amenity space would also be provided to the north west of the building.
- Proposal seeks to attain Code 4 Sustainable Homes, and will use Biomass Boilers for heating as well as providing solar hot water collectors and heat pumps at roof level.

**d) Revisions to previous application**

The proposed development differs from the previous proposal P/3189/08 in a number of respects which are briefly described below:

- Unit numbers reduced from 80 to 54, parking decreased accordingly from 80 to 54).
- Building now fits within building density guidelines.
- Building sits on Sudbury Court Drive building line where previously it had projected in front of properties
- Internal layouts improved
- More considered materials/design.
- Building envelope reduced to omit rear section adjacent to neighbouring school. This results in the loss of the rear section of the building adjacent to the caretaker's house and a significant increase in amenity space.
- North eastern part of building moved away from Sudbury Court Drive boundary and windows revised to address overlooking of this area.

**e) Relevant History**

LBH/6685	Demolish existing house and erect 6 flats and 6 garaged with parking area and access road	REFUSED 22-SEP-71
LBH/6685/3	Erection of detached dwelling house with integral garage, resiting of domestic garage for no.1 Sudbury Hill.	REFUSED 05-JUN-75
LBH/6685/3	Erection of two storey extension to side of dwelling house (2, 3, 4 & 5 Sudbury Hill.	GRANT 02-DEC-76
WEST/973/99/OUT	3 Blocks of 10, 3 Bed flats with access and forecourt parking.	REFUSED 13-MAR-00 APPEAL DISMISSED 15-JAN-01
WEST/1139/02/FUL And WEST/1140/02/FUL (Duplicate applications).	Demolition of properties, construct 55 flats in 3 blocks, Part 3/Part 4 storeys, 1 House, access and parking	WITHDRAWN 01-JUL-03

P/142/05/CFU	Redevelopment: Three storey block to provide 10 flats with parking at rear	REFUSED 18-MAR-05
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**Reasons for Refusal:**

1. The proposed development, by virtue of excessive size, bulk and unsatisfactory design, would be visually obtrusive and overbearing, would not respect the scale, massing and form of the adjacent properties to the detriment of the amenities of the occupiers thereof, the appearance of the streetscene and the character of the locality.
2. The proposal represents an unacceptable form of piecemeal development detrimental to the character and proper planning of the area.
3. The proposed windows/balconies in the rear elevation would allow overlooking of the adjoining properties and result in an unreasonable loss of privacy to the occupiers.
4. The proposed access road and rear parking area, by reason of excessive size and unsatisfactory siting in relation to the neighbouring residential properties, and associated disturbance and general activity would be unduly obtrusive and detrimental to the visual and residential amenities of the occupiers of those properties and the character of the area.
5. Due to the sites close proximity to the traffic light controlled junction, the number of units proposed and the associated car parking arrangement would generate additional vehicle movements that would be to the detriment of the safety and free flow of traffic on the neighbouring highway.
6. The proposed development, by reason of unsatisfactory design and layout, would have poor physical and visual links between the flats and the rear garden thus providing an inadequate standard of amenity for future occupiers thereof.

P/3189/08	Demolition of houses and construction of 80 flats with underground parking.	REFUSED 22-DEC-08
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**Reasons for Refusal:**

1. The proposed development by reason of its scale, bulk, massing, layout and unsatisfactory design and site coverage would be unduly obtrusive and overbearing, and would be out of character with neighbouring properties which comprise mainly two-storey houses, and would not respect the scale, massing and form of those properties appearing inconsistent with the existing pattern of development, to the detriment of the visual and residential amenities of neighbouring residents and the character of the area, contrary to policy 4B.1 of The London Plan 2004, policies D4, D5 and D9 of the Harrow Unitary Development Plan 2004, and Supplementary Planning Guidance Designing New Development (March 2003).
2. The proposed development, by reason of its excessive number of units, site coverage by building, inadequate garden area, proximity to neighbouring properties, associated disturbance & general activity due to over occupation of the site, would represent an over-intensive use, and amount to an over development of the site to the detriment of the residential amenity of future occupiers of the site, neighbouring residents and the character of the area contrary to policies 4B.1 of The London Plan 2004, policies D4, D5, D9, D10, EP25 of the Harrow Unitary Development Plan 2004, and Supplementary Planning Guidance Designing New Development (March 2003).

3. The proposed development would fail to provide 50% of the units as affordable housing, and in the absence of adequate justification, is therefore considered to fail to address strategic housing objectives or the provision of a mixed and balanced community, contrary to the objectives of Policies 3A.8, 3A.9, 3A.10 and 3A.11 of the London Plan.
4. The proposed development, by reason of the failure of units to receive adequate levels of daylight/sunlight, outlook and privacy, and the inadequate provision of amenity space and play space for children and young people on the site, would fail to provide adequate living conditions for future occupier, contrary to policies D4 and D5 of the Harrow Unitary Development Plan and The London Plan draft Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation.
5. The proposed development, by reason of overlooking and overshadowing of neighbouring properties and an overbearing presence on neighbouring properties would be detrimental to the existing residential amenity of the neighbouring properties, contrary to policy D4 of the Harrow Unitary Development Plan 2004.
6. The proposed development would result in undue harm to existing protected trees on site to the detriment of the character and appearance of the site and wider street scene contrary to policies D4 and D10 of the Harrow Unitary Development Plan 2004.
7. The proposed development, by reason of inadequate measures to mitigate traffic generation resulting from the scheme and failure to consider future increases in traffic flow in the area, would be detrimental to the adjacent road junctions, which are already operating in excess of capacity, to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway in the area, contrary to Harrow UDP policy T6.
8. Due to the inadequate basement clearance the proposed development would fail to provide adequate provision for refuse collection arrangements on-site, and would therefore be reliant on the public highway for collection arrangements which would be prejudicial to safe and effective operation of the highway, contrary to Harrow UDP policies T6 and T15.
9. The application fails to provide onsite renewable energy generation to address 20% of the total energy demand of the development and therefore is considered to be an unsustainable form of development, contrary to policy 4A.1, 4A.7, 4B.1 of The London Plan 2004, policies D4 of the Harrow Unitary Development Plan.
10. The proposed development fails to provide adequate detail of eight wheelchair units within the development and is therefore considered to fail to adequately provide for the housing needs of wheelchair users, contrary to policy 3A.5 of the London Plan.
11. The proposed development layout is based on single aspect units, with approximately half of these facing north, and provides internal bathrooms and internal kitchens, resulting in a comparatively higher energy demand, and is therefore considered to be an unsustainable form of development that fails to address climate change contrary to policies 4A.1, 4A.2, 4A.3 and 4A.4 of the London Plan.
12. The application has failed to demonstrate that it would provide a 20% reduction in carbon dioxide demand through renewable energy generation on the site, and is therefore considered to fail to provide measures to address climate change contrary to policies 4A.1, 4A.2, 4A.3, 4A.4 and 4A.7 of the London Plan.

**f) Post Refusal/Pre-Application Discussion**

The principle of some form of redevelopment of the site for residential purposes replacing 5 detached dwellinghouses has been accepted, but subject to specific planning policy and design criteria. Previously, officers had expressed concern regarding the density of the scheme, the excessive scale and massing of the proposed building, that the U-shaped building was inconsistent with the established urban grain, inadequate articulation to break-up building, urban character of scheme, proposed single aspect units provide poor quality living conditions, impact on school caretaker dwelling and poor relationship with No. 1 Sudbury Hill (now incorporated into scheme).

A further comment was that the site is within an established suburban residential area, with the immediate locality being a lower density with significant semi-detached and detached dwelling houses. The principle of redevelopment may be acceptable, but subject to criteria such as density, architectural treatment, general scale, amenity space, internal/external amenity, traffic issues and environmental impact considerations. The previous applications had not addressed the concerns of officers and had been refused on several key planning grounds as set out in the previous reasons for refusal.

**g) Applicant Statement**

- Proposal developed in conjunction with discussion with Council Officers
- Acknowledge that road network and junction already over capacity but proposal would not have a significant impact.
- Layout of site proposed to accommodate significant trees.
- Development designed to reflect style, shape, context and character of surrounding buildings.
- Basement entrance is of grade and length to ensure it has less impact on the appearance of building and its use.
- Building respects adjacent school caretakers cottage.
- Internal spaces created to provide outlook and space.
- Good allocation of affordable housing of generous size and mix (in line with documented requirements).
- Development designed in light of CABI Building for life Criteria which demonstrate that the development is attractive, functional and sustainable.
- Proposal redesigned to take into account residential occupiers with 100% lifetime homes and 10% wheelchair homes.
- Development aims to provide a Sustainable Home Code 4 scheme.
- Scheme has increased distances to neighbouring properties and provided better outlook and lighting to flats.
- Designed in conjunction with Secured by Design principles but also does not result in overlooking of private areas.
- Intention to introduce a residential travel plan
- Proposal addresses issues raised within the previous application.

**h) Consultations:**

Highway Engineer: The provision of an average of one parking space per dwelling (which includes for visitors) is in line with the Harrow Unitary Development Plan (UDP) and current and emerging London Plan standards and is therefore considered acceptable given the relatively low public transport accessibility of the site.

It is considered that the increase in use intensity of the proposal is de minimus and can therefore be adequately and safely contained within the road network.

Tree Officer: No objection. There are no tree issues with this application, however a tree protection plan and an arboricultural Method Statement for the installation of the proposed perimeter wall will be required.

Thames Water: No objection.

Environment Agency: No comment received;

Housing: No objection. Noted the following:

This latest proposal includes the provision of 19 affordable homes including 13 for social rent and 6 for shared ownership. The mix is largely supported as there is a good mix of large family sized units included within both tenures.

In relation to securing the maximum reasonable level of affordable housing, the GLA Toolkit appraisal together with the inclusion of 41% affordable housing (by habitable room) results in a scheme which appears to be on the edge of viability and shows a considerable deficit against the existing use value used in the appraisal (bearing in mind that the existing use value is considered conservative in any case).

Base build costs are comparatively low for this type of proposal and are considered acceptable in this instance based on BCIS information available. There are no exceptional development costs included in the appraisal.

Open market values are therefore the one area where an improvement in scheme viability could possibly be achieved. The submission appraisal as it stands and based on the application scheme would require a circa 38% rise in values for any surplus to be secured against the existing use value of the site. This would appear unlikely over the course of the likely development period proposed and as such it would appear that the maximum reasonable level of affordable housing has been secured.

Education: Commented that the development would expect to generate a total of 45 pupils, within 0-15 age group and 16 within 5-10 year age group.

Given an assumed completion of 2012 and projections for 2012-13, forecasts suggest 5.98% surplus, however a majority have already been allocated to additional 166 pupils in the area from previously approved schemes indicating new places may need to be generated in time for this development.

Drainage Engineer: No objection. Recommends three standard surface water drainage disposal and attenuation conditions.

Waste Management: No objection, 7 no. 1280 bins for recycling and 7 no. 1100 bins for residual waste are required.

Metropolitan Police: Noted that the crime prevention measures will comply with the Community Safety - Secured by Design Condition.

Harrow Conservation Areas Advisory Committee: Not adverse to the principle of flats, however the extent of proposals at present would constitute overdevelopment and should be significantly reduced to sit more comfortably within the plot. Proposals are too solid in appearance; these should be broken up with better articulation to provide a more interesting skyline and to allow views through the site as the current houses do. The current massing is too dense and would create a long fortress like development that would impact on gateway to the hill.

Harrow Hill Trust: Regard site as a gateway to the 'Area of Special Character' already affected by the nursing home opposite.

Concerns over density (based on earlier 64 unit scheme) and made reference to the proposal being excessive and contrary to PPS3.

Insufficient amenity space provided, likely leading to overuse and prevention of children playing ball games etc. Such development undesirable in an area where families predominate.

Concerns over road and child safety as a result of being immediately adjacent to the primary school.

London Borough of Brent: No objection.

**Advertisement:** Major Development Expiry: 15-AUG-10

**Notifications:**

Sent: 76 Replies: 5 Objections Expiry: 31-AUG-10  
(Including properties in LB Brent) One petition with 74 signatories in opposition.

Comprising: 1-7 odd numbers  
Sudbury Court Drive (odd nos)  
1-10 All Grange Court (All)  
Lianda, Hill Close  
St Georges RC School  
Groundskeepers House St  
Georges RC School  
1-15 Lanfranc Court (All)  
16-22 Greenford Road (Even)  
1025 and 1027 Harrow Road  
Buchanan Court  
2-12 Sudbury Court Drive (Even)  
1017 to 1023 Harrow Road (Odd)  
1-25 Assisi Ct (All)

**Summary of objections:**

- Appearance intrusive and out of character,
- Excessive density,
- Loss of trees,
- Noise and disturbance,
- Loss of light and privacy,
- conflict with traffic and pedestrians and failure of the application to consider adequately the impact on the school and in general,
- No visitor parking provided
- Concerns over drainage as a result of basement parking.

Other matters raised through the consultation process related to noise/pollution due to construction. Whilst it is understood that this may be concerning to neighbours, in the event of construction, control of such matters would be controlled through legislation outside of planning control.

**APPRAISAL**

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

Principle of Residential Development

The development site is located within a suburban setting which is characterised by residential dwelling houses and higher density residential accommodation (Assisi Court flats and the elderly care home). The site is currently occupied by residential dwelling houses.

As the site is not located within a Conservation Area and the buildings are not listed, the demolition of the existing houses is not prevented by adopted policy. The development would accord in principle with policy EP20 of the Harrow Unitary Development Plan which seeks to secure all new build development to take place on previously developed land.

It is noted that the recent amendments to PPS 3 aim to restrict the practice of “garden grabbing” through the development of the rear gardens of domestic dwellings. However as this proposal would involve the comprehensive redevelopment of the entire site, which has been previously development and does not therefore involve residential garden space for dwellings to be retained, the development does not therefore conflict with the aims of PPS3.

In principle then the proposed redevelopment of the site for residential purposes would be appropriate in this location.

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 70 units per hectare and 221 habitable rooms per hectare. This density is consistent with the London Plan guidance for the form, type, location and accessibility of the scheme.

#### Design and Materials

PPS1, PPS3 and Council UDP policy D4 recognises the importance of the planning process in enhancing the built environment and encouraging high quality design. To meet these aims, both PPS1 and PPS3 require 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 scale and layout of the proposed development has been designed to complement and respect the built form and scale of the surrounding area. This is achieved within the development through the proposed use of complementary materials, the use of onsite levels and relationships to minimise the height of the structure, particularly to the north, and the matching of the Sudbury Court Drive building line. The use of pitched roofs and gable ended bay window features would be sympathetic to the character of residential dwellings in the area, and it is noted that these features have been utilised on multiple unit developments nearby.

Whilst the mass of the building and its relationship to the adjacent junction would give it a horizontal emphasis, the use of bay features, and roof level gables, would act to reduce the apparent bulk of the building and would provide some relief and interest when viewed from the streetscene.

Given that the height of the building is a significant factor in this application, and that this is proposed to be mitigated through the benching of the development to respond to the change in levels on the site, confirmation of the total height of the building would be important to ensure that it would equate to dimensions shown on plans. In order to prevent such a situation occurring, it is considered to be appropriate that a condition requiring the provision of a fixed datum point on the intersection of Sudbury Court Drive and Sudbury Hill be provided in order to fix the final height of the building.

The walls of the apartment blocks are proposed to utilise white painted render and brickwork with reconstituted stone detailing. These are all features which are found in the local area and would be in keeping with the surroundings. The materials and design of the proposed building are acceptable and would meet the requirements of both PPS1 and Policy D4 Harrow Unitary Development Plan 2004. However, it is considered that a condition requiring samples of materials and finishes would be appropriate to ensure that these details were acceptable.

Ventilation and extraction would be provided to roof level, within the recessed roof section. Additionally the application proposes the use of communal television reception facilities to prevent unsightly individual satellite dishes and receivers proliferating on the elevations of the site.

Notwithstanding the measures to make it appear complementary to the character of the area, the development would still however retain an individual character which would be appropriate for a large building within in a prominent site and it is considered that, subject to the conditions proposed, the application can be supported.

Living Conditions for Future Occupiers:

The proposed development has confirmed that 100% of dwelling units would be to "Lifetime Homes" standards, this would be in addition to 10% wheelchair standard. As such the proposal would be compliant with the Adopted Accessible Homes SPD (2010).

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 London Housing Design Guide (2010). 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.

The submitted drawings show unit sizes to be well in excess of those suggested within The London Housing Design Guide. Circulation is good within units and wheelchair turning areas are indicated on plans.

Large two, three and four bedroom family units are proposed in the third floor, roofspace level. This is considered to be a compromised location for large family units which should ideally benefit from direct access to external space. It is noted, however, that there is a significant amount of communal space provided and that all units would be provided internal access to the amenity space (via elevators in the case of upper floor units).

Some single aspect units facing north into the courtyard would be likely to receive lower levels of daylight/sunlight. However, an increased number of flats to the rear would now have improved aspect and access to a larger amenity area with the deletion of the rear linked building previously proposed. On balance it is considered that the proposals would meet the aims of saved Policy D4 of the Unitary Development Plan in relation to daylight and sunlight.

Units within the roof space are dependent upon dormers for receiving daylight and sunlight and for outlook. However given that all of these units are provided with generous floor areas (in excess of the Mayors Guidance) and in some cases, the provision of balconies for amenity space, it is considered that this would be acceptable.

Given these considerations on balance, the application is considered to be acceptable in this respect and would provide an acceptable standard of accommodation for future occupiers.

#### Amenity Space for Future Occupiers

Saved policy D5 of the Harrow Unitary Development Plan 2004 requires new residential development to provide adequate amenity for future occupants. This is also a requirement of policy D4 of the Plan. London Plan Policy 3D.13 which seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Children and Young Peoples Play and Informal Recreation, requires well designed play and recreation space for every child to be accommodated in new housing development. Specifically, appropriate and accessible facilities within 400m for 5-11 year olds or within 800m for 12 plus age group alternatives are recommended. The London Borough of Harrow Play Strategy [2007-2012] seeks to ensure that new development recognises and addresses the importance of incorporating good quality, inclusive, safe and stimulating play spaces.

The development responds to these criteria through the provision of functional and practical private space at roof level and for each ground floor unit. It is noted that some of the ground floor space would be compromised by the retaining walls (to the north of the site) which would result in some level of enclosure. However, it is considered that the lower quality of the outdoor space provision to these units would be acceptable, given that they would allow the provision of some private space in addition to the communal areas.

It is noted that some of the private amenity space proposed within the development would be between the building and the highway. This is generally considered to be a poor quality solution as this tends to result in poor privacy and conditions of general disturbance from the nearby road. In this instance however, the proposal manages to retain a significant setback for amenity space of at least 5m behind the road boundary (at its closest point). This space, in conjunction with changes in levels between the site and the road, would provide opportunity for appropriate screening of private amenity areas to the extent that there would not be detriment to the future occupiers of these sites or the character of the area.

A communal amenity space of some 730sqm would be provided to the north of the building. This would include 290sqm of dedicated garden space as a "Child Play Area", which would be appropriate given that large family units are proposed within the scheme. As part of the landscaping conditions of the scheme, details of the play facilities provided within this child play area would be required.

Play space for children is provided on the site, in line with the requirements of the Mayor of London draft SPG Providing for Children and Young People's Play and Informal Recreation. The application is therefore considered to adequately provide for the needs of children subject to details of play equipment and maintenance schedules for such equipment.

The provision of 730sqm of communal amenity space, in conjunction with the provision of private amenity space for ground floor occupiers, would be considered to be acceptable for the potential occupiers of the site. However, notwithstanding the above, it is noted that the site is not located within an area defined as being a "Local Park Deficiency Area" within the Harrow UDP.

Landscaping:

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D5 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D9 seeks to achieve a balance between the design, bulk and location of new buildings as well as the retention of as many trees as possible. Policy D9 of the Harrow Unitary Development Plan seeks to achieve and retain a high quality of street side greenness and forecourt greenery.

The site benefits from extensive screening with a number of mature trees spaced around the street frontage boundary of the site. The site is outside of the Sudbury Hill Conservation Area, but Sudbury Hill (road) provides one of the principal vehicular access routes into the Conservation Area, and into the designated Harrow on the Hill Area of Special Character. The existing trees on the application site provide an important contribution to the setting of the entrance into these areas.

The site is covered by a group Tree Preservation Order, providing protection for the trees across the site. The application proposes substantial development in close proximity to several of the trees including excavation to provide a level floor slab across the site and further excavation to form the basement level.

Excavation has significant potential to result in detriment to the root structure of the trees. It is noted that the development could infringe root protection zones that are identified in the submitted Tree Survey report. The close proximity of the proposed building to existing trees raises further concerns regarding the future, post development pressure for heavy pruning. Notwithstanding these concerns, the Council's tree officer has reviewed the proposal and subject to safeguarding conditions now raises no objection.

The provisions for landscaping within the scheme, including the retention of existing trees, are considered to be 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 and a 5 year period for replacements of soft landscape will also be required. Therefore, subject to further detail being submitted by condition, in accordance with HUDP policies D4, D9 and D10, this element of the scheme is considered to be acceptable for this setting and the character of the area.

**2) Residential Amenity**

Objectors to the scheme have raised concerns regarding the impact of the proposed development on the amenities of neighbouring properties. As a result of the layout of the site, it shares a boundary with only two neighbours, the school to the west and south west and no. 1 Sudbury Court Drive to the north and north west.

The proposed development has been significantly altered from previous applications and even from the details initially submitted within this application. The number of units have been reduced which reduces the size of the building. With regard to the school, the scheme has been designed so that the building on this boundary has been significantly reduced in size. The proposal has also been set back from 1 Sudbury Court Drive. Notwithstanding this, the impacts of the development are assessed as follows:

With regard to the school adjacent to the site (to the south west of the site) the primary concern expressed by these neighbours is transportation based. With regard to the caretakers house located adjacent to the site boundary it is noted that the development would retain a separation of at least 23m between these buildings. The proposed development would also propose to retain landscaping on the common boundary. Given that the separation between the adjoining dwelling and the closest point of the proposed building has been significantly increased over that previously proposed, it is not considered that the proposed development would result in a significant loss of outlook or overlooking of the site property. As such, the amenities of these occupiers would be considered to be preserved and the issues raised in the previous application resolved.

Notwithstanding the relationship with the road boundary, the most significant direct impacts of the development would be on no. 1 Sudbury Court Drive to the north west. The proposed building would be separated from the common boundary by a distance of 10m at its closest point (directly adjacent to the side boundary of the property. As a result of the step of the building line to the rear of no.1 Sudbury Court Drive, the separation between the proposed building and the boundary to the rear of the dwelling along this north eastern boundary would be some 17.75m.

With regard to the rear garden of the property at no.1 Sudbury Court Drive, officers note that the proposed building would be approximately 2.5m lower than this neighbouring dwelling, which would read as a reduction in height of just under one storey from the neighbouring property.

It is noted that the proposed development seeks to provide primary (sole) windows in the flank wall facing no. 1 Sudbury Court Drive on all levels and that such situations can result in conditions prejudicial to the amenities of neighbouring occupiers. Notwithstanding this, given the lack of protected windows in the side elevation of no. 1 Sudbury Court Drive and the open nature of land to the side of this dwelling and the distance of 17m from the shared boundary, there is not considered to be any direct impact on the privacy of the occupiers of the building itself., or an unreasonable increase in overlooking compared to the existing situation.

Furthermore due to the stepped nature of the boundary on this side elevation there is a significant buffer area (of some 5m) on the site boundary which is available for landscaping. It is considered that the submission of landscaping on this boundary would provide an adequate level of privacy for the occupiers of this neighbouring site should existing planting be retained and satisfactory additional landscaping proposed, it is considered that on balance, were conditions to be attached to the development that the development would result in an inappropriate level of overlooking or unacceptable loss of privacy for neighbouring occupiers.

Noise from traffic arising from the site:

The majority of traffic generated from the site would be located towards the south western corner of the property, which whilst close to the boundary with the school, would be distanced from any sensitive uses.

It is considered that there may be some issue of noise for occupiers of 1 Sudbury Court Drive resulting from service vehicles accessing the service lane from Sudbury Court Drive. Whilst this is likely to be a low intensity use, in order to mitigate any adverse impacts, a condition requiring acoustic fencing on the common boundary with 1 Sudbury Court Drive will be required.

**3) Parking/Highways Considerations**

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development. PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:

- i) promote more sustainable transport choices for both people and for moving freight;*
- ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and*
- iii) reduce the need to travel, especially by car.*

The London Plan and 'saved' Policies T6 and T13 of the adopted Harrow UDP adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes.

The application proposes the submission of a Residential Travel Plan Initiative (RTPI) within part 20.0 of the submitted Design and Access Statement. The RTPI would include the provision of a travel plan co-ordinator who will manage its implementation and the proposal considers that this will conform to the Harrow Council Residential Travel Plan Draft Initiatives. A condition to require the implementation and management of the travel plan is recommended to be included as a condition.

It is noted that a number of local residents have concerns over the traffic and parking problems that may be created as a result of the proposed development. Essentially they have set out that the adjacent road junction is already at capacity, an issue intensified by the proposed additional units, and also that on-street parking could result in traffic management issues which would cause problems in the area. Additional concern was expressed that the location of the adjacent school, in conjunction with the proposed increase in intensity would cause harm to residents and users of the highway.

It is considered that the existing five dwellings would generate four vehicle movements during each of the morning and afternoon peak hours, with the proposed development expected to generate some sixteen additional movements during each peak hour (or approximately one vehicle movement per four minutes). Based on these figures, it is considered that the number of vehicles needing to enter or exit the site would be at a level which would not hinder the flow of traffic on the adjoining highways. The applicant's Design and Access Statement sets out the expected trip generation and traffic management proposals for the development. The traffic plan (submitted on the basis of the original larger number of units initially proposed within the application) suggested a similar number of movements which implies that Council figures are somewhat conservative.

Since some of the traffic movements resulting from the development would be for vehicles exiting the site and turning left to merge with traffic or turning into the site when travelling from the north west, the traffic impacts would in practice be expected to be further reduced.

The Council's Highway Engineer has confirmed that the level of car parking provision is acceptable in this instance, taking into account the location and nature of the development.

With regard to overspill parking, the nature of the adjacent junction and the volume of traffic using it result in the area being "self enforcing". That is, vehicle owners are unlikely to park in the area due to the fear of damage to their vehicles. Given that it has been concluded that proposed onsite parking levels would be appropriate and that the development would be expected to further reduce traffic through a travel plan, it is not expected that the development would result in any significant demand for on-street parking over that currently existing. Given these conclusions, it is considered that the development would be acceptable in this respect.

The concerns of neighbours in respect of disruption for pedestrians are noted. However, given the expected low frequency of movements from the site, and considering that the proposal would replace four accesses with a single crossover with a curb and radius edging, it is considered that this would result in better clarity and safety for pedestrians in the area, which would assist safer and more clear navigation between pedestrian and vehicular traffic. Notwithstanding this, it is acknowledged that there may be impacts of the development, specific to the site which may be unforeseen at this stage. In light of this consideration, it is considered appropriate that the Council secures a S106 provision of £10,000 for highway improvements which may be required to ensure safety of motorists and pedestrians. This money would be refunded after 5 years if not required.

Given that the development proposes a significant reduction in intensity of use over that previously refused (by some 26 units) it is considered that the proposed intensification of use would now be able to be accommodated by the road network and can now be supported.

Overall, the parking and highways matters are considered acceptable subject to conditions or S106 obligations for a Travel Plan to set out how the development would minimise travel to the site by private car.

#### **4) Affordable Housing**

London Plan policy 3A.5 and Harrow UDP policy H7 require new development to provide a range of housing choice, in terms of the mix of housing sizes and types, taking account of the housing requirements of different group.

London Plan policy 3A.10 requires borough to seek the maximum reasonable amount of affordable housing; having regard to own overall target for affordable housing.

The application seeks to provide 19 of the 54 units as affordable, which would equate to 34% socially rented and 11% mixed tenure. The applicants have submitted an Affordable Housing Toolkit to demonstrate the viability of the scheme. This toolkit has been assessed by officers of the Council's Housing Enabling Team who are supportive of the distribution of units. within the scheme and given the information provided, are satisfied that the maximum viability level for the scheme has been secured.

#### **5) Sustainability**

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.3 through to 4A.7. Overall, the suite of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Design and Access Statement submitted within the application stated that a minimum Code for Sustainable Homes level of 3 would be achieved. As part of responses to further information requested, the Applicants agent acknowledged that Sustainable Homes code 4 is now a requirement for affordable housing provision and that they intend to achieve this level within the development. This was confirmed in an email of 18 August to the Council.

Reference is made in the application to the provision of a more efficient building envelope, above minimum Building Regulation requirements. No substantive detail is provided to demonstrate or enable assessment of this element and this information will be required under condition.

The applicant has stated that a biomass boiler would be incorporated into the design to provide heating. A plant room area for this unit and fuel storage area is indicated on the plans at basement level. No detail of the specification of this unit is provided with the application, but this would be safeguarded by condition.



It is noted that the application states that “only very few dwellings face towards the north”. For clarity, approximately half of the units within the scheme would be north facing, and would therefore result in lower levels of solar gain and the single aspect units would be unable to take advantage of natural cross ventilation for cooling. Further, all of the bathrooms and most of the kitchens within the scheme would be internal, without windows. While it is acknowledged that Building Regulation compliant ventilation would be required to these rooms regardless of the location within the building, the proposed internal position would result in a greater dependence on mechanical ventilation and electric lighting. This greater demand would be offset through the use of biomass heating, solar water heating and other matters proposed within the application. Given this consideration, it is considered that, subject to a condition requiring a demonstration as to how the proposal would achieve overall acceptable energy efficiency would be sufficient to address these concerns.

The application states that air source heat pumps and solar water heating would be used to provide low carbon and zero carbon renewable energy generation. No detail of generation capacity is provided.

Further detail of the compatibility of the proposed heating system is required to demonstrate that this would be an effective strategy that maximised the CO2 reduction, and that the combination of biomass boiler, air source heat pump and solar water heaters was an effective strategy. This would be safeguarded through planning conditions.

Overall, the application has made reference to sustainability measures but has failed to provide full details of measures to meet the London Plan policy requirements. However, it is anticipated that technical submissions by the applicants at the conditions stage can be achieved.

**6) Section 106**

Education:

With regard to education provision, the development would result in a number of additional residential units a significant proportion of which will be 2 or more bedrooms and would therefore attract children requiring educational facilities. London Plan Policies 6A.4 and 6A.5 suggest that the Council may require contributions for education where school services in the area are not sufficient to provide for the expected additional demand, in this instance, as discussed in comments from Council Education Services, the facilities within the area have not been confirmed as being sufficient to provide for the expected additional educational demand of this and other similar schemes. As such, in this instance a commensurate financial contribution, will be required.

Affordable Housing Provision:

The application proposes a mix of housing types and sizes. The section 106 agreement will require the provision of at least 13 affordably rented units and at least 6 shared ownership units to be managed by a Registered Social Landlord subject to a nomination agreement with the Council. Also required will be the distribution of units and their tenure to be as demonstrated within the proposed plans. This will ensure that units are fairly and equitably allocated between tenures.

Onsite Training and Development:

As previously discussed, Policies 6A.4 and 6A.5 of the London Plan promote learning and training as part of Legal Agreements. Harrow Council runs a Construction Training Initiative which facilitates the placement of residents into work on development sites. In respect of this application, the applicant will be required to pay a commensurate contribution towards onsite training, as well as towards the funding of the Council's Construction Training Co-ordinator. In addition to this, the development will be required to develop and implement a strategy to place members of the local community into work onsite.

Transportation:

As previously discussed, whilst officers are satisfied that the traffic impacts of the development will be minor, it is considered appropriate to secure £10,000 for highways improvements, to mitigate any adverse impacts of the development.

**7) S17 Crime & Disorder Act**

It is considered that the proposal would not have an impact with respect to this legislation. The development provides overlooked entrances and communal spaces, basement parking is secure and it is noted that the scheme has been refined in conjunction with the help of Harrow Police Crime Prevention Officers, and that they are supportive of the scheme.

**8) Consultation Responses**

- It is considered that the comments related to appearance and design of the building have been addressed in the text of the report.
- With regard to privacy issues, amendments to the scheme are considered to have addressed these issues and these have been discussed in the body of this report.
- In relation to loss of trees, the submission of details and discussions with Tree Preservation officers, in addition to appropriate conditions would be considered to satisfy these concerns.
- With regard to traffic effects, these have been assessed and discussed within the report, officers are satisfied that the intensity of development, along with the provision of a financial contribution in the event of unforeseen circumstances, would be sufficient to satisfy any concerns raised.
- Issues of noise and disturbance and density have been discussed above.

Given these considerations, it is considered that the objections raised to the scheme would not be sufficient to justify refusal in this instance.

**CONCLUSION**

This application site has been the subject of a number of proposed flatted schemes since 2001 and a dismissed appeal for a substantial six storey residential development.

Previous applications on this site have noted concerns over density, bulk and scale of the proposed development. Whilst the previous refused scheme involved an overdevelopment of 80 units, together with an excessive scale of 4 storeys for the respective site frontages and an inadequate level of amenity space.

The current development proposes 54 units with a reduced bulk and better relationship with neighbouring occupiers. The current scheme also involves improved levels of amenity space, an increased setback from adjoining sensitive boundaries and concessions towards sustainability. Importantly, the scheme also reduces the intensity of traffic expected and would therefore have a reduced impact on the surrounding road network.

Specifically, the residential density has been comparatively reduced and an increased level of amenity space has been introduced which results in an acceptable relationship to the caretakers house on the adjacent school and also where it abuts the residential properties in Sudbury Court Drive. The proposal has addressed the issues raised within the previous application and which, subject to conditions and a S106 agreement can now be supported.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

1562 01 Rev. A; 1562 02; 1562 30; 1562 60 Rev. G; 1562 61 Rev. G; 1562 62 Rev. G; 1562 63 Rev. G; 1562 64 Rev. G; 1562 65 Rev. G; 1562 80 Rev. G; 1562 81 Rev. G; 1562 82 Rev. G; 1562 83 Rev. G; 1562 85 Rev. G; 1562 86 Rev. G; 1562 12.3.10 – sk1; 1562 12.3.10 – sk2; 1562 12.3.10 – sk3; 1562 12.3.10 – sk4; 1562 85; 1562 86; 1562 87; 1562 88; 1562 89; Site Plan Scale 1:1250; Figure 3.3

Transport Assessment (MVA Consultancy)

Design and Access Statement (Revised 21 January 2010)

Email from Kenneth W Reid and Associates dated 19/08/2010

Letter from Paradigm Housing dated 1st June 2010

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 noted below have been submitted to, and approved in writing by, the local planning authority:

a: all ground surfacing materials;

b: Details of a timber, acoustic fencing system on the boundary of the site and no. 1 Sudbury Court Drive;

c: other site boundary treatment including walls, railings and gates;

d: all materials and finishes to be used in the construction of the site to include:

Item 1/03 : P/1989/09/IH continued/...

- Samples of bricks, cladding systems, renders and any other external materials
- Details of rainwater goods
- Details (including sections) of all doors and windows to be proposed within the scheme.

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 the amenities of neighbouring occupiers in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

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, a detailed tree protection plan and an arboricultural Method Statement for the installation of the proposed perimeter wall shall also be submitted and approved. 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 Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

5 The development hereby approved shall not be implemented until details of any and all play equipment along with maintenance schedules proposed within the "Designated Child Play Area" have been submitted to and approved 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 and character of the area, to enhance and protect the amenities of future occupiers and to enhance the appearance of the development in accordance with Policies D4, D5 and D9 of the Harrow Unitary Development Plan (2004).

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within one year following the occupation of the building, 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 accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

7 The erection of fencing for the protection of any retained tree identified within the tree protection plan shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority in accordance with saved Policy D4 and D10 of the Harrow Unitary Development Plan (2004).

8 No site works or development shall commence until confirmation is provided to the Local Planning Authority of a fixed ground level datum point being installed within the site on the junction of Sudbury Hill and Sudbury Court to fix the height of the building in relation to the adjoining land and highway(s). The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until facilities for

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

have been completed in accordance with the approved drawings 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 the Harrow Unitary Development Plan (2004).

10 Prior to commencement of works onsite, a detailed energy strategy detailing how the proposed energy efficiency measures would achieve at least 20% energy efficiency and CO2 reduction and to attain Code 4 Sustainability provision, shall be submitted to and approved by the local planning authority, this shall include technical details of:

- The specifications and output expected for the proposed biomass boiler system.
- Details specifications of the proposed solar water heaters
- Details of heatpump systems

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and Policy D4 of the Harrow Unitary Development Plan (2004).

11 Occupation of the proposed building hereby permitted, shall not be commenced until the applicant has demonstrated that the development will achieve the appropriate level to meet BREEAM Very Good 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 carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change and Policy D4 of the Harrow Unitary Development Plan (2004).

12 Prior to the first occupation of the building a Green Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The content of the Travel Plan shall be formulated so as to maximise travel to the site by methods other than the private car and shall be reviewed and updated on an ongoing basis. The travel plan shall be implemented within 6 months of the first date of occupation of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13, London Plan Policy 4A.1 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

13 Prior to Commencement of works onsite, a layout plan for the distribution of parking spaces within the underground garage shall be provided. Parking spaces shall be marked out and available for use prior to first occupation and shall remain available at all times thereafter, unless the prior, written approval of the local planning authority is received.

REASON: In order to ensure an appropriate level of parking onsite which does not conflict with the operation of the roading network and which ensures the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4, T6 and T11 of the Harrow Unitary Development Plan (2004).

14 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the layout and secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

15 Notwithstanding the details hereby approved, no ventilation, extraction systems or associated ducting shall be introduced into the exterior elevations of the building without the prior written permission from the local planning authority.

REASON: To ensure an appropriate standard of development which provides a high quality visual appearance for the area, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004).

16 Prior to commencement of works onsite, additional details of a strategy for the provision of communal facilities for television reception (eg. Aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority. Such details to include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Storage of plant and materials used in constructing the development
- d. Wheel washing facilities
- e. Measures to control the emission of dust and dirt during construction
- f. A scheme for recycling/disposing of waste resulting from demolition and construction works

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

18 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, with not less than 10% of total units being to wheelchair standards. The development shall be 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.

19 The development hereby approved 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 by, the local planning authority. The development shall be carried out in accordance with such details and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and Policy D4 of the Harrow Unitary Development Plan (2004).

20 The development of any buildings hereby approved shall not be commenced until works for the disposal of surface water have been submitted to and approved in writing by, the local planning authority.

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS25 and PPS 25 Practice Guide.

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

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 and PPS 25 Practice Guide.

## **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:

PPS1 – Sustainable Development (2005)

PPS1 – Sustainable Development: Planning and Climate Change (Supplement to PPS1) (2007)

PPS3 – Housing (2010)

PPS4 – Planning for Sustainable Economic Development (2009)

PPS5 – Planning for the Historic Environment (2010)

PPG13 – Transport (2001)

London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10; 3D.13, 4A.1, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, 4B.1, 4B.8, 6A.4, 6A.5.

Harrow Unitary Development Plan: D4, D5, D9, EP12, H14, H17, C16, T6, T13

SPG – Extensions: A Householders Guide (2008) and

SPD – Accessible Homes (2010).

### **2 CONSIDERATE CONTRACTORS CODE OF PRACTICE**

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

### **3 PARTY WALL ACT**

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

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

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

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

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

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **4 THAMES WATER**

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 PERMEABLE PAVING

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

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

## 6 COMPLIANCE WITH PLANNING CONDITIONS

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

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

## 7 DRAINAGE INFORMATION:

For further information with regard to the Drainage conditions attached to this consent, the applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

Plan Nos: 1562 01 Rev. A; 1562 02; 1562 30; 1562 60 Rev. G; 1562 61 Rev. G; 1562 62 Rev. G; 1562 63 Rev. G; 1562 64 Rev. G; 1562 65 Rev. G; 1562 80 Rev. G; 1562 81 Rev. G; 1562 82 Rev. G; 1562 83 Rev. G; 1562 85 Rev. G; 1562 86 Rev. G; 1562 12.3.10 – sk1; 1562 12.3.10 – sk2; 1562 12.3.10 – sk3; 1562 12.3.10 – sk4; 1562 85; 1562 86; 1562 87; 1562 88; 1562 89; Site Plan Scale 1:1250; Figure 3.3  
Transport Assessment (MVA Consultancy)  
Design and Access Statement (Revised 21 January 2010)  
Email from Kenneth W Reid and Associates dated 19/08/2010  
Letter from Paradigm Housing dated 1st June 2010

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Item: 1/04

1-26, 28 & 30 DOUGLAS CLOSE, P/1794/10/ML  
STANMORE, HA7 3SP

Ward: STANMORE PARK

REDEVELOPMENT TO PROVIDE 53 FLATS IN FIVE X FOUR STOREY BLOCKS (22 AFFORDABLE), 26 X 2 STOREY DWELLINGHOUSES (14 AFFORDABLE), INCLUDING 6 HOUSES WITH ACCOMMODATION IN ROOFSpace; PROVISION OF 80 PARKING SPACES; 79 CYCLE SPACES; LANDSCAPING

**Applicant:** NOTTING HILL HOME OWNERSHIP LTD

**Agent:** ROLFE JUDD PLANNING

**Case Officer:** Matthew Lawton

**Statutory Expiry Date:** 11-OCT-10

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## RECOMMENDATION A

**GRANT** permission subject to a Section 106 agreement and authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 legal agreement and issue of the planning permission, subject to minor amendments to the conditions or the Section 106 legal agreement.

Heads of Terms of Section 106 Agreement:

- i) The developer to provide 36 (50% habitable rooms) affordable housing units comprising 23 social rented units and 13 intermediate housing units subject to grant funding. If grant funding is not fully available, the developer and the Council shall agree a revision of the affordable housing units to be provided save that the number of units shall not be less than 17 (24% habitable rooms) comprising 12 social rented units and 5 intermediate units.
- ii) A contribution of £107,622 towards local educational facilities improvements;
- iii) A contribution towards construction training;
- iv) Provision of an Employment Co-ordinator;
- v) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- vi) Planning Administration Fee: Payment of an administration fee for the monitoring of and compliance with this agreement.

## REASON

The proposed development would result in the regeneration of Douglas Close through the replacement of existing poor quality vacant housing stock. The proposal would deliver a mix of flats and houses and address the specific housing needs of the area, in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.9 and Harrow UDP Policies EP20 and H7.

The layout of the site and the design and layout of the buildings would improve permeability within and across the site. The new play facilities would promote the importance of play for children through good quality, secure and stimulating play provision in accordance with Harrow's Play Strategy and the London Plan SPG, 'Providing for Children and Young People's Play and Informal Recreation'.

The proposed development would provide a modern, contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is 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 [March 2009], and any comments received in response to publicity and consultation.

## **RECOMMENDATION B**

That if a Section 106 Agreement is not engrossed by 10<sup>th</sup> October 2010 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate affordable housing to meet the Council's housing needs, and appropriate provision for community facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructure improvements arising directly from the development, thereby being contrary to policies 6A.4 and 6A.5 of the London Plan (2008) and policies D4 and D5 of the Harrow Unitary Development Plan (2004).

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## **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].

### **National Planning Policy:**

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

**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
- 3D.13 Children and Young Peoples Play and Informal Recreation Strategies
- 3A.15 Loss of housing and affordable housing
- 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
- 3D.15 Trees and woodland
- 4A.1 Tackling climate change
- 4A.3 Sustainable Design and Construction
- 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
- 6A.4 Priorities in planning obligations
- 6A.5 Planning obligations

**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
- EP21 Vacant and Disused Land and Buildings
- EP25 Noise
- EP29 Tree Masses and Spines
- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- H7 Dwelling Mix
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- C16 Access to Buildings and Public Spaces

Supplementary Planning Document Sustainable Building Design [May 2009]

Supplementary Planning Document Accessible Homes [March 2010]

Supplementary Planning Document Access for All [April 2006]

Harrow Council's Sustainable Community Strategy [April 2009]

Harrow Council's Play Strategy [2007-2012]

GLA Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation [2008]

London Housing Design Guide: Interim Edition [2010]

- 1) **Principle of Development and Land Use**  
The London Plan 2008: 3A.6, 3A.15, 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, 3D.15, 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) **Affordable Housing Provision**  
The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.8, 3A.9, 3A.10, 3A.11.
- 5) **Parking and Highway Safety**  
London Borough of Harrow UDP 2004: T6, T13.
- 6) **Accessible Homes**  
The London Plan 2008: 3A.5, 4B.5.
- 7) **Flood Risk Assessment**  
PPS25
- 8) **S17 Crime & Disorder Act**  
London Borough of Harrow UDP 2004: D4
- 9) **Consultation Responses**

## **INFORMATION**

### **a) Summary**

Statutory Return Type:	Smallscale Major Dwellings
Site Area:	1.37 ha
Density	173 HRH [Compliant with The London Plan Density Matrix of between 150-250 HRH]
Car Parking:	Provided: 80 [1.01 spaces per unit]
Lifetime Homes	100%
Council Interest:	None.

### **b) Site Description**

- Douglas Close is situated in Stanmore south of Uxbridge Road, adjacent to the junction with The Chase to the west and it is accessed from Elliot Road to the south.
- The site currently contains 28 vacant two storey semi-detached and terraced former Ministry of Defence houses.
- The surrounding area has a residential character, a number of blocks of two and three storey flats lining the north side of Uxbridge Road along with detached and semi-detached Houses on the south side.

- Elliot Road is characterised by smaller two storey semi-detached houses.
- There are a number of mature trees which screen the site from Uxbridge Road and The Chase.
- The site is set at a lower level than the carriageway and pavement of Uxbridge Road to the north.
- A fence separates the site from Uxbridge Road.
- There are two community buildings close to the entrance of the site at the junction of Elliot Road and Douglas Close.
- There is no through vehicular access in Douglas Close.
- Immediately to the east of the site is the recently redeveloped Stanmore Park estate which contains a mixture of residential development of a variety of designs and types including blocks of flats and terraced, semi-detached, and detached houses.
- The site is within 600 metres of Stanmore District Centre which lies to the east, and approximately 1.5 kilometres from Stanmore Underground Station which also lies to the east beyond the District Centre.
- There are a number of bus stops along Uxbridge Road which serve routes to Harrow, Stanmore, Edgware and South Harrow.
- A footpath runs along the site's eastern boundary between Douglas Close and Stanmore Park.
- There is a culvert running through the western side of the site.
- The north-western corner of the site is in Flood Zone 3a, the rest of the northern half of the site being in Flood Zone 2.

**c) Proposal Details**

- The proposal is for the demolition of 28 units and replacement with 79 units.
- The proposal would comprise of:
  - 20 x one-bed flats
  - 33 x two-bed flats
  - 13 x two-bed houses
  - 7 x three-bed houses
  - 4 x four-bed houses
  - 2 x five-bed houses
- The proposal would provide 36 units as affordable housing [23 as social rented and 13 as shared ownership].
- The one and two bedroom apartments will be divided between five four storey, pavilion-style blocks (blocks 'A' to 'E').
- All the houses proposed are semi-detached.
- The two and three bedroom houses would have two storeys and the larger four and five bedroom houses contain front and rear dormers to facilitate accommodation in the roofspace.
- Each of the houses would have a private rear garden and a front garden
- Each of the houses would also provide space at the side for the enclosed storage of 3 x 240 litre wheelie bins (in accordance with the Council's Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties).

- Two of the apartment blocks would incorporate a communal bin store and two would have external stores, (Block C sharing the internal stores at Blocks B & D).
- The external store also provides for the storage of one bicycle per dwelling, the flat blocks having secure internal and external bicycle stores. A total of 79 bicycle storage spaces are proposed.
- All of the units proposed have been designed to Lifetime Homes standards and to achieve Code for Sustainable Homes Level 4.
- Eight of the proposed ground floor apartments have been designed to be easily adaptable for wheelchair users.
- 80 off-street parking spaces are proposed, 13 of these would be within the curtilages of dwellinghouses.
- Vehicular access to Douglas Close will continue to be via Elliot Road.
- A Home Zone, with traffic calming tables and pinch points will be introduced.
- Pedestrian access will be via new routes from Uxbridge Road and The Chase, and also from Elliot Road as per the existing access.
- A centrally located public amenity space, including a children's play area, is proposed.

**d) Relevant History**

- None.

**e) Pre-Application Discussion**

- Planning Advice Team submission, April 2009 for a scheme to retain 13 properties and provide 52 new flats and 15 new houses.
- Pre Application Meeting, May 2009 for a scheme to retain 13 properties and provide 52 new flats and 19 new houses.
- Planning Advice Team submission, September 2009 for a scheme for 71 new dwellings (52 flats, 19 houses).
- Pre Application Meeting, October 2009 for a scheme for 83 mixed tenure new dwellings (53 flats, 31 houses).
- Further meetings with Officers took place in spring/summer 2010 based on amendments to the October 2009 scheme which ultimately led to the submission of this application.

**f) Applicant Statement**

- The redevelopment of Douglas Close will replace a redundant site with an attractive residential scheme providing a range of family housing and high quality apartments.
- The proposal is sensitive to the surrounding residential properties and positions the low rise houses close to houses adjacent to the site and the taller flatted blocks along Uxbridge Road which can accommodate larger buildings.
- The proposal will:
  - Deliver 79 new residential units (at least 50% affordable housing subject to grant funding)
  - Include a wide range and mix of residential accommodation. The new residential accommodation will assist the Council in meeting the identified housing needs for the Borough, particularly family housing.

- Provides the opportunity to create high quality designed residential units which integrate and relate to the existing townscape, and embodies the principles of good urban design respecting both scale and character of the adjacent buildings.
- Seeks to maximise the use of a previously developed site, increasing the potential beneficial use of the site without caused detriment to the townscape or neighbouring properties.
- Meet high sustainability criteria including Code 4 CSH and achieving a 20% reduction in carbon generation
- Provide 1:1 car parking as requested within Harrow's guidance.
- Retain a large amount of landscaping on the site including trees and communal areas.

**g) Consultations [External]**

- *Environment Agency* – No objection subject to the implementation of a suggested condition.
- *Crime Prevention Design Advisor* – Police Safety and Security Statement produced containing a number of detailed recommendations.
- *Thames Water* – Suggested Waste and Surface Water Drainage informatives.
- *The Bentley Way Association* – Vast overdevelopment; Area is susceptible to flooding, development will cause a build up of water; Sewerage system in the area has failed on occasions; Insufficient parking; A traffic impact study should consider that the existing houses have been empty for some time, existing congested roads will therefore be affected by 79 new homes; Height of blocks of flats is unacceptable, design is more suited to a city type of development; Mature trees must be retained, important to the local environment.
- *The Stanmore Society* – Object to overdevelopment, concerned existing infrastructure will not sustain continual expansion of housing development; Fire safety issues and poor upkeep of existing houses not reason for demolition; 80 parking spaces is inadequate; Setback from Uxbridge Road reduces the visual impact, existing trees should be retained but the fence should not as it would give a sense of space and allow the existing walkway in front of Stanmore Park to be continued; Four storey blocks are out of keeping and set a bad precedent; Suspect Central London based Applicant intends the social housing for people from outside the Borough and not to meet local demand.
- *Sherbourne Place Residents Association* – 16 signature petition of objection; Too high in relation to other developments, will spoil the character of the area; Will cause more congestion from residents and visitors, no visitor parking; Difficult to enter/leave the Chase to/from Uxbridge Road, will make this worse and require parking restrictions and the installation of traffic lights at the junction; Development will spoil much of the green spaces and pleasant environment of trees and wildlife nearby.

**Advertisement:** Major Development



**Notifications:**

Sent: 501

Replies: 24 (including Expiry: 24-AUG-10  
Resident Associations  
plus 2 x 16 signature  
petitions of objection)

**Summary of Responses:**

- Existing congestion problems on surrounding roads; Difficult to cross Uxbridge Road; Parking will take place in congested side roads; Environmental impact of increased traffic – pollution; 80 parking spaces insufficient; No visitor parking; Why is parking not underground?; An entire 4 storey block as a parking garage which would reduce the amount of dwellings and create somewhere for the remainder of the residents to park; Number of spaces should be reduced; All houses that have an integrated garage e.g. town-houses do not use their garage for parking; Development does not go far enough to discourage the use of cars; Should be a crossing installed to allow safe access of bus services; Awkward way many residents park their cars make it difficult for deliveries and possibly even emergency access; A Traffic Impact Study should consider that the existing homes have been empty for some time
- Noise and disturbance from traffic and car parking; Would create an unpleasant and unsafe neighbourhood; The narrow streets in the area of Douglas Close will be busier, noisier, and less safe for the children in the area; Will be unpopular with the residents in the area; Doctors Surgery on William Drive is already too full, will make the surgery busier so the current residents who use it will have to wait even longer to see a doctor; Height of buildings will lead to a loss of light; Overlooking when trees loose their leaves in winter; Will reduce the quality of life and be an economic drain on local services.
- Site should be turned into a park and recreation area or playground for the benefit of local children; The landscaping should include a children's play area that will benefit all residents of Stanmore Park and the surrounding area.
- Area does not have the infrastructure to cope with this type of development; Drainage and sewerage system will not be able to cope, known sewerage system problems in the area; Services need replacing to keep up with demand; Vicinity of the area is susceptible to flooding, development will cause a build up of water.
- Spoil the character of the area; Could be built in another part of London and not overcrowded Stanmore; Other buildings are no more than 3 storeys high; The density of housing would be too much for a leafy London suburb; Too high a level of occupation; Area already suffering as a result of the impacts of the Stanmore Park development; The existing fence facing Uxbridge Road should be extended to provide an appropriate screen; Design of the proposed development has been created to give the developer's a very handsome profit; Lack of overall plan for other RAF properties is unsatisfactory, piecemeal approach; Vast overdevelopment of the site; More suited to a city type of development.

- Huge reduction of grass area; Stanmore is known for its Green Belt which has some excellent open spaces; Will tarnish the ambience; Douglas Close has substantial greenery surrounding the existing dwellings which should remain; Trees fronting Uxbridge Road should remain, be subject to Tree Preservation Orders; The trees and bushes along Uxbridge Road should be kept in full as they give the area character and will screen the development from noise and traffic pollution; Even if trees are kept traffic pollution will harm them.

## **APPRAISAL**

### **1) Principle of Development and Land Use**

The principle of development of the Douglas Close estate is considered acceptable having regard to the style of the existing residential development on-site as well as Harrow's designation as set out in the UDP 2004. The site is illustrated as undesignated on the UDP Proposals Map. The comprehensive redevelopment of this site for residential purposes is consistent with the aims of PPS1 and PPS3.

The proposed development remains consistent with London Plan Policies 3A.3 and 3A.15 in that it proposes the redevelopment of the estate, providing an increase in overall residential unit numbers and improving the housing stock within Douglas Close. Accordingly, the proposal for residential development is considered acceptable in principle, subject to the detailed considerations below.

### **2) Design and Character of the Area**

Planning Policy Statement 1 (PPS1) states that development should respond to their local context and create or reinforce local distinctiveness. PPS3 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.'*

PPS1 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 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 Uxbridge Road and The Chase, thereby improving the urban pattern of the surrounding area. The character of the surrounding area comprises a mixture of architectural types, residential blocks of flats and detached houses on Uxbridge Road, smaller semi-detached to the rear of the site on Elliot Road. It is considered that the design of the proposal would complement surrounding areas and would represent a good design approach to address the mixed character of the surrounding area.

The proposal is made up of 5 four storey blocks of flats and 26 two storey houses, with four blocks fronting the Uxbridge Road and one block fronting the junction of Uxbridge Road and The Chase due to its siting and the approximately triangular design of the blocks. These four storey blocks relate to the surrounding character of Uxbridge Road which are generally two to three storeys high, with pitched roofs over.

The proposed development would result in a density of 173 habitable rooms per hectare, based on a site area of 1.37ha and 238 habitable rooms. The density levels are in accordance with those recommended by Policy 3A.3 and Table 3A.2 of the London Plan 2008 and are consistent with the area in general.

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

The redevelopment of the site proposes a revision to the existing layout, involving the provision of a new road layout to Douglas Close. The scale, design, style of buildings, landscaping and spaces would define the Douglas Close estate and would increase permeability.

The scale of development has been designed to complement and respect the built form and scale of the existing development and surrounding residential properties and in this respect an acceptable impact would be provided on the character and appearance of the area.

The revised layout of the proposed development results in the creation of an access path into the estate from Uxbridge Road, which would be beneficial to pedestrian activity.

The proposed site layout provides a green open space and a play area, which acts as a central point to the development. This assists in achieving a reduction in the impact of parked cars and would retain greenery to reflect the suburban location and enhance the landscaping of the site

The edges of the site which would be visible in the streetscene would be predominantly characterised by the arrangement of 4 storey apartment blocks along Uxbridge Road with shallow pitched roofs. These blocks would have an approximately triangular form. The semi-detached houses proposed are characterised by gable end elevations, a pitched roof and a single storey side element with a flat roof. The rhythm of these elements is similar to the existing Douglas Close layout and would provide a strong and distinct character.

Given these considerations, the scale and design of the proposed development is considered to be appropriate for the site and in relation to the wider site development context. Accordingly, the scale, layout and design of the proposal would comply with Policy 4B.1 of the London Plan 2008 and Policies D4 and D5 of Harrow's UDP 2004.

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.

It is indicated that trees along Uxbridge Road and The Chase would be retained and protected during construction. Suggested conditions require full details of tree works and protection.

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 houses proposed would have space at the side or rear for the enclosed storage of 3 x 240 litre wheelie bins (in accordance with the Council's Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties). Two of the apartment blocks would incorporate a communal bin store and two would have external stores, (Block C sharing the internal stores at Blocks B & D). Full details of refuse storage are required by a suggested condition in order to ensure the acceptable impact of this element of the scheme upon the character and appearance of the area.

### **3) Residential Amenity**

#### **Future Occupiers of the Proposed Development**

Policies D4 and D5 of Harrow's UDP 2004 require new residential development to provide adequate amenity for future occupants. London Plan Policy 3D.13 seeks to ensure that children have safe access to good quality, well designed, secure and stimulating play and informal recreation provision. London Plan Supplementary Planning Guidance: Children and Young People's Play and Informal Recreation, requires well-designed play and recreation space for every child to be accommodated in new housing development. Specifically, appropriate and accessible facilities within 400m for 5-11 year olds or within 800m for 12 plus age group alternatives are recommended.

The London Borough of Harrow Play Strategy [2007-2012] seeks to ensure that new development recognises and addresses the importance of incorporating good quality, inclusive, safe and stimulating play spaces. Based upon the number of habitable rooms in the development the proposed play area of approximately 250m<sup>2</sup> is considered to meet Harrow's requirement. A condition is recommended as part of any planning permission to ensure the child play space, as shown on the submitted plans, is provided and retained.

The proposed residential units would be provided both as houses and flats, the former would include a desirable mix of larger family units. All of the proposed houses would be provided with private rear gardens of varying sizes while communal areas within the site would be available to the occupiers of flats along with private balconies and terraces. The green space and creation of a play area within the site would provide a communal living experience for future occupiers of this estate.

Each of the 26 houses proposed would have a private rear garden. Each of these houses will also have front garden space. It is acknowledged that the Applicant ideally wishes to purchase the footpath adjacent to the site's eastern boundary and incorporate this within the site boundary and utilise the additional land to expand communal and private amenity spaces proposed. Notwithstanding this it is considered that the proposed amenity spaces are acceptable in terms of their size.

It is also considered that the proposed apartments would benefit from appropriate levels of privacy and outlook; screening, obscure glazing and offset/angled windows being provided where necessary to offset the perception of overlooking of adjacent flats or houses.

The internal space standards and layout of the proposed units are considered to be appropriate and broadly compliant with the standards set out by the London Housing Design Guide (2010), as are the design of the proposed units with regards to light and outlook, all of the units would be expected to receive adequate levels of daylight and have an acceptable outlook. The stacking of rooms within each unit and between the flats within the five blocks proposed is considered to be well designed. The living conditions of the proposed development are therefore considered to be acceptable

### **Impact on Occupiers of Existing Neighbouring Properties**

The proposal has been designed to ensure it would provide adequate separation distance to all of the neighbouring residential properties. The difference in ground levels between the site and Uxbridge Road to the north will lessen the visual impact of the four storey blocks fronting Uxbridge Road, particularly given that these blocks will be setback within the site and screened by existing mature trees. This will ensure that the residential amenities of neighbouring occupiers facing the development on the opposite side of Uxbridge Road will not be detrimentally affected as a result of the proposed development, these buildings on the opposite side of the road being a minimum of approximately 48m from the proposed blocks of flats within the development.

At the southern end of the site the proposed dwellinghouses would have a similar relationship with the properties Elliott Road as the existing dwellinghouses within Douglas Close. These replacement and new dwellinghouses would have similar garden depths to the existing properties and would be sited a minimum of approximately 20m from the main rear walls of properties within Elliott Road.

On the western edge of the site Block A and two dwellinghouses proposed would introduce an active frontage along the site's boundary with The Chase, with the closest new building on site being located a minimum of approximately 21m from the flatted development on the opposite corner of The Chase and Uxbridge Road.

The eastern site boundary is marked by the previously discussed footpath, to the east of which lies the Stanmore Park development where properties front onto Uxbridge Road and abut the footpath at the western end of Glanville Mews and Shepherds Close. A proposed crescent of dwellinghouses would be adjacent to the properties at the western end of Glanville Mews and Shepherds Close, the minimum distance between the existing and proposed buildings being approximately 17m. At the northern and southern ends of the side on this eastern side the proposed dwellinghouses and flats would have a side by side relationship with the existing properties in Uxbridge Road, Glanville Mews and Shepherds Close. At the northern end of the site the minimum distance between the flank wall of Block E and the adjacent building fronting Uxbridge Road would be approximately 10m, this distance between properties within and adjacent to the site on its eastern side increasing to approximately 16m towards the southern end of the site.

Given the scale of the proposed development, its setting, screening and distances from neighbouring properties it is considered that the proposed development would have no unduly detrimental impacts upon the residential amenities of the occupiers of neighbouring properties and would be acceptable in terms of its impact upon light and outlook. It is noted that design features such as balconies with privacy screens, obscure glazing and angled windows have been utilised in order to overcome any potential issues relating to overlooking and the actual or perceived loss of privacy at neighbouring properties and these measures are considered sufficient to address any concerns in this regard.

Accordingly, the proposal is considered not to adversely affect residential amenity and would comply with Policies EP25 and D5 of Harrow's UDP 2004.

#### **4) Affordable Housing Provision**

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.

The proposal would provide 79 units to Harrow's housing stock, which would make a positive contribution in meeting annual housing targets for the Borough. The scheme would provide:

- 20 x one-bed flats
- 33 x two-bed flats
- 13 x two-bed houses
- 7 x three-bed houses
- 4 x four-bed houses
- 2 x five-bed houses

Of the above, 23 units (approximately 29%) are proposed as social rented units and 13 (approximately 16%) as shared ownership housing. This would represent 36 units as affordable housing, which would equate to approximately 50% of habitable rooms or 46% of units as affordable provision which is considered to be acceptable, particularly given the provision of larger family sized units within the affordable allocation. The applicant has, however, submitted two Toolkits to demonstrate the financial viability of affordable housing provision dependent on the level of grant which it attracts. The Council's Housing Department's analysis of the submitted Toolkits indicate that a cascade mechanism should be part of the proposed S106 legal agreement to govern the level of provision of affordable housing dependent on the level of grant funding obtained and future economic circumstances.

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 approximately 1:1 parking provision is acceptable on this site which is PTAL 2. Harrow's Highways Engineer is satisfied with the proposal. Eight disabled car parking spaces would be provided, along with cycle storage, which is considered acceptable on the basis that it will minimise vehicle displacement onto neighbouring developments. It is considered that the proposed additional housing units compared with the previous intensity of use of the site can be contained within the road network capacity without detriment or compromise to highway safety and traffic movement. The proposed road layout conforms with 'Manual for Streets' standards and so is considered acceptable. The Elliot Road access to Douglas Close would remain as existing.

The proposed approach to car parking and road layout within the site is considered to be acceptable.

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

**6) Accessible Homes**

The proposed development complies with Harrow's Accessible Homes SPD 2006, which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case, all 79 units would meet Lifetime Homes standards and furthermore 8 of the units would meet Wheelchair Homes standards meeting Harrow UDP 2004 and London Plan 2008 policy requirements. Accordingly, the proposal would generally comply with Policy 3A.5 of the London Plan and Harrow's SPD on Accessible Homes.

It is noted that the five blocks proposed would not have lift access. The Council's Accessible Homes SPD (2010) seeks communal lifts in blocks of flats over two storeys high, however the more recently published London Housing Design Guide (2010) states that it is 'desirable' that dwellings entered at third floor (fourth storey) are served by at least one wheelchair accessible lift, but that this is not a requirement. The London Housing Design Guide (2010) (p.38) states:

*'Notwithstanding the desirability of lift access, and the fact that, in relative terms, the capital and maintenance costs of lifts are reducing all the time, they remain a major contributor to the service charges passed on to residents. A real tension therefore exists between the desire to restrict the number residents per core to a manageable level and the need to provide enough households to make lift service charges affordable. Designers and developers are asked to balance these issues carefully.'*

Due to the mixed tenure of the proposed development and the number of blocks of flats proposed versus the number of units they contain it is considered on balance, in light of the recently published London Housing Design Guide (2010), and following discussions with the Applicant who have confirmed that installing lifts would be likely to result in unacceptable high service charges including for the affordable housing blocks, that the non-provision of lifts can be justified in this case. Given that all the wheelchair accessible units proposed are located on the ground floor the proposal is therefore considered to be acceptable in terms of its accessibility.

**7) Flood Risk Assessment**

There is a culvert running through the western side of the site between blocks A & B, the design of the scheme taking this into account and allowing for an 8m wide buffer on each side of the culvert in order to ensure no detrimental increase in the flood risk in this area of the site which is designated Flood Zone 3a. The applicant has submitted a Flood Risk Assessment [FRA] and subsequent additional information to which the Environment Agency has raised no objection subject to the implementation of a suggested condition.

**8) S17 Crime & Disorder Act 1998**

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 seek 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 and other details relating to the security of the development are submitted before the occupation of the development in order to accord with the recommendations of the Crime Prevention Design Advisor's Police Safety and Security Statement.

## 9) Consultation Responses

### Neighbour Responses

- *Concerned existing infrastructure will not sustain continual expansion of housing development, known sewerage system problems in the area; Services need replacing to keep up with demand* – Suggested conditions should ensure that the application would not have an acceptable impact upon these services.
- *Doctors Surgery on William Drive is already too full, will make the surgery busier so the current residents who use it will have to wait even longer to see a doctor* – The local planning authority is unable to seek a contribution towards local healthcare provision in relation to this proposal. Notwithstanding this, it is considered that the proposals would not have a significant impact on local amenities, and that an objection on these grounds could not be sustained.
- *The existing fence facing Uxbridge Road should be extended to provide an appropriate screen* – It is considered that the redevelopment of this site provides the opportunity to open up the site frontage to Uxbridge Road and increase permeability and improve access north/south pedestrian access across the site.
- *Design of the proposed development has been created to give the developer's a very handsome profit* – This is not a material planning consideration with regards to this application.

Accordingly, the representations set out above have been addressed and are not considered to outweigh the extensive benefits that the proposed development would have to future occupiers of the development, to neighbouring properties in terms of amenity and to the area in general.

## 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 carefully considered. In consideration of the existing situation on-site whereby the street is vacant and in derelict form and the applicant's willingness to develop the site and provide S106 contributions towards various Heads of Terms, which would benefit the community as a whole, it is considered that 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 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 London Plan policy 3A.5, saved UDP policy C16 and Supplementary Planning Document: Accessible Homes (2010).

3 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 the buildings are 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 saved UDP policy D4.

4 The development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, a Tree Protection Plan and an Arboricultural Method Statement. The erection of staked fencing for the protection of any retained trees shall be undertaken in accordance with the details submitted in the Tree Protection Plan before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected.

5 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 accordance with saved UDP policies D4 and D9.

6 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 the building(s), or the completion of the development, whichever is the sooner. Any 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 accordance with saved UDP policies D4 and D9.

7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved UDP policies D4 and D9.

8 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to, and approved by, the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved UDP policies D4 and D9.

9 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 saved UDP policies D4 and D5.

10 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 shall be 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 saved UDP policy D4.

11 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until a scheme for:

- a: the storage and disposal of refuse/waste
- b: and vehicular access thereto

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 saved UDP policy D4.

12 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 development shall be carried out in accordance with these details and thereafter retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and in accordance with saved policy D4 of the HUDP and guidance in PPS 25 & PPS 25 Practice Guide.

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

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25 and ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

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

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25 and to prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

15 At least 8 units hereby permitted shall be built as wheelchair accessible housing and thereafter permanently retained.

REASON: To ensure a reasonable provision of wheelchair accessible housing is provided as part of the development in accordance with London Plan policy 3A.5, saved UDP policy C16 and Planning Document: Accessible Homes (2010).

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, E and F in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouses hereby permitted 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 amenity space and to safeguard the amenity of neighbouring residents, in accordance with saved UDP policies D4, D5 and T13.

17 The submitted Travel Plan 'Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231' shall be implemented upon first occupation of the development and complied with as approved throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of sustainable transport and in accordance with saved UDP policies T6 and T13.

18 Prior to commencement of development, details of tree protection measures for retained trees shall be submitted to, and approved in writing by the Local Planning Authority. The erection of fencing for the protection of all retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected and in accordance with saved policies D4, D9 and D10 of the HUDP.

19 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.

20 Notwithstanding the information shown on the submitted plans, details of the child play space including floor area shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Such details as approved shall be provided within two years of the date of this permission and thereafter permanently retained.

REASON: To ensure adequate play facilities for the development in accordance with policy 3D.13 of the London Plan.

21 The car parking spaces as approved shall be implemented prior to first occupation of the development and thereafter permanently retained. The car parking spaces shall only be used for cars and motor vehicles and for no other purpose.

REASON: To ensure adequate provision of parking and a satisfactory form of development in accordance with saved UDP policies T6 and T13.

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

PL001, 002, 003, 004, 005, 006 Rev.A, 007 Rev.A, 008, 009 Rev.A, 010 Rev.A, 011 Rev.A, 012 Rev.B, 013 Rev.A, 014 Rev.A, 015 Rev.A, 016 Rev.A, 017 Rev.A, 018 Rev.A, 019 Rev.B, 020 Rev.A, 021 Rev.A, 022 Rev.A, 023 Rev.A, 024 Rev.A, 032; 'Proposed Site Layout 3' 150\_SIT\_000\_draft; Arboricultural Implications Assessment July 2009; Letter from SLR to Environment Agency dated 18<sup>th</sup> August 2010; Explanatory Planning Statement July 2010; Bat Survey Report 18<sup>th</sup> June 2010; Design & Access Statement June 2010; Air Quality Assessment June 2010; Energy Strategy June 2010; Noise Assessment 14<sup>th</sup> June 2010; Code for Sustainable Homes Preliminary Assessment Report June 2010; Transport Assessment June 2010; Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231; Sustainability Statement June 2010; PPS25 Flood Risk Assessment June 2010 Ref. 402.2883.00003.

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

23 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 and thereafter permanently retained.

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

24 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.

25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) Satellite dishes, antennae or other communications equipment are not permitted on any part of the buildings hereby approved.

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

26 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.

27 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.

28 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.

29 The housing units shall be constructed to meet at least Level 4 of Code for Sustainable Homes. To this end the applicant is required to provide clarification demonstrating compliance with code level 4 prior to occupation of any of the units.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with the Supplementary Planning Document Sustainable Building Design [May 2009] and the London Plan [2008] 4A.3.

30 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010 reference 402.2883.00003, the Letter from SLR to Environment Agency dated 18<sup>th</sup> August 2010 and the drawing 'Proposed Site Layout 3' reference 150\_SIT\_000\_draft by SLR Consulting Ltd and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off for all events up to and including the 1 in 100 year critical storm (including climate change allowance) so that it will not exceed the Greenfield Run-off rate of 3.9l/s/Ha as detailed in section 5.3 of the FRA.
2. Provision of 600m<sup>3</sup> surface water storage on site to accommodate the critical duration 1 in 100 year storm event (including climate change allowance) as detailed in section 5.3 of the FRA.
3. Surface water storage achieved using sustainable drainage systems (SuDS). Including the use of an over ground attenuation basin and permeable paving as set out in section 5.2 of the FRA and shown on 'Proposed Site Layout 3' drawing.
4. Finished floor levels are set no lower than 300mm above the existing site ground levels as detailed in section 4.2 of the FRA.

REASON:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that sufficient storage of surface flood water is provided.
3. To ensure surface water flood storage is achieved with appropriate sustainable To reduce the risk of flooding to the proposed development and future occupants.

## **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 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
- 3D.13 Children and Young Peoples Play and Informal Recreation Strategies
- 3A.15 Loss of housing and affordable housing
- 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
- 3D.15 Trees and woodland
- 4A.1 Tackling climate change
- 4A.3 Sustainable Design and Construction
- 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
- 6A.4 Priorities in planning obligations
- 6A.5 Planning obligations

#### **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
- EP21 Vacant and Disused Land and Buildings
- EP25 Noise
- EP29 Tree Masses and Spines
- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- H7 Dwelling Mix
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- C16 Access to Buildings and Public Spaces
- Supplementary Planning Document Sustainable Building Design [May 2009]
- Supplementary Planning Document Accessible Homes [March 2010]
- Supplementary Planning Document Access for All [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](mailto: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 **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.

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

7 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.

8 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.

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

10 No fires are to be lit on site at any time.

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

12 All building materials shall be stored within the site.

13 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. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

14 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.

15 The applicant should contact Thames Water Utilities Limited 0845 850 2777 and Harrow Drainage Section at the earliest opportunity on 020 8424 1586 for information relation to sewage works, the disposal of surface water and allowable discharge rates.

Item 1/04 : P/1794/10/ML continued/...

Plan Nos: PL001, 002, 003, 004, 005, 006 Rev.A, 007 Rev.A, 008, 009 Rev.A, 010 Rev.A, 011 Rev.A, 012 Rev.B, 013 Rev.A, 014 Rev.A, 015 Rev.A, 016 Rev.A, 017 Rev.A, 018 Rev.A, 019 Rev.B, 020 Rev.A, 021 Rev.A, 022 Rev.A, 023 Rev.A, 024 Rev.A, 032; 'Proposed Site Layout 3' 150\_SIT\_000\_draft; Arboricultural Implications Assessment July 2009; Letter from SLR to Environment Agency dated 18<sup>th</sup> August 2010; Explanatory Planning Statement July 2010; Bat Survey Report 18<sup>th</sup> June 2010; Design & Access Statement June 2010; Air Quality Assessment June 2010; Energy Strategy June 2010; Noise Assessment 14<sup>th</sup> June 2010; Code for Sustainable Homes Preliminary Assessment Report June 2010; Transport Assessment June 2010; Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231; Sustainability Statement June 2010; PPS25 Flood Risk Assessment June 2010 Ref. 402.2883.00003.

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Item: 1/05

**NORTH LONDON COLLEGIATE SCHOOL, P/1460/10/NR**  
**CANONS DRIVE, EDGWARE, HA8 7RG**

Ward CANONS

DEMOLITION OF TWO STOREY WESTERN WING OF DINING ROOM/CLASSROOM BLOCK AND CONSTRUCTION OF REPLACEMENT FOUR STOREY EXTENSION WITH DINING ACCOMMODATION ON GROUND FLOOR AND CLASSROOMS AND ANCILLARY ACCOMMODATION ON UPPER FLOORS; INCREASED ADJACENT HARDSURFACING

**Applicant:** North London Collegiate School

**Agent:** NVB Architects

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** 23-SEP-10

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Item: 1/06

**NORTH LONDON COLLEGIATE SCHOOL, P/1467/10/LH**  
**CANONS DRIVE, EDGWARE, HA8 7RG**

Ward CANONS

LISTED BUILDING CONSENT: DEMOLITION OF TWO STOREY WESTERN WING OF DINING ROOM/CLASSROOM BLOCK AND CONSTRUCTION OF REPLACEMENT FOUR STOREY EXTENSION WITH DINING ACCOMMODATION ON GROUND FLOOR AND CLASSROOMS AND ANCILLARY ACCOMMODATION ON UPPER FLOORS; INCREASED ADJACENT HARDSURFACING

**Applicant:** North London Collegiate School

**Agent:** NVB Architects

**Case Officer:** Lucy Haile

**Statutory Expiry Date:** 23-SEP-10

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## RECOMMENDATION

**GRANT** planning permission and listed building consent for the development described in the applications and submitted plans, subject to conditions.

## REASON

The proposal would provide necessary educational floorspace, providing much needed large classroom, dining, staff and ancillary facilities, thereby contributing to the proper functioning of this established school. The proposed extension would be a high quality contemporary addition to this Grade II listed building that would preserve the character and appearance of Canons Park Estate Conservation Area and the Historic Park and Garden. The proposed extension would also preserve the open character of the Metropolitan Open Land and would not unreasonably intrude into any important views in this area of high landscape quality. The proposal would not unduly impact on the amenities of neighbouring residents and would comply with all relevant policy considerations relating to highway safety, tree protection, accessibility, ecology and biodiversity and sustainability.

The proposal would be contained within the approved built development envelope as established in the existing S.106 in force on the site, so no variation of this envelope is necessary. The proposal is therefore recommended for approval, subject to the conditions suggested.

**National Planning Policy:**

PPS5 – Planning for the Historic Environment

PPS9 – Biodiversity and Geological Conservation

**The London Plan 2008:**

3D.10 – Metropolitan Open Land

4A.1 – Tackling Climate Change

4A.2 – Mitigating Climate Change

4A.3 – Sustainable Design and Construction

4A.4 – Energy Assessment

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

4A.7 – Renewable Energy

4A.9 – Adaptation to Climate Change

4A.10 – Overheating

4A.11 – Living Roofs and Walls

4A.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

4B.11 – London's Built Heritage

4B.12 – Heritage Conservation

**London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D11 – Statutorily Listed Buildings

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D18 – Historic Parks and Gardens

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP28 – Conserving and Enhancing Biodiversity

EP44 – Metropolitan Open Land

EP45 – Additional Building on Metropolitan Open Land

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)

Supplementary Planning Document: Sustainable Building Design (2009)

Canons Park Estate Conservation Area Policy Statement

**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 (C7)
- 2) Character and Appearance of the Conservation Area, Historic Park and Garden and Metropolitan Open Land (PPS5, 3D.10, 4B.1, 4B.11, 4B.12, D4, D9, D14, D15, D18, EP44, EP45)
- 3) Special Interest of the Listed Building (PPS5, 4B.11, 4B.12, D11)
- 4) Residential Amenity (C7, EP25)
- 5) Traffic and Parking (C7, T6, T13)
- 6) Accessibility (C16, SPD)
- 7) Trees and New Development (D10)
- 8) Ecology and Biodiversity (PPS9, EP26, EP28)
- 9) Sustainability (4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, 4A10, SPD)
- 10) S17 Crime & Disorder Act (D4)
- 11) Consultation Responses

**INFORMATION**

This application is reported to Committee as it falls outside the thresholds set by the Scheme of Delegation.

**a) Summary**

Statutory Return Type: 12. Smallscale Major Development  
Council Interest: None

**b) Site Description**

- Site comprises North London Collegiate School, a private school for girls, located at the end of Canons Drive.
- The school occupies a variety of buildings on the site, including the Grade II listed mansion Canons, which is set within landscaped grounds to the south of the site and is visible in views from the adjacent Canons Park.
- The other school buildings are of much later construction and are located to the north and north west of the mansion house, with playing fields located to the east and north east.
- The site is located within Canons Park Estate Conservation Area, is a designated Historic Park and Garden and Metropolitan Open Land.
- The main vehicular access is from Dalkeith Grove, with a secondary entrance at the end of Canons Drive.
- To the south of the site is Canons Park itself, is an area of open space subject to the same designations, as well as being a Site of Importance for Nature Conservation.
- To the west of the site is the Jubilee Line railway and abutting the north of the site are the rear boundaries of the residential properties on Dalkeith Grove.
- To the east of the site are The Lake and the residential properties situated within the Conservation Area.
- The area of the site to which this application relates is to the west of the main dining hall, to the south of the pond on the site, and is currently occupied by a two storey L-shaped wing.

**c) Proposal Details**

- Demolition of two storey western wing to dining hall and replacement with replacement four storey extension, comprising kitchen and dining accommodation on ground floor and 10 classrooms with ancillary accommodation on upper floors.
- The proposed extension would replace an existing L-shaped extension and would adjoin an existing imposing four storey building, which comprises the dining hall at ground floor, assembly hall at first and second floors and teaching rooms on the third floor.
- The extension would have a width of 16.6 metres at ground floor level with oversailing upper floors to a maximum width of 17.7 metres, a height of 14.2 metres and a maximum depth of 24 metres.
- The extension would have a contemporary design and would be linked to the existing building by a subservient glazed section.
- The new building would be linked to the floors of the existing building in terms of access and would also have entrances at ground floor level.
- The area around the extension would be remodelled, with new hardsurfacing installed for pedestrian circulation, as well as new planting.

**d) Relevant History**

P/2028/03,	3 storey auditorium with foyer, linked to music	GRANTED
P/2029/03 &	school and drama studio, relocation of cello	10-NOV-03
P/2030/03	room	
P/0633/09	Single storey detached pavilion adjacent to sports pitches	GRANTED 21-JUL-09

**e) Pre-Application Discussion (PAT/ENQ/00116)**

- The site lies within designated Metropolitan Open Land where there is a presumption against built development, although in the school's case there is a historic acceptance of the existing built envelope, and this was delineated in the development envelope controlled by the current section 106 agreement.
- Thus, very limited extensions of the school would seem to be acceptable in principle, but subject to careful justification of the development in terms of the relevant policy restrictions.
- In this case it is considered that the scale, bulk and massing of the extension are excessive in the highly constrained context (metropolitan open land, conservation area, listed buildings, historic park, trees, existing built development).
- Our advice is that the height and footprint needs to be significantly reduced to mitigate the potentially dominant visual impact of such a large extension, extending away from the main core of buildings.
- Notwithstanding the above comments the team considered that the contemporary design approach per se would not be out of keeping in this context.
- The team considered that the proposed development may have potential impacts on wildlife and biodiversity.

- London Plan Policies require that developments make the fullest contribution to the mitigation of and adaption to climate change and to minimise emissions of carbon dioxide. Your attention is drawn in particular to the London Plan 4A series of policies referred to above.
- In respect of major development the Mayor has introduced a presumption (Policy 4A.7) that developments will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation unless it can be demonstrated that such provision is not feasible.
- In this particular case the team considered that a full BREEAM assessment would be required – aiming for, as you propose, a “very good” rating.
- Any planning application for an extension on the proposed footprint would need to be accompanied by your proposals, and justification, for amendment to the approved development envelope
- Any permission that may be granted would of course be subject to the need to vary the extant section 106 agreements:
  - the original agreement dated 3 April 1995 indicates the development envelope (Plan NL2) as in your pre-application submission
  - the development envelope was extended on 17 March 1997 to include part of the old swimming pool land and a tennis court
  - a further extension to the envelope was agreed 8 February 2005 to include the new 3 storey auditorium.

**f) Applicant Statement**

- The proposed development is required to provide much needed classrooms, laboratories and extra dining space which is essential for the school to maintain and expand the education and support services it offers to the school and the wider community.
- Their current usage for classrooms is 97%, with several rooms either too small or inadequate for current teaching methods.
- There is an established need for additional teaching accommodation, additional staff study and common room accommodation and for a large dance/drama teaching space for the middle and lower school.
- By looking at the overall accommodation within the school and reorganising existing accommodation these requirements can be met in the new development.
- There is a pressing need for additional laboratories and it is essential that these link with the existing laboratories on the top floor above the assembly hall.
- Dining provision is currently inadequate and crowded within the existing dining hall and the current kitchen arrangements are inadequate with supplies and refrigerated goods being kept in temporary containers in the service yard.
- Increased demand for administration, marketing, alumni activity, as well as educational administration requirements requires additional office accommodation.
- It should be emphasised that the proposal would not increase the pupil or staff numbers, it is to provide solely for the schools existing needs.



**g) Consultations:**

**English Heritage:** No comments, as notification not necessary under regulations.

**Highways Engineer:** Current travel plan appears to be meeting targets, hence no specific concerns with the proposal, particularly given no increase in pupils.

**Tree Officer:** The proposed tree removal would have little impact on the surrounding area. The proposal would not adversely affect surrounding trees.

**Landscape Officer:** Revised plans overcome previous concerns about lack of soft landscaping and pedestrian circulation.

**Biodiversity Officer:** Concerns raised about breeding birds and creation of bird habitats. Can be addressed by conditions.

**Conservation Officer:** Existing building to be demolished is not of a pleasing design. The carefully considered modern design would fit in well with the 1930s curtilage listed building to which it would be attached. The proposal would not be overly visible from many vantage points.

**Conservation Area Advisory Committee:** No objection, design elements of proposal commended.

**Drainage:** Conditions suggested.

**Environment Agency:** The proposal would have a low environmental risk.

**Site Notices:** 23-JUL-10 Expiry: 13-AUG-10

**Advertisements:** 08-JUL-10 Expiry: 29-JUL-10

**Notifications:**

Sent: 73 Replies: 2 Expiry: 10-AUG-10

**Addresses Consulted:**

- 1-59 (odd) Dalkeith Grove;
- 30-86 (even) Dalkeith Grove;
- 43-59 (odd) Canons Drive;
- 70-80 (even) Canons Drive.

**Summary of Response:**

Concerns about noise and disturbance from building works at unsocial hours, concern about scale of proposed extension, impact on views and the possibility of setting a precedent for further tall buildings.

**APPRAISAL**

**1) Principle of Development**

The educational use of this site is established and, under saved UDP policy C7, there is no in principle objection to the extension of existing educational facilities, subject to consideration of the need for new facilities, the accessibility of the site and safe setting-down and picking-up points within the site.

Detailed consideration of these and other policy requirements and material considerations is undertaken in the sections below. In summary, the proposed extension is considered to be acceptable in principle, as the building would provide much needed large classroom, dining, staff and ancillary facilities, to support the proper functioning of the school. The proposal would therefore provide necessary educational floorspace.

**2) Character and Appearance of the Conservation Area, Historic Park and Garden and Metropolitan Open Land**

The site lies within an area of highly constrained policy designations, being within Canons Park Estate Conservation Area, a Historic Park and Garden and designated Metropolitan Open Land. Whilst these three coterminous designations can have varying objectives, for the purposes of assessing this proposal, they are generally related to the preservation and enhancement of the quality and openness of the adjacent Canons Park and the school grounds themselves.

Saved UDP policy EP44 states that Metropolitan Open Land 'will be kept primarily open in character and free from building development', whilst policy EP45 goes on to state that 'additional building (including extensions) will only be permitted on Metropolitan Open Land where it can be demonstrated that it is essential for the proper functioning of the permitted land use'. Policy D18 states that 'the Council will resist development proposals which would adversely affect the character or appearance of the setting of parks and gardens of special historic interest'. Canons Park Estate Conservation Area Policy Statement recognises that the spacious appearance, landscaped setting, wildlife and open areas, as well as historical features, are amongst the positive features of the Conservation Area.

The London Plan recommends that Metropolitan Open Land be afforded the same level of protection as Green Belt, where the objective is to keep land free of built development, in order to maintain the open character of these areas. However, North London Collegiate School is an established educational establishment, comprising a number of buildings of up to four storeys in height. The site is subject to a restricted 'building envelope', as set out in a S106 agreement originally devised in the mid-1990's and subsequently varied to enable the construction of recent developments, including the auditorium and recently approved sports pavilion. This building envelope therefore sets out the principle of the location of new buildings at the school.

The proposed extension would be sited in place of an existing two storey extension, albeit with an increase in scale, and would be contained within the approved building envelope. The siting of the proposed extension would therefore be acceptable in principle. The proposed extension would result in an increase in height from 6.0 metres to 14.2 metres and an increase in depth from 15 metres to a maximum of 24 metres, with a maximum width of 17.7 metres. The existing building to be demolished is not of any architectural or historical merit and the loss of this structure is therefore considered not to be objectionable. The existing extension is also not reflective of the building it adjoins, in terms of scale and appearance.

The proposed extension would be of a contemporary design, incorporating similar brickwork and stone surface treatments as the dining and assembly hall, as well as extensive areas of glazing, including a subservient glazed link section to the existing building. The extension would have the same eaves height as the existing building and would be 4.6 metres lower than the ridge height of this pitched roof building. The upper floors of the proposed extension would oversail the ground floor to add articulation to the design and, although this part of the extension would be wider than the building it would adjoin, the subservient nature of these oversailing floors would ensure that they would not over dominate the overall design or detract from the character and appearance of the assembly/dining hall building.

The scale and height of the extension has been reduced since the original pre-application submission. It is considered that the extension now proposed would have an acceptable scale and appearance in relation the host building and the proposed contemporary design would be acceptable in this location, given the existence of modern buildings on the site, including the auditorium to the north of the pond. The proposed design would reflect that of the building it would adjoin in terms of use of materials and vertical delineation of features. Despite the increase in scale, the proposal would be located on a previously developed part of the site and would not intrude into visually important areas of open space. The submitted Design and Access Statement has a study of views into and from within the site and this has been verified as part of the site visit. Given the extensive tree screening surrounding the southern boundary of the site adjacent to the park, approximately 12 metres from the proposed development, the extension would be largely screened from Canons Park, with the exception of glimpses through the tree coverage. It is acknowledged that during the winter months, the extension would be more apparent from this area, however there are likely to be less people using the park at this time of year and it is considered that the development would not unduly detract from the openness of the Metropolitan Open Land. The views identified from within the site are currently dominated by school buildings and the addition of the proposed extension, with its comparable scale and high quality contemporary design would not be unwelcome in this already developed part of Canons Park. The proposal would be necessary for the proper functioning of this established use and would therefore not conflict with saved UDP policies EP44 and EP45.

The area is within a designated Historic Park and Garden as discussed, however the main landscape features of Canons Park are considered to be the gardens immediately adjacent to the mansion house, the walled garden and surrounding area to the south and the former precession route between St Lawrence Church and the mansion house, where the listed building is visible in views from within the park and from Whitchurch Lane. Notwithstanding this, Canons Park in general has a high landscape quality, emphasised by extensive mature vegetation and historic built features. The proposed extension would be located in place of an existing dated building on a developed part of the site and would therefore not directly interfere with any historic landscapes or built features.

As discussed above, the proposed extension would be largely screened by existing boundary trees and, despite being visible in glimpses through the tree cover from the walled garden to the south and from adjacent to the mansion house within the site, given the distance from these gardens, would not adversely affect the setting of these important areas. The proposal would therefore comply with saved UDP policy D18.

The replacement of the existing dated extension is considered to be acceptable in principle. It is considered that its replacement with a high quality modern design is an appropriate response to the characteristics of the site. As discussed above, the proposed extension would be visible to a degree from viewpoints within the site and from the park to the south, although it is considered that the proposal would not detract from the character and appearance of the Conservation Area. The Council's Conservation Officer and the Conservation Area Advisory Committee have raised no objections in this respect. The proposal would therefore preserve the spacious appearance, landscaped setting and historical features of Canons Park Conservation Area and would comply with saved UDP policies D14 and D15.

The proposal would also involve the replacement and extension of hard landscaping around the proposed extension, as well as some planting. Saved UDP policy EP45 seeks to limit the amount of additional hardsurfacing on Metropolitan Open Land, whilst policy D9 requires soft landscaping to soften the impact of new development. It is noted that the existing site principally comprises a service yard with asphalt surfacing, with a small area of planted gravel to be removed. It is therefore considered that the proposed replacement and modest extension of this hardsurfacing would be acceptable and a sufficient amount of planting is proposed to compensate for the loss of trees. A condition is imposed requiring samples and a planting scheme to be submitted and approved prior to commencement of the development.

In summary, it is considered that the proposed development would satisfy the broadly similar policy objectives of the three land designations on this site. The special character, quality and openness of Canons Park would be preserved and the proposal would therefore have an acceptable impact on the character and appearance of the area.

### **3) Special Interest of the Listed Building**

The main mansion house to the south east of the school is Grade II listed, being a three storey 18<sup>th</sup> Century mansion, substantially rebuilt in the 19<sup>th</sup> Century. The list description states that the school buildings to the north (collectively known as the Richardson buildings), which includes the assembly dining hall the subject of this application, are not of special interest. The Richardson buildings are however listed by virtue of attachment to the mansion house, hence why an application for Listed Building Consent is also required. The assembly/dining hall dates to 1939-40 and the computer suite proposed to be demolished dates to the 1970's and, whilst it is not of a pleasing design is positive due to its subservience to the main building and the existence of surrounding greenery.

The demolition of the existing building is not considered objectionable as it is not of special interest, given its age and design. The carefully considered contemporary design would fit in well with the building to which it would be attached. There would be a contrast between the existing traditional and proposed modern design yet this would create a pleasing visual juxtaposition as the contemporary design of the extension would pick up on details from the existing building. The sharp lines of the proposed extension fit in with those used on the existing adjoining 1930s extension. For example, the vertical curtain windows would link in well with the elongated windows on the existing adjoining building. The high level of glazing would minimise apparent bulk. The glazed link would help ensure that this is a seamless addition yet create a clear break between the old and the new.

The proposed extension would be sited some 50 metres from the Grade II listed mansion house and would be largely concealed by existing vegetation and buildings. The proposed extension would therefore not interrupt important views of the mansion house from within the site and would not be overly visible in views of the mansion house from outside the site. The setting, character and special interest of the Grade II listed building would therefore be preserved.

**4) Residential Amenity**

The proposed extension would be sited some 120 metres from the nearest residential properties to the north, on Dalkeith Grove, and would therefore not unduly impact on light to, or outlook from, these properties.

The proposal would not result in an increase in student numbers and the number of registered full time students is still controlled by the S106. It is therefore not expected that there would be additional comings and goings associated with the proposed extension. The activities that would occur within the extension would also not be overly noisy, given the established use of the site.

**5) Traffic and Parking**

As discussed, the proposal is to enhance existing accommodation and would not result in an increase in pupil or staff numbers. The current travel plan operating on the site, which includes the use of a school bus used by 64% of students, appears to be meeting targets. A safe bus drop-off point is provided within the site near the Dalkeith Grove entrance. The site is also located within half a mile of Stanmore and Canons Park London Underground Stations and is therefore in a relatively sustainable location. The proposal would therefore not result in an unacceptable increase in traffic and would comply with saved UDP policies T6, T13 and C7.

**6) Accessibility**

The proposed extension would incorporate level access from external ground level to the building. The proposed alterations to the hardsurfacing would incorporate appropriate ramps to enable, and indeed improve, disabled access around the building.

The layout of the proposed extension would enable adequate circulation for disabled users, with a lift between floors and accessible toilets also provided. Accessible links to the dining hall, assembly hall and chemistry labs would also be provided within the building. The proposed extension would therefore be fully accessible and would comply with saved UDP policy C16 and the SPD.

**7) Trees and New Development**

The development would require the removal of four trees, which are located to the west of the computer room building, which is to be demolished. However, these trees have limited amenity value due to their close proximity to the computer room building and their removal would have limited impact on the surrounding area.

The Horse Chestnut close to the southern boundary (within the park) is a sufficient distance from the proposed extension to be unaffected by construction works, as is the Red Oak to the north of the proposed extension, which would be protected during construction works. The semi-mature Yews and multi-stemmed Laurels located between the pedestrian area and service road to the south of the extension would need to be pruned back in order to give clearance for the proposed extension, although this is considered acceptable and unacceptable post-development pressure for pruning would not result from the proposed development. Conditions are imposed to ensure that all trees are protected during the course of development and the proposal is therefore considered to be acceptable in this regard.

**8) Ecology and Biodiversity**

Canons Park is a designated site of importance for nature conservation in the UDP and the proposed extension would be sited close to this. The Council's Biodiversity Officer considers that bird and bat habitats could be affected by the proposed development and conditions are imposed to ameliorate any potential impact. A condition is considered necessary to ensure that nesting birds are not disturbed during the breeding season and to ensure that bird and bat boxes are installed on the proposed building and surrounding trees in the interests of habitat creation and enhancement. A brown roof is also proposed on the building, which would also improve wildlife habitats. Subject to these conditions, the proposal would comply with saved UDP policies EP26 and EP28.

**9) Sustainability**

The London Plan 4A set of policies require new developments to make a contribution towards mitigating climate change, in particular policy 4A.7, which requires a reduction in carbon dioxide emissions of 20% in major developments. The design and access statement includes a statement about the potential forms of renewable energy that could be incorporated into the development. It is considered that the final details of the necessary renewable energy provision can be required by condition.

Policy 4A.3 seeks to ensure that development meets the highest standards of sustainable design and construction. The applicant's sustainability statement indicates a desire to achieve a BREEAM 'very good' rating for the proposed building and the design incorporates a number of sustainable design features such as solar shading (brise soleil features) to prevent overheating, passive air ventilation and a green/brown roof. It is therefore considered that the proposal would comply with London Plan policy 4A.3.

Given the increase in floorspace, in particular the increase in kitchen floorspace, the development would produce a potential amount of additional waste. The applicant proposes a site waste management plan (SWMP) to consider the implications of waste disposal. As part of the desire to achieve a BREEAM 'very good' rating, it is considered that the SWMP can be required by condition.

**10) 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.

**11) Consultation Responses**

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

- Impact on neighbours view: It is noted that, in the context of this site and proposal, protection of a view is not a material planning consideration. Consideration of impact on outlook has been undertaken above.
- Would set a precedent for tall buildings: As discussed in the appraisal sections above, the proposal would have the same eaves height as the dining hall building and would have a lower overall height. The proposal would therefore not set a precedent for taller buildings on the site.
- Noise and disturbance from construction work: This is not a material planning consideration.

**CONCLUSION**

For all the reasons considered in the appraisal sections above, the proposal would accord with all relevant policy considerations.

The proposal would provide necessary educational floorspace, providing much needed large classroom, dining, staff and ancillary facilities, thereby contributing to the proper functioning of this established school. The proposed extension would be a high quality contemporary addition to this Grade II listed building that would preserve the character and appearance of Canons Park Estate Conservation Area and the Historic Park and Garden. The extension would also preserve the open character of the Metropolitan Open Land and would not unreasonably intrude into any important views in this area of high landscape quality. The proposal would not unduly impact on the amenities of neighbouring residents and would comply with all relevant policy considerations relating to highway safety, tree protection, accessibility, ecology and biodiversity and sustainability.

The proposal is therefore recommended for grant, subject to the following condition(s):

**P/1460/10**

**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: AL(0)02, 03, 05, 06, 07, 08, 10 Rev D, 11 Rev B, 12 Rev B, 13 Rev B, 15 Rev B, 16 Rev B, 17 Rev B, 18 Rev C, 34, 35 Rev A, Design and Access Statement (Received 19-AUG-10), 163/3325/2A, Tree Survey Drawing and BS5837 Pre-Development Tree Condition Survey (ref D2502100020).

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 noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

b: the ground surfacing

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

REASON: To safeguard the appearance of the locality in line with the requirements of saved UDP policies D4, D11, D14 and D15.

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 in line with the requirements of saved UDP policies D4, D9 and D10.

5 The plans and particulars submitted in accordance with the approval of landscaping condition shall include:

(i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;



- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in line with the requirements of saved UDP policy D10.

6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in line with the requirements of saved UDP policy D10.

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 line with the requirements of saved UDP policies D4, D9 and D10.

8 No site works or development 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 line with the requirements of saved UDP policies D4, D5 and D9.

9 The development hereby permitted shall not commence until details of any external works required for ventilation and fume extraction from the kitchen accommodation have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building in line with the requirements of saved UDP policies D4 and EP25.

10 If the development hereby permitted commences during the bird breeding season (March to August inclusive) trees and buildings in the vicinity of the site shall be examined for nests or signs of breeding birds. Should an active bird's nest be located, time must be allowed for birds to fledge and the nest should therefore not be disturbed during building works.

REASON: To safeguard the ecology and biodiversity of the area in line with the requirements of saved UDP policies EP26 and EP28.

11 The development hereby permitted shall not commence until details of biodiversity measures, specifically the installation of a brown roof and the creation of bird and bat habitats on the building and surrounding area, have been submitted and approved in writing by the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the ecology and biodiversity of the area and in the interests of habitat creation and enhancement in line with the requirements of saved UDP policies EP26 and EP28.

12 The development hereby permitted shall not commence until details of a site waste management plan have been submitted and approved in writing by the local planning authority. The development shall be carried out and occupied in accordance with the approved details.

REASON: In the interests of sustainable waste management in line with the requirements of London Plan policy 4A.22.

13 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 to 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 saved policy D4 of the Harrow UDP (2004).

14 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 accordance with Sewers for Adoption following guidance in PPS 25 & PPS 25 Practice guide.

15 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

16 The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice guide.

## **INFORMATIVES**

### **1 PARTY WALL ACT:**

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **2 CONSIDERATE CONTRACTOR CODE OF CONDUCT:**

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 COMPLIANCE WITH PLANNING CONDITIONS:**

**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.

**4 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: 3D.10, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, 4A.10, 4A.11, 4A.22, 4B.1, 4B.11 and 4B.12.

Harrow Unitary Development Plan: D4, D9, D10, D11, D14, D15, D18, EP25, EP26, EP28, EP44, EP45, T6, T13, C7, C16, Supplementary Planning Document: Access For All (2006), Supplementary Planning Document: Sustainable Building Design (2009) and Canons Park Estate Conservation Area Policy Statement.

## **P/1467/10**

### **CONDITIONS**

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: AL(0)02, 03, 05, 06, 07, 08, 10 Rev D, 11 Rev B, 12 Rev B, 13 Rev B, 15 Rev B, 16 Rev B, 17 Rev B, 18 Rev C, 34, 35 Rev A, Design and Access Statement (Received 19-AUG-10), 163/3325/2A, Tree Survey Drawing and BS5837 Pre-Development Tree Condition Survey (ref D2502100020).

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 noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

b: the ground surfacing

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

REASON: To safeguard the appearance of the locality in line with the requirements of saved UDP policies D4, D11, D14 and D15.

### **INFORMATIVES**

1 COMPLIANCE WITH PLANNING CONDITIONS:

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.

2 SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:  
The decision to grant consent 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: D11

Plan Nos: AL(0)02; 03; 05; 06; 07; 08; 10 Rev D; 11 Rev B; 12 Rev B; 13 Rev B; 15 Rev B; 16 Rev B; 17 Rev B; 18 Rev C; 34; 35 Rev A; Design and Access Statement (Received 19-AUG-10); 163/3325/2A; Tree Survey Drawing; BS5837 Pre-Development Tree Condition Survey (ref D2502100020).

**SIGNAL HOUSE, 16 LYON ROAD, P/2872/09/MAJ  
HARROW, MIDDLESEX HA1 2AG**

Ward GREENHILL

DEMOLITION OF EXISTING FOUR STOREY B1 OFFICE BUILDING AND CONSTRUCTION OF AN EIGHT STOREY BUILDING TO FORM A 98 BEDROOM C1 HOTEL BUILDING WITH ANCILLARY BAR/CAFÉ, PROVISION OF TWO DISABLED CAR PARKING SPACES, SERVICING, LANDSCAPING AND REFUSE.

**Applicant:** Commerce Properties Ltd & Travelodge Hotels Ltd

**Agent:** Savills (L&P) Ltd

**Case Officer:** Andrew Ryley

**Statutory Expiry Date:** 06-APR-10

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## **RECOMMENDATION**

**INFORM** the applicant that:

1. The proposal is acceptable subject to:-

a) the completion of a legal agreement within 6 months of the date of the Council's decision, to include the following Heads of Terms:-

- i) A contribution of £50,000 towards two way Station Road improvements;
- ii) A contribution of £10,000 towards the Construction Training Initiative;
- iii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- iv) Planning Administration Fee: Payment of £3,000 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 planning conditions will be issued upon completion by the applicant of the aforementioned legal agreement.

## **REASON**

The site lies within Harrow Town Centre in close proximity to the main shopping area and is currently occupied by Signal House, which is a four storey 1960s office building. The evidence provided with this application meets the requirements of the development management policies of PPS4. The loss of the existing office accommodation from this site would not lead to an unacceptable reduction in office space, nor would it be likely to have an adverse affect on the local economy.

The proposed development would provide a modern contemporary design that would respond appropriately to the local context. The proposal is therefore considered to be acceptable and in accordance with National Policy Statements, London Plan policies, and Harrow Unitary Development Plan (2004) saved policies. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

**National Planning Policy:**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPG13 Transport  
PPS23 Planning & Pollution Control  
PPS25 Development and Flood Risk

**London Plan:**

2A.1 Sustainability Criteria  
2A.2 Spatial Strategy for Development  
2A.8 Town Centres  
2A.9 The Suburbs  
3D.7 Visitor Accommodation and Facilities  
SF.1 Strategic Policies for West London  
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  
EM15 Employment  
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,  
D7 Design in Retail Areas and Town Centres  
D9 Street side Greenness and Forecourt Greenery  
C16 Access to Buildings and Public Spaces  
C18 Special Mobility Requirements and Access to Transport  
Supplementary Planning Document Access For All (April 2006)  
Supplementary Planning Document Sustainable Building Design (May 2009)  
Sustainable Community Strategy [March 2009]

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**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) Employment Provision (PPS4, EM15)
- 3) Design and Character of the Area (PPS1, 4A.3, D4, D7)
- 4) Landscape Setting (D4, D9)
- 5) Environmental Impact Assessment (D4)
- 6) Parking and Highway Safety (T6, 3C.23)
- 7) Accessibility (3D.7, D4, C16)
- 8) Sustainability – (4A.3, 4A.4, 4A.6, 4A.7, 4A.16, 4B.5, EP15),
- 9) S17 Crime & Disorder Act (4B.1, 4B.6).
- 10) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type:	Major development
Site Area:	0.087 hectares, 870m <sup>2</sup>
Floor Area:	3,180.6 m <sup>2</sup>
Car Parking:	Standard: 3 (Disabled) Justified: 2 (Disabled) Provided: 2 (Disabled)
Council Interest:	None

**b) Site Description**

- The site currently comprises a four storey office building, 12.7m high along the main elevation, and up to 15.7m height at the north elevation.
- The main frontage of the site opens on to the western side of Lyon Road, adjacent to the Iceland food store and car park to the south and an office with car parking to the north.
- This part of Lyon Road is predominantly occupied by office blocks. Retail outlets with one or two stories of offices above, which front Station Road, are found to the rear of the site.
- Within the immediate area of the site, there is a mixture of building scale, size and architectural styling. The neighbouring office building to the north of the site has a height of 7 storeys, with other office buildings predominantly having a height of about 7 storeys on both sides of this part of Lyon Road. The proposed 8 storey high hotel building would not therefore be out of scale in relation to neighbouring buildings in this part of Lyon Road.
- The site is close to the junction with Gayton Road to the south. The Junction Public House is opposite the site.



**c) Proposal Details**

- The current application seeks full planning permission for the demolition of the current office building and the building of a replacement 8 storey (23m), 98 bedroom hotel.
- The application proposes a modern contemporary design to the hotel. The height of the building would be 23m and its width along Lyon Road would be 30.4m. However, the massing would be broken up by way a protruding bay on Lyon Road.
- The front entrance foyer would be fully glazed and the bar/café would have areas of floor to ceiling glazing
- The proposal would be set back a further metre from Lyon Road than the existing office building. This would give a wider “boulevard” feel to this part of Lyon Road.
- A 1.8 metre high brick and railing wall would be built around the perimeter of the building. A small compound for a mobile phone station would be incorporated into the site, to replace the existing antenna on site. The compound for a mobile phone station does not part of the current planning application.

**Revisions to current application**

During the course of the application the following revisions have been made:

- The height of the building has been reduced from part nine storey part eight storey to just an eight storey building.
- The number of proposed bedrooms has been reduced from 105 to 98, reducing the Gross Internal Area (GIA) from 3,180.6 m<sup>2</sup> to 2,968.7 m<sup>2</sup>.
- The design of the building has changed. The initial design proposed a mix of materials consisting of reconstituted stone at ground floor and vertical rendered panels and facing brick on the upper floors. This has been altered to the Staffordshire Blue Brindle Smooth (main brickwork) and Staffordshire Smooth (banding) brick now proposed.
- Other design changes include the introduction of an ad hoc arrangement of windows on the south elevation, glazed canopy over the entrance and recessed window feature.

**d) Relevant History**

HAR/551/G	Demolition of the existing building and the erection of a 4 storey office block.	GRANTED 29-APR-63
HAR/551/H	Demolition of the existing building and the erection of a 4 storey office block. (Revised Scheme).	GRANTED 10-JUL-64
LBH/920	Erection of a garage for vehicle storage.	GRANTED 29-DEC-65
LBH/920/1	Erection of a fire escape to the rear of the building	GRANTED 21-OCT-77
LBH/15488	Erection of an enclosed fire escape to the rear of the building	GRANTED 16-AUG-79
EAST/79/97/FUL	Change of use of ground floor from office B1 to counselling (Sui Generis).	GRANTED 13-MAY-97
P/2313/05	The erection of 6 pole mounted roof top antennae.	GRANTED 12-OCT-05

**e) Pre-Application Discussion**

Pre-application advice was given to the applicant at a meeting on 24<sup>th</sup> February, 2009. The following matters were raised and discussed:~

- Proposal originally for 98 room Travelodge, but 105 rooms could be accommodated;
- Amendment to submitted landscape plan to allow landscaping to only go up to and not include the Lyon Road pavement;
- 30 to 35 full time staff to be employed on site, with the intention of recruiting local staff;
- Urban design framework, strategy for the area, public realm improvement and section 106 contributions have been taken into account;
- No car parking provision on site;
- Average of six deliveries to the hotel proposed per week;
- Contemporary modern design, semi air conditioned building;
- Bar/café located within the hotel, intended for guests rather than outside public;
- Streetlight to the front of the site to be removed or relocated by agreement;
- Secured by Design to be incorporated into any proposal;
- Energy Statement, Design and Access Statement and Green Travel Plan required;
- Proposal acceptable in principle.

**f) Applicant Statement**

- This application seeks full planning permission for the demolition of the existing four storey office building and the erection of an eight storey hotel building.
- The accommodation would provide a 98 bedroom Travelodge Hotel, with an ancillary bar/café for guests and the provision of 2 disabled parking bays at the front of the building.
- The application has arisen due to Signal House now being in need of extensive refurbishment to attract commercial tenants. Due to the historical low demand for the office units on this site and the local office market supply situation, refurbishment of these premises would not be viable.
- The site owner is seeking planning permission for a viable alternative use for the site and with a committed hotel operator behind the scheme it is more deliverable.
- The overall height of the building is 23 metres. In this context it would be of an appropriate scale in relation to neighbouring buildings, due to the current building on this site, being one of the more modest sized buildings in Lyon Road.
- The proposed building would occupy a larger footprint than the existing building. Nevertheless, it would maintain the same rear building line as the existing building.

**g) Consultations:**

**Metropolitan Police** ~ No objection raised, subject to conditions.

**Highways Engineer** ~ No objection raised, subject to section 106 contributions.

**Environment Agency** ~ No objection raised, subject to conditions.

**Environmental Health** ~ No objection raised, subject to conditions.

**Thames Water** ~ No objection received.

**Design Officer** ~ No objection raised.

**Landscape Architect** ~ No objection raised, subject to conditions.

**Advertisement:** Major Development                      Expiry: 28-JAN-10  
                          General Notification

**Notifications:**

Sent: 300	Replies: 2	Original Consultation Expiry: 28-JAN-10
Sent: 300	Replies: 0	Further "14 day" Consultation Expiry: 31-MAY-10

**Summary of Response:**

- Loss of the existing office building;
- Height of proposed building in relation to surroundings;
- Lyon House is only 7 storeys compared to 8 to 9 storeys of the proposal;
- Travelodge also being granted planning permission in St. Ann's Road;
- Another planning application for a hotel on the corner of Station Road and Greenhill Way;
- 5 existing hotels within "easy reach" of Harrow on the Hill Station;
- Not really a need for 3 more hotels in the Harrow area;
- Other areas of the Borough have a link to the Underground.

**APPRAISAL**

**1) Principle of Development**

The current application seeks full planning permission for the demolition of the current office building and the building of a replacement eight storey, 98 bedroom hotel. The proposed development has been altered during the course of the application to reduce the height of the new building from nine storeys to eight, and subsequent reduction in room numbers from 105 to 98.

PPS4 sets out the Government's guidance on planning for economic development. Broadly speaking, the Government's policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings.

The loss of the existing office accommodation from this site, would not lead to an unacceptable reduction in office space and it would be likely to have a positive affect on the local economy. This is discussed in detail in the "Employment Provision" below.

PPS4 sets out specific development management criteria that proposals for development should meet. In particular policy EC10.2 of PPS4 sets out that:

*EC10.2 All planning applications for economic development should be assessed against the following impact considerations:*

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;*
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;*
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;*
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;*
- e. the impact on local employment."*

In relation to the criteria set down in policy EC10.2 Officers consider that the proposal is consistent with these. The nature of the proposal, providing 'budget' accommodation, would compliment existing conventional hotels in Harrow and therefore contribute to the wide range of tourist accommodation sought by the policy. The location of the proposal, within Harrow Metropolitan Centre with good public transport links to central London (and Wembley) would also reflect the spirit of this London Plan policy. The proposed development would provide a modern contemporary design that responds appropriately to the local context. Officers consider that the development would meet criteria a-c and these matters are discussed in more detail in other sections of this report. It is considered that the proposal would meet criteria d and e by virtue of regenerating the land leading to a long term employment sustaining activity on the site that is consistent with national and regional objectives, again this is discussed further below.

Paragraph EC14.3 of PPS4 states:

*"A sequential assessment... is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres."*

Given the location of the proposed development, within the Harrow Metropolitan Centre, it is considered that a sequential assessment is not required for this proposal and that the application complies with PPS4 in this regard. On the basis of the above planning policies and Government guidance it is considered that the principle of the proposed hotel is acceptable.

## 2) **Employment Provision**

Saved Harrow Unitary Development Plan (2004) policy EM15 resists the loss of "B" class uses on a site, unless it can be demonstrated that a site is no longer suitable for an employment use. It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth. PPS4 particularly emphasises that local authorities should be positive, proactive and flexible when considering these matters, and states:

*"EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.*

It is considered that the proposed application complies with policy EC10.1 of PPS4 in that the development would result in economic development. The PPS provides a broader definition of economic development than simply 'B' class uses and includes any development that generates employment or economic output. The planning statement submitted with the application indicates that the proposal would generate 34 jobs and could generate local expenditure of £2 million per annum. The proposal would contribute to the physical and economic regeneration of Harrow town centre; hotel uses also provide jobs suitable for residents with entry level skills. From the evidence submitted the proposal would create 34 jobs and would not lead to a shortage of office space in Harrow.

London Plan policy 3D.7 seeks 40,000 net additional hotel bedrooms in London by 2026. The proposal would contribute to the delivery of this strategic target. The site is not identified on the Harrow proposals map as an industrial or business use area, consequently saved Harrow Unitary Development Plan (2004) Policy EM15 applies. This policy seeks to resist losses of 'B' class uses unless it can be demonstrated that the site is no longer suitable or required for employment use. The policy includes criteria against which assessments are to be made.

The applicant has submitted a report by Chamberlain Commercial LLP, as evidence in support of the application. In section 4 it deals specifically with office availability in Harrow as at Nov 2009. It cites the Council's own Available Business Premises publication, market intelligence and obtainable rents to conclude (at section 7) that there is an over-supply of vacant offices in Harrow. It also cites a 'pipeline' of office space expected to come to the market in Harrow during 2010, as well as over 151,000m<sup>2</sup> office accommodation that is likely to be made available in a neighbouring borough.

The submitted evidence of office provision reflects in tone the Council's draft, replacement Employment Land Study. This shows 38,500m<sup>2</sup> vacant office space in the Borough, equivalent to 18% of total stock, and with the largest concentration of vacant space in Harrow town centre and Northolt Road. The market norm is a vacancy level of 8-10%. In light of this evidence it is concluded that sufficient B1 office space would exist in the area and throughout the rest of the Borough if the proposed loss of 1145m<sup>2</sup> at Signal House is approved.

The planning statement submitted with the application indicates that there are currently 20-25 employees accommodated within Signal House, that there are 5 vacant offices spaces within the building and 4 tenants have confirmed that they will not renew their occupancy in early 2010. Given the availability of alternative premises in Harrow town centre for any displaced tenants, it is considered that the loss of existing office space on this site would be unlikely to cause any significant harm to the local economy.

The proposal would itself generate short term construction employment through the redevelopment of the site. According to the Planning Statement the hotel would generate 34 local jobs. Spending by hotel guests would also bring increased financial wealth into the local area.

The Planning Statement submitted with the application states that the vacant parts of the offices existing on the site have been marketed since 2006 with agents Wilson Hawkins and Pulver Carr. Balanced against the benefits of the proposal and the availability of vacant office space in Harrow town centre, it is considered that a reasonable attempt to market the premises has been made.

PPS4 states that permission will be refused if the site is wholly or substantially in active operational use. The Planning Statement submitted with the application indicates that part of the premises is tenanted, albeit those some/all tenants intend to move out this year. This level of occupancy is not considered to be substantial and when the proposed scheme is considered against the requirements of PPS4, the benefits would appear to outweigh any problems the proposed hotel would cause to the local area.

### **3) Design and Character of the Area**

PPS 1 and Saved Harrow Unitary Development Plan (2004) Policy D4 recognise the importance of the planning process in enhancing the built environment and encouraging high standards of design. To meet these aims, both PPS1 and Saved Harrow Unitary Development Plan (2004) Policy D4 require 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 Saved Policy D4 Harrow Unitary Development Plan 2004 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'.

Furthermore, Schedule 3 of the Saved Harrow Unitary Development Plan (2004) sets out the criteria for assessing proposals for tall buildings within the Borough. In particular, it sets out that tall buildings should:

- be of outstanding architectural quality;
- be able to secure a complete and well designed setting, including hard and soft landscaping, so that the development interacts with, and contributes positively to, its surroundings at street level;
- be set in the context of an urban design analysis, including the impact on local, medium and long distance views and places;

The existing office block on the site was built in the mid 1960s and has little or no merit in terms of modern design and it is typical of the style of office architecture in this part of Lyon Road. The design of the proposed hotel has been subject to detailed discussions between the applicant and Officers since the application was submitted. The initial design of the hotel reflected the 'corporate' approach of the intended occupier, Travelodge. The building was also proposed to be up to nine storeys in height. Officers were concerned with both the proposed materials and the height and scale of the building. Following discussions with the applicant the design of the building has been amended several times. To summarise, these changes resulted in: the building being reduced from nine storeys in height to eight; the materials of the building have been altered from a mix of brickwork and cladding to just a mix of brickwork; features have been intruded to the fenestration of the building to add visual interest, including an ad hoc arrangement of windows on the south elevation, recessed windows and a glazed entrance canopy.

It is now considered that the height and massing of the proposed hotel building would be in proportion with those of surrounding buildings and would reinforce the existing height factors of the existing streetscape. Whilst being somewhat prominent from some viewpoints, particularly the Gayton Road / Peterborough Road bridge looking north, the building would not be overbearing or cause a significant impact on the skyline. The reduction in the height of the building would result in a building that would blend in with the existing urban fabric. Even though the site is small, the proposed scheme would make a significant contribution to the streetscape, particularly in relation to the two adjacent office buildings, further along Lyon Road. The proposed scheme has been designed and articulated to act as a complimentary element, but in relation to the more regularised elevations of other adjoining high buildings, it has a character of its own. The plant room for the hotel would be internally located within the building structure, so creating significant acoustic attenuation in accordance with local authority criteria.

The external windows and doors to the hotel block would be uPVC. The roof would be ashfelt and the walls would be faced with Staffordshire Blue Brindle Smooth (main brickwork) and Staffordshire Smooth (banding) brick, with panels within the Valfac frame on upper floor level coloured 'Graphite Gray', as it is shown in the proposed elevations with this application. The materials used on the external elements of the proposed scheme are considered acceptable, therefore a condition is recommended, which states that the development is built in accordance with these material details stated in this paragraph.

The use of materials for the proposed hotel are acceptable and the overall design would meet the requirements of both PPS1 and Saved Policy D4 Harrow Unitary Development Plan (2004).

#### **4) Landscape Setting**

Saved policy D4 of the Harrow Unitary Development Plan (2004) identifies the importance of landscaping as part of the overall design of a site. Saved policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery. Full details of a scheme of hard and soft landscaping has been requested by condition.

**5) Environmental Impact Assessment**

The development falls outside the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.087 hectares and therefore the proposed development does not require an EIA.

**6) Parking and Highway Safety**

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of planning in creating sustainable communities, of reducing the need to travel, and encouraging public transport provision to secure new sustainable patterns of transport development. PPG13 sets out the overall strategy for a sustainable transport system, with the objectives of integrating planning and transport at the national, regional, strategic and local level to:

- i) promote more sustainable transport choices for both people and for moving freight;
- ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- iii) reduce the need to travel, especially by car.

The London Plan and 'saved' Policies T6 and T13 of the adopted Harrow Unitary Development Plan (2004) adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes.

The principle of a Hotel (C1) at this location is considered acceptable in terms of transport sustainability, given the strict on-street parking controls/ generous public car parking facilities in the vicinity, combined with the existing commercial activities of the town centre. Car parking facilities close to the site include existing "short stay on street" parking bays to the front, which allow free overnight parking. There are also 26 "short stay" parking spaces, including 2 spaces marked for disabled use, in the car park belonging to Iceland to the rear. The (C1) parking provision for the site is within the Harrow Unitary Development Plan (2004) maximum standards and complies with the emerging London Plan standards which require some parking for operational needs only in high PTAL areas as is the case here.

London Plan Policy 3C.23 of 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 Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Councils maximum car parking standards.



The provision of two disabled car parking spaces is one less than the minimum required by London Plan standards, with the 30 staff specified by the applicant, which the Highways Engineer considers to be acceptable in these circumstances. According to the London Plan there should also be one coach parking space provided per 50 rooms. Whilst no coach spaces are provided, the Highways Engineer considers that this situation is acceptable in this Town Centre location with excellent public transport accessibility.

Intensity of use i.e. vehicular movements to and from the site (private and taxi related) would increase as compared to the current occupation of the site by offices. Nevertheless, owing to the on-site parking restraint and the high PTAL sustainability of the location, the increase is likely to be insignificant.

Cycling provision of 1 /10 staff are to be provided. Four cycle stands are offered by the applicant and the full details of these will be sought by condition. The Staff/Patron travel plan framework is acceptable and in accordance with TFL guidance. Servicing intensity of six times per week is acceptable and the Highways Engineer accepts that this can take place from Lyon Road, due to the low likely frequency with which these would take place.

Policies 6A.4 and 6A.5 of the London Plan (2008) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. A Section 106 contribution of £50,000, towards two way Station Road improvements, is required here. It is considered that this request conforms with Government guidance introduced on 6<sup>th</sup> April, 2010, which requires planning obligations to meet all of the following legal requirements:~

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related to the scale and kind of development.

A Section 106 contribution towards the current 2-way working for buses in nearby Station Road would meet the above legal requirements and therefore can be requested.

In addition, a Section 106 contribution towards the Construction Training Initiative is required. Prior to the reduction in the number of bedrooms the applicant had agreed to make both of these contributions as part of a Section 106 agreement. The applicants have further advised that, notwithstanding that they have agreed to reduce the number of bedrooms by seven, which would therefore result in a reduced viability of the development that they are still prepared to agree to these contributions. The position of the applicant in this regard is noted and welcomed; notwithstanding the reduction in the number of bedrooms, it is still considered that the above contributions are required to make this development acceptable and also meet the other legal requirements with regards to planning obligations.

## **7) Accessibility**

London Plan 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 (2004) 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. Saved policy C16 of the Harrow Unitary Development Plan (2004) seeks to ensure that buildings and public spaces are readily accessible to all.

The Design and Access statement submitted with the application confirms that the detailed design of the wider scheme has been designed to comply with the Council's Supplementary Planning Document: Access for All.

The applicant has provided the following:-

- 2 parking spaces to the front of the site to be accessible for disabled users.
- Level access will be provided to facilitate ease of access from the disabled parking bays to Reception and for all other parties;
- Level entry to all other entry points to the building;
- Automatic door to the Main Entrance;
- Direct entry to Male and Female toilets from Main Reception;
- Refuge areas on main staircase for assistance during evacuation;
- Five accessible bedrooms for wheelchair users;
- All door widths to have clearances of 800mm;
- All corridor widths will be 1500mm;
- A "fire fighting" lift would be provided to allow access and evacuation and conformity with British Standard 5588;
- Staff would be trained in emergency evacuation procedures.

Accordingly, the development is considered to comply with the accessibility requirements of policy 4B.5 of the London Plan and saved policies D4 and C16 of Harrow Unitary Development Plan (2004).

## **8) 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. Harrow Council has adopted a new Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Renewable Energy Strategy Report submitted with the application provides a calculation of the site base line energy demand of the development, 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.

The applicant has stated that a 20% reduction in carbon emissions would be achieved, pending feasibility through detailed design. Details of how this reduction will be achieved will be dealt with by condition. The proposed renewable energy strategy as outlined in the renewable energy strategy report would meet the objectives of the London Plan and Harrow Unitary Development Plan (2004) policies to address climate change. Accordingly, this aspect of the development is considered acceptable.

On the basis of the applicants Energy Statement, it is considered that the Sustainable Building Design Vision contained within the SPD would be adequately addressed. However, to ensure this is the case, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Buildings Research Establishment Environmental Assessment Method (BREEAM) standards.

**9) 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.*

**10) Consultation Responses**

The loss of the existing office building is acceptable due to the number of offices that are vacant in Signal House and the 20 to 25 employees presently working there being potentially able to occupy other vacant office space in Harrow. Travelodge will also create 30 to 35 full time jobs on site, with the intention of recruiting local staff;

The neighbouring office building to the north of the site has a height of seven storeys, with other office buildings predominantly having a height of about seven storeys on both sides of this part of Lyon Road. The proposed 8 storey hotel building, due to the differences in floor heights, would be similar in height to the adjacent buildings, and would not therefore be out of scale in relation to neighbouring buildings in this part of Lyon Road.

London Plan policy 3D.7 seeks 40,000 net additional hotel bedrooms in London by 2026. The proposed development would provide additional 'budget' accommodation in the centre of Harrow, which would compliment existing conventional hotels and contribute to the wide range of tourist accommodation sought by the policy. The location of the proposal, within Harrow Metropolitan Centre with good public transport links to central London (and Wembley) would also reflect the spirit of this London Plan policy.

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.

The site is located within Flood Zone 1 (the least vulnerable zone) and the application represents operational development on less than 1Ha of land. In accordance with the Environment Agency's PPS25 Flood Risk Standing Advice (FRSA), the Environment Agency has not raised any objections to the application. The FRSA generates good practice advice in terms of effective surface water management. The application is considered acceptable in this context.

## **CONCLUSION**

The provision of 'budget' accommodation with this scheme, would compliment existing conventional hotels in Harrow. The location of the proposal, within Harrow Metropolitan Centre, would allow good public transport links to central London (and Wembley). The modern contemporary design of the proposed development would respond appropriately to the local context.

The applicant has stated that there are currently 20-25 employees accommodated within Signal House. The high availability of alternative premises in Harrow town centre for any displaced tenants means that the loss of existing office space on this site, would be unlikely to cause any significant harm to the local economy. Short term construction employment would be generated as a result of the redevelopment of the site. The applicant has stated that the hotel would generate 34 local jobs. Spending by hotel guests would also bring increased financial wealth into the local area.

Overall, the proposed development would bring new strength and vitality to the local economy and the local area. The appearance of the proposed development would also revitalise this part of Lyon Road, which is currently predominantly occupied by office blocks dating from the 1960s and 1970s. 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 completion of a Section 106 Agreement and 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 materials used for the development hereby permitted, are as follows, unless otherwise approved in writing by the Local Planning Authority:-

- i) the external windows and doors shall be uPVC;
- ii) the roof shall be ashfelt;
- iii) the external walls shall be faced with Staffordshire Blue Brindle Smooth (main brickwork) and Staffordshire Smooth (banding) brick;
- iv) with panels within the Valfac frame on upper floor level coloured 'Graphite Gray'.

REASON: To safeguard the appearance of the locality and in accordance with saved policies D4 and D7 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall not commence beyond ground level damp proof course until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the site. 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 and in accordance with saved policies D4 and D7 of the Harrow Unitary Development Plan (2004).

4 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 and in accordance with saved policies D4 and D7 of the Harrow Unitary Development Plan (2004).

5 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 to ensure that the necessary construction and design criteria for the development proposals follow approved conditions. The applicant should contact Thames Water Utilities Limited 0845 850 2777 and Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004) and guidance in PPS 25 & PPS 25 Practice Guide.

6 The development hereby permitted shall not be occupied until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The applicant should contact Harrow Drainage Section at the earliest opportunity on 0208 424 1586.

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25.and ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

7 The development hereby permitted shall not be occupied until surface water attenuation and storage works have been submitted to, and approved in writing by the local planning authority. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25.and to prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

8 No site works or development shall commence until full details of the levels of the building 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 and to accord with saved policy D4 of the Harrow Unitary Development Plan (2004).

9 Prior to the first 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>

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 (2004), and Section 17 of the Crime & Disorder Act 1998.

10 The development hereby permitted shall not be occupied until a scheme for:-

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be commenced 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 and in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

11 Prior to first occupation of the development hereby approved, details of cycleparking provision shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking provision shall be provided in accordance with the approved details and retained thereafter.

REASON: To provide for the needs of cyclists and to promote more sustainable, non car modes of transport and in accordance with saved policies D4 and T11 of the Harrow Unitary Development Plan (2004).

12 Prior to first occupation of the development hereby approved, details shall be submitted to, and approved in writing by, the Local Planning Authority of how a 20% minimum reduction in carbon emissions would be achieved. The development shall be implemented in accordance with these details.

REASON: To ensure adequate standards of reduction in carbon emissions would be achieved in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004) and London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7.

13 Prior to the demolition of the existing office building on this site, 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 reduce the loss of amenity caused to nearby residential properties and business premises and in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

14 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 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 reduce the loss of amenity caused to nearby residential properties and business premises and in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

15 The level of noise emitted from any new plant 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 is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To reduce the loss of amenity caused to nearby residential properties and business premises and in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

16 Piling using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To prevent pollution of the water environment, in accordance with PPS23.

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

AA-443-005, 007, 008 Rev.A, 009, 010, 100, 101 Rev.D, 103, 104, 106 Rev.D, E-mail 24-MAY-2010 and the Design & Access Statement.

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

## **INFORMATIVES**

### **1 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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

### **2 PERMEABLE PAVING:**

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

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

### **3 SECURE BY DESIGN:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

### **4 THAMES WATER:**

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 08459 200800.

### **5 GROUNDWATER:**

If shallow groundwater is encountered at site, appropriate waterproofing should be undertaken to avoid seepage to subterranean structures. The applicant should contact the Planning Liaison Officer at the Environment Agency at the earliest opportunity, in order to establish the likely impact of this development upon the water environment. Tel: 01707 632 407.

### **6 DISABILITY DISCRIMINATION ACT:**

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



## 7 COMPLIANCE WITH PLANNING CONDITIONS:

**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.

## 8 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION:

The site lies within Harrow Town Centre in close proximity to the main shopping area and is currently occupied by Signal House, which is a four storey 1960s office building. The evidence provided with this application meets the requirements of the development management policies of PPS4. The loss of the existing office accommodation from this site would not lead to an unacceptable reduction in office space, nor would it be likely to have an adverse affect on the local economy.

The proposed development would provide a modern contemporary design that would respond appropriately to the local context. The proposal is therefore considered to be acceptable and in accordance with National Policy Statements, London Plan policies, and Harrow Unitary Development Plan (2004) saved policies. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

### **National Planning Policy:**

PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPG13 Transport  
PPS23 Planning & Pollution Control  
PPS25 Development and Flood Risk

### **London Plan:**

2A.1 Sustainability Criteria  
2A.2 Spatial Strategy for Development  
2A.8 Town Centres  
2A.9 The Suburbs  
3D.7 Visitor Accommodation and Facilities  
SF.1 Strategic Policies for West London  
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

Item 1/07 : P/2872/09 continued/...

- 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
- EM15 Employment
- 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,
- D7 Design in Retail Areas and Town Centres
- D9 Street side Greenness and Forecourt Greenery
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport
- Supplementary Planning Document Access For All (April 2006)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Sustainable Community Strategy [March 2009]

Plan Nos: AA-443-005, 007, 008 Rev.A, 009, 010, 100, 101 Rev.D, 103, 104, 106 Rev.D, E-mail 24-MAY-2010 and the Design & Access Statement.

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**BENTLEY PRIORY, THE COMMON  
STANMORE, HA7**

**Item: 1/08 & 1/09  
P/1452/08/CFU/DT2  
P/1453/08/CLB/DT2**

Ward STANMORE PARK

CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS) 103 DWELLINGHOUSES (C3) WITH ASSOCIATED CAR PARKING, ANCILLARY STAFF ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVISED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS. (APPLICATIONS FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT)

**Applicant:** VSM Estates Ltd  
**Agent:** GVA Grimley Ltd  
**Case officer:** Beverley Kuchar  
**Statutory Expiry Date:** 08-AUG-08

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## **RECOMMENDATION**

P/1452/08/CFU/DT2

Subject to the prior discharging of the 1997 s.299A legal agreement, (reported elsewhere on this agenda), GRANT planning permission for the development subject to conditions and the completion of a S106 legal agreement, in accordance with the terms set in the appended report as amended by this report.

P/1453/08/CLB/DT2

**GRANT** Listed Building Consent, subject to conditions set out in Appendix 3.

## **INFORMATION**

This application is required to be determined by the planning committee as it falls outside the scheme of delegation.

### **a) Summary**

Statutory Return Type: Major  
Council Interest: None

### **b) Site Description**

- Bentley Priory is a 22.9 hectare site at the northern edge of the borough. It is in the heart of the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character. It separates the urban areas of Stanmore in the south and Bushey Heath to the north
- The site has historic interest as the former home of RAF Fighter Command centre and is also the location of a Grade II Listed Building that is set in Grade II historic park and garden. Operational use of the site ceased in May 2008.

**c) Background**

At its meeting of 23 July 2008 the Strategic Planning Committee resolved to grant planning permission for the change of use from defence establishment to provide a museum/educational facility (D1 use class), 103 dwellings (C3 class) with associated parking, ancillary service accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees), with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings.

This resolution was subject to conditions, referral to the Greater London Authority (GLA) and the Government Office for London (GOL), the resolution of the objection from the Environment Agency, and the completion of a s.106 agreement.

The Strategic Planning Committee also resolved to grant Listed Building consent for the above works. Copies of the original officer's report on both these applications are appended to this report, (Appendix 1).

Following the Committee meeting both GLA and GOL were consulted, with a formal part II response from the GLA being received on 9 October 2008, stating that "having now considered a report on this case, I am content to allow Harrow Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal, or take over the application for my own determination.

Further information was also provided, in the form of a Surface Water Flood Risk Assessment, which was submitted to the Environment Agency to address their objection. This objection has now been withdrawn.

In progressing the s.106 agreement, a prior agreement, completed in 1997 under s.299a (Crown Land) of the 1990 Town and Country Planning Land has come to light. This agreement puts a restrictive covenant on development on part of the site. This will need to be discharged prior to commencing on site. A full report seeking to discharge the requirements of this agreement is reported elsewhere on this agenda.

Work has progressed on the drafting of the s.106 agreement, such that the applicant and the Council are now in a position to complete the agreement. Given that it is now two years since the resolution of the Strategic Planning Committee, it is important to set out, and consider, any changes to policy and site circumstances that have arisen during this period, which may affect the consideration of these applications.

**d) Relevant History Not Previously Reported**

P/1926/10/ML1	Demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; all above ground structures to be retained	CURRENT APPLICATION REPORTED ELSEWHERE ON THIS AGENDA
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P/1935/10/LH	Listed building consent: demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; all above ground structures to be retained	CURRENT APPLICATION REPORTED ELSEWHERE ON THIS AGENDA
P/2292/10	Discharge of obligation of section 299a agreement to planning permission (pursuant to section 18/84 of the 1990 act) to allow development on the area south of the priory	CURRENT APPLICATION REPORTED ELSEWHERE ON THIS AGENDA

## **APPRAISAL**

### **1) Principle of the development**

The principle of the proposed development of this site has previously been accepted by the Strategic Planning Committee. With the exception of the removal of the underground bunker, (discussed below), there have been no material changes to the proposals. This report therefore considers any changes in site circumstances and planning policy that may affect the conclusions reached in the consideration of these proposals by the Strategic Planning Committee (SPC) in 2008.

#### **Site Circumstances**

There have been no changes to circumstances on site since the resolution of the SPC. The information submitted with that application, in particular the Environmental Statement (ES) submitted as part of the original planning application, has been reviewed and reassessed. Officers are satisfied that, as a qualifying EIA development, there have been no material changes in circumstances. Given the character and management regime for the site and its landscape areas, which has continued largely unchanged since the transfer out of MOD use the information and conclusions of the ES are considered to remain sufficient to determine the environmental impact of the development without further submissions.

Whilst the applications are substantially the same as those previously considered, the original scheme proposed the retention of the underground bunker on the eastern part of the site. It is no longer proposed to retain this bunker, due to the risks associated with its retention, although the surface structures are to be retained. A listed building consent application and planning application relating to the demolition of the bunker are reported elsewhere on this agenda. For the purposes of considering the current applications to develop the site, it is not considered that that demolition of the underground structure will materially affect the principle of the development of the site as a whole, or materially change the nature or impact of the scheme which the Strategic Planning Committee resolved to grant planning permission for.

## **Policy**

In relation to policy, the principle changes to national policy have been the introduction of PPS5 and more recently amendment to PPS3. National Planning Policy Statement 5 (PPS 5 - Planning for the Historic Environment) was introduced in March, 2010 replacing national Planning Policy Guidance Note 15.

This proposal is not affected by this as the scheme would comply with the relevant policies within this National Planning Policy Statement. It complies with PPS 5 policy 'HE11: Enabling development' which states that 'local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan'. This is because this proposal would secure the future of the grade II\* listed Bentley Priory and the grade II listed Registered Park and Garden which are both currently on English Heritage's 'Heritage at Risk' register. Likewise, it meets the objectives of policy HE7.4 which states 'local planning authorities should take into account: 'the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place shaping' and HE10 which states 'when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset'. It also complies with policy HE9 which states that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.'

In relation to PPS3 the relevant change here is the removal of the minimum density requirement. This amendment supports this scheme, which is for a low density development, given the nature of the site and site circumstances. There have been no material changes to local planning policies within the HUDP which affect this application, although the draft replacement London Plan has been published, the thrust of its emerging policies relevant to this site are not considered to change the balance of policy interests applied to the application when it was first considered by the Mayor.

### **S.106 Legal Agreement. Heads of Terms**

As stated above, the application was recommended for approval subject to conditions and the completion of a legal Agreement under s106 Town and Country Planning Act 1990 with the following heads of terms (HoTs):

- (i) The submission by the developer of a Business Plan for the operation and maintenance of the museum/heritage facility by a nominated operator.
- (ii) The developer to contribute £200,000 to the start-up costs of the facility
- (iii) The developer to procure the improvement and refurbishment works that are necessary for the conversion of the Mansion House to a Museum. Cost of such works not to exceed £6,240,000 in total.

- (iv) The developer to covenant with the Council to set up an Endowment trust and to contribute £3,000,000 to it to fund the maintenance and operating costs of the facility.
- (v) The developer to submit a scheme of landscape improvements and a landscape, ecology and woodland management plan for a period of ten years to be implemented and maintained throughout the life of the development by the Council.
- (vi) The developer to make a contribution of £100,000 towards the provision of an Ecology Centre in the Borough.
- (vii) The developer to agree with the Council a means for dealing with the approved business plan in the event that the operator is unable to carry it out. This will require all reasonable endeavours to be made to vary the business plan or to secure an alternative operator.
- (viii) To ensure the timely delivery of the museum facility, the requirement that it be practically completed before the occupation of not more than 40% of the residential properties.
- (ix) The developer to contribute £100,000 to the improvement of the access road to the site from Common Road.
- (x) The developer to prepare a Travel Plan and to implement and monitor the plan to encourage the use of sustainable modes of travel by future occupants of the residential development. Plan to be agreed in writing by the Council prior to the occupation of any residential unit
- (xi) The developer to contribute £100,000 towards improvements to education and health facilities in the locality
- (xii) The developer to provide a recruitment and training plan for a locally recruited construction and operation workforce
- (xiii) The provision of 20 affordable units off site of a level, type and mix to be agreed, the social rented units to be managed by a RSL subject to a nomination agreement with the Council. In the event that the commencement of the development is delayed by more than 18 months from the decision date and an increase in the value of houses in the location compared to that at the decision date has occurred there shall be an increase in the affordable housing provision if this is financially viable
- (xiv) A contribution by the developer of £50,000 to the management and maintenance of Bentley Priory Site of Special Scientific Interest
- (xv) Developer to pay the Council's legal costs and;
- (xvi) To pay a Planning Administration fee of £50,000.

Since the SPC resolved to grant permission for the development in July 2008, matters have moved on with the applicant marketing the site for sale. A preferred buyer (the principal purchaser) has been selected who in turn has partnered with a company (the sub-purchaser) specialising in the conversion of listed buildings. The disposal arrangement entered between the parties is such that the sub-purchaser will be developing the Mansion House (and building 7) and will be responsible for carrying out the works to convert part of the Mansion House to a museum facility together with the eight residential flats to be constructed above the building. The principal purchaser will be responsible for developing the remaining residential dwellings and carrying out the other works on the site.

The applicant is in the process of entering sale contracts with the principal-purchaser and the sub-purchaser conditional on the execution of the S 106 Agreement, the Council approving the nominated operator of the proposed museum (including a business plan for the museum) and the expiry of the 3 month period for judicial review of the decision once issued.

As the site will now be purchased and developed by two separate developers, there is a need to define clearly the obligations of each of the parties in the s106 Agreement and to tie those obligations to their respective interests in the land. This will ensure that the works to the Mansion House, once commenced, can progress to completion without the risk that the works may have to cease because of a breach of an obligation unconnected with the Mansion House works (i.e affecting the rest of the site).

It has also come to light that investing £400,000 (part of the £3m to be contributed by the applicant towards maintenance of the museum) in an Endowment Trust as originally envisaged may not generate sufficient income to pay the estimated annual service charges for the Mansion House.

Accordingly, the developer has requested, following discussions with the Council's planning and legal officers, that amendments be made to some of the section 106 HoTs (and the conditions) to give effect to the proposed arrangements for carrying out the development. Details of the changes proposed and the reasons for those changes are set out below.

#### **Improvement and refurbishment of the Mansion Building (HoT (iii))**

2.7. Due to the nature of the conversion works involved, it is not practicable to split the works to the museum, the fabric of the building and the residential units above. Therefore, all the works need to be carried out as one. The sub-purchaser will not commence the works if there is a risk that the works may have to stop in the event of a breach of an obligation/condition which is unconnected to the mansion house.

Also, to offset the huge costs of the conversion works, it is necessary that the 8 flats to be constructed above the mansion building are released from obligations affecting the rest of the site.



Therefore, the changes proposed to the s 106 Agreement under this head are:

- (i) to allow the commencement of the conversion of the Mansion building without compliance with obligations in the s 106 affecting the rest of the site;
- (ii) To remove any restriction in the s 106 which could cause the conversion works to stop part way through if matters unrelated to it (i.e. affecting the rest of the site) have yet to be discharged.

**The £3m contribution (HoT (iv))**

The Developer originally proposed to set up two charitable trusts and to contribute the sums of £400,000 and £2.6M (a total of £3m) respectively to the trusts. The £400,000 is intended as a sinking fund to relieve the nominated operator of the museum from the cost of the upkeep of the mansion and estate that would normally be payable as a service charge.

Holding the £400,000 in a charitable discretionary endowment trust as originally intended does not guarantee the landlord (or any management company to be set up) access to this money as there is no contractual obligation on the trustees to release the monies which the landlord could enforce.

In this situation the risk can only be passed to the other residential occupiers of the mansion building making these flats un-saleable or less marketable.

Additionally the £400,000, in today's financial climate, may not generate sufficient funds to cover the anticipated service charges for the Mansion building.

Therefore the following changes are proposed to this head of term

- (i) a single endowment trust is now to be set up which the applicant will contribute £2.6m to
- (ii) £400,000 will now be held in a contractually binding escrow account subject to an escrow agreement which will limit withdrawals towards the museum's share of the cost of maintaining the Mansion House and other estate wide costs.

**Twenty affordable off site units (HoT(xiii))**

The proposal is now to pay a lump sum to the Council for the provision of the 20 affordable units.

The full text of the revised Heads of terms is appended to this report (Appendix 2).

**Conditions**

Given that the site is now to be developed by two separate developers, the planning conditions have been reviewed to allow for a phased development. These amendments to the conditions are considered necessary in order to satisfactorily deliver the early development on the site. In addition, a further condition has been added regarding the phased development. The applicants have also requested the deletion of condition 4 which required the existing access to be closed when the new access is brought into use. This condition is not considered necessary as there is no alteration to this access proposed. Officers therefore recommend that this condition is removed.

In addition conditions are recommended regarding the submission of a programme of archaeological recording for the site as a whole and in relation to the historic buildings and structures, revised details of the elevation treatment for the proposed dwellings, the removal of communications masts from the site and the provision of cycle parking provision. These conditions, which were added following the consideration by the SPC, are considered necessary, given the history of the site and the sensitive nature of the development proposed.

Finally, a condition requiring the development to be carried out in accordance with the approved plans is recommended in the interests of proper planning. This condition would allow for small/minor changes to the scheme to be made without the need to reapply for the whole development.

The full list of updated conditions for both the planning permission and the listed building consent, taking account of these amendments and additions, is appended to this report (Appendix 3).

## **CONCLUSION**

This scheme has previously been considered acceptable by the Strategic Planning Committee. Notwithstanding the passing of time since that decision; there have been no material changes to policy that would conflict with the conclusions reached by officers and members in 2008, and no material change in circumstances on the site, since the date of the original committee resolution. The GLA have not raised an objection to the proposals, and the objection raised by English Heritage has been resolved. The variation to the Heads of Terms of the s.106 legal agreement and the revision to the conditions are considered to be appropriate and would enable the implementation of the planning permission by two separate developers. Having regard to the environmental information submitted with the application and notwithstanding the elapsed time, the environmental impacts of the development are considered to be acceptable, subject to the conditions and S.106 terms. Approval is accordingly recommended.

## APPENDIX 1

Items 1/08 & 1/09 : P/1452/08/CFU/DT2 & P/1453/08/CLB/DT2 continued/...

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<b>BENTLEY PRIORY, THE COMMON, STANMORE PARK, HARROW</b>	<b>Item: 1/04 P/1452/08/CFU/DT2</b>
	Ward STANMORE PARK
<p>CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS) 103 DWELLING (C3 CLASS) WITH ASSOCIATED CAR PARKING, ANCILLARY SERVICE/ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS.</p>	
<b>Applicant:</b> VSM Estates Ltd <b>Agent:</b> GVA Grimley Ltd <b>Statutory Expiry Date:</b> 08-AUG-08	

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<b>BENTLEY PRIORY, THE COMMON, STANMORE PARK, HARROW</b>	<b>Item: 1/05 P/1453/08/CLB/DT2</b>
	Ward STANMORE PARK
<p>LISTED BUILDING CONSENT: CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS) 103 DWELLING (C3 CLASS) WITH ASSOCIATED CAR PARKING, ANCILLARY SERVICE/ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS.</p>	
<b>Applicant:</b> VSM Estates Ltd <b>Agent:</b> GVA Grimley Ltd <b>Statutory Expiry Date:</b> 13-JUN-08	

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## RECOMMENDATION

**P/1452/08/CFU/DT2**

Plan Nos: 5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001 2.002 2.003  
2.10 2.20 2.21 2.30 2.31 2.4 2.50 2.51 3.001 3.002 3.05 3.10 3.11  
3.130 3.131 4.001 rev A 4.002 4.100 4.101 4.102 4.103 4.104 4.200  
4.201 4.202 4.011 4.012 7N.101 7N.102 267.102 7.101 7.102 7.103  
G001 G002 G.012 G.013 G.014 G.015 G.016 G.400 G.401 C.001  
C.002 C.003 C.004 C.005 C.006 C.007 C.008 C.009 C.010 C.011  
C.012 C.013 C.014 C.015 C.016 C.017 C.018 rev B C.019 C.020  
110 111 112 113 114 1210 121 122 123  
130 140 141 142 143 144 145 210 211 212 213 214 220 221 222 223 230.  
Planning Statement, Statement of Community Engagement, Design and  
Access Statement, Environmental Statement, Sustainability Statement,  
Energy Statement, Arboricultural Statement, Conservation Management  
Plan, Landscape Conservation Management Plan, Surface Water Flood  
Risk Assessment

**INFORM** the applicant that:

- 1) The proposal is acceptable subject to
  - a) the completion of a legal agreement within 6 months (or such period as the Council may determine) of the date of the Committee decision on this application relating to:
    - i) The submission by the developer of a Business Plan for the operation and maintenance of the museum/heritage facility by a nominated operator
    - ii) The developer to contribute £200,000 to the start-up costs of the facility
    - iii) The developer to procure the improvement and refurbishment works that are necessary for the conversion of the Mansion House to a Museum. Cost of such works not to exceed £6,240,000 in total
    - iv) The developer to covenant with the Council to set up an Endowment Trust and to contribute £3,000,000 to it to fund the maintenance and operating costs of the facility
    - v) The developer to submit a scheme of landscape improvements and a landscape, ecology and woodland management plan for a period of 10 years to be implemented and maintained throughout the life of the development by the Council
    - vi) The developer to make a contribution of £100,000 towards the provision of an Ecology Centre in the Borough
    - vii) The developer to agree with the Council a means for dealing with approved business plan in the event that the operator is unable to carry it out. This will require all reasonable endeavours to be made to vary the business plan or to secure an alternative operator
    - viii) To ensure the timely delivery of the museum facility, the requirement that it be practically completed before the occupation of not more than 40% of the residential properties
    - ix) The developer to contribute £200,000 to the improvement of the access road to the site from Common Road
    - x)

- xi) The developer to prepare a Travel Plan and to, implement and monitor the Plan to encourage the use of sustainable modes of travel by future occupants of the residential development. Plan to be agreed in writing by the Council prior to the occupation of any residential unit
- xii) The developer to contribute £100,000 towards improvements to education and health facilities in the locality
- xiii) The developer to provide a recruitment and training plan for a locally recruited construction and operation workforce
- xiv) The provision of 20 affordable housing units off site of a level, type and mix to be agreed, the social rented units to be managed by an RSL, subject to a nomination agreement with the Council
- xv) A contribution by the developer to the management and maintenance of Bentley Priory Site of Special Scientific Interest
- xvi) Developer to pay Council's legal costs and;
- xvii) To pay Planning Administration fee of £50,000.

b) The direction of the Mayor of London

2) A formal decision notice to **GRANT**, subject to planning conditions noted below will be issued upon the completion by the applicant of the aforementioned legal agreement and the advertisement/referral of the application to the Government Office For London in accord with the development Plans and Consultation Departure direction 1999.

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

The boundary treatment shall be completed:

a: before the use hereby permitted is commenced

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

c: in accordance with a timetable agreed in writing with the local planning authority

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

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

3 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.

4 The existing access(es) shall be closed when the new access(es) hereby permitted is / are brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

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.

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

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

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 schedule 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.

7 No site works or development 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.

8 The development hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

9 The development as detailed in the approved drawings shall be built to Lifetime Homes Standards and Wheelchair Standards and thereafter retained to those standards.

REASON: To ensure provision of Lifetime/Home/Wheelchair Standard housing in accordance with the policies of the London Plan.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A to E 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.

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

- (a) The storage and disposal of refuse/waste
- (b) and vehicular access thereto

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.

12 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.

13 Development of any buildings hereby permitted shall not be commenced until surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs) in accordance with the principles of sustainable drainage systems set out in Appendix E of PPG25, and the results of the assessment shall be provided to the Local Planning Authority with the details. Where a SuDs scheme is to be implemented, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- b) specify the responsibilities of each party for the implementation of the SuDs scheme, together with a timetable for that implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

14 The development hereby permitted shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works.

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

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

16 Prior to the commencement of any development a site meeting shall take place with the Council's Arboricultural Manager to agree a programme of monitoring of the tree protection measures hereby approved and to identify the location of the building contractor's site hut and storage compound for the development.

The monitoring programme of the Tree Protection Plan so agreed shall be adhered to thereafter and all works in furtherance of the plan shall be carried out to the satisfaction of the Arboricultural Manager until the development is completed'.

REASON: to ensure that the trees to be retained on site are not adversely affected and to enhance the appearance of the development.

17 Before any part of the development hereby permitted commences details of a mitigation strategy for the following protected species that have been identified in and around the site shall be submitted to and approved in writing by the Local Planning Authority: Bats,

REASON: In the interest of nature conservation.

18 Before any part of the development hereby permitted commences details of a programme of eradication of Japanese Knotweed and control of Rhododendron Ponticum that has been identified on the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of nature conservation.



19 No clearance of scrub, trees and tall vegetation, existing buildings, or other suitable nesting habitat shall take place in the main bird nesting season between March and August inclusive. If the development requires the clearance of scrub, trees and tall vegetation or other suitable nesting habitat (including buildings) in the main bird nesting season between March and August inclusive, a suitably qualified and experienced ecologist to confirm the absence of nesting birds should first survey the development area and adjoining areas of Bentley Priory Site of Special Scientific Interest. This survey shall be submitted to Harrow Council, prior to works commencing. If nesting birds are present the work cannot commence and will need to be re programmed. Buildings that need to be demolished during the nesting season shall be covered in suitable bird proof netting, prior to the start of the nesting season and checked by suitably qualified and experienced ecologist to confirm the absence of nesting birds, prior to demolition.

REASON: In the interest of nature conservation.

20 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 completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

21 No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains in the interests of national and local heritage.

22 No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological recording of the standing historic buildings and structures, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the intrinsic archaeological interest in the historic buildings on this site is recorded and preserved.

23 Notwithstanding the details shown on the plans hereby approved revised details of elevational treatment for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority before any part of the development commences.

REASON: In the interests of the historic architectural character of the Listed Buildings and its setting.

24 Communication Mast(s) and equipment shall be removed and the land reinstated; such works to be agreed in writing with the Local Planning Authority prior to the commencement of development and removal to take place within 12 months of the commencement of development.

REASON : To improve the amenities of the area.

## **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:

2A.1 Sustainability Criteria

2A.2 The Spatial strategy for Development

2A.9 The Suburbs: Supporting Sustainable Communities

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.5 Housing choice

3A.9 Affordable housing targets

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

3A.24 Education facilities

3A.25 Higher and further education

3C.1 Integrating transport and development

3C.19 Local transport and public realm enhancements

3D.9 Green Belt

3D.13 Children and Young People's Play and informal recreation strategies

3D.14 Biodiversity and nature conservation

3D.15 Trees and woodland

4A.4 Energy assessment

4A.7 Renewable Energy

4A.11 Living Roofs and Walls

4A.14 Sustainable drainage

4A.18 Water and sewerage infrastructure

4B.1 Design principles for a compact city

4B.2 Promoting world-class architecture and design

4B.3 Enhancing the quality of the public realm

4B.11 London's built heritage

4B.12 Heritage conservation

4B.13 Historic conservation-led regeneration

Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)

Harrow Unitary Development Plan:

S1 The Form of Development and Pattern of Land Use

EP15 Water Conservation

EP20 Use of Previously-Developed Land

EP21 Vacant and Disused Land and Buildings

EP26 Habitat Creation and Enhancement

EP27 Species Protection

EP28 Conserving and Enhancing Biodiversity

EP31 Areas of Special Character

EP35 Major Developed Sites in the Green Belt

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  
D11 Statutorily Listed Buildings  
D18 Historic Parks and Gardens  
D31 Views and Landmarks  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C17 Access to Leisure, Recreation, Community and Retail Facilities  
Chapter 10 Implementation, Resources and Monitoring  
13 - Planning Obligations  
UDP - Proposals Map and Proposal Sites Schedule Proposal Sites Schedule  
(PS 23 Glenthorne, Common Road)  
Access For All - Supplementary Planning Document (April 2006)  
Supplementary Planning Document 'Future Use and Development of Bentley Priory  
(September 2007)

## 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:

There are public sewers crossing this site. No building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's be required, the applicant should be advised to contact Thames Water Developer Services on 08458502777.

## 4 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (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 and associated legislation.)

## 5 INFORMATIVE:

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 INFORMATIVE:

Building works must be carried out in strict accordance with the London Underground Limited "Special Conditions for Outside Parties Working on or near the Railway". The applicant is advised to contact London Underground Infrastructure Protection office for more information on 02070279549 (105 Victoria Street, London SW1E 6AD).

7 INFORMATIVE:

Evidence of the possibility of Badgers living in and around the site has been discovered. The applicants and their building contractors and professional/technical consultants are to be aware that under the provisions of the Protection of Badgers Act 1992 it is an offence to kill or harm badgers and their setts. Should badgers and /or their setts be identified during works that are carried out in the development of the site, it is a duty of the applicants and their contractors to notify Natural England immediately.

All construction staff should be made aware of the potential presence of reptiles, nesting birds, badger, bats and bat roost and if any are found during construction works then a suitably qualified ecologist should be contacted to provide further advice. All construction staff should be made aware of the requirement to contact Natural England if bats and/or roosts are found during the works.

8 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.
-

Items 1/08 & 1/09 : P/1452/08/CFU/DT2 & P/1453/08/CLB/DT2 continued/...

Items 1/04 & 1/05: P/1452/08/CFU & P/1453/08/CLB continued....

## RECOMENDATION

### P/1453/08/CLB/DT2

Plan Nos: 5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001 2.002  
2.003 2.10 2.20 2.21 2.30 2.31 2.4 2.50 2.51 3.001 3.002 3.05  
3.10 3.11 3.130 3.131 4.001 rev A 4.002 4.100 4.101 4.102 4.103  
4.104 4.200 4.201 4.202 4.011 4.012 7N.101 7N.102 267.102  
7.101 7.102 7.103 G001 G002 G.012 G.013 G.014 G.015 G.016  
G.400 G.401 C.001 C.002 C.003 C.004 C.005 C.006 C.007 C.008  
C.009 C.010 C.011 C.012 C.013 C.014 C.015 C.016 C.017 C.018  
rev B C.019 C.020 110 111 112 113 114 1210 121 122 123  
130 140 141 142 143 144 145 210 211 212 213 214 220 221  
222 223 230.

Planning Statement, Statement of Community Engagement, Design and Access Statement, Environmental Statement, Sustainability Statement, Energy Statement, Arboricultural Statement, Conservation Management Plan, Landscape Conservation Management Plan, Surface Water Flood Risk Assessment

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

1 Demolition work shall be carried out by hand tools or by tools held in the hand, other than power driven tools.

REASON: To protect the special architectural or historic interest of the listed building.

2 Detailed drawings, specifications, or samples of materials as appropriate in respect of the following shall be agreed in writing by the local planning authority before the relevant part of the work is begun:

a) detailed drawings that include sectional plans for the double glazed sash windows at first and second floor level of the Mansion House

b) a statement outlining measures for the protection of the historic iron handrails on the staircases of the building during the works for the setting out of the Museum facility and the conversion of part of the building to apartments.

REASON: To protect the special architectural or historic interest of the listed building.

## 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:

- 2A.1 Sustainability Criteria
  - 2A.2 The Spatial strategy for Development
  - 2A.9 The Suburbs: Supporting Sustainable Communities
  - 3A.1 Increasing London's supply of housing
  - 3A.2 Borough housing targets
  - 3A.5 Housing choice
  - 3A.9 Affordable housing targets
  - 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
  - 3A.24 Education facilities
  - 3A.25 Higher and further education
  - 3C.1 Integrating transport and development
  - 3C.19 Local transport and public realm enhancements
  - 3D.9 Green Belt
  - 3D.13 Children and Young People's Play and informal recreation strategies
  - 3D.14 Biodiversity and nature conservation
  - 3D.15 Trees and woodland
  - 4A.4 Energy assessment
  - 4A.7 Renewable Energy
  - 4A.11 Living Roofs and Walls
  - 4A.14 Sustainable drainage
  - 4A.18 Water and sewerage infrastructure
  - 4B.1 Design principles for a compact city
  - 4B.2 Promoting world-class architecture and design
  - 4B.3 Enhancing the quality of the public realm
  - 4B.11 London's built heritage
  - 4B.12 Heritage conservation
  - 4B.13 Historic conservation-led regeneration
- Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)

Harrow Unitary Development Plan:

- S1 The Form of Development and Pattern of Land Use
- EP15 Water Conservation
- EP20 Use of Previously-Developed Land
- EP21 Vacant and Disused Land and Buildings
- EP26 Habitat Creation and Enhancement
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP31 Areas of Special Character
- EP35 Major Developed Sites in the Green Belt
- 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
- D11 Statutorily Listed Buildings
- D18 Historic Parks and Gardens
- D31 Views and Landmarks

T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C17 Access to Leisure, Recreation, Community and Retail Facilities  
Chapter 10 Implementation, Resources and Monitoring  
13 - Planning Obligations  
UDP - Proposals Map and Proposal Sites Schedule Proposal Sites Schedule  
(PS 23 Glenthorne, Common Road)  
Access For All - Supplementary Planning Document (April 2006)  
Supplementary Planning Document 'Future Use and Development of Bentley Priory  
(September 2007)

## 2 INFORMATIVE:

Further internal works associated with the fit out of the museum may require further applications for Listed building Consent if they affect the historic character of the building.

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

- 1) Planning Policy Framework (4B.11) (EP20, EP31, EP33, EP35, EP37, D4, D11, D18, SPD)
- 2) The Layout and Form of The Proposal and the Appearance and Character of Area (4B.2, 4B.3) (S1, D4, D5, D7 D9, D10, D14, D29, D30, D31)
- 3) Effect on the Listed Building (4B.11) (D11, D18)
- 4) Affordable Housing, Housing Provision & Density (3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11) (H7)
- 5) Sustainability & Renewable Energy (4A.4) (EP15, EP20, D4)
- 6) Parking & Access (3C.19) (T6, T13)
- 7) Landscaping/Trees (3D.15) (D4, D5, D9, D10)
- 8) Ecology/Biodiversity (3D.14) (EP26 EP27 EP28)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

## INFORMATION

### a) Summary

Statutory Return Type:	Major
Green Belt	Yes
Listed Building	Grade II *
Site Area:	23.2 ha
Museum	1950m <sup>2</sup>
Dwellings:	103
Density:	4.4 dph gross; 18.39 dph net
Car Parking:	Standard: Museum 59 Residential 227
	Justified: 286 in total
	Provided: 286 in total
Lifetime Homes:	103
Wheelchair Standards:	10
Council Interest:	None

**b) Site Description**

- Bentley Priory is a site at the northern edge of the borough that shares a border with LB Hertsmere. It is in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character. It separates the urban areas of Stanmore in the south and Bushey Heath to the north
- The site has historic interest as a former RAF Fighter Command airfield and it is also the location of a Grade II Listed Building that is set in a historic Grade II historic park and garden. The original site was a monastic priory dating from the middle ages
- The existing buildings evolve from a modest 18<sup>th</sup> century country house that was extended dramatically by the architect Sir John Soane in the 1780's as a mansion house for the 1<sup>st</sup> Marquis of Abercorn
- The parkland was introduced at this time and important additions were made when the site was acquired by a new owner, the industrialist Sir John Kelk, who oversaw extensions that were typically mid nineteenth century Italianate features such as the library, the clock tower, picture gallery and Orangery and the Tuscan portico on the southern frontage. The gardens were also extended at this time
- The site subsequently was in use as a Hotel and a Girls School before the RAF acquired it in 1926. It was the headquarters of Fighter Command from 1936 to 1968 and was where Lord Dowding conducted the RAF defence in the Battle of Britain in 1940. It then became an administrative and training centre. Operational use ceased in May of this year
- The applicants have a long leasehold interest in the site with the freehold retained by the Ministry of Defence
- The site can be divided into three zones. Zone 1, the northern part comprises open green space with large areas of hard standing, the access road off the A4140 and the site entrance and guardroom. Zone 2, the central part has an east –west axis and the southern building line is roughly in line with the rear elevation of the original Mansion House. It contains accommodation blocks that were built by the RAF on the crest of the Harrow Weald Ridge. At the eastern end of this zone is the Cold War bunker. The entrance will be retained for its historic interest when the proposed development is implemented.
- Zone 3 comprises the Italianate terraced garden, this provides the setting for the Mansion House and the southern boundary of the site. Views of Harrow and the London skyline can be observed from this area of the site

**c) Proposal Details**

- Permission is sought for the redevelopment of the site involving a change of use of part of the Mansion House to a museum/ educational facility (D1 Use Class) and the part conversion of the building to eight flats, the conversion of what is known as Building No 7 to three dwellings, the demolition of all of the remaining buildings and the construction of 92 flats and houses across the site. The developed area is 5.6 Ha out of the total 23.2 Ha
- New landscaping involving works to enhance the appearance of the Italian Garden, tree felling and replanting and the creation of formal and informal open space and recreation routes.



- The development also includes the construction of an energy centre towards the south eastern boundary of the site
- A new vehicular access from the existing entrance at the Common.
- Alterations to the internal road layout and the provision of a car/coach park with 59 car parking spaces and three coach parking spaces to serve the museum facility.
- Residential parking is provided at a standard of two spaces per dwelling along with visitor parking including an undercroft and a basement parking area. Garages, bin and cycle stores would also be provided.
- The proposal is part of a strategic redevelopment by MOD Defence Estates that involves the consolidation of RAF bases in an integrated core site at RAF Northolt. This will be funded through the disposal of six MOD sites at RAF West Ruislip, RAF Uxbridge, RAF Eastcote, Inglis barracks, Mill Hill, Victoria House, Woolwich and the site that is the subject of the proposal, RAF Bentley Priory.

**d) Relevant Planning History**

None relevant; Prior to April 2006 (when the Planning Act was amended) previous development on the site has taken place with the benefit of Crown Immunity. Since April 2006 no relevant development has taken place.

**e) Pre Application Discussion**

The planning and design for the redevelopment of the site has been the subject of detailed negotiations with the local planning authority over several years, including the preparation of Supplementary Planning Document (SPD).

**f)**

**Applicant Statement**

- Proposal complies with national guidance and local adopted planning policies (2004 HUDP) and in particular, HUDP Policy EP 35. This Policy recognises the significance of major developed sites such as Bentley Priory, in their Green Belt location and advises that redevelopment may be permissible subject to strict criteria
- Specifically, the scheme complies with PPG2 and HUDP Policy EP35 in that the effect on the openness of the Green Belt location would be no greater than the existing development.
- The proposal respects land use policies for development in the Green Belt
- It would not exceed the height of existing buildings on the site
- The proposal also complies with the SPD for the site (LB Harrow Strategic Planning Document 'Future Use and Development of Bentley Priory')
- The existing site has a total floor space of 26,500 sqm and what were operational buildings ranging from single storey to four storey and associated communication towers and bunds. Therefore, physical development in the locality has been established in modern times
- The proposal follows the guidance in the SPD that identifies four areas of developable footprint where redevelopment could take place without the openness of the site being compromised

- These are a west gateway, occupied by a vehicle service building and hard standing and bounded by mature vegetation. This part of the site has the A409 road and housing at its north eastern boundary and housing on its south western boundary. It does not provide views of the site and the extent of hard standing would rule out an ecological use
- An east gateway, where there is little existing development apart from the former RAF guardhouse. The SPD advises that a redevelopment of the area would benefit from landscaping and planting on the southern boundary as this would restore the original woodland setting of the Priory
- An area west of the Priory that comprises old RAF accommodation blocks set in hard standing and grasscrete and bordered by mature vegetation that only permits glimpses of the adjacent parkland. This area is identified as the most suitable for the principle zone of new development, especially buildings informally laid out and on a human scale, ideally two or three storey flats
- An area east of the priory that is very well protected from outside and within the site due to its topography and the lavish vegetation that it is set in. None of the existing office accommodation has any architectural merit but building 274 could be utilised and is well screened though visible from the Priory. Building 263 is also close to the Priory This means that any replacement buildings that are proposed would need to be of a high standard of design
- The form and layout of the proposed development is set out in recognition of the SPD and PPG2. The need to maintain the openness of the land around the Mansion House is fundamental to it. Therefore, the area occupied by existing two and three storey buildings to the north west of the Mansion House, when demolished, would be left clear, enhancing views of the building from the entrance drive to the north. Likewise, the same pattern will apply to the land to the south of the Mansion House
- The design, form, bulk and massing of the proposed buildings will be much less intrusive in the Green Belt location than the existing utilitarian military accommodation blocks. The only similarity between the existing and proposed buildings will be their height. Moreover, the houses that will provide the central core of the development will not have enclosed gardens, walls and fences. This will only be the case with dwellings on the periphery of the site
- As an operational military base for eighty years public access to Bentley Priory was not possible. As such, the objectives that local and national planning policies set out for Green Belt Management are only now attainable. Therefore, the opportunity to provide better access to the countryside, better sport and recreational facilities, the enhancement of the local landscape and nature conservation, improvements to areas of urban fringe and the retention of land in agricultural and forestry use emerges
- This will mean that access by residents and the wider public to the Museum and its grounds including the enhanced Italian Gardens will be possible
- The proposal meets the criteria of the SPD, which identifies residential, museum and institutional uses as acceptable forms of development. And is also 'appropriate development' as defined in PPG2
- The proposed use of the Mansion House and the Historic Garden conforms to national and local Heritage policies

- The key factor in this is the need for the proposed use to maintain the historic fabric and special character of the building. The Business Plan has been prepared with this in mind and was central to the bid made by the applicants and the MOD for funding from the Heritage Lottery Fund
- The Business Plan has been prepared by The Princes Regeneration Trust, (a registered charity) the Bentley Priory Battle of Britain Trust and the applicants (VSM Ltd). The Trust will take a long lease on the rooms within the Listed Building that will provide the substantive Museum facility and will fulfil the objective of the SPD for the site
- The Lottery Bid will fund the interior fit out of the Mansion House and a fund raising drive by the Trust will augment this. Income will also be derived from visitor admissions and by events and exhibitions. It is anticipated that the visitor attraction will be operational in 2011
- A significant sum in the form of an endowment will also be made and will be an obligation in the S106 agreement. The income from which will support the long term viability and operational costs of the Museum facility
- The refurbishment of the historic rooms will include areas that were not envisaged in the Council's SPD, e.g. the use of the lower ground floor for ancillary uses such as the educational facility and a café for visitors. This part of the building will also provide access to the Italian Gardens and to a proposed picnic area adjacent to the Bunker
- The conversion of the remainder of the building into eight flats is also proposed. The proceeds from their sale would be used to fund the continuous maintenance and management costs of the facility. The use as flats is consonant with the preferred uses set out in the Council's SPD
- The proposed alterations to the Mansion House are set out in the Heritage chapter of the Environmental Statement and are the basis of the Conservation Management Plan (CMP) that supports the lottery-funding bid
- The alterations are proposed to restore some of the historic features of the building that were lost as a result of fire damage in 1947 and 1979 and by unsympathetic additions that were made in the 1980's by the MOD
- These alterations are also in recognition of the need for the proposed Museum and residential uses to be separated in access and servicing terms, to ensure that circulation areas are maintained and will include the provision of new lifts and ramps
- The scheme also involves the demolition of other functional buildings within the site that are statutorily listed by virtue of being attached to or within the curtilage of the Listed Building (the Mansion House). They are building no's 8, 9, 10, 11 258, 259, 262 and 267. They are all 20<sup>th</sup> century structures that were built by the MOD for operational purposes and have no architectural merit. Buildings that are better designed, sympathetic and subordinate to the principle building on the site, will replace them
- Building 7, a single storey Victorian Listed Building that was attached to the Mansion House when it was a Hotel, will be retained and three of the proposed flats will be located within its perimeter. This will involve an extension to provide an additional storey that would be set back from the existing and restored elevations and will not be visually obtrusive

- Refurbishment is also proposed for what is believed to be the gateway entrance to the walled garden. This involves its relocation to a more appropriate setting within the historic grounds to the north of the walled gardens and is consistent with the guidance in the SPD
- The landscape chapter of the Environmental statement and the CMP set out the improvements that are proposed for the Grade II Historic Park and garden, in particular the sensitive enhancement of the walled garden and the approach to it. This element of the proposal is in accordance with the advice in PPG 15 and HUDP Policy D18
- An Archaeology statement has been prepared even though there are no Statutory or local designations on the site. Nevertheless, because of the historic nature of the site and its longevity, there is the potential for archaeological features of interest. A recent ground investigation study carried out by the applicants revealed that although no archaeological features were detected, test pits that were dug discovered made ground dating from the post medieval and modern periods that could be evidence of the layout of the original gardens in the 18<sup>th</sup> century
- In the light of the long term occupation of the site as a military base and the consideration of archaeological importance as something of an unknown quantity, it has been agreed by the applicants, English Heritage and GLAAS (the Greater London Archaeological Advisory Service) that an archaeological evaluation study be undertaken through a planning condition to enable a mitigation strategy to be devised for the site
- The residential development complies with strategic London wide policies and HUDP housing targets. It will deliver a range and mix of dwellings that will be a positive re-use of vacant and previously developed land that will also enable the regeneration of a valuable historic asset. The scheme will provide affordable housing off site through a programme of open market acquisitions by a nominated RSL in a more accessible and appropriate location. A contribution will also be made to improving health and educational facilities in the locality. This approach complies with PPS 3, the London Plan and HUDP Housing policies
- The design and layout of the residential scheme meets the requirements of HUDP Design policy and strategic and national guidance. The proposed layout enhances the setting of the Mansion house by providing an attractive backdrop to it. The form, scale, bulk, massing and height of the buildings are subordinate to it and significant area of vegetation and the natural environment of the site will be retained
- Existing residential amenity is a paramount concern and is central to the design and layout of dwellings. Potentially unneighbourly uses on the site, such as the garage to the north west of the site, are to be removed
- A safe and secure development is another aim of the scheme. Access to the site will be controlled and limited to the Common, which will be gated outside Museum opening hours
- The orientation of dwellings has been made so that there is natural surveillance of public and communal areas, such as parking bays

- Traffic generation from the proposed development is anticipated to be less than the activity that was generated when the site was in operational use. All pedestrian and vehicular access will be via the existing access on the Common. Improvements to the access by the provision of a designated right hand turn lane into the site are proposed
  - All streets will be based on a clear, permeable and intuitive hierarchy on the basis of a two tier street pattern reducing in importance from the minor access road to a home-zone or shared surface street and internal court
  - In such circumstances, with reduced vehicle speeds, a safer environment will be provided and walking and cycling encouraged.
  - Adequate parking will be provided on site that will be located sensitively to avoid key vistas. Cycle parking will also be provided within the Museum complex and the residential areas. The parking standard of two spaces per dwelling is higher than the HUDP requirement. This is to ensure that speculative parking does not result that would be harmful to the appearance and character of the historic park and garden and the Listed Building
  - Furthermore, the area does not enjoy good public transport provision and has a low PTAL rating (Public Transport Accessibility Level) and car ownership rates in Stanmore are higher than average. There are bus services along The Common and Common Road and good walking and cycling routes. The Travel Plan obligation in the S106 Agreement that is proposed will also identify ways in which more sustainable forms of travel can be adopted
  - THE CMP includes initiatives for the enhancement of the landscape and parkland areas of the site that will involve the removal and /or replacement of over 1,000 trees that are inappropriate to the historic landscape. In these ways views of the mansion house from Bentley Priory Open Space will be opened up, in line with the SPD
- Site adjoins Bentley Priory Open Space an SSSI (Site of Special Scientific Interest) that is immediately to the south of the site and is a nature reserve area. Protected species such as Bats have been identified there and surveys have been carried out of these and other species of wildlife such as Invertebrates and Greater Crested Newts
- Loss or fragmentation of habitats has been identified as a possible consequence of the construction and operational phases of the development and mitigation measures are proposed as part of the EIA
  - A tree survey of the site has been carried out that includes some 650 species, including some that are protected by TPO's. Many of those that are to be removed are of little amenity value and their removal will help to enhance the appearance of the area and the setting of the Listed Building and the Historic Park
  - The Environmental Statement also includes detailed surveys of the possibility of land contamination, water quality, including a Flood Risk Assessment and a SUDS (Sustainable Urban Drainage System) appraisal. An Air Quality statement, and a Noise and Vibration Statement have also been included within the Environmental Statement

**g) Consultations:**

**Engineering Services:** Standard conditions on disposal of sewage, disposal of surface water and water storage/attenuation are recommended

**Thames Water:** Standard advice is given on disposal of surface water to ground, watercourses and sewers, on the need to fit petrol interceptors in all car parking, washing and repair facilities and on the requirement for catering facilities to install a fat trap and for the disposal of fats, oils and grease to be arranged with a contractor.

**The Environment Agency:** An objection is made to the FRA (Flood Risk Assessment) that has been submitted. I) The Assessment does not demonstrate how surface water would be managed in line with the advice in PPG25 and it does not provide calculations of how surface water run off would be managed on a 1 in 100 year storm forecasting basis II) The applicant has not shown how SUDS techniques have been maximised. III) The assessment of risks to biodiversity is inadequate.

**GLA:** London Plan policies relating to the green belt, housing, urban design, children's play space and recreation, climate change mitigation and adaptation, flooding, biodiversity and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Green Belt:** the scheme accords with the criteria in Annex PPG2 and therefore complies with Green Belt policy.

**Housing:** the scheme provides no affordable housing and does not therefore comply with London Plan policies 3A.9 and 3A.10.

**Climate Change:** mitigation and adaptation: The energy strategy is broadly in line with the energy hierarchy set out in London Plan energy policies but fails to adequately address the feasibility of combined heat and power. Further work is required in respect of the sustainability strategy.

**Urban Design:** the scale and layout of buildings are broadly compliant with the required openness of the site.

**London Plan Design Policies:** Site access and block typologies require further attention.

**Children's Play Space and Recreation:** the application is broadly compliant with London Plan policy 3D.13 subject to further information being provided.

**Flooding:** the application is broadly compliant with London Plan policies relating to flooding.

**Biodiversity:** An ecological impact assessment has been undertaken and a series of mitigation and enhancement measures are proposed. Further detail is required in respect of the bat mitigation strategy.

**Transport:** The application does not comply with London Plan parking policies. No cycle parking is proposed for the museum use. The application fails to address the potential need to upgrade bus stops and no travel plan has been produced.

On balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

**Housing:** reconsideration of the potential for on-site or off-site affordable housing is necessary. If this is still not considered viable, the applicant must make a robust and convincing case as to justify a departure from policy.

**Climate Change Mitigation and Adaptation:** the applicant should reconsider the potential for combined heat and power.

**Urban Design:** pedestrian access should be provided into the site from the west and the east in order to improve connectivity. Block typologies should be revised to present an open and inviting appearance.

**Children's Play Space and Recreation:** further information should be provided to verify the estimated child occupancy figure and the sizes of the proposed play areas should be specified.

**Biodiversity:** further detail is required in respect of the bat mitigation strategy.

**Transport:** car provision should be reduced in line with the maximum standards in the London Plan. Cycle parking should be provided for the museum use.

A condition survey of nearby bus stops should be undertaken and a travel plan produced.

**English Heritage:** Written confirmation of 'no objection' awaited.

**Hertsmere Borough:** Objects – inappropriate development in Green Belt.

<b>Advertisement:</b>	Major Development Setting of Listed Building Departure from HUDP EIA Regulations	Expiry: 22-MAY-08
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**Notifications:**

Sent: 3298	Replies: 32	Expiry: 15-MAY-2008
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**Summary of Response:**

Development will place intolerable pressure on an overstretched infrastructure. This includes water supply, propensity for the area to flood, pressure on local shops and amenities, schools and hospitals; traffic congestion will worsen, this is evident since the BAE site and RAF Stanmore were redeveloped for housing and the Mosque and the Hindu Temple were permitted on Wood Lane; proposal is an over development of the site that is unacceptable in a Green Belt location; site is in the flood plain and overflows during periods of heavy rain results in flooding from the Priory downhill towards the Bentley Way area; proposal will result in increased traffic movement and more traffic congestion in the Stanmore area; large housing developments such as the proposed development are inappropriate so close to a building that is so historic and architecturally important as Bentley Priory and its walled garden. Effectively, the proposal results in the import of a housing estate alongside such a fine building. The effect will be disastrous to its setting; it is not only the Listed Building that should be retained. Other RAF operational buildings such as the communications tower will be lost and they helped give the site its unique identity.

The Council's SPD makes a similar point and the existing buildings should not be sacrificed purely to make way for the residential development; no pedestrian access is proposed from Area 3 to Common Road. Such a link would enable future occupiers to use the 258 Bus service, which runs between Watford and South Harrow and conversely, for people wishing to visit the Museum to arrive by bus; insufficient regard has been paid to the effect on the Bushey area of this scheme. People who live in the Bentley Priory area depend on shops and services in Bushey rather than Stanmore.

But the council tax revenues that accrue from this development will go to LB Harrow and not Hertsmere. Bushey will be penalised further because it will have the additional pressures on its amenities and roads from the new residents if the development is successful; the claim by the developer that the proposed use will generate less traffic movement than the previous military use should be treated sceptically. Nor is the provision of an additional lane to enable vehicles to make a right hand turn on to The Common likely to ease congestion on the local road network; no objection is made to the change of use to a DI facility only to the over development of the site and the adverse effect on the locality that would result if the residential scheme is permitted; too much development has already been allowed in Stanmore and the Green Belt as it is.

The increase in traffic congestion that has occurred since the large housing redevelopments of RAF Stanmore and the BAE Marconi Site and the Mosque and the Hindu Temple on Wood Lane are proof that no more development should be allowed in the area; zones 1 to 3 of the proposal seem acceptable. However, the pre application plans that were submitted for the proposed Area 4 development Zone show a green corridor along the northeastern boundary that is 10m in length. This has been omitted from the application drawings and the gardens of this terrace of eight houses adjoin the front gardens of existing houses on Priory Drive. This is unacceptable.

Furthermore, there are trees in that part of the site that are protected by TPO's. The Council should ensure that these trees are safeguarded from any development that would be harmful to their wellbeing.

## **APPRAISAL**

### **1) Planning Policy Framework**

The scheme accords with the advice set out in PPG2. It stresses the need to contain urban sprawl and puts great emphasis on the retention of openness in Green Belt development. The layout of the proposed development achieves this by siting the residential development in four informal groupings on the periphery of the site so that the primacy of the Mansion House and the Historic Park and Garden remains unaffected.

PPG2 and local and strategic planning policy advise that the retention of openness involves ensuring that replacement buildings do not exceed the height of existing buildings and the area of the replacement site is not larger than the original footprint. The proposal achieves this.



The SPD for the site underpins the requirement of HUDP Policy EP35. As well as meeting the advice on the scope and nature of redevelopment that is set out in PPG2, the proposal is consonant with the more detailed and specific advice for the site.

The scheme follows the development options that are set out in the SPD, which stresses that the particular characteristics of each distinct areas within the site must be acknowledged in any redevelopment. The effect on the Mansion House is not the sole consideration.

The SPD states that treatment of open space and how it relates to the Historic Park and Garden is an essential factor in the success of any development of the site.

Within this the preservation of trees and the opening up of vistas to the north of the Mansion House, involving the removal of car parking areas, hard standing and earth mounding will be crucial. This will enhance the setting of the Listed Building and any new development that is eventually provided when viewed from the drive way.

It is concluded that the scheme accords with the overall policy framework in particular Policy EP 35 and strategic and national advice for residential development of major developed sites in the Green Belt.

## **2) Layout and Form of the Proposal and the Appearance and Character of Area**

In this regard, given the extent of the site and the preponderance of open space contained within it, the residential development can only have limited reference to the townscape of the locality.

The only housing near to the site are detached properties to the east of the site on either side of Priory Drive. To the north of the site there are even fewer buildings and this pattern is repeated to the west of the site, where there are a number of properties accessed from The Common.

The townscape of this part of Stanmore has no recognisable form or characteristic building style. The houses are very large double plot width dwellings with lavish gardens that are very individualistic in their design and appearance. With regard to the advice in HUDP Policy D4 for example, a large scale development of the sort proposed would not be able to refer or relate to any single architectural style, palette of materials or townscape form and layout. The overriding need for the proposal to respect the setting of the Listed Building and its grounds therefore remains paramount.

The residential density and layout of the scheme is exceptionally low in comparison with other developments that have been built in this area. This partly dictated by the necessity of maintaining openness. Continuing that theme, most of the flats are proposed to be located in Area 3, as this contains the walled garden and it is essential therefore, that development is low rise.

Items 1/04 & 1/05: P/1452/08/CFU & P/1453/08/CLB continued....

Areas 1 and 2 near to the entrance to the site are set out on both sides of the driveway and the proposed layout attempts to restore the original pattern of development and provide a sense of enclosure for the site. The original layout of this part of the estate has become unrecognisable because of the loss of the entrance lodge (an original feature), the widening of the access lodge and the removal of much of the original planting.

The seven large dwellings that are proposed seek to emulate the lavish parkland layout of the detached houses that were built in the early years of the 20th century on land on the south side of The Common that was originally part of the Priory Estate.

An eighth, smaller dwelling is proposed adjacent to the entrance on The Common in recognition of the original entrance sequence.

The replacement Lodge building at the entrance to the site is in its classical form and in design a reference to the original Soane building, although having the scale and presence of a building at the entrance to a country estate. Conceptually, it is an appropriate intervention and an enhancement of the entrance that is preferable to the current entrance lodge.

Two of the houses are sited behind the tree belt to the south of Area 2 to respect the guidance in the SPD which observes that this part of the site was wooded and this enabled views of the Mansion House at the point where the drive inclines to the south east.

This will enable that part of the site to be landscaped according to the pattern of the historic woodland survey, screening the dwellings from the access drive.

The scale of the dwellings respects the existing development to the east and west of the site. The Arts and Crafts style of their design is an appropriate architectural vernacular for the semi rural location of the development. Steeply pitched roofs and overhanging eaves, a palette of local building materials, brick and render and casement windows typify the rusticated idiom and softening the general form of the phases of the development so that they do not appear formal or rigid in their Green Belt setting.

It is concluded that the design and appearance of the proposed dwellings is in line with HUDP Policies D4, D11 and D18, London Plan policy and national guidance on the appropriateness of development in Green belt locations.

The amended plans that have been submitted for Area 4 have overcome concerns that overlooking and loss of privacy may result for the properties on Priory Drive. Distances between the principal habitable room windows of those houses and the proposed dwellings in Area 4 would now be more than 25m and this is across a road. It is concluded therefore, that no conflict with HUDP Policy D5 would arise in terms of loss of residential amenity.

The layout of this phase is also acceptable. The semi circular terrace has been superseded by a more informal arrangement of pairs of semi-detached houses. Individual garages have replaced the row of parking bays and hard standing, which softens the impact of the scheme visually. This is also more in keeping with the open Green belt setting of the location.

### **3) Effect on the Listed Building**

The Listed Buildings that are proposed to be demolished are 19<sup>th</sup> Century toilet block, the billiard room and the kitchen block, as well as the adjacent building No 267. They are listed by virtue of their attachment to the principal Listed Building on the site, the Mansion House. None of these buildings have any outstanding architectural merit and their loss would not be harmful to the appearance or setting of the Mansion House and would actually enhance its setting and its status as the dominant architectural form, as it was intended when the estate was created.

The proposed external alterations to the Mansion House are acceptable, especially where they would restore lost parts and because they would involve the application of high quality materials creating openings using hand tools.

The proposed new glazed dome would improve the internal space as would the proposed glazed roof and is considered to be a clever and unobtrusive way of improving access through the upper floors. The proposed glazed lobby and canopies would also have a limited impact on the special character of the building.

The proposed uses of the building are in line with the guidance in the SPD. The residential element will ensure that the Mansion House is well maintained and the proposed D1 Museum use would secure the future of the building as a heritage asset. The alterations to Building 7 and the replacement Building 267 are well designed and in keeping with the Soane architectural style of the Mansion House.

The proposals have been prepared in a sensitive way that is sympathetic to the historic status of the site and demonstrates an appreciation of the importance of the historic buildings and landscape. As such, the proposal complies with the requirements of London Plan Policy 4B11, HUDP Policies D11 and D18, the objectives of the Council's SPD and national guidance in the form of PPG2.

### **4) Affordable Housing**

The applicants have proposed an off site contribution to provide for the acquisition of 20 affordable housing units, the mix and tenure of which will be negotiated with the Council. The funding would be used for a purchase and repair programme of the units, which would then be acquired by a nominated RSL (Registered Social landlord) for sale on an open market basis.

This proposal is the subject of a Three Dragons Toolkit analysis, the findings of which will influence the negotiations of the S106 obligations.

The off site contribution is proposed in the understanding that it may not be consonant with the strategic aims of the London Plan. This has to be considered, however in the light of other factors. They are, the site specific characteristics, chiefly the semi rural nature of the locality and its remoteness in terms of access to public transport, the area has a low PTAL rating of 1a to 1b the constraints imposed on redevelopment by the Green Belt location of the site and the vital need to preserve its openness, the unique architectural and historic character of the site and lastly, the management costs that such a large site incurs set against the planning limitations imposed on its redevelopment.

In the light of these carefully considered factors, the advice in London Plan Policy 3A.8 is not regarded as an obstacle to the proposal, given the value of the off site contribution to the Council's overall housing targets and the on site enhancement of these buildings, grounds and enabling public museum and public access.

#### **5) Sustainability & Renewable Energy**

The re-use of a previously developed site and the revitalisation of a vacant Listed Building are in themselves, sustainable achievements. Indeed, the restriction of the quantum of the proposed new buildings to the footprint of the existing buildings would not be in strict conformance with local and national planning policies for housing in that the most efficient use of land should be sought.

However, this has to be balanced with the need to preserve the openness of the site in Green Belt terms and to avoid compromising the setting and character of the Listed Building and the Historic park and Gardens. It is for these reasons that the number of dwellings relative to the area of the site, is quite low.

To this end measures that are proposed for the S106 Agreement include the management of the existing woodland, retention and enhancement of the historic landscape features, creation of managed areas, including Green Corridors, for nature conservation that are consistent with the adjoining SSSI (Site of Special Scientific Interest) on the southern boundary of the site and mitigation measures for habitats and protected species.

The scheme seeks to achieve a renewable energy strategy that will produce a target of 20% carbon reduction, in line with the London Plan. This will be achieved through the use of ground source heat pump systems for the houses to the north of the site, a combined heat and power system with a CHP (Combined Heat and Power) system, biomass heating and high efficiency gas boilers for most of the development to the south of the site.

Solar hot water panels and photovoltaic panels will be located discreetly on individual properties, to contribute to carbon emission reductions.

Along with a number of energy efficient measures such as the use of triple glazed windows and high efficiency U values for walls, floors and roofs in the construction of the proposed dwellings, It is concluded that these measures comply with relevant London Plan policy 4A.7.

A sustainable domestic waste management strategy has been submitted that adheres to the Council's Code of Practice.

A Flood Risk Assessment has been submitted and is being amended to meet the more stringent forecasting requirements that have recently been formulated by the Environment Agency. Further details are being provided on the Sustainable Urban Drainage Assessment that the applicants submitted.

## **6) Parking and Access**

The parking provision for the proposed Museum use (59 spaces + 3 coach spaces) is acceptable and is set out to be as unobtrusive as possible, given its context. Spaces are provided for mobility-impaired users near to the entrance to the building.

The residential parking (227 spaces) element can be justified in site-specific terms. It is recognised that the site is a semi rural location and is not well served by public transport. 83 spaces and other facilities are being provided at basement level. The houses are designed for sale towards the higher end of the market where there is a reasonable assumption that high levels of car ownership will prevail. Given the low PTAL and need to preserve the open setting by regulating parking, the high level of off street parking is acceptable on this site.

Alternative forms of travel will be encouraged in the Travel Plan element of the S106 Agreement and the question of sustainable development generally has been more than adequately dealt with in other parts of the proposal. As such, it is concluded that conflict with HUDP Policy T13 and London Plan policy would not arise.

## **7) Landscaping/Trees**

The overall submission is a comprehensive masterplan that has put landscaping of the site at the forefront of the proposal and quite properly has drawn heavily on the historic landscape strategy of the original estate. Given the vast scope of the masterplan and the detail contained in it some points need clarification. These have been itemised by the Council's Landscape Architect and referred to specifically by Area number.

However, these details can be addressed in the standard condition that is recommended. A similar approach can be taken with trees on site. In both instances post development monitoring will need to take place because of the scale of the undertaking and the size of the site. Nevertheless, the masterplan is a high quality document that has been the subject of thorough consultation with Council officers that meets HUDP and London Plan Policy requirements.

**8) Ecology/Biodiversity**

The Methodology that has been set out in the Ecology section of the Environmental Statement needs to be formulated in the overall Ecological management Plan that is recommended is S106 Obligation.

Several conditions relating to mitigation measures for individual species is also recommended. In conclusion, the proposal complies with the advice in HUDP Policy EP26.

It is also recommended that in view of the fact that the adjoining site to the south of the application site, Bentley Priory SSSI, is the most popular of all venues in Stanmore for walkers and families, has well defined paths, is easy to navigate and is also convenient for the nearby Deer Park, it is likely that future residents of the development would also wish to take advantage of the amenity.

It is recommended therefore that it would be appropriate for a contribution to be sought from the applicants for the continuous management and maintenance of the Bentley Priory SSSI, in anticipation of the increased pressures that are likely to emerge with the prospect of an increase in visitor numbers and activity.

**9) S17 Crime & Disorder Act**

The internal residential street layout and the siting of dwellings within it provide a permeable and coherent environment that has good natural surveillance and active frontages. The use of the existing site access provides clear and convenient linkage to the highway and the public transport/road network for drivers, pedestrians and cyclists. There is concern for the recessed doorways that are a feature of the frontages of dwellings, as they appear slightly deep. However, the particulars of this can be dealt with by the condition that is recommended.

It is concluded that the overall design and layout of the scheme broadly meets the objectives of 'Secured By Design' and 'Safer Places'.

**10) Consultation Responses:**

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

- Addressed in the report

**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.

## DECISION ACTION LIST

### STRATEGIC PLANNING COMMITTEE

Wednesday 23<sup>rd</sup> July 2008

<b>1/04</b>	<b>BENTLEY PRIORY, THE COMMON, STANMORE, HA7</b> CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS) 103 DWELLING (C3 CLASS) WITH ASSOCIATED CAR PARKING, ANCILLARY SERVICE/ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS.	STANMORE PARK P/1452/08/CFU/DT2	<b>GRANT</b>  <b>SUBJECT TO LEGAL AGREEMENT</b>  &  <b>THE DIRECTION OF THE MAYOR</b>  &  <b>WITHDRAWAL OF E.A. OBJECTION</b>  &  <b>DIRECTION OF G.O.L.</b>
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#### ADDENDUM INFORMATION

##### RECOMMENDATION INFORM

1)

ix) delete £200k, insert £100k

xiv) add after 'developer' – of £50,000

add to xiii). In the event that the commencement of the development is delayed for more than 18 months from the decision date and an increase in the value of houses in the location compared to that at the decision date has occurred there shall be an increase in the affordable housing provision if this is financially viable.

after b) add

c)Withdrawal of the Environment Agency objection

**DECISION ACTION LIST**

**STRATEGIC PLANNING COMMITTEE**

Wednesday 23<sup>rd</sup> July 2008

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**COMMITTEE DECISION**

**GRANT SUBJECT TO LEGAL AGREEMENT**

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**DECISION NOTICE**

**HOLD**

Await Legal Agreement

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**OFFICER ACTION**

to ACTION Committee decision

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vii

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Strategic Planning Committee

Wednesday 23<sup>rd</sup> July 2008





# DECISION ACTION LIST

## STRATEGIC PLANNING COMMITTEE

Wednesday 23<sup>rd</sup> July 2008

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<b>1/05</b>	<b>BENTLEY PRIORY, THE COMMON, STANMORE, HA7</b>	<b>STANMORE PARK</b>	<b>P/1453/08/CLB/DT2</b>	<b>GRANT</b>
	LISTED BUILDING CONSENT: CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS) 103 DWELLING (C3 CLASS) WITH ASSOCIATED CAR PARKING, ANCILLARY SERVICE/ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS.			<b>SUBJECT TO LEGAL AGREEMENT</b>  <b>&amp;</b>  <b>AMENDED DRAWINGS</b>

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### ADDENDUM INFORMATION

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### COMMITTEE DECISION

### GRANT SUBJECT TO LEGAL AGREEMENT

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### DECISION NOTICE

#### HOLD

Await Committee/Council

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### OFFICER ACTION

to NOTE / ACTION Committee decision

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viii

Strategic Planning Committee

Wednesday 23<sup>rd</sup> July 2008

**APPENDIX 2**

Heads of Terms – to be tabled at Planning Committee.

## **APPENDIX 3**

### **P/1452/08/CFU**

#### **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 shall not be begun until a programme of phasing of the Development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include a plan defining the extent of the works comprised within each phase. Any variations to the approved Phasing Strategy must first be approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Phasing Strategy.

REASON: To ensure satisfactory implementation of the development in accordance with saved UDP policy D4.

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

a) before the use hereby permitted is commenced.

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

c) in accordance with a timetable agreed in writing with the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

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

4 No demolition or site works in connection with any phase of the development hereby permitted shall commence before the boundaries of that part of the site are 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.

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

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

6 The development within any phase 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 within that phase is completed. Soft landscape works shall include: planting plans, and schedule 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.

7 No site works or development shall commence on any phase 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 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.

8 The development hereby permitted shall not commence on any phase until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

9 The development as detailed in the approved drawings shall be built to Lifetime Homes Standards and Wheelchair Standards and thereafter retained to those standards.

REASON: To ensure provisions of Lifetime/Home/Wheelchair Standard housing in accordance with the policies of the London Plan

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A to E 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 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.

11 The development of any phase hereby permitted shall not commence until a scheme for:

- a) The storage and disposal of refuse/waste
- b) And vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development within that phase 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.

12 The development hereby permitted within any phase 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.

13 Development of any buildings hereby permitted within that phase shall not be commenced until surface water drainage works have been carried out in accordance with details to submitted to and approved in writing by the Local Planning Authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs) in accordance with the principles of sustainable drainage systems set out in Appendix E of PPG25, and the results of the assessment must all be provided to the Local Planning Authority with the details. Where a SuDs scheme is to be implemented, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) specify the responsibilities of each party for the implementation of the SuDs scheme, together with a timetable for that implementation; and
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaken or any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

14 The development hereby permitted within any phase shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works

15 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) in any phase, 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 on writing.

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

16 Prior to the commencement of any development within any phase a site meeting shall take place with the Council's Arboricultural Manager to agree a programme of monitoring of the tree protection measures hereby approved and to identify the location of the building contractor's site hut and storage compound for the development. The monitoring programme of the Tree Protection Plan so agreed shall be adhered to thereafter and all works in furtherance of the plan shall be carried out to the satisfaction of the Arboricultural Manager until the development is completed.

REASON: to ensure that the trees to be retained on site are not adversely affected and to enhance the appearance of the development.

17 Before any part of the development hereby permitted within any phase commences details of a mitigation strategy for the following protected species that have been identified in and around the site shall be submitted to and approved in writing by the local Planning Authority: Bats,

REASON: In the interest of nature conservation.

18 Before any part of the development hereby permitted within any phase commences details of a programme of eradication of Japanese Knotweed and control of Rhododendron Ponticum that has been identified on the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of nature conservation.

19 No clearance of scrub, trees and tall vegetation, existing buildings, or other suitable habitat shall take place in the main bird nesting season between March and August inclusive. If the development requires the clearance of scrub, trees and tall vegetation or other suitable nesting habitat (including buildings) in the main bird nesting season between March and August inclusive, a suitably qualified and experienced ecologist to confirm the absence of nesting birds should first survey the development area and adjoining areas of Bentley Priory Site of Special Scientific Interest. This survey shall be submitted to Harrow Council, prior to works commencing. If nesting birds are present the work cannot commence and will need to be re programmed. Buildings that need to be demolished during the nesting season shall be covered in suitable bird proof netting, prior to the start of the nesting season and checked by suitably qualified and experienced ecologist to confirm the absence of nesting birds, prior to demolition.

REASON: In the interest of nature conservation.

20 The development within any phase 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 completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

21 No development shall take place within any phase until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON: To secure the provision of archaeological investigation and the subsequent recording of the remains in the interests of national and local heritage.

22 No development shall take place within any phase of the application site until the developer has secured the implementation of a programme of archaeological recording of the standing historic buildings and structures, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the intrinsic archaeological interest in the historic buildings on this site is recorded and preserved.

23 Notwithstanding the details shown on the plans hereby approved revised details of elevational treatment for the proposed dwellings within any phase shall be submitted to and approved in writing by the Local Planning Authority before any part of the development commences.

REASON: In the interests of the historic architectural character of the Listed Buildings and its setting.

24 Communication Mast(s) and equipment shall be removed and the land reinstated; such works to be agreed in writing with the Local Planning Authority prior to the commencement of development and removal to take place within 12 months of the commencement of development.

REASON: To improve the amenities of the area.

25 The development hereby permitted within any phase shall not commence until details have been submitted by the application that show cycle parking provision provided at a level in line with TFL parking standards for land use category D2: Assembly and leisure.

REASON: To ensure that the development complies with London Plan policy 3C.22 Improving conditions for cycling.



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

5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001 2.002 2.003 2.10 2.20  
2.21 2.30 2.31 2.4 2.50 2.51 3.001 3.002 3.05 3.10 3.11 3.130 3.131 4.001 rev  
A 4.002 4.100 4.101 4.102 4.103 4.104 4.200 4.201 4.202 4.011 4.012 7N.101  
7N.102 267.102 7.101 7.102 7.103 G001 G002 G.012 G.013 G.014 G.015  
G.016 G.400 G.401 C.001 C.002 C.003 C.004 C.005 C.006 C.007 C.008 C.009  
C.010 C.011 C.012 C.013 C.014 C.015 C.016 C.017 C.018 rev B C.019 C.020  
110 111 112 113 114 1210 121 122 123 130 140 141 142 143 144 145 210  
211 212 213 214 220 221 222 223 230.

Planning Statement, Statement of Community Engagement, Design and Access Statement, Environmental Statement, Sustainability Statement, Energy Statement, Arboricultural Statement, Conservation Management Plan, Landscape Conservation Management Plan, Surface Water Flood Risk Assessment

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

**P/1453/08/CFU**

**CONDITIONS**

1 Demolition work shall be carried out by hand tools or by tools held in the hand, other than power driven tools.

REASON: To protect the special architectural or historic interest of the listed building.

2 Detailed drawings, specifications, or samples of materials as appropriate in respect of the following shall be agreed in writing by the local planning authority before the relevant part of the work is begun:

a) detailed drawings that include sectional plans for the double glazed sash windows at first and second floor level of the Mansion House

b) a statement outlining measures for the protection of the historic iron handrails on the staircases of the building during the works for the setting out of the Museum facility and the conversion of part of the building to apartments.

REASON: To protect the special architectural or historic interest of the listed building.

3 Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details:

(in respect of Landscaping)

a) Details of screening for the proposed energy centre, and screening for area 4 should be submitted in scale drawings.

b) Details and proposed location of overspill car park should be submitted in scale drawings.

c) Proposals for refurbishment of the Italian Gardens, including details of a time frame for these works linked to completion of the works should be submitted in scale, drawings, method statement, planting scheme and management plan.

d) Written assurance that the Ice House is to be retained in situ should be submitted.

e) Details of Landscaping, hard-surfacing, treatment to carriageways, verge planting, signage and lighting for the wider site should be submitted in detailed scale drawings and method statement

(and in respect of the Mansion House)

f) Details, including scale drawings and methodology relating to power and signal cable trunking to be laid across/under floors should be submitted and approved.

g) Security arrangements, including protection during works, should be submitted and approved.

h) A scheme for decorating the interior and detailing the museum fit-out should be submitted and approved.

i) Details of exterior ironwork and handrails should be submitted and approved.

j) Details of balustrades, hand-rails and planter boxes to the South Elevation, in relation to change of levels and disabled access, should be submitted and approved.

k) Details of a maintenance plan for all future residents, including the museum, must be agreed prior to the first resident moving in. This should be submitted to and approved by the Local Authority, with consultation to English Heritage, prior to agreement.

l) All new partitions shall be scribed around the existing ornamental mouldings.

REASON: To ensure the integrity of the listed building and its setting is maintained or enhanced.

**HARROW CENTRAL MOSQUE, 24-34 P/0338/09/AH  
STATION ROAD, HARROW, HA1 2SQ**

Ward MARLBOROUGH

RETENTION AND COMPLETION OF MOSQUE WITH VARIOUS RELATED  
ANCILLARY ACTIVITIES

**Applicant:** Harrow Central Mosque & Islamic Centre

**Agent:** PA Architects Limited

**Case Officer:** Abigail Heard

**Statutory Expiry Date:** 21-MAY-09

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## 1. RECOMMENDATION

**GRANT** planning permission in accordance with the recommendation and conditions agreed at the Planning Committee on 22<sup>nd</sup> July 2009 subject to;

- (a) the variation of the Heads of Terms of the s106 agreement detailed below
- (b) an amendment to the plans to include an external steel fire escape staircase to the south elevation of the building
- (c) the additional Planning Condition proposed below

### Amended Heads of Terms of s106 Agreement

#### i) Use of 36-38 Station Road

A phasing scheme shall be submitted to the LPA within 2 months of the date of completion of the s106 agreement detailing the proposed transfer of all activities from 36-38 Station Road to the new Mosque. The development shall be carried out in accordance with the approved phasing scheme.

#### ii) Removal of Extensions to 36-38 Station Road

The single-storey projection to the rear of the single-storey extension at 36-38 Station Road shall be demolished within one month of the transfer of all worship activities from 36 -38 Station Road to the new Mosque

#### iii) Affordable Housing

Within twelve months from the date of the completion of the s106 agreement a planning application shall be submitted to the LPA for the redevelopment or conversion of 36-38 Station Road to provide affordable housing on the site and two additional residential units to be used by the Mosque

#### iv) Hours of operation

The premises shall not be used for any other function or assembly before 0730 hrs and after 2200 hrs except:

a) in line with a religious calendar submitted to and approved in writing by the Director of Planning on an annual basis prior to the commencement of that religious calendar. Any changes to the submitted and approved religious calendar would require the further written agreement of the Director of Planning.

b) with the prior written approval of the Director of Planning where the applicant has given not less than twenty eight days notice of an event occurring after 22.00hrs

**v) Car Parking**

A contribution of up to £15,000.00 towards the cost of the implementation of a 24-hour CPZ in Rosslyn Crescent;

**vi) Legal fees**

Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

**vii) Planning administration fees**

Payment of £750.00 administration fee for the monitoring of and compliance with this agreement.

**Additional Condition**

Prior to the use of the first and second floor commencing obscure film shall be fixed to all upper floor windows in the north and eastern elevations of the new building, up to a height of 1.8 metres above internal floor level. The obscure film shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking of adjoining residential properties in accordance with policy D4 and D5 of the Harrow Unitary Development Plan

**2. CIRCUMSTANCES, INCLUDING POLICY CONTEXT**

The Planning Committee resolved to grant planning permission for this development in July 2009 (the committee report and committee resolution is attached to this report). The committee resolved that the legal agreement should be completed within six months of the Planning Committee meeting and would include the following;

**i) Use of 36-38 Station Road**

Within one month of the completion and beneficial occupation of the new development [unless otherwise approved in writing by the Director of Planning] to cease use of 36-38 Station Road as an operational Mosque.

**ii) Removal of extensions to 36-38 Station Road**

Within one month of the completion and beneficial occupation of the new development [unless otherwise approved in writing by the Director of Planning] to remove the single-storey rear projection / structure to the rear of the single-storey rear extension at 36-38 Station Road, and shall not be used for any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 [with Amendments].

**iii) Affordable housing**

Within six months of the date of the completion and beneficial occupation [unless otherwise approved in writing by the Director of Planning] that 36-38 Station Road shall be brought into use for affordable housing as defined in the London Plan 2008 and Harrow's Unitary Development Plan 2004 whether by conversion or redevelopment [to be approved through the submission of a planning application], to be managed by a Registered Social Landlord, subject to a nomination agreement with Harrow Council.

**iv) Hours of operation**

The premises shall not be used for any other function or assembly before 0730 hrs and after 2200 hrs except:

- a) in line with a religious calendar submitted to and approved in writing by the Director of Planning on an annual basis prior to the commencement of that religious calendar. Any changes to the submitted and approved religious calendar would require the further written agreement of the Director of Planning.
- b) with the prior written approval of the Director of Planning where the applicant has given not less than two months notice of an event occurring after 22.00hrs

**v) Car parking**

A contribution of up to £15,000 towards the cost of the survey, public consultation and, if required, the modification of the CPZ

**vi) Legal fees**

Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

**vii) Planning administration fee**

Payment of £750.00 administration fee for the monitoring of and compliance with this agreement.

The committee authorisation is required to complete the s106 Legal agreement because it was not completed within six months of the date of the planning committee meeting. In addition a number of amendments are proposed to the Heads of Terms. These changes reflect discussions with the applicants around the phasing and operation of the use of the new building and the future use of the existing site. In addition in order to meet building safety requirements, revised plans showing a new external staircase between the existing and new buildings have been submitted. These have been subject to limited consultation which has, to date, not prompted any objection. A copy of the original report and minutes of the committee is attached at appendix A.

The proposed to the s106 and new staircase are not considered to change the impact of the development upon neighbouring houses or to alter the policy arguments that resulted in the earlier recommendation for approval.

The amended plans showing the external staircase have been assessed against Government guidance contained within PPS1, policy D4 of the Harrow Unitary Development Plan and policy 4B.1 of the London Plan 2008 which seek to ensure a development proposal is of a good design which respects its context. The staircase will be located to the south elevation of the building and will be steelwork painted black. The staircase is proposed to be used only in emergencies and given its location adjacent to buildings currently used by the Mosque the staircase is therefore not considered to have a significantly harmful impact on the amenities of any neighbouring occupiers in respect of overlooking, overshadowing or the proposal have in an overbearing impact. The staircase given its location is also not considered to have a detrimental impact on the character or appearance of the building.

It is therefore considered that the proposal will comply with Government guidance contained within PPS1, policy D4 of the UDP and policy 4B.1 of the London Plan 2008.

Following consideration of the planning conditions associated with the earlier report and the observed scope to overlooking from upper floor windows in the new building, it is considered appropriate to add a further condition, to those referred to in the earlier recommendation. The condition proposed requires obscure film to be fixed to all upper floor windows in the north and eastern elevations of the new building, up to a height of 1.8 metres above internal floor level.

### **CONCLUSION**

Based upon the earlier report and consideration of the revised heads of terms, the impact of the development remains, subject to the s106 agreement and planning conditions (including an additional condition as above) to be acceptable. Completion of the agreement and the issue of the corresponding planning permission is accordingly recommended.

Plan Nos: 117-50-200 to replace 600-113

**APPENDIX A**

Agenda Item 10  
Pages 1 to 16

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<b>HARROW CENTRAL MOSQUE, 24-34 STATION ROAD, HARROW HA1 2SQ</b>	<b>Item: 1/04 P/0338/09</b>
	Ward MARLBOROUGH
RETENTION AND COMPLETION OF MOSQUE WITH VARIOUS RELATED ANCILLARY ACTIVITIES.	
<b>Applicant:</b> Harrow Central Mosque & Islamic Centre <b>Agent:</b> PA Architects Limited <b>Statutory Expiry Date:</b> 21 May 2009	

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**RECOMMENDATION**

**GRANT** planning permission subject to conditions and completion of a legal agreement.

**REASONS**

The decision to recommend **GRANT** of planning permission has been taken having regard to the following:

- 1) The acceptability of the development in principle through the planning permission granted in 2000 for a similar scheme; the external building envelope to which there is no significant deviation from the 2000 planning permission; the design and merit of this community facility, in the context of the need and the uses it offers, which outweighs any negligible impact on the amenity of the occupiers of neighbouring residential properties; and
- 2) 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 [Mar 09], and any comments received in response to publicity and consultation.

**National Planning Policy**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport  
PPG24 Noise

**The London Plan [2008]**

3A.1 Increasing London's supply of housing  
3A.2 Borough housing targets  
3A.3 Maximising the potential of sites  
3C.23 Parking strategy  
4A.3 Sustainable design and construction  
4A.4 Energy assessment



4A.6 Decentralised energy: heating, cooling and power  
4A.7 Renewable energy  
4A.11 Living roofs and walls  
4A.14 Sustainable drainage  
4B.1 Design principles of a compact city  
4B.5 Creating an inclusive environment  
4B.9 Tall buildings – location

**London Borough of Harrow Unitary Development Plan [2004]:**

S1 The form of development and pattern of land use  
EP25 Noise  
D4 The standard of design and layout  
D5 New residential development – amenity space and privacy  
T6 The transport impact of development proposals  
T13 Parking standards  
C2 Provision of social and community facilities  
C10 Community buildings and places of worship  
C11 Ethnic communities  
C16 Access to buildings and public spaces  
C17 Access to leisure, recreation, community and retail facilities  
R13 Leisure facilities

**Supplementary Planning Guidance and any other relevant guidance**

Harrow's Sustainable Community Strategy [Mar 09]  
The London Plan Supplementary Planning Guidance [Mar 2008]  
Sustainable Design & Construction: The London Plan Supplementary Planning  
Guidance [May 2006]  
Access For All Supplementary Planning Document [Apr 2006]  
Accessible Homes Supplementary Planning Document [Apr 2006]  
Supplementary Planning Guidance: Designing New Development [Mar 2003]

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved  
policies of Harrow's UDP 2004 and any other relevant guidance]**

- 1) Principle of Development and Land Use**  
Harrow Unitary Development Plan [2004]  
S1
  
- 2) Quality of Design and Accessibility**  
The London Plan [2008]  
4B.1, 4B.5, 4B.9  
  
Harrow Unitary Development Plan [2004]  
D4
  
- 3) Neighbours Amenity**  
Harrow Unitary Development Plan [2004]  
EP25, D4, D5

**4) Provision of Community and Leisure Facilities**

Harrow Unitary Development Plan [2004]  
C2, C10, C11, C16, C17, R13

**5) Highway Issues**

The London Plan [2008]  
3C.23

Harrow Unitary Development Plan [2004]  
T6, T13

**6) Other Planning Issues**

**7) Section 17 Crime & Disorder Act**

Harrow Unitary Development Plan [2004]  
D4

**8) Consultation Responses**

**INFORMATION**

**a) Summary**

Statutory Return Type:	Major Development
Site Area:	0.18ha
Floorspace	5,728m <sup>2</sup>
Car Parking:	Standard: 1 space per 300-600m <sup>2</sup> net site area [community use]
	Provided: 32
Council Interest:	None

**b) Site Description**

- Situated on the east side of Station Road, at junction with Rosslyn Crescent.
- Two-storey residential properties [ground plus first] with rooms in the roofspace situated along Rosslyn Crescent immediately to the east of the site.
- Mosque building envelope near to completion.

**c) Proposal Details**

- Retention and completion of mosque with various related ancillary activities.
- Ancillary activities involve:
  - Car parking, lift, cycle storage, workshop, plant room, mortuary and store, gym / WC / office [basement];
  - Kitchen and store, lift, function hall, WC, office, café, shop [ground floor];
  - Male prayer hall, lift, female prayer, crèche, WC, lobby, office [first floor];
  - Nursery, lift, WC, male prayer hall, office / meeting room / storage

- [second floor]; and
- Minor operations room, lift, WC, female prayer hall, meeting room, library [third floor].

**d) Relevant History**

- Planning permission EAST/965/98/FUL for 'Mosque and ancillary facilities including resident permit restricted flats on four floors over basement car parking with dome and minaret' granted on 1 June 2000.
- Various minor amendments to the approved scheme agreed since then.
- Amendments subsequent to 27 May 2004 could not be treated as minor amendments, hence the submission of this planning application to regularise the planning status of the project. This application incorporates all the changes to the exterior and to the internal planning of the scheme, which are detailed at Appendix A.

**e) Pre Application Discussion**

- Discussions on the changes have taken place between representatives of the Mosque and with the Local Planning Authority. It was considered that the submission of a planning application would be required as the alterations to the original scheme were material and therefore, could not be treated as minor amendments.

**f) Applicant Statement**

- There is a greater emphasis on the Mosque not only as a devotional institution, but a social, recreational, educational and community centre.
- Activities will reflect the needs and interests of the young, the family and encouraging inter-denominational interaction and understanding.
- The proposals incorporate and reflect a new emphasis upon the internal planning of the project. These are to make spaces multifunctional, apart from core areas reserved for devotional purposes. Spaces are to be flexible in size by including in the design the provision of sound proofing folding partitions.
- The flexibility would encourage the use of the premises for activities such as meetings, debates, counselling and support, viewing TV and films, reading, learning, listening to music, studying, art, exhibitions, displays, IT, breakfast / lunch clubs, keeping fit, recreation, etc.

**g) Consultations:**

Greater London Authority: The proposal does not raise any strategic planning issues.

Harrow Civic Residents Association: Object to the proposal:

- Loss of parking from 39 to 32 spaces;
- Extending hours of operation of the development from 2130hrs to 2300hrs;
- Increase in height of dome;

- Ensure the provision for affordable housing at 36-38 Station Road as per the 2000 permission;
- Ensure the development meets Fire Regulations;
- Noise from the development, collection and deliveries; and
- There should be free use of the community facilities.

**Notifications:**

Sent: 357

Replies: 19

Expiry: 24 March 2009

**Summary of Responses:**

18 representations [including one petition with 16 signatories] received objecting to the proposal on the following grounds:

- Insufficient parking, leading to parking problems on surrounding residential streets after 2030hrs [when CPZ is not in force];
- Hours of operation to 2300hrs;
- Dome / finial / minaret height increase from 2000 permission;
- The uses contained within the development;
- Noise / disturbance;
- Opposed to any extractor equipment relating to the café; and
- Scale and design in appropriate.

1 representation received supporting the proposal on the following grounds:

- Design;
- Promotes education; and
- Encourages social cohesion and integration.

**APPRAISAL**

**1) Principle of Development and Land Use**

Policy S1 of Harrow's UDP [2004] states:

*'The Council seeks to secure a form and pattern of development in the borough that accords with the principles of sustainable development, and achieves the following:*

- A) Development that reduces the need to travel and facilitates and encourages travel by more sustainable modes;*
- B) Full and effective use of land and buildings;*
- C) Conservation and enhancement of natural resources;*
- D) Development that minimises waste and reduces pollution; and*
- E) Increased social inclusion.'*

In addition to the above Planning Policy Statement 1 [PPS1] states:

*'The Government is committed to development strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities ...'*

And;

*'Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'*

Furthermore;

*'Development plan policies should take account of environmental issues such as:*

*- The potential impact of the environment on proposed developments by avoiding new development in areas at risk of flooding and sea-level rise.'*

The principle of development for a mosque including ancillary activities is acceptable as a similar scheme was granted planning permission in 2000 [EAST/965/98/FUL],

## **2) Quality of Design and Accessibility**

The building design is essentially as per the 2000 scheme. Some elevation refinements have been incorporated to improve the appearance of the building. The building provides a symbolic presence, and a counterbalance to the Civic Centre. The external envelope uses quality brickwork and detailing, polished reconstituted stone, powder-coated aluminium windows, gutters and fascias. The powder-coated aluminium cladding at third floor level enhances the appearance of the building by breaking up the perception of its scale. The copper-coloured dome and minaret gives scale, presence and contrast to the building.

The building provides level access in the form of lifts on all levels. Pedestrian entrances are provided from stepped platforms connecting roadside footpath to level thresholds. Entrances are located on Station Road and Rosslyn Crescent. Disabled wheelchair access is provided by ramped connection between the back edge of the pavement to level platform outside entrances. This platform connects to the level door thresholds. Consequently, the proposal complies with the requirements set out in the Disability Discrimination Act 1995 and accords with Policies 4B.1, 4B.5 and 4B.9 of the London Plan [2008] and Policy D4 of Harrow's UDP [2004].

## **3) Neighbours Amenity**

The building envelope is essentially identical to the 2000 planning permission therefore, there are no significant alterations to the scheme that would materially affect the amenity of occupiers of the neighbouring residential properties.

Condition 19 of the 2000 planning permission restricts the hours of operation of the development to 0730hrs-2130hrs. The applicant has requested this be

extended to 0600hrs-2300hrs. The earlier operating hours is required for morning prayers, which is considered acceptable. The later operating hours is considered acceptable, up to 2200hrs, by reason of the potential effect of a later closing time on the amenities of the occupiers of neighbouring residential properties.

A Heads of Term is recommended as part of any legal agreement for the use of the mosque for prayer and worship outside the hours stated, which would be permitted subject to notification in writing by the applicant to the Director / Head of Planning of Harrow Council of the religious calendar and the hours of use required, on a prior year basis. This shall be approved in writing by the Local Planning Authority prior to the commencement of the religious calendar year. Any changes to the hours during the religious calendar during which it is in operation would require the agreement in writing of the Local Planning Authority.

Accordingly, the proposal complies with Policies EP25, D4 and D5 of Harrow's UDP [2004].

#### **4) Provision of Community and Leisure Facilities**

One of the six key visions of Harrow's Sustainable Community Strategy (Mar 2009) is that:

*'Harrow will be known for its diverse community, which we celebrate, and value. There will be better cohesion and a greater focus on communities working together to help themselves and provide support to vulnerable and at risk groups. People will feel safer and be treated with dignity and respect. There will also be a balance between universal and separate services for our different communities.'*

Some of the short term objectives to help deliver this vision include improving the sense of cohesion in Harrow, supporting activities that celebrate and promote Harrow's diverse community and promote inter-cultural dialogue and engagement. The community facility would provide a modern multi-use building with a variety of uses. The development is therefore considered acceptable.

The applicant has demonstrated [through the existing mosque at 36-38 Station Road], that there is a need for a larger facility to accommodate the number of people using.

Policy C10 of Harrow's UDP [2004] states:

*'The Council will seek to maintain and retain existing premises used by community or religious groups in the borough. In considering proposals for new facilities, the Council will ensure that the proposed development:*

- A) Is located in the catchment population it serves;*
- B) Is accessible ...;*
- C) Has no significant adverse impact on neighbouring properties and does not detract from the visual amenity of the area;*

D) ... would not have an adverse effect on highway safety.'

The proposed development complies with the criteria of Policy C10 above. With regard to A) the development would be for the use of the community as a whole and is appropriately located near to the town centre and transport hubs. With regard to B) the site is well sited to public transport links. Regarding point C) The development is similar in size to the 2000 permission. On point D), the proposal is not considered to have an adverse effect on highway safety in a location where there is generally slow-moving traffic, with the positioning of traffic signally outside the site.

Accordingly, the development accords with the principles of Policy C10 of Harrow's UDP [2004] and Harrow's Community Strategy [Mar 2009].

#### **5) Highway Issues**

The development now provides 32 car parking spaces, which represents a loss of seven spaces from the 2000 permission. A revised Travel Plan has been produced, which aims to provide for 50% of the patronage utilising non- private car / sustainable transport modes in perpetuity.

Harrow's Highways Engineer considers this an acceptable target figure based on an annual monitoring regime. This reduction is also supported by the good public transport accessibility of the site together with robust on-street parking controls in the vicinity. Outside peak hour periods and during weekends, car park capacity is also available at the Civic Centre. Sustainable travel will also be encouraged, via a permit system, by priority use of the on-site parking spaces by patrons who make a commitment to car-share.

The 50% target figure conforms to sustainable travel principles and the reduction in parking provision is in line with Policy 3C.23 of the London Plan and Policies SC1 and T13 of Harrow's UDP [2004].

In addition, the applicant has agreed to a financial contribution of up to £15,000 towards the implementation of a 24-hour CPZ in Rosslyn Crescent to safeguard the amenities of the occupiers along this street.

Cycle parking will be provided in a secure location within the basement with the initial provision of 20 spaces. As part of the Travel Plan monitoring process, this provision will be reviewed and potentially increased once the Travel Plan is fully established.

#### **6) Other Planning Issues**

Sustainable Design / Renewable Energy Considerations – In accordance with London Plan policies, the applicant will investigate the opportunity to use less energy by adopting sustainable design and construction measures. This can be provided as an Energy Strategy Report, secured by a planning condition.

Landscaping – A landscaping scheme was approved for the 2000 permission.

The applicant has stated that the revised proposals will be similar. The current design team is in the process of obtaining details of the same scheme before finalising the proposals. Accordingly, a condition is recommended to illustrate details of landscaping for the development.

Refuse – The recycling of waste will be encouraged by providing separate bins within the building and at collection points. The use of disposable materials and utensils will be discouraged. Space has been allocated in a screened level compound for brown, blue and green bins of sufficient size, as illustrated on the submitted drawings.

#### **7) 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. On the contrary, the development will bring communities together, in accordance with Harrow's Sustainable Community Strategy [Mar 2009].

The development follows the basic principles and practices of Secured by Design and Safer Places.

#### **8) Consultation Responses**

In addition to the points raised above, which have been addressed, this planning application, as part of the consultation process was referred to the Greater London Authority [GLA] under Category 1C of the Town and Country Planning (Mayor of London) Order 2008 as the development is over 30m in height. The GLA concluded that the development does not raise any strategic planning issues, in particular given that it is only a minor change to the existing permission. Accordingly, the GLA under Article 5(2) of the Order 2008 does not need to be consulted further on this application and that London Borough of Harrow may proceed to determine the application without future reference to the GLA.

The GLA did advise that Transport for London [TfL] should be consulted on any amendments to the Travel Plan prior to completion, which can be secured by a planning condition, which should include an event day management plan for the special prayer days.

The Travel Plan also states that the number of cycle spaces will be monitored and if demand increases, additional spaces will be provided. TfL would also request that this secured by condition.

#### **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; and completion of a legal agreement.



## 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 Planning Committee [22 July 2009], to include the following:
  - i) Cease use of 36-38 Station Road as a Mosque: Prior to completion of the development, 36-38 Station Road shall cease to operate as a mosque.
  - ii) Removal of single-storey projection to the rear of the single-storey extension at 36-38 Station Road: Within eight weeks of the cessation of 36-38 Station Road operating as a mosque, to remove the single-storey rear projection / structure to the rear of the single-storey rear extension at 36-38 Station Road.
  - iii) Affordable housing: Within one year of the date of this permission, that 36-38 Station Road is brought into use for affordable housing [as defined in the London Plan 2008 and Harrow's Unitary Development Plan 2004], whether by conversion or redevelopment [to be approved through the submission of a planning application], to be managed by a Registered Social Landlord, subject to a nomination agreement with Harrow Council.
  - iv) Hours of operation: The premises shall not be used for any other function or assembly before 0600hrs and after 2200hrs other than in accordance with an annual programme for opening to respond to the requirement for prayer and worship in line with the religious calendar. The programme shall be submitted to and approved in writing by the Director of Planning on an annual basis prior to the commencement of that religious calendar. Any changes to the hours of opening during the religious calendar during which it is in operation would require the agreement in writing of the Director of Planning.
  - v) A contribution of up to £15,000.00 towards the cost of the implementation of a 24-hour CPZ in Rosslyn Crescent;
  - vi) Legal fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
  - vii) Planning administration fee: Payment of £750.00 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, subject to conditions will be issued upon completion by the applicant of the aforementioned legal agreement.

## CONDITIONS

1. The development hereby permitted shall be completed within three years from the date of this permission.

REASON: To ensure the development is completed in its entirety and in the interest of visual amenity.

2. The development hereby permitted shall be completed in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory form of development.

3. Prior to completion of the 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 completion of the development and shall be carried out in accordance with the approved details and thereafter permanently retained.

REASON: To safeguard the amenity of neighbouring residents.

4. The 32 car parking spaces shall be permanently marked out and used for no other purpose at any time.

REASON: To ensure satisfactory provision of parking areas and in the interest of highway safety.

5. The premises shall be used for the purposes specified on 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 amenity of neighbouring residents.

6. The premises shall not be used for any function or assembly outside the hours of 0600hrs to 2200hrs on any day without the prior written permission of the local planning authority.

REASON: To safeguard the amenities of adjoining properties.

7. Prior to completion of the development, any external lighting of the building shall be submitted to and approved in writing by the local planning authority.

REASON: To safeguard the amenities of adjoining properties.

8. Prior to completion of the development, details of on and off site drainage works shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure adequate drainage facilities are provided.

9. Prior to completion of the development, a plan indicating the frontage of the site to Station Road between the building and the footway has been laid out and landscaped in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: To provide a setting for the building and in the interests of visual amenity.

10. Prior to completion of the development, Transport for London will be consulted on any amendments to the Travel Plan, to include an event day management plan for the special prayer days.

REASON: To ensure an adequate Travel Plan is provided for the development in the interest of pedestrian and highway safety.

11. The number of cycle spaces will be monitored and if demand increases, additional spaces will be provided, details which shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure sufficient cycle parking provision.

12. Prior to completion of the development, details of sustainability measures for the scheme beyond the requirements set out under Part L of the Building Regulations shall be submitted to and approved in writing by the local planning authority. Such details as approved shall be implemented prior to first use of the development and shall thereafter be permanently retained.

REASON: To ensure a sustainable form of development.

13. The refuse bins and storage shall be situated 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 hot food shall be cooked on the premises without the prior written permission of the local planning authority.

REASON: To safeguard the amenities of neighbouring residents.

### **INFORMATIVES**

#### **1. INFORMATIVE:**

INFORM40\_M – Reasons for Grant of Planning Permission

The London Plan [2008] Policies:

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

3C.23 Parking strategy

4A.3 Sustainable design and construction

4A.4 Energy assessment



4A.6 Decentralised energy: heating, cooling and power  
4A.7 Renewable energy  
4A.11 Living roofs and walls  
4A.14 Sustainable drainage  
4B.1 Design principles of a compact city  
4B.5 Creating an inclusive environment  
4B.9 Tall buildings – location

The London Borough of Harrow UDP [2004] Policies:  
S1 The form of development and pattern of land use  
EP25 Noise  
D4 The standard of design and layout  
D5 New residential development – amenity space and privacy  
T6 The transport impact of development proposals  
T13 Parking standards  
C2 Provision of social and community facilities  
C10 Community buildings and places of worship  
C11 Ethnic communities  
C16 Access to buildings and public spaces  
C17 Access to leisure, recreation, community and retail facilities  
R13 Leisure facilities

2. INFORMATIVE:  
INFORM23\_M

3. INFORMATIVE:  
INFORM26\_M

4. INFORMATIVE:  
INFORM32\_M

5. INFORMATIVE:  
INFORM45\_M

Plan Nos: 600-100, 600-101, 600-102, 600-103, 600-104, 600-105, 600-106, 600-107, 600-108, 600-109, 600-110, 600-111, 600-112, 600-113, 600-114, and 600-115.

APPENDIX A



**LIST OF PROPOSED CHANGES OF CURRENT APPLICATION FROM THE 2000 PLANNING APPROVAL**

**PROJECT:** HARROW CENTRAL MOSQUE,  
24 – 34 STATION ROAD, HARROW, MIDDLESEX

**APPLICATION:** RETENTION AND COMPLETION OF BUILDING FOR USE AS MOSQUE WITH VARIOUS RELATED ACTIVITIES

**PLANNING HISTORY:**

- Original Planning permission EAST/965/98/FUL was granted on 1<sup>st</sup> June 2000.
- Minor amendments were agreed 16 September 2003 on drawing nos: A1B/200 – 210.
- Minor amendments agreed 27 May 2004 on drawings EV1143 010, 011, 012, 013. At meeting minor amendments were agreed including reduction from 2 to 1 dome and re-siting of minaret to north of previously agreed position.
- Pre-commencement Conditions were subsequently discharged.
- Pre-occupation Conditions were not discharged.
- Changes subsequent to 27 May 2004 have not been accepted as minor amendments.
- In accordance with the advice of the Planning Authority a 'retrospective planning application' is hereby submitted to regularise the planning status of the project. This application incorporates all the changes to the exterior (whether accepted as minor amendments or not) and the internal planning of the scheme.

**EXTERNAL CHANGES**

- The overall Gross External Area of the building is reduced by 17.00 m<sup>2</sup> (from 5728.00m<sup>2</sup> to 5745.00m<sup>2</sup>)

- Changes to the external envelope of the building have been fully described elevation by elevation in the Design & Access Statement submitted with the application.
- The small dome has been omitted.
- The proposed dome including the finial is 24.340meters high from the ground.
- The dome has been raised to include a strip of windows to bring light into the building.
- The previous dome without the finial was 20.500 meters from the ground
- The minaret has repositioned to line on top of the male lift shaft.
- The Minaret including the finial is 0.916 meters higher measured from the ground floor level (40.883 meters compared to 39.967 meters previously).

#### **INTERNAL CHANGES – REDUCTIONS & OMISSIONS**

- Reduction in Basement Car parking provision by 7 nos.(32 from 39)  
Reduction of 112.05m<sup>2</sup> (1029.82m<sup>2</sup> from 1141.87m<sup>2</sup>).  
*Please refer to revised 'Travel Plan' dated May 2009 and submitted on 11 May 2009 by Mr Nigel Moor.*
- Reduction in Storage of 15.7m<sup>2</sup> (23.0m<sup>2</sup> from 38.7m<sup>2</sup>).
- Reduction in Female Toilet provision of 110.00m<sup>2</sup> ( 129.80m<sup>2</sup> from 239.90m<sup>2</sup>).
- Reduction in Function Hall of 21.20m<sup>2</sup> ( 632.30m<sup>2</sup> from 653.50m<sup>2</sup>).
- Reduction in Female Prayer Hall of 289.90m<sup>2</sup> (191.60m<sup>2</sup> from 481.50m<sup>2</sup>).
- Reduction in Minor Operations of 31.40m<sup>2</sup>(20.00m<sup>2</sup> from 51.40)
- Omission of IT Room (75.40m<sup>2</sup>).
- Omission of Residential Flat (78.00m<sup>2</sup>)

#### **INTERNAL CHANGES – INCREASES**

- Increase in Plant/Plant Room of 24.7m<sup>2</sup> (28.60m<sup>2</sup> to 53.30m<sup>2</sup>).
- Increase in Ducts & Risers of 5.8m<sup>2</sup> (22.50m<sup>2</sup> to 28.30m<sup>2</sup>).
- Increase in Mortuary/Store of 19.90m<sup>2</sup> (29.50m<sup>2</sup> to 49.40m<sup>2</sup>).
- Increase in Gymnasium/Toilets/Changing of 96.60m<sup>2</sup> ( 84.40m<sup>2</sup> to 181.00m<sup>2</sup>).
- Increase in Workshop of 2.50m<sup>2</sup> (11.00m<sup>2</sup> to 13.50m<sup>2</sup>).
- Increase in Kitchen/Store /Lobby of 11.80m<sup>2</sup> (79.20m<sup>2</sup> to 91.00m<sup>2</sup>).
- Increase in Shop/Store/WC of 69.00m<sup>2</sup> (28.00m<sup>2</sup> to 97.00m<sup>2</sup>).
- Increase in Offices of 23.50m<sup>2</sup> (29.00m<sup>2</sup> to 52.50m<sup>2</sup>).
- Increase in Male Toilets of 122.00m<sup>2</sup> (70.80m<sup>2</sup> to 192.80m<sup>2</sup>).
- Increase in Toilet for Disabled of 9.90m<sup>2</sup> (4.50m<sup>2</sup> to 14.40m<sup>2</sup>).
- Increase in Nursery/Quiet Area of 116.48m<sup>2</sup> (68.00m<sup>2</sup> to 184.48m<sup>2</sup>).
- Increase in Male Prayer Hall of 4.90m<sup>2</sup> (968.50m<sup>2</sup> to 973.40m<sup>2</sup>).
- Increase in Library/ Meeting Room of 234.50m<sup>2</sup> (128.50m<sup>2</sup> to 363.00m<sup>2</sup>).
- Increase in Meeting Room/Seminar Room of 38.40m<sup>2</sup> (67.30m<sup>2</sup> to 105.70m<sup>2</sup>).
- Add Café with a floor area of 88.30m<sup>2</sup>.
- Add Creche with a floor area of 18.00m<sup>2</sup>.
- Add Cleaners Rooms with a floor area of 13.60m<sup>2</sup>.
- Add Bicycle Storage for 20 no. bicycles.

**VARIATIONS TO THE USES**

The increase in areas and addition of others have been provided for

- Physical and religious welfare and well- being of men, women and children.
- Holding spiritual and educational and organizational meetings
- Holding Debates
- Counselling & Support for social and psychological needs.
- Providing preliminary medical advice, assistance and care.
- Viewing TV & Films.
- Listening to Music and appreciation
- Studying
- Practice and Art appreciation
- Holding Displays & Exhibitions
- Study and use of Information Technology
- Provision of facilities for school homework
- Breakfast /Lunch Clubs
- Recreation & Keeping Fit



## Planning Committee Minutes 22<sup>nd</sup> July 2009

### (4) HARROW CENTRAL MOSQUE, 24-34 STATION ROAD, HARROW (APPLICATION 1/04)

Reference: P/0338/09 – (Harrow Central Mosque & Islamic Centre). Retention And Completion Of Mosque With Various Related Ancillary Activities

The Committee received representations from two objectors, Helen Webster and Philippa Cooper, and the Applicant (Nigel Moor) which were noted.

In presenting his report, the officer advised that efforts had been made to balance interests carefully, to fulfil the needs for worship alongside protecting the legitimate amenity needs

The attention of the Committee was drawn to the addendum sheet which set out proposed controls, particularly with regard to the hours of use and management of the extended use. The legal agreement to be completed within six month of the Planning Committee meeting would include the following:

#### viii) Use of 36-38 Station Road

Within one month of the completion and beneficial occupation of the new development [unless otherwise approved in writing by the Director of Planning] to cease use of 36-38 Station Road as an operational Mosque.

#### ix) Removal of extensions to 36-38 Station Road

Within one month of the completion and beneficial occupation of the new development [unless otherwise approved in writing by the Director of Planning] to remove the single-storey rear projection / structure to the rear of the single-storey rear extension at 36-38 Station Road, and shall not be used for any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987 [with Amendments].

#### x) Affordable housing

Within six months of the date of the completion and beneficial occupation [unless otherwise approved in writing by the Director of Planning] that 36-38 Station Road shall be brought into use for affordable housing as defined in the London Plan 2008 and Harrow's Unitary Development Plan 2004 whether by conversion or redevelopment [to be approved through the submission of a planning application], to be managed by a Registered Social Landlord, subject to a nomination agreement with Harrow Council.

**xi) Hours of operation**

The premises shall not be used for any other function or assembly before 0730 hrs and after 2200 hrs except: a) in line with a religious calendar submitted to and approved in writing by the Director of Planning on an annual basis prior to the commencement of that religious calendar. Any changes to the submitted and approved religious calendar would require the further written agreement of the Director of Planning.

b) with the prior written approval of the Director of Planning where the applicant has given not less than two months notice of an event occurring after 22.00hrs

**xii) Car parking**

A contribution of up to £15,000 towards the cost of the survey, public consultation and, if required, the modification of the CPZ;

**xiii) Legal fees**

Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

**xiv) Planning administration fee**

Payment of £750.00 administration fee for the monitoring of and compliance with this agreement.

It was noted that the Controlled Parking Zone was not a matter for the Planning Department or the Planning Committee but should an issue arise the Applicant would make a contribution should there be a need to amend the existing CPZ.

In response to a question, the officers advised that any breaches of planning control would be brought to the attention of the Council and an enforcement investigation would be undertaken. If a breach of S106 took place it would be a contract breach and would be remedied through the courts.

**DECISION:** GRANTED permission for the development described in the application and submitted plans subject to the completion of a legal agreement and the conditions and informatives reported, as amended by the Addendum and the amendment of Condition 10 to require the agreement of Transport for London to the Travel Plan.

*The Committee wished it to be recorded that the decision to GRANT was unanimous by those of the Committee able to vote.*

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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<b>RAF BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH</b>	<b>Item: 2/01 P/1926/10/ML1</b>
	Ward STANMORE PARK
DEMOLITION OF UNDERGROUND BUNKER TO DISMANTLE ALL BELOW GROUND STRUCTURES (BUILDING 85/86) INCLUDING INTERIM CEILINGS, FLOOR SLABS AND WALLS; ALL ABOVE GROUND STRUCTURES TO BE RETAINED	
<b>Applicant:</b> VSM Estates Ltd	
<b>Agent:</b> GVA Grimley Ltd	
<b>Case Officer</b>	Matthew Lawton
<b>Statutory Expiry Date:</b>	14-SEP-10

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<b>RAF BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH</b>	<b>Item: 2/02 P/1935/10/LH</b>
	Ward STANMORE PARK
LISTED BUILDING CONSENT: DEMOLITION OF UNDERGROUND BUNKER TO DISMANTLE ALL BELOW GROUND STRUCTURES (BUILDING 85/86) INCLUDING INTERIM CEILINGS, FLOOR SLABS AND WALLS; ALL ABOVE GROUND STRUCTURES TO BE RETAINED	
<b>Applicant:</b> VSM Estates Ltd	
<b>Agent:</b> GVA Grimley Ltd	
<b>Case Officer</b>	Lucy Haile
<b>Statutory Expiry Date:</b>	14-SEP-10

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### RECOMMENDATION

**GRANT** planning permission and listed building consent for the development described in the applications and submitted plans, subject to conditions.

### REASON

The decision to grant planning permission and listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the adjacent Grade II\* Listed Mansion building and the museum proposed therein, and the future of the remaining parts of this curtilage Listed Building, by removing the maintenance liability and risk associated with the bunker, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, highway safety, trees, the adjacent SSSI, the adjacent Grade II\* Listed Building and the character and appearance of the green belt, area of special character and historic park and garden.

### National Planning Policy:

PPG2 – Green Belts

PPS5 – Planning for the Historic Environment

PPS9 – Biodiversity and Geological Conservation

**London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout

D10 – Trees and New Development

D11 – Statutorily Listed Buildings

D18 – Historic Parks and Gardens

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP28 – Conserving and Enhancing Biodiversity

EP31 – Areas of Special Character

EP32 – Green Belt – Acceptable Land Uses

EP35 – Major Developed Sites in the Green Belt

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document 'Future use and development of Bentley Priory'  
(September, 2007)

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**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Demolition (PPS5, D11)
- 2) Character and Appearance of the Listed Building, Historic Park and Garden and Green Belt (PPG2, PPS5, D4, D11, D18, EP31, EP32, EP35)
- 3) Residential Amenity (EP25)
- 4) Traffic and Parking (T6, T13)
- 5) Trees and New Development (D10)
- 6) Ecology and Biodiversity (PPS9, EP26, EP28)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

**INFORMATION**

These applications are reported to Committee as they are linked with the applications for Planning Permission and Listed Building Consent for (refs P/1452/08 and P/1453/08) which were resolved to be granted by Committee subject to a legal agreement and are also on this agenda.

**a) Summary**

Statutory Return Type: 18. Minor Development

Council Interest: None

**b) Site Description**

- The site comprises Bentley Priory, a former RAF establishment at the northern edge of the borough.
- The site is within the Green Belt and Harrow Weald Ridge Area of Special Character.
- The site also has historic interest as a former RAF Fighter Command airfield and is the location of a Grade II listed building, originally a monastic priory, set in a designated Historic Park and Garden.
- The area immediately to the south of the site is a designated Site of Special Scientific Interest.

- The other buildings on the site are mixed in character and include a Cold War bunker to the east of the site, which is the subject of this application.
- There is a Committee resolution to grant planning permission and listed building consent for change of use from defence establishment to provide museum/education facility, 103 dwellings, energy centre with parking and associated demolition and tree removal works (refs P/1452/08 and P/1453/08). Committee resolution to grant 23/07/08 subject to legal agreement, which has not been completed – a report on this is elsewhere on this agenda.

### **Description of Bunker**

- The bunker is predominantly underground, partly excavated into the Weald Ridge, being mounded over at completion, with the top approximately 4m above original ground level with this area gently sloping from north to south
- Currently unused, military use ceased and the RAF vacated the site in 2008.
- Located within a site which has a rich history ranging from its association with the eminent architect Sir John Soane, the role it played in hosting leading artistic and political figures in the 1800's including Wordsworth, through to its use for fighter command in World War II and associations with leading figures including Air Marshall Dowding and Churchill.
- The bunker has a total of 6 above ground structures and entrances.
- Underground parts particularly require ongoing maintenance as air must be changed by an extensive system of pumps and the bunker must be kept dry.
- The bunker is curtilage listed since the earliest parts were constructed before 1<sup>st</sup> July, 1948 and are within the curtilage of the Grade II\* listed building.
- It is not suitable for Scheduled Ancient Monument status or Listed Building designation in its own right according to English Heritage.
- It is located within the grade II listed Bentley Priory Registered Historic Park and Garden (but not mentioned within that List Description).
- The Grade II\* Listed Building and Registered Park and Garden are on English Heritage's Heritage at Risk Register as there is currently no use for the site since the RAF withdrew in 2008 and a new use entailing enabling development is being sought.
- Oldest remaining parts date to original construction in 1939-1940, although the bunker was substantially remodelled and enlarged in the 1980s and 1990s so much original form was lost.
- The interior consists of numerous different underground rooms of various shapes and sizes.
- Above ground external access points are reminiscent of the Cold War when Bentley Priory played an important role, however it is not considered to be a good example of a typical Cold War bunker, hence English Heritage did not consider it worthy of statutory protection.

### **c) Proposal Details**

- Demolition of the underground bunker with the exception of the base slab and retaining walls and all above ground structures and entrances.
- Crush all suitable clean material that is extracted from the bunker to fill the resultant voids.
- Remove the soil from above the underground structure and temporarily place this on northern boundary to form noise barrier, and reuse these materials as infill after demolition and breaking out.

- The land levels above the bunker would be made good to match the existing site levels.

**d) Relevant History**

P/1452/08 & P/1453/08	Planning Permission and Listed Building Consent: Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwellings (D3 class) with associated car parking, ancillary service/accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings.	23-JUL-08 COMMITTEE RESOLVED TO GRANT SUBJECT TO SECTION 106 AGREEMENT
P/0243/10	Application for prior approval of demolition of underground bunker	PERMISSION NOT REQUIRED 12-MAR-10

**e) Pre-Application Discussion (PAT/ENQ/00116)**

- Council officer site visit to the underground bunker in July, 2010.
- Council officer letters to the applicants identifying what applications are required for the demolition of the underground bunker in March, 2010.
- Pre-application meeting to discuss what information would be required for applications for the demolition of the bunker in June, 2010.

**f) Applicant Statement**

- Applicant Supporting Statement VSM Estates Ltd July, 2010 including:
- Extracts from the Bentley Priory Stanmore, Middlesex Conservation Management Plan (March, 2008);
- BDG Closure Risk Assessment Report;
- Demolition Statement;
- Extracts from Landscape Strategy for Bentley Priory planning and listed building consent application;
- Ecological Impact Assessment;
- Noise and Vibration Monitoring Report.

**g) Consultations:**

<b>Site Notices:</b>	Demolition of a Listed Building	Expiry: 01-SEP-10
<b>Advertisements:</b>	05-AUG-10	Expiry: 26-AUG-10
<b>Notifications:</b>		
Sent: 75	Replies: 5	Expiry: 26-AUG-10

**Addresses Consulted:**

*Common Road:*

Cedar House, Heath End, Hollycroft, Rosedale Cottage, Sussex Villas, Birch Cottages, Tanglewood, Woodside, 1-3 Hunton Cottages, 1 & 2 Birch Cottages, 1 & 2 Sussex Villas.

*Priory Drive:*

Bentley Priory Open Space, Feering Croft, Pemberley, Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Tiles, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon.

*Priory Close:*

Turf Hills, Woolmer House, Hazelnuts.

*The Common:*

Entrance Adjacent To Glenthorn Cottage, Heriots, Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak.

*Tanglewood Close:*

Tanglewood Lodge, 1-3 Tanglewood Lodge, Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage.

*Valencia Road:*

Red Roofs (9).

**Summary of Response:**

The following bodies were consulted and any responses were due by the 18<sup>th</sup> August, 2010 but no responses have been received:

- Victorian Society
- Georgian Society
- The Council for British Archaeology
- Society for the Protection of Ancient Buildings
- Twentieth Century Society
- Ancient Monuments Society
- Stanmore Society
- Fortress Study Group,
- the Greater London Industrial Archaeology Society
- Subterranea Britannica
- RAF Historical Society

The **Environment Agency** responded on 25<sup>th</sup> August, 2010 that they had no comment to make.

The **Bentley Priory Battle of Britain Trust** responded on 19<sup>th</sup> August, 2010 with a letter of support for the proposal.

They stated that demolition of the bunker would help the proposed enabling development for the overall site to go ahead which would allow funding to be released for preservation of the most important rooms in the Priory and for a sustainable museum and education centre to be run by the Battle of Britain Trust. In contrast, retaining the bunker would likely compromise preservation of the Priory itself by rendering the sale of the site and the sustainability of the museum unviable. Their response is given in detail within the report.

The **Friends of the Bentley Priory Nature Reserve** responded on 4<sup>th</sup> August, 2010 with a letter of objection to the proposal stating that demolition of the bunker would be vandalism and detract 100% from the historical interest in connection with the Battle of Britain Museum and that they were confused as to why they had received a previous notification for the demolition of the bunker and were informed by the Council later that this application was not required and now they have received notification of these current applications for demolition. They stated earlier objections expressed in their letter dated 2<sup>nd</sup> March, 2010 still apply which is that the bunker, although only built in the 1980s, does now constitute a building of historical interest which will be expressed by future generations who will wish to view the bunker in conjunction with the section of the main building that is proposed to remain as a Museum to the RAF so consequently the Bunker should be preserved in its entirety. Also, they state that the bunker has been subject to flooding and pumped out which raises the question of water at this site and where it will be directed to. This is a genuine fear for the adjacent Nature Reserve the only SSSI within the Borough of Harrow who may well suffer.

The **Tree Officer** responded that the Method Statement and Tree Protection Measures relating to the above proposal are all acceptable and no existing trees should be adversely affected by the development. She noted that the contractor is to prune back trees and shrubs as necessary to accommodate vehicles (4.5m x 4.0m) along the access road where required which will prevent any accidental damage to the trees with Tree Preservation Orders located on the access road.

**4 neighbour consultees** responded on 2nd August, 2010 noting that the address of the proposal given on the planning application is incorrect. This has been corrected and all relevant parties notified.

Only 1 of these 4 consultees responding on 2nd August, 2010 objected to the proposal as they stated that 'these bunkers are part of our history and should be renovated and kept as part of the museum on the site'.

**1 neighbour consultee** responded on 18th August, 2010 that the bunker is a 'very important part of our British Heritage. It was from here that was co-ordinated the winning of the Battle of Britain and so going on to win the Second World War. It would be a travesty if this building was destroyed.'



## **APPRAISAL**

### **1) Principle of Demolition**

In assessing the principle of the proposed demolition, the historic significance of the structure must be balanced against the reason and justification for the demolition works, having particular regard to national planning policy contained within PPS5 relating to heritage assets.

#### *Historic Interest and Significance of Bunker*

Despite the significance of the bunker during World War II, it has undergone significant remodelling and extensions, particularly during the 1980's, to the extent that the original structure is no longer intact and internally there is hardly anything visibly of this date in either plan form or its interiors. The Cold War bunker was not purpose built, other than the 1980's extension, and so the form is therefore not considered an exemplar of a military bunker of this period as it was contained in design by a pre-existing structure. Therefore English Heritage do not consider the bunker to be worthy of listed building or scheduled ancient monument status in its own right. The Bentley Priory Battle of Britain Trust's letter of support for the proposal agrees with this assessment of the historical significance of the bunker and also stated that in contrast a well preserved bunker remains nearby in Uxbridge, open to visitors, and there are numerous well preserved WW2 bunkers across the country.

Notwithstanding this, the association of the bunker with World War II Fighter Command operations and the visual reminder of the historical evolution of the site in the form of the above ground Cold War entrances, contributes to the heritage interest of the wider Bentley Priory site. PPS5 policy HE7.2 states that 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. The historic interest of the bunker must therefore be balanced against the nature of the proposed demolition works and their justification.

#### *Justification for Demolition Works (Enabling Development)*

In light of the significance of the bunker outlined above, PPS5 policy HE7.4 applies as this states, for example, that 'Local Planning Authorities should take into account: the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'. Likewise, PPS5 policy HE9 applies, as this states that 'there should be a presumption in favour of the conservation of designated heritage assets ... Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through. . .destruction ... Loss. . . should require clear and convincing justification.'

HE9.2 also states that 'Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; **or**
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.'

On balance, the proposal complies with the above PPS5 policy, and therefore also in principle with saved UDP policy D11, D18 and EP31, as the demolition works would help to ensure the conservation of the nearby Grade II\* listed Bentley Priory entrance block building and the wider Grade II Registered Historic Park and Garden within which the bunker is set, both currently on the Heritage at Risk Register. This is because the current owners are trying to ensure the long-term future of these heritage assets by securing the sale and enabling development for the site via residential development that generates sufficient value to enable funding for the proposed reuse of the wider site, in particular the use of the Bentley Priory building as a museum focused on the site's role in the Battle of Britain, with the Bentley Priory Battle of Britain Trust in charge of the museum function.

The Supporting Statement suggests any possible alternative uses which have been considered and identified for the bunker (included storage, archive, emergency accommodation and night club) would not be viable for numerous reasons, including the fact that they could prejudice the viability of the enabling development which depends on creating a private, quiet and secure environment. These reasons include: the site's remoteness, high costs of the requirement to constantly pump air in and keep water out; limited means of access and escape; the building's siting near the Grade II\* Listed building means vehicular access passes in front of and alongside this and Tree Preservation Orders. The Bentley Priory Battle of Britain Trust similarly highlight that annual costs to the RAF of upkeeping the bunker were £80,000 and that any proposed use for the bunker would not be viable given complex health and safety and DDA requirements and costs. The Bentley Priory Battle of Britain Trust state that the historical significance of the bunker is outweighed by the weak business case supporting use as a visitor attraction, conference centre or storage facility.

Retention of the bunker is therefore considered to be a liability to securing the ongoing future of the wider historic site. The Bentley Priory Battle of Britain Trust's letter of support for the proposed demolition works supports this view as they state that the retention of the bunker would compromise the preservation of Bentley Priory itself by rendering the sale of the site and the sustainability of the museum unviable, and that previous delays have seen Bentley Priory added to English Heritage's 'Heritage at Risk' register.

So, according to the 'Closure Risk Assessment Report created by Defence Estates (January, 2008)', alternative solutions were considered to control the liability. One solution considered was removing all materials likely to be a short-term risk, and another was the removal of all mechanical and electrical equipment and services, suspended floors and ceilings and isolated metal members framing and fixing. But these solutions that did not involve demolition or filling in the bunker would not remove all risk, as for example some materials will decay or become unstable and be prone to sudden catastrophic failure such as the timber components. The other alternative considered, filling in the void, is not considered viable as substantial volumes of material would need to be transported by road, it would be difficult to fill all voids and the report concludes only demolition and filling the void using material from demolition would eliminate the liability.

The proposal specifically complies with PPS5 policy HE9.2 (ii c) since conservation through public ownership has been considered and policy HE9.3 as this requests evidence that public ownership has been considered and that other potential owners or users have been sought for the site through appropriate marketing and charitable ownership. The applicant has provided evidence that the site was extensively marketed and shows that the site was marketed as a whole to ensure that a comprehensive approach was adopted to avoid subdivision and piecemeal development. It was clear from the enquiries received by the agents that the bunker was considered a long term liability. Also, the charitable Bentley Priory Battle of Britain Trust, within their letter of support for the proposed demolition works, state that they would not be able to take on the bunker as part of the proposed enabling development which would see the preservation of the wider site, including the preservation and opening of the Bentley Priory building to the public as a museum, as their business plan is tightly balanced with no margin for the maintenance of the bunker.

#### *Retention of Bunker's Historic Interest*

All above ground structures which signal the use of the bunker in the Cold War, and the longstanding presence of a bunker in this location, would be retained. Also, all retaining walls, some of which date to the 1940s, would be retained. Therefore the overwhelming majority of the external parts of the bunker will be retained. This is important as the significance of the bunker as explored above seems to relate largely to its external features which signal its significant history and use as part of the wider site. The current sloped contours of the land also signal the presence of this bunker and therefore its historical significance in the Cold War, and the longstanding presence of a bunker in this location. These would not be lost with the proposed development since the applicant proposes to retain them. A condition is recommended to ensure this. It is considered that the external preservation of the bunker to satisfy PPS 5 in that the significance of the bunker will not be harmed or lost.

The Bentley Priory Supplementary Planning Document (September, 2007) states of one above ground entrance that 'the area of land around the Cold War bunker at the eastern end of the site should be opened to the public and an outdoor interpretive display provided to explain the origin and purpose of the bunker.'

Therefore, a relevant condition is recommended. Also, it was highlighted within page 29 of appendix 5 of the applicant's Conservation Management Plan that the entire bunker should be interpreted as part of the Battle of Britain Exhibit, including later Cold War usage. Given the historical significance of the bunker and the wider site, it would be important that this occurs and this could also be covered by condition, along with encouraging public access to the area above and around the bunker through accessible paths, signage and lighting, as recommended in the applicant's Conservation Management Plan. This would ensure that the historic interest and significance of the bunker is retained for enjoyment of future generations. The Bentley Priory Battle of Britain Trust's letter of support for the proposal states that their proposal is to include interpretation of the bunker to ensure the external preservation of the bunker.

Within the bunker there is one original 1940s timber handrail remaining within the bunker, with a shallow arched top with discontinuous sections. Also there is another timber handrail and metal balustrade at the top of this staircase of the same era. As original features of the historically significant 1940s bunker these should be retained so that they can help to document part of the very special history attached to this bunker so that the special interest of this curtilage listed building is not lost. It is therefore recommended that a condition is included to state that these elements will be extracted and retained to form part of an interpretive display either at the main bunker entrance or included in a display within the proposed museum. Similarly, the Bentley Priory Trust may be able to identify other elements within this building which could be used to document part of its significant history and therefore a relevant condition is recommended to ensure the Trust have the opportunity to remove them and use them as part of an interpretive display. This is important as the bunker, which includes the original 1940s bunker is one of the few tangible elements of the site remaining from the Battle of Britain. Also, given the significant history attached to the bunker from both the Cold War and the Battle of Britain, it is considered important that that the entire interior is recorded to a Level 4 survey and therefore a condition is included. This is in accordance with PPS5 policy 12.3 and is recommended by the Conservation Management Plan submitted by the applicants, as well as by the Bentley Priory Battle of Britain Trust within their consultation response.

### Summary

In summary, the principle of the demolition of the bunker is considered acceptable, subject to consideration of the likely impact on the main Grade II\* listed building, the openness of the Green Belt and Area of Special Character, the amenities of neighbouring residents, highway safety, trees and ecology and biodiversity as addressed in the appraisal sections below.

The proposed demolition of the bunker would comply with policy HE9.2 of PPS5 as the nature of the bunker undermines the viability of the comprehensive redevelopment of the site, has no other viable use in the medium term and could not be conserved through grant-funding, charitable or public ownership. The redevelopment of the site would bring back into use the Grade II\* listed building, which is currently on the Heritage at Risk Register, along with a number of other environmental improvements.

Given the proposal to retain most of the above ground works and subject to conditions requiring curation of historic features and improved public access to the site as part of the Battle of Britain Museum, it is considered that the loss of this heritage asset is outweighed by the benefits of bringing the site back into viable use, by enabling the redevelopment of site.

## **2) Character and Appearance of the Listed Building, Historic Park and Garden and Green Belt**

Given the heavy equipment that would be needed to implement the demolition works it is important that the vibrations from this do not damage the adjacent Grade II\* Listed Building. The technical report submitted by the applicants comes from building engineering specialists states within paragraph 7.1 that 'by applying the proposed monitoring programme and ensuring that the project values for noise and vibration are met during construction works . . . [this will] avoid potential cosmetic damage to buildings.' The important areas of the designated Historic Park and Garden would also be unaffected.

Therefore it is considered that this proposal again complies with PPS5 and saved UDP policy D11 in this respect.

As discussed, the site levels would be restored to their former condition and the site would be landscaped following the demolition works. The proposal would therefore not unduly impact on the openness of the Green Belt or the Area of Special Character.

The Council's Landscape Officer considers that a landscape plan should be submitted and approved prior to commencement of the development, to include appropriate grass seed/wildflower mix of native provenance and replacement native shrub planting, to link in to the existing adjacent grass area and enhance biodiversity. This can be required by condition and implemented following demolition works.

## **3) Residential Amenity**

The proposed demolition works would involve the use of heavy machinery as discussed, and given the proximity to neighbouring residential properties on Priory Drive, could lead to noise and vibration. The material removed from the site would be temporarily placed close to the northern boundary to form a noise barrier, before the material is re-used as infill and this would provide some mitigation from noise to the occupiers of the properties directly to the north. The applicant has submitted a technical note to provide guidance on noise and vibration monitoring, which concludes that, provided the demolition contractors stay within the noise and vibration target levels specified, there would be low impact from noise and vibration. A condition is imposed requiring the noise and vibration monitoring to be undertaken and details of the proposed noise barrier to be submitted and approved prior to commencement. It is also considered necessary to restrict working hours by condition in the interests of neighbouring amenity.

As discussed, the proposed site levels would not be permanently altered and the proposed works would not result in any additional overbearing impact or possibility of overlooking as compared to the existing situation. A condition is imposed requiring details of levels to be submitted and approved prior to commencement.

**4) Traffic and Parking**

The access road through the site is considered adequate to support the necessary machinery, on a temporary basis during demolition works. No other highways implications are expected as a result of the proposal.

**5) Trees and New Development**

There are no protected trees in the immediate vicinity of the site, although there are some located close to the access road, which could be affected by the movement of construction traffic.

The Tree Officer responded that the Method Statement and Tree Protection Measures relating to the above proposal are all acceptable and no existing trees should be adversely affected by the development. She noted that the contractor is to prune back trees and shrubs as necessary to accommodate vehicles (4.5m x 4.0m) along the access road where required which will prevent any accidental damage to the trees with Tree Preservation Orders located on the access road.

**6) Ecology and Biodiversity**

To the south of the site is Bentley Priory Open Space, a Site of Special Scientific Interest. The demolition works could therefore impact on the ecology and biodiversity of this area. It is considered necessary to impose conditions requiring measures to be put in place to limit damage caused by dust from demolition works. These measures should include hoardings to contain dust and rubble and details of damping down dust using a bowser. Details of how contamination by water of the delicate acid habitats in the SSSI and other watercourses is to be avoided must also be submitted with this information.

In terms of landscape and habitat restoration, the Council's Biodiversity Officer considers that the details of landscaping discussed above in appraisal section 2 and also required by condition to be adequate.

**7) 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.

**8) Consultation Responses**

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

- That the **Friends of the Bentley Priory Nature Reserve** were confused as to why they had received a previous notification for the demolition of the bunker and were informed by the Council later that this application was not required and now they have received notification of these current applications for demolition. However, the previous application submitted by the applicant was for Prior Approval for works which was not required. The current applications are for Planning Permission and Listed Building Consent for the demolition works which the applicant has been informed is required.
- 3 responses were received that the incorrect address had been used on the publicity for the proposal affecting this site. This was noted by the Council and the consultations were repeated with the correct address for the site, namely RAF BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH.

## **CONCLUSION**

In summary, the recommendation to grant planning permission and listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the adjacent Grade II\* Listed Mansion building and the museum proposed therein, and the future of the remaining parts of this curtilage Listed Building, by removing the maintenance liability and risk associated with the bunker, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, highway safety, trees, the adjacent SSSI, the adjacent Grade II\* Listed Building and the character and appearance of the green belt, area of special character and historic park and garden.

For all the reasons considered above the proposal is therefore recommended for grant, subject to the following condition(s):

### **P/1926/10**

#### **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: SUPPORTING STATEMENT VSM ESTATES LTD JULY, 2010; EXTRACT FROM BENTLEY PRIORY CONSERVATION MANAGEMENT PLAN (BUILDINGS), KATHRYN SATHER & ASSOCAITES, MARCH 2008; DESCRIPTION OF BUNKER, HALCROW YOLLES PDFMBP032, NOVEMBER, 2009; BDG CLOSURE RISK ASSESSMENT REPORT BUILDING 85 AND 86, JANUARY, 2009; DEMOLITION STATEMENT, HALCROW YOLES DOC. NO. PDFMBP034, JULY 2010; VSM ESTATES LTD REDEVELOPMENT AT BENTLEY PRIORY ECOLOGICAL IMPACT ASSESSMENT OF THE DEMOLITION OF THE UNDERGROUND BUNKER JULY 2010; NOISE AND VIBRATION MONITORING NOTE, AHL CROW YOLLES, PDFMBP035, JULY 2010; LETTER FROM GVA GRIMLEY DATED 20<sup>th</sup> AUGUST, 2010 REFERENCE SKDT/GEG/01A625773; LETTER DATED 18<sup>th</sup> AUGUST, 2010 FROM GVA GRIMLEY REFERENCE 02A819027/BH02; PDFMBP-182 REV 01; PDFMBP-180 REV 06; EMAIL FROM AGENT RECEIVED 23<sup>rd</sup> AUGUST, 2010 CONCERNING MARKETING OF THE SITE.

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

3 The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site (pursuant to application refs P/1452/08 and P/1453/08) has been made and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the removal of this heritage asset is linked to the redevelopment of the site to comply with PPS5 and saved Harrow UDP policy D11.

4 The demolition shall not commence before a contract for the carrying out of the development hereby permitted has been made, submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the appearance of the locality to comply with PPS5 and Harrow UDP policy D11 and D18.

5 No demolition work shall be carried out on the site outside of the following hours:  
08.00 to 18.00 hours Monday to Friday; and  
09.00 to 13.00 hours Saturdays.

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

6 Demolition work shall not begin until a scheme for protecting the neighbouring residential occupiers and buildings from noise and vibration from the demolition work has been submitted to, and approved in writing by, the local planning authority. The demolition work shall be carried out in accordance with the approved scheme.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and vibration in the interests of the amenity of neighbouring residents and structural integrity of neighbouring buildings.

7 A landscape reinstatement plan, including details of levels, existing and proposed hardsurfacing, proposed earth shaping, soil types, topsoil depths, tree, shrub and grass/wildflower planting, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The landscape reinstatement plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance biodiversity to comply with PPS5 and Harrow UDP policies D10, D11, D18 and EP31.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 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 to comply with PPS5 and Harrow UDP policy D11, D18 and EP31.

9 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected to comply with Harrow UDP policy D10.



10 The demolition hereby permitted shall not commence until a scheme for the suppression of dust arising from demolition is submitted and approved by the local planning authority. Details shall include hoardings, covers and water suppression through the use of bowsers. The scheme shall also include details of how contamination the water environment is to be minimised. The demolition works shall be carried out in accordance with the approved scheme.

REASON: To protect the adjacent SSSI in the interests of biodiversity and to protect the local water environment to comply with Harrow UDP policy EP28.

11 The demolition hereby permitted shall not commence until details of historic artefacts contained within the bunker to be retained, along with details of their curation and public display, are submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that items of historic interest associated with the bunker are retained and displayed for the enjoyment of future generations to comply with PPS5 and Harrow UDP policy D11.

12 The demolition hereby permitted shall not commence until a scheme detailing public access to and around the above ground parts of the bunker to be retained, is approved in writing by the local planning authority. The scheme shall include details of accessible paths and information points detailing the history of the bunker. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the remaining parts of the bunker are available for the enjoyment of future generations to comply with PPS5 and saved Harrow UDP policy D11 and D18.

## **INFORMATIVES**

### **1 PARTY WALL ACT**

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### 3 COMPLIANCE WITH PLANNING CONDITIONS

**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.

### 4 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:

PPG2 – Green Belts

PPS5 – Planning for the Historic Environment

PPS9 – Biodiversity and Geological Conservation

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D10 – Trees and New Development

D11 – Statutorily Listed Buildings

D18 – Historic Parks and Gardens

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP28 – Conserving and Enhancing Biodiversity

EP31 – Areas of Special Character

EP32 – Green Belt – Acceptable Land Uses

EP35 – Major Developed Sites in the Green Belt

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document 'Future use and development of Bentley Priory'  
(September, 2007)

### **P/1935/10**

### **CONDITIONS**

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

**REASON:** To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: SUPPORTING STATEMENT VSM ESTATES LTD JULY, 2010; EXTRACT FROM BENTLEY PRIORY CONSERVATION MANAGEMENT PLAN (BUILDINGS), KATHRYN SATHER & ASSOCAITES, MARCH 2008; DESCRIPTION OF BUNKER, HALCROW YOLLES PDFMBP032, NOVEMBER, 2009; BDG CLOSURE RISK ASSESSMENT REPORT BUILDING 85 AND 86, JANUARY, 2009; DEMOLITION STATEMENT, HALCROW YOLES DOC. NO. PDFMBP034, JULY 2010; VSM ESTATES LTD REDEVELOPMENT AT BENTLEY PRIORY ECOLOGICAL IMPACT ASSESSMENT OF THE DEMOLITION OF THE UNDERGROUND BUNKER JULY 2010; NOISE AND VIBRATION MONITORING NOTE, AHLCROW YOLLES, PDFMBP035, JULY 2010; LETTER FROM GVA GRIMLEY DATED 20<sup>th</sup> AUGUST, 2010 REFERENCE SKDT/GEG/01A625773; LETTER DATED 18<sup>th</sup> AUGUST, 2010 FROM GVA GRIMLEY REFERENCE 02A819027/BH02; PDFMBP-182 REV 01; PDFMBP-180 REV 06; EMAIL FROM AGENT RECEIVED 23<sup>rd</sup> AUGUST, 2010 CONCERNING MARKETING OF THE SITE.

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

3 The demolition works shall not commence until a full interior Level 4 Survey in accordance with English Heritage guidance on building recording see 'Understanding Historic Buildings' a guide to good recording practice (2006) is carried out, submitted to and approved in writing by the local planning authority.

REASON: To ensure a record of the special interest of the Listed Building to comply with PPS5 policy HE12 and Harrow UDP policy D11.

4 The demolition of the bunker shall not commence until the Bentley Priory Battle of Britain Trust has had the opportunity to access, assess and remove any internal fixtures and fittings from the bunker which could document part of its significant history for curation and public display, and until details concerning this have been submitted and approved in writing by the local planning authority.

REASON: To protect the special architectural or historic interest of the curtilage listed building in line with the requirements of Harrow UDP policy D11.

## **INFORMATIVES**

### **1 COMPLIANCE WITH PLANNING CONDITIONS**

**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.

2 SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:

The decision to grant listed building consent 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:

PPS5 – Planning for the Historic Environment

Harrow Unitary Development Plan:

D11 – Statutorily Listed Buildings

Plan Nos: SUPPORTING STATEMENT VSM ESTATES LTD JULY, 2010; EXTRACT FROM BENTLEY PRIORY CONSERVATION MANAGEMENT PLAN (BUILDINGS), KATHRYN SATHER & ASSOCAITES, MARCH 2008; DESCRIPTION OF BUNKER, HALCROW YOLLES PDFMBP032, NOVEMBER, 2009; BDG CLOSURE RISK ASSESSMENT REPORT BUILDING 85 AND 86, JANUARY, 2009; DEMOLITION STATEMENT, HALCROW YOLLES DOC. NO. PDFMBP034, JULY 2010; VSM ESTATES LTD REDEVELOPMENT AT BENTLEY PRIORY ECOLOGICAL IMPACT ASSESSMENT OF THE DEMOLITION OF THE UNDERGROUND BUNKER JULY 2010; NOISE AND VIBRATION MONITORING NOTE, AHL CROW YOLLES, PDFMBP035, JULY 2010; LETTER FROM GVA GRIMLEY DATED 20<sup>th</sup> AUGUST, 2010 REFERENCE SKDT/GEG/01A625773; LETTER DATED 18<sup>th</sup> AUGUST, 2010 FROM GVA GRIMLEY REFERENCE 02A819027/BH02; PDFMBP-182 REV 01; PDFMBP-180 REV 06; EMAIL FROM AGENT RECEIVED 23<sup>rd</sup> AUGUST, 2010 CONCERNING MARKETING OF THE SITE.

**BENTLEY PRIORY OPEN SPACE, PRIORY DRIVE, STANMORE P/2292/10**

Ward STANMORE PARK

DISCHARGE OF A SECTION 299A PLANNING OBLIGATION DATED 14 AUGUST 1997 RELATING TO BENTLEY PRIORY TO ALLOW DEVELOPMENT ON THE AREA SOUTH OF THE PRIORY

**Applicant:** VSM Estates Ltd  
**Agent:** Stephen Manson  
**Case officer:** Beverley Kuchar  
**Statutory Expiry Date:** 22-OCT-10

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## RECOMMENDATION

- (1) APPROVE the release of the obligation which restricts development within the area south of the Priory ;
- (2) CONFIRM that the obligation relating to cessation of the use of Bentley Priory for defence purposes has been discharged

## INFORMATION

This application is required to be determined by the planning committee as it falls outside the scheme of delegation.

### a) Summary

Statutory Return Type: 18. Minor development (other)  
Council Interest: None

### b) Site Description

- Bentley Priory is a 22.9 hectare site at the northern edge of the borough. It is in the heart of the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character. It separates the urban areas of Stanmore in the south and Bushey Heath to the north
- The site has historic interest as a former RAF Fighter Command airfield and is also the location of a Grade II Listed Building that is set in Grade II historic park and garden. Operational use of the site ceased in may 2008
- This application relates to area to the south and east of the Priory Building.

### c) Background

- Planning Application EAST/63/97/CRD, submitted pursuant to Circular 18/84 to the 1990 Town and Country Planning Act, proposed an outline scheme for single and two storey buildings for residential RAF accommodation, car parking and ancillary single storey building. The permission granted was subject to a planning legal agreement dated 14 August 1997 and made under s.299A of the 1990 Act.

The agreement contains two obligations: The first obligations states "That in perpetuity no development (whether requiring express planning permission or permitted by virtue of a Development Order or any statutory successor) shall take place on the area south of the Priory Complex shown edged red on the drawing b-33 SAVE for future development that may be required as a result of a national emergency or an essential operation need which may be required and which cannot be sited elsewhere on the land". It is this obligation that this application seeks to discharge, in order to implement the proposals included in applications P/1452/08/CFU/DT2, P/1453/08/CLB/DT2, P/1926/10/ML1 and P/1935/10/LH.

- The second obligation was "To permanently cease the use of the whole of the land at RAF Stanmore Park for all defence purposes within 18 months (or such later date as may be agreed in writing by the Council) of the buildings at Bentley Priory (the subject of the Circular 18/84 proposals and planning permission EASST/63/97." It can be confirmed that the requirements of this obligation have been met.

**d) Relevant History**

P/1452/08/CFU/DT 2	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwellinghouses (C3) with associated car parking, ancillary staff accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improvised means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings.	RESOLUTION TO GRANT PLANNING PERMISSION IN JULY 2008, SUBJECT TO THE COMPLETION OF A SECTION S.106 AGREEMENT. UPDATED REPORT ON THIS ELSEWHERE ON THIS AGENDA.
P/1453/08/CLB/DT 2	Listed Building Application Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwellinghouses (C3) with associated car parking, ancillary staff accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improvised means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7.	RESOLUTION TO GRANT CONSENT IN JULY 2008. UPDATED REPORT ON THIS ELSEWHERE ON THIS AGENDA.

	Relocation of entrance to the walled garden and demolition of other listed buildings.	
P/1926/10/ML1	Demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; all above ground structures to be retained	CURRENT APPLICATION REPORTED ELSEWHERE ON THIS AGENDA
P/1935/10/LH	Listed building consent: demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; all above ground structures to be retained	CURRENT APPLICATION REPORTED ELSEWHERE ON THIS AGENDA

## **APPRAISAL**

The application is being recommended for approval as the obligations in the s.299A legal agreement would prevent the development of the site, which would secure the future on the mansion building as a museum/education use and associated enabling housing development. In addition, the obligation would prevent the proposed works to remove the bunker from being carried out. Full consideration as to the importance of the proposed development of the site is addressed in the updated report elsewhere on this agenda. However, it should be noted that the area of land that is restricted by this obligation would still be retained as open space, bowling green and landscaped picnic area, in addition to an area for nature conservation. The character of this part of the site is not considered to be adversely affected by the discharge of this obligation.

## **CONCLUSION**

For the reasons stated above it is considered that the discharge of this obligation is acceptable and would enable the implementation of development on this site that would secure the retention of the existing building.

Plan Nos:            B-S3

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**16-24 CANNING ROAD, WEALDSTONE,  
HA3 7SJ**

**Item: 2/04  
P/1546/09/AH**

Ward **MARLBOROUGH**

REDEVELOPMENT COMPRISING 51 UNITS (4 NO. X THREE-BED, 20 NO. X TWO-BED, 26 NO. ONE-BED AND 1 NO. STUDIO APARTMENT) OF BETWEEN FOUR AND SIX STOREYS LANDSCAPING, PARKING AND REFUSE STORAGE (REVISED DESCRIPTION)

**Applicant:** Construction Solutions Ltd – Mr Mark Farmer  
**Agent:** Rma Architects Llp  
**Case Officer:** Abigail Heard  
**Statutory Expiry Date:** 28-OCT-09

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## **RECOMMENDATION**

**GRANT** permission for the development subject to a s106 legal agreement to be completed and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the s106 legal agreement and to agree any minor amendments to the conditions or the legal agreement within six months of the date of the permission

### **Heads of Terms of s106 Agreement**

- 1. Transport;** £9,309.52 towards improvements to public transport within Harrow and Wealdstone
- 2. Education;** Contribution of £24,285.71
- 3. Employment & Training Initiatives;** Contribution of £32,380.95
- 4. Street trees and landscape improvements within the immediate street scene;** Contribution of £10,000
- 5. Public Realm Improvements;** Contribution of £16,190.48
- 6. Affordable Housing;** 4 social rented units (4 x 3 bedroom) and 8 intermediate housing (5 x 1 bed and 3 x 2 bed). With a clause stating that on Commencement of Development a revised Financial Assessment shall be submitted to the Council. In the event that the review of the Financial Appraisal undertaken shows that the scheme is no longer viable with 12 affordable units the number of units required will be reduced accordingly.
- 7. Travel Plan;** A travel plan is to be submitted to the Local Planning Authority prior to the occupation of the development and will need to be reviewed annually
- 8. Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- 9. Planning Administration Fee:** Payment of administration fee for the monitoring of and compliance with this agreement.

**Reason for Approval:** - The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS4, PPS25 and PPG13 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 including any comments received in response to publicity and consultation. The proposed development will replace underused and unattractive buildings poorly orientated in an important gateway to Wealdstone providing much needed residential accommodation including affordable housing.



The proposed development is considered to be of a good sustainable design, which will contribute to the unique sense of place of the area whilst respecting the context of the site. The development will not be to the detriment of the amenities of the neighbouring occupiers and is considered to safeguard the amenities of future occupiers of the units. Zero parking provision is regarded as acceptable and the development will not be to the detriment of highway safety.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement 3 – Housing  
Planning Policy Guidance 13 – Transport  
Planning Policy Statement 25 – Development and Floodrisk  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth

### **The London Plan 2008**

2A.1 Sustainability Criteria  
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  
4A14: Sustainable Drainage  
4B.1 Design principles for a compact city  
4B.5 Creating an inclusive environment  
4B.6 Safety, security and fire prevention and protection

### **London Borough of Harrow Unitary Development Plan 2004**

D4: The Standards of Design and Layout  
D5: New Residential Development – Amenity Space and Privacy  
D9: Streetside Greenness and Forecourt Greenery  
D10: Trees and New Development  
EP20: Use of Previously Developed Land  
EP12: Control of Surface Water Run-Off  
EP47: Open Space  
H7: Dwelling Mix  
T11: Cycle and Motor Cycle Parking in Public Places  
T13: Parking Standards  
EM15: Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas  
T6: The Transport Impact of Development Proposals

**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) **Principle of Development and Land Use**  
The London Plan 2008: 3A.1, 3A.3, 3A.6  
London Borough of Harrow UDP 2004: EP20, EM15  
PPS1: Delivering Sustainable Development  
PPS3:Housing
- 2) **Design and Character of the Area**  
The London Plan 2008: 4B.1, 2A.1  
London Borough of Harrow UDP 2004: D4, D10.  
PPS1: Delivering Sustainable Development
- 3) **Residential Amenity**  
London Borough of Harrow UDP 2004: EP25, D5  
PPS1: Delivering Sustainable Development
- 4) **Housing Provision and Density**  
The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11  
PPS3: Housing
- 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].
- 8) **S17 Crime & Disorder Act**  
UDP policy D4
- 9) **Sustainability and Climate Change**  
PPS1, The London Plan 4A.1, 4A.4, 4A.7
- 10) **Consultation Responses**

**INFORMATION**

This application is required to be determined by the planning committee as it is a major application.

**a) Summary**

Statutory Return Type: Major Planning Application  
Council Interest: Part of the application site is under the ownership of Harrow Council

**b) Site Description**

- The site is currently occupied by a builders yard, two offices with flats above (No. 20 Morgans and No. 22 Bono & Murphy Ltd) and an area of land laid to grass with a number of young trees
- The site lies within the district centre boundary of Wealdstone
- The application site sits in a prominent location on the junction of Canning Road and George Gange Way and forms an important cycle and pedestrian gateway to Wealdstone Town Centre
- A multi storey car park lies to the south of the application site

**c) Proposal Details**

- The application seeks planning permission for the erection of 51 flats; 4 x 3 bedroom, 20 x 2 bedroom, 26 x 1 bedroom and 1 studio apartment, landscaping and refuse storage. The application originally sought permission for 63 units but has been amended on the basis of discussions with planning officers.
- The application proposes 12 affordable units; 3 x 2 bedroom, 5 x 1 bedroom and 4 x 3 bedroom
- The density of the development is 746 Habitable rooms per hectare
- The development consists of three development blocks (A, B, C)
- Block A – lies to the north of the site fronting on to George Gange Way adjacent to the development site at 74 High Street (approved 6 storey development). The building to which the development block is proposed extends to a maximum of 5 storeys and is proposed to be finished in red brick. The four large 3-bedroom social rented dwellings are proposed to be located in this block with a refuse store the main entrance to the flats from George Gange Way. The flats have a mixture of balconies or small paved amenity areas on the ground floor.
- Block B –The block fronts George Gange Way and Canning Road with the main entrance to the flats though the proposed corner lobby. This corner section of the building will be the tallest element of the scheme extending to six stories and will be finished in dark grey horizontal panels with a finish of aluminium balustrade to the balconies. The block will accommodate 21 one bedroom units (5 of which are proposed to be intermediate housing) and 15 two bedroom units (3 of which will be affordable) and a refuse store. A mixture of balconies and ground floor amenity area for the flats is provided.
- Block C – This element of the scheme will extend to a maximum of four storeys and is accessed from Canning Road. A cycle store with 14 spaces which is accessed directly from Canning Road and the main refuse storage and collection area is located on the ground floor of this block. There are 5 one bedroom units and 5 two bedroom units proposed within this block
- There is one refuse collection point proposed on Canning Road, with two supplementary bin stores within the site. It will be the responsibility of the management company to move the bins to the pick up point on Canning Road on bin collection day
- 40 cycle parking spaces are proposed within a cycle store to the rear of the site. A detailed design of this cycle store has not been submitted with the application.
- An on site play area is provided within an enclosed rear landscaped courtyard
- There is zero parking provision made for this development

**d) Relevant History**

EAST/640/97/FUL	Redevelopment to provide A1 retail store, class A1, A2, A3 units, B1 (business use) 40 residential units, (residential permit restricted) car parking, service yards, new link road, realignment of Ellen Webb Drive, Amendments to Highway Network	WITHDRAWN 08/10/98
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**f) Applicant Statements**

**Design & Access Statement**

- The scheme has been designed to address the policies of Harrow Council regarding new residential developments and affordable housing
- There are a number of key points that arise from the analysis of the site, which informed the design of the scheme;
  - The primary opportunity is to provide a new landmark within Wealdstone comprising of a contemporary building with an elegant 7 storey corner element (as originally submitted)
  - There is an opportunity to reinforce the link between Canning Road and the High Street, which at the moment is lacking a clear definition
  - There is an opportunity to create an existing façade visible from George Gange Way, whilst providing some continuity and street frontage, and delivering surveillance of the public realm
  - There are opportunities for adjoining sites to the north to come forward for development
- The application has evolved in a difficult and complex financial climate that has challenged the usual assumptions about development mix and construction costs and values, as well as funding uncertainties
- A number of meetings took place with planning officers prior to the submission. An initial scheme was submitted for comment in June 2008 on analysis of this scheme it was considered that there should be a comprehensive development of this area including the land owned by the Council (subsequently this area of land forms part of the application site).
- The public realm along George Gange Way and Canning Road is well overlooked. Footpaths within the scheme are straight and well overlooked. Lighting of the public realm will be agreed with Harrow Council and will be to BS5489 standards. Access to private parts of the site will be gated and locked for residents use only.
- The building has a clear front onto the public realm which includes the buildings entrances and a back on to the private courtyard
- Where necessary CCTV surveillance could also be employed to target specific areas such as entrances. CCTV systems will be designed in collaboration with the Metropolitan police
- The scheme is tenure blind, with architectural detail and specification being the same across the buildings
- The apartments and private areas will be maintained by a management company to ensure that it does not fall into a state of disrepair and that security is not compromised
- The desire lines for movement will define an ordered and practical landscape plan with areas of grass, planting, paving, terraces and a play area to encourage residents to make positive use of this space
- The development is lifetime homes compliant and will provide level thresholds or slightly sloping into the proposed buildings

- The site should be able to achieve a high proportion of travel by sustainable modes. The absence of car parking provision within the development will limit the number of vehicle trips, improvements will be made to enhance the pedestrian and cycle linkages in and around the development, and all together with the 100% provision of cycle storage will promote sustainable travel.
- A code for sustainable homes pre-assessment has been carried out. This demonstrated that the current proposals achieve a CSH level 3. The design proposed also provides an 18.1% reduction in carbon emissions over baseline building design
- The application was submitted in August 2009 and the design was revised to its current form following meetings with planning officers in June/July 2010 reducing the number of units from 63 units to 51 units. The corner element was originally proposed as a tall elegant drum shape, but as the height reduced by 25% this proportion became squat and ugly.
- The application site is angular and the revised design responds to this and is dramatic without being overbearing.
- The materials strategy incorporates three materials palettes;
  - **The internal courtyard** – This will be a quiet, landscaped and generally enjoy a south west orientation. Most of the apartments enjoy a private balcony with this aspect and all residents can access the garden and benefit from its amenity
  - **The external elevation** – The external elevation is a continuity to the streetscene. The elevations on George Gange Way and Canning Road relate to the context of the built schemes and consented schemes. A red brick typical of the area is proposed with vertically proportioned windows. Balconies are recessed to respond to the public side of the building and offer greater privacy to these units
  - **The corner element** – This offers the opportunity for some variety and visual incident in the streetscene to announce the route into the high street. The form is a skewed box which follows the geometry of the site. The balconies are a mix of metal work allowing views through to maintain surveillance and coloured solid panel to screen the balconies. The general cladding material is a panel system because it will give a precise, sharp and clean appearance at openings and corners. A darker colour has been chosen due to the location on the corner of the principal road hierarchy where there could be discolouration over time.
- The previous scheme was criticised due to the refuse collection points being located on George Gange Way. A central holding area collection point is now proposed on Canning Road with two supplementary bin stores else where within the development. The residential site management will ensure the bins are moved from the supplementary bin stores to the refuse collection point when required.
- The original scheme was the subject of a sunlight and daylight assessment. This revised proposal is a full two storeys lower and therefore its impact is significantly reduced.

### **Environmental Analysis Daylight and Sunlight Levels on Existing Buildings and Areas**

- The development has a relatively good level of integration, with a low average impact on existing buildings. Those existing parts more extensively affected by the new buildings presence are still maintaining good solar access. It is considered that this development has little effect on the surrounding buildings in terms of daylight and sunlight when assessed against the guidance provided by BRE.

#### **Internal Consultations:**

Landscape Architect: There is a loss of amenity space, existing soft landscape – grass, trees and shrubs on the corner of Canning Road and George Gange Way. Due to limited amenity space proposed within the development and the loss of existing amenity space, a s106 contribution could be sought for soft landscape improvements

Landscaping on site can be subject of a condition which would require an overall design concept:- landscape strategy, landscape design proposals, landscape masterplan showing any existing vegetation to be retained, full hard and soft landscaping details – including boundary treatment, levels, detailed hard landscape – structures and surfaces, detailed planting proposals, plant schedules and a specification for the works followed by a management a maintenance plan for all the external landscaped area. Details of the play area and future maintenance would also be required.

Traffic and Parking Engineer: The development must be made 'permit restricted' to conform with national and local parking restraint policies

The disabled parking spaces shown outside of the site should not normally be affiliated to the development as they are public bays which can be used by all eligible members of the public. However, an Inspector ('Case is Altered' appeal adjacent site) ruled that non provision of disabled parking bays on site can be compensated by availability of disabled parking bays on street hence a form of precedent has been set in the locality. Hence a 'car free' development is acceptable in this location

A residential travel plan as per LBH/Tfl required will be expected

Cycle Provision is considered acceptable for the level of development

The inclusion of the highway amenity land (fronting George Green Way) into the overall site provision will require a stopping up process under s247 of the Town and Country Planning Act. It is considered that the loss of this space would result in an overall planning gain as it allows for a comprehensive design proposal which complements the existing character and streetscene of the locality.

Drainage Engineer: Condition Permission.

Waste Management Policy Officer: It is recommended that under-sink waste disposal units to deal with flood waste are installed in each flat.

Tree Officer: No Objections. A s106 contribution should be sought for street/landscape planting in the immediate vicinity.

**External Consultations:**

Thames Water: No Objections

Crime Prevention Design Advisor: Conditional Permission

Environment Agency: No Objections

**Notifications:**

Sent: 344

Replies:

Expiry: 30-AUG-10

16 x letters of objection

(3 received

commenting on revised

plans from same

objectors)

1 x petition with 24

signatures

**Neighbours Consulted:**

Peel Road: 35, 36, 38, 42, 44-50 (even), 51, 52, 54, 54b

Wolseley Road: 2-10 (even)

Palmerston Road: 24-42

High Street: 19, 19a, 19b, 21, 21a, 21b, 23-72, Snooker Hall

Canning Road: 2-24, 41-52, 54-60 (even), 35, 61

Gordon Road: 1, 3, 35-43

Grant Road: 1-17(odd), 21-33 (odd)

Kingdom Hall

Land adjacent to Kingdom Hall

The case is altered public house

Wealdstone Police Station

The Sarsen Stone Public House

Premier House

Car Park Rear of Premier House

Multi Storey Car Park

Car Park rear of 26-36 High Street

Cafe

Health Club

Shop Lbh Property Pm

Sunset House

Swanley House

Aldborough House

Barker House

Ashton House

Christie House

Pinsent House

Holy Trinity Church

Birch Court

Robinson Court

Siddhashram Shakti Centre

Car Park adjacent to Wealdstone

Car Park adjacent to 42 Canning Road

**Summary of Neighbours Responses:**

Impact on Highway Network

- Parking problems in surrounding streets
- car free scheme is not viable or realistic
- increase in traffic and congestion
- residents parking scheme fails to work on surrounding streets currently
- the development will block sightlines
- increase in pedestrians attributed to development will result in an increase in road traffic accidents

Impact on Character of the Area

- Loss of green space and trees
- Too much flatted development in Wealdstone
- tallest building within the area
- overdevelopment
- no landscaping within public realm all within parameter of the development (private)
- 24 Canning Road is a character cottage which should be retained
- tall buildings are out of keeping with the skyline of Wealdstone
- scale of the development is too large
- all the buildings of character within Wealdstone have been demolished

Impact on Neighbouring Occupiers

- Dust and disturbance during construction works
- height will encroach upon privacy of adjoining residents
- anti-social behaviour attributed to development
- overlooking
- loss of light
- noise and disturbance

Impact on local infrastructure and regeneration

- Loss of two local businesses
- development will not regenerate the area but will result in a block of flats which will form social housing
- impact on local infrastructure (doctors, schools)
- the regeneration of the high street is required to create jobs not more blocks of flats

Potential Occupiers

- The scheme discriminates against disabled people given the provision of only two disabled parking spaces
- residential development is not suitable next to a busy road
- no provision for key workers as part of the scheme

Sustainability

- The development fails to incorporate any sustainable building techniques



## **APPRAISAL**

### **1) Principle of Development**

The development will result in the loss of a builder's yard, joinery workshop an ancillary office to the builders yard and an independent office. Policy EM15 of the Harrow UDP states that 'The Council will resist the loss of land or building from business, general industrial or warehousing use (use classes B1, B2 or B8) to other uses outside these classes, unless it can be clearly demonstrated that the site is no longer suitable or required for employment use'. The builder's yard, joinery workshop and the offices are currently in use and under the ownership of the applicant and the applicant have advised that the business will be relocating locally. Further to this policy 2A.1 of the London Plan 2008 states that development shall optimise the use of previously developed land and vacant or underused buildings.

Policy EM15 requires the development proposal to be assessed against a number of criteria, the development does not comply with all the criteria. However, the buildings currently are underused due to structural damage and would require significant investment to provide the modern facilities required, the application site forms an important gateway to Wealdstone town centre, the businesses are proposed to be relocated locally, the developer has agreed to make a contribution of £32,380.92 towards employment and training initiatives within the locality and small office space of this nature is abundant within Harrow. In light of the above it is considered that it can be adequately demonstrated that the site is no longer required for employment and that there will be significant planning benefits of the redevelopment of the site.

PPS3 and policy EP20 advise that all new build development shall take place on previously developed land. The application site given its previous use forms previously developed land as defined within PPS3 and furthermore is located in a highly sustainable location within Wealdstone district centre (a short walk from the train station, bus stops and local amenities).

London Policy 3A.1 of the London Plan sets the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes over the next ten years and an annual monitoring target of 400. This development will contribute to achieving this housing target and reducing the housing shortage.

Concerns have been raised with regard to the number of flats within Wealdstone. Whilst it is acknowledged that flats are concentrated within Wealdstone district centre, it is considered that this is the appropriate location for this type of high density development. The application site is within close proximity to amenities and public transport and furthermore the development is not out of scale with surrounding buildings. It is also important to recognise that the residential units are a mix of sizes from three bed units (suitable for family accommodation) suitable for 6 occupants to studio apartments in accordance with policy H7 of the Harrow UDP.

**2) Design and Character of the Area**

The importance of high quality and inclusive design is emphasised through PPS1 which states that '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'. Further to this PPS3 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.

In addition to this Policy 4B.1 of the London Plan states that within London new development shall promote high quality inclusive design, create or enhance the public realm and respect local context, history, built heritage, character and communities.

The application site forms two offices, a house, two flats and a builders yard and a small area of under utilised green space. The existing development offers poor natural surveillance of George Gange Way and the junction between Canning Road and George Gange Way. A multi storey car park lies on the opposite side of the road to the proposed development and is considered to form an uninspiring and bland gateway to this important pedestrian and cycle route from the east into Wealdstone district centre.

The development will have an active frontage on to George Gange Way, and furthermore, given the height and materials used, in the corner block will form a focal point giving this location a unique sense of place which, currently, is lacking. Whilst it is acknowledged that the materials use within the corner element of the scheme are not common within the area, the red brick used throughout the rest of the scheme is a material used frequently throughout Wealdstone High Street thus the development is considered to make reference to the local distinctiveness of the area.

The scale and massing of the proposed development is considered appropriate for its location. The building height steps down to adjoining boundaries in order for the proposal to integrate into the surrounding built form. The building extends to six storeys at its highest point, which is the same height as the proposed development at 74 High Street, which was approved at the planning committee in July 2010. Whilst it may be the case that terraced and semi detached Victorian /Edwardian dwellings align Canning Road to the east (across George Gange Way), it is important to recognise that the prominent character of the immediate streetscene is multi storey development (residential flats (max 5 storey, multi-storey car park (3 storey) and the Institute of Technology (max 6 Storeys). On this basis it is not considered that this development will be of a scale out of keeping with its context.

This development will result in the loss of green space. However, given the positive contribution the proposal is considered to make to the character and appearance of the area, the impact is not considered significantly harmful as to warrant refusal of the application. Further to this, concerns have been raised with regard to the lack of landscaping at the public interface of the building. There are a number of small trees proposed between the building and Canning

Road and the building and George Gange Way which are considered to offer some mitigation, and further to this it is recommended that a contribution is made for the maintenance and planting of street trees in the immediate area and landscaping improvements within the public realm.

The balconies are proposed to be finished with clear glass, however, in order to ensure the privacy of occupiers, it is recommended the glass is obscure glazed and a condition is considered justified to ensure that the glass used within the balconies is obscure glazed.

The Environment Agency has raised no objections to the development. As such it is not considered to result in an increased flood risk.

The proposal is therefore considered to comply with Government guidance contained within PPS1, policy 4B.1 of the London Plan and policies D4 and D10 of the Harrow Unitary Development Plan which seek to ensure that development is of a good design which respects the context of the application site.

### **3) Residential Amenity**

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

A sunlight and daylight assessment has been submitted which is considered to adequately ensure that the development will not cause any significant overshadowing. Further to this it is considered that the proposed flats will have sufficient natural daylight.

The development, given the fact it will be adjoining to the north a recently approved scheme which extends to six storeys, the reduction in height on Canning Road and the distance from the rear elevations of the flats which front the High Street, is not considered to have an overbearing impact on adjoining occupiers. Further to this given this distance at the rear, the fact George Gange Way lies between the development site and the flats across the road, and that no openings are proposed in the south west facing or north west facing side elevations the development, is not considered to cause an unacceptable level of overlooking to the detriment of the amenities of any neighbouring occupiers.

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 this, with regards to off site amenity space, the site is within walking distance of 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 development is not considered to result in significant levels of noise and disturbance. The application site is located within a busy district centre an acceptable distance from neighbouring occupiers and there will be no additional vehicular movements within the application site as there is zero parking provision.

In respect of vehicular movements, dust, noise and disturbance during construction it is recommended that a condition is added to the permission requiring the submission of a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction.

Overall the proposed development is considered to comply with Policy D5 of Harrow's UDP 2004 and Government guidance contained within PPS1.

#### **4) Housing Provision and Density**

The proposal would represent 51 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:

- 1 no. x studio
- 26 no. x one-bed flats;
- 20no. x two-bed flats; and
- 4no. x three-bed flats

The proposal would result in a density of 746 HRH, based on a site area of 1, 730 sqm and 129 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 in itself justify a reason for refusal. The site is within the District Centre in a highly accessible location and higher density developments are considered appropriate in such locations.

The development will provide 24% affordable housing which equates to 12 units, with one third of the provision forming social rented accommodation and the other two thirds forming intermediate housing (shared ownership, key worker). The developer has submitted a viability assessment which concluded that 24% would be reasonable taking account of individual site costs, the availability of public subsidy and other scheme requirements. This viability statement was, however, submitted to the Council on the basis of an estimated cost for the Council land which will be required to be purchased as part of the development. The exact cost of the land has yet to be negotiated and will have implications for the financial appraisal and as such it is recommended that a clause is added to the Legal Agreement stating that a revised Financial Assessment shall be submitted to the Council on commencement of development. In the event that the review of the Financial Appraisal undertaken shows that the scheme is no longer viable with 12 affordable units the number of units required will be reduced accordingly.

The units will be concentrated within block A and block B as it is not possible to 'pepper pot' the tenure across the scheme as the housing associations will need to be able to manage the site.

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 54 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.

The Council's Highways Officer has raised no objections to the scheme advising that the location and height of the building will not block sight lines to the detriment of Highway Safety.

With regard to comments made relating to the increase and pedestrians and road traffic accidents, George Gange Way has a number of pedestrian crossings which will ensure that pedestrians are able to cross the road safely. It is not considered that the provision of this development will result in the requirement to provide another pedestrian crossing.

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 2010), which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case all 51 units are to meet the Lifetime Homes Standards, furthermore 10% 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, the applicant has advised that two disabled parking bays will be available on the street. These parking bays are not existing, lie outside the development site and permission would be required from the Local Highways Authority for the bays and the application would be restricted to individuals who occupy the flats so the bays could not be provided as part of the development proposals. The development therefore fails to meet all the accessibility criteria. However, in light of the recent appeal at 74 High Street in which the inspector stated that 'whilst it is agreed it is extremely important to provide for the needs of the disabled, in common with the population as a whole not all disabled people may have, or wish to have a car' no objections are raised on this basis.

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) S17 Crime & Disorder Act**

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.

The proposed development offers further natural surveillance of Canning Road than was previously the case offering a more useable and secure pedestrian/cycle gateway to Wealdstone town centre.

There is no reason for anti-social behaviour to be attributed to this development. Indeed the increased natural surveillance of Canning Road should reduce the opportunities for crime and disorder

In addition to this the Crime Prevention Design Officer from Harrow Borough Police has raised no objections to the proposed development subject to a planning condition ensuring that windows and doors are secure.

**8) Sustainability and Climate Change**

The design and access statement advises that the scheme can achieve Code for Sustainable Homes level 3 and a condition is recommended to be added to the permission ensuring that this code level is achieved. In respect of on site energy generation a condition is recommended indicating that details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 20% or such percentage which is feasible shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The development is therefore considered to comply with The London Plan policies 4A. and 4A.7 and policy D4 of the UDP.

**9) Consultation Responses**

Concerns have been raised with regard to the demolition of character buildings within Wealdstone. The buildings to be demolished as part of these proposals are not listed and do not lie within a conservation area and are not considered to make a significant contribution to the character of Wealdstone as to warrant refusal of the application

The scale, layout and design of the development is considered appropriate for its context hence the proposal is not regarded to result in overdevelopment of the site

In respect of the development forming a block of social housing, the proposed scheme seeks permission for a mixed tenure including shared ownership or key worker, social rent and market housing therefore contributing to the development of balanced, mixed communities.

A number of developer contributions have been negotiated with the applicant in order to mitigate the impact of the proposal on local infrastructure.

This attractive development located in a prominent gateway to Wealdstone High Street should be catalyst for economic development as more people will be encouraged to use the shops within the high street given the improvements to the environment, including the new occupiers of the flats.

## **CONCLUSION**

The proposed development will result in the loss of employment land, however, given the fact the existing buildings are underused and require significant investment to meet modern standards, the aesthetic improvements of the development, the location of the site and the abundance of office space within Harrow the planning gain is considered to outweigh any disbenefits of the loss of employment land. Further to this the development will provide much needed affordable housing and Market housing. The proposal is considered to be of a good sustainable design, which will contribute to the unique sense of place of the area whilst respecting the context of the site. The development will not be to the detriment of the amenities of the neighbouring occupiers and is considered to safeguard the amenities of future occupiers of the units. Zero parking provision is regarded as acceptable and the development will not be to the detriment of highway safety. It is therefore considered that the proposal will comply with Government guidance and the relevant development plan policies.

## **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 No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy D4 of the Harrow UDP 2004

3 Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy D4 of the Harrow UDP 2004

4 No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the development is first occupied, or the use hereby approved is commenced. The hard landscaping details shall include proposed finished ground levels or contours; pedestrian access and circulation areas; and hard surfacing areas. The soft landscape works details shall include planting plans; written specifications; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; implementation plan. All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five 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.

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

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

6 A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to safeguard the future health of trees in accordance with policies D4 and D5 of the Harrow UDP.

7 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

8 The residential units hereby permitted, shall be built to Lifetime Home Standards and thereafter retained to those standards.

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



9 The development hereby permitted shall not commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day and car parking for contractors. The development shall be carried out strictly in accordance with the approved construction management plan.

REASON: In the interests of highway safety and to protect the amenities of the neighbouring occupiers in accordance with policy EP25 of Harrow's UDP 2004.

10 The development hereby permitted shall be carried out in accordance with the following approved plans: 1175\_0100 Rev A, 1175\_0104 Rev A, 1175\_0103 Rev A, 1175\_0102 Rev A, 1175\_0101 Rev A, 1175\_0202, 1175\_0201, 1175\_0200, 1175\_0105 Rev A, 1175\_0010

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

11 Following practical completion of the dwellings hereby permitted, the dwellings shall not be occupied until details of compliance with the Code for Sustainable Homes Level 3 (or subsequent equivalent quality assured scheme) has been achieved.

REASON: In order to ensure that the construction of the development is sustainable in accordance with policy 4A.3 of The London Plan and guidance contained within the SPD: Sustainable Building Design (May 2009).

12 No development shall commence until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (i) control of noise
- (ii) control of dust

The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure that impact on neighbouring occupiers during the construction phase of the development is minimal in accordance with policy EP25 of the Harrow UPD and guidance contained within the SPD: Sustainable Building Design May 2009.

13 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a residents parking permit within the controlled parking zone.

REASON: To ensure the scheme adequately addresses the sustainability and landscaping requirements of saved policies T13, D4 and D9 of the Harrow Unitary Development Plan (2004).

14 The development hereby approved shall not be commenced until details of the surface water attenuation / storage works have been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details before occupation and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with Policy EP12 of the Harrow UDP

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

REASON: To ensure that adequate drainage facilities are provided in accordance with Policy EP12 of the Harrow UDP

16 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 accordance with Policy EP12 of the Harrow UDP

17 The development hereby approved shall not be occupied until details of the external lighting for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development hereby approved is first brought into use or is occupied.

REASON: In the interests of visual and residential amenity to accord with policy D4 of the Harrow UDP 2004

18 The scheme/details of the storage/disposal of waste as identified on the approved plans shall be implemented prior to the occupation of development.

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 the Harrow UDP.

19 The glazed panels proposed to act as balustrades on the balconies facing Canning Road and George Gange Way shall be obscured glazed.

REASON: To protect the privacy of future occupiers of the development and in the interests of visual amenity in accordance with policies D4 and D5 of the Harrow Unitary Development Plan 2004.

20 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 doorsets to individual dwellings and communal entrance doorsets shall be made secure to standards, independently certified, set out in PAS 24:2007 or WCL 1 'Security standard for domestic doorsets';

2. all windowsets 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 7950:1997 or WCL 4 'Security standard for domestic windowsets'.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS4, PPS25 and PPG13 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 including any comments received in response to publicity and consultation. The proposed development will replace underused and unattractive buildings poorly orientated in an important gateway to Wealdstone providing much needed residential accommodation including affordable housing. The proposed development is considered to be of a good sustainable design, which will contribute to the unique sense of place of the area whilst respecting the context of the site. The development will not be to the detriment of the amenities of the neighbouring occupiers and is considered to safeguard the amenities of future occupiers of the units. Zero parking provision is regarded as acceptable and the development will not be to the detriment of highway safety.

### **2 COMPLIANCE WITH PLANNING CONDITIONS**

**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: 1175\_0100 Rev A, 1175\_0104 Rev A, 1175\_0103 Rev A, 1175\_0102 Rev A, 1175\_0101 Rev A, 1175\_0202, 1175\_0201, 1175\_0200, 1175\_0105 Rev A, 1175\_0010

**1 MARLBOROUGH HILL, HARROW, HA1 P/1682/10/GL  
1UD**

Ward GREENHILL

REDEVELOPMENT TO PROVIDE FOUR STOREY BUILDING TO CREATE OFFICE FLOORSPACE (CLASS B1) AND TWO FLATS AT FOURTH FLOOR LEVEL AND ASSOCIATED PARKING AT GROUND FLOOR LEVEL (REVISED).

**Applicant:** G & D Higgins  
**Agent:** Home Plans  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** 30-AUG-10

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## **RECOMMENDATION**

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

## **REASON:**

The proposal would provide additional office space in an accessible location together with good quality housing with a design that 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.

The decision to GRANT planning permission has been taken as the proposal would provide additional office space in an accessible location together with good quality housing, 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  
EM4 – New Office Development  
EM12 – Small Industrial Units and Workshops  
EM15 – Land and Business in Business, Industrial and Warehousing Use – Outside Designated Areas

EM22 – Environmental Impact of New Business Development  
EP12 – Control of surface water run-off  
EP20 – Use of Previously Developed 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)  
London Housing Design Guide (2010)

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**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 Use and Character of the Area (PPS1, PPS3, PPS4, 4B.1, 4B.8, D4, D5, D9, EM4, EM12, EM15, EM22, EP20)
- 2) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPG, SPD)
- 3) Sustainable Development (4A.7)
- 4) Traffic and Highway Safety (T6, T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

**INFORMATION**

This application is referred to the Planning Committee as it is outside the scope of the Scheme of Delegation.

**a) Summary**

Statutory Return Type:	Minor Development, all other	
Site Area	265 m <sup>2</sup>	
Habitable Rooms	6	
Density	266 hrph, 75 dph	
Car Parking	Standard	4.8
	Justified	4
	Provided	4
Lifetime Homes	2	
Wheelchair Homes	0	
Council Interest:	None	

**b) Site Description**

- Small irregular shaped parcel of land with two-storey building located adjacent to the junction of Marlborough Hill with Station Road
- The building on site is used for engineering works and offices, orientated to the southern boundary of the site
- The building is surrounded by three- and four-storey office and commercial buildings. The nearest residential development is at the former petrol station on Station Road approximately 40m to the south.

**c) Proposal Details**

- Four storey building (maximum height 12.25m) incorporating ground floor parking and office space, first and second floor office space and two two-bedroom flats on third floor.
- The building would have a similar but larger footprint compared with the existing building, with the width narrowing in steps to the east. The building would be finished in brick with a mansard type roof with dormer windows.
- The building would be a maximum of 27m wide and 12.3m deep.
- 320m<sup>2</sup> office space proposed on first and second floors, with office parking for 5 cars at ground floor level (2 for persons with disabilities), and a garage for two cars for the third floor flats. Vehicular access onto Marlborough Hill.
- Lobby to the building at the north west side of the site with access onto Marlborough Hill.
- Refuse store at the western side of the site.

**Revisions to previous application**

Following the previous grant of planning permission (P/3182/07/CFU), the following amendments have been made:

- Height of building increased from 12m to 12.25m
- Basement and ground floor office space omitted, with addition of garage for two cars on ground floor
- 320m<sup>2</sup> of office space proposed, as opposed to previous 458m<sup>2</sup>.

**d) Relevant History**

P/2009/03/COU	Outline: demolition of existing building and redevelopment to provide 4 storey detached office building with 2 flats on 3rd floor, and parking on ground floor	GRANTED 18-MAR-05
P/1356/05/COU	Outline: redevelopment: 4 storey building, basement workshop/store, ground floor parking, 1st and 2nd floor offices, 2 flats at 3rd floor	GRANTED 29-JUL-05
P/2292/05/COU	Outline: four storey building with basement workshop/store. parking at ground floor, offices at 1st floor, 4 flats at 2nd/3rd floor	REFUSED 03-APR-06

**Reason for Refusal:**

The proposal would lead to a disproportionate balance of residential and commercial floorspace on this site which is appropriate for employment generating use.

P/1389/07/CFU	Redevelopment to provide four storey plus basement building to create office floorspace (Class B1) and 4 flats with parking at ground floor level.	REFUSED 04-JUL-07 APPEAL DISMISSED 27-DEC-07
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**Reason for Refusal:**

The proposal would represent a development with a disproportionately high level of residential accommodation that would be both out character with the predominately commercial/employment context of development in the surrounding locality. The proposal would also rely on light and outlook from the proposed windows in the south elevation which would be inappropriate and could prejudice future development of the adjoining site. The proposal would therefore be harmful to the amenities of the future occupiers of the site, contrary to policies S1, SD1, D4, D5 and EP25 of the Harrow Unitary Development Plan (2004).

P/3182/07/CFU	Redevelopment to provide four-storey plus basement building to create office floorspace (Class B1) in basement first and second floors and two flats on third floor with parking at ground floor level (resident permit restricted)	GRANTED 21-NOV-07
P/1984/10	Non-material amendment to planning permission P/3182/07/CFU dated 21/11/2007 for redevelopment to provide four-storey plus basement building to create office floorspace (Class B1) in basement, first and second floors and two flats on third floor with parking at ground level (resident permit restricted)	REFUSED 02-AUG-10

**Reason for Refusal:**

The proposed amendments would reduce the office floorspace of the development by 30%, which is a significant alteration to the approved development. This reduction is considered to be material and would need to be assessed against the requirements of relevant planning policies and guidance.

P/1983/10	Details pursuant to conditions 2 (samples) 4 (landscaping) 8 (refuse) 9 (drainage) 10 (surface water attenuation) attached to planning permission P/3182/07/CFU dated 21/11/2007 for redevelopment to provide four-storey plus basement building to create office floorspace (Class B1) in basement first and second floors and two flats on third floor with parking at ground level (resident permit restricted)	CURRENT APPLICATION EXPIRES 08-SEP-10
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**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Site is suitable for larger building to provide additional office space and some residential units
- Proposal would provide an additional 130 sq.m. of office space
- Layout and design takes account of restricted nature of the site
- Proposal would provide some soft landscaping
- Refuse storage would be provided within the building
- Five ground floor spaces would be for office use, with two spaces in a garage for the residential units
- Building would be fully accessible

**g) Consultations**

**Environment Agency:** Proposal has a low environmental risk

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

**Waste Management:** No response received

**Highways Engineers:** No objection provided resident permit restricted

**Landscape Architect:** Landscaping conditions required

**Notifications:**

Sent : 30

Replies : 0

Expiry: 04-AUG-10

Neighbours consulted:

Railway Approach: 26, 32, 33, 34, 36

Station Road: 16-22; 12-14 (includes flats)

Marlborough Hill: 1, 2, 3 (all units), 4, 6

Rosslyn Crescent: Magistrates Court

**Summary of Responses:**

- N/A

**APPRAISAL**

**1) Principle of Use and Character of the Area**

The principle of demolishing the existing building and rebuilding a four storey mixed use development with basement workshop/storage, ground floor parking, offices with residential accommodation in the upper floor has already been established in the previous outline permissions detailed above. The inclusion of a small element of residential accommodation (two flats) on the upper (third) floor was considered justifiable despite the commercial nature of the site and the surrounding area.

The nature of the development is similar to the previously approved scheme P/3182/07/CFU, and would have the same footprint. The principle difference is the omission of office space in the basement and on the ground floor. The previous ground floor office space is now dedicated to resident's parking.

Although this proposal would deliver less office space than the previously-approved scheme, the proposal would result in a net increase on office floorspace on the site and is considered acceptable.



Subject to conditions regarding drainage and surface water attenuation, the approval of materials, refuse storage and landscaping, the principle of the proposal, for a four-storey mixed use building with a single penthouse floor of two residential flats, albeit in a primarily commercial area, is considered acceptable.

**2) Residential Amenity, including Lifetime Homes**

The residential accommodation exceeds the minimum standards for room sizes and layout required by the London Housing Design Guide.

The proposed room sizes are shown in the table below:

	<b>Flat 1</b>	<b>Flat 2</b>
Living room	23.9 sq.m.	18 sq.m
Kitchen	7.4 sq.m	7.4 sq.m
Bedroom 1	16.4 sq.m.	16.8 sq.m.
Bedroom 2	12.7 sq.m.	10.7 sq.m.
Gross Internal Area	69.5 sq.m.	66.5 sq.m.

Although the second bedroom and kitchen of flat 2 only have windows on the southern aspect, the building, in the main, relies on light from the northern elevation which provides a reasonable outlook and is unlikely to come under development pressure given its location facing a roadway.

The proposed flats would have no on-site amenity space provision. Many commercial premises within the area contain residential units on the upper floors and likewise lack amenity provision. The proposal in this instance is considered acceptable, given the nature and location of the site, the penthouse-style of the proposed development and the restriction of the residential development to the top floor.

The layout of the proposed flats would meet the requirements of Lifetime Homes. The parking area dedicated to residents parking would be contained within a garage, and the spaces would not be capable of enlargement to 3.3m if required. However, the provision of parking of itself is not a requirement of Lifetime Homes standards, and there is no expectation that if garage parking is provided then it should be capable of being enlarged. Therefore, on balance, it is considered that the proposal would meet the requirements of Lifetime Homes.

**3) Sustainable Development**

London Plan policy 4A.7 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, this requirement is more usually applied to larger developments, and on-site generation may not be viable on this site.

Notwithstanding this, 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 a 20% reduction in predicted CO<sub>2</sub> emissions through on-site energy efficiency measures.

**4) Traffic and Highway Safety**

The proposal contains provision for 5 car parking spaces at ground floor level for the office space and two car parking spaces for the flats. Taking into account the good transport accessibility of the site and the highways engineers' comments, the proposal is considered acceptable in this regard, subject to a condition restricting the use of the parking facilities to being in connection with the development. To minimise parking demand on nearby residential streets, the development is defined as "resident permit restricted" and a condition attached which will have the effect of making the occupiers of the flats ineligible for parking permits in the surrounding Controlled Parking Zone.

**5) S17 Crime & Disorder Act**

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

**6) Consultation Responses**

N/A

**CONCLUSION**

The proposal would provide additional office space in an accessible location together with good quality housing with a design that 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 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, as required by 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:

“1525/35; /36; /37; Design and Access Statement”

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 The development hereby permitted shall not be commenced until the applicant has demonstrated that the development will achieve a 20% reduction in predicted CO<sub>2</sub> emissions. 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 development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.

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. 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 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).

10 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 D4 of the Harrow Unitary Development Plan (2004).

11 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).

12 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses the sustainability requirements of saved policies D4 and T13 of the Harrow Unitary Development Plan.

13 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, as required by saved policy D4 of the Harrow Unitary Development Plan.

## **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:

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
- EM4 – New Office Development
- EM12 – Small Industrial Units and Workshops
- EM15 – Land and Business in Business, Industrial and Warehousing Use – Outside Designated Areas
- EM22 – Environmental Impact of New Business Development
- EP12 – Control of surface water run-off
- EP20 – Use of Previously Developed 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)
- London Housing Design Guide (2010)

## 2 CONSIDERATE CONTRACTORS' CODE OF CONDUCT

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

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:  
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB  
Please quote **Product code**: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

#### 4 COMPLIANCE WITH PLANNING CONDITIONS

**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: 1525/35; /36; /37; Design and Access Statement

181 UXBRIDGE ROAD, HARROW WEALD, P/2184/10  
HA3 6TP

Ward: HARROW WEALD

SINGLE STOREY SIDE AND TWO STOREY REAR EXTENSION

**Applicant:** Ms K Patel  
**Agent:** Your Architect LLP  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** 12-OCT-10

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### 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 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (4B1, D4, SPG)
- 2) Residential Amenity (D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

### INFORMATION

This application is reported to the Committee due to the level of public interest.

#### a) Summary

Statutory Return Type: 21 – Householder Development

Council Interest: None

#### b) Site Description

- Two-storey semi detached property located on the south of Uxbridge Road.
- This is a two-storey detached dwellinghouse with an attached side garage. It is not a listed building nor is it in a conservation area.
- No.179 Uxbridge Road to the east has an existing two storey side and rear extension, similar in size and scale to that proposed by this application.
- No.24 Kynaston Wood to the west has an attached garage on the boundary line of the application site.

**c) Proposal Details**

- Proposed single storey and two storey rear extension.
- Ground floor extension would be 4.0 metres deep from the rear elevation along the width of the house (12.6m).
- First floor extension would be 3.0 metres deep from the rear of the property, set in by 1.2m from the west elevation and be 8.7m in width in total.
- Windows would be installed in rear elevations of the extension, along with French doors to the rear at first floor level. A rear facing window is proposed at first floor level in the existing house, and would be fixed shut and obscurely glazed.

**d) Relevant History**

P/1385/10	CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DEMOLITION OF ATTACHED GARAGE AND CONSTRUCTION OF SINGLE STOREY SIDE & SINGLE / TWO STOREY REAR EXTENSION; SINGLE STOREY DETACHED DOUBLE GARAGE WITH VEHICLE ACCESS AT REAR FRONTING KYNASTON WOOD.	WITHDRAWN 02-JUL-10
P/1733/10	CERTIFICATE OF LAWFUL EXISTING DEVELOPMENT: SINGLE STOREY AND TWO STOREY REAR EXTENSION	WITHDRAWN 19-AUG-10

**e) Notifications:**

Sent: 8          Replies: 3                                  Expiry: 08-SEP-10

**Summary of responses:**

- Impact of the proposal on the character of the area.
- Potential noise and disturbance from the traffic and car parking.
- The size, height and scale of the proposed development and concern regarding overlooking and overshadowing.
- Comments that the property has already been extended in the back with additional two flats with or without Council permission.
- Comments that the T junction at the end of Kynaston Wood contributes to the financial value of the properties in this location, and that a proposal to create a through road here would have a detrimental impact upon the residents amenity.

**f) Background**

Two applications for a Certificate of Lawful Development have been submitted at this site; both applications have been withdrawn prior to the Council making a decision on them. The application sought to set out that the works currently proposed under this application were 'Permitted Development' and did not require planning permission.



Earlier this month the Government published guidance in relation to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) made in October of 2008. The guidance confirmed that the extensions to the house required planning permission, and therefore these works are the subject of the application currently before Members.

Members may be aware of concerns raised in relation to a proposed garage, driveway and vehicular access into the site from Kynaston Wood. These works do not form part of this planning application and are not for consideration as part of the determination.

## **APPRAISAL**

### **1) Character and Appearance of the Area**

Detailed guidance on the design of householder extensions is contained in the Council's adopted Supplementary Planning Guidance on Householder Extensions (SPG) which notes, at paragraphs 2.1 and 2.3, that extensions should have a sense of proportion and balance, both in their own right and in relation to the original building and the area, and should not dominate the original building.

Due to the nature of the proposed works to the rear of the property, there is limited visual impact along Uxbridge Road. The application site, along with adjacent properties along Uxbridge Road, is set well back from the road itself and is already screened to a large extent by existing landscaping. Kynaston Wood is a cul-de-sac which ends adjacent to the side boundary of the application site. Due to this relationship, the extension is visible to some extent from a public view point here. However, it is considered that the impact of the extension is limited due to the distance from Kynaston Wood, approximately 13m. Due to the existing back to front relationship between Kynaston Wood and this part of Uxbridge Drive, the view from Kynaston Wood of the application site property is that of the rear elevation. It is considered that the proposed extension do not result in an adverse impact on the area in this regard.

Overall, it is considered that the proposed extensions do not result in overdevelopment of the site and maintain the appearance of the dwellinghouse and character of the area in accordance with London Plan 4B.1 and saved Policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008).

### **2) Residential Amenity**

Given the scale, siting and design of the proposed extensions, the only occupiers likely to be affected are No.179 Uxbridge Road and No.24 Kynaston Wood; all other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

The proposed extension project rearwards by 4.0m at ground floor level and by 3.0m at first floor level. It is noted that the adjacent property at No.179 Uxbridge Road has an existing 4.0m deep ground floor rear extension. The extension proposed at the application site is at the same depth as this extension, and therefore no adverse impact results here.

The application proposes a two storey extension that would project rearwards by 3.0m from the existing rear elevation of the house, and be set in by 2.8m from the boundary with No.179 Uxbridge Road, and a further 1.1m from the house itself. The proposed extension does not breach the 45° Line in relation to No.179 Uxbridge Road and as such the application is considered acceptable in this regard.

Two additional first floor side windows on the original dwellinghouse are proposed facing No.179 Uxbridge Road. These windows would not be the main windows serving a habitable room and would be obscurely glazed and fixed shut, and therefore would not lead to any undue overlooking of the adjacent property. A planning condition is recommended to ensure this would be the case.

The existing relationship between the application site and No.24 Kynaston Wood – adjacent properties that are essentially back to front – means that the impact of the proposed extension has to be considered on this basis. No.24 Kynaston Wood, which is a two storey detached property, sits due south east of the application site. No.24 Kynaston Wood has an existing single storey side extension that runs along the boundary with the application site. The side of No.24 Kynaston Wood itself is set in approximately 2.5m from the boundary. There are no habitable room windows on the side elevation of No.24 Kynaston Wood facing the application site.

It is noted that the proposed extension would result in the application site property being enlarged and coming closer to No.24 Kynaston Wood. The first floor extension would be 2.4m from the boundary with No.24 Kynaston Wood, approximately 4.9m from the property in total. However, due to the juxtaposition of the two properties, it is considered that the proposed extension at 181 Uxbridge Road would not lead to any additional overshadowing or overbearing impact on No.24 Kynaston Wood.

It is noted that a side and rear facing window are to be constructed on the original dwellinghouse that would look either directly or indirectly towards No.24 Kynaston Wood. These windows would not be the main windows serving a habitable room and would be obscurely glazed and fixed shut, and therefore would not lead to any undue overlooking of the adjacent property. A planning condition is recommended to ensure this would be the case.

Two large rear facing windows are proposed that would look out over the rear garden of the application site. Notwithstanding that they are similar in size to a Juliet balcony style window, the applicant has confirmed that this would not be the case, and that they would not be able to access the roof of the ground floor extension to form a balcony. It is considered that the proposed windows would not lead to any additional overlooking of adjacent properties and are acceptable in this regard, subject to a planning condition ensuring that a balcony is not created.

Overall, it is considered that the proposal would not have an undue adverse impact on the residential and visual amenities of adjoining occupiers or the occupiers of the subject site in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: “Extensions: A Householders Guide” (2008).

### **3) Consultation Responses**

The number of comments received in relation to the works undertaken at this site are noted. As some Members may be aware, the works going on at this site have attracted a significant level of public interest. The main reason for this is that the applicant has indicated that they intend to construct a garage and driveway in the back garden, which would be served by a new vehicular access from Kynaston Wood.

Residents are concerned that the level of car parking provision along Kynaston Wood is limited, and that the area proposed for the vehicular access is currently used as on-road parking by a number of residents. The loss of the parking spaces – by virtue of having a new vehicular access here – would exacerbate this issue. Residents have also raised concern that the vehicular access would lead to additional vehicle movements along Kynaston Wood.

Questions have been raised as to whether the vehicular access requires planning permission. It is noted that works – garage, driveway and vehicular access – formed part of an application for a Certificate of Lawful Development proposing that they did not require planning permission. This application was withdrawn prior to the Council making a decision on it. However, notwithstanding this, Officers can confirm that planning permission is not required for the vehicular access at the site. Class B, Part 2 of the General Permitted Development Order 1995 (as amended) provides that the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any class in the schedule, is permitted development. Class B is not limited to single dwellinghouses, although that is the current use of the property. Classes E and F set out that planning permission is not required for the provision of an outbuilding (i.e. garage) and hardsurfacing (i.e. driveway) so long as they are constructed in accordance with the criteria within the regulations (e.g. area, height etc). The result of this is that, notwithstanding that planning permission is required for the extension works to the house, planning permission is not required for the matters related to the garage, driveway or vehicular access.

In addition to the above, consent is required under Section 184 of the Highways Act for the vehicle crossover. Whilst permission for this consent is sought from the Council, this is separate from the need, or otherwise, for planning permission. The two matters are mutually exclusive, and consent for one does not automatically confer consent for the other, or indeed refusal of consent for one or the other.

It is noted that concerns have been raised in relation to the potential for the number of people occupying the house to be significantly increased by virtue of this extension, and because of this that there would be issues of noise, drainage problems, a lack of off-street parking provision and insufficient areas for refuse collection. These concerns are noted, but the application is for a typical householder extension to a residential property and would remain as a single dwellinghouse, and as such could reasonably be occupied by a single family, irrespective of the numbers of inhabitants. Any change of use to the building, for example its conversion into flats, would require planning permission in its own right and those impacts would be assessed at that time.

Issues associated with noise from a single family dwellinghouse do not have significant weight in terms of this planning application as these are regulated by other legislation (Environmental Protection, the Police etc).

Comments made in relation to the impact of the proposed development, or the creation of the vehicular access from Kynaston Wood, upon local property prices are noted, but cannot be given significant weight in planning terms as a material planning consideration.

**4) S17 Crime & 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 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, 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 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 The window(s) in the side wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

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

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

4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

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

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

10/024 – S0, 10/024 – S1, 10/024 – S2, 10/024 – P1A, 10/024 – P2A

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 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

### 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:

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

### 3 PARTY WALL ACT:

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code: 02 BR 00862** when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 THAMES WATER:

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 PERMEABLE PAVING:

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

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

6 COMPLIANCE WITH PLANNING CONDITIONS:

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: 10/024 – S0, 10/024 – S1, 10/024 – S2, 10/024 – P1A, 10/024 – P2A

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**HARROW SCHOOL SPEECH ROOM, HIGH STREET, HARROW ON THE HILL, HA1 3HQ**

**Item: 2/07  
P/0868/10/LH**

Ward HARROW ON THE HILL  
**LISTED BUILDING CONSENT: INTERNAL ALTERATIONS COMPRISING  
INSTALLING LAY-IN NAME PANELS WITHIN EXISTING NAME BOARDS AND TWO  
NEW NAME BOARDS ON THE WALLS OF THE SPEECH ROOM.**

**Applicant:** HARROW SCHOOL  
**Agent:** CHARLES MARSDEN SMEDLEY  
**Case Officer:** Lucy Haile  
**Statutory Expiry Date:** 02-JUL-10

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## **RECOMMENDATION**

**GRANT** listed building consent for the works described in the applications and submitted plans, subject to conditions.

## **REASON**

The decision to grant Listed Building Consent has been taken having regard to the saved policy D11 of the Harrow Unitary Development Plan 2004, and national Planning Policy Statement 5 (Planning for the Historic Environment), as the proposed development is minor and would preserve the special character and appearance of the statutory Listed Speech Rooms.

## **MAIN CONSIDERATIONS AND POLICIES**

- 1) Saved Harrow UDP (2004) policy D11 and PPS 5
- 2) Consultation Responses

## **INFORMATION**

This application is reported to the Committee because the Listed Building concerned is Grade II\* listed and therefore any applications for Listed Building Consent on a Grade II\* listed buildings cannot be determined under delegated powers.

### **a) Summary**

Statutory Return 23 – Listed Building Alteration  
Type:  
Conservation Area: Harrow School  
Council Interest: None

### **b) Site Description**

- The application site comprises a landmark early 19<sup>th</sup> century building with a D-shaped floor plan.
- The property is located on Grove Hill, at the junction with Peterborough Road and the High Street.
- It is set south of the Harrow School Art School and adjoins the War Memorial building to the south.

- It is set at a much lower level to the east of the grade I listed St. Mary's Church on Church Hill and is almost opposite New Schools on Peterborough Road.
- The property became grade II\* listed on 09/07/1968 and is located within the Harrow School Conservation Area, forming the source of some key views within it.
- The Speech Room is a key example of William Burges relatively few works.
- The statutory list description for the property reads '1872-77, by William Burges. Neo-medieval. Red brick. D-plan, with corner towers of 1919 and 1925 one with statue of Elizabeth I from Ashridge Park. Interior consists of Hall with banked seating on semi-circle, shallow internal wooden dome, supported on cast-iron columns and by hidden metal trusses. Not completed to Burges's design'.
- It was built for and is used by Harrow School.
- Internally Speech Room is formed of one large room containing a stage to the east and a semi-circle of banked seating to the west of this.
- Along the rear wall of this room, following the curve of the semi-circle to this room, are seven historic timber oak frames with inset oak panels fixed to the wall.
- They run behind the last row of the semi-circle of banked seating and begin 1m higher than floor level here.
- The three smaller central oak panels to these oak frames list the dates of pupils who won a Harrow School prize for each year from the late 19th century up until 1936.
- These use lettering painted in gold and outlined in black.
- The initials of the prize winner and their surnames are listed in a column on the right, and the year that they received their prize is listed in a narrower column on the left.

**c) Proposal Details**

The proposal is to:

- acknowledge benefactors to Harrow School by retaining all of the existing seven historic name boards (complete with their lists of prize-winners) and their oak frames, and adapting them by installing removable lay-in name panels of metal sheet powder coated chocolate brown within them, holding the names of financial donors to the school.
- install two new timber panels opposite each other on the wall to the north of the stage and on the wall to the south of the stage to match the seven existing historic oak frames in all dimensions, and insert new name panels within them to match those to be installed within the historic oak frames.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

Informal discussions and a site meeting by the Conservation Officer with the applicants to discuss the proposals to outline the need to retain the existing panels and to come up with a way of installing new panels in a manner that does not damage the character or fabric of the existing historic fabric.



**f) Applicant Statement**

- The proposals are to adapt the seven existing oak frames to the boards without removal of any existing or historic material.
- Two new frames to match the existing panels will be made and installed on the return walls at each end of the stage. They will have minimal fittings.
- Design is completely complementary to the building and the School in general.
- No space for extra panels other than those proposed without further destroying the feel of the building.
- The proposal is reversible.
- The names will be put onto the central panels with a typeface inspired by that used in the School's War Memorial building, as this is more subtle and refined than that previously carved in the panels.
- Whilst the lettering for the War Memorial is Herbert Baker and not Burges, it is felt that this is more relevant bearing in mind the War Memorial is some 30 or 40 years later, probably at the time the original panels were installed in the Speech Room.
- It moves forward the importance of new benefactors whilst it retains in perpetuity the original elements and purpose of the panels.
- The design has been carefully and cleverly designed and developed and should make a positive contribution for the continued success of the School.

**g) Consultations**

The following bodies were consulted:

Harrow Hill Trust: No response

The Victorian Society: No response

The Council for British Archaeology: No response

The Society For the Protection of Ancient Buildings: No response

English Heritage

Summary of Responses: English Heritage had no objections and confirmed that the application can be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**APPRAISAL**

**1) Inset lay-in panels within the seven existing historic oak framed panels – D11 and PPS 5**

The existing oak frames and their oak panels are an integral part of the historic character and fabric of the grade II\* listed Speech Room. They have been in place either since the property was built, or relatively soon after that date, fixed all along the west (rear) elevation wall just behind the last row of banked seating. Their fixing here means that they complement the intended design scheme of this room since decorative oak carving is used elsewhere within the Speech Room, particularly on its ceiling. Also, it contributes to historic character as they show the names of pupils who won a particular prize from Harrow School for each year from the late 19<sup>th</sup> century to the 1930s. It is therefore important that they are retained.

Since 1937 the prize that is referred to by these historic oak panels is no longer awarded by Harrow School and, accordingly, names are no longer added. So the panels are no longer required for this purpose. Therefore the principle of concealing the existing name panels within these historic panels is acceptable.

The proposal is to install new panels within the existing so that the names of existing and future benefactors to the school can be publicly recorded. This can be considered to contribute to the long-term conservation of this building and others within the surrounding Harrow School Conservation Area as benefactors are required to fund the repair and conservation of numerous historic buildings owned by Harrow School.

Importantly, installation of the new name panels within the existing historic oak panels would be entirely reversible due to the careful method that it is proposed to use. This entails unscrewing the existing beads to the panels, inserting a thin steel panel, re-fixing the beads to 'capture' the metal sheet, then inserting the name panel above this held in position with magnetic pvc. The new name panels would be of a dark brown chocolate colour that blends in well with the surrounding design of the Speech Room. One such name panel has been installed as a sample within one of the existing historic oak frames within the Speech Room, and others have been installed and then removed again within others, causing no visible damage to the historic fabric. Therefore, this indicates that this proposal blends in well with the character of this Listed Building and is entirely reversible. The typeface for the name panels is distinctly different to that already carved on the historic name panels, but is not obtrusive and this means the distinction between these new panels and the historic ones is clear. These aspects of the proposal would comply with saved Harrow UDP policy D11 to 'only permit alterations that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses' and National Planning Policy Statement 5 policy HE 7.4 which states 'local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets'.

**2) Two New Frames With Panels – D11 and PPS 5**

The new panels would be located below the organ pipes in the Speech Room either side of the stage. They would not appear squashed in at all at this location. A sample has been made that matches the existing frames entirely and it would be at the same height as the existing panels, providing good continuation between the old and new oak frames. No existing historic fabric needs to be removed to accommodate these panels' installation and minimal fittings will be used to install them incorporating raw plug and screw fixings. The new panels within would match those to be installed within the seven historic oak frames. Therefore, this aspect of the proposal would again preserve the character of the Listed Building and comply with saved Harrow UDP policy D11 and National Planning Policy Statement 5 policy HE 7.4.

## **CONCLUSION**

For all the reasons considered above, the proposal complies with the relevant saved Harrow UDP policy D11 and National Planning Policy Statement 5 as it would preserve the special interest of this Listed Building and therefore this application is recommended for grant subject to the following conditions:

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: HARROW SCHOOL SPEECH ROOM – REV 1 DATE 27/4/2010; DESIGN AND ACCESS STATEMENT JUNE 2010; SPEECH ROOM BENEFACTORS PANELS GENERAL LAYOUT CMS1222003; TWO GUIDING PRINCIPLES HARROW SCHOOL SPEECH ROOM BENEFACTORS' PANELS 2010; FIXING METHOD HARROW SCHOOL SPEECH ROOM BENEFACTORS' PANELS 2010; EMAIL FROM AGENT RECEIVED 29/06/2010 11:58; SITE PLAN

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

3 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON: To protect the special architectural or historic interest of the listed building, in accordance with policy D11.

## **INFORMATIVES**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:

The decision to grant Listed Building 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: D11

Planning Policy Statement 5 (Planning for the Historic Environment)

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**Item: 2/08**  
**230A KENTON ROAD, HARROW, HA3 8BY P/1316/10/ML1**  
Ward KENTON WEST  
REDEVELOPMENT: TWO STOREY BUILDING PLUS BASEMENT FOR  
COMMUNITY PURPOSES WITH ACCESS (REVISED).

**Applicant:** MR KISHEN RAMCHANDANI of SINDHI ASSOCIATION UK  
**Agent:** LOM ARCHITECTURE AND DESIGN  
**Case Officer:** Matthew Lawton  
**Statutory Expiry Date:** 22-JAN-10

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## **RECOMMENDATION**

That planning permission be granted subject to the conditions contained within this report.

**REASON:** The proposal would result in a new, contemporary building with state-of-the-art community facilities, which would represent a significant improvement over the existing facility.

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 [April 2009] [and promotes health, wellbeing and independence] and any comments received in response to publicity and consultation.

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

The following policies are considered relevant:

### **The London Plan [2008]**

- 4A.3 Sustainable Design and Construction
- 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]**

S1 The Form of Development and Pattern of Land Use  
C2 Provision of Social and Community Facilities  
C10 Community Buildings and Places of Worship  
C11 Ethnic Communities  
D4 The Standard of Design and Layout  
D10 Trees and New Development  
EP20 Use of Previously-Developed Land  
EP25 Noise  
EP29 Tree Masses and Spines  
EP32 Acceptable Land Uses  
EP38 Recreational Uses in the Green Belts  
T6 The Transport Impacts of Development Proposals  
T11 Cycle and Motor Cycle Parking in Public Spaces  
T13 Parking Standards  
C2 Provision of Social and Community Facilities  
C10 Community Buildings and Places of Worship  
C17 Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Guidance Designing New Development [2003]  
Supplementary Planning Document Access For All [2006]  
Supplementary Planning Document Sustainable Building Design [May 2009]

**In addition to the Development Plan policies, the following documents are also considered relevant:**

PPS 1 Delivering Sustainable Development [2006]  
PPG 13 Transport [2001]  
PPS 25 Development and Flood Risk [2010]

Race Relations Act 1976

Harrow Council's Sustainable Community Strategy [2009]

- 1) **Principle of Development and Land Use**  
The London Plan 2008: 4B.1  
London Borough of Harrow UDP 2004: D4
- 2) **Scale, Design and Character of the Area**  
The London Plan 2008: 4A.4, 4A.7, 4A.21, 4B.1  
London Borough of Harrow UDP 2004: D4, D10
- 3) **Impact Upon Neighbouring Amenity**  
London Borough of Harrow UDP 2004: EP25, C10
- 4) **Parking and Highway Safety**  
London Borough of Harrow UDP 2004: T6, T13
- 5) **Accessibility**  
The London Plan 2008: 3A.5, 4B.5

- 6) **Ethnic and Community Development**  
C10, C11, Race Relations Act 1976
- 7) **Other Matters**
- 8) **S17 Crime & Disorder Act**  
London Borough of Harrow UDP 2004: D4
- 9) **Consultation Responses**

## **INFORMATION**

This application is being reported to committee as the proposed building exceeds 400m<sup>2</sup> of non-residential floorspace and therefore falls outside of the thresholds of the Scheme of Delegation.

### **a) Summary**

Statutory Return Type: Minor Development, all other.  
Site Area: 0.09 ha  
Council Interest: None.

### **b) Site Description**

- The site is located at the rear of Nos.228, 230 & 232 Kenton Road.
- The site contains an existing single storey community use building with a double dual pitched roof with a central valley and small single storey front projection with a monopitch roof.
- The site runs along the side of the properties of Nos.230 &232 Kenton Road, encompassing the driveways adjacent to these properties.
- Access via the driveway adjacent to No.232 is via a pedestrian gate, access via the side of No.230 being open.
- To the west of the site are Nos.226-228 Kenton Road which are jointly in use as a solicitor's office.
- At the rear of Nos.226-228 and adjacent to the single storey building on the application site is a car park serving Brent House, a four storey retail and office building located to the west of the site.
- Adjacent to the rear of the site are the rear gardens of properties along Hillbury Avenue.
- The boundary of the designated Kenton Local Centre runs along the flank boundary of No.226 and the boundary of Brent House which abuts the application site.
- Kenton Road is a busy main road which is classified on the UDP Proposals Map as a London Distributor Road.
- The area is characterised by a variety of predominantly two-storey residential and commercial properties, the commercial properties mainly lying to the west of the application site along Kenton Road and the residential properties being sited to the east and north of the site.
- There is close boarded fencing marking the rear boundaries of No.230 & 232 Kenton Road and there are trees located at the back of these adjacent rear gardens.

- The single storey building within the site is located along its western and northern boundaries.
- There is an area of grass between the building and the site's eastern boundary.
- No.230 Kenton Road has a small single storey rear extension and a rear dormer and end gable roof extension.
- There are single storey outbuildings abutting the boundary of the site along the rear garden boundaries of properties fronting Hillbury Avenue at the rear of the site.
- There is a large single storey outbuilding abutting the boundary of the site in the rear garden of the adjacent property at No.234 Kenton Road.
- There are trees along the site's flank boundary with No. 234 Kenton Road.
- Residential properties located on the opposite side of Kenton Road are within the London Borough of Brent.

**c) Proposal Details**

- The redevelopment of the site to provide a replacement two storey building plus basement for community purposes.
- The footprint of the building would be broadly similar to the existing building on site, the only small variations to the existing footprint being that it would be approximately a maximum of 0.85m wider and 1.6m deeper at single ground floor level.
- In terms of height the main roof over the first floor of the proposed building would be approximately 1.3m higher than the ridge height of the existing building, approximately 3m higher than the valley between the two sections of the existing ridge roof.
- The ground floor of the building would be dominated by a multi-purpose hall as in the existing building, with an ancillary office and disabled WC.
- The proposed first floor would be set over the southern half of the building, approximately 8.8m away from the site's rear boundary, and contain a smaller hall, a library and an ancillary office and WC.
- The proposed basement would contain a kitchen (to replace one in the existing building), ancillary store rooms and the building's main toilet and changing facilities.
- All floors of the building would be served by a lift.
- Two sets of mounted solar panels would be located on the first floor roof.
- Solatube lighting is proposed to provide natural lighting to the proposed basement.
- The first floor would have a flat roof where the solar panels would be located, the single storey section at the rear would have a crown roof containing rooflights and two Windcatchers to provide natural ventilation to the building.
- At the front of the building single storey sections would have flat and glazed pitched roofs.
- The area adjacent to the building on the eastern side of the site would retain a grassed area and a hard landscape patio would be introduced at the rear of No.232 and replace the existing hard surfaced area at the front of the existing building.

- 10 sheltered bicycle storage spaces would be provided adjacent to the boundary with No.232 on the eastern side of the site.
- The use of the replacement building will be similar to that of the existing building which will range from educational, recreational and leisure uses for both the Sindhi Community and the wider local community.

**d) Relevant History**

P/2874/09 Redevelopment: Two storey building plus WITHDRAWN basement for religious and community purposes 12-APR-2010 with access.

**e) Pre-Application Discussion**

There were discussions following the withdrawn scheme P/2874/09 to reduce the scale of the development and address concerns raised in relation to the size and bulk of the proposed building and its impact upon residential amenity, the character and appearance of the area and traffic and parking. The Design & Access Statement submitted with this application explains the design rationale and how this has been adapted as a result of the pre-application discussions which took place.

**f) Applicant Statement**

- Applicants wrote to 300 local residents to inform them of a meeting held on 28<sup>th</sup> May 2010 at which plans of the revised scheme were made available in an attempt to show residents how the proposed scheme had been amended since the withdrawn application P/2874/09 in light of their concerns, this was attended by 7 local residents.
- The Applicant was able to allay most of the concerns of the residents who attended the meeting and has also been contacted by other residents who had no objection to the proposed development.

**g) Consultations**

- *London Borough of Brent*: No response received.
- *Environmental Health Officer*: No objection raised, suggested conditions.
- *Thames Water*: Suggested informative.
- *Crime Prevention Design Advisor*: No response received.

**Notifications:**

Sent: 229                      Neighbour Replies:      36 (including a 9 signature petition of objection and a 40 signature petition of objection)

**Summary of Responses:**

*Support (7 responses)*

- Community Hall provides vital services to the community, used for social, cultural and educational events, including for the elderly and disabled, offering free services including yoga and reflexology, is used by health professionals, teachers etc. and provides an affordable venue to host activities.



- Due to the state of the current building due to subsidence the centre needs to be rebuilt a new to provide a safer and better access for the disabled, ensuring a safe, eco-friendly environment suitable for everyone in the community.
- The Sindhi Association of UK is a social and cultural charity; centre is open to all communities and not restricted to the Sindhis.
- Will lift the area aesthetically and in turn create a better impression of the immediate area.
- The centre depends on volunteers to give up their time to assist the vulnerable, children and elders to enjoy and promote a sense of community.
- Up to now we have never had problems of congestion on Briar Road or heard any complaints about this centre.
- The size of the whole building cannot cause sudden increase in traffic or parking problems.

*Objection (29 responses including 2 petitions)*

- Will increase the parking problems that already exist in Kenton Road, would become unbearable for the residents; Dangerous drop-off point; Will increase cars crossing pavement; Will increase accidents on main and side roads; No parking area therefore Willowcourt Avenue, Hillbury Avenue & Kenton Road will take the overspill; Parking situation bad at moment due to Hindu temple and Greek Orthodox Church; Blocks driveways in surrounding roads; Cars often have only one or two occupants; Drivers park all along the road making exit onto the very busy Kenton Road extremely dangerous by obscuring visibility; They say that there will not be more than 100 visitors at any one time, huge number of potential parking spaces; Parking problems in nearby streets from uses in the rest of the centre, the station etc.; No parking restrictions on the Brent side of Kenton Road.
- In case of emergencies houses would be affected, access would be restricted.
- Activities could take place at Harrow Leisure Centre; Other buildings offer services; No need for the facility; Enough community areas in Kenton.
- Won't promote race relations or integration; Concern that the premises are to be used for religious functions.
- Increased future activity; Up to 120 people at functions, how many per year? A different management committee could run the centre differently therefore there is the possibility that more noisy functions could take place.
- Development is detrimental to quality of life; Would further diminish neighbours' enjoyment of their properties and light; Height of proposed building would obscure the view of a church; Litter in neighbouring gardens is a health and safety hazard; Overlooking of Kenton Road and Hillbury Avenue; Would be obtrusive, overbearing and overshadow adjacent properties.
- Backland development; Will, set unwanted precedent; Size and height out of character in this location; No other examples of this type of development; Should be on its own dedicated land; Government against garden developments; Unsuitable location; Insufficient land; Should seek alternative site; Taking away open space; Two storey building will blight landscape; Will change character of the area, inappropriate;

The centre would be out of character with surrounding 1930s houses which form part of Harrow's historical heritage.

- Constructed without planning permission; Should be demolished and revert to garden; Shouldn't have been a community centre; Source of annoyance for last 30 years.
- Will increase noise, especially at weekend when there will be wedding parties; Affects enjoyment of adjacent gardens; Existing noise problems, loud music after stipulated times; Late night noise; Noise when people leave venue; Noise and disruption at night and weekends.
- Will attract crime; Have been burglaries at neighbouring houses where access was gained from the application site; Increases insurance costs at neighbouring properties.
- Councils should not make decisions in isolation.
- Hygiene and parking problems from new grocers on the corner of Kenton Road and Upton Gardens.
- Briar Road and The Circle are both in a Conservation Area in Brent.
- Object to receiving letters from the applicants.
- Detrimental to property values.

## APPRAISAL

### 1) Principle of Development and Land Use

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].

Policy C2 of Harrow's UDP has regard to the retention of existing and promotion of new community facilities based upon satisfactory compliance with public transport accessibility; proximity to client groups; availability / suitability of alternative premises; and suitability of premises for other related uses.

Harrow Council's Sustainable Community Strategy (2009) promotes better cohesion and a greater focus on communities working together within its diverse population. It is considered that the existing community building is consistent with this aim as it is open both to members of the Sindhi Community and the general local population and therefore the principle of a replacement building would continue to support this aim.

The proposal would result in a replacement community building allowing for improved facilities in the same location as existing. It is acknowledged that although there is no specific planning history relating to the current use of the site, the existing community centre has been operating in this location for a significant period of time and this is therefore considered to be an established use on this site. The principle of redevelopment of the site is therefore considered acceptable, in accordance with policy C2 of the Council's UDP, subject to the detailed considerations below.

**2) Scale, Design and Character of the Area**

PPS1 states that development should respond to their local context and create or reinforce local distinctiveness. Paragraph 33 of PPS1 states, '*Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development*' and that '*good design is indivisible from good planning*'. Paragraph 34 of PPS1 states, '*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.*'

The positive impact of the proposal on this site would contribute as a significant and improved community facility to this part of the Borough.

Explanatory paragraph 4.10 of Policy D4 of Harrow's UDP 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 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*'.

The existing building is acknowledged to be in a poor condition, particularly due to significant subsidence problems in recent years. The proposed redevelopment of the existing community facility would therefore provide a more suitable and fit for purpose building. The existing building is one storey high with a dual pitched roof; the proposed replacement would be two storeys in height with an additional basement level, but would only be 1.3m higher than the maximum height of the existing building.

In terms of design, the proposed contemporary building would make a positive contribution to the character and appearance of the area and represent a significant improvement to the existing building. The design of the scheme has been considered in respect of accessibility and disability. The proposed building seeks to accommodate the widest range of people with a variety of needs.

The proposal is acceptable on scale and design grounds for the reasons given above.

**3) Impact on Neighbouring Amenity**

The proposed development would be visible from the neighbouring residential properties, mainly from the rear of properties fronting Kenton Road and Hillbury Avenue at the rear of the site. The impact on these properties is considered below.

The proposal, given the overall height and distances from the façade of the nearest residential properties along Kenton Road and Hillbury Avenue would have an acceptable impact on the residential amenities on the occupiers of these neighbouring properties by way of overlooking / loss of light / overshadowing. The building has been designed, particularly at first floor level where high level windows in the front, rear and flank walls would remove any potential for overlooking of neighbouring residential properties. The building would represent a visual improvement to the existing which is dated and in need of extensive repairs.

The neighbouring residential properties are predominantly two storey. The proposed first floor would be sufficiently set away from neighbouring properties to offset any adverse impact in terms of the impact of the bulk of the building and any overlooking / loss of privacy (particularly given the design of the building incorporating high level windows only at first floor level). The first floor, would be set a minimum of 20 metres from the main rear wall of No.230 Kenton Road, this wall containing the nearest first floor habitable room windows of any nearby residential properties. The glazing in the eastern flank of the building at ground floor level would be sited approximately 11m from the shared boundary with the rear garden of No.234 and, given the proposed conditions restricting the hours of use of this outside area adjacent to the proposed replacement building, this separation distance and the use of this outside area is considered to have an acceptable impact upon the amenities of adjacent occupiers.

As there is no specific planning history relating to the existing use of the building, which has been operating for a considerable length of time, one of the benefits of this proposal is that it provides an opportunity to attach planning conditions on the use, to the benefit of the amenities of neighbouring occupiers (currently there are no restrictions on hours of use or noise generating activities). An 'hours of operation' condition is recommended to be attached to any planning consent to ensure the operation of the proposed development would respect the amenities of occupiers of the nearby residential properties in terms of noise. A new building on the site will also have the benefit of better soundproofing in comparison with the existing and it is suggested that a condition relating to noise audible at the boundary of the site is imposed to ensure that the use of the building has no detrimental impact upon the amenities of neighbouring occupiers in this regards.

No details of external lighting or floodlighting have been proposed however, any such proposal would potentially have an impact upon neighbouring occupiers. Accordingly, the acceptability of any external / floodlighting could be adequately addressed by the imposition of a suitable condition as part of any planning permission.

Accordingly, the proposal is considered to be acceptable for the reasons stated above.

**4) Parking and Highway Safety**

The applicant proposes vehicular access to the site from Kenton Road for deliveries and emergency access only, at present there is no formal car parking arrangement within the site. Harrow's Highways Engineer raises no objection to this proposal.

It is acknowledged that there is likely to be an increase in traffic movements associated with the proposed new community facility due to the increase in the scale of the building. However, the applicant has submitted a Travel Plan to address the objective of minimising travel by car which is considered to be acceptable by the Council's Highways Engineer and Sustainable Transport Officer, the site being located in an accessible location close to an underground and overground rail station and a number of bus routes. Parking provision for 10 cycles would also be located within the site.

**5) Accessibility**

In contrast to the existing building which has stepped access at the front, the proposed replacement building will have level access at ground floor level. The replacement building will also have lift access to all three floors and has been designed with regard to the Council's 'Access for All' SPD. The benefits for disabled, elderly and young children of the proposed redevelopment are therefore particularly evident and it is considered that the proposal is acceptable in this regard.

**6) Ethnic and Community Development**

One of the six key visions of Harrow's Sustainable Community Strategy (2009) is that:

'Harrow will be known for its diverse community, which we celebrate, and value. There will be better cohesion and a greater focus on communities working together to help themselves and provide support to vulnerable and at risk groups. People will feel safer and be treated with dignity and respect. There will also be a balance between universal and separate services for our different communities.'

Some of the short term objectives to help deliver this vision include improving the sense of cohesion in Harrow, supporting activities that celebrate and promote Harrow's diverse community and promote inter-cultural dialogue and engagement.

Policy C11 of the Harrow Unitary Development Plan 2004 (HUDP) states that: 'The Council will endeavour to address the diverse planning requirements of ethnic communities in the borough.'

Furthermore policy C10 of the HUDP states:

*The Council will seek to maintain and retain existing premises used by community or religious groups in the borough. In considering proposals for new facilities, the Council will ensure that the proposed development:*

- A) *Is located in the catchment population it serves;*
- B) *Is accessible and well served by a range of transport options including public transport;*
- C) *Has no significant adverse impact on neighbouring properties and does not detract from the visual amenity of the area; and*
- D) *Provides appropriate levels of car parking and would not have an adverse effect on highway safety.*

With regards to point A of policy C10 above it is noted that the proposed replacement building would provide both for local members of the Sindhi community and the local population generally. Points B & D are addressed in section 4 of this Appraisal. The centre is considered to be accessible by all means of transport and although it is acknowledged that car parking cannot be provided on site as per the existing situation this is considered not to detrimentally impact upon highway safety. Point C is addressed in section 3 of this Appraisal and it is considered that the proposal would not adversely affect neighbouring amenity.

Although the application is not providing a new building for religious purposes, it is acknowledged that the Applicants represent the Sindhi Community, and that the proposed replacement community building would be of benefit both to members of both this and the wider local community. Subject to the general duty imposed under section 71(1) of the Race Relations Act 1976, the Council is required to consider whether the material and information at its disposal raises the need to consider the impact of the pending development on different racial groups. In light of the requirement of section 71 it is considered that the proposed development would, as well as being of benefit to the Sindhi Community, also benefit the wider local community and therefore that it would not have a detrimental impact upon the needs of different racial groups locally or elsewhere.

In principle the proposed development is considered to be consistent with policies C10 and C11 of the HUDP 2004 together with the strategic visions and objectives of Harrow's Sustainable Community Strategy (2009).

## **7) Other Matters**

### **Sustainability**

The applicant has submitted a BREEAM 2008 sustainability statement in support of the application. The proposal has achieved a 'Very Good' rating as part of this assessment and therefore would be considered to be sustainable in operation. The new building would incorporate solar panels, natural daylight and ventilation and water conservation measures. The BREEAM assessment considers that solar panels would reduce the carbon emissions of the building by 10%.

### **Landscaping**

Details of proposed hard and soft landscaping and tree protection and planting within the site are subject to suggested planning conditions.

### **Refuse Arrangement**

The refuse storage area would be situated within the site in the driveway between Nos.232 & 234 and would have an acceptable impact upon the character and appearance of the area. The location is considered acceptable in planning terms for the purposes of servicing requirements and would also have an acceptable impact upon the character and appearance of the area.

### **8) S17 Crime & Disorder Act 1998**

The proposed design and layout would offer natural surveillance. Policy D4 of Harrow's UDP 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 seek to ensure that developments should address security issues and provide safe and secure environments.

There are no specific details of lighting levels or security or. A condition is recommended to request that these details are submitted prior to first occupation of the development.

### **9) Consultation Responses**

- *Councils should not make decisions in isolation; Briar Road and The Circle are both in a Conservation Area in Brent; Hygiene and parking problems from new grocers on the corner of Kenton Road and Upton Gardens –* Brent Council was consulted on this application but no response has been received. It is noted, however, that Brent Council raised no objection to the withdrawn application P/2874/09.
- *Height of proposed building would obscure the view of a church –* Views in this location are not protected by planning policy.
- *Up to 120 people at functions, how many per year?; A different management committee could run the centre differently therefore there is the possibility that more noisy functions could take place –* The proposed building will have a workable capacity which will limit its use and it is considered that this is sufficient to limit the intensity of the use of the site given its constraints and the suggested conditions. It is not possible to anticipate how any future changes in the management of the building may affect its use, but they would continue to be bound by the conditions attached to any relevant planning permission.
- *Detrimental to property values; Increases insurance costs at neighbouring properties –* These issues are not material planning considerations in relation to this proposal.

Accordingly, the representations set out in this report have been addressed and are not considered to outweigh the extensive benefits that the proposed development would have to future users of the proposed replacement community building.

## **CONCLUSION**

The proposal would result in a new, contemporary building with state-of-the-art community facilities, which would represent a significant improvement over the existing facility.

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 & Country Planning Act 1990.

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

<http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

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

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

Following implementation the works shall thereafter be retained.

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

3 The development hereby permitted shall not commence until 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 accordance with saved UDP policies D4 and D9.



4 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 accordance with saved UDP policies D4 and D9.

5 No site works or development 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 saved UDP policies D4 and C10.

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

a: the extension / building(s)

b: the ground surfacing

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

REASON: To safeguard the appearance of the locality, in accordance with saved UDP policy D4.

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with saved UDP policies D4 and C10.

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

PM/A/230A/1001, 1002, 1003, 1004, 1005, 3001 Rev.B, 3002 Rev.B, 3003 Rev.B, 3004 Rev.B, 3005 Rev.B, 3006 Rev.B, 3007 Rev.B, 3008 Rev.B; KFM/PMAR/10/1192/TP/01, June 2010; Design & Access Statement, 26 August 2010 Rev.B; E124 BREEAM 1008-27jp BREEAM 2008 Bespoke Criteria: Sindhi Centre.

unless otherwise agreed in writing by the Local Planning Authority.

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

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 to ensure that the necessary construction and design criteria for the development proposals follow approved conditions. The applicant should contact Thames Water Utilities Limited 0845 850 2777 and Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and in accordance with saved policy D4 of the HUDP and guidance in PPS 25 & PPS 25 Practice Guide.

10 The development hereby permitted shall not be occupied until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The applicant should contact Harrow Drainage Section at the earliest opportunity on 0208 424 1586.

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25 and ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

11 The development hereby permitted shall not be occupied until surface water attenuation and storage works have been submitted to, and approved in writing by the local planning authority. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25 and to prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide.

12 The building and use hereby permitted shall not operate outside the following times:-

a: 08:00 hours to 22:00 hours, Monday to Friday inclusive;

b: 08:00 hours to 23:00 hours on Saturdays; and

c: 09:00 hours to 21:00 hours on Sundays and Bank Holidays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policies C10 and EP25.

13 Prior to commencement of development, details of any external lighting including floodlighting and hours of operation of such lighting hereby permitted shall be submitted to and approved in writing by the local planning authority. Such details as approved shall be implemented prior to first occupation of the building and thereafter permanently retained. Any proposal for external lighting including floodlighting thereafter [upon completion and first occupation of the development] shall be subject to the relevant Regulations, details which will be submitted to and agreed in writing by the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policy C10.

14 The premises shall be used for the purposes specified on the application and for no other purpose including any other purpose in Class D2 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 accordance with saved UDP policy C10.

15 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 saved UDP policy T6.

16 A Demolition and Construction 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 and construction of the buildings and structures on the site shall be carried out in accordance with the approved 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 saved UDP policies T6, C10 and EP25.

17 All construction works and ancillary operations [including deliveries and other commercial vehicles to and from the site] which are audible at the boundary of noise sensitive premises, shall only take place on-site between the hours of 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on Saturday, and at no time during Sundays and Bank Holidays (except in the case of an emergency) unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of adjacent noise sensitive properties, in accordance with saved UDP policies C10 and EP25.

18 The level of noise from the site during demolition and construction shall not exceed 65dB as measured from the boundary of the site between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday. The contractor is to keep a daily log and allow access to the Local Planning Authority.

REASON: To protect the amenities of adjacent residential and commercial properties, in accordance with saved UDP policies C10 and EP25.

19 Any noise emitted from the development is to be inaudible at the boundary of any properties where the occupiers are likely to be affected by noise.

REASON: To protect the amenities of adjacent residential and commercial properties, in accordance with saved UDP policies C10 and EP25.

20 The proposed Measures and Initiatives outlined within the approved Travel Plan shall be implemented upon occupation of the development hereby approved.

REASON: To ensure that the centre's staff and users 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.

21 The development hereby permitted shall not recommence until there has been submitted to, and approved in writing by, the local planning authority, a Tree Protection Plan and an Arboricultural Method Statement. The erection of staked fencing for the protection of any retained trees shall be undertaken in accordance with the details submitted in the Tree Protection Plan before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected, in accordance with saved UDP policy D10.

22 The outdoor amenity area as labelled as 'Lawned Courtyard' and 'Hard Landscaped Patio' on drawing number PM/A/230A/3003 Rev B hereby permitted, shall not be used outside the hours of 09.00 to 21.00 on any day.

REASON: In the interests of the amenities of adjacent noise sensitive properties, in accordance with saved UDP policies C10 and EP25.

## **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]**

4A.3 Sustainable Design and Construction

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]**

S1 The Form of Development and Pattern of Land Use

C2 Provision of Social and Community Facilities

C10 Community Buildings and Places of Worship

C11 Ethnic Communities

D4 The Standard of Design and Layout

D10 Trees and New Development

EP20 Use of Previously-Developed Land

EP25 Noise

EP29 Tree Masses and Spines

EP32 Acceptable Land Uses

EP38 Recreational Uses in the Green Belts  
T6 The Transport Impacts of Development Proposals  
T11 Cycle and Motor Cycle Parking in Public Spaces  
T13 Parking Standards  
C2 Provision of Social and Community Facilities  
C10 Community Buildings and Places of Worship  
C17 Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Guidance Designing New Development [2003]  
Supplementary Planning Document Access For All [2006]  
Supplementary Planning Document Sustainable Building Design [May 2009]

**In addition to the Development Plan policies, the following documents are also considered relevant:**

PPS 1 Delivering Sustainable Development [2006]  
PPG 13 Transport [2001]  
PPS 25 Development and Flood Risk [2010]  
Race Relations Act 1976  
Harrow Council's Sustainable Community Strategy [2009]

**2 CONSIDERATE CONTRACTORS CODE OF PRACTICE:**

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

**3 CONSTRUCTION MANAGEMENT REGULATIONS:**

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.)

**4 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.

Item 2/08 : P/1316/10/ML1 continued/...

Plan Nos: PM/A/230A/1001, 1002, 1003, 1004, 1005, 3001 Rev.B, 3002 Rev.B, 3003 Rev.B, 3004 Rev.B, 3005 Rev.B, 3006 Rev.B, 3007 Rev.B, 3008 Rev.B; KFM/PMAR/10/1192/TP/01, June 2010; Design & Access Statement, 26 August 2010 Rev.B; E124 BREEAM 1008-27jp BREEAM 2008 Bespoke Criteria: Sindhi Centre.

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Item: 2/09

TENNIS CLUB CUCKOO HILL ROAD, P/1283/10/IH  
PINNER, HA5 1AY

Ward PINNER SOUTH

PROVISION OF THREE X 5 METRE FLOODLIGHTING COLUMNS TO COURTS 4 AND 5 (REVISED)

**Applicant:** IONIC DEVELOPMENT CONSULTANCY LTD  
**Agent:** WEST END (PINNER) LAWN TENNIS CLUB LIMITED  
**Case officer:** Ian Hyde  
**Statutory Expiry Date:** 15-JUL-10

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## RECOMMENDATION

The decision to **GRANT** permission for the erection of floodlights to Courts four and five has been taken having regard to all relevant material considerations including the potential for disturbance by way of light spill, noise and disturbance from the proposed lights and for other matters including any comments received in response to publicity and consultation. All matters have been considered with regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below. Regard has also been had as outlined in the application report:

London Plan 2008: 4B.1,  
Harrow Unitary Development Plan: D4, D5, D10, D23, EP25, EP27.

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## MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (D4, D5, D23)
- 2) Sports Facilities and Residential Amenity (EP25, D23, R4)
- 3) Impact on the Trees and Biodiversity (D10, EP27, PPG15)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## INFORMATION

This application is reported to the Committee as a petition of 25 signatures opposing the proposal was received.

This application was deferred from the July meeting of the Planning Committee on 14 July 2010 to enable Members to visit the site. This visit was undertaken on 1<sup>st</sup> September 2010.

### a) Summary

Statutory Return Type: Minor  
Council Interest: None

**b) Site Description**

- Tennis Club with main pavilion on Cuckoo Hill Road frontage.
- Club provides 6 courts to the north of the pavilion two of the southern three of which are currently provided with illumination.
- Site is surrounded by a 4m high netting fence supported by metal poles.
- Area is generally residential, characterised by large houses with extensive well established gardens.
- Site bounded by residential dwellings as follows: 18 Cuckoo Hill Road to west; 2 Northfield Avenue to north; Nos. 9 and 11 Hillcrest Avenue, 11 Cuckoo Hill Road and Northfield Avenue itself to east.
- No. 4 Northfield Avenue is fitted with side elevation windows and projects to the rear of no. 2.
- No. 2 Northfield Avenue has two secondary habitable room windows at first floor level (to a rear bedroom) and two windows to a ground floor lounge facing the application site.
- The site is partially obscured by mature vegetation to the east but is visible from Northfield Avenue, particularly when viewed from the north over the front driveway for No. 2 Northfield Avenue, and is also visible on the approach from Hillcrest Avenue.
- Land levels rise towards the north and the site is approximately 1m lower than no. 2 Northfield Avenue.
- Northfield Avenue is illuminated by Council streetlights, with one towards the south of Northfield Avenue, one opposite Hillcrest Avenue and one opposite No. 2 Northfield Avenue.

**c) Proposal Details**

- Proposed illumination of Courts "5" and "6", (to the north of the site) by way of the provision of 3 flood lighting columns provided between to the east of Court "4" (facing east), between Courts "5" and "6" and to the east of Court "6".
- All columns would be 5m high with the central two providing four individual lighting units (luminaires) and the other poles each providing two luminaries.
- The Design and Access Statement suggests that eight "CU Phosco FL500" lamps will be used for illumination. These would be 625mm long and 232mm high.

**d) Revisions to the previously refused application**

Following the previous decision (P/3872/08) the following amendments have been made:

- The number of poles proposed have been reduced from 8 to 3
- The remaining poles have been resited further into the site (between the affected courts), so that there are now no columns along the northern boundary of the site.
- The number of light units (luminaires) have been reduced from 16 to 8.



**e) Relevant History**

WEST/923/00/FUL	PROVISION OF 9 SIX METRE HIGH FLOODLIGHTING COLUMNS TO COURTS 1 AND 2 ANTI, GLARE SCREENING AND LANDSCAPING (REVISED)	REFUSED 06-APR-01 SUBSEQUENTLY ALLOWED AT APPEAL
P/2946/07/CFU	INSTALLATION OF 9 FLOODLIGHTING COLUMNS TO COURTS 4 & 5 AT NORTHERN END OF SITE.	REFUSED 02-NOV-07 SUBSEQUENTLY DISMISSED AT APPEAL

**Reason for Refusal:**

1) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to Harrow Unitary Development Plan Policy D23.

P/3872/08	INSTALLATION OF 8 FLOODLIGHTING COLUMNS TO COURTS 4 & 5 AT NORTHERN END OF SITE	REFUSED 26-FEB-09 DISMISSED AT APPEAL
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**Reason for Refusal:**

1) The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to Harrow Unitary Development Plan Policy D4.

2) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to Harrow Unitary Development Plan Policy D23.

**f) Pre-Application Discussion**

- None.

**g) Applicant Statement**

- The applicants have submitted a thorough Design and Access Statement for the proposal. They place particular importance on the decision of the inspector in application P/3872/08) and consider that the proposal has addressed the issues raised by the inspector.

**h) Consultations:**

**The Pinner Association:** No response

**Council Lighting Engineer:**

From the information provided by the Developer and their engaged lighting designers CU Phosco Lighting, these have now been confirmed as being within recommended guidelines.

**Notifications:**

Sent to 42 addresses  
2,10 Crest View;  
1- 9,11,15,17-27 Cuckoo Hill  
Rd  
3,4,5,6,9,10,11 Hillcrest Ave  
Denholm Lodge, Northfield Ave  
1 Crest View  
10 Clifford Road  
2 Wakemans Hill  
2,4,6 Northfield Avenue

Replies: 11 responses Expiry: 11-JUN-10  
and 1 petition in  
objection of 25  
signatures.

**Summary of Response:**

Objections based on: disturbance associated with light spill; increase in traffic, noise and disturbance; out of character with the residential character of the area; that the development would be too close to residential dwellings; design and appearance of the units; loss of visual amenity for neighbouring occupiers; disturbance at night time. Additionally, a professional review of the application by BRE (Lighting Engineers) concluded that the development had failed to demonstrate that the lighting would not spill into neighbouring residential windows.

An additional letter from BRE on behalf of the objectors, dated 12 July 2010 was received by officers on 14 July. This letter suggested the following:

- The submitted drawings referred to as LS11312-1-4-V4 sheet 5 of 5 do not have numbers extending to the neighbours property and do not give indication of light spill, other drawings don't reach the property, numbers would not be applicable given that view directions were incorrect.
- Drawings do not reflect the Institute of Lighting Engineers guidelines, i.e. upward sky glow or intensity from key directs which may be applicable due to orientation.

Other issues raised which fall outside of planning consideration included: future intentions of the club; whether the proposal was necessary for club viability and the effect of the proposal on the value of neighbouring residential properties.

Supporting correspondence suggested that the use would be beneficial for recreational purposes in the area and as a community facility for youth.

**APPRAISAL**

Of importance within the consideration of this application, is the decision of the inspector with regard to the dismissed appeal of application P/3872/08.

In part 22 of his decision, the inspector noted that “...*the appearance of the proposed installations while unlit which was a major reason for the dismissal of the previous appeal, and it formed the sole reason for refusal identified by the Council in relation to the present appeal application.*”

The inspector went on to note in section 25 of his decision that “...*three of the lighting columns would be situated very close to the boundary of the appeal site with 2 Northfield Avenue*” and concluded that “*I consider that the lighting columns and the increased height of the fencing proposed would be unsightly and intrusive. They would have an unacceptable impact on the living conditions of the occupiers of 2 Northfield Avenue.*”

This report therefore focuses on two main aspects, first, does the application overcome the reasons stated by the inspector and second, are any new issues raised by the proposal.

### **1) Character and Appearance of the Area**

The proposed development would involve the erection of three no. 5m high columns to provide a total of eight individual lamp units (luminaires) which would illuminate two of the northernmost tennis courts (the western court would remain non illuminated).

With regard to the visual impact of the three columns and the luminaires themselves, the site is a well established tennis court which is characterised by existing vertical columns for lighting and a four metre high boundary fence with regular metal supporting posts. Thus there is already a significant vertical component to the visual appearance of the site when viewed from the adjoining highways.

The columns would not be dominant given the degree of openness surrounding them within the court environment. The luminaires are depicted in submitted plans as being 625mm long and 232mm high. It is noted that the provision of four luminaires on the central pole would mean that two luminaires would be visible simultaneously from most angles. As such, the visual impact of this central column would be a 232mm high light unit at 5m above ground level with a width of some 1.5m and be located at a distance of 25m from the first floor side windows at no. 2 Northfield Avenue. The closer western tower with a single unit would be some 20m.

The existing luminaires on the southern courts are visible from ground floor side windows of no. 2 Northfields Avenue over an existing covered fence, Submitted plans show that the proposed luminaires would be of a similar height (due to changes in site levels) when viewed from these windows. The columns and luminaires also appear to be below the treeline to the south of the site, especially when viewed from first floor level.

No. 4 Northfields Avenue (to the north of no. 2) does sit partially behind its neighbour and has side facing windows, however the view from the garden of this property would be of the non illuminated court (columns would be unlikely to be visible) and its windows would be obstructed by no. 2. It is therefore considered that this property would not be detrimentally affected by the proposal.

The neighbouring property at 8 Cuckoo Hill Road, would see the columns from rear windows, however given the distance from these windows to the closest column (of some 40m) and the presence of existing columns in closer proximity, any impacts over those existing on this property are not considered to be significant.

Nos 8 and 11 Hillcrest Avenue are somewhat closer than no. 8 Cuckoo Hill Road, however the existing vertical fenceposts within the site as well as the existing lighting would mitigate any impact of the new structure. Any impacts would be further reduced by existing landscaping on the Northfield Avenue boundary of the site.

Whilst the openness of the courts would to some degree exacerbate the impact of the towers and associated lights (especially when viewed from the north), the relatively low height of the towers and their distance from neighbouring boundaries would mitigate their impact to such a degree that it is not considered that this would justify refusal.

With regard to the views of the site from the adjacent highways, the site is obvious in its use. It is considered that lighting columns are a feature which is expected to be related to such activities and that, whilst not an overriding factor in the consideration of the application, such furniture can be expected to be part of the visual appearance of such sites.

The modest height of the structures, their location away from boundaries and relationship to neighbouring residential uses and the highway are considered to be satisfactory and can be supported.

## **2) Sports Facilities and Residential Amenity**

The neighbouring occupiers most at risk of detrimental impacts are those at no. 2 Northfields Avenue as they border the site. The applicant has provided a technical drawing which depicts the fall of light and confirms that this would be confined to the courts proposed to be illuminated.

It is noted that the Cu Phosco (the light unit manufacturer) website states that the units are angled at 65 degrees and are "specifically designed for areas where a high degree of control is required."

Notwithstanding this, changes in levels onsite and the distance between the poles and neighbouring occupiers would mean that the actual height of the luminaries would be at a similar level to the first floor windows at no. 2 Northfields Avenue. They would also be set between 20m and 25m from these windows which is considered to address the issues raised in the previous refusal on this site and the subsequent decision of the inspector.

As stated above, the neighbouring property at 8 Cuckoo Hill Road, would see the columns from rear windows, however, as the southern courts are already illuminated and are substantially closer than those proposed, it is considered that this would not result in significant detriment to these occupiers over the existing situation.

Nos. 8 and 11 Hillcrest Avenue would be in closer proximity to the proposed columns; however the closest lights would be orientated away from the boundary. It is considered that as these sites are already illuminated by public streetlighting on Northfield Avenue, the proposed development not would significantly reduce their amenities over those existing.

For adverse light spill to occur into the windows of neighbouring properties the proposed lights would need to be in some way damaged or have their orientations changed. In order to avoid the possibility of such spill it is suggested that a condition requiring that the lights be maintained in the condition proposed within this application be attached and that this should also require that no use should occur where baffling, other failures or the orientation of the lights would result in light spill visible outside that shown on approved plans.

With regard to the potential noise and disturbance impacts on neighbouring occupiers as a result of illumination of the site, the use of lights on these courts is likely to result in some increase in use during winter months. The applicants have suggested (in their application) a time limit of 2130 to match that allowed for the existing illuminated courts. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed.

The illumination of the two courts for the time proposed would not result in any greater intensity than could be accommodated at present during summer months and it is not therefore considered that the development would result in unreasonable activity, beyond that which would be expected within such a recreation site.

Whilst the development relates to a private recreation facility, the tennis club is provided for members of the local community. As such, the improvement of the site would be of benefit to facilities in the local area and would be in accordance with saved Policy R4 of the UDP which seeks to encourage private recreation activities.

**3) Impact on the Trees and Biodiversity**

The application included a Biodiversity Report from RSK Carter Ecological Limited which suggested that the development was unlikely to affect biodiversity in the area, as existing soft landscaping would be outside of the illuminated area, it is noted that existing streetlighting on Northfield Avenue is likely to be more intrusive to such animals than the directed light proposed. Notwithstanding this, the proposed condition requiring upkeep of lighting and associated baffles and other systems would protect fauna in this respect.

**4) S17 Crime & Disorder Act**

It is not considered that the development would result in detriment to safety however, it may discourage crime onsite whilst lights were operating.

**5) Consultation Responses:**

Neighbour concerns regarding light spill, loss of visual amenity and increased disturbance have been addressed in the foregoing sections of this report.

Quality of information provided:

Further information submitted following the BRE Report has been referred to Council Lighting Engineers for their comments, the submitted information (including LUX diagrams submitted as part of the application), have satisfied officers that the proposed development would not result in light spill to neighbouring occupiers. Whilst it is noted that the neighbouring occupiers have provided a critique of the information submitted, officers are satisfied that the proposed development, as controlled through appropriate conditions, would be sufficient to protect the amenities of neighbouring occupiers.

In relation to BRE comments of 12<sup>th</sup> July, the applicants response is summarised as follows:

Drawing no. LS 11312-1-4-V4 does not contain numbers for illuminance onto 2 Northfield Avenue as the illuminance does not extend that far and there are no missing figures. With regard to orientation, if the calculations were taken in the opposite direction, the lux values around the neighbour would all be zero.

The proposed FL500 luminaires are low-glare fittings of the type recommended in the ILE Guidelines [ULR 0%], and are not tilted up. The calculated illuminance values do not take account of any obstructions between the courts and adjacent properties which would all tend to reduce values further. Furthermore, as the figures are provided for heights relative to the courts, the raised height would result in 2 Northfield Avenue being even less affected.

It should be noted that in coming to his decision at the last Planning Appeal for floodlighting to Court Nos. 4 and 5, the Inspector did not raise any adverse comments whatsoever about the effect of the proposed luminaires and lighting on neighbouring amenities. The Inspector upheld the appeal on the basis that the columns and the increase in height of the boundary fence would have an unacceptable impact on the amenities of no. 2 Northfield Avenue. In this appeal scheme there were a significantly larger number of columns and luminaires being proposed than in the current, much-reduced proposals, and the luminaires now being proposed are identical to those proposed previously.

Given the above response and the advice of Council Lighting Engineers, who are satisfied with the scheme, it is not considered that the issues raised by the lighting engineers acting for the neighbour are sufficient to justify refusal in this instance.

Future Intentions of Club:

With regard to the concerns of neighbours with regard to future intentions of the club. Any intensification of use via additional lighting or alterations to hours would require the submission of an additional planning application. Such an application would be assessed on its merits and speculation on the submission of such applications or their outcome cannot be considered at this time.

Summary of objections:

On the basis of information provided within the application and the weighting of all considerations, the objections received as part of this application process are not considered to be sufficient to justify refusal of the scheme.

**CONCLUSION**

In summary, it is considered that the application has addressed the issues raised by the Inspector in the previous application on this site and has not raised any new planning matters which would justify refusal of the application.

Therefore for all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is 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 floodlights hereby approved shall not be used before 8:30am and no later than 2130 hrs on any day for club activities and shall not be used at any other time.

REASON: In the interests of the amenities of neighbouring occupiers and the character of the area and saved policy D23 of the Harrow UDP

3 That the floodlights hereby approved shall be maintained in the approved condition and no operation of the lights will occur if any fault, breakage, or other situation should arise where light would spill outside of the areas indicated on approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area and in order to comply with the provisions of saved policies D4, D10, EP25 and D23 of the Harrow UDP

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

WELTC/FLOOD/100; LS11312-1-4-V3; LS11312-1-4-V4;

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

Harrow Unitary Development Plan: D4, D5, D10, D23, EP25, R4, EP27

2 This consent is based upon the use of CU Phosco FL500 luminaires (as specified within the Design and Access Statement), mounted 5m above ground level and with a dispersal pattern and intensity as shown on approved drawing LS11312-1-4-V3. Should lighting implemented onsite not accord to the approved specifications, the development will be at risk of remedial action by Harrow Council.

3 The grant of planning permission does not imply the subsequent grant of any other necessary consent from Harrow Council as required by legislation or the conditions hereby imposed.

4 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: WELTC/FLOOD/100; LS11312-1-4-V3; LS11312-1-4-V4;  
Design and Access Statement.

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**OBSERVER HOUSE, 34 GREENHILL WAY, HARROW, HA1 1LE**

**Item: 2/10**

**P/0675/10/IH**

Ward GREENHILL

CHANGE OF USE OF GROUND AND FIRST FLOOR LEVELS FROM OFFICE TO HOSTEL (CLASS B1 TO SUI GENERIS); EXTERNAL ALTERATIONS

**Applicant:** Jaya Shree Krishna Charitable Trust

**Agent:** Humphreys & co

**Case Officer:** Ian Hyde

**Statutory Expiry Date:** 08-JUN-10

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## **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 Government guidance contained within PPS1, PPS3, PPG13 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 including any comments received in response to publicity and consultation. There is a need for this type of accommodation within Harrow and the application site is located in a highly sustainable location on the edge of Harrow Metropolitan Centre. The development will not have a detrimental impact on the character of the surrounding area, highway safety, give rise to undue security issues, or have a significantly detrimental impact on neighbouring occupiers.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development (2006)

Planning Policy Statement 3 – Housing (2010)

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

Planning Policy Guidance 13 – Transport (2001)

### **The London Plan 2008**

Policy 3A.13 Special needs and specialist housing

Policy 3A.5 Housing Choice

Policy 4A.3 Sustainable Design and Construction

Policy 4B.1 Design Principles for a Compact City

### **London Borough of Harrow Unitary Development Plan 2004**

D4: The Standards of Design and Layout

H15: Hostels

T13 – Parking Standards

D5 – New Residential Development – Amenity Space and Privacy

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

C16 – Access to Buildings and Public Spaces

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**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (PPS1, PPS3, PPS4The London Plan policies 3A.13, 3A.5, Harrow Unitary Development Plan 2004 policy H15, EM15, C2)
- 2) Character and Appearance of the Area (PPS1, PPS3, The London Plan policy 4B.1, UDP policy D4)
- 3) Impact on Amenity of Residential Occupiers (PPS1, UDP policy D5)
- 4) Traffic and Parking (PPG13, Unitary Development Policies T13, T11)
- 5) Accessible Homes (The London Plan policy 3A.5, UDP policies C16 and D4)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

**INFORMATION**

This application is reported to the planning committee as a petition with more than five signatures objecting to the proposal has been submitted to the Local Planning Authority.

This application was deferred by the planning committee on the 14<sup>th</sup> July 2010 for a site visit which took place on the 1<sup>st</sup> September 2010.

Amended plans (drawing number; L578/12 Rev A received 25/08/10) have been submitted by the applicant. These plans will replace drawing number L578/12 Rev A.

The amended plans submitted propose a day warden room in place of the disabled room and a night warden room in place of the disabled shower. The loss of these facilities, however, is not considered to preclude disabled residents from using the hostel. Indeed, a stair lift is proposed in order for residents to use the shower on the first floor and the informal layout of the dormitories are adaptable to be occupied by a disabled resident.

**a) Summary**

Statutory Return Type: Minor Other  
Council Interest: None

**b) Site Description**

- The application site lies on Greenhill Way (which forms a London Distributor Road) on the edge of the Metropolitan centre of Harrow.
- The original use of the site for the purposes of offices was granted under a certificate of lawfulness in July 1972 with the permission for the office building in its current physical form granted planning permission in 1982
- The building fronts Greenhill Way which is a busy wide highway with the rear elevations of the shops which front the main shopping street of Harrow centre align the opposite side of the road
- The rear gardens of Victorian terraced properties of some character which align Byron Road and Angel Road adjoin the application site

Item 2/10 : P/0675/10/IH continued/...

- The building is two storey in height as it fronts Greenhill Way and reduces to single storey at the rear of the site. The building covers the whole width of the site. the adjoining narrow alleyway would allow access to the rear of the site (the alleyway does not form part of the application site)

**c) Proposal Details**

- The application seeks planning permission for the change of use of the office building to a hostel (Sui Generis Use Class) for young men over 18 years old.
- The hostel will house a maximum of 15 young residents at any one time with the accommodation being split into a dormitory for 8 residents on the first floor and a dormitory for 6 residents on the ground floor and a purpose built room for a person with disabilities on the ground floor
- A washroom area with showers, kitchen, refectory and prayer room and store and wash-up will be provided as part of the development
- There will be no external changes to the building other than the removal of an external door and window in the west facing elevation and the replacement of the window with a door and small window.
- A small parking area (with provision for 6 cars) is located on Byron Road and the Design and Access Statement indicates that this will be for staff and visitors only. The small parking area does not form part of the application site. Secure cycle racks will be provided on the site for residents of the proposed hostel.
- The door which opens on to Greenhill Way will continue to be the main access to the building with the rear access door being used as an emergency access and for refuse
- As part of the proposals there will be 5 full time employees
- The applicant advises that a duty warden will be available 24 hours a day, 7 days a week to ensure that the residents of the hostel have sufficient support.

**d) Relevant History**

EAST/1529/02/ CRD	Circular 18/84 consultation: retention of 3 air conditioning units on the roof –	COUNCIL OBJECTION 29-NOV-2004 Objection on the basis of the noise generation of the units and the subsequent impact on neighbouring occupiers.
LBH/21930	Demolition of existing single storey building and erection of a new office building	GRANTED 09-SEP-82
LBH/21082	2 Storey Office Extension	GRANTED 30-JUN-82
LBH/U/3522/2	Application for Certificate of Established Use. Use Premises with Ancillary Store	GRANTED 07-JUL-72

LBH/3522/2	Erection of an external staircase	GRANTED 13- MAR-72
LBH/3522	Alterations to Store and Showroom	GRANTED 12-AUG-68

**e) Pre-Application Discussion 02/09/09**

Pre- application discussion took place with regard to the change of use of the building to a student hostel and the erection of a two storey extension. The main conclusions from the discussions were as follows;

- This is a highly constrained site, with a scale of development that is at or approaching capacity
- The principle of the use of the existing building is acceptable
- The proposals for a full floor of accommodation (whether two floor or only one floor) on the existing building would be objectionable and unacceptable – There is no potential for the form of development and proposed and very little potential for proposed extensions
- The only realistic form of extension that has potential would be the introduction of a small-scale hipped or crown roof as explained in the points above

(Note: The extension element has now been removed from the proposal)

**f) Applicant Statements**

**Design & Access Statement**

- The building is located in a sustainable location accessible to facilities and public transport connections
- No changes to street access, door will be fitted with a new pad access
- Residents will not be permitted to have private cars, the car park off Byron Road will remain for the purposes of staff and visitors
- Cycle racks will be provided
- Rear access will continue to be used for emergency access and refuse
- Door in the west elevation is to be blocked up
- Applicant will accept a condition with regard to samples of materials

**Planning Statement**

- The purpose of the facility is to provide temporary residential accommodation for young people over the age of 18 years
- It was originally hoped that the level of accommodation could be increased by extending the existing building. This was considered unacceptable by Council Officers hence the submission of this revised application.
- The need for this type of accommodation has been recognised by Harrow Council (Adults & Housing Services), Harrow Council (Housing Strategy & Performance), CfBT/Connexions harrow, London Assembly Member (Labour) for Brent & Harrow, Mr Navin Shah AM
- The narrow alleyway which runs alongside the building will be made more secure
- No new windows are proposed as part of the development thus the impact on neighbouring occupiers is considered to be neutral
- Only one planning issue which is the effect of the proposed change of use on the character and amenity of the area

- In pre-application discussions Council officers stated that any policy considerations to retain an employment use would be outweighed by the advantages to young people, to the community and to the borough as a whole of the young persons home proposed.
- The location is highly sustainable
- The development will not cause any overlooking of neighbouring occupiers
- Wholly appropriate location to re-integrate young people as it provides a safe location which is not cut-off or remote from facilities

**g) Consultations:**

Traffic and Parking Engineer: There is no substantive objection owing to existing robust on street parking controls hence the proposal conforms to national parking restraint policies

Environmental Health: No comment received by 18-JUN-10

**Notifications:**

Sent: 117

Replies:  
5 x letters of objection  
1 x petition with 33  
signatures

Expiry: 06-MAY-10

**Neighbours Consulted:**

Angel Road: No.'s 8 – 28 (even)

Byron Road: No.'s 9 – 29A (odd)

St Ann's Road: No's 46, 46A, 50, 52 – 54, 56, 60, 64 – 66, 68, 76, 80

Byron Court, Byron Road: No's 1 -79

Industrial Unit adjacent to Clarendon, Headstone Lane

**Summary of Response:**

Parking problems on Byron Road and Angel Road

Antisocial behaviour problems

Privacy and security issues as more people use the alleyway to the rear of Byron Road

Overlooking of neighbouring dwellings

Noise Problems

Increase in pollution due to increase in traffic

Limited access for emergency services

Increase in smells and vermin due to insufficient space being provided for refuse storage

The use of the building as a hostel will lead to the building gaining permission as a block of flats

**APPRAISAL**

**1) Principle of Development**

Policy 3A.13 of the London Plan 2009 states that 'Borough policies should provide for special needs housing, including sheltered housing with care support, staffed hostels and residential care homes, for older persons, children and other client groups'. The need for hostel accommodation within Harrow is further identified within policy H15 of the Harrow UDP.

This application will result in the loss of 321.75 square metres of office (B1 use) floor space and the applicant has not submitted evidence to substantiate the loss of this floor space in accordance with policy EM15 of the Harrow UDP 2004. In this instance, however, given the clear identified need for this type of temporary housing and subsequent overall community benefits of the scheme the need for this type of accommodation is considered to outweigh the detrimental impact of the loss of office space. This is also supported by Section EC4.1 of PPS4 which suggests that Local Development Frameworks should make the most efficient use of derelict or vacant land.

In addition to this given the location of the application site near to the Metropolitan Centre of Harrow and the fact there is a mixture of uses within the area and not a concentration of hostels, it is considered that the proposal will comply with policy H15 of the Harrow UDP.

In light of the above it is considered that the proposal will comply with Government guidance contained within PPS1 and PPS3, PPS4, policies 3A.13, 3A.5 of The London Plan and policies H15 and C2 of the Harrow Unitary Development Plan 2004

**2) Character and Appearance of the Area**

The application will not result in any physical changes to the building. It is therefore considered that the development would not have a significant impact on the character or appearance of the area. It is therefore considered that the proposal will comply with Government guidance contained within PPS1 and PPS3, policy 4B.1 of the London Plan and policy D4 of the Harrow UDP.

**3) Impact on Neighbouring Occupiers**

The application site lies in close proximity to a number of residential properties. Concerns have been raised with regard to the intensification of use of the building and associated noise and disturbance. Whilst it is acknowledged that the use of the building will be intensified in respect of the hours of use, it is not considered that as the street entrance remains the main entrance to the building (the rear access is for the purposes of refuse and emergency access) that the impact of this residential use would not be significantly harmful as to warrant refusal of the application.

In respect of overlooking, no additional openings are proposed at first floor level and the windows in the rear of the building are high level. As such it is considered, that the proposal would not cause any significant overlooking as to warrant refusal of the application.

The proposal does not involve any extensions to the building subsequently. It is therefore considered that the proposal would not cause any further overshadowing or have an overbearing impact beyond the existing impact of the development.

Concerns have been raised with regard to the refuse arrangements for the development and potential smells and vermin. The details of bin storage have not been provided as part of the application and as such a condition is recommended to be added to the permission indicating that details of bins storage are submitted to and approved in writing by the Local Planning Authority. The storage facilities must be provided within the application site (which the alleyway does not form part of) and be easily accessible for residents in accordance with Harrow Council, Community & Environment Services, Code of Practice for The Storage and Collection of Refuse and Materials for Recycling in Domestic Properties. Further to this if smells and vermin attributed to the accumulation of rubbish become a problem this will need to be addressed under the Environment Act.

#### **4) Traffic and Parking**

The application site lies within a highly sustainable location with good public transport links, which has a PTAL rating of 6A. It is considered that the proposed use would not result in an increase in vehicular trips to the building than is currently the case given the existing use of the building as an office.

There have been concerns raised with regard to parking problems attributed to the development scheme. However given the robust parking constraints within the area and the fact that a staff/visitor parking area is provided on Byron Road. It is considered that the proposal would not result in significant on street parking to the detriment of highway safety. Further to this, the Council's Highways Engineer has raised no objections to the proposal. It is therefore considered that the proposal complies with policy T13 of the Harrow UDP.

A new vehicular access is not proposed as part of the development.

With regard to the access for emergency services, this would not be affected by virtue of this development given there are no major physical changes to the building. It is also important to recognise that the development will need to comply with any relevant fire regulations (which lie outside the planning process).

The Design and Access Statement also advises that provision for cycle parking is made as part of the proposals and as such, it is recommended that a condition is added to the permission indicating that details of secure cycle parking provision is submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The proposal will therefore comply with policy T11 of the Harrow UDP.

#### **5) Accessibility**

The proposed development would not comply with Lifetime Homes standards. However, given it is specialist housing with the accommodation provided in dormitories it is not required in this instance to comply with these standards. The type of accommodation is such that the amenity and privacy standards proposed for occupiers are not as high as is required for bedsits/flats or HMO's. It is important to recognise, however, that this is specialist temporary accommodation which will provide for a short term need and as such, it is considered to be acceptable.

There is provision within the development for a person with disabilities. However, the access from Greenhill Way is not level. A condition is therefore recommended to be added to the permission indicating that the access is made level prior to the commencement of the use of the building as a hostel.

There is no amenity space provided as part of this scheme, However, given the close proximity of the application site to the town centre and the type of temporary accommodation proposed, the impact is not considered significantly harmful as to warrant refusal of the application in this case.

It is considered that the accessibility of the development is acceptable and the proposal will therefore comply with policies 3A.5 of the London Plan and policies D4 and C16 of the Harrow UDP.

**6) S17 Crime & Disorder Act**

Concerns have been raised with regard to the alleyway and security for the dwellings which back on to this alleyway. The applicant has advised within the Planning Statement that the rear access is to be used only for emergency access and refuse and that residents would not regularly use this access. On the basis of this access not being used as a main entrance to the building, it is considered that the proposed use would not be significantly harmful as to warrant refusal of the application. The applicant has advised within the Planning Statement the potential to improve security to the rear of the building. Whilst the applicant may voluntarily wish to improve the security of the alleyway given that the access does not form part of the application site and that there are different residential users of this access it is not considered justified in accordance with Circular 11/95 for any security improvements to be implemented via a planning condition.

Concerns have been raised with regard to potential anti-social behaviour attributed to this development. It is considered in this case that the use of this building as a hostel for young people would not likely result in an increase in the potential for anti social behaviour. This scheme seeks permission for specialist housing well integrated within a residential area for which there is an identified need.

It is therefore considered that the application will comply with policy D4 of the Harrow UDP and policy 3A.5 of the London Plan.

**8) Consultation Responses**

There have been concerns raised with regard to an increase in pollution attributed to the development. Given that parking will not be provided for residents, the sustainable location of the application site and that the proposal is not likely to result in a significant increase in trips associated with this development over and above what is existing, that there will not be any significant implications in respect of air pollution attributed to this proposal.

With regard to the approval of this application leading to the development of flats, to change the use of the building to flats would require a planning application which would need to be assessed on its own merits and according to different policy to the proposal for a hostel.

## **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 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 & Country Planning Act 1990.

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

REASON: In the interests of visual amenity in accordance with policy D4 of the Harrow UDP 2004

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

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

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

The use hereby permitted shall not be commenced 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 and in compliance with Policy D4 of the Harrow UDP 2004.

4 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 accordance with policy D4 of the Harrow UDP 2004

5 The development hereby permitted shall not commence until details of a scheme to provide a level entrance in order to facilitate access for disabled people, 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 thereafter retained.

REASON: To ensure adequate provision of facilities for use by disabled people in accordance with policy C16 of the Harrow UDP 2004

6 The number of bedspaces available shall not exceed 15

REASON: To safeguard the amenity of neighbouring residents in accordance with policy D4 of the Harrow UDP 2004

7 The development hereby permitted shall not commence until a scheme for the provision of cycle parking (including location and cycle stand details) has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not commence until the cycle parking scheme has been implemented in accordance with the approved details and thereafter retained.



Item 2/10 : P/0675/10/IH continued/...

REASON To encourage occupants of the development to use methods of transport other than the private car in accordance with policy T11 of the Harrow UDP.

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

- Drawing No. L578/13 Revision A
- Drawing No. L578/12 Revision A
- Drawing No. 1 Revision A
- 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 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;  
Planning Policy Statement 3;  
Planning Policy Statement 4;  
Planning Policy Guidance 13

London Plan: 3A.13, 3A.5, 4B.1

Harrow Unitary Development Plan: D4; D5; H15; T13; EM15; C16.

### **2 INFORMATIVE:**

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

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

Plan Nos: Drawing No. L578/13 Revision A ; Drawing No. L578/12 Revision A;  
Drawing No. 1 Revision A

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**41 WETHERAL DRIVE, STANMORE, HA7 2HQ**

**Item: 2/11**  
**P/1466/10/NR**

Ward BELMONT

SINGLE STOREY REAR EXTENSION WITH ALTERATIONS TO ROOF OF EXISTING SINGLE STOREY REAR EXTENSION; DETACHED OUTBUILDING IN REAR GARDEN

**Applicant:** Mr Deepak Bharadia  
**Agent:** Mr Martyn Simister  
**Case Officer:** Nicholas Ray  
**Statutory Expiry Date:** 02-AUG-10

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## RECOMMENDATION

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

## REASON

The proposals would comply with the relevant policies of the UDP and Supplementary Planning Guidance. The proposed extensions and outbuilding would improve the living conditions of the occupiers of the application property, whilst not detrimentally impacting on the living conditions of the occupiers of neighbouring residential properties, or the character and appearance of the area.

## 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's Guide (2008)

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

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

## INFORMATION

This application is reported to Committee because the applicant's wife is a Council staff member.

### a) Summary

Statutory Return Type: 21. Householder  
Council Interest: None

**b) Site Description**

- Two storey semi-detached property on the east side of Wetheral Drive.
- The property has a single storey front, two storey side and single storey rear extension.
- The adjoining property to the north, No.39, is unextended at the rear.
- The adjacent property to the south, No.41, has a single storey side to rear extension and a detached outbuilding in the rear garden.

**c) Proposal Details**

- Full width single storey rear extension to replace the existing smaller extension, with a rearward projection of 3.0 metres and a mid point height of 3.0 metres with a pitched roof.
- Detached outbuilding in the rear garden to provide a garden room/store with a width of 6.6 metres, a depth of 5.0 metres and a maximum height of 3.5 metres with a hipped, pitched roof.
- The outbuilding would be sited 14 metres from the rear wall of the proposed extension, 1.0 metre from both side boundaries and a minimum of 2.0 metres from the rear boundary of the site.

**d) Relevant History**

LBH/30245 First floor side extension

GRANTED  
18-AUG-86

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- None.

**g) Consultations:**

**Notifications:**

Sent: 4

Replies: 1

Expiry: 30-JUN-10

**Addresses Consulted:**

- 39 and 43 (odd) Wetheral Drive;
- 56 and 58 (even) Kynance Gardens.

**Summary of Response:**

Concerns about loss of light due to proximity of rear extension, encroachment and damage to neighbouring property, replacement of fencing and hours of work.

## **APPRAISAL**

### **1) Principle of Development**

This application proposes the extension of an existing residential property and the construction of an ancillary detached outbuilding in the rear garden. Under current planning policy, there is no in principal objection to the extension of a residential property or the construction of ancillary buildings, subject to consideration of the likely impact on the character and appearance of the area and amenities of neighbouring residential occupiers, which is undertaken below.

### **2) Character and Appearance of the Area**

The proposed single storey rear extension would comply with the Council's Supplementary Planning Guidance (SPG) in terms of rearward projection and height. The extension would therefore have an acceptable scale and appearance and a condition is attached requiring materials to match the existing property.

The proposed detached outbuilding would be sited towards the end of the rear garden of the property, although it would be sited away from both the rear and side boundaries. Such outbuildings are common features at the end of residential gardens and although the proposed building would be larger than adjacent outbuilding at No.43 and the other neighbouring sheds in the immediate locality, it is not considered to be out of character. The building would have a footprint of 33m<sup>2</sup>, leaving a residual garden area of 145m<sup>2</sup>. The proposed site coverage would therefore not be excessive. The siting of the building away from the site boundaries and the shallow pitched, hipped roof design would also reduce the visual impact of the proposal. It is therefore considered that the proposed outbuilding would have an acceptable impact on the character and appearance of the area.

### **3) Residential Amenity**

The proposed single storey rear extension would replace a smaller structure, but would comply with SPG paragraph C.2 in terms of the proposed 3.0 metre rearward projection on the boundary with the adjoining property at No.39 and would also comply with paragraph C.7 in terms of the proposed height. Whilst the comments from the occupiers of No.39 relating to loss of light are noted, the proposed extension would comply with the SPG, which deems a rearward projection of 3.0 metres on the boundary with an adjacent property to be acceptable, and this is also in line with permitted development limitations. The impact on the living conditions of the occupiers of No.39 is therefore considered to be acceptable. The proposed extension would line up with the rear extension at the adjacent property No.43 and would therefore have an acceptable impact on the amenities of the occupiers of that property.

The proposed single storey detached outbuilding would be sited some 14 metres from the rear wall of No.43 and some 17 metres from the rear wall of No.41. Given these distances and the scale of the proposal, it is considered that the proposed building would not unduly impact on light to, or outlook from, these neighbouring properties. The building would also be sited some 27 metres from the rear walls of the properties on Kynance Gardens, to the rear of the site.

The proposed building would therefore not unduly impact on the occupiers of those properties. Windows and doors are proposed in the front wall of the building facing the properties on Wetheral Drive. However, given the separation distance and the proposed ancillary use of the building, it is considered that these windows would not result in unacceptable overlooking of these properties. A condition is imposed restricting the future insertion of flank and rear wall windows in the outbuilding, as well as a condition restricting the use to be ancillary to the use of the main dwelling. Subject to these conditions, the proposed outbuilding would have an acceptable impact on the amenities of the occupiers of neighbouring residential properties.

**4) 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.

**5) Consultation Responses**

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

- Concerns about encroachment and damage to neighbouring property and replacement of fencing: This is a private civil matter and not a material planning consideration.
- Concerns about hours of work: This is covered by other legislation and is dealt with the Council's Noise Nuisance Team.
- Other matters raised are addressed in the appraisal sections above.

**CONCLUSION**

For all the reasons considered above, the proposed developments would comply with the relevant policies of the UDP and Supplementary Planning Guidance. The proposed extensions and outbuilding would improve the living conditions of the occupiers of the application property, whilst not detrimentally impacting on the living conditions of the occupiers of neighbouring residential properties, or the character and appearance of the area. 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: WET-41/1 Rev B, 2, 3 Rev A and Site Plan.

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

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

REASON: To safeguard the appearance of the locality in line with the requirements of saved UDP policy D4.

4 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 flank walls of the developments hereby permitted, nor the rear wall of the permitted outbuilding, without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in line with the requirements of saved UDP policy D5.

5 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in line with the requirements of saved UDP policies D4 and D5.

## **INFORMATIVES**

### **1 PARTY WALL ACT:**

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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

### **3 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION - HOUSEHOLDER APPLICATION:**

The decision to grant planning 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:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

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

Plan Nos: WET-41/1 Rev B; 2; 3 Rev A; Site Plan

70 WELBECK ROAD, SOUTH HARROW, P/1940/10/SMC  
HA2 ORR

Ward WEST HARROW

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: ALTERATIONS TO ROOF TO FORM END GABLE, REAR DORMER AND INSERTION OF TWO ROOFLIGHTS IN FRONT ROOFSLOPE

**Applicant:** Mr Kotak  
**Agent:** Mr Parmar  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** 15-SEP-10

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## RECOMMENDATION

**GRANT** a Certificate of Lawful Proposed Development for the development described in the application and submitted plans.

## REASON

The decision to recommend grant of a Certificate of Lawful Proposed Development has been taken having regard to the limitations set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse.

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## MAIN CONSIDERATIONS

### 1) Compliance with Permitted Development Limitations

## INFORMATION

This application is reported to the Committee because the applicant's spouse is a Council employee.

### a) Summary

Statutory Return Type: 26. Other  
Council Interest: None

### b) Site Description

- Two storey semi-detached dwellinghouse.
- The dwellinghouse has an existing garage attached to the flank wall of the dwellinghouse and a detached outbuilding in the rear garden.
- The property is not listed, nor is it located in a conservation area.

### c) Proposal Details

- Alterations to the roof to form an end gable and a rear dormer.
- Insertion of two rooflights in the front roofslope.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- N/A.

**g) Consultations:**

- No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

**APPRAISAL**

**1) Compliance with Permitted Development Limitations**

This Certificate of Lawful Proposed Development application relates to proposed alterations to the dwellinghouse to form an end gable and a rear dormer. Two rooflights are proposed in the front roofslope. Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 relating to any other alteration to the roof of a dwellinghouse are therefore the relevant classes in relation to the proposed development.

Section B.1 of the above order states that 'development is not permitted by Class B if-

*(a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the roof;*

The proposed end gable and rear dormer would not exceed the height of the highest part of the roof.

*(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;*

No part of the rear dormer of gable end would extend beyond the plane of the existing roofslope which forms the principal elevation and fronts a highway.

*(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –*

*40 cubic metres in the case of a terrace house, or*

*50 cubic metres in any other case;*



The dwellinghouse is semi-detached. The proposed end gable would have a volume of 23.2 cubic metres and the rear dormer would have a volume of 18.92 cubic metres. Therefore the total volume of the proposed end gable and the rear dormer would be 42.12 cubic metres, which would not exceed 50 cubic metres.

(d) *it would consist of or include-*

- (i) *The construction or provision of a veranda, balcony or raised platform, or*
- (ii) *The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or*

(e) *the dwellinghouse is on article 1(5) land.*

The proposal does not include any of the above and it is not located in a conservation area.

Section B.2 of Class B states that development is permitted by Class B subject to the following conditions-

(a) *the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.*

The plans have been annotated to state that the materials used will match those of the existing dwellinghouse.

(b) *other than the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof;*

The rear dormer would be set up 0.57m from the eaves of the original roof.

(c) *any window inserted on a wall or roofslope forming a side elevation of the dwellinghouse shall be-*

- i) *obscure glazed, and*
- ii) *Non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.*

No windows are proposed in the wall or roofslope forming a side elevation of the dwellinghouse.

Section C.1 of Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 relating to any other alteration to the roof of a dwellinghouse states that: 'development is not permitted by Class C if –

(a) *the alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external of the roof.*

The plans have been annotated to state compliance of the rooflights with the above.

- (b) *it would result in the highest part of the alteration being higher than the highest part of the original roof;*

The proposed rooflights would not be higher than the highest part of the original roof.

- (c) *It would consist of or include-*

- (i) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*  
(ii) *the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.*

The proposal would not consist of or include any of the above.

*Section C.2 of Class C states that development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be-*

- (a) *Obscure glazed; and*  
(b) *Non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.*

The proposal does not include any windows located on a roof slope forming a side elevation of the dwellinghouse.

The proposed roof alterations consisting of a gable end and rear dormer and two proposed rooflights in the front roofslope would be built entirely within the curtilage of the dwellinghouse and there are no planning conditions removing permitted development rights or any other relevant developments on the land.

## **CONCLUSION**

For all the reasons considered above, the proposal complies with the relevant limitations set out in Schedule 2 Part 1 Class B and Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse. It is therefore recommended that a Certificate of Lawful Proposed Development be issued.

## **DETAIL OF FORMAL DECISION NOTICE**

1 The proposed end gable and rear dormer are within the tolerances of Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

2 The insertion of velux type rooflights in the roof plane is not a material alteration to the shape of the dwellinghouse and is permitted by Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3 The proposal is therefore a lawful development.

## **INFORMATIVES**

### **1 PARTY WALL ACT**

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **2 CONSIDERATE CONTRACTOR CODE OF PRACTICE**

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

### **3 PERMITTED DEVELOPMENT**

You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development. In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 1 October 2008. For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on:

<http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: [http://www.opsi.gov.uk/si/si2008/uksi\\_20082362\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1) .

Plan Nos: WEL1, WEL02 and Location Plan

106-108 WEALD LANE, HARROW, HA3 P/1725/10/GL  
5EZ

Ward WEALDSTONE

RETROSPECTIVE APPLICATION FOR USE OF PROPERTY AS 11 FLATS (9 STUDIO AND 2 SELF CONTAINED FLATS) FOR USE IN THE SINGLES OPPORTUNITIES FOR LODGINGS (SOLO) SCHEME; PROPOSED SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING CONSERVATORY; LANDSCAPING; REFUSE; CYCLE STORE AND PARKING.

**Applicant:** Mr Nash Bhatti  
**Agent:** David Yeaman and Associates  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** 28-SEP-10

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## RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans, subject to the prior signing of a legal agreement to secure the retention of the development for use in the Singles Opportunities for Lodgings (SOLO) Scheme, or if this scheme were to cease operation to be used for the purpose of affordable housing as defined in the London Plan 2008, or any modification or replacement thereof, to be managed by a Registered Housing Provider as defined in the Housing and Regeneration Act (2008), payment of the Council's Planning Administration and Legal Fees and to conditions.

## REASON

The proposal would provide social housing for the SOLO scheme, for which there is an acknowledged need in the Borough, and would represent a suitable form of development in the locality that not cause harm to nearby residential occupiers or to highway safety.

The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals of the London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 set out below, and to all relevant material considerations including 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 3 – Housing (2010)

The London Plan:

- 3A.1 – Increasing London's supply of housing
- 3A.2 – Borough Housing Targets
- 3A.3 – Maximising the potential of sites
- 3A.4 – Efficient Use of Stock
- 3A.5 – Housing choice
- 3A.8 – Definition of affordable housing
- 3A.9 – Affordable housing targets
- 3A.10 – Negotiating affordable housing in individual private and mixed-use schemes
- 3A.11 – Affordable housing thresholds
- 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

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

T11 – Cycle and Motorcycle Parking

T13 – Parking Standards

H7 – Dwelling Mix

C16 – Access to Buildings and Public Spaces

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

Supplementary Planning Document, Accessible Homes (2010)

London Housing Design Guide (2010)

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**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 (PPS3, London Plan policies 3A.1 – 3A.5, 3A.8 – 3A.11, 4B.1, Saved UDP policies D4, H7)
- 2) Character and Appearance of the Area (London Plan policy 4B.1, Saved UDP policies D4, D9, H7)
- 3) Residential Amenity, including Lifetime Homes (London Plan policies 3A.1 – 3A.5, Saved UDP policies D4, D5, C16, SPD)
- 4) Affordable Housing (London Plan policies 3A.8 – 3A.11, saved UDP policy H7)
- 5) Transport and Highways Considerations (Saved UDP policies T6, T13)
- 6) S17 Crime & Disorder Act (Saved UDP policy D4)
- 7) Consultation Responses

**INFORMATION**

**This application is referred to Committee as it is outside the Scheme of Delegation.**

**a) Summary**

Statutory Return Type: Smallscale Major Dwellings  
Site Area: 461 sqm  
Council Interest: None

**b) Site Description**

- Two storey detached building with accommodation in the roofspace originally constructed as a residential care home (Use Class C2) located on the northern side of Weald Lane on the corner with Sefton Avenue.
- The entrance to the property is in the flank wall on the Sefton Avenue frontage
- The property has a parking area and a front garden area on the Weald Lane frontage
- The rear garden is approximately 15 metres deep.
- The building is currently in use as nine studio flats and two self-contained one-bedroom flats

**c) Proposal Details**

- Continued use of property as nine self-contained studio flats and two self-contained one-bedroom flats in connection with the Single Opportunities for Lodgings (SOLO) Scheme
- The building has four studio flats and a one-bedroom flat on the ground floor, five studio flats on the first floor and a one-bedroom flat in the roofspace
- The proposal would involve the demolition of the existing 2.6m deep and 5.6m wide rear conservatory with a traditional extension, together with a private fenced terrace area for the ground floor one-bedroom flat (which includes the rear extension)
- The remainder of the rear garden would be for shared use, with a fenced refuse storage area for four large bins (two each for materials for recycling and reuse and for general waste), together with a cycle store
- The proposal includes a lowered kerb to the rear garden to allow for bin collection

**d) Relevant History**

EAST/761/95/FUL	Demolition of two existing dwellings and construction of 2 storey residential care home with carers flat in roof space	GRANTED 22-NOV-95
P/3432/08	Change of use of residential care home (Class C2) to nine self contained bedsits and two x one bedroom flats.	WITHDRAWN 15-DEC-08
P/4093/08	Change of use of residential care home (Class C2) to dwellinghouse (Class C3)	GRANTED 20-MAR-09

**e) Pre-Application Discussion**

PAM/ENQ/00010/08/04/10

- *In this case, the principle of the proposal is considered to be acceptable given the special circumstances of the use in the SOLO Scheme and in the context of the relevant Development Plan policies, but only on the understanding that an appropriate s.106 Agreement would be completed prior to any decision on the application. We are hopeful that your submission could, therefore, form the basis of an acceptable recommendation to the Planning Committee.*

**f) Applicant Statement**

- Design and Access Statement:
- Re-use of site as care home would be problematic due to changes in Care Home Regulations
- Flats currently leased to Paradigm Housing Association with tenants nominated through the SOLO (Single Opportunities for Lodgings) scheme
- Property has level access on ground floor

**g) Consultations:**

Housing Enabling: There is a need for such accommodation, provided it is permanently linked to an affordable housing regime.

Waste Management: Refuse storage arrangements are acceptable

Landscape Architect: Conditions regarding landscaping and maintenance should be attached

Highways Engineers:

Drainage Engineers: No response received

Crime Prevention Design Officer: No response received

Environment Agency: Proposal has low environmental risk, so no comment

Social Services: No response received

Advertisement: Major Development Expiry: 05-AUG-10

**Notifications:**

Sent: 20 Replies: 0 Expiry: 02-AUG-10

Neighbours consulted:

100, 102, 104, 110, 110a, 110b, 112, 120, 83, 85, 85a, 87, 87a, 89, 91, 93 Weald Lane

1, 2, 3 Sefton Avenue

3 Astall Close

**Summary of Response:**

- None

**APPRAISAL**

**1) Principle of Development**

National Planning Policy Statement 3 – Housing, London Plan policy 4B.8 and saved policy D4 of the Harrow UDP require that new residential development should complement the existing development context and should not result in an over intensive form of development that could be detrimental to the character and appearance of the area or of the amenities of nearby occupiers.

The use of this property as 9 self-contained studio flats and two self-contained one-bedroom flats would not normally be considered acceptable as it would represent an over-intensive use of the property and would result in an unacceptable level of residential activity at the property.

However, the Council's Housing Enabling Department has advised that there is a need for smaller studio flats for tenants nominated through the Council's SOLO (Single Opportunities for Lodging) scheme, which is currently administered by the Paradigm Housing Association. This scheme provides low cost accommodation for vulnerable single adults.

On this basis, the benefits of the proposed retention of the use of the property in association with the SOLO scheme in terms of the provision of housing for vulnerable adults, are considered to outweigh the harm that would arise through any intensification of the use of the property. This benefit is directly linked through the use of the property for affordable housing, as any commercial use for market housing would not be considered acceptable.

Therefore, it is recommended that planning permission only be granted in association with a Legal Agreement linking the use to an affordable housing scheme.

## **2) Character and Appearance of the Area**

Policies 4B.1 and 4B.8 of the London Plan, and saved policy D4 of the Harrow Unitary Development Plan require that new development proposals should respect the scale and character of the area.

Weald Lane is characterised by semi-detached single family dwellinghouses, some of which have been converted into flats. However, the subject property is a larger detached building, having been built on the site of a pair of semi-detached dwellinghouses.

The use of this property as a House in Multiple Occupation or as eleven self-contained flats for market housing would be out of character with the established pattern of development in the vicinity, as it would result in an unacceptable increase in the level of residential activity, and associated parking, at the property, compared to what might normally be expected from the use of the land as two dwellinghouses or four flats.

However, as noted above, the property is in use as affordable housing under the SOLO scheme, which provides accommodation to vulnerable single adults who may not have ready access to other forms of social housing or to market housing.

There is a demonstrable need for this type of housing in the London Borough of Harrow, and the property is currently fully let.

It is noted that there have been no objections from neighbouring occupiers to the continuing use, and there have been no complaints forwarded by the Environmental Health department.

Given these circumstances, it is considered that the harm that could be caused to the character and appearance of the area is outweighed by the benefit of the type of tenure provided.

The proposal includes the replacement of the existing conservatory with a single-storey rear extension, of the same dimensions, which would be for the use of a one-bedroom flat on the ground floor. Such an extension would be typical in the vicinity and would have no impact on the character or appearance of the area. Furthermore, the proposed extension would be smaller than could be permitted under the guidance contained in the Council's adopted Supplementary Planning Guidance on Householder Extensions.



The proposal includes provision for refuse storage in the rear garden in a screened enclosure. The requirement for a property of this size is for two 1,280 litre bins for materials for re-use and recycling and two 1,100 litre bins for residual waste. The refuse storage area would be adequate to accommodate these bins, and the provision is considered adequate and would not have a detrimental impact on the character and appearance of the area.

**3) Residential Amenity, including Lifetime Homes**

This property was originally laid out as a Residential Care Home. The London Housing Design Guide, which contains recommended minimum standards for room sizes and layouts in new residential development, makes no mention of studio flats for single people. The room sizes and layouts have been compared to the recommendations for smaller flats contained in that guidance, and it is considered that the layout and room sizes are suitable for the use as self-contained studios and flats for single people.

Although the bathrooms as currently constructed do not strictly comply with the full requirements of Lifetime Homes, each is capable of conversion to a wet room, which would secure such compliance if needs be.

The ground floor one-bedroom flat, which would include the extension described above, would have a private screened garden area. The remainder of the garden would serve as a communal amenity space, which is considered acceptable given the site circumstances.

**4) Affordable Housing**

The proposal would provide social housing for vulnerable single adults under the SOLO scheme.

This scheme is currently administered by the Paradigm Housing Association, which is a registered social landlord.

As such, the proposal falls within the definition of Affordable Housing contained in policy 3A.8 of the London Plan.

If the SOLO scheme were to cease operation, the Legal Agreement would require the property to continue to be used for the purpose of affordable housing as defined in the London Plan 2008 and to be managed by a Registered Housing Provider as defined in the Housing and Regeneration Act (2008) to prevent the use of the property for market housing without the express agreement of the Local Planning Authority.

**5) Transport and Highways Considerations**

Given the nature of the tenure at the subject site, the proposal would not give rise to significant parking demand in the vicinity.

The proposal includes an area for the secure storage of bicycles, which would assist in promoting sustainable transport, as required by saved policy T11 of the UDP.

**6) S17 Crime & Disorder Act**

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

**7) Consultation Responses**

None

**CONCLUSION**

The proposal would provide social housing for the SOLO scheme, for which there is an acknowledged need in the Borough and would represent a suitable form of development in the locality that not cause harm to nearby residential occupiers or to highway safety.

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 prior signing of a legal agreement and to condition(s):

INFORM the application that:

1) The proposal is acceptable subject to the completion of a legal agreement within one year (or such period as the council may determine) of the date of the Committee decision on this application relating to:-

The 9 studio and 2 self contained flats shall be retained for use in the Singles Opportunities for Lodgings (SOLO) Scheme, or if this scheme were to cease operation to be used for the purpose of affordable housing as defined in the London Plan 2008, or any modification or replacement thereof, to be managed by a Registered Housing Provider as defined in the Housing and Regeneration Act (2008).

Payment of the Council's Planning Administration and Legal Fees

2) A formal decision notice, subject to the planning conditions noted below, will be issued only upon completion, by the applicant of the aforementioned 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the building and the locality, as required by 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; 001; 002; 003; 004; 005; 006; 007; 008; 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 for the forecourt of the site. 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, as required by saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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, as required by saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

## **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:

Planning Policy Statement 1 – Delivering Sustainable Development (2006)

Planning Policy Statement 3 – Housing (2010)

The London Plan:

3A.1 – Increasing London's supply of housing

3A.2 – Borough Housing Targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient Use of Stock

3A.5 – Housing choice

3A.8 – Definition of affordable housing

3A.9 – Affordable housing targets

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

3A.11 – Affordable housing thresholds

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

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

T11 – Cycle and Motorcycle Parking

T13 – Parking Standards

H7 – Dwelling Mix

C16 – Access to Buildings and Public Spaces

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

**2 CONSIDERATE CONTRACTOR'S CODE OF PRACTICE:**

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

**3 THE PARTY WALL ETC. ACT:**

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:  
Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB  
Please quote **Product code: 02 BR 00862** when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

Plan Nos: Site Plan; 001; 002; 003; 004; 005; 006; 007; 008; Design and Access Statement

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Item: 2/14

29-31 PINNER ROAD, HARROW, HA1 P/1636/10/LH  
4ES

Ward HEADSTONE SOUTH

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION  
P/1558/04/CFU TO RELEASE THE REQUIREMENT TO PROVIDE AFFORDABLE  
HOUSING WITHIN THE DEVELOPMENT

**Applicant:** Matrix (Pinner Road) Ltd

**Agent:** Cqms

**Case Officer:** Lucy Haile

**Statutory Expiry Date:** 03-AUG-10

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## RECOMMENDATION

APPROVE modification to s106 agreement subject to the applicant entering into a deed of variation with the following Heads of Terms;

Prior to the first occupation or sale of the 27<sup>th</sup> residential unit a financial appraisal shall be submitted to the Council. In the event that the review of the Financial Appraisal undertaken shows a surplus residual land value above the land value benchmark 50% of the surplus value shall be paid to the Council as a contribution towards affordable housing provision within the Borough

**Reason for Approval:** - The decision to APPROVE the modification to the s106 agreement has been taken having regard to Government guidance contained within PPS1, PPS3 and 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 including any comments received in response to publicity and consultation. The Council is satisfied that the applicant has demonstrated that the scheme is unviable with the provision of affordable housing. In order to safeguard the Council from any change in circumstances it is recommended that the applicant enter into a legal agreement with the Council to ensure that 50% of any surplus residual land value is paid to the Council as a contribution towards affordable housing provision within the Borough.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

### **The London Plan 2008**

3A.8 – Definition of Affordable Housing

3A.9 – Affordable Housing targets

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

3A.11 – Affordable Housing Thresholds

### **London Borough of Harrow Unitary Development Plan 2004**

H7: Dwelling Mix

Interim Housing Supplementary Planning Guidance, April 2010

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**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Affordable Housing (PPS1, PPS3, London Plan Policies 3A.8, 3A.9, 3A.10, 3A.11, Harrow UDP policy H7, Interim Housing Supplementary Planning Guidance, April 2010)

**INFORMATION**

This application is required to be determined by the planning committee as it seeks permission to modify a s106 agreement attached to a major planning application

**a) Summary**

Statutory Return Type: Major Planning Application  
Council Interest: None

**b) Site Description**

The application site lies on a busy main road approximately 100 m from Greenhill Way Roundabout  
A four storey NHS office building lies to the east of the application site with a 3 storey grey flat roofed office building to the west, warehouses are located to the rear of the site

**c) Proposal Details**

- Planning Application P/1558/04/CFU granted permission for 34 flats in a 3/4 storey building with basement car parking. This application has been implemented and the building work is within its latter stages although the flats are not yet occupied.
- Planning application P/1558/04/CFU granted permission subject to the applicant entering into a s106 agreement to provide 12 units for affordable housing purposes and obliges the developer to enter into an unconditional contract with a nominated registered social landlord to sell the units for shared ownership purposes. This application seeks permission to modify the s106 agreement to release the obligation for the developer to provide the 12 affordable housing units.
- The affordable housing was never eligible for funding from the HCA due to the room sizes which fail to comply with the HQI and the fact there is no social rented housing proposed as part of the affordable housing provision. A Registered Social Landlord did commit to providing the housing but has subsequently withdrawn.
- The planning conditions attached to the original permission have been discharged by the Local Planning Authority

**d) Relevant History**

P/1558/04/CFU	Redevelopment: 34 Flats in 3/4 storey building with basement car parking (resident permit restricted)	APPROVED 11-MAY-05
P/1543/03/COU	Outline: Redevelopment to provide 39 flats in 5 storey building with retail on ground floor, parking in lower ground floor and access	REFUSED 17-OCT-03

**Reasons for Refusal**

1. The proposed development fails to make provision for affordable housing and therefore conflicts with Policy H9 of the adopted Borough UDP and Policy H6 of the revised deposit draft UDP as well as circular 6/98 'Affordable Housing'
2. The proposed development, by reason of unsatisfactory design, excessive number of units, excessive density, size of building and lack of adequate amenity space, would amount to an overdevelopment of the site to the detriment of neighbouring residents and the character of the area.

WEST/146/95/OUT	Outline: Re-building of single storey structure for use as MOT servicing and car repair (sui generis)	GRANTED 24-MAY-95
WEST/764/94/FUL	Change of Use: Funeral Directors/Residential to Plant Hire Depot	GRANTED 04-APR-95
WEST/643/94/REN	Renewal of Planning Permission LBH/37938: 3 Storey building to provide funeral directors accommodation with 2 floors of offices and parking (not implemented)	GRANTED 20-DEC-94
LBH/37938	Demolition of existing building and erection of a three storey building to provide funeral directors accommodation, two floors of offices above with garages and parking spaces	GRANTED 15-MAR-90
LBH/8443/3	Demolition of existing buildings and erection of 4 storey office block with tank and plant rooms over, ground floor showroom with basement parking area under (Phase 1) (revised)	REFUSED 11-JAN-79

**Refusal Reasons:**

1. The proposal would be contrary to the provisions of the UDP wherein the site is allocated for primarily industrial use
2. The proposal would conflict with the Council's policy of seeking to provide additional local industries on the limited amount of land allocated for that purpose.

LBH/8443/2	Demolition of existing premises and erection of showroom with light industry underneath and light industry and offices over	GRANTED 10-SEP-75
LBH/8443/1	Demolition of existing premises and erection of 4 storied building to provide showrooms, offices and 8 flats with basement car park	REFUSED 18-FEB-74

**Refusal Reasons:**

1. The proposal is not in accordance with the Initial Development Plan wherein the site is allocated for industrial purposes
2. The access to the site from Pinner Road is unsuitable as a long-term solution whereby access should be taken from the Industrial estate road to the south in conjunction with any further redevelopment of adjoining land
3. The proposal for offices and showroom uses is inappropriately located in the area and is contrary to the policy of the Local Planning Authority, where it is intended to consolidate such uses in Harrow Town Centre or other Local Centres

**f) Applicant Statements**

**Supporting Letter**

- The developer has encountered a number of exceptional circumstances including land contamination, contractor insolvency and protracted negotiation regarding the purchase of a ransom strip of land to access the site. Consequently the scheme viability has been negatively impacted to the extent that the provision of affordable housing can no longer be supported
- Simultaneously the nominated Registered Social Landlord (RSL) HomeGroup, are now not in a position to purchase the 12 affordable housing units principally as they do not attract HCA Housing Grant where qualifying development must meet 'Housing Quality Indicator' (HQI) standards which identify minimum floor areas. In addition, the shared ownership market has collapsed given the lack of mortgage facilities available.
- As the scheme has been substantially built out there is no opportunity to reconfigure units to allow the integration of any affordable units.
- The scheme has been marketed to alternative RSL's active in Harrow, however due to the failure to comply with HQI standards there is no interest
- A three Dragons Financial Viability Toolkit has been provided.

**Internal Consultations:**

Housing Enabling Officer :

Home Group has previously notified us (March 2010) of their intention to end their agreement with Matrix due to the poor build quality and significant delays in delivery of the project. N.B. the previously agreed affordable housing package did not benefit from NAHP funding as the build standard and unit sizes did not meet Housing Corporation (HCA) funding standards at that time.

It is recommended that in the absence of any affordable housing provision that a clause be included in the new agreement whereby financial viability can be reassessed nearer to full occupation of the units.

1. 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;



2. 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;

3. 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 elsewhere within the borough.

**Notifications:**

Sent: 26

Replies: 0

Expiry: 14-JUL-10

**Neighbours Consulted:**

Pinner Road: 47, 47a, 45a, 45, 43, 42, 42a, 41, 40a, 41a, 40, 35, 32a, 32, 30a, 30, 28a, 28, 26a, 26, 24, 21, 19

Norrap House

Belmont Hall

Devonshire Road: 45

## **APPRAISAL**

### **1) Affordable Housing**

A mix of housing tenures should be provided as part of residential development in accordance with Government guidance contained within PPS3 and policy H7 of the Harrow Unitary development Plan. Further to this policy 3A.11 states that 'Boroughs should normally require affordable housing provision on a site which has a capacity to provide 10 or more homes'. Application P/1558/04/CFU was granted permission 34 flats hence affordable housing would normally be required to be provided.

Application P/1558/04/CFU was granted subject to the applicant entering into an obligation to provide 12 affordable housing units which at the time were proposed to be shared ownership, a registered social landlord (Homegroup) had initially agreed to work with the developer to provide these units.

The development is in the latter stages of the build and the developer has advised that the scheme is no longer economically viable with the provision of affordable housing. The developer has advised that this is due to land contamination costs, contractor insolvency, protracted negotiation regarding the purchase of a ransom strip of land to access the site, financial difficulty to obtain a mortgage for a shared ownership dwelling and the fact the RSL is no longer committed to the scheme.

The application must be assessed against the London Plans Affordable Housing Policy 3A.10 which states that;

'Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private resident and mixed-use schemes, having regard to affordable housing targets adopted in Policy 3A.9, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements'

The provision of zero affordable housing clearly fails to comply with the affordable housing targets outlined within the London Plan. The applicant has, however, submitted a GLA toolkit which takes into consideration the individual site costs, availability of public subsidy and other scheme requirements. This toolkit has been assessed by the Council's Housing Enabling Officer who has indicated that based on the figures submitted it would not be viable for the developer to provide the affordable housing as previously agreed. The toolkit showed that the residual land value was at a loss. A toolkit was not provided as part of the initial assessment of the scheme and the applicant has outlined the reasons for the change in circumstances. The need to encourage rather than restrain development must also be given considerable weight in considering this application given the fact that the units would remain vacant with out a modification to this legal agreement.

There is a possibility, however, that between now and the sale of the units the residual land value which the GLA tool kit produces may increase. Interim London Plan Housing SPG (2010) states;

"For schemes with a shorter development term, consideration should be given to using short-term permissions or to using S106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty."

In light of this guidance and given the fact the scheme will be providing zero affordable housing it is recommended that the applicant enters into a deed of variation which states that on the occupation or sale of the 27<sup>th</sup> residential unit a viability appraisal shall be submitted to the Council. In the event that the viability appraisal submitted by the developer shows that the residual land value has increased the developer shall pay 50% of the surplus value to the Council which will be put towards the provision of affordable housing elsewhere in the Borough.

## **CONCLUSION**

Whilst it is evident that a scheme of this size should normally make provision for affordable housing the applicant has submitted a viability assessment which the Council's Housing Enabling Officer considers proves the development to be unviable with the provision of the affordable housing as agreed. Policy 3A.9 of the London Plan states that targets should be applied flexibly taking account of individual site costs and emphasises the importance of encouraging rather than restraining residential development. In light of this it is recommended that the application is approved subject to the applicant entering into a deed of variation which sits with the original s106 and states that a viability assessment is submitted on the occupation or sale of the 27<sup>th</sup> unit. If this viability assessment concludes there is surplus residential land value 50% of the surplus value shall be paid to the Council towards the provision of affordable housing elsewhere in the Borough. It is therefore considered that the application will comply with Government guidance contained within PPS1, PPS3, London Plan Policies 3A.8, 3A.9, 3A.10, 3A.11, Harrow UDP policy H7 and Interim Housing Supplementary Planning Guidance, April 2010.

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**Item: 2/15**  
**1 – 3 BOUVERIE ROAD, HARROW, HA1 4HB**      **P/1957/10/SB5**  
Ward      WEST HARROW

REDEVELOPMENT: TWO/ THREE STOREY BLOCK OF FLATS TO PROVIDE 9 DWELLINGS WITH OFF STREET PARKING PROVISION; LANDSCAPING; CYCLE STORAGE AND REFUSE (REVISED APPLICATION)

**Applicant:**              The Gillett Macleod Partnership  
**Agent:**                      Mr Ian H Tait  
**Officer:**                      Sushila Bhandari  
**Statutory Expiry Date:**              16-SEP-10

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## **RECOMMENDATION**

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

## **REASON**

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. The proposed development makes efficient use of land whilst contributing to the provision of additional homes targets as detailed in the London Plan, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers in Bouverie Road and Badgers Close and the character of the area.

### **National Guidance**

PPS1: Delivering Sustainable Development  
PPS3: Housing

### **London Plan:**

4A.1 – Tackling Climate Change  
4A.3 – Sustainable Design and Construction  
4B.1 – Design Principles for a Compact City  
3A.1 - Increasing London's Supply of Housing  
3A.2 - Borough Housing Targets  
3A.4 - Efficient Use of Stock  
3A.5 - Housing choice  
London Plan Housing Design Guide (2010)

### **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  
EM15   Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas  
T13      Parking Standards  
EP12   Control of Surface Water Run-Off  
EP14   Development Within Areas at Risk From Sewerage Flooding  
EP15   Water Conservation

- EP20 Use of Previously-Developed Land
- EP22 Contaminated Land
- EP25 Noise
- C16 Access to Buildings and Public Spaces

### **Supplementary Guidance/ Documents**

- Supplementary Planning Guidance, Extensions; A Householders Guide (2008)
  - Supplementary Planning Guidance, Designing New Development (2003)
  - Supplementary Planning Document 'Accessible Homes'" (2010)
  - Supplementary Planning Document, Sustainable Building Design (2009)
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### **MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Principle of Development (PPS 1;PPS:3, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Loss of Buildings in Business Use (EM15)
- 3) Character and Appearance of the Area (London Plan 4B.1, UDP: D4, D5, SPG)
- 4) Residential Amenity (D5, SPG)
- 5) Accessibility (London Plan Policy 3A.5, UDP: C16, SPD)
- 6) Parking Standards (T13)
- 7) Contaminated Land (EP22)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

### **INFORMATION**

#### **a) Summary**

Statutory Return Type:	13: Minor Dwellings	
Site Area:	0.1024 ha	
Habitable Rooms:	27	
Density:	262hrph, 87.89 dph	
Car Parking	Standard	
	12.2	
	Justified	9
	Provided	7
Lifetime Homes:	Yes	
Wheelchair Standards:	None	
Council Interest:	None	

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

- Site is a triangular piece of land occupied by a three storey warehouse building at the northern end of Bouverie Road. The building has almost 100% site coverage. There are existing flank elevation windows facing No.5.
- West Harrow railway lines are immediately to the rear of the site.
- Bouverie Road is characterised by two-storey residential development, mainly semi-detached dwellinghouses with short front gardens.
- The application site is located within walking distance of West Harrow underground station. The surrounding roads are not resident parking permitted.

**c) Proposal Details**

- Demolition of existing warehouse building and construction of a two/ three storey building comprising 9 flats (7 x 2 bed and 2 x 1 bed).
- The proposed block would have an 'L' shaped layout.
- A total of 7 parking spaces are proposed, 2 spaces would be located at the front of the site (at the end of the road) and 5 spaces would be located within the rear garden which would be accessed by a driveway located between the proposed drive and the site boundary shared with No.5.
- Refuse stores and cycle stores would be located in the rear garden.

**Revisions to Previous Application:**

Following the previous decision (P/2966/09) the following amendments have been made:

- Modern design proposed, with a curved aluminium roof
- The height of the building facing into the rear garden reduced from 3 storeys to two storeys.
- Number of parking spaces reduced from 9 to 7 spaces.
- Compliance with Lifetime Homes standards shown on plan.

**d) Relevant History**

P/2985/07	Redevelopment: three storey block of flats to provide 11 dwellings with off street parking provision	REFUSED 11-DEC-07  APPEAL DISMISSED 05-FEB-08
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**Reasons for Refusal:**

1. The proposed development, by reason of excessive size and bulk, would be visually obtrusive, would be out of keeping with the character of neighbouring properties which comprise mainly two storey terraced houses and closely handed semi detached houses, would not respect the scale and massing of these properties and would be harmful to the residential amenity on neighbouring residents, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan 2004, Policies 4B1 and 4B.4 of the London Plan 2004 and Supplementary Planning Guidance Designing New Development (March 2003).
2. The proposed development would, by reason of excessive site coverage by buildings and hard surfaced parking and access, would be an overdevelopment of the site that would introduce a discordant and incongruous theme to the streetscene, harmful to the visual amenity of neighbouring residents and the character of the area, contrary to Policies D4, D5 EP25 of the Harrow Unitary Development Plan 2004, Policies 4.B1 and 4.B4 of the London Plan 2004 and Supplementary Planning Guidance Designing New Development (March 2003).
3. The proposed rear parking area, by reason of excessive size and unsatisfactory siting in relation to the neighbouring residential properties, and associated disturbance and general activity would be unduly obtrusive and detrimental to the visual and residential amenities of the occupiers of those properties and the character of the area contrary to Policy T13 and D5 of the Harrow Unitary Development Plan.

4. 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 would be detrimental to the free flow and safety of traffic on the neighbouring highway and the neighbouring residents contrary to Policy T13 of the Harrow Unitary Development Plan.

P/2966/09	Three Storey Block of Flats To Provide 9 Dwellings With Off Street Parking Provision	REFUSED 03-MAR-10  APPEAL LODGED
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**Reasons for Refusal:**

1. The proposed development, by reason its three storey design incorporating higher eaves detail and dormer windows and proposed siting, would be visually obtrusive and unduly bulky, would be out of keeping with the character of neighbouring properties which comprise primarily two storey terraced houses and closely handed semi detached houses, would not respect the scale and massing of these properties and give rise to overlooking and a loss of outlook from neighbouring properties to the detriment of the residential amenity of neighbouring residents, contrary to Policy 4B.1 of the London Plan 2004 and saved policies D4 and D5 of the Harrow Unitary Development Plan 2004, and Supplementary Planning Guidance Designing New Development (March 2003).
2. The proposed development fails to demonstrate how the design and layout of the development would comply with Lifetime Homes standards as required by London Plan policy 3A.5 of the London Plan, the proposal would therefore be contrary to policy 3A.5 of the London Plan (2004), and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006).

**e) Pre-Application Discussion**

None

**f) Applicant Statement**

- This application is supported by a Design and Access statement, which is summarised (conclusion only) below:
  - The industrial/ office buildings have been vacant for a number of years, generates no on-site employment, has a detrimental impact on the character and amenity of the area.
  - The proposed building would provide a landmark building when viewed from the railway.
  - In terms of scale and massing would relate well to the semi-detached houses in Bouverie Road.
  - Development is considered to comply with the relevant policies of the UDP.

**g) Consultations**

**London Underground (paraphrased):**

- Number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure.
- Will need to be demonstrated to the satisfaction of LUL engineers that:
  - Our right of support is not compromised.
  - The development will not have any detrimental effect on our structures either in the short or long term.
  - The design be such that the loading imposed on our structures is not increased or removed.
  - We offer no right of support to the development or land.
- Therefore we request that the grant of planning permission be subject to conditions as attached.

**Environment Health Officer**

The historical maps do not show any premise on that site that could be a source of oil. However, as this is an industrial site and with it's close proximity to the railway line, a standard contaminated land condition should be placed on the application.

**Advertisement:** n/a

Expiry: n/a

**Notifications:**

Sent: 50

Replies: 2

Expiry: 17-AUG-10

**Address Consulted**

2, 4, 5, 6, 7, 8, 8A, 9, 10, 10A, 11 Bouverie Road

3 – 26 Badgers Close

7, 8 Neptune Road

121, Flats 1 to 3 121, 123, 123A, 125, 125A, 127 Pinner Road

Garages adjacent to 2 Bouverie Road

Unit rear of service station, Pinner Road

1-3 Bouverie Road

Workshop rear of Pinner Road service station

**Summary of Responses:**

- Loss of light
- Overlooking
- Turning a quiet cul-de-sac into a busy road – potential noise from motor vehicles.
- Too big; why can't it be in keeping with the houses here already
- Demolition of the warehouse would effect the structures/ foundations
- Parking and increased traffic
- Existing building was used for making something for the war- the place was very oily and the previous American company that leased it had to re-lay the floor as it was seeping up oil.
- Development would reduce the appearance due to size and height in amenity and character of the area.
- Would restrict side access to No.5
- A smaller proportion of flats or town houses would be acceptable.



## **APPRAISAL**

### **1) Principle of Development**

Section 38 of the Planning and Compulsory Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This reinforces the primacy of the development plan as previously stated in Section 54A of the Town and Country Planning Act 1990.

The development plan for the area comprises the Mayor of London's Spatial Development Strategy (the London Plan) and the saved policies of the Harrow Unitary Development Plan 2004.

National and Local planning policies seek to maximise the potential use of urban land to provide future housing needs. 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.3 of London Plan seeks to ensure that development proposals maximise the potential use of site, in particular where development proposals *inter alia* are compatible with the local context and public transport capacity. Policy 3A.5 of the London Plan seeks to ensure that development proposals offer housing choice in terms of mix of housing sizes and types and ensuring that all new development proposals comply with the Lifetime Homes standards. It is considered that the principle to redevelop this site for residential proposes would be in accordance with the London Plan policies 3A.1, 3A.3 and 3A.5, as it located in an area which has easy access to public transport and is therefore in a sustainable location, offers a different size and choice of accommodation, and it would add to the Council's housing provision target. For these reasons this proposal is considered to be acceptable in principle, subject to the material considerations below. The proposal would also comply with the requirements set out under saved policy EP20 of the Harrow UDP which states that all new build development should be provided on previously developed land.

### **2) Loss of Buildings in Business Use**

Saved Policy EM15 of the Harrow UDP states that the loss of land or buildings from business, general industrial or warehouse use (use classes B1, B2 and B8) to other uses outside these classes will be resisted, unless it can be demonstrated that the site is no longer suitable for employment use. Applications for proposals to change the use from B class category to other uses, must demonstrate how the proposal satisfies criteria a) to g) of policy EM15.

There was no reason for refusal on grounds of the loss of the warehouse use on this site in the previous application P/2985/07/CFU and the more recently refused application P/2966/09. Given that there have been no changes to this policy since these previous applications, it would be unreasonable to introduce a reason for refusal on grounds of the loss of the B1/B8 unit in this case. The applicant's supporting Design and Access statement contends that the building is unused and has been vacant for a number of years. Based on these reasons, it is considered that the redevelopment of the site for residential use would be acceptable in this case.

**3) Character and Appearance of the Area**

This application follows on from two previous applications P/2985/07/CFU and P/2966/09, which were both refused planning permission for the reasons stated above. Planning application P/2985/07/CFU was subject to an appeal, which was subsequently dismissed on grounds that the harm the proposed development would have upon the character and appearance of the area. Under P/2966/09 the applicant sought to address the previous reasons for refusal by reducing the overall width and the height to two storeys of the building fronting Bouverie Road. However, the proposed rear element of the building fronting Bouverie Road and the proposed wing sited adjacent to the railway were shown to be three storeys high. This scheme was also considered to be unacceptable and planning permission was refused for the reasons stated above. The applicant has lodged an appeal against this application (P/2966/09) which is still under consideration.

In this current application, the applicant has overhauled the proposed design of the development. The previously proposed traditional brick and tiled roof building has been replaced with a modern design which would incorporate a unique curved roof design. The eaves height of the part of the building facing into the site and that would be parallel with the railway line has been reduced in height so that it would be two storeys high. The part of this wing fronting the railway line would be three storeys, achieved by providing dormers to form a habitable roof space. The overall height of the building fronting Bouverie Road would be no greater in height than the height of the existing two-storey development along Bouverie Road. Furthermore adequate separation of at least 8 metres would be maintained between the proposed development and the existing two storey dwellinghouse at No.5 Bouverie Road. The overall scale and setting of the development would respect the scale of the development in the surrounding locality and moving the building away from No.5 Bouverie Road would significantly improve the spatial relationship between these buildings.

It is acknowledged that the modern appearance would be different to the established character of the streetscene. However, it is considered that due to the unique position of the application site at the very end of the cul-de-sac and taking into consideration the existing group of industrial buildings on this site, the site lends itself to take on a different type of development in place of replicating the existing pattern of development. The proposed development would be in accordance with the objectives set out under saved policy D4 of the Harrow UDP which seeks to ensure that all new developments achieve a 'sense of place' by either complementing the existing building form or by providing a distinct character of its own (Paragraph 4.10). Furthermore, this policy goes on to state that new buildings do not necessarily have to mimic what already exists. It is acknowledged that sensitively designed, innovative buildings can fit in well with many settings. It is considered that the proposed development, subject to the use of materials as identified on the proposed drawings would achieve a unique and innovative form of development in an area of Bouverie Road that requires modernisation.

### **Landscaping**

Paragraph 4.21 of the reasoned justification to saved policies D4 and D9 of the Council's UDP seeks to achieve a high standard of planting design in development proposals and to retain a high quality of forecourt greenery. In this current scheme the applicant has reduced the number of parking located at the front of the site from the 3 proposed under P/2966/09 to two spaces. The total number of spaces proposed is 7 as opposed to the 9 spaces proposed under P/2966/09, which would allow more scope for soft landscaping in the rear of the site. The applicant has submitted a detailed landscape plan to support this proposed. The details submitted are considered to be acceptable and in accordance with the objectives set out under saved policies D4 and D9 of the Harrow UDP.

### **Refuse Storage**

Paragraphs 4.24 of the reasoned justification to policy D4 states that provision for bin and refuse storage, and goods to be recycled must be accommodated in proposals for new development. Such refuse storage must be made in a way to minimise its visual impact whilst providing a secure and convenient facility for occupiers and collectors. The Council's 'Code of practice for the storage and collection of refuse and materials for recycling' requires for this size of development the provision of 1x 1100 litre waste bin and 1x 1280 litre blue bin. The applicant proposes to site the refuse bins (6 x 660 litre bins) in the rear part of the site within a designed store. It is considered that both the number of bins and the location of the refuse store are acceptable. A condition is recommended to ensure that the refuse bins are stored at all times (except on collections days) within the designed storage area.

### **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 and promote design which has regard to energy efficiency and minimises emissions of carbon design. A Supplementary Planning Document 'Sustainable Building Design' (2009) has recently been adopted by the LPA, which seeks to ensure that all residential development achieves, as a minimum, level 3 of the code for sustainable homes.

The applicant has not submitted details on how the proposed development would achieved BREEM Code 3 standard. However, it is considered that such details can be controlled by way of a suitably worded condition. A condition is therefore recommended to this effect.

## **4) Residential Amenity**

### **Residential Amenity For Future Occupiers of The Site**

Policy D5 asserts that new residential development should provide amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, be sufficient as a usable amenity area for the future occupiers and provide visual amenity. It does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided.

In this case the surrounding area is characterised by adequately proportioned rear gardens. In the scheme relating to planning application P/2985/07/CFU, the Council considered that the proposal failed to provide sufficient amenity space. However, the Planning Inspector took a different view and considered that the proposed amenity area would visually enhance the back of the apartment block, particularly if planning conditions were imposed to ensure soft landscaping. In the scheme relating to planning application P/2966/09 the reduction in the overall footprint of the development and the revised layout provided some form of amenity. In this current scheme, the layout of the parking spaces have been altered so that the parking and the access drive would be located closer to Bouverie Road which makes better use of the site to provide a useable communal garden. Having regard to the Planning Inspectors comments in relation to P/2985/07/CFU, it is considered that the level of amenity space provided in this scheme would be acceptable.

In terms of the internal layout, the proposed vertical stacking between the floors is considered to be acceptable and would not give rise to unreasonable disturbance between the flats. The proposed size of the units would be in line with that recommended in the recently adopted London Housing Design Guide (2010).

#### **Impact on Existing Residential Amenity**

The occupiers of No.5 Bouverie Road have expressed concerns that the proposal would give rise to potential loss of light, overshadowing, overlooking and noise from motor vehicles. However, the proposed southern flank elevation of the development would be sited at least 8 metres from the site boundary shared with No.5 Bouverie Road and the rear wing would be sited some 14m from this neighbouring site boundary. This would be an improvement upon the existing situation whereby the existing two storey building is right up and adjacent to the common site boundary shared with this neighbouring dwelling. It is therefore considered that the proposed development would not give rise to any unreasonable harm in terms of loss of light.

It is acknowledged that the proposed rear wing of the development would maintain the same distance as that proposed under the previous scheme P/2966/09, which was considered to be unacceptable. However, under the previous scheme, the south facing elevation of the rear wing was three storeys high and therefore would have permitted an unreasonable level of overlooking and give rise to a development that was visually obtrusive. In this revised scheme, the eaves height of the rear wing would be only two storeys high, which would be in line with the pattern of development along Bouverie Road. It is also noted that there are a number of windows in the existing southern wall of the office/ warehouse building that abuts the common boundary with No.5 and which permits a greater degree of overlooking of the nearby gardens of the dwellings along this side of Bouverie Road. On balance it is considered that the proposed development would not result in an unreasonable level of overlooking over and above the level of mutual overlooking that already exists amongst the existing two storey dwellinghouse. Furthermore, the siting of the southern building line away from the site boundary shared with No.5 would improve upon the existing situation. It is therefore considered that the revised proposal overcomes the previous reason for refusal.

With regard to the location of the car parking and access road adjacent to the rear garden of No.5 Bouverie Road, the Planning Inspector did not find such a layout to have a harmful impact upon the residential amenities of No.5, subject to appropriate planting and the possible use of noise screening which could be controlled by a planning condition. In view of this, it is considered that the proposed parking layout at the rear would not have a harmful impact in terms of noise and activity upon the neighbouring dwelling at No.5. A condition is suggested to ensure that an acoustic fence is provided along the common boundary shared with No.5 Bouverie Road.

With regard to the three storey block of flats located to the east of the application site on Badgers Close, the proposed development would incorporate two small windows serving bathrooms at ground and first floor level in the eastern elevation of the rear wing facing this neighbouring site. These windows would serve a non-habitable room and are shown to be obscurely glazed and therefore would not give rise to any unreasonable level of overlooking of the facing elevation of the development at Badgers Close. Furthermore the existing building has a large window which is sited on the boundary directly facing Badgers Close and therefore permits direct overlooking at present. The windows located on the part of the development located to the front of the plot would be sufficiently sited away from the boundary shared with this neighbouring site. It is therefore considered that the proposals would not give rise to any unreasonable harm upon the residential amenities of the properties located in Badgers Close.

In conclusion it is considered that the proposed development has addressed the previous reasons for refusal and would be compliant with the objectives set out under saved policy D5 of the Harrow UDP and the Council's Supplementary Planning Guidance on householder extension (2008).

**5) Accessibility**

Upon assessing the internal layout of the development, the proposed flats would comply with the requirements of all the relevant Lifetime Homes Standards as stipulated in the Council's Supplementary Planning Document 'Accessible Homes'. Level threshold entry to the block would be provided and a disabled parking space is also provided at the front of the building which would be in easy reach of the entrance to the building. Internally the proposed units have been shown to have sufficient manoeuvring space and adequate door widths. The proposed development is considered to be acceptable and would be in accordance with saved policy C16 of the UDP and Policy 3A.5 of the London Plan and the Council's Supplementary Planning Document 'Accessible Homes'.

**6) Parking Standards**

The Council's maximum parking standards attached at Schedule 5 of Policy T13 would be 12.2. The proposed development seeks to provide 7 car parking spaces on the site, which would be in accordance with the Council's parking standards. Taking into consideration that the development would provide off street parking and having regard to the Inspectors view that the development as proposed under P/2985/07/CFU would have not caused any unacceptable loss of highway safety, it is considered that the proposed parking layout in this scheme would be acceptable. Furthermore, the application site is within walking distance of West Harrow underground station which is one stop away from Harrow town centre.

**7) Contaminated Land**

It has been brought to the Council's attention that the site could be contaminated. Saved policy EP22 requires that in determining an application for the development of contaminated land, or land suspected of being contaminated, an investigation of the hazards are required and appropriate remedial measures undertaken. This is to ensure that the site is developed in manner that ensures the safety of the occupiers and/ or users of the site. It is noted that this issue of contaminated land has not been raised in both previous applications. However, notwithstanding this, it is considered that a suitable condition is required to ensure an investigation is carried out prior to the commencement of development to ascertain if there is any land contamination, and if there is, appropriate remedial measures are undertaken.

**8) S17 Crime & Disorder Act**

In terms of Secure by Design principles, the overlooking between the proposed development and the existing properties would provide natural surveillance of the proposed development, which on balance would be broadly acceptable with regards to the objectives set out under paragraphs 4.19 and 4.20 of the reasoned justification to policy D4.

**9) Consultation Responses**

- All material planning considerations have been addressed in the above report.
- On site inspection, No.5 Bouverie Road does not have access to the rear garden from the side. The proposed development would be built entirely within its site boundaries.

**CONCLUSION**

For the reasons set out above, it is considered the proposed development addresses the previous reason for refusal. 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.

**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 proposed development hereby permitted shall be constructed in the materials as shown on the approved drawings. The development shall be completed 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 Plan 2004.

3 All planting, seeding or turfing comprised in the approved drawing No.1315.01 REV B 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 accordance with saved policies D4 and D9 of the Harrow Unitary Development Plan 2004.

4 The first floor window in the west flank wall of the two/ three storey rear projection shall be of purpose-made obscure glass, and be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan 2004 and the Council's adopted Supplementary Planning Guidance: Extensions: A Householder Guide (2008).

5 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In the interests of creating more sustainable communities, in accordance with London Plan Policies 4A.1 and 4A.3, and the Council's Supplementary Planning Document "Sustainable Building Design" adopted May 2009.

6 An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 4A.33 of the London Plan 2008 and saved Policy EP22 of the Harrow Unitary Development Plan 2004.

7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP22 of the Harrow Unitary Development Plan 2004.

8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP22 of the Harrow Unitary Development Plan 2004.

9 No development shall take place until a plan indicating the positions, designs, materials and type of boundary fencing treatment to be erected, which should include an acoustic fencing to the southern boundary with No.5 Bouverie Road, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance and character of the area and the amenity of neighbouring residents, in accordance with saved policies D4, D5 and EP25 of the Harrow Unitary Development Plan 2004.

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 development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under saved policies EP12 and EP15 of the Harrow Unitary Development Plan 2004.



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 development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under saved policy EP15 of the Harrow Unitary Development Plan 2004.

12 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 development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under saved policy EP14 of the Harrow Unitary Development Plan 2004.

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

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with saved policy C16 of the Harrow Unitary Development Plan and policy 3A.5 of the London Plan.

14 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 accordance with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

Site Plan; 09/ 2522/ 101 REV A; 09/ 2522/ 102; 09/ 2522/ 103; 09/ 2522/ 104; 09/ 2522/ 105; 09/ 2522/106; 09/ 2522/ 107; 09/ 2522/ 108; 09/ 2522/ 109; 09/ 2522/ 110; 1315.1 REV B; Landscape Establishment & Maintenance; Landscape General Information/ Requirements; Design and Access Statement.

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

## **INFORMATIVES:**

### **1 REASONS FOR 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: 4A.1, 4A.3, 4B.1, 3A.1, 3A.2, 3A.4, 3A.5

London Plan Housing Design Guide (2010)

Harrow Unitary Development Plan: D4, D5, D9, EM15, T13, EP12, EP14, EP15, EP20, EP22, EP25, C16

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

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes'" (2010)

Supplementary Planning Document, Sustainable Building Design (2009)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PARTY WALL ACT

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote **Product code**: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 The applicant is advised that before any commencement of development takes place on the site that they contact London Underground Infrastructure Protection to discuss how the proposed development could affect the adjacent land that is owned by London Underground. The applicant should contact Nathan Darroch on 0207 126 2774.

Plan Nos. Site Plan; 09/ 2522/ 101 REV A; 09/ 2522/ 102; 09/ 2522/ 103; 09/ 2522/ 104; 09/ 2522/ 105; 09/ 2522/106; 09/ 2522/ 107; 09/ 2522/ 108; 09/ 2522/ 109; 09/ 2522/ 110; 1315.1 REV B; Landscape Establishment & Maintenance; Landscape General Information/ Requirements; Design and Access Statement.

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40 FONTWELL CLOSE, HARROW, HA3  
6DE

Item: 2/16  
P/1658/10/AH

Ward HARROW WEALD

SINGLE STOREY REAR EXTENSION

**Applicant:** Miss Messenger  
**Agent:** Mr Burnand  
**Case Officer:** Abigail Heard  
**Statutory Expiry Date:** 18-AUG-10

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## RECOMMENDATION

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

**Reason for Approval:** - The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1 and 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 including any comments received in response to publicity and consultation. The development will not have a detrimental impact on the character of the existing building or the character of the area, will not be to the detriment of highway safety and will not have a significantly harmful impact on the amenities of any neighbouring occupiers.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Guidance 13 – Transport

### **The London Plan 2008**

Policy 4B.1 Design Principles for a Compact City

### **London Borough of Harrow Unitary Development Plan 2004**

D4: The Standards of Design and Layout

T13: Parking Standards

Extensions – A Householders Guide SPG

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## **MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Character and Appearance of the Area; PPS1, The London Plan policies 4B.1, UDP policy D4, Extensions – A Householders Guide SPG
- 2) Impact on Amenity of Residential Occupier; PPS1, UDP policy D4, Extensions – A Householders Guide SPG
- 3) Highway Safety and Accessibility: PPG13: Transport, UDP policy T13

## **INFORMATION**

This application is required to be determined by the Planning Committee as the applicant is employed by Harrow Council.

### **a) Summary**

Statutory Return Type: Householder  
Council Interest: None

### **b) Site Description**

- The application lies in a residential location predominantly characterised by a mixture of terraced dwellings and maisonettes which are two storey in height
- The dwelling to which this application relates is a one bedroom ground floor maisonette with a rear garden

### **c) Proposal Details**

- The application seeks planning permission for the erection of a single storey rear extension which will extend to 3 metres at the mid point of the pitch has a depth of 2.4 metres and will be 3.6 metres in width
- The development will form an extension to the existing living room
- A large window is proposed in the east elevation with a velux window in the roofscape and door to the south

### **d) Relevant History**

- No relevant History

### **e) Pre-Application Discussion**

- N/A

### **f) Applicant Statements**

- N/A – Design and Access Statement not required.

### **g) Consultations:**

- N/A

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#### **Notifications:**

Sent: 6

Replies: 0

Expiry: 06-JUL-10

#### **Neighbours Consulted:**

Fontwell Close: 34, 36, 38, 42, 44

Kelvin Crescent: 23

## **APPRAISAL**

### **1) Character and Appearance of the Area**

The proposed extension will be located to the rear of the building (the main entrance to the maisonettes is to the front) in the garden area allocated to the ground floor maisonette (the first floor maisonette is allocated the garden area to the front of the building). The extension given its location to the rear of the building and its design which is not considered out of keeping with the character of the existing building will not be to the detriment of the character of the area. Further to this it is recommended that a condition is added to the permission indicating that the development shall be constructed in materials to match the existing.

Sufficient amenity space for the dwelling is considered to be retained as part of these proposals.

The proposed development will therefore comply with Government guidance contained within PPS1, policy D4 of the Harrow Unitary Development Plan and policy 4B.1 of the London Plan which aim to ensure development is of a good design in keeping with its context.

### **2) Impact on Neighbouring Occupiers**

The proposed development is considered not to have a detrimental impact on any neighbouring occupiers in respect of overlooking given its siting and the fact no openings are proposed in the north facing side elevation. The extension will extend to a maximum of 2.4 metres in depth and 3 metres at the mid-point of the pitch on the side boundary subsequently it is not considered to have a n overbearing impact on the occupiers of the adjoining property. Any overshadowing will be minimal of the neighbouring occupiers kitchen window and subsequently no objections are raised on this basis. The development is therefore considered to comply with Government guidance contained within PPS1, policy D4 of the Harrow Unitary Development Plan and guidance contained within Extensions – A Householders Guide SPG which seek interalia to ensure that development does not have a detrimental impact on the amenities of any neighbouring occupiers.

### **3) Highway Safety and Accessibility**

There is no provision for off street parking for the development and no direct vehicular access subsequently there are no implications for highway safety arising from this proposal. The application will therefore comply with Government guidance contained within PPG13 and policy T13 of the Harrow Unitary Development Plan

## **CONCLUSION**

The proposed extension given its siting and design is not considered to be to the detriment of the character or appearance of the existing building or the area further to this the proposal is not considered to cause any significant overshadowing, overlooking or to have an overbearing impact. The development will not be to the detriment of Highway Safety. It is therefore considered that the proposal will comply with Government guidance and the relevant development plan policies. It is recommended that the application is approved 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 materials to be used in the construction of the external surfaces of the extension and the new dwellinghouse hereby permitted shall match those used in the existing building.

REASON: In the interests of visual amenity in accordance with policy D4 of the Harrow UDP 2004

## **INFORMATIVES**

1 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.

Plan Nos: 2604/2A

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Item: 2/17

**LAND AT BRIDGE HOUSE, 125 WAXWELL LANE, PINNER, HA5 3ER**

Ward PINNER

VARIATION OF CONDITION 16 ATTACHED TO PLANNING PERMISSION P/2977/09 DATED 16/03/2010 TO READ "NO DEVELOPMENT SHALL TAKE PLACE UNTIL THE DETAILS SHOWN ON DRAWING NUMBER 682/TMP HAVE BEEN IMPLEMENTED. THE DETAILS SHOWN ON THAT DRAWING SHALL BE RETAINED UNTIL SUBSTANTIAL COMPLETION OF THE DEVELOPMENT".

**Applicant:** Banner Homes  
**Case Officer:** Sushila Bhandari  
**Statutory Expiry Date:** 16-SEP-10

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## RECOMMENDATION

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

## REASON

This variation of Condition application would allow the applicant to put into place a Traffic Management Plan in accordance with submitted drawing. The details of this would be retained until substantial completion of the development and would ensure that the traffic associated with the construction activity would not prejudice the amenities of nearby residents or in the interest of public safety.

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, and any comments received in response to publicity and consultation.

### Harrow Unitary Development Plan:

D5 New Residential Development – Amenity Space and Privacy  
T13 Parking Standards  
EP25 Noise

## MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

- 1) Parking and Highway Safety/ Residential Amenity (T13, EP25, D5)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

## INFORMATION

### a) Summary

Statutory Return Type: 13; Minor dwellings  
Conservation Area: Adjacent to Waxwell Close Conservation Area  
Council Interest: None

**b) Site Description**

- The application site is situated on the southern part of the grounds forming part of The Grail, 125 Waxwell Lane, which is a Grade II Listed former farmhouse building (located outside the application site).
- The Grail Centre is located to the north of the application site and is extensively surrounded by an open green area, is owned by a religious order that has occupied the site for a considerable time. The Grail is used as a retreat centre;
- Bridge House that is sited on the application site is a 1960's/70s constructed building, which is used as ancillary accommodation for the users of the retreat centre;
- The front and side boundaries of the application site comprise a mature hedgerow;
- There are a number of trees in the front part of the site, of which three Oak Trees are subject to a Tree Preservation Order;
- The rear part of the site is mainly laid to lawn with intermittent planting of shrubs and trees;
- There is a small outbuilding located in the rear garden (southwest);
- The surrounding area is characterised by a mixture of detached, terraced and semi-detached dwellinghouses of varying sizes and styles of architecture.
- Directly opposite the site (Waxwell Lane) is characterised by two-storey detached dwellinghouses located on generous sized plots.
- Olwen Mews, which abuts the southern and western site boundaries, is a small cul-de-sac comprising two-storey terraced dwellinghouses. At the end of the cul-de-sac and located at the rear of the western site boundary are a number of garages;
- To the south of the application site Nos.105 to 113 is a row of two-storey dwellinghouses situated on small sized plots.
- To the south east of the application site is Waxwell Close, which is characterised by two-storey semi-detached dwellinghouses. Waxwell Close is a designated Conservation Area.
- The Grail and its surrounding grounds is designated as a Site of Local Nature Conservation Importance (Grade II).

**c) Proposal Details**

- Condition 16 of Planning Permission P/977/09 granted 16<sup>th</sup> March 2010 to be varied to read:

**Condition 16**

No development shall take place until the details shown on drawing number 682/TMP have been implemented. The details shown on that drawing shall be retained until substantial completion of the development.

**Existing Condition 16 reads:**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.



The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities
- v. Measures to control the emission of dust and dirt during construction
- vi. A scheme for recycling/disposing of waste resulting from demolition and construction works

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

**Revisions to Previous Application:**

- N/A

**d) Relevant History**

P/2977/09	Demolition of existing bridge house building and redevelopment if site to provide four x single and two- storey detached dwellinghouses with habitable roof space; new vehicular accesses (resubmission)	GRANTED 16-MAR-10
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P/1323/10	Submission of details pursuant to conditions 2(materials), 3(landscaping), 4(trees), 12(refuse), 14(drainage) and 15(levels) attached to planning permission P/2977/09 dated 16/03/2010 for 'demolition of existing bridge house building and redevelopment if site to provide four x single and two- storey detached dwellinghouses with habitable roof space; new vehicular accesses (resubmission)'.	RECOMMENDED APPROVAL REPORTED ELSEWHERE ON THIS AGENDA
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**e) Pre-Application Discussion**

- n/a

**f) Applicant Statement**

- None

**g) Consultations**

The Pinner Association: no comments received

**Advertisement:** Character of Conservation Area                      Expiry: 26-AUG-10

**Notifications:**

Sent: 29

Replies: 3

Expiry: 18-AUG-10

**Neighbours Consulted**

1, 2, 3, and 4 Olwen Mews

98, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 118, 120, 122, 124, 125, 126 and The Grail 125 Waxwell Lane.

11 and 12 The Dell

**Summary of Responses:**

- Despite verbal agreement, contractors still park in Olwen Mews.
- Object that contractors have recommenced demolition without all the caveats in place and that the planning enforcement team not done anything about it.
- Plans issues to date are inaccurate as the TPO tree shown as a shrub – categorically object to the oak tree to be removed.
- Car parking on site not happening as lorries park on the pavement and portaloos have now been placed on highway land.
- No further demolition should be allowed until all issues regarding landscaping, the extent of hardsurfacing and protected trees have been resolved in writing.

**APPRAISAL**

**1) Parking and Highway Safety/ Residential Amenity**

Planning permission for the demolition of the existing Bridge House building and the re-development of the site to provide four detached dwellinghouses (P/2977/09) was granted on the 16<sup>th</sup> March 2010 subject to a number of pre-commencement conditions. The applicant submitted an approval of details application (P/1232/10) on the 20<sup>th</sup> May 2010 which seeks to discharge details pursuant to Conditions 2 (materials), 3 (landscaping), 4 (tree protection), 12 (refuse storage), 14 (drainage) and 15 (site levels). This application has been put forward to the Planning Committee with a recommendation for Approval.

At the time of submitting the approval of details application (P/1321/10), the applicant also sought to discharge Condition 16 which required the applicant to submit a Construction Method Statement prior to any development, including any works of demolition took place. However, the applicant commenced demolition works in June without formally discharging the details pursuant to Condition 16, and as a result the applicant was in breach of this condition. In order to rectify the situation which has arisen, the applicant has submitted this section 73 application to vary the wording of Condition 16 to allow the traffic management plan to be approved in accordance with the submitted plan and to ensure these measures are in place prior to any development taking place.

The applicant has submitted a traffic management plan which provides details for the parking of vehicles of site operatives/ visitors, designated areas for materials and storage, designated area for site welfare, loading bays, tower crane base and demountable store. The traffic management plan has been revised to ensure that the relevant designated areas are within the confines of the application site boundary. This will ensure that all parking (excluding deliveries), storage of materials and site welfare do not affect the adjacent public highway.

The submitted drawing has also provided details for the site working hours and how deliveries to the site would be managed to ensure that local residents are not unreasonably affected by the construction activities associated with the site. The hours of site operations are in line with that recommended in the Considerate Contractors Code and therefore such operating hours are considered to be acceptable. It is noted that a number of representations have been received with regard to the contractors parking in Olwen Mews and that the submitted traffic management plan should specify state that no parking would take place in Olwen Mews. The applicant has shown that there will be designated areas for on site parking. The applicant has also amended the traffic management to include that no contractor parking will take place in Olwen Mews. Waxwell Lane is subject to parking restrictions and therefore any injudicious parking along this highway could be controlled by the Council's Highway Enforcement department.

The Council's Highways Officer raises no objections to the details submitted and accordingly recommends that the application be approved. It is considered that the proposed details would not give rise to any unreasonable harm on the nearby local residents or impact upon highway safety. Accordingly the proposal complies with saved polices T13, D5 and EP25 of the Harrow UDP.

**2) S17 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**

- All materials planning consideration have been addressed in the above report.
- The matter relating to the contractor recommencing demolition has been passed to the Council's enforcement team. However, any further action would be dependant on the expediency to enforce given that this application seeks to rectify the situation. The matter relating to the portaloos has also been forwarded to the enforcement department who will investigate further.
- With regard to the inconsistencies with the drawings, the approved site layout drawing approved under P/2977/10 is only indicative of the landscape works. The details drawings are subject to a separate application (P/1323/10) and the drawings relating to that application are reflective of the final approved landscape works. The two Oak trees on the site will be retained and protected during the construction works. The drawing clearly shows the crown canopy of these trees and their location within the site and therefore there is no apparent inconsistency in this regard.

**CONCLUSION**

This variation of Condition application would allow the applicant to put into place a Traffic Management Plan in accordance with submitted drawing. The details of which would be retained until substantial completion of the development and would ensure that the traffic associated with the construction activity would not prejudice the amenities of nearby residents or in the interest of public safety.

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.

## **CONDITIONS**

1 No development shall take place until the details shown on drawing number 682/TMP REV C2 have been implemented. The details shown on that drawing shall be retained until substantial completion of the development.

Reason: in the interest of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with saved policies D5 and T13 of the Harrow Unitary Development Plan (2004).

2 The permission hereby granted is supplemental to planning permission Ref: P/2799/10 granted on the 16<sup>th</sup> March 2010. Save as modified by this permission, the terms and conditions of the planning permission Ref P/2977/09 dated 16<sup>th</sup> March 2010 are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

REASON: In the interests of proper planning.

## **INFORMATIVES**

### **1 REASONS FOR 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:, D5, T13, EP25

Plan Nos. 010682/ PL.200 REV A; 010682/ PL.201 REV B, 682/ TMP REV C2

**LAND AT BRIDGE HOUSE, 125 WAXWELL LANE, PINNER, HA5 3ER**

Ward PINNER

SUBMISSION OF DETAILS PURSUANT TO CONDITIONS 2(MATERIALS), 3(LANDSCAPING), 4(TREES), 12(REFUSE), 14(DRAINAGE), 15(LEVELS) AND 16(CONSTRUCTION METHOD STATEMENT) ATTACHED TO PLANNING PERMISSION P/2977/09 DATED 16/03/2010 FOR 'DEMOLITION OF EXISTING BRIDGE HOUSE BUILDING AND REDEVELOPMENT IF SITE TO PROVIDE FOUR X SINGLE AND TWO-STOREY DETACHED DWELLINGHOUSES WITH HABITABLE ROOF SPACE; NEW VEHICULAR ACCESSES (RESUBMISSION)'.

**Applicant:** Banner Homes  
**Case Officer:** Sushila Bhandari  
**Statutory Expiry Date:** 20-JUL-10

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## RECOMMENDATION

**APPROVE** the details for the development described in the description.

The decision to approve the details pursuant to Conditions 2(materials), 3 (landscaping), 4 (tree protection), 12 (refuse storage), 14 (drainage) and 15 (levels) attached to planning permission P/2977/09 dated 16 March 2010 has been taken having regard to the relevant saved policies of the Harrow Unitary Development Plan 2004, and to all relevant material considerations including any comments received in response to publicity and consultation as outlined in the application report below. The proposed details would ensure a satisfactory finish for the development. The development through the provision of new soft landscaping, the retention of the protected trees and retention of part of the native hedgerow along the frontage facing Waxwell Lane would preserve the suburban character and appearance in this part of Waxwell Lane.

### Harrow Unitary Development Plan:

D4 The Standard of Design and Layout  
D9 Streetside Greenness and Forecourt Greenery  
D10 Trees and New Development  
D14 Conservation Areas  
D15 Extensions and Alterations in Conservation Areas  
EP12 Control of Surface Water Run-Off  
T13 Parking Standards

### MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area/ Impact on Conservation Area (D4, D14, D15)
- 2) Refuse Arrangements (D4)
- 3) Landscape Works (D4, D9)
- 4) Trees (D10)
- 5) Drainage Works an (EP12)
- 6) Levels (T13)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

## **INFORMATION**

This application is reported to the planning committee as a petition consisting of more than 6 signatures has been received.

### **a) Summary**

Statutory Return Type: 13: Minor Dwellings  
Conservation Area: Adjacent to Waxwell Close Conservation Area  
Council Interest: None

### **b) Site Description**

- The application site is situated on the southern part of the grounds forming part of The Grail, 125 Waxwell Lane, which is a Grade II Listed former farmhouse building (located outside the application site).
- The Grail Centre, located to the north of the application site and extensively surrounded by an open green area, is owned by a religious order that has occupied the site for a considerable time. The Grail is used as a retreat centre;
- Bridge House, that is sited on the application site, is a 1960's/70s constructed building, which is used as ancillary accommodation for the users of the retreat centre;
- The front and side boundaries of the application site comprise a mature hedgerow;
- There are a number of trees in the front part of the site, of which three Oak Trees are subject to a Tree Preservation Order;
- The rear part of the site is mainly laid to lawn with intermittent planting of shrubs and trees;
- There is a small outbuilding located in the rear garden (southwest);
- The surrounding area is characterised by a mixture of detached, terraced and semi-detached dwellinghouses of varying sizes and styles of architecture.
- Directly opposite the site, Waxwell Lane is characterised by two-storey detached dwellinghouses located on generous sized plots.
- Olwen Mews, which abuts the southern and western site boundaries, is a small cul-de-sac comprising two-storey terraced dwellinghouses. At the end of the cul-de-sac and located at the rear of the western site boundary are a number of garages;
- To the south of the application site Nos.105 to 113 is a row of two-storey dwellinghouses situated on small sized plots.
- To the south east of the application site is Waxwell Close, which is characterised by two-storey semi-detached dwellinghouses. Waxwell Close is a designated Conservation Area.
- The Grail and its surrounding grounds is designated as a Site of Local Nature Conservation Importance (Grade II).

### **c) Proposal Details**

- Details pursuant to:
  - Condition 2 – materials
  - Condition 3 - landscape works
  - Condition 4 – tree protection fencing
  - Condition 12 – refuse storage
  - Condition 14 – surface water drainage
  - Condition 15 – site levels

**Revisions to Previous Application:**

- n/a

**d) Relevant History**

P/2977/09	Demolition of existing bridge house building and redevelopment of site to provide four x single and two- storey detached dwellinghouses with habitable roof space; new vehicular accesses (resubmission)	GRANTED 16-MAR-10
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**Condition 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.

**Condition 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 for the forecourt of the site. 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.

**Condition 4**

The development hereby approved shall not commence unless a detailed scheme incorporating measures to protect existing trees has been submitted to, and approved by the local planning authority. The approved measures shall be implemented before the commencement of works and shall be retained during the course of construction, unless otherwise agreed by the local planning authority.

REASON: The existing trees on the site represent an important amenity feature which the local planning authority considers should be protected.

**Condition 12**

The development hereby permitted shall not commence 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.

**Condition 14**

Development of any buildings hereby permitted shall not be commenced until surface water drainage works have been carried out in accordance with details to submitted to and approved in writing by the Local Planning Authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs) in accordance with the principles of sustainable drainage systems set out in Appendix F of PPS25, and the results of the assessment shall be provided to the Local Planning Authority with the details. Where a SuDs scheme is to be implemented, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- b) specify the responsibilities of each party for the implementation of the SuDs scheme, together with a timetable for that implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

**Condition 15**

No site works or development 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.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

The Pinner Association:

- This part of Waxwell Lane has long been characterised by substantial green hedging. These new proposals would materially and adversely affect this character.
- Opening up the frontage of the new houses would change the “feel” of this part of the road to passers-by and residents on the other side of the street. Instead of a “rural” green outlook there will be bricks and mortar.



- Whilst accepting that there will need to be highway access to the new properties, the existing hedges should be kept as far as possible, and maintained at their current substantial height.

**Advertisement:** n/a

Expiry: n/a

**Notifications:**

Sent: 0

Replies: 6

Expiry: n/a

Summary of Responses:

- Since approval 'for sale' signs have been put up – truly objectionable.
- Object to the reduction of the front hedge to 1.21m – will significantly alter the character of Waxwell Lane – also detrimental to biodiversity of the area.
- Traffic management plan should state that contractors should not park or turn around in Olwen Mews.
- Already a breach of contractors working on site over the weekend.
- Waxwell Lane increasingly becoming urbanised.
- Proposals calls for loss of 80% of the existing hedgerow.
- Replanting with non-native species is contrary to the applicants own environment report.
- Discrepancies on plans.
- Large Oak tree on corner shown as shrub – find no reference to the protected tree between Nos.100 & 102 Waxwell Lane.
- Discrepancies between individual areas of hardstanding.
- Need confirmation that the two large Oak trees are to be protected and retained and clearly marked on the plan.

**APPRAISAL**

**1) Character and Appearance of the Area/ Impact on Conservation Area**

Condition 2 of planning permission P/2977/09 requires details of the external materials to be used in the construction of the proposed dwellinghouse, the ground surfacing and the boundary treatment. The materials to be used are set out below:

- 1) Roof – Redland Plain Concrete Tile – Heathland – Autumn Red
- 2) Walls - Ibstock Laybrook Pantham Light Multi
  - Ibstock Berkshire Orange (contrasting brick)
  - Stonework – Meadowstone Bath Stone
- 3) Windows – White UPVC
- 4) Doors – IG D02 – Painted black
- 5) Rainwater Goods – Black UPVC
- 6) Fascias and Soffits – White UPVC
- 7) Porch Posts – Softwood Painted white
- 8) Garage Doors – Hederson Corinthian – Painted black
- 9) Boundary –
  - Fencing – 1.8m high Close boarded fencing
  - Gates – 5 bar timber 1.2m high painted white
- 10) Driveway – Marshalls Keyblock – Burnt Ochre

It is considered that the materials to be used for the external walls, roof, windows and doors would preserve the character and appearance of the area as similar types of materials are also evident in the locality. The materials to be used for the hardsurfacing and boundary treatment are also considered to be acceptable and reflective of the materials used in the surrounding locality. The proposed choice of materials would preserve the character and appearance of the nearby Waxwell Lane Conservation Area and the setting of the listed buildings at The Grail. It is therefore considered that the pre-commencement requirements of Condition 2 of P/2977/09 should be approved.

**2) Refuse Arrangements**

Condition 12 of planning permission P/2977/09 requires details for the storage and disposal of refuse/waste to be submitted prior to the commencement of the development. The proposed scheme has shown the provision of three bins located in the rear garden and therefore would not be visible in the streetscene. This would be in accordance with the objectives set out under saved policy D4 of the Harrow UDP and the Council's Code of Practice for the storage and collection of waste.

**3) Landscape Works**

Condition 3 of planning permission P/2977/09 relates to the soft and hard landscape works for the forecourt of the site. In granting planning permission for the re-development of the site, sections of the existing hedge fronting Waxwell Lane would need to be removed in order to provide vehicular access to each of the new dwellinghouses. The applicant originally sought to reduce the height of remaining hedge along Waxwell Lane to 1.2 metres, which also in principle was considered to be acceptable. However following representations received from local residents, the remaining hedge would be trimmed to a height of 2.5 metres. The applicant has also amended the landscape works to ensure that the replacement hedge along the frontage would be of a native species. Likewise the new hedgerow to be planted along the subdivision of the new dwellinghouses would also comprise native species. It is considered that the use of native species would help to retain and enhance the biodiversity value within this part of Waxwell Lane.

The large two Oak Trees in the frontage would be retained as part of the landscape works and as discussed below would be protected during the construction works. The Mountain Ash that was replanted in place of protected Ash Tree (T.48 of TPO.25) which is at present located where the proposed access drive would be for plots 1 and 2 would be replanted in the frontage of plot 4.

The level of hard surfacing proposed would be consistent with the forecourt treatment of other similar dwellinghouses along Waxwell Lane. In addition to this, the proposed hard surface works would be permeable, which is considered to be acceptable and would help to address concerns raised about the excess surface water drainage on to the adjacent highway. It is considered that the proposed landscaping scheme for the front gardens shows a satisfactory level of soft landscaping and would maintain visual interest and forecourt greenery in the streetscene. It is therefore considered that the pre-commencement requirements of Conditions 3 of P/2977/09 should be approved.

**4) Trees**

Condition 4 of planning permission P/2977/09 requires details to be submitted for the measures to be put in place to protect the existing trees on the site. The applicant has shown that a protective fencing shall be erected around the trees that are to be retained, which includes the two large Oaks Trees in the frontage of the site. The Council's Tree Officer raises no objections to the proposed details and siting of the protective fencing. It is therefore considered that the pre-commencement requirements of Condition 4 of planning permission P/2977/09 should be approved.

**5) Drainage Works**

Condition 14 of planning permission P/2977/09 requires details of the surface water drainage to be submitted prior to commencement of the development. The applicant is also required, prior to submitting the drainage details, to carry out an assessment on whether there is the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The applicant has carried out the relevant assessment and is seeking to incorporate soakaways for disposing surface water. The design of the soakaway system, together with the proposed permeable hard surfacing in the front gardens would help to limit excess surface water run off on to the adjacent highway. The applicant has provided the required information in accordance with the Condition attached and the Council's Drainage Engineer is satisfied with the information provided and therefore raises no objection. It is therefore considered that the pre-commencement requirements of Condition 14 of P/2977/09 should be approved.

**6) Levels**

Condition 15 requires details of the level of the proposed buildings, road and footpath in relation to the adjoining land to be submitted. The levels shown are shown to be appropriate in relation to adjoining land and the Council's Highway Engineer raises no objection to the details submitted, therefore this condition should be approved.

**7) S17 Crime & Disorder Act**

It is proposed to retain a greater height hedgerow along the frontage of Waxwell Lane, as part of the landscape works, which would screen part of the front elevations of the new dwellinghouse from the streetscene. However, it is considered that the proposed vehicular crossings and the installation of a permeable timber gates to these access drives would still allow some natural surveillance of the frontages of the dwellinghouses. On balance it is considered that the proposed design of the development would not give rise to any conflict with the objectives set out under saved policy D4 of the Harrow UDP.

**8) Consultation Responses**

- All material planning considerations relating to the landscape works have been addressed in the above report.
- Matters relating to the Traffic Management Plan following a breach of pre-commencement condition No.16 of P/2977/09 IS subject to a new application (P/1967/10) and therefore is not material consideration for the purposes of this application.
- The advertisement signs that have been erected near the site are subject to a separate advertisement consent application (P/1885/10).

- Any discrepancies in the drawings have been resolved. The trees that are to be retained have been clearly identified on the tree protection plan.

## **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 grant.

## **INFORMATIVES**

1 SUMMARY OF REASONS FOR APPROVAL OF DETAILS: Conditions 2(materials), 3 (landscaping), 4 (tree protection), 12 (refuse storage), 14 (drainage) and 15 (levels) attached to planning permission P/2977/09 dated 16 March 2010 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 (2004) D4, D5, D9, D10, D14, D15, EP12, T13

2 The materials hereby approved are: -

- 1) Roof – Redland Plain Concrete Tile – Heathland – Autumn Red
- 2) Walls - Ibstock Laybrook Pantham Light Multi  
- Ibstock Berkshire Orange (contrasting brick)  
- Stonework – Meadowstone Bath Stone
- 3) Windows – White UPVC
- 4) Doors – IG D02 – Painted black
- 5) Rainwater Goods – Black UPVC
- 6) Fascias and Soffits – White UPVC
- 7) Porch Posts – Softwood Painted white
- 8) Garage Doors – Hederson Corinthain – Painted black
- 9) Boundary –  
Fencing – 1.8m high Close boarded fencing  
Gates – 5 bar timber 1.2m high painted white
- 10) Driveway – Marshalls Keyblock – Burnt Ochre

Plan Nos: 010682/ PL.201 REV B; 01062/ PL.202 REV B; 010682/ PL.203; 010682/ PL.204 REV B; 010682/ PL.205; 010682/ PL.206 REV B; 010682/ PL.207; 010682/ PL.207 (Site layout locations of air source heat pumps); 010682/ PL.208 REV B; 010682/ PL.209; Tree Protection Plan (BAN 17084-03B); Landscape Plan (BAN 17084- 11 REV F); Site Layout & Levels (H476/ 401); Sit Layout & Drainage (H476/ 402); Highways Construction Details (H476/403); External Works Plan 682/100 REV C7; 5 Bar Timber Gate Detail (BHSD/ 7035); AP Geotechnic (Soakaway Test); Microdrainage – Summary of Results; Thames Water Consent.

**LAND REAR OF 47-51 GAYTON ROAD, P/1754/10/GL  
HARROW, HA1 2LT**

WARD GREENHILL

EXTENSION OF TIME TO PLANNING PERMISSION P/1294/07/CFU DATED 19/07/2007 FOR CONSTRUCTION OF BLOCK OF NINE FLATS WITH BASEMENT CAR PARKING AND GARDEN FOR HOTEL (RESIDENT PERMIT RESTRICTED).

**Applicant:** Mr S. O'Brien  
**Agent:** Smith Lam Architects  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** 27-AUG-10

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## RECOMMENDATION

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

## REASON

The proposed development would provide good quality housing that would not have a detrimental impact on the character and appearance of the area or on the amenities of neighbouring occupiers.

The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals of the London Plan 2008, 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, as the proposed development would provide good quality housing that would not have a detrimental impact on the character and appearance of the area or on the amenities of neighbouring occupiers.

Planning Policy Statement 1 – Delivering Sustainable Development (2006)  
Planning Policy Statement 3 – Housing (2010)

The London Plan:

- 3A.1 – Increasing London's supply of housing
- 3A.2 – Borough Housing Targets
- 3A.3 – Maximising the potential of sites
- 3A.4 – Efficient Use of Stock
- 3A.5 – Housing choice
- 4A.7 – Sustainable development
- 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
- D9 – Streetside Greenness and Forecourt Greenery
- D10 – Trees and New Development
- EP12 – Control of Surface Water Run-off
- T6 – The Transport Impact of Development Proposals
- T11 – Cycle and Motorcycle Parking

T13 – Parking Standards  
H7 – Dwelling Mix  
C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008)  
Supplementary Planning Document, Accessible Homes (2010)

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**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 (PPS3, London Plan policies 3A.1 – 3A.5 Saved UDP policies D4, H7)
- 2) Character and Appearance of the Area (London Plan policy 4B.1, Saved UDP policies D4, D9, H7)
- 3) Residential Amenity, including Lifetime Homes (London Plan policies 3A.1 – 3A.5, Saved UDP policies D4, D5, C16, SPD)
- 4) Transport and Highways Considerations (Saved UDP policies T6, T11, T13)
- 5) Landscaping, Trees and Environmental Considerations (London Plan policy 4A.7, Saved UDP policies D4, D9, D10, EP12)
- 6) S17 Crime & Disorder Act (Saved UDP policy D4)
- 7) Consultation Responses

**INFORMATION**

**This application is referred to committee as a petition opposing the development has been received.**

**a) Summary**

Statutory Return Type	Minor Dwellings
Site Area	1035m <sup>2</sup>
Habitable Rooms	25
Residential density	245 hrph 87 dph
Lifetime Homes	9
Wheelchair Homes	0
Car Parking	Standard 11 Provided 9
TPO	903 (Gayton Road (No. 5) Greenhill) (Monterey Cypress) Confirmed 08-Jan-2008
Council Interest	None

**b) Site Description**

- Backland site located in the former rear gardens of The Gayton Hotel, 47-49 Gayton Road and incorporating part of the rear garden of 51 Gayton Road
- Access is from Northwick Park Road to the rear of 51 Gayton Road
- The site is almost completely hard surfaced and is currently used for the storage of builders' materials and machinery. The site also has a chalet building in the centre of the site which appears to be in residential use. This chalet building has been on the site for more than four years, but the use has been reported to the Council's Enforcement Department for investigation

- The site also has a detached garage in the north-west corner, near the protected tree
- In the north west corner of the site is a large Monterey Cypress tree which is now protected by TPO No. 903
- The site is bounded by The Gayton Hotel to the south-east, the rear garden of 45 Gayton Road to the south-west, Hanbury Court (a block of flats) to the north-west, and by 51 Gayton Road (a two-storey hotel with accommodation in the roofspace that appears to be in use as an HMO) to the south-east,
- Opposite the site on the corner of Gayton Road and Northwick Park Road is the Comfort Hotel
- The area is characterised by two-storey dwellinghouses, many of which have accommodation in the roofspace, and some of which are in hotel and guest house use
- Gayton Road and Northwick Park Road have residential parking controls

**c) Proposal Details**

- Extension of time of planning permission P/1294/07/CFU dated 19-JUL-2007
- Proposal would allow for redevelopment of the site to provide a block of nine self-contained flats with basement parking facing Northwick Park Road
- The block would be a mixed two and three-storey building with a hipped roof form, with the higher part adjacent to the boundary with Hanbury Court to the north west
- The block of flats would be a maximum of 19.6m wide, 17.4m deep and 11.6m high
- The proposal would provide two x two-bedroom flats and one x one-bedroom flat on the ground floor, one x three-bedroom flat, one x two-bedroom flat and two x one-bedroom flats on the first floor and two x two-bedroom flats on the second floor
- Nine parking spaces in a basement with an access adjacent to Hanbury Court off Northwick Park Road
- The two rear ground floor flats would have private terrace gardens, with the remainder of the rear garden being for shared communal use. The two front ground floor flats would also have private terraces
- A bin store would be provided on the south-east flank of the building (between the subject site and No. 51 Gayton Road), together with a cycle store.
- Part of site would be allocated as garden area for No. 51 Gayton Road

**d) Relevant History**

Land rear of 47-49 Gayton Road

P/2809/04/CFU	Two-storey detached building at rear to provide three flats with two attached garages, access and forecourt parking	REFUSED 07-FEB-05
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**Reasons for Refusal:**

- The proposed development, by reason of excessive site coverage by building and a lack of space around the building, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area

Item 2/19 : P/1754/10/GL/C continued/...

- The proposed development, by reason of the height and bulk of the building, combined with a change in levels would be overbearing and obtrusive in relation to the garden and amenity space of adjoining residents, to the detriment of the visual and residential amenities of the occupiers thereof
- The proposed development, by reason of siting and orientation would give rise to overlooking and loss of privacy, to the detriment of residential amenity
- The proposed parking arrangement does not provide adequate forecourt and manoeuvring area, and the development would be likely to give rise to conditions prejudicial to safety and the free flow of traffic on the adjoining highway

P/666/05/CFU	Two storey terrace of three houses, access and car parking	REFUSED 11-MAY-05
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**Reasons for Refusal:**

- The proposed development, by reason of excessive site coverage by building and a lack of space around the building, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area
- The proposed development, by reason of the height and bulk of the building, combined with a change in levels would be overbearing and obtrusive in relation to the garden and amenity space of adjoining residents, to the detriment of the visual and residential amenities of the occupiers thereof
- The proposed development, by reason of siting and orientation would give rise to overlooking and loss of privacy, to the detriment of residential amenity
- The proposed parking arrangement does not provide adequate forecourt and manoeuvring area, and the development would be likely to give rise to conditions prejudicial to safety and the free flow of traffic on the adjoining highway
- Insufficient information has been provided regarding the proposed levels of the submitted scheme to enable a full assessment of the impact of the proposals on existing trees, which represent an important amenity feature.

P/1591/05/DFU	Two semi-detached bungalows with habitable roofspace, forecourt, parking and access from Northwick Park Road (resident permit restricted).	GRANTED 12-OCT-05
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P/1250/10	Two semi-detached bungalows with habitable roofspace, forecourt parking and access from Northwick Park Road (resident permit restricted).	REFUSED 15-JUL-10
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**Reason for Refusal:**

- The applicant has failed to supply a tree constraints plan, in the absence of which the impact of the proposed development on the protected tree on the site cannot be assessed, contrary to saved policy D10 of the Harrow Unitary Development Plan (2004).



Land at rear of 47 – 51 Gayton Road

P/2813/06/CFU	Construction of part three, part four-storey block of 14 flats with gardens and car parking	REFUSED 08-DEC-06 APPEAL WITHDRAWN
P/1294/07/CFU	Construction of block of nine flats with basement car parking and garden for hotel (resident permit restricted)	GRANTED 19-JUL-07

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Design and Access Statement:
- Proposal would complement existing streetscene
- Flats would comply with Lifetime Homes standards

**g) Consultations:**

Greenhill Residents Association: No response received

Greenhill and Marlborough Labour Party: No response received

Waste Management: Refuse storage arrangements are acceptable

Landscape Architect: Conditions regarding landscaping and maintenance should be attached

Highways Engineers: No objection subject to resident permit restrictions

Drainage Engineers: Drainage conditions required

Crime Prevention Design Officer: No response received

Environment Agency: No response received

Design and Conservation: No objection

**Notifications:**

Sent: 52

Replies: 1

Expiry: 02-AUG-10

Including petition with 29 signatures

Neighbours consulted:

41, 43, 43a, 47, 49, 51 Gayton Road

Flats 1-38 Hanbury Court, Northwick Park Road

2-12, 14, 16 Northwick Park Road

**Summary of Response:**

- Noise and additional traffic pollution both during and after construction
- Structural damage to Hanbury Court during construction of basement
- Site contains protected tree
- Additional traffic disturbance
- Access would be too close to junction of Northwick Park Road and Gayton Road
- Loss of light
- Obstruction of view

## **APPRAISAL**

### **1) Principle of Development**

Applications for the extension of the time limits for implementing planning permission were brought into force on 01/10/09 within the legislative context of the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

The measure was introduced to allow planning permission to remain alive longer to allow implementation of granted schemes as economic conditions improve. No primary legislation has been altered and as such all such legislation which applies to ordinary planning applications, apply to extension of time limits.

There has been one material change to the planning considerations at this site since the previous extension of time. This is that a Monterey Cypress tree at the rear of the site is now statutorily protected.

In all other material aspects, the principle of the development of the site has been considered acceptable with the planning application determined on 19 July 2007.

### **2) Character and Appearance of the Area**

Policies 4B.1 and 4B.8 of the London Plan, and saved policy D4 of the Harrow Unitary Development Plan require that new development proposals should respect the scale and character of the area.

With the original consideration of the proposal, it was considered that the proposal would represent a significant improvement to the current use of the site for storage.

The proposed building would reflect and compliment the neighbouring property, Hanbury Court in terms of its height, scale, building design and appearance.

The conversion of the rear yard at No. 51 Gayton Road to a garden would improve its appearance.

The proposal includes provision for refuse storage at the side of the property that would conform to the current code of practice for the storage and collection of waste in domestic properties.

Subject to conditions requiring the materials and landscaping to be approved, and implemented, the proposal would make a positive contribution to the character and appearance of the area.

### **3) Residential Amenity, including Lifetime Homes**

Objections have been received to the proposal on the grounds that it would result in noise and disturbance to neighbouring residents, and that the proposed block of flats would cause overshadowing, loss of light and views to neighbouring occupiers.

The original officer's report noted that noise generated at the development following completion would in all likelihood be less than the current use of the site as a storage yard. Although the development would generate additional traffic movements, the associated parking would be largely restricted to the dedicated basement parking area, which would help mitigate any noise disturbance.

The issue of noise and disturbance during construction is covered by other legislation, and the applicant's attention is drawn to the Considerate Contractor's Code of Practice by way of an informative.

The proposed block of flats complies with the 45 degree code contained in the Council's adopted Supplementary Planning Guidance on Householder Extensions and would not result in an undue loss of light or outlook from neighbouring properties.

There are no windows proposed on flank elevations and there would be no overlooking of neighbouring habitable rooms.

The proposed flats comply with Lifetime Homes standards, as required by London Plan policy 3A.5, saved policy C16 of the Harrow Unitary Development Plan (UDP) and Supplementary Planning Document, Accessible Homes.

The proposal would provide an adequate level of amenity space both for the proposed residents of the scheme and to protect the privacy of neighbouring occupiers, as required by saved policy D5 of the UDP.

#### **4) Transport and Highways Considerations**

The proposal would provide 9 car parking spaces in a basement, together with a secure storage area for nine bicycles.

Current guidance on the layout of access to the highway is contained within Manual for Streets (2007). This indicates that the location of the access to the basement parking area is acceptable, although further details of sight lines would be required. A condition requiring these details to be submitted to, and approved in writing by the local planning authority, has been attached.

A further condition requiring measures to be implemented to prevent residents of the flats being eligible for parking permits in the area has also been attached to prevent parking stress in the area.

Given the sustainable location of the site, the 1:1 car and cycle parking provision is considered acceptable and would comply with saved policies T11 and T13 of the UDP.

#### **5) Landscaping, Trees and Environmental Considerations**

The plans submitted with the original application show indicative landscaping details. However, further details of both hard and soft landscaping are required, and therefore conditions requiring these to be approved and implemented have been attached.

Saved policy EP12 of the UDP seeks to restrict surface water run-off, and conditions requiring surface water drainage, storage and attenuation have been attached to restrict surface water run-off.

Since the original grant of planning permission, a large Monterey Cypress tree at the rear of the site is now subject to a Tree Preservation Order. Conditions requiring a tree constraints plan to be submitted and approved and for tree protection measures to be implemented to protect the tree during the course of development have been attached.

**6) S17 Crime & Disorder Act**

The proposal does not include details regarding how the proposal would conform to the principles and practices of Safer Places and Secured by Design. However, the proposal appears capable of implementing these principles and practices, and appropriate conditions have been attached to ensure that the proposal would not contribute to crime and disorder in the locality.

**7) Consultation Responses**

- Noise and additional traffic pollution both during and after construction; Structural damage to Hanbury Court during construction of basement; Loss of light – *Addressed in Residential Amenity section of the appraisal*
- Site contains protected tree – *Addressed by a condition and addressed in Landscaping, Trees and Environmental Considerations section of the appraisal*
- Additional traffic disturbance; Access would be too close to junction of Northwick Park Road and Gayton Road – *proposal complies with guidance in Manual for Streets, addressed in transport and highways considerations section of the appraisal*
- Obstruction of view – *although loss of view is not a material planning consideration, this has been addressed in the residential amenity section of the appraisal*

**CONCLUSION**

The proposed development would provide good quality housing that would not have a detrimental impact on the character and appearance of the area or on the amenities of neighbouring occupiers.

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 conditions:

**CONDITIONS**

1 The development hereby permitted shall be begun before 18 July 2013.

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

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

a: the 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, as required by 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:

A/100; A/101 Rev A; A/102 Rev A; A/200 Rev A; A/201 Rev A; A/300 Rev A; A/400 Rev A; 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 for the forecourt of the site. 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, as required by saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

5 The development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, an arboricultural impact assessment with respect to the Monterey Cypress subject to Tree Preservation Order No. 903.

The report should indicate what measures are required to protect the tree during the course of construction, including the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: To safeguard the tree of significant amenity value, as required by saved policy D10 of the Harrow Unitary Development Plan (2004).

6 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, as required by saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

7 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 saved Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

8 The development hereby permitted shall not commence until details that show how the standards set out in the Park Mark Safer Parking Award Scheme Guidelines are to be incorporated into the provision of the underground parking element of the scheme 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 thereafter retained.

REASON: In the interests of providing a safe parking environment compatible with delivering safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

9 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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

10 The existing access(es) shall be closed when the new access(es) hereby permitted is / are brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

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, as required by saved policies D4, T6 and T13 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, as required by saved policies D4, T6 and T13 of the Harrow Unitary Development Plan (2004).

12 Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses the sustainability and landscaping requirements of Harrow Unitary Development Plan Policies T13, D4 and D9.

13 The proposed parking space(s) shall be used only for the parking of private motor vehicles 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, as required by saved policies D4, T6 and T13 of the Harrow Unitary Development Plan (2004).

14 No site works or development 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, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

15 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, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

16 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, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

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

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

## **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:

Planning Policy Statement 1 – Delivering Sustainable Development (2006)

Planning Policy Statement 3 – Housing (2010)

The London Plan:

3A.1 – Increasing London's supply of housing

3A.2 – Borough Housing Targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient Use of Stock

3A.5 – Housing choice

4A.7 – Sustainable Development

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

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

EP12 – Control of Surface Water Run-Off

T6 – The Transport Impact of Development Proposals

T11 – Cycle and Motorcycle Parking

T13 – Parking Standards

H7 – Dwelling Mix

C16 – Access to Buildings and Public Spaces

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

Supplementary Planning Document, Accessible Homes (2010)



## 2 CONSIDERATE CONTRACTORS' CODE OF PRACTICE

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

## 3 THE PARTY WALL ETC. ACT

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 4 COMPLIANCE WITH CONDITIONS

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

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

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

#### 5 CONSTRUCTION (Design and Management) REGULATIONS

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.

#### 6 CROSSOVERS

Before implementing the planning permission hereby granted, or the works indicated in your certificate of lawful proposed development, the applicant is advised to contact the Council's Highways Crossings Officer on 020 8424 1799 or by email to [frank.cannon@harrow.gov.uk](mailto:frank.cannon@harrow.gov.uk) to find out whether the construction of the crossover is acceptable in highway terms.

#### 7 COMMUNITY SAFETY CONDITIONS

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).

Plan Nos: A/100; A/101 Rev A; A/102 Rev A; A/200 Rev A; A/201 Rev A; A/300 Rev A; A/400 Rev A; Design and Access Statement

**SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None