

## SECTION 1 – MAJOR APPLICATIONS

---

**THE BOX TREE PUBLIC HOUSE,  
BOXTREE LANE, HARROW WEALD, HA3  
6JH**

**Item: 1/01  
P/2969/10**

Ward HARROW WEALD

DEMOLITION OF EXISTING BUILDING; REDEVELOPMENT TO PROVIDE PART 2/3 STOREY BUILDING COMPRISING 10 FLATS AND 4 DWELLINGHOUSES (100% AFFORDABLE); PROVISION OF PARKING AND LANDSCAPING

**Applicant:** Mr Lawrence Hember

**Agent:** Yoop Architects

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** | 02-FEB-11

---

### RECOMMENDATION A

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by the 1<sup>st</sup> February 2011. 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 Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms have been agreed and would cover the following matters:

- i) Provision of 100% Affordable Housing (all general needs rented);
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement if applicable.

### RECOMMENDATION B

That if the Section 106 Agreement is not completed by 1<sup>st</sup> February 2011 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 secure appropriate affordable housing to meet the Council's housing needs, would fail to adequately mitigate the impact of the development, thereby being contrary to policy 3A.9 of the London Plan (2008).

### REASON

The proposed development would make efficient use of previously developed land for housing and the provision of 100% affordable housing would contribute to the provision of low cost housing for people in need. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual, transport, ecological or other impact that would warrant refusal of planning permission. The proposal is therefore found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations, including comments received in response to publicity and consultation as outlined in the application report.

**National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

**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

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

3D.13 – Children and Young People’s Play and Informal Recreation Strategies

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.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

Interim London Housing Design Guide (2010)

Interim Housing Supplementary Planning Guidance (2010)

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

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

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP27 – Species Protection

EP28 – Conserving and Enhancing Biodiversity

T6 – The Transport Impact of Development Proposals

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: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Harrow Residential Design Guide (2010) (DRAFT)

---

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

**1) Principle of Development : PPS1, PPS3, 2A.1, 3A.3**

- 2) **Character and Appearance of the Area and Design** : PPS1, PPS3, 4A.22, 4B.1, D4, D9, SPG/Ds
- 3) **Residential Amenity** : 3D.13, D5, EP25, SPG:Extns
- 4) **Traffic and Parking** : T6, T13
- 5) **Trees and New Development** : D10
- 6) **Accessible Homes** : C16, 3A.5, SPD:Access
- 7) **Housing Provision and Density** : PPS3, 3A.1, 3A.2, 3A.3, 3A.5
- 8) **Affordable Housing** : PPS3, 3A.8, 3A.9, 3A.10, 3A.11
- 9) **Sustainability** : 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, SPD
- 10) **Ecology and Biodiversity** : EP26, EP27, EP28
- 11) **S17 Crime & Disorder Act** : D4, 3A.6, SPGs
- 12) **Consultation Responses**

## INFORMATION

### a) Summary

Statutory Return Type:	7. Smallscale Major Dwellings
Lifetime Homes:	13
Wheelchair Homes:	1
Density:	274 hrph, 74 dph
Car Parking	Standard: 19 (maximum) Justified: 1:1 provision (14 spaces) Provided: 14 spaces
Council Interest:	The Council is the Freeholder (at the time of writing this report)

### b) Site Description

- The site comprises the former Boxtree Public House occupying a pentagon-shaped corner site with Boxtree Lane and Hutton Lane.
- The existing building is two storeys and faces the junction. There is a substantial amount of hardsurfacing surrounding the building, previously forming the car park to the public house.
- This is an open and visually prominent site, situated opposite a large area of public green space and mature trees, which forms an attractive landscape setting.
- The surrounding area is suburban in character, comprising mainly two storey terraced and semi-detached residential properties of varying styles.
- The site currently has three vehicular accesses, one on Boxtree Lane and two on Hutton Lane.
- There are very few trees on the site and none that are subject to Tree Preservation Orders. There are three large oak trees that occupy the landscaped area to the front (south) of the site.
- The site slopes down towards the western boundary with Hutton Lane.

### c) Proposal Details

- Demolition of the existing building and redevelopment to provide 14 affordable units (10 flats and 4 houses) in a part 2, part 3 storey building, with associated parking and landscaping.
- The proposed building would be essentially 'horseshoe' shaped on plan, following the south eastern, south western and western site boundaries.

- The 4 two storey dwellinghouses would be arranged as pairs, one pair adjacent to No.81 Boxtree Lane and the other adjacent to No.4 Hutton Lane, projecting 500mm forward of the main front building lines of these properties.
- Adjoining the dwellinghouses would be the part 2, part 3 storey block of 10 flats, which would form the portion of the building that addresses the corner of Boxtree Lane and Hutton Lane, being set between 3.0 metres and 10 metres from the street.
- The proposed dwellinghouses would have a maximum eaves height of 6.5 metres and a maximum ridge height of 9.6 metres.
- The proposed flats would range from 6.6 metres high at two storey level to a maximum height of 12.3 metres to the projecting roof features.
- The proposed building would be of a contemporary design, incorporating the use of white and grey render with glazed balconies. Solar panels are proposed on the roof.
- Access to the dwellinghouses would be via front doors to the street, whilst the flats would be accessed via two stairwell cores.
- Refuse storage for the dwellinghouses would be in the form of concealed storage units at the front of the properties, whilst the flats would have a communal storage facility within the building, along with cycle storage.
- Amenity space for the dwellinghouses would be in the form of private rear gardens, whilst the flats would have balconies, terraces and a shared communal garden at the rear.
- The frontage of the site would be soft landscaped, with 14 off street parking spaces also being provided including one for persons with disabilities, some utilising the existing crossovers.
- The units would be 100% affordable, providing 2x3 bed 5 person houses, 2x4 bed 6 person houses, 1x2 bed 3 person flat, 1x6 bed 9 person flat, 1x1 bed 2 person flat and 7x2 bed 4 person flats.

**d) Relevant History**

- N/A.

**e) Pre-Application Discussion (PAM/ENQ/00006/23/02/10)**

- In principle, proposed contemporary residential development acceptable, including 'wrapped-around' design.
- Issues raised regarding 4 storey design, advised part 2, part 3 storey or 2 storey with habitable roofspace more appropriate, retaining roof element to add visual interest.
- Rear parking would be unacceptable and provision should instead be made at the front with staggered bays, allowing the rear area to be given over to amenity space provision.
- Advised that a Tree Constraints Plan would be needed in relation to the oak trees.
- Development should seek to achieve Secured by Design accreditation, Life Homes Standards and Code for Sustainable Homes Level 3.

**f) Applicant Statement**

- The proposed development addresses National, London Plan and the Council's objectives to make the best use of previously developed urban land that is available and deliverable, whilst enhancing the character and appearance of the streetscene with an innovative and contemporary design.
- The development has secured Homes and Communities Agency (HCA) funding, subject to completion by March 2012 and would provide 100% affordable housing for general needs rented tenure.
- The scheme has been amended and improved upon in response to pre-application officer advice and a public consultation exercise to inform local residents, amenity groups and ward councillors of the proposals for this under-utilised site and would put an end to the blight caused by the vacancy of the site.
- The higher density proposed is considered acceptable and would not be at the expense of neighbouring residential quality or loss of living conditions.
- The scale, siting and orientation of the building would ensure that there would be no material detriment to the living conditions of neighbouring occupiers.
- The design responds appropriately, sensitively and interestingly to the corner position and provides a series of interesting focal elements.
- The large existing car park will be removed and soft landscaping will be introduced to the front and rear of the building.
- The use of renewable energy, when combined with other building efficiencies, will achieve in excess of 25% reduction in CO2 emissions against standard building regulations.
- The design would enhance passive surveillance and the scheme has been designed to meet Secured by Design objectives.
- The parking provision of 1 space per unit was considered acceptable at pre-application stage and is located at the front of the site, in order to keep the rear free of vehicles.
- The development would comply with accessibility policy, with 100% Lifetime Homes compliance and 10% Wheelchair Homes.
- Design and Access Statement.
- Sustainability Statement and Renewable Energy Feasibility Study.
- Arboricultural Implications Assessment and Arboricultural Method Statement.

**g) Consultations:**

**Highways Engineer:** The allocated parking provision of 1 space per dwelling is considered acceptable and is within UDP maximum standards. The need for this level of parking provision is reinforced by the very low public transport accessibility level of the site. Refuse and cycling provisions are to acceptable standards. The net traffic activity from the 14 dwelling proposal is estimated to be in the region of an average of 8 to 9 vehicles at both AM and PM peak traffic periods dispersing from various location points across the site rather than being concentrated at one specific location. This would represent a small percentage increase in current overall vehicular activity in the locality during peak operation and is therefore considered insignificant in road capacity and safety terms. Current DfT guidance in the form of 'Manual for Streets' considers that developments of the scale proposed are relatively insignificant in highway infrastructure impact terms.

**Housing Officer:** We have been involved from the disposal of the site stage and the selection of Origin Housing as the developer. The Council owns the freehold of the site and agreed back in 2007 to dispose of this subject to the delivery of social rented housing on the site. Preston Bennett acting on behalf of the leaseholder marketed the sites to our partner RSLs late last year and Origin Housing were subsequently brought on board. We fully support the mix proposed in terms of tenure and unit size which was secured through prolonged negotiation with Origin. The 6 bed unit proposed is a unit size we very rarely secure for social housing so will meet a longstanding need in the borough. The remainder of the mix secures a good mix of family sized units and I think through the pre application process Origin have ensured that this is the optimal mix. Social Housing Grant has been successfully secured for the site on the proviso that the units are completed before April 2012.

**Landscape Officer:** The proposal is acceptable, subject to conditions relating to details of planting and hardsurfacing, levels, boundary treatment and landscape management.

**Environmental Health:** Condition suggested relating to construction hours.

**Drainage Officer:** Conditions suggested relating to surface water drainage, attenuation and sewage disposal.

**Tree Officer:** The submitted tree report and protection plan is acceptable, subject to a condition requiring its implementation during construction.

**Biodiversity Officer:** Condition requested relating to the installation of bat and bird boxes into the development.

**Thames Water:** Informative suggested in relation to potential impact on public sewers.

**Site Notice:** 09-NOV-10 Expiry: 30-NOV-10

**Advertisement:** 11-NOV-10 Expiry: 02-DEC-10

**1<sup>st</sup> Notifications:**  
Sent: 45 Replies: 2 Expiry: 30-NOV-10

**2<sup>nd</sup> Notification on Amendments:**  
Sent: 45 Replies: 0 Expiry: 06-JAN-11

**Addresses Consulted:**

- 73-81B (odd) Boxtree Lane;
- 84-96 (even) Boxtree Lane;
- 1-29 (odd) Hutton Lane;
- 4-12 (even) Hutton Lane;
- 50-56 (even) Hitherwell Drive;
- 50 & 52 Maricas Avenue;
- 84 Boxtree Road;
- 2 Stafford Road.

**Summary of Response:**

- Scale of building would not be in keeping with the surrounding houses;
- Development would overlook neighbours;
- Parking provision is insufficient;
- Anti-social behaviour should not justify development;
- Would prefer semi-detached houses in keeping with the area;
- Will set a precedent in the area;
- Pub should be offered to a pub company before redevelopment is considered.

**APPRAISAL**

**1) Principle of Development**

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and this is re-iterated in London Plan policies 2A.1 and 3A.3. Annex B of PPS3, revised in June 2010, states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site currently comprises a permanent public house building with ancillary hardsurfacing, it is considered to be previously developed land for the purposes of PPS3 and therefore housing development is acceptable in principle.

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

The surrounding area is characterised principally by two storey semi-detached dwellings, generally built in the inter-war period. By contrast, the proposed development would be of a contemporary design and, whilst part of the building would be two storeys, it would be three storeys with projecting roof features at the corner of Boxtree Lane and Hutton Lane. However, saved UDP policy D4 states that 'new buildings should set standards for future development, not necessarily mimicking what already exists'. PPS1 and London Plan policy 4B.1 states that development should maximise the potential of sites, whilst responding to local context, and promote high quality inclusive design that is attractive to look at and enhances the public realm.

In this particular case, the application site forms a prominent visual corner, with a high quality landscape setting in view of the large grassed area opposite the site and mature oak trees that enhance this suburban area. The site is currently under-utilised and in design terms lacks character, legibility, definition and a focal point. There is therefore an opportunity to make more efficient use of this previously developed site. This application proposes a high quality contemporary design incorporating projecting roof features and two three storey corner balcony features at the prominent corners of the building. The third storey would be set back from the second and would be finished in different materials, thereby achieving a subservient appearance. The proposed building would step down to two storeys close to the boundaries with No.4 Hutton Lane and Nos.81A and B Boxtree Lane, with the proposed two storey dwellinghouses sitting adjacent to the neighbouring two storey residential properties.

The proposed scheme would therefore respect the scale of neighbouring houses and at the same time would successfully increase the scale at the centre part of the site to reflect the prominent corner position to positively define the development and create an innovative and attractive response to this mature landscape setting. The scheme would respect the pattern of development by respecting established building lines and 'completing' the building line around this corner, whilst retaining open space at the rear for amenity purposes. The development would also enhance legibility by providing a landmark that would enhance existing views and add interest to the streetscape in this location. The proposed materials would complement local character, whilst providing a distinct contemporary appearance for the proposed scheme.

It is therefore considered that the proposed design would be consistent with National, London Plan and saved UDP policies relating to the standard of design and layout.

As discussed, the proposed scheme sits opposite a mature landscape setting. The proposal also incorporates a landscaping plan for the front and rear of the site. At present, the site has little to no soft landscape value, consisting mostly of an extensive car park area. The provision of parking on the frontage of the site is considered acceptable in this instance, given the character of the area. The parking spaces would also be broken up by areas of planting. Subject to a condition requiring a detailed landscape proposal to be submitted and approved. The proposal would therefore accord with saved UDP policy D9.

### **Refuse Storage**

Refuse storage for the proposed flats would be in a secure location within the building, close the highway at Hutton Lane, with adequate space provided for the required bins. This would provide a convenient location, accessible to all occupants of the development, and would also be convenient for refuse collection. The design of the proposed dwellings would incorporate concealed storage for two wheelie bins at the front (general waste and recycling), whilst the third (garden and food waste) would be stored within the rear gardens, with access to the front for collection via the rear access paths. This arrangement is also considered to be acceptable.

### **3) Residential Amenity**

The proposed building would comply with the 45 degree code on the horizontal plane from the neighbouring properties at No.4 Hutton Lane and Nos.81A and B Boxtree Lane. There are no protected windows on the flank wall of these properties that would be adversely affected by the proposed two storey dwellings that would adjoin them. It is acknowledged that the building would increase to three storeys some 13 metres from the boundary with No.4 Hutton Lane and some 22 metres from the boundary with Nos.81A and B Boxtree Lane. However, it is considered that these distances are sufficient so as not to result in an overbearing impact or unacceptable loss of light or outlook to the occupiers of the neighbouring properties to the north and north east of the site.

Concerns have been raised that the proposed development would overlook these dwellings to the north and north east of the site.



However, the proposed two storey dwellings would occupy similar positions to the other neighbouring dwellings adjoining No.4 Hutton Lane and Nos.81A and B Boxtree Lane. The level of overlooking from these closest properties would therefore be similar to that which currently exists in this suburban residential area and would not be objectionable. The three storey element of the proposal, comprising the proposed flats, would be sited between 13 and 22 metres from these neighbouring boundaries and these distances are considered adequate to mitigate any unacceptable overlooking of the rear gardens of adjacent dwellings.

The relationship between the proposed units within the development itself is also considered to be acceptable. The proposed building is arranged to ensure that there is adequate separation distance between the rear walls of the proposed dwellings. There would be overlooking of the rear amenity areas, but as discussed above, this would be similar to the level of overlooking currently experienced in the area, where properties are located 'side by side' and upper floor windows overlook rear gardens. The proposed dwellings and flats would receive adequate light and would have an acceptable outlook, due to the arrangement of the units within the block, most of which have dual aspect, and the orientation of the majority of the balconies and living areas to the south of the site. It is considered that the adjacent trees to the south of the site would not unacceptably impact on light to, or outlook from, the proposed flats.

*Room sizes and amenity space:*

The accommodation schedule is summarised in the table below, including unit types, floor areas and amenity space provision:

Ref	Type	Floor Area	Balcony Area	Garden Area
<i>Proposed Dwellings</i>				
3BH.01	3 bed, 5 person	91.4m <sup>2</sup>	N/A	37m <sup>2</sup>
3BH.02	3 bed, 5 person	91.4m <sup>2</sup>	N/A	48m <sup>2</sup>
4BH.02	4 bed, 6 person	103.3m <sup>2</sup>	N/A	42m <sup>2</sup>
4BH.02	4 bed, 6 person	103.3m <sup>2</sup>	N/A	72m <sup>2</sup>
<i>Ground Floor Flats</i>				
A.GF.01	2 bed, 3 person	74.4m <sup>2</sup>	9.5m <sup>2</sup>	21.5m <sup>2</sup>
B.GF.01	6 bed, 9 person	150.2m <sup>2</sup>	28.3m <sup>2</sup>	22m <sup>2</sup>
B.GF.02	1 bed, 2 person	47m <sup>2</sup>	10m <sup>2</sup>	N/A
<i>First Floor Flats</i>				
A.F1.01	2 bed, 4 person	74.4m <sup>2</sup>	9.5m <sup>2</sup>	N/A
A.F1.02	2 bed, 4 person	73m <sup>2</sup>	16.7m <sup>2</sup>	N/A
B.F1.01	2 bed, 4 person	74.4m <sup>2</sup>	11.5m <sup>2</sup>	N/A
B.F1.02	2 bed, 4 person	74.2m <sup>2</sup>	17.7m <sup>2</sup>	N/A
<i>Second Floor Flats</i>				
A.F2.01	2 bed, 4 person	68.8m <sup>2</sup>	26.9m <sup>2</sup>	N/A
B.F2.01	2 bed, 4 person	73.7m <sup>2</sup>	17.2m <sup>2</sup>	N/A
B.F2.02	2 bed, 4 person	74m <sup>2</sup>	22.3m <sup>2</sup>	N/A

Despite some minor deficiencies of between 2-4m<sup>2</sup> in the floor areas of some of the proposed flats, the standard of accommodation would be in broad compliance with the Interim London Housing Design Guide.

It is considered that these minor shortfalls would not warrant refusal of the application, given the overall standard of accommodation provided and the level of external amenity space as discussed below. The shortfalls in any case would be principally in the circulation space, rather than actual habitable room sizes, which would be adequate. The proposed 6 bed, 9 person flat is usual, but it is confirmed by the Council's Housing Department that this would serve a particular need in the borough, in terms of accommodation for large families. It is also noted that this flat comfortably complies with the minimum floor area of 130m<sup>2</sup> and would provide adequate accommodation for the occupiers. In general, the arrangement of the flats result in few issues of stacking, with the exception of the bedrooms of the 6 bed, 9 person unit being located underneath the living areas of the flat above. Given that soundproofing would be provided under the Building Regulations, it is considered that this minor stacking issue would not be overly detrimental and the proposed residential units would ensure adequate living conditions for future occupiers.

Amenity space provision for the proposed dwellings consists of private rear gardens and these are considered to be adequate to serve the proposed dwellings. Generous front balconies would be provided for all of the proposed flats and these would comfortably satisfy the minimum space sizes set out in the Interim London Housing Design Guide, thereby providing useable outdoor amenity areas. The proposed glazed balustrades to these balconies would incorporate vertical strips that enable occupiers to see out to the street, but mitigate views into the flats, thereby increasing privacy and usability of the balconies and also reducing the street scene impact of balcony clutter. Two of the ground floor flats, including the 6 bedroom unit, would also have access to private rear garden areas and there would also be a communal garden at the rear. The standard of amenity space provision would therefore comply with saved UDP policy D5 and the Interim London Housing Design Guide.

#### **4) Traffic and Parking**

Although when active, the public house would have generated traffic movement, albeit generally outside peak traffic periods, it has been non-active for some time so a full net intensity increase of a mix of 14 units varying in scale has been assumed as compared to the baseline.

The allocated parking provision (including disabled provision) of 1 space per dwelling is considered acceptable and is within UDP maximum parking standards. A lesser provision would potentially result in detrimental parking displacement onto surrounding roads which would be undesirable given the physical characteristics of existing parking demand and limitations of road width in this area. The need for this level of parking provision is reinforced by the very low public transport accessibility level of the site (PTAL rating of 2). Cycle storage provision is to acceptable standards as set out in the Interim London Housing Design Guide.

The net traffic activity from the 14 dwelling proposal is estimated to be in the region of an average of 8 to 9 vehicles at both AM and PM peak traffic periods dispersing from various location points across the site rather than being concentrated at one specific location.

This would represent a small percentage increase in current overall vehicular activity in the locality during peak operation and is therefore considered insignificant in road capacity and safety terms. Current DfT guidance in the form of 'Manual for Streets' considers that developments of the scale proposed are relatively insignificant in highway infrastructure impact terms.

Therefore, in road safety and road capacity terms, the low level of generated traffic for the proposal together with satisfactory access provisions and visibility sight lines onto Hutton Lane and Boxtree Lane (in line with accepted DfT standards), the impact of the application is considered to be acceptable and would not be at a level that would be considered prejudicial to vehicular/ pedestrian movement or highway safety. No highways objection is raised by the Council's Highways Engineer and the proposal would therefore be acceptable in this regard.

#### **5) Trees and New Development**

There are a number of trees adjacent to the site that could be potentially affected by the development. These include 6 Lawson Cypress trees on the boundary with No.4 Hutton Lane that could be affected by demolition works and 3 Oak trees at the front of the site, 2 on the street corner with Boxtree Lane and Hutton Lane and the other on the opposite side of Hutton Lane. An Arboricultural Assessment has been submitted, noting that the Oak trees would not have significant Root Protection Area (RPA) or canopy growth within the site. Notwithstanding this, a Tree Protection Plan proposes protection measures to be put in place during the course of the development. The Council's Tree Officer considers the Tree Protection Plan to be acceptable and, subject to a condition requiring the mitigation measures outlined on this plan to be put in place during the course of the development, the proposal would be acceptable in this regard.

As discussed above, given the separation between the tree canopies and the habitable room windows of the proposed flats, it is considered that the living conditions of future occupiers would not be adversely affected and there would therefore not be post-development pressure for works to these trees. The trees would also not overhang the proposed parking spaces and would therefore not result in significant debris drop.

#### **6) Accessible Homes**

All flats would comply with Lifetime Homes Standards, with one of the ground floor flats complying with Wheelchair Homes Standards. The proposal would therefore satisfy London Plan policy 3A.5 and the Council's Accessible Homes SPD.

It is noted that no lift is proposed in the two stairwell cores for access to the upper floor flats. 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 tenure of the proposed development and the number of flats accessed from each core, it is considered on balance, in light of the recently published London Housing Design Guide (2010), that the installation of lifts would be likely to result in unacceptably high service charges for the affordable housing blocks, to the detriment of the intended purpose of the affordable nature of the development. The non provision of lifts can therefore be justified in this case. Given that the wheelchair accessible unit proposed is located on the ground floor the proposal is therefore considered to be acceptable in terms of its accessibility.

## **7) Housing Provision and Density**

The proposal would provide 14 general needs rented units to the Borough's housing stock and this is supported in principle. The provision of a 6 bedroom unit would enable housing of a large family that would otherwise require a large property to be rented through other means and this would satisfy an identified need.

The proposed scheme would have density of 74 dwellings per hectare and 274 habitable rooms per hectare. Following the appropriate density ranges in London Plan table 3A.2, the dwellings per hectare figure would be at the upper end of the density range for this location and the habitable rooms per hectare would exceed the stated range. However, PPS3 states that 'the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form'. It goes on to state that 'if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the environment'. As discussed above, the proposed scheme would be of a high quality contemporary design, utilising this prominent corner site to provide a distinctive landmark building. It is therefore considered that the higher density proposed as part of this scheme is justified and the proposal would therefore contribute to housing supply by making efficient use of previously developed land whilst being compatible with the local context.

## **8) Affordable Housing**

The proposed scheme would provide 100% affordable housing for general needs rented tenure and this is to be secured through the S.106 agreement. The Council owns the freehold of the site (at the time of writing this report) and it has been agreed that the disposal of the site is to be subject to the delivery of general needs rented units on the site. The 100% affordable nature of the scheme is therefore supported and the Council's Housing Officer considers that the mixture of unit sizes would be acceptable. A Homes and Communities Agency (HCA) grant has been secured for the development, subject to the completion by the end of March 2012. The proposed affordable housing provision would therefore be acceptable.

**9) Sustainability**

The applicant has submitted a Sustainability Statement and Renewable Energy Feasibility Study, which confirms that the building would achieve Code for Sustainable Homes (CSH) Level 3 by achieving 25% reduction in CO2 emissions, with 11% being from renewable energy technologies. The renewable energy technologies most appropriate to the site would be photovoltaics and solar thermal panels and these are incorporated into the design of the building, forming part of the projecting roof features. Whilst this would not strictly meet the 20% target set out in London Plan policy 4A.7, 11% would comply with the thrust of this policy and would contribute to the objectives of sustainable development. The scheme would also achieve a high degree of building efficiency through internal layout, passive design and proposed materials. The proposal would therefore comply with London Plan policy relating to sustainability, subject to a condition requiring the measures outlined in the report to be implemented as part of the development.

**10) Ecology and Biodiversity**

The site does not lie within a designated area of nature conservation importance. However, in line with saved UDP policies EP26 and EP28, the Council's Biodiversity Officer considers that bird and bat boxes could be provided within the development. These could be easily integrated into the development, given the projecting roof features and wide range of integral bird and bat box products. A condition is imposed requiring a scheme for integrating these boxes into the development, prior to the development proceeding above ground floor damp proof course level and the proposal would therefore be acceptable in this respect.

**11) S17 Crime & Disorder Act**

The proposal seeks to achieve Secured by Design (SBD) Certification and a condition is imposed relating to the use of SBD compliant doors, windows and locks. The layout of the development is conducive to providing a secure environment, with windows, balconies and doors fronting the street. The building would form an uninterrupted building line with natural surveillance, with the exception of the two rear access passageways at each end of the site, which would be secured by 2.1 metre high steel gates. The proposed scheme would remove the existing vacant site and resultant anti-social behaviour and, given the proposed layout, would be acceptable in relation to crime and disorder.

**12) Consultation Responses**

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

- Pub should be offered to a pub company before redevelopment is considered: The public house has been on the market for over 3 years with no interest from pub operators. The Council has no specific policy relating to the loss of public houses.

**CONCLUSION**

In summary, given due consideration to all relevant policy constraints and material considerations set out above, the proposal is found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004). The proposed development would make efficient use of previously developed land for housing and the provision of 100% affordable housing would contribute to the provision of low cost housing for people in need.

The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below.

### **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: 066/PL/001 Rev C, 002 Rev C, 003 Rev A, 100 Rev G, 101 Rev E, 102 Rev D, 103 Rev C, 110 Rev A, 111; 200 Rev E, 201 Rev E, 202 Rev D, 203 Rev A, TPP/BTPH/01, Design and Access Statement, Planning Statement and Appendices, Arboricultural Implications Assessment and Arboricultural Method Statement and Sustainability Statement and Renewable Energy Feasibility Study.

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 building;

b: the ground surfacing;

c: the glazed balustrading.

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

REASON: To safeguard the appearance of the locality in accordance with saved UDP policy D4.

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. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes, proposed numbers / densities and any proposed levels changes on the site. The development shall be carried out in accordance with the approved details.

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 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.

6 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.

7 The development hereby permitted shall not commence until the tree protection mitigation measures set out in the Arboricultural Implications Assessment and Arboricultural Method Statement and on drawing number TPP/BTPH/01 are implemented on site. These measures shall be followed and remain in place during the course of development, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the health of the trees close to the site in accordance with saved UDP policy D10.

8 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 accordance with the provisions of PPS25.

9 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 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 D5.

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

REASON: To safeguard the appearance of the locality in accordance with saved UDP policy D4.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D and E in Part 1 of Schedule 2 to that Order shall be carried out within the curtilage of 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 in accordance with saved UDP policies D4 and D5.

12 The development hereby permitted shall not proceed above ground floor damp proof course level until details of biodiversity measures, specifically the creation of bird and bat habitats on the building, 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.

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

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, in accordance with saved UDP policy T13.

14 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.

15 No development shall take place 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) measures to control noise and the emission of dust and dirt during construction
- f) a scheme for recycling / disposing of waste resulting from construction works

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimized and to protect the amenities of nearby residents from on-site works and in accordance with saved policies EP25 and T6 of Harrow's 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 Sewers for Adoption following guidance in PPS 25 & PPS 25 Practice guide.

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



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.

18 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 works shall be carried out in accordance with the approved details and thereafter retained.

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.

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 saved policy D4 of the UDP, and Section 17 of the Crime & Disorder Act 1998.

20 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 saved policy D4 of the UDP.

21 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 saved policy D4 of the UDP.

22 The proposed Energy Strategy as outlined in the Sustainability Statement and Renewable Energy Feasibility Study shall be implemented as part of the development hereby permitted. The renewable energy technologies shall be thereafter retained.

REASON: To ensure that the development achieves an adequate reduction in carbon dioxide emissions from onsite renewable generation, in line with the requirements of London Plan policy 4A.7.

23 The housing units shall be constructed to meet at least Level 3 of Code for Sustainable Homes. To this end the applicant is required to provide clarification demonstrating compliance with code level 3 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.

## **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 THAMES WATER

##### Waste Comments

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.

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.

#### 5 RELEVANT POLICIES

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

London Plan: 2A.1, 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.22, 4B.1, 4B.4, Interim London Housing Design Guide (2010)

Harrow Unitary Development Plan: D4, D5, D9, D10, EP25, T6, T13, H7, EM15, C16,

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

Supplementary Planning Document: Sustainable Building Design (2009),

Supplementary Planning Document: Accessible Homes (2010), Supplementary Planning Document: Harrow Residential Design Guide (2010) (DRAFT)

Plan Nos: 066/PL/001 Rev C; 002 Rev C; 003 Rev A; 100 Rev G; 101 Rev E; 102 Rev D; 103 Rev C; 110 Rev A; 111; 200 Rev E; 201 Rev E; 202 Rev D; 203 Rev A; TPP/BTPH/01; Design and Access Statement; Planning Statement and Appendices; Arboricultural Implications Assessment and Arboricultural Method Statement; Sustainability Statement and Renewable Energy Feasibility Study

**TYNEHOLME NURSERY HEADSTONE P/2437/10**  
**DRIVE, WEALDSTONE , HA1 4UQ**

WARD MARLBOROUGH

PROPOSAL: DEMOLITION OF THE EXISTING DAY CARE AND NURSERY BUILDINGS AND THE ERECTION OF A 41 BED CARE HOME FOR THE ELDERLY TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING IMPROVEMENTS

**Applicant:** Mr Sandip Ruparelia  
**Agent:** Tanner & Tilley Planning Ltd  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** | 21-JAN-10

---

## RECOMMENDATION

The decision to **GRANT** permission has been taken on the basis the proposed development would bring a dilapidated and vacant site back into active use and lead to the creation of needed Residential Care homes, and would be acceptable with regards to its visual impact, impact on amenity on adjacent occupiers and other associated impacts, and therefore be consistent with the policies and proposals in the London Plan 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:

### National Planning Policy:

PPS1 Delivering Sustainable Development (2005)  
PPG13 Transport (2001)  
PPS23 Planning and Pollution Control (2004)  
PPG24 Noise (1994)

### London Plan (2008):

3A.1 – Increasing London's Supply of Housing  
3A.2 – Borough Housing Targets  
3A.4 – Efficient Use of Stock  
3A.5 – Housing choice  
4A.3 – Sustainable Design and Construction  
4B.1 – Design Principles for a Compact City  
London Plan Housing Design Guide (2010)

### Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):

D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
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

EP27 – Species Protection  
EP28 – Conserving and Enhancing Biodiversity  
EP29 – Tree Masses and Spine  
EP30 – Tree Preservation Orders and new planting  
C16 – Access to Buildings and Public Spaces

**Supplementary Planning Documents / Guidance:**

SPD Access For All (2006)  
SPD Sustainable Building Design (2009)  
SPG Designing New Development (2003)  
SPG Extensions: A Householders Guide (2008)

---

**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 (London Plan 3A.1, 3A.2, 3A.3, 4B.1, 4B.8, D4, D5, D9, EP12, H14, H17, SPG)
- 2) Character of the Area (PPS1, saved UDP policies D4, D5, D10, SPG: Designing New Development)
- 3) Residential Amenity (London Plan 3A.5, D4, D5, C16, SPD)
- 4) Loss of Trees (D4, D5, D10)
- 5) Environmental Impact Assessment (D4)
- 6) Land contamination (PPS23, EP22)
- 7) Impact on Biodiversity (PPS9, D10, EP27)
- 8) Parking/Highways Considerations (T6, T13)
- 9) Sustainable Development (4A.7, SPD)
- 10) Accessible Buildings (saved UDP policies D4, C16, SPD: Access for All [2010])
- 11) S17 Crime & Disorder Act (D4)
- 12) Consultation Responses

**INFORMATION**

This application is reported to the Committee as the floorspace proposed falls outside of the thresholds (400 sq m) set by the Scheme of Delegation for the determination of new non-residential development.

**a) Summary**

Statutory Return Type:	12 Smallscale Major Other
Site Area:	0.23 hectares
Car Parking	Provided: 8
Council Interest:	None

**b) Site Description**

- The site is situated in a backland location, to the rear of the Caryl Thomas Clinic on the southern side of Headstone Drive, Wealdstone.
- Apartments in Hereford Court, Danes Gate back on to the eastern boundary of the site, the rear gardens to residential properties in Queens Walk are found to the south and a builder's yard is located to the west of the site.
- The site was previously in use as a children's' nursery and day centre. The existing vacant buildings on the site are wooden, single storey and in a poor state of repair.

- There are a number of trees around the site and some of these are protected by tree preservation orders.
- The application site is not within in a Conservation Area or within the setting of a Listed Building; the site is not within a Controlled parking Zone or a Flood Risk Zone.

**c) Proposal Details**

- The application proposes the demolition of the existing on site buildings and the development of a new purpose built 41 bed residential care home facility.
- The existing buildings to be demolished is 500 sq m and the resulting building would be 2,275 sq m, an increase of 1,775 sq m.
- The proposed building would be an L shape and two to three storeys in height.
- The main block of the building would be 3 storeys in height (9.3m), running from the north to the south of the site, with a three storey wing projecting to the east (forming the L). At the southern end of the building it would drop down from three to two storeys (6.1m). The building would be 40.0m in depth, 24.5m in width at its northern end and 16.5m at its southern wide end.
- The building would be of a modern design incorporating red brickwork but also stone faced blockwork.
- A six space car park, accessed by a ramp, would be located at basement level. The kitchen, laundry room and offices would also be located at basement level. Access to the building would be via the main entrance that would be located on the north side.
- 13 bedrooms would be located at ground floor level, 16 bedrooms would be located at first floor level and 12 bedrooms would be located at second floor level.
- The facility would mainly provide additional dementia care facilities, with the applicant proposing 80% of beds for that purpose and the remaining 20% for care with nursing.

**Revisions to Previous Application:**

Following the previous decision (P/0712/10) the following amendments have been made:

- The original proposal was for a 50 bed care home on the site, which was reduced to 47 beds during the course of the last application.
- The southern 'wing' of the building previously proposed has been removed.
- The southern part of the building has been reduced in bulk from a predominantly three storey building to part two storey part single storey.

**d) Relevant History**

LBH/11387	ERECTION OF VERANDAH	GRANTED 19-NOV-75
LBH/19698	CHANGE OF USE FROM NURSERY SCHOOL TO YOUTH CENTRE	REFUSED 15-JAN-81
LBH/22128	CHANGE OF USE FROM NURSERY SCHOOL TO KEEP FIT CLUB	GRANTED 07-OCT-82
LBH/22609	CHANGE OF USE NURSERY SCHOOL TO MEETING HALL FOR WORSHIP AND CULTURAL ACTIVITIES	REFUSED 13-JAN-83



### **Summary of Responses:**

- Overdevelopment of the site and amount of development inconsistent with the area;
- Loss of amenities to adjacent occupiers, in particular Queens Walk and Hereford Court
- Issue of disturbance and subsidence cause by building works to adjacent properties.
- Inadequate and lack of parking provision.
- Impact on existing landscaping, especially protected trees.

### **APPRAISAL**

#### **1) Principle of Development**

The proposed development to provide a 41 bed Residential Care Home would provide much needed modern extra care housing for the borough's housing stock. The applicant has set out in their Design and Access Statement how the development would comply with the Government's policy 'The National Framework (NSF) for Older People' in terms of its use and the facilities it would offer. Broadly speaking, both the London Plan (2008) and the adopted Harrow Unitary Development Plan (UDP) (2004) are supportive of the increased provision of care facilities for elderly people.

There is no specific planning policy guidance in place that relates specifically to care home standards. There are bodies in place that regulate care home standards, most notably the Care Quality Commission (CQC). It should be noted that many of these standards clearly relate to operational arrangements which are controlled outside of the planning process, e.g. allowing visitors at reasonable times, varied dietary offers, appropriate staffing levels, maintenance, etc.

In compliance with the CQC standards, accessible toilets would be provided on each floor through en-suite facilities, as would communal space for residents (with the exception of the third floor). The CQC standards dictate that all new-build should incorporate single bedrooms with a minimum usable floor space of 12 sq m (excluding en-suite facilities). In this instance the proposed plans indicate individual room areas that consistently exceed the 12 sq m threshold, ranging from approximately 13 sq m to 19 sq m (excluding the en-suite facilities).

The proposed development is therefore considered to comply with policies H14 and H17 of the Harrow Unitary Development Plan (2004).

#### **2) Character of the area**

Policy D4 of the Harrow Unitary Development Plan (2004) states that 'buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces'. Saved policy D5 of the Harrow Unitary Development Plan 2004 requires new development '*to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a usable amenity area for the occupiers of the development; as a visual amenity*'. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that '*There should be a clear definition between private amenity space and public space*'.



The site is situated in a backland location, to the rear of the Caryl Thomas Clinic on the southern side of Headstone Drive, Wealdstone. Danes Gate back on to the eastern boundary of the site; the rear gardens to residential properties in Queens Walk are found to the south and a builder's yard is located to the west of the site. The existing vacant buildings on the site are wooden and single storey. There are a number of trees around the site protected by tree preservation orders.

The previous application at this site was refused in part on the basis that the proposed building was considered to be visually obtrusive, physically dominant and an overbearing form of development. The specific concerns with the previous scheme were that it would have essentially been an overdevelopment of the site, by virtue of the site coverage and the bulk and massing of the building.

As such, the applicant has sought to revise the scheme to overcome these concerns. The significant change is that the proposed development has been reduced in terms of the number of beds, from 47 to 41. As a result of this, several changes have been made, in particular to the southern part of the proposed building. Where previously a wing projecting sideways from the southern end of the building was proposed, this has been removed, and this section of the building has also been changed to reduce its bulk and massing.

It is considered that the changes made to the building are acceptable and would result in a more appropriate building for this site. When accessed from Headstone Drive, the main entrance of the building would be set in a three storey projecting feature. The rest of the building would be mainly three storeys in height, but with the parts on the periphery being reduced to two or single storey. As such, the overall bulk and massing of the building would be reduced insofar as the previous application for this site, but in the context of the immediate area, which does have three storey buildings in close proximity, would not look out of character. The removal of the southern wing of the building would result in less site coverage by buildings and more space around it for amenity value.

The modern design of the building is considered to be a positive enhancement to the area, which does have a number of buildings that detract from the character of the area. A combination of facing red brickwork juxtaposed with stone blockwork would provide an interesting and contemporary building that would help to regenerate the area.

In terms of landscaping, the existing level of hardsurfacing within the application site is high with limited, and in its current condition, poor quality, soft landscaping. Whilst bearing in mind policy D9 of the adopted Harrow UDP (2004), the level of proposed landscaping must be considered in the context of the existing situation and the requirement for some off-street car parking and access road.

On the previous application the Councils Landscape Architect raised a concern that the on site landscaping proposed is in essence an afterthought to fit around the building. Whilst this concern is noted, it has to be considered in the context of the requirement for the development to be viable – i.e. for the building to be of sufficient size to make it commercially feasible – and the physical buildings and areas that are ancillary to its main use, such as pathways around the building.

With regards to the new application, it is noted that with the removal of the southern wing of the building, the proposed development has significantly increased the level of onsite amenity space and soft landscaping that would be associated with the new building. This is considered positive in its own right. Furthermore, given the issues of visual impact and neighbouring amenity, there is a requirement to ensure that the boundaries of the site are well landscaped. Moreover, the application does propose a small internal courtyard for use of the residents. On this basis, the Council's Landscaping Officer no longer has an objection to the proposed development. Overall, it is considered that the appropriate balance has been struck between hard and soft landscaping. It is considered there would be sufficient space around the buildings in order for it to be appropriate landscaping and for residents to enjoy private amenity space. Details of the landscaping should be sought by way a planning condition which is recommended accordingly.

Overall, it is considered that the design of the building is acceptable and would make a positive contribution to the streetscene and the character of the area. Details of materials would be sought by way of a planning condition, as well as landscaping and boundary treatment.

### **3) Residential amenity**

Given the scale, siting and design of the proposed building, the occupiers likely to be affected are the occupiers of the flats in Hereford Court to the east of the site and No.2 and 4 Queens Walk to the south; other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

It is noted that the previous scheme was refused planning permission partly on the basis of the potential adverse impact on the amenities of the occupiers outlined above. Again, to overcome this issue the applicant has sought to reduce the bulk and massing of the proposed development and thereby reduce its potential impact on neighbouring amenity.

As set out above, the applicant has removed the southern 'wing' of the proposed building, and reduced the bulk and massing of the southern section of the main building. The proposed relationship with Hereford Court would now be at a distance of between 13m at two storey level and 17m at three storey level on the northern wing, and 23m for the rest of the building. It is considered that the removal of the southern wing of the building has resulted in an acceptable relationship with the Hereford Court building. Whilst at two storey level there would be a distance between the two buildings of 13m, this would only be for a relatively small two storey section of the proposed building. At three storey level the distance would be between 17m and 23m. It is noted that the existing Caryl Thomas Clinic to the north of the application site has a similar close relationship with the Hereford Court building, arguably worse than what is proposed by way of this application.

The side of the larger part two part three storey element would be a flank elevation with the only windows proposed serving internal corridor and stairwell; the applicant has confirmed that this would be obscurely glazed. The two storey main section of the building would contain bedrooms facing east. However, at this point the distance to Hereford Court would be 23m, and this elevation of Hereford Court does not contain habitable rooms. On this basis it is considered that no undue loss of privacy would occupiers to the occupiers of Hereford Court or the proposed care home.

It is considered that the removal of the southern wing from the proposed building would result in a more open and less enclosed outlook for the occupiers of the occupiers of Hereford Court, and on balance, the proposed building would be acceptable in this regard.

The southern part of the main building is now proposed to be broken down into single, two and three storey elements. The applicant has made these changes to reduce the potential impact on the occupiers of No.2 and 4 Queens Walk. As a result of the changes the proposed building would be sited approximately 22m away at two storey level and 28m away three storey level. It is considered that a distance of 22m back-to-back would not be untypical for two residential properties (i.e. the backs of two terraces), and all windows on this elevation would be subject to obscure glazing; as such it is considered that no undue overlooking would occur. However, both existing and proposed landscaping along the southern boundary within the site would help to mitigate this issue. It is considered that the reduction in the overall bulk and massing of this elevation into a mix single, two and three storey would further reduce the impact on the adjacent residential properties. When viewed from these properties the massing would be broken up and this would reduce the dominance of the building.

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 D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008).

#### **4) Loss of Trees**

There is existing landscaping and trees on the site, a number of which are subject to Tree Preservation Orders (TPOs).

The Ash (T3) is a large tree (15m) and is situated on the northern boundary, to the rear of the clinic. This tree appears to have been topped in the past. The Cherry (T12) is on the southern boundary of the site and is a semi-mature tree of good form. The Pear (T16) also to the south of the site, adj. to the boundary with Hereford Court, is a mature and attractive specimen which would make an attractive contribution to the landscape / landscape scheme if retained. The Walnut (T17) is also on the southern boundary / adj. to Hereford Court and the Pear. It is a semi-mature tree of good form. The Norway Maple (T4) is situated on the northern boundary of the site, just behind the clinic. This is an attractive tree of good form, which makes a contribution to the local landscape.

Previously, the application proposed would have necessitated the removal of three TPO'd trees: the Ash (T3), Cherry (T12) and Pear (T16). However, the revisions to the application, notably the removal of the southern wing of the building, would result in all the onsite TPO trees remaining and being incorporated into the scheme.

On this basis the Councils Arboricultural Officer has no objection to the proposed development. As such, it is considered that the concerns raised in relation to the previous scheme have been overcome and that the application is now acceptable.

**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 0.23 hectares and therefore the proposed development does not require an EIA.

**6) Land contamination**

The applicants Arboricultural Statement identifies that there is a clump of Japanese Knotweed growing on the site between the former day nursery building and eastern boundary.

Japanese Knotweed is an invasive root system and due to its strong growth can damage foundations of buildings and other physical structures. Due to this, whilst it is not an offence to have it on land it is an offence to spread it. On this basis the Arboricultural Report recommends that it is eradicated as soon as possible.

The Council's Landscaping Officer has advised that the method of eradication of the Japanese Knotweed would need to be agreed, in line with the Environment Agency Managing Japanese knotweed on development sites, the knotweed code of practice and should be subject to a planning condition. As such, this is recommended accordingly.

**7) Impact on Biodiversity**

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) and its supporting Good Practice Guidance highlight that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

On this basis, Officers requested that information in relation to bats within the disused buildings within the site was provided. In response to this the applicant has undertaken a full survey of the site and submitted a report in relation to the impact on bats from the proposed development.

The report concludes that the buildings are considered to have negligible suitability to support roosting bats based on the results of the daytime bat assessment and surveys. No obvious access opportunities were recorded during the surveys and no evidence of bats was noted within the building. The evening survey undertaken in September 2009 did not record any bats exiting the building, and low levels of bat activity were recorded on site. As such, the assessment recommends that no further works need to take place prior to the demolition of the buildings.

The Councils Biodiversity Officer has reviewed the findings of the assessment and has confirmed that the conclusions are acceptable. On this basis the application is considered acceptable in this regard.

### **8) 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.

The Councils Highway Engineer has advised that the proposal would not be a significant traffic generator owing to the use type profile. It is therefore not expected to measurably impact on the public realm in amenity terms. The access road would require careful treatment in order to fulfil its function as both a vehicular entrance and pedestrian footway. It must be permeable in design. In design layout and operational terms it conforms to 'Manual for Streets' (MfS) best practice DfT guidance.

The Council's Highway Engineer has also stated that the proposed parking provision is acceptable as it assists in reducing potential vehicular impact on the local street scene. The average public transport accessibility at this location supports this stance. As there is no specific parking standard to apply here in UDP & London Plan terms, it is a balance between applying parking restraint and reasonable on-site provision, and it is considered that the appropriate balance has been struck here.

It is considered that a number of matters would need to be controlled by way of appropriate planning conditions. These include refuse arrangements, which under a site management regime would stipulate that refuse must be positioned as close as possible to Headstone Drive on collection days to ensure that the collection point does not exceed 25m from that road which is in line with MfS.

Suitable cycle provision has been shown as part of the proposed application. Details of the ramp gradient to the underground car park have not been provided, and should be in the region of 1:15 to 1:20 to ensure effective and safe use; a planning condition is recommended accordingly.

Overall then, the parking and highways matters are considered acceptable subject to conditions covering cycle provision, and the requirement for a staff Travel Plan to set out how the development would minimise travel to the site by private car.

**9) Accessible Buildings**

Policy C16 of the UDP requires that buildings are readily accessible to all. This supports policy 3A.5 of the London Plan which requires that all new buildings should meet Lifetime Homes standards.

The internal arrangements of the proposed building would conform to the relevant requirements of the Access for All [2006] SPD.

**10) Sustainable Development**

Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009). The applicant has submitted a Sustainability Statement and an Energy Statement that seeks to identify how the proposed development would achieve various sustainable development credentials.

The Energy Statement reviews various technologies that may help to achieve lower CO<sub>2</sub> emissions and reduce the energy usage of the building. It sets out how the building would achieve BREEAM Very Good Standards. This identifies that the use of the building could achieve a 15% reduction in CO<sub>2</sub> emissions below baseline levels. It also sets out water and energy reducing measures to make the overall use of the building more sustainable.

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.

**11) S17 Crime & Disorder Act**

It is considered that the proposal would not have an impact with respect to this legislation. The development would bring back into use a vacant and somewhat derelict site that, in its current form, could be a target for vandalism. As such its redevelopment is to be welcomed.

**12) Consultation Responses**

These have been dealt with in the body of the report.

The Councils Drainage section have recommended that conditions are attached in relation to surface water run-off. The site does not fall within a recognised flood zone, or within an area annotated as at risk on the Strategic Flood Risk Assessment for Harrow.

However, the level of hardsurfacing that would result from the proposed application would be an increase on the existing situation. As such, it is considered appropriate to impose a planning condition in relation to the control of surface water run-off.

## **CONCLUSION**

The decision to grant permission has been taken on the basis the proposed development would bring a dilapidated and vacant site back into active use and lead to the creation of needed Residential Care homes, and be acceptable with regards to its visual impact, impact on amenity on adjacent occupiers and other associated impacts.

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 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: facing materials of new building

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 Notwithstanding the details on the approved drawings, 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 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 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 in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

6 The development hereby permitted shall not commence until revised details of the means of the access ramp to the basement car park 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 is satisfactory in terms of the safety of the access ramp, in accordance with Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

7 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 Unitary Development Plan (2004).

8 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 in accordance with a timetable agreed in writing with 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 amenity of neighbouring residents and the character of the locality in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

9 No site works or development shall commence until details of the levels of the building, road and footpath 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. 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).

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 accordance with Policy D4 of the Harrow Unitary Development Plan (2004).



11 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM Very Good (or successor), the reduction of baseline CO<sub>2</sub> emissions by 15%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policies 4A.1, 4A.3, 4A.4 and 4A.7 of the London Plan (2008), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

12 Notwithstanding the submitted details, prior to the commencement of development precise details for the method of eradicating the onsite Japanese Knotweed shall be submitted and approved in writing by the Local Planning Authority. The eradication of the Japanese Knotweed shall be carried out in strict accordance with the approved details.

REASON: To ensure no undue contamination of land occurs in accordance with saved Policy EP22 of the Harrow Unitary Development Plan (2004).

13 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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 of any buildings hereby permitted shall not be commenced until the disposal of surface water and 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 EP12 of the Harrow Unitary Development Plan (2004).

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

3633se-01, 3633UG-01, 6249cv-01, 05, 24 Rev B, 25 Rev C, 26 Rev A, 27 Rev A, 28 Rev A, 29 Rev A, Design and Access Statement, Arboricultural and Planning Integration Report, Tanner and Tilley "An Assessment of Care and Needs Provision", Extended Phase 1 Habitat Survey – Bat Survey by Ecosulis Ltd

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 national planning policies, 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:

#### **National Planning Policy:**

PPS1 Delivering Sustainable Development (2005)

PPG13 Transport (2001)

PPG24 Noise (1994)

#### **London Plan (2008):**

3A.1 – Increasing London's Supply of Housing

3A.2 – Borough Housing Targets

3A.4 – Efficient Use of Stock

3A.5 – Housing choice

4A.3 – Sustainable Design and Construction

4B.1 – Design Principles for a Compact City

London Plan Housing Design Guide (2010)

#### **Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):**

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

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 Planning Documents / Guidance:**

SPD - Access For All (2010)

SPD - Sustainable Building Design (2009)

SPG - Designing New Development (2003)

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: 3633se-01, 3633UG-01, 6249cv-01, 05, 24 Rev B, 25 Rev C, 26 Rev A, 27 Rev A, 28 Rev A, 29 Rev A, Design and Access Statement, Arboricultural and Planning Integration Report, Tanner and Tilley “An Assessment of Care and Needs Provision”, Extended Phase 1 Habitat Survey – Bat Survey by Ecosulis Ltd

RAYNERS LANE FC, 151 RAYNERS LANE, P/2649/10  
HARROW, HA2 0XH

Ward Roxbourne

PROVISION OF 6 X 15 METRE HIGH FLOODLIGHTING COLUMNS

**Applicant:** Mr Martin Noblet  
**Agent:** Chess Architecture  
**Case officer:** Andrew Ryley  
**Statutory Expiry Date:** | 14-JAN-11

---

## RECOMMENDATION

**REFUSE** permission for the development described in the application and submitted plans for the following reason(s):

- 1 The proposed floodlighting would result in an increased intensity of use of the site at unsocial hours, which by reason of increased noise, disturbance and general activity, would detract from the amenities of the neighbouring residents, contrary to Planning Policy Statement 1: Sustainable Development (2001) and saved Policies D4, D5 and D23 of the Harrow Unitary Development Plan (2004).
- 

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

- 1) Principle of Sports Facilities (PPG17, R4, EP47)
- 2) Character and Appearance of the Area and Residential Amenity (PPS1, PPG24, D4, D5, D23)
- 3) Impact on the Trees and Biodiversity (PPS9, D10, EP27)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## INFORMATION

This application is reported to Planning Committee at the request of the Chairman.

### a) Summary

Statutory Return Type: 12 – Other Smallscale Major  
Site Area: 1.75 ha  
Council Interest: None

### b) Site Description

- Application site is Rayners Lane Football Club (FC) ground and Tithe Farm Social Club.
- The application site comprises a full sized football pitch, which is surrounded on three sides by approximately 15m high conifer trees, two five-a-size football pitches, Tithe Farm Social Club and a 110 space car park.
- The application site lies to the west of Rayners Lane in a predominantly residential area. To the south of the site lies Newton Farm Ecology Park, which is designated in the Unitary Development Plan (2004) as a Site of Nature Conservation Importance, and allotments.
- The application site is designated as open space in the Unitary Development Plan (2004).

**c) Proposal Details**

- Erection of six floodlights columns, 15m in total height, to the perimeter of the existing football pitch.
- 16 flood lights will be installed in twin or triple configuration within the six columns.
- Three floodlights would be erected on the northern side and three floodlights on the southern side. Each column would be set back 5m from the pitch.
- Each floodlight would consist of a Philips 'OptiVision' asymmetric (flat glass).
- Floodlights would be required for 22 matches over the winter period, with games finishing no later than 22:00 hours.

**d) Relevant History**

LBH/27899	SIX FLOODLIGHT PYLONS	REFUSED 01-AUG-85
LBH/31573	FOUR FLOODLIGHT PYLONS	REFUSED 05-FEB-87
WEST/446/94/FUL	EIGHT 16 METRE HIGH ADJUSTABLE FLOODLIGHTING PYLONS	REFSUED 10-OCT-94 APPEAL DISMISSED 26-OCT-95

**Reason(s) for Refusal:**

1. The proposed floodlighting, by reason of light spillage and glare would be visually obtrusive and detrimental to the amenities of neighbouring residents.
2. The proposed floodlighting would result in an increased intensity of use of the site at unsocial hours, which by reason of increased noise, disturbance and general activity, would detract from the amenities of the neighbouring residents.

**e) Pre-Application Discussion**

- Advice was that whilst the Development Plan appears to support the proposals in principle there are a number of issues that arise. These include visual impact, impact on the amenities of neighbouring occupiers and potentials impact on biodiversity.

**f) Applicant Statement**

- The floodlights are required so that the club, Rayners Lane FC, are able to continue to play in their current league, Hellenic League Division 1. The loss of that league status would likely lead to the football club being unsustainable in the long term.
- This application addresses the concerns of the previous (1995) application by setting out in a detailed lighting assessment how no harm would result from this development.

**g) Consultations:**

**Council Lighting Engineer:** No objection.

**Landscape Architect:** The landscape character of the area of the club is of no particular landscape merit, consisting of the grass football pitch surrounded to the south, east and partly to the west by a high conifer hedge. Although there is a partial tree hedging screen, there would be light spillage into the gardens and open space surrounding the football pitch and potentially into the ecology park, which would be visually unattractive, intrusive when lit at night time and have a detrimental impact on these areas.

**Sport England:** Support application. The proposed development will have no impact on the playing field but be fully complementary to the primary purpose of the site as a sports facility. The development will greatly benefit users and is required to ensure continued viability of the site.

**Biodiversity Officer:** No objection.

**London Underground:** No objection.

**Advertisement:** Major Development Expiry: 25-NOV-10

**Notifications:**  
Sent: 315 Replies: 4 objections Expiry: 17-NOV-10

**Summary of Response:**

- Floodlighting will be excessive in relation to 3-4m high conifer trees. Impact of glare and light spill from floodlighting into adjacent residential properties.
- Impact of games being played late at night in terms of noise and anti-social behaviour.
- Impact of increased traffic movement to the ground and insufficient on site parking facilities which leads to overspill parking in the adjacent residential streets.
- Impact on property prices.

**1) Sports Facilities**

Government policy on the provision of new and enhanced sports facilities is set out in Planning Policy Guidance (PPG) Note 17: Planning for Open Space, Sport and Recreation (2002). This emphasizes that “open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.”

PPG17 encourages local planning authorities to “add to and enhance the range and quality of existing facilities.” Similarly, the London Plan (2008) is supportive of the provision of new and enhanced sports facilities, especially where they serve a local need.

Saved policies R4 and R5 of the Harrow UDP (2004) recommend that the Council should seek further provision of outdoor sports facilities and intensive use pitches. Also, the site is allocated in the Unitary Development Plan (2004) under saved policy EP47 as open space.

This policy sets out that small scale ancillary facilities to support a sites primary use as open or recreational space will normally be acceptable.

The applicant has set out that the floodlights are required to play mostly mid week evening games during the winter months. The club currently plays in the Hellenic League Division 1. According to the applicant, the inability to play mid week evening matches would result in an automatic demotion to the next league down (Hellenic League Division 2). The applicant has argued that this demotion would threaten the long term viability of the club by way of restricting its ability to try and secure a more secure financial status (i.e. by being promoted up the football leagues) and therefore making it a less attractive football club for players and staff.

The proposed floodlights would enable use of the existing pitch for extended periods of time during the winter months and therefore the proposal would be consistent with the objectives of national policy and of the saved policies of Harrow Unitary Development Plan (2004). The arguments put forward by the applicant regarding the long term viability of the club are material to this planning decision insofar as the football club is a valued part of any cohesive community, and its continued use is consistent both national and local planning policies. As such, the principle of the enhanced sports facilities in this location is considered acceptable in principle.

## **2) Character of the Area and Residential Amenity**

Notwithstanding the above, saved policies R4 and R5 also state that proposals for sports facilities may not be appropriate if it considered there would be an adverse impact of the residential amenities of surrounding occupiers or the local environment. Saved policy D23 of the Harrow UDP (2004) sets out 6 criteria which the Council should consider when considering applications for floodlighting.

Criteria A, B and C state that floodlights should not have an adverse impact on the character of the area or townscape and buildings of historic interest. The context for the application site is a predominantly residential area, with a mix of traditional two storey semi-detached properties (i.e. along Lucas Avenue) and the more recent modern flatted development to the north and east of the site. The application site itself comprises a large space within this area, covering 1.75 hectares, and including a 110 space car park as well as five-a-side pitches.

The site is not a Conservation Area nor within the setting of a Listed Building. Significantly, the football pitch is abounded on three sounds by a large belt of conifer trees, approximately 15m in height. Whilst this existing landscaping would not shield views of the proposed floodlights from all perspectives (i.e. the site is relatively open to the north) it would significantly reduce the visual impact of the development. When not in use, the proposed 15m high floodlights would not be an obvious feature on the either the local or more distant townscape. Clearly, when viewed in the immediate locality, the proposed floodlights would be apparent, but in the context of the football pitch and associated ancillary facilities – i.e. the clubhouse and large car park – it is considered that they would not look out of place.

Rather, they would be taken in the context of the sporting facilities.

Criteria A and F refers to the impact of the floodlights and associated use on the residential amenities of surrounding occupiers, and criteria D states that the effect of lighting in terms of sky glow, glare and light trespass should be considered. It is considered that, as set out above, there is a presumption in favour of enhanced sports facilities such as the ones proposed, but should the impacts that arise from such improvements be significantly adverse to local residential amenity, then this harm may outweigh the benefits of the sports facilities. In relation to potential impacts from development that may be 'noisy', Planning Policy Guidance (PPG) Note 24: Planning and Noise (1994) sets out the following:

*"Local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become -subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future."*

Members may be aware that a number of applications for floodlights at this site have previous been considered by the Council, and that in those instances planning permission was refused on the basis that the harm to residential amenity outweighed the benefits of the improved sports facilities. The most 'recent' application, in 1994, was subject to a planning appeal, which was dismissed in 1995. It should be stressed that due to the significant time that has lapsed since that decision was taken, the weight that can be given to that decision is limited. However, notwithstanding this, the arguments for and against the development that were considered in 1995 in essence remain the same.

In terms of the harm that may result from the proposed development, this could be broken down into two broad categories. Firstly, the impact of the floodlights in terms of light spill and pollution, to both the immediate surrounding residential properties and to the wider area. Secondly, whether as a result of the proposed floodlights, the level of activity taking place at different hours would result in undue noise and disturbance to residential amenity.

In terms of the impact of light spill and pollution, this application has sought to address the deficiencies with the previous scheme by submitting a comprehensive lighting assessment of the proposed floodlights.

The average maintained horizontal illuminance levels detailed on the documents submitted by the applicant indicate 206 Eav Lux, with uniformity of 0.70 Emin/Eav. As defined in CIBSE "Lighting Guide - Sport" LG4, this would be equivalent to Lighting Class 2, Mid-level competition such as regional or local club competition, which generally involves medium size spectator capacities with medium viewing distances.



The lighting assessment sets out the lux levels for a range of everyday situations. These are set out below:

In the open on a sunny day	100,000 lux
Under the shade of a tree	10,000 lux
Inside, close to a window	2,500 lux
Offices	500-700
Inside houses at night	100-150 lux
Street lighting	5-30 lux

The Council's Lighting Engineer has reviewed the lighting assessment submitted with the application. The nearest occupiers that would be affected by the proposed development are No.68 and 79 Lucas Avenue. The assessment sets out that the isolux contour for horizontal overspill indicates levels ranging from 24 - 110 Lux to the site boundary and reducing to 24 - 30 Lux at the closest properties, No. 68 and 79 Lucas Avenue. The Council's Lighting Engineer has stated that no allowance has been made in the overspill calculations for the limiting effect of the tree line, i.e. the light spill calculations assume a 'worst case' scenario where the site did not have any existing mature landscaping to screen the light spill. As such, given that No.68 Lucas Avenue is screened by the existing mature landscaping, the actual impact on this property would be significantly reduced.

In relation to No.79 Lucas Avenue, the nearest property to the application site that is not subject to screening, the lighting assessment identifies that the impact on this property would be in the range of 24 - 30 Lux. The Council's Lighting Engineer has commented that a reduction of overspill lighting/visual impact by the use of luminaire baffles/louvres and/or additional screening by trees during landscaping would lessen the impact on this property, but notes that in practice, there may not be available space for additional trees adjacent to because of the existing access and car parking arrangements.

In relation to the issue of light spill and glare, it is considered that the proposed floodlights would result in additional light spill onto adjacent properties and especially No.79 Lucas Avenue. However, given that the level of this lighting would be the equivalent of a street light – which are often found in close proximity to residential properties – , and that the Council's Lighting Engineer has not objected to the application in relation to this issue, it is considered that, on balance, the application would be acceptable in terms of criteria D of saved Policy D23 of the Harrow Unitary Development Plan (2004).

The second issue of noise and disturbance as a result of the ability to play a limited number of matches midweek in the evening was considered by the Inspector on the previous appeal. In this case it was concluded that in addition to the increased activity that would take place at unsociable hours, which would result in additional noise and disturbance to the immediate adjacent occupiers, the granting of planning permission may lead to further pressure to extend the number of matches played further, i.e. the concern was not just that harm would result from the increased noise and disturbance but that this may be increased further should, for example, the league dictate that further matches need to be played at those times.

The applicant contends that the level of activity at the site is such that any additional matches played as a result of the proposed floodlights would not give rise to an increase in noise and disturbance over that which already exists. For example, they have highlighted that mid week evening matches already take place through the summer months as natural daylight permits this. Mid week training takes place on the five-a-side pitches throughout the year. Also, the clubhouse – Tithe Farm Social Club – already operates all year around, open until 23:00 hours and holds in the region of 30-40 functions a year.

Therefore, the question is, whether through the granting of planning permission for the proposed floodlights, would the resulting activity lead to a significant and adverse loss of amenity to the adjacent residential properties.

This issue was considered in detail in the previous application which was refused and dismissed on appeal. As such, it is considered appropriate to highlight the Inspectors conclusions on this matter.

The Inspector noted that due to the level the club plays at it does not attract crowds that are of significant number. However, the nature of the sport as a team game is inherently noisy. The proposed application, as before, would allow games to be played at times which are now normally quiet, and at present are not possible. It is accepted that during the summer months, when natural lighting permits, games and training sessions may be played at later times mid-week. However, during the winter months this situation does not exist, and the Inspector argued that during this time of the year, one would normally expect a quieter environment. In particular, the Inspector felt that this impact, whilst being felt across the locality of the area, would be most pronounced in the properties along Lucas Avenue that are adjacent to the application site.

The Inspector highlighted that whilst the football club has been in existence for some years, the area is predominantly residential in character. The Council's Unitary Development Plan sets out that any new development should enhance the established character of the locality. Ultimately, the Inspector concluded that the impact of noise and disturbance that would result from the increase in activity, following the erection of the floodlights, on the living conditions of the properties at the end of Lucas Avenue would be significant, and that in this regard the proposal was unacceptable.

Notwithstanding the length of time that has passed since the appeal decision, it is considered that the harm that would result from the proposal has not changed. The concerns raised then still remain valid. The applicant has argued that the lighting report submitted with the application demonstrates that the impact of the light spill and glare on the adjacent properties, particular No.68 and 79 Lucas Avenue, would be acceptable. To some extent, this analysis is agreed with. However, what has not changed, or been demonstrated to have been improved, is the level of harm to adjacent residential amenity from the increased intensity of the use of the site.

Fundamentally, it would remain the case that by virtue of the proposed development, the level of activity at the application site at particular times of the day (mid week evenings) would significantly increase. It is considered that the situation that would result would be substantially different from what currently exists, in what is predominantly an area characterised by residential properties. Furthermore, as set out by the Inspector, once such a situation came into being – i.e. mid week evening games, but limited to 22 fixtures over the winter months – there may be external pressures for a further increase in activity (more fixtures) which the Council may find difficult to resist (notwithstanding the edict of each case on its own merits). It is considered that, notwithstanding the arguments in relation to the impact of light spill from the proposed floodlights, the issue of increased noise and disturbance as a result of the proposed development has not been addressed by the applicant.

As such, it is considered that the application would not comply with saved policy D23 of the Harrow Unitary Development Plan (2004), in particular criteria A and F, and this is of sufficient weight to warrant the refusal of planning permission.

### **3) Impact on the Trees and Biodiversity**

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) and its supporting Good Practice Guidance highlight that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

On this basis, and given the proximity to Newton Farm Ecology Park to the south of the application site, Officers requested that information in relation to bats in the area was provided. In response to this the applicant has undertaken a survey of the local area and submitted a report in relation to the impact on bats from the proposed development.

The report notes that the survey undertaken records that no bat roosts were found within or adjacent to the football club. Within 2km of the application site, three species of bat were found (all over 900m away). The report notes that whilst the semi-natural habitat of Newton Farm Ecology Report may support feeding habitats for bats, its limited connectivity to other semi-natural habitats would lower the chances of bats being present here.

The report concludes that on the basis of the urban location of the football club, the type and nature (i.e. occasional use) of the lighting proposed, and the presence of the Leylandii tree line, that there would be no adverse impact from the proposed development. The Councils Biodiversity Officer has reviewed the findings of the assessment and has confirmed that the conclusions are acceptable. On this basis the application is considered acceptable in this regard.

**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:**

It is noted objections have been received on the potential for parking problems in the area. The application site contains a large car park (110 spaces) and on this basis it is considered that an objection on inadequate parking provision could not be substantiated. This was the view of the Inspector in relation to the appeal proposal.

Concerns in relation to the impact on property prices are noted, but are considered to have limited weight as a material planning consideration.

**CONCLUSION**

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

**INFORMATIVES**

The following national planning policies and policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

**National Planning Policy:**

- PPS1 Delivering Sustainable Development (2005)
- PPS9 Biodiversity and Geological Conservation (2005)
- PPG24 Noise (1994)

**London Plan (2008):**

4B.1 – Design Principles for a Compact City

**Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):**

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D23 – Lighting
- EP47 – Open Space

Plan Nos: Site Plan, H3610, 1040/101, Design and Access Statement, Lighting Assessment, Bat Survey and Report,

**FORMER TRAVIS PERKINS, 19 PINNER P/3039/10  
ROAD, HARROW, HA1 4ER**

Ward HEADSTONE SOUTH

VARIATION OF CONDITIONS 13 ATTACHED TO PLANNING PERMISSION P/0596/08/CFU GRANTED ON APPEAL (REF: APP/M5450/A/08/2087875) DATED 11 JUNE 2009 TO ALLOW FOR A REVISED LAYOUT OF THE CAR PARKING AREAS (NO ALTERATIONS TO THE OVERALL NUMBER OF PARKING SPACES)

**Applicant:** Parkridge Developments/Standard Life  
**Agent:** Oxalis Planning Ltd  
**Case Officer:** Abigail Heard  
**Statutory Expiry Date:** 11-JAN-11

---

## **RECOMMENDATION**

**GRANT** permission for the development.

**REASON** - The decision to GRANT the variation of condition 13 of planning permission P/0596/08/CFU has been taken having regard to Government guidance contained within PPS1 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 comments received in response to publicity and consultation. The variation of the car parking area is not considered to be to the detriment of Highway Safety or have implications in respect of accessibility. The amended parking layout it is not considered to result in significant noise and disturbance which would be to the detriment of the amenities of any neighbouring occupiers.

### **National Planning Policy**

PPS1: Delivering Sustainable Development

PPG13: Transport

### **The London Plan 2008**

3C.22: Improving Conditions for Cycling

3C.23: Parking Strategy

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

T11: Cycle and Motorcycle Parking in Public Places

T13: Parking Standards

T15: Servicing of new Developments

---

## **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) Highway Safety and Accessibility (PPG13, 3C.22, 3C.23, T11, T13, T15)
- 2) Impact on neighbouring occupiers (PPS1, D4)

## **INFORMATION**

This application is reported to committee as it is outside the scheme of delegation given it is a variation to a condition for a major application.

### **a) Summary**

Statutory Return Type: Major  
Council Interest: None

### **b) Site Description**

- The site is located in a prominent position on the western edge of the Harrow Metropolitan Centre in an area of mixed commercial/residential character
- The site was previously occupied by a builders' merchant and a timber yard. This has now been demolished.
- The site is bound to the south by railway tracks, with the 2-3 storey hotel to the north on the opposite side of Pinner Road. Adjacent to the west of the boundary of the site is an existing 4 storey office building at 21 – 27 Pinner Road and, to its rear, warehouse buildings accessed via Neptune Road. To the east across the Pinner Road/Bessborough Road roundabout lies the 6/7 storey high Aspect Gate building, the 9 storey Roxborough Heights building and the partly constructed 10 storey Bradstowe House building.
- The site is within 430m of Harrow Bus Station and Harrow-on-the-Hill train and underground station and consequently has a high PTAL rating of 5/6.

### **c) Proposal Details**

- Condition 13 of P/0596/08/CFU is as follows;
- 'The development hereby permitted shall not be occupied until the car parking, turning and loading areas shown on the approved plan numbers PL100F, PL101K, and PL102J have been constructed and surfaced with impervious materials, and drained in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the Local Planning Authority'
- This application seeks permission to amend the condition to the following;
- 'The development hereby permitted shall not be occupied until the car parking, turning and loading areas shown on the approved plan numbers PL100H, PL101Q, and PL102N have been constructed and surfaced with impervious materials, and drained in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the Local Planning Authority'
- The main amendments to the approved plans are as follows;
- Reconfiguration of residential cores;
- Relocation of 5 disabled parking spaces from the ground floor to the basement
- Reposition of vehicle ramps and changes to the vehicular circulation
- Reduction in secure cycle parking to 197 spaces to provide 1 space per dwelling and 51 spaces for the retail unit

**d) Relevant History**

P/0596/08	Redevelopment of the site for a mix of uses including Sainsbury's food store, café/restaurant and residential apartments together with associated access, car parking and servicing. The application also involves the creation of landscaped roof gardens, improvement to the local highway network and significant public realm improvements.	REFUSED 10-SEP-08
P/0347/10	Approval of details pursuant to conditions 7, 10, 12, 17, 20, 21, 28 and 30 of planning permission ref: P/0596/08 allowed on appeal (ref: APP/M5450/A/08/2087875) dated 11 June 2009 for 'Redevelopment of the site for a mix of uses including Sainsbury's food store, café/restaurant and residential apartments together with associated access, car parking and servicing, the application also involves the creation of landscaped roof gardens, improvement to the Local Highway network and significant public realm improvements'	APPEAL ALLOWED 11-JUN-09
		APPROVED 17-JUN-10

**g) Consultations:**

**Highways Officer:** No Objections

**Roxborough Road Residents Association:** No further comment. Although we think that having the car park entry in Pinner Road so close to the roundabout risks congestion, the change in parking arrangements does not look as if it would make things worse

**Notifications:**

Sent:

Replies:

No letters of Objection or Support received

**Neighbours Consulted:**

1 – 41 Badgers Close

24 – 38, 36 - 58 (evens), 55 – 67 (evens) Bessborough Road

19 – 62, 64, 93 Roxborough Road

1 - 6, 7, 9 – 18, 19 – 55 St Kildas Road

1, 7 – 30, 32 - 39, 40, 41, 43, 6, 7A, 52, 225 Butler Avenue

1, 2, 3, 94, 102 A,B,C, 116, 72, 85 – 99 (odds), 94, 100, 101, 105, 107, 109, 111A, 111, 113, 115, 117, 123, 125, 127, 129, 133, 135, 139, 141, 81, 83, 95, 103, 119, 121, 137, 95, 104 – 106, 108, 110, 121, 130, 132, 134, 136, 180, 54, 55, 8, 9, 62, 50 – 52, 56 – 59, 61, 63 – 70, 72 – 84, 42 – 49, 118 – 132 (even), 34 – 41, 114 – 116, 23 – 33, 1 – 21, 112, 90 – 98, Vaughan Road

8 – 49, 51 – 69 (odd) Bouverie Road

2 – 18, 20, 26, 33 – 59, 60 – 84, 73 Butler Road

1-32, 34 -88 (even) Ford Close  
Ganatra + Co  
17, 19, 21 – 44, 45, 46 – 53 Springfield Road  
1 – 7 Bouverie Road  
West Service Yard Opposite Queens  
44 Lascelles Avenue  
Anthony Court  
Forsyth Court  
11 – 15 (odds), 43 – 109 (odds) Bowen Road  
1 - 61, 62 – 66 (even) Devonshire Road  
2 Colton Road  
24, 50 – 60 (evens), 70, 72, 74 Greenhill Way  
16 – 24, 26, 30 – 54, 56 Lowlands Road  
32 – 50 (evens), 1 – 5 (odds), 10 – 30 (evens) Whitehall Road  
Middlesex New Synagogue  
Warner House  
St Georges Shopping Centre  
12, 19, 21, 24, 26, 28 – 32, 33, 35, 40 – 42, 43 – 54, 56, 58, 30A, 60, 62, 77 –  
91 (odd), 85, 87, 93, 95A, 97 Pinner Road  
St Anns Shopping Centre  
Parmex House  
46A Nibthwaite Road  
1 – 7 Maxted Park  
21, 40, 56 – 64, 47 – 54, 38 – 46 (even), 56 – 60 (even) 19, 29, 30, 31, 33 - 36  
Roxborough Park  
Aradaragh  
Greyfriars  
1 - 23 (odd), 24, 25, 27, Roxborough Avenue  
Hill House  
Grove House  
Sheridan Place  
Drummond Court  
Grace House  
Hobbs House  
Jardine House  
White Cottage  
Harrow on the Hill Station  
8, 47 - 57, 65, 59 – 67 (odd) Headstone Road  
Devonshire House  
Aspect Gate  
Scottish Provident House  
The Lodge  
Kings House  
Ferrari House  
The Harrow Health Care Centre  
Grove House  
Intershop House  
Technology House  
88 -98, 100, 116, 118 -122, 132 -134 College Road  
53 – 59 (odd), 60, 64 – 66, 68, 72 – 74, 76 – 80 (evens) 84 - 86 St Anns Road  
1, 2 Junction Road



West One  
14 Oakley Road  
Odeon House  
1, 2, 7 - 14 Neptune Road  
41, 66 Cunningham Park  
4 -24 (evens), 38 - 52 Lascelles Avenue  
Oakwood Court  
Frewin House  
Harrow Community Transport  
Hillview Court  
Maybury Court  
Abercorn House  
Roxborough Heights  
Sheridan Court  
Norpap House  
Hygeia House  
Queens House  
Park House Hotel  
Pinner Road Physio Clinic  
Belmont Hall  
The Rat and Parrot Public House  
Harrow Hotel  
Cervantes House  
Bradstowe House  
Middlesex House  
1, 3 St Johns Road  
Harrow Cemetery  
1 - 68 Hawkins Close  
8 Elmwood Avenue  
85 King William Street  
The Quality Harrow Hotel  
7 Bowerie Road  
1 – 22 Springway  
Sonia Court  
Hobart Court  
Hillborough Court  
Wordsworth Court  
1 – 18 Marshall Close  
3 Hillview Court  
15 Grove Hill Road

## **APPRAISAL**

### **1) Highway Safety and Accessibility**

There will be no changes to the proposed number of car parking spaces, the main change is the relocation of the disabled spaces provided for the residential properties to the basement parking area. The spaces are currently located within the retail area and it is considered that relocating the disabled residential spaces to the residential parking area will be an improvement.

There is a significant decrease in the number of cycle parking spaces by virtue of the rearrangement of the car parking area. However, given that the number of spaces proposed is in line with the Local Planning Authorities standards and the fact within the original approved scheme the description identifies 51 spaces for the retail element and one space per residential unit no objections are raised on this basis.

In light of the above it is considered that the proposal will comply with policies 3C.22 and 3C.23 of the draft London Plan and policies T11, T13 and T15 of the Harrow Unitary Development Plan.

## **2) Impact on Neighbouring Occupiers**

The proposed amendments are not considered to cause any additional significant noise and disturbance that will be to the detriment of the amenities of any neighbouring occupiers. Indeed there are no proposed changes to the external access to the car park.

It is therefore considered that the proposal will comply with Government guidance contained within PPS1 and policy D4 of the Harrow Unitary Development Plan.

## **CONCLUSION**

The variation of the car parking area is not considered to be to the detriment of Highway Safety or have implications in respect of accessibility. The amended parking layout it is not considered to result in significant noise and disturbance which would be to the detriment of the amenities of any neighbouring occupiers. It is therefore considered that the proposal will comply with the relevant development plan policy it is recommended that the application is approved.

## **CONDITIONS**

1 The development hereby permitted shall not be occupied until the car parking, turning and loading areas shown on the approved plan numbers PL100H, PL101Q, and PL102N have been constructed and surfaced with impervious materials, and drained in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the Local Planning Authority

REASON: In the interests of highway safety in accordance with policy T13 of the Harrow Unitary Development Plan

2 The permission hereby granted is supplemental to planning permission Ref: P/0596/08/CFU granted on appeal (Ref: APP/M5450/A/08/2087875) dated the 11<sup>th</sup> June 2009. Save as modified by this permission, the terms and conditions of the planning permission Ref P/0596/08/CFU granted on appeal (Ref: APP/M5450/A/08/2087875) dated 11<sup>th</sup> June 2009 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.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

---

**CANONS COURT, STONEGROVE, EDGWARE, HA8 7ST**      **Item: 2/01**  
**P/2638/10**

Ward      CANONS

FOURTH & FIFTH STOREY (THIRD & FOURTH FLOOR) EXTENSIONS TO PROVIDE 9 ADDITIONAL FLATS, EXTERNAL ALTERATIONS TO BUILDING TO INCLUDE NEW LIFT AND STAIRCASE AT REAR, ALTERATIONS TO REAR PARKING AREA, NEW ENTRANCE GATES AT SIDE OF BUILDING (REVISED APPLICATION)

**Applicant:**      Beazer Investment Ltd  
**Agent:**      Langley Hall Associates  
**Case Officer:**      Nicholas Ray  
**Statutory Expiry Date:**      02-DEC-10

---

### RECOMMENDATION

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

### REASON

The proposed development would make efficient use of previously developed land for housing. The associated impacts that would arise from the development would be adequately mitigated through the use of appropriate planning conditions and the development would therefore not have any significant visual, transport, ecological or other impact that would warrant refusal of planning permission. The proposal is therefore found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations, including comments received in response to publicity and consultation as outlined in the application report.

#### **National Planning Policy:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing

#### **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.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.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City  
Interim London Housing Design Guide (2010)

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

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

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

EP25 – Noise

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: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Harrow Residential Design Guide (2010) (DRAFT)

---

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

- 1) **Principle of Development** : PPS1, PPS3, 2A.1, 3A.3
- 2) **Character and Appearance of the Area and Adjacent Conservation Area** :  
4A.22, 4B.1, D4, D9, D14, D15, SPGs
- 3) **Residential Amenity** : D5, EP25, SPG:Extns
- 4) **Traffic and Parking** : T6, T13
- 5) **Trees and New Development** : D10
- 6) **Accessible Homes** : C16, 3A.5, SPD:Access
- 7) **Housing Provision and Density** : 3A.1, 3A.2, 3A.3, 3A.5
- 8) **Sustainability** : 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, SPD
- 9) **S17 Crime & Disorder Act** : D4, 3A.6, SPGs
- 10) **Consultation Responses**

**INFORMATION**

This application is reported to Committee, as it proposes a residential development of more than two dwellings.

**a) Summary**

Statutory Return Type:	13. Minor Dwellings
Lifetime Homes:	6
Density:	90dph
Car Parking	Standard: 47 (maximum)
	Justified: 38
	Provided: 38
Council Interest:	None

**b) Site Description**

- Site comprises a three storey block of 30 flats, 78 metres in length and 8.3 metres in depth.

- The block is a 1930's construction, with a pitched roof and external staircases at the rear.
- The building is set back approximately 18 metres from Stonegrove, with a front access road and planting occupying the frontage.
- There are two vehicular accesses from Stonegrove at the north and south of the site, with access to a parking area at the rear of the building including rear amenity area.
- The site abuts the rear of properties in Canons Close to the south west. These properties are within the Canons Park Estate Conservation Area and have mature trees located at the rear of their gardens, close to the rear boundary of the site.
- To the north of the site is Ashbrook a development of two storey maisonette blocks.
- To the south of the site is Signature House, a recently completed five storey block of 26 flats, with single-storey garage blocks to the rear.
- Opposite the site are Peters Lodge, a four/five storey block of flats, as well as two-storey dwellings. These properties are within the London Borough of Barnet.

**c) Proposal Details**

- Third and fourth floor extension to provide nine additional flats.
- Six flats would be located within the third floor extension to the central and southern parts of the building (4x1 bedroom and 2x2 bedroom).
- The remaining three would be recessed 2 bedroom penthouses, located on the fourth floor level of the central and southern parts of the building and the third floor level of the northern part of the building.
- New external staircase and glazed lift tower centrally located at rear of property, providing access to the proposed flats.
- Extension to hard surfacing at the rear to provide nine new parking spaces.
- New vehicle and pedestrian gates at north and south of building.
- Block of 4 garages at the rear, to be constructed adjacent to those previously approved.
- The proposal would incorporate refuse storage as existing, to the north and south of the building.

**d) Relevant History**

P/2291/05	Additional accommodation at 3rd and 4th floor level for 9 flats with new staircase at rear and revised parking	GRANTED 12-JAN-06
P/1612/09	Third & fourth floor extensions to provide 9 additional flats, external alterations to building to include new lift and staircase at rear, alterations to rear parking area, new entrance gates at side of building	WITHDRAWN 13-OCT-09
P/2750/09	Block of 24 garages at rear	GRANTED 02-MAR-10

**e) Pre-Application Discussion (PAT/ENQ/00051/12/5/2009)**

- The most recent permission (ref P/2291/05) has now expired, although the design approach is still relevant and appropriate today.
- However, there are a number of areas that have gained more prominence in policy terms, including accessibility, sustainability and secured by design.

**f) Applicant Statement**

- Design and Access Statement.
- Noise Report.

**g) Consultations:**

**Adjoining Authority (London Borough of Barnet):** No objection.

**Highways Engineer:** There are no specific concerns with regard to the added intensity as traffic generation will be minimal. The parking and access provisions are acceptable.

**Drainage Officer:** Conditions suggested relating to disposal and attenuation of surface water.

**Conservation Officer:** The proposal would preserve the setting of adjacent Canons Park Estate Conservation Area.

**Conservation Area Advisory Committee:** No objections.

**Site Notice (CCA):** 27-OCT-10                      Expiry: 17-NOV-10

**Advertisement (CCA):** 14-OCT-10                      Expiry: 04-NOV-10

**Notifications:**

Sent: 40                      Replies: 5                      Expiry: 28-OCT-10

**Addresses Consulted:**

- 1-12 Ashbrook, Stonegrove;
- 1-18 Peters Lodge, Stonegrove;
- The Cedars, Mill Ridge;
- 186 Stonegrove;
- Flats 1-26 Signature House, Stonegrove;
- Flats 1-30 Canons Court, Stonegrove;
- 3-10 Canons Close.

**Summary of Response:**

- Roof terraces would overlook adjacent roof terraces and windows at Signature House;
- Previous applications have been refused and it is not clear what has changed;
- The flats would overlook the properties at the rear in Canons Close;
- Would be an overdevelopment of the site and would spoil the period property;
- Would add to traffic congestion in the area;
- Concern about how long the storage containers at the rear of the site are to remain;
- The tarmac around the building and the fire escapes at the rear are in need of repair;
- Concern about the duration of building works;
- Concern about encroachment into buffer zone between the site and the Canons Close properties.

## **APPRAISAL**

### **1) Principle of Development**

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and this is re-iterated in London Plan policies 2A.1 and 3A.3. Annex B of PPS3, revised in June 2010, states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site currently comprises a residential building with ancillary hardsurfacing, it is considered to be previously developed land for the purposes of PPS3 and therefore housing development is acceptable in principle.

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

UDP policy D4 states that 'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape, and attention should be paid to the urban "grain" of the area in terms of building form and patterns of development'. It also states that 'buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces'.

The proposed third floor would result in an increase in height at eaves level of 4.0 metres at the southern and central parts of the building and an increase of 1.2 metres at the northern end of the building. There would also be three fourth floor penthouses with an additional height of 2.5 metres, two of which would be located on the southern and northern parts of the building and these are the same as previously approved under reference P/2291/05/CFU. The principle external difference compared to the previous approval is the addition of a penthouse over the higher central section of the building. The design concept would better reflect the 1930's construction of the original building than the existing pitched roof design.

Given the rise in ground levels to the north, the setback of Canons Court from the road, the high trees around the site and the existence of other buildings of similar heights at Signature House and opposite the site, the proposed additional height and bulk over and above that previously approved is not considered to be excessive, particularly given the set back of the penthouses at fourth floor level, albeit with oversailing roof features. Given the change in levels within the site, the higher element at the south would be sited adjacent to the five storey building at Signature House, thereby having an acceptable relationship, whilst the more modest increase in height at the north would be adjacent to the two storey maisonettes at Ashbrook. The penthouse at the northern end would be lower than the existing chimney and, given the separation of 9.5 metres between the building and Ashbrook and the mature planting in this area, it is considered that this relationship would be acceptable and similar to other comparable building relationships in the locality.

The proposed penthouses would be set back from the eaves line and would be extensively glazed. It is considered that the proposal would improve the appearance of this 1930's building by introducing design elements that are more characteristic of this period, such as flat roofs and curved corners on the penthouses.

The proposed central penthouse and extended stairwells would result in the height of the building being increased by 1.2 metres over the previous approval. However, the building would not be materially higher than the adjacent Signature House and this height is therefore not considered objectionable. It is therefore considered that the proposal would have a satisfactory relationship with its adjoining building and the streetscene along this part of Stonegrove. The proposal would therefore comply with saved UDP policy D4 and London Plan policy 4B.1.

The proposed external staircase and lift structure would be located at the rear of the block. The rear of the building is characterised by external staircases and the proposed staircase and glazed lift tower would have a lightweight appearance, as outlined in the submitted Noise Report. A condition is imposed requiring full details of materials to be submitted and approved prior to commencement. This part of the proposal would not be visible from the street and, given the lightweight appearance, would have an acceptable impact on the appearance of the building and character of the area.

The proposed gates would not be sited forward of the main building line. No details of the height of these gates have been submitted. However, given the acceptable siting of this part of the proposal, it is considered that details of the height, form and materials to be used in the construction of the gates can be secured by condition.

No increase is proposed to the hard surfacing at the front of the property. Additional hard surfacing is however proposed at the rear, to provide 9 parking spaces. This would be similar to the previous approval and would not detract from the character and appearance of the area, particularly given that this part of the proposal would not be visible from the street.

According to the Council's Code of Practice for Refuse Storage, 5x1100 litre waste bins and 5x1280 recycling bins would be required to serve the resulting 39 flats. It is proposed to utilise the existing bin storage areas at the north and south of the site, as well as an additional area proposed close to the new stairwell and lift. It is considered that these locations would be acceptable and would be adequately accessible for refuse collectors.

The proposal site is situated on Stonegrove, which does not have the same residential character as the adjacent Conservation Area. Given the scale of the proposal and the distance from the Canons Park Estate Conservation Area boundary at the rear, it is considered that the proposal would preserve the character and appearance of the Conservation Area.

The proposed additional 4 garages at the rear would be of a similar design to those approved under reference P/2750/09 and would retain the buffer zone between the site and the rear boundaries of the Canons Close properties. They would therefore have an acceptable appearance and would preserve the character and appearance of Canons Park Estate Conservation Area.

In summary, the proposal would not be detrimental to the character and appearance of the area of adjacent Conservation Area. The proposal would therefore comply with saved UDP policy D4 and London Plan policy 4B.1.



**3) Residential Amenity**

UDP policy D5 states that new residential development should provide amenity space which is sufficient to protect the privacy and amenity of occupiers of surrounding buildings and as a usable amenity area for the occupiers of the development. The policy states that the form and amount of amenity space should depend on the character of the surrounding area.

It is proposed to provide roof terraces for the occupants of the 3 penthouse flats. The other 6 flats proposed would not have private external amenity space. Given the character of Stonegrove, the constraints of the existing building and the level of amenity space provision the existing occupants of Canons Court enjoy, it is considered that this amenity space provision would be adequate to serve the future occupiers of the proposed flats. There would also be communal amenity provision by way of the garden area at the rear. However, the extent of hard surfacing is similar to the previously approved scheme. It is considered that an adequate amount of amenity space would remain to serve the occupiers of the existing and proposed flats.

Despite a minor shortfall in floorspace as compared to Interim London Housing Design Guide standards, It is considered that the room sizes of the proposed flats would be adequate to serve future occupiers, given the constraints of building on top of an existing building. It is acknowledged that the proposed flats would not stack up with each other, or with the existing flats below. However, in these circumstances where an additional floor is proposed, it is considered that a scheme for sound insulation can be required by condition and this would mitigate potential disturbance between the flats.

The proposed stairwell and glazed lift tower would be sited close to the rear windows of the flats 13-18 Canons Court, in the middle of the block. This part of the proposal would replace an existing external staircase, but would be larger and would be larger than the external staircase in the most recent approval. The staircase would however be further away from the building than the existing staircase and the lift structure would be of a lightweight, glazed construction. This structure would not be directly adjacent to principle habitable room windows, only glazed rear doors. Given these circumstances, the proposed rear stairwell and lift shaft would have an acceptable impact on the occupiers of these flats.

A Noise Report, including manufacturer's information, make and model of proposed lift. The submitted noise report confirms that likely noise levels to be experienced within the closest flats to the lift would be 12dB, which is comfortably within the reasonable criteria outlined in BS8233 of 35dB for bedrooms and 40dB for living rooms. The proposed lift mechanism would therefore not be detrimental to the occupiers of the flats by reason of noise. The lift shaft would be constructed on a separate foundation from the existing property and therefore would be isolated from the block. It would be a low noise and vibration lift and vibration transmission to the flats would therefore be minimal.

There are no protected windows on the flank walls of Signature House or Ashbrook that would be adversely affected by the proposal. Given the separation distance of 30 metres between the proposed extensions and the main rear wall of the nearest dwelling on Canons Close, at the rear of the site, it is considered that the proposal would not result in overshadowing of these properties.

Concerns have been raised about overlooking from the proposed flats. It is considered that due to the substantial distance from the boundary of the Canons Close properties (some 25 metres) and the screening effect of the trees along it (protected by virtue of their location within a Conservation Area, albeit deciduous), the living conditions of these residents would not be adversely affected. Furthermore, etched glass screens are proposed around the roof terraces and accesses, to a height of 1.8 metres are proposed to mitigate overlooking and these screens would also ensure that there would be no unreasonable overlooking of the adjacent flats at Signature House. A condition is imposed requiring these screens to be installed prior to occupation of the flats.

To the north of the building, a window is proposed to the flank wall of the penthouse. Given the set back of this penthouse, some 3.3 metres from the main flank wall of the building it is considered that there would be no undue overlooking to Ashbrook as a result of this window. Access to the northernmost section of the roof has been restricted to maintenance only and this is restricted by condition to mitigate overlooking of Ashbrook.

It is considered that the location of the proposed gates would not result in an unacceptable impact on the amenities of the occupiers of neighbouring residential properties, subject to details demonstrating that they would not be of a solid construction, so as not to be overbearing to the occupiers of Ashbrook. Therefore, subject to a condition requiring details of the form of the proposed gates, it is considered that this part of the proposal would have an acceptable amenity impact.

The proposed garages are considered to have an acceptable impact on the amenities of neighbouring occupiers. The proposed additional 4 garages would not unduly impact on the outlook from the properties to the rear, in Canons Close, as the garages would ensure the retention of the buffer zone between the building and the rear boundary. This would also ensure that the protected trees are retained, as discussed below, and this is important as they provide a screen for the Canons Close properties. Given the siting and modest scale of the proposed garages, it is considered that they would have an acceptable impact on the amenities of the occupiers of the flats within Canons Court itself, and also the adjacent Signature House and Ashbrook. The trees would still be visible above the proposed garage block and the proposal would therefore not unduly affect this outlook from the Canons Court flats. A condition is imposed to ensure that the garages are used solely for car and domestic storage, for the occupiers of Canons Court only.

#### **4) Traffic and Parking**

The proposed parking provision would be adequate to serve the proposed development, given the accessible location and PTAL rating of 3.

The site is close to Edgware District Centre, London Underground stations and local bus services. It is considered that the additional vehicular activity arising from the provision of 9 additional flats would not result in an unacceptable impact on highway safety or congestion and the Council's Highways Engineer raises not objections.

**5) Trees and New Development**

There is an existing buffer zone between the hard standing and the rear boundary of the site, as previously discussed, and this is a valuable rooting zone for the trees in the rear gardens of the Canons Close properties (which are protected by virtue of their location within the Conservation Area) and needs to be retained to ensure the health of the trees is maintained. It is noted that the 4 garages are proposed to be constructed with piled foundations as per the previous approval for the other garages (ref P/2750/09), which are important for the tree roots. The submitted plans also demonstrate that the proposed garages would not encroach into the buffer zone at the rear of the site. The piled foundations would therefore be constructed within the area of existing hardstanding at the rear of the site, where there would be no significant tree rooting. The roof design is also considered acceptable, as it would allow half the water to drain down to the trees and half to drain into Canons Court, thereby not resulting in too much rainwater going to the trees. It is therefore considered that the revised proposal would not unduly impact upon the health of the trees at the rear and this part of the proposal would therefore comply with saved UDP policy D10.

**6) Accessible Homes**

All the new flats proposed would comply with Lifetime Homes Standards. However, given the constraints of the design (incorporating a lift and gently sloping access ramps), only 2 of the penthouses and 4 of the flats (the one bedroom flats on the third floor) would have level access. The proposed lift and 1 in 20 ramps would provide access to these units. Given the constraints of the existing building, it is considered that level access for 6 out of the 9 units proposed, with Lifetime Homes Standards compliance for the other 3, would be adequate and the proposal is therefore considered to comply with UDP policy C16, London Plan policy 3A.5 and the Council's SPD on Accessible Homes.

**7) Housing Provision and Density**

The proposal represents an additional 9 units to the boroughs housing stock and in this respect is supported in principle. The proposal would comply with the maximum density levels set out in table 3A.2 of the London Plan and it considered that the proposal would not result in overdevelopment of the site in this location.

**8) Sustainability**

The proposed development would incorporate sustainability features such as green roofs, solar water heating and improvements to insulation. Materials will be sourced from sustainable sources. The sustainability section of the Design and Access Statement and the submitted plans therefore demonstrate that adequate sustainability measures would be incorporated and, given the scale of the development proposed, the proposal would satisfy London Plan policy on sustainability.

**9) S17 Crime & Disorder Act**

The proposal would introduce new security gates to the north and south of the building, which would be welcomed. Further details of these gates (form, height, anti-climb, self-closing) are required by condition. Details of a scheme for the installation of audio visual controls is also required by condition. Subject to these conditions, it is considered that the proposal would not increase the risk and fear of crime.

**10) Consultation Responses**

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

- Concern about how long the storage containers at the rear of the site are to remain: This would be a matter for enforcement. However, it is noted that these containers are temporary and are required for building works. They are also located in place of the proposed garages, so would be likely to be moved upon commencement of the development.
- The tarmac around the building and the fire escapes at the rear are in need of repair: This would be a matter for the owners/managing agents of the building.
- Concern about the duration of building works: This is not a material planning consideration.

**CONCLUSION**

In summary, given due consideration to all relevant policy constraints and material considerations set out above, the proposal is found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004). The proposed development would make efficient use of previously developed land for housing. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below.

**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: 2740-01, 02 Rev B, 03 Rev C, 04 Rev B, 05, 06, Design and Access Statement and Noise Report.

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;
- b: the glazed privacy screens;
- c: the garages;
- d: the lift shaft

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.

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 accordance with saved UDP policies D4 and D9.

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;
- (vi) details of the proposed green roof including plant species.

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 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.

7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including the green/sedum roof), 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 Before the development hereby permitted commences, a scheme for the provision of secure cycle storage shall be submitted and approved in writing by the local planning authority. The scheme shall be implemented as approved, prior to occupation of the flats hereby permitted and thereafter retained.

REASON: In the interests of the provision of cycle storage to encourage sustainable methods of transport, in line with the spirit of saved UDP policy T6.

9 The development hereby permitted shall not be occupied until the obscure glazed privacy screens have been installed, as shown on the approved plans. These privacy screens shall remain in place, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent overlooking of neighbouring properties in accordance with saved UDP policy D5.

10 The roof areas of the development hereby permitted, other than the areas shown on the approved plans as roof terraces, shall be accessed for maintenance only and shall not be used as balconies, roof terraces or other amenity areas, without the further grant of specific permission from the Local Planning Authority.

REASON: To prevent overlooking of neighbouring properties in accordance with saved UDP policy D5.

11 Before the development commences, a scheme for sound insulation between the proposed flats and existing flats shall be submitted and approved 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 that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of residents in accordance with saved UDP policies EP25 and D5.

12 The garages hereby approved shall be used only for the parking of private motor vehicles (and domestic storage if appropriate) in connection with the flats at Canons Court (Stonegrove) and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards and saved UDP policy T13.

13 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.

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

REASON: To safeguard the appearance of the locality in accordance with saved UDP policy D4.

15 Before the development hereby permitted is occupied, details of the materials, design, height and secure mechanism of the approved gates shall be submitted and approved by the local planning authority. The gates shall be constructed as approved and thereafter retained.

REASON: To safeguard the appearance of the locality and in the interests of the security of the site, in line with the requirements of saved UDP policy D4.

16 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 UDP, and Section 17 of the Crime & Disorder Act 1998.

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

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.

18 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 works shall be carried out in accordance with the approved details and thereafter retained.

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.

19 The proposed Sustainable Design and Construction Methods set out in the Design and Access Statement shall be implemented as part of the development hereby permitted and shall be thereafter retained.

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.

## **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 RELEVANT POLICIES**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

London Plan: 2A.1, 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.22, 4B.1, Interim London Housing Design Guide (2010)

Harrow Unitary Development Plan: D4, D5, D9, D14, D15, EP25, T6, T13, C16,

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

Supplementary Planning Document Sustainable Building Design (2009), Supplementary

Planning Document: Accessible Homes (2010), Supplementary Planning Document:

Harrow Residential Design Guide (2010) (DRAFT)



Item 2/01 : P/2638/10 continued/...

Plan Nos: 2740-01; 02 Rev B; 03 Rev C; 04 Rev B; 05; 06; Design and Access Statement; Noise Report

**WILLIAM ELLIS SPORTS GROUND, P/2106/10  
CAMROSE AVENUE, EDGWARE, HA8  
6ES**

Ward EDGWARE

SINGLE AND TWO STOREY BUILDING FOR USE AS A CLUBHOUSE LOCATED TO THE NORTH OF THE SPORTS GROUND; EXISTING ACCESS FROM CAMROSE AVENUE (REVISED APPLICATION)

**Applicant:** Mr P Hirst  
**Agent:** Mr Magan D Solanki  
**Case Officer:** Nicholas Ray  
**Statutory Expiry Date:** | 16-DEC-10

---

## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions and the resolution of the Environment Agency objection.

## **REASON**

The proposed clubhouse would provide small scale ancillary sports facilities to support the recreational use of these playing fields. The proposal would therefore encourage outdoor sport and recreation activities, particularly youth football, which would be beneficial to the local community.

The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual, amenity, transport or other impact that would warrant refusal of planning permission. The proposal is therefore found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations, including comments received in response to publicity and consultation as outlined in the application report.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development  
PPS17 – Planning for Open Space, Sport and Recreation  
PPS25 – Development and Flood Risk

### **London Plan 2008**

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

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

D4 – The Standard of Design and Layout  
D9 – Streetside Greenness and Forecourt Greenery  
EP11 – Development Within Floodplains  
EP12 – Control of Surface Water Run-Off  
EP25 – Noise  
EP47 – Open Space

T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
R4 – Outdoor Sports Facilities  
C16 – Access to Buildings and Public Spaces  
Supplementary Planning Document: Access For All (2006)

---

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

- 1) Principle of Development (PPS1, EP47)
- 2) Outdoor Sports Facilities (PPS17, R4)
- 3) Character and Appearance of the Area (D4, EP47)
- 4) Residential Amenity (D4, EP25)
- 5) Traffic and Parking (T6, T13)
- 6) Development and Flood Risk (PPD25, EP11, EP12)
- 7) Accessibility (C16, SPD)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

**INFORMATION**

This application is reported to Committee as it proposes a building of more than 100m<sup>2</sup> floorspace on Council owned land.

**a) Summary**

Statutory Return Type: 18. Minor Development  
Floorspace: 700m<sup>2</sup>  
Council Interest: The Council is freeholder.

**b) Site Description**

- Site comprises 2.3 hectares of playing fields occupied by Belmont United Football Club, to the south of Camrose Avenue.
- The site shares an access with the recently constructed Krishna Avanti Primary School, which occupies the former northern section of the playing field and also incorporates a synthetic sports pitch.
- Access to the site is via an access road to the east of the school boundary and a car park with 24 spaces has already been constructed to serve the Football Club.
- The site is designated as open space in the UDP.
- The site slopes down slightly from north to south.
- There is an historic secondary access to the site to Broomgrove Gardens, to the east, which is no longer in active use.
- Residential properties on Bideford Close, Constable Gardens, Westleigh Gardens and Broomgrove Gardens back onto the application site.

**c) Proposal Details**

- Two storey clubhouse building to be located at the north end of the playing fields, adjacent to the existing car park and close to the southern boundary with Krishna Avanti Primary School.

- The building would have a contemporary design, incorporating a curved metal roof, white render walls and extensive glazing.
- The building would have a footprint of 397 metres and a maximum height of 6.75 metres.
- At ground floor level, there would be a reception/office, toilets, kitchen, bar, multi-purpose hall space and changing facilities.
- At first floor level there would be toilets, a multi-purpose hall space and a viewing balcony facing south over the playing fields.

**d) Relevant History**

P/1282/07	Construction of one form primary school, external works, access and car parking	GRANTED 10-MAR-08
P/1412/08	Single storey sports facility with access from Camrose Avenue	GRANTED 24-JUL-08

**e) Pre-Application Discussion (HA/2010/ENQ/00018)**

- Financial constraints of the remaining S.106 contribution now dictate the design and materials of the new clubhouse – previous approval would be too expensive to build.
- Essentially the use would be the same as the previous approval, except that there would be more community involvement – advised to define ‘community’ and provide itinerary of actual uses that would be carried out and the times of operation, in order to assess impact on neighbouring amenity and highways conditions.
- Pre-application design considered unacceptable. A more contemporary approach was suggested.
- It was considered that the building seemed to have no real purpose to justify it’s larger scale – would need to provide itinerary of events to justify scale and layout.
- A building with a similar footprint to that originally granted but higher could be acceptable, but the design should incorporate modern materials and a cantilever roof for the viewing gallery, which would then result in a space that is functional for its sporting purpose.
- Potential concerns about operation of football club during school drop off/pick up times – advised to spread events out across the day.
- The access to Camrose Avenue should not give rise to vehicular problems.

**f) Applicant Statement**

- Design and Access Statement.
- Indicative Typical Weekly Usage Information:
- Downstairs would be principally used for Belmont United FC training and matches at weekends. Other uses would involve keep fit sessions, football related meetings, training courses and Belmont United social use.
- Upstairs would be used for karate, pilates, table tennis, aerobics and football skills courses, as well as Belmont United social functions.
- The hours of use would generally be between 09.30 and 21.00 with a break between 15.00 and 18.00, although some social events could run on until 22.00.

**g) Consultations:**

**Mayor of London (GLA):** The proposal does not raise any strategic planning issues. The Council may determine this application without further reference to the GLA.

**Neighbouring Authority (London Borough of Barnet):** No objection.

**Highways Engineer:** Based upon an average of 25 people attending per event (so up to an average of 50 people on site at any one time), the parking requirements should be accommodated within the site. For off peak activity reasons, traffic generation would not exceed threshold level that would raise issues, hence no specific concerns with this revised application.

**Environment Agency:** Objection, as Flood Risk Assessment required.

**Drainage Officer:** Conditions suggested relating to surface water disposal and attenuation and sewage disposal.

**Site Notice:** 12-NOV-10 Expiry: 03-DEC-10

**1<sup>st</sup> Notifications:**

Sent: 506 Replies: 2 Expiry: 17-NOV-10

**2<sup>nd</sup> Notifications on Amendments:**

Sent: 506 Replies: 0 Expiry: 06-JAN-11

**Addresses Consulted:**

- 38-88 (even) Constable Gardens;
- 1-5 (odd) Rembrandt Road;
- 41-79 (odd) Westleigh Gardens;
- 30, 38 & 48 Westleigh Gardens;
- 2-10 (even) Raeburn Road;
- 21 Raeburn Road;
- 11-17 Bideford Close;
- 69-155 (odd) Broomgrove Gardens;
- 46-108 (even) Broomgrove Gardens;
- 28, 30, 33, 41, 63, 65, 116, 118 & 120 Broomgrove Gardens;
- 1-297 (odd) Camrose Avenue;
- 2-322 (even) Camrose Avenue;
- 69-77 (odd) Bacon Lane;
- 2-12 Appledore Close;
- Camrose Baptist Church, Camrose Avenue;
- 2-24 Selwyn Court, Camrose Avenue.

**Summary of Response:**

- Concerns that the proposed building would be a social club, as opposed to a sports pavilion;
- The facilities proposed are more extensive than would be required for a clubhouse;

- Additional activity would increase noise levels and traffic congestion in addition to that introduced by the Krishna Avanti School;
- Increased use of the car park and non-sporting events late at night would cause disturbance.

## **APPRAISAL**

### **1) Principle of Development**

The principle of a sports pavilion/clubhouse development on this site was originally established when permission was granted for the Krishna Avanti Primary School on the northern portion of the playing fields, whereby the original pavilion serving the playing fields was demolished to make way for the new access. A S.106 contribution towards the re-provision of a clubhouse was included as part of this permission and planning permission was secured in July 2008. This application proposes a revised design, but the principle of a clubhouse on the site has been established and the current proposal would still be in line with saved UDP policy EP47 relating to small scale ancillary sports facilities.

### **2) Outdoor Sports Facilities**

Saved UDP policy R4 seeks further provision of outdoor sports facilities. The proposal would comply with the spirit of this policy, as it would provide changing and other facilities for use in association with this open space. It has also been demonstrated that adequate space is available for the laying out of 4 football pitches for youth football and this is considered to be acceptable, with the proposal having a similar footprint to the previous approval (ref P/1412/08).

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

Saved UDP policy EP47 states that 'development, apart from small scale ancillary facilities needed to support or enhance the proper functioning of the open space, will not be permitted on open spaces identified on the proposals map'.

This application proposes a two storey clubhouse for Belmont United FC. The principal difference between the current proposal and the previous approval is the introduction of a larger area of general use space within the building, giving the opportunity for more intensive use. Concerns have been raised by some local residents that the proposed building could be let out for social events, given the accommodation proposed at ground and first floor level. However, the proposed building would have a similar footprint to the extant permission and, although the floorspace would be increased by virtue of the first floor accommodation, it is considered that the nature of the use of the building would be similar to that of the previously approved building. The applicant has submitted an indicative itinerary of events, which include the principle use of the clubhouse for weekend football events and other recreational uses, such as keep fit classes and referee training courses. All the activities stated are sports and recreational activities, the majority of which rely on the playing fields. A condition can be imposed to ensure that the types of uses permitted would remain as sports and recreational uses within the D2 use class (except ancillary functions associated with the football club), as well as restricting hours of operation. Subject to these conditions, it is considered that the proposed building would provide small scale ancillary facilities and would be appropriate for its location on designated open space.

The proposed building would be of a contemporary design, incorporating the uses of rendered masonry, glazing, timber cladding and a curved profile metal roof. This would contrast with the previous approval which, despite being contemporary in design, adopted more of a 'blocky' form, being single storey with projecting roof feature. The building as now proposed would incorporate extensive glazing to the car park and playing field elevations, similar to the previous approval, giving it a perceived lightweight appearance, whilst providing spectator viewing facilities. Provision would be made for planting around the building and for refuse and cycle storage. The contemporary design approach is considered to be appropriate in this location and, despite being higher than the previously approved clubhouse by 1.25 metres, the building would have an acceptable appearance and would comply with saved UDP policy D4.

#### **4) Residential Amenity**

The proposed building would be sited some 48 metres from the rear boundaries of the properties on Broomgrove Gardens, some 130 metres from the rear boundaries of the properties on Westleigh Gardens and some 76 metres from the rear boundaries of the properties on Constable Gardens and Bideford Close. Given these distances, it is considered that the proposed building would not result in an overbearing impact or loss of light or outlook to the occupiers of these properties. It is also considered that these distances would ensure that no unacceptable overlooking would occur to the occupiers of neighbouring properties.

Concerns have been raised about the level of use that would be likely to arise from the building. However, as discussed above, it is considered that the indicative use of the building would be entirely appropriate for this location, providing sports and recreational facilities. As discussed, the principle of a clubhouse in this location is established and it is considered that the use of the currently proposed building would not be materially greater than the use of the previously approved scheme. Subject to the conditions discussed, the proposed building would therefore have an acceptable impact on neighbouring amenity.

The access road and car park formed part of the previous approval for the school (ref P/1282/07) to provide access and parking for the use of the sports ground. Its use for access to the site is therefore established and, given that the proposed level of use of the proposed building would be acceptable, it is considered that the use of this established access road and car park would have an acceptable impact on the amenities of neighbouring residents.

#### **5) Traffic and Parking**

As discussed, an access road and 24 space car park has already been constructed to serve the development. Based on this parking provision and the projected level of use, the parking need would be accommodated within the site itself. The Council's Highways Engineer considers that the likely traffic generation (mostly off peak) would not exceed threshold levels in the area and there would therefore be no objection on highway grounds. The existing access, which was devised to provide access to a sports facility, is considered adequate and the proposal would therefore comply with saved UDP policies T6 and T13.

**6) Development and Flood Risk**

An Environment Agency objection has been received, on the basis that the proposed scale of development may present risks of flooding on or off site. PPS25 requires applicants to submit a Flood Risk Assessment when development on this scale is proposed within Flood Zone 1. The applicant has been informed of this and a Flood Risk Assessment is being prepared to address the Environment Agency objection.

**7) Accessibility**

The proposed building would provide level access to the main access door and toilet facilities for persons with disabilities would be provided. Parking spaces for persons with disabilities would also be provided. The building would also incorporate a lift to provide access to the upper level viewing gallery. The proposed building would therefore be accessible to all and would comply with saved UDP C16 and the Access For All SPD.

**8) S17 Crime & Disorder Act**

The proposed building would incorporate extensive glazing to the car park elevation, which would ensure that this area would be well overlooking when the building is in use and the car park occupied. In general, the site is considered to be well secured, with security gates at the main entrance to the site on Camrose Avenue and the remainder of the boundary enclosed by neighbouring properties that back on to the playing fields. It is therefore considered that the proposed building would not increase the risk or fear of crime.

**9) Consultation Responses**

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

- None.

**CONCLUSION**

In summary, given due consideration to all relevant policy constraints and material considerations set out above, the proposal is found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004). The proposed clubhouse would provide small scale ancillary sports facilities to support the recreational use of these playing fields. The proposal would therefore encourage outdoor sport and recreation activities, particularly youth football, which would be beneficial to the local community. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below.

**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: BeM/F/P1A, P2B, P3B, P4B, P5B, P6C and Design and Access Statement.

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 building;

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.

4 Notwithstanding the submitted plans, no access to or egress from the site shall be via Broomgrove Gardens except in an emergency when access to Camrose Avenue is not available.

REASON: In the interests of the amenities of neighbouring residents and the free flow of traffic on Broomgrove Gardens, in line with the requirements of saved UDP policies EP25 and T6.

5 The premises shall be used for the purposes specified in the application and for no other purpose (other than ancillary functions associated with Belmont United Football Club), 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: In the interests of the amenities of neighbouring residents and the free flow of traffic on the highway, in line with the requirements of saved UDP policies EP25 and T6.

6 The clubhouse hereby permitted shall not be used outside the hours of 09.00-22.30 on any day.

REASON: In the interests of the amenities of neighbouring residents and highway safety, in line with the requirements of saved UDP policies EP25 and T6.

7 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.

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

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.

9 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 works shall be carried out in accordance with the approved details and thereafter retained.

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 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 RELEVANT POLICIES

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

National Policy:

PPS1, PPS17 and PPS25

London Plan (2008):

3D.8

Harrow Unitary Development Plan (2004):

D4, D9, EP11, EP12, EP25, EP47, T6, T13, R4 and C16

Supplementary Planning Document: Access For All (2006)

Plan Nos: BeM/F/P1A; P2B; P3B; P4B; P5B; P6C; Design and Access Statement

**LAND ADJOINING EDGWARE BROOK & WHITCHURCH LANE, HONEYPOT LANE, STANMORE**

P/2824/10

Ward CANONS

EXTENSION OF TIME OF PLANNING PERMISSION P/2246/06/COU DATED 12/11/2007 FOR 'NEW PEDESTRIAN ACCESS ROUTE AND ASSOCIATED LANDSCAPE WORKS (AS PART OF THE COMPREHENSIVE DEVELOPMENT OF THE FORMER GOVERNMENT OFFICE AND DVLA SITE)'

**Applicant:** Berkeley Urban Renaissance Ltd

**Agent:** CMS Cameron McKenna LLP

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** | 06-DEC-10

---

## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions and the resolution of the Environment Agency objection.

## **REASON**

This application is for an extension of time to an existing permission and the relevant issue is whether there have been any relevant changes to the development plan or other material considerations since the original grant of planning permission which indicate that the proposal should no longer be considered favourably. The original permission for the development was granted on appeal along with the redevelopment of the Former Government Offices site. Full consideration has been given to any changes in adopted policy, site circumstances and other material considerations in the appraisal section. The proposed pedestrian access route would provide a safe, secure and convenient route for pedestrians travelling between the new development and the Honeypot Lane/Whitchurch Lane junction and would therefore contribute to the accessibility of this new development and encourage walking. The decision to grant planning permission has been taken having regard to government guidance and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations, including comments received in response to publicity and consultation.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

### **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

D23 – Lighting, Including Floodlighting

EP11 – Development Within Floodplains

EP12 – Control of Surface Water Run-Off

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP27 – Species Protection

EP28 – Conserving and Enhancing Biodiversity  
EP29 – Tree Masses and Spines  
EP47 – Open Space  
EP50 – Informal Area of Open Space  
T9 – Walking  
R7 – Footpaths, Cyclepaths and Bridleways  
C16 – Access to Buildings and Public Spaces  
Supplementary Planning Guidance: Designing New Development (2003)

---

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

- 1) Principle of Development (PPS1, EP47)
- 2) Character and Appearance of the Area (D4, D9, EP47, EP50)
- 3) Residential Amenity (D4, D23, EP25)
- 4) Ecology and Biodiversity (EP26, EP27, EP28, EP29)
- 5) Trees and New Development (D10, EP29)
- 6) Development and Flood Risk (EP11, EP12)
- 7) Accessibility and Walking (T9, R7, C16)
- 8) S17 Crime & Disorder Act (D4, SPG)
- 9) Consultation Responses

**INFORMATION**

This application is reported to Committee at the request of the Head of Development Management, due to the sensitive nature of the site.

**a) Summary**

Statutory Return Type: 18. Minor Development

Council Interest: The application site is common land, whereby an interest is held by the Council. A separate application has been made under the Commons Act.

**b) Site Description**

- Site comprises a section of common land, which forms part of Stanmore Marsh, an area of designated open space immediately to the east of Honeypot Lane and immediately to the south of Whitchurch Lane.
- The site is within a designated flood plain of the Edgware Brook and an area of nature conservation importance.
- To the east of the site are the residential properties on Whitchurch Lane and the new residential properties within the Former Government Offices development.
- To the south of the site are other residential properties within the Former Government Offices development, as well as the flood alleviation works associated with that development.
- To the west of the site are the residential properties on Bramble Close and Amber House.

**c) Proposal Details**

- Extension to the time period for implementation of planning permission P/2246/06/COU dated 12/11/2007 for 'New pedestrian access route and associated landscape works (as part of the comprehensive development of the former government office and DVLA site)'.
- This permission formed part of the appeal decision for the comprehensive redevelopment of the Former Government Offices site and the proposed footpath would enable easier pedestrian access between the new residential properties and the Honeypot Lane/Whitchurch Lane junction.
- The proposed path would link the flats to the south of the site and the now occupied dwellings to the east (on Hitchin Lane) to the existing footpath between Honeypot Lane and Whitchurch Lane and on to the junction itself.

**d) Relevant History**

P/2246/06	New pedestrian access route and associated landscape works (as part of the comprehensive development of the former government office and DVLA site)	ALLOWED ON APPEAL 12-NOV-07
P/2317/06	Redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sq m class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sq m of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works	ALLOWED ON APPEAL 12-NOV-07

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- None.

**g) Consultations:**

**Landscape Officer:** The proposal is acceptable, subject to original conditions relating to landscaping being carried over.

**Tree Officer:** The proposal is acceptable, subject to original conditions relating to tree protection being carried over.

**Biodiversity Officer:** The submitted survey overcomes previous concerns.

**Environment Agency:** Objection, as no Flood Risk Assessment submitted.

**Site Notice:** 12-NOV-10 Expiry: 03-DEC-10

**Notifications:**  
Sent: 142 Replies: 2 Expiry: 17-NOV-10

**Addresses Consulted:**

- 1 Watersfield Way;
- 1-4 Station Parade (plus properties over), Whitchurch Lane;
- 268-334 (even) Whitchurch Lane;
- 1-34 Bramble Close;
- 849-915 (odd) Honeypot Lane;
- Flats 1-15 Amber House, Honeypot Lane;
- Flats 1-16 Bartholomew Court, Longcrofte Road;
- Flats 1-6 Willow Court, Bromefield.

**Summary of Response:**

- Tree clearance would make the new development (on the Former Government Offices site) more apparent from neighbouring properties and increase overlooking;
- Concerns about security and tree loss on the Bramble Close side of Edgware Brook.

**APPRAISAL**

**1) Principle of Development**

The proposed path was considered not to be objectionable by the Council at original determination and was only refused because the redevelopment of the Former Government Offices site was considered objectionable, and the proposed path would not be workable without the main scheme in place. The appeal was subsequently allowed along with the scheme for the redevelopment of the adjacent site. The application for the path is separate to that of the main scheme due to land ownership issues, as the site is common land.

The proposal would involve the construction of a pedestrian footpath on land which is designated open space in the UDP. There has been no material change in the policy context for the assessment of development on open space, with saved UDP policy EP47 being the principal policy. The proposed path is therefore still considered to be acceptable in principle, as it would enhance the functioning of this area of open space.

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

There has been no material change in the policy position relating to the standard of design and layout and the character and appearance of open spaces. The only material change to the site circumstances has been the construction of the adjacent development, for which this path is to provide access. As this application is connected with this development, this change in circumstances does not warrant a different view being taken on the proposed path. The proposed path would result in a modest amount of hardsurfacing as compared to the area of open space and would not result in built structures, other than the two proposed footbridges, which would be necessary and modest in scale. The proposal would therefore still comply with current policy in this respect.

**3) Residential Amenity**

The proposal would introduce a new pedestrian route between the residential properties at Amber House and Bramble Close, and the new development at the Former Government Offices site. A certain amount of pedestrian activity would therefore be generated in this currently unused area and some lighting would need to be installed for security purposes. Given that the site circumstances have not changed since the original approval (with the exception of the construction of the new development which, as discussed, was intending to go forward in conjunction with the proposed path), the level of noise and disturbance to the occupiers of neighbouring residential properties is considered to be acceptable. A condition is imposed requiring a lighting scheme to be submitted and approved prior to the commencement of the development and this would ensure consistency with the original appeal decision.

Concerns have been raised that the proposed tree clearance would increase the prominence of the adjacent new development to the occupiers of Bramble Close and Amber House, with resulting impact on outlook and overlooking of these properties. However, on the basis of the submitted plans a following a site inspection, it is clear that the clearance of mature vegetation would be minimal. A condition is imposed requiring a detailed tree survey to be submitted and approved prior to commencement and this should ensure that tree loss is kept to a minimum. Notwithstanding this, the proposed path was originally intended to be implemented in conjunction with the main scheme and, despite being a separate application, was considered together with the main application. There has been no material change in circumstances that would warrant a different view being taken regarding the living conditions of neighbours.

**4) Ecology and Biodiversity**

The site lies within an area of local nature conservation importance. The original appeal permission including a condition requiring an ecological appraisal and river corridor survey to be submitted and approved. However, in light of changes to case law in 2009 (the Wooley case) it is now recommended that such information is provided before approval of the application and this is a material change in the policy position since the original approval. Following a request from the Council's Biodiversity Officer, the applicant has submitted an up to date habitat and species survey, which is considered satisfactory. A condition is imposed requiring the mitigation measures set out in this report to be implemented as part of the development and the proposal would therefore comply with current policy on ecology and biodiversity.

**5) Trees and New Development**

On inspection of the site, an informal path already exists in place of the proposed footpath. The proposal would therefore not result in significant tree loss on the site, with the majority of the mature trees in this river corridor being retained. No trees would be removed on the west side of Edgware Brook (adjacent to Bramble Close).



The conditions imposed on the original permission relating to the submission of a full tree survey, as well as protection measures and the provision of new soft landscaping have been carried over to this recommendation and the Council's Tree Officer considers this to be acceptable.

**6) Development and Flood Risk**

An Environment Agency objection has been received, on the basis that a satisfactory Flood Risk Assessment has not been submitted to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The applicant has been informed of this and a Flood Risk Assessment is being prepared to address the Environment Agency objection.

**7) Accessibility and Walking**

The proposed footpath would provide an accessible environment for all and details of accessibility can be obtained as part of the landscaping condition, which also relates to circulation and land levels. The proposal would comply with saved UDP policies T9 and R7, which seek to improve and extend the network of footpaths in the borough, and would provide an attractive environment for occupiers of the new development to walk in.

**8) S17 Crime & Disorder Act**

The majority of the proposed path would be overlooked by the new development and the residential properties at Bramble Close As discussed above, a condition is imposed relating to the provision of lighting for the proposed path. This will ensure that an adequate standard of lighting is provided to ensure a secure environment for walkers and the proposal would therefore be acceptable in this regard.

**9) Consultation Responses**

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

- None.

**CONCLUSION**

For all the reasons considered above, the proposed extension of time application is considered to be acceptable, as the development complies with current policy and there are no policy changes or other material considerations that would warrant the proposal now being viewed unfavourably. The proposal is therefore recommended for grant, subject to 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: D1415.L.205

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

3 The development hereby permitted shall not commence until an 8 metre wide buffer zone, measured from the top of the bank, has been provided alongside the brook, as shown on the approved plans. The buffer zone shall be suitably marked and protected during the development of the site. There shall be no storage of materials, dumping of waste, fires or tracking of machinery within the buffer zone. The buffer zone shall be kept free of obstructions.

REASON: To protect the river environment, in line with the requirements of saved UDP policies EP12, EP27 and EP28.

4 The mitigation measures as set out in the submitted Biodiversity Report shall be implemented as part of the development hereby approved and thereafter retained.

REASON: In the interests of biodiversity and in line with the requirements of saved UDP policies EP26, EP27 and EP28.

5 The development hereby permitted shall not commence until details of the footpath, bridgeworks and any bank stabilisation works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To protect the river environment, in line with the requirements of saved UDP policies EP12, EP27 and EP28.

6 The development hereby permitted shall not commence until a survey has been carried out of all existing trees and vegetation on the land, indicating which are to be retained and which are to be removed, and details of the retained trees and vegetation and the measures to be taken for their protection during the course of the development have been submitted to and approved in writing by the local planning authority.

REASON: The trees on the site are considered to be an important amenity feature, the majority of which the local planning authority consider should be retained in accordance with saved UDP policy D10.

7 The erection of fencing for the protection of any retained tree or vegetation 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 hereby approved, 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 approval of the local planning authority.

REASON: The trees on the site are considered to be an important amenity feature, which the local planning authority consider should be protected during the course of the development, in accordance with saved UDP policy D10.

8 The development hereby permitted shall not commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels, pedestrian access and circulation areas, hard surfacing materials and any other minor artefacts and structures.

REASON: To enhance the appearance of the development and in the interests of accessibility, in line with the requirements of saved UDP policies D9 and C16.

Item 2/03 : P/2824/10 continued/...

9 Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

REASON: To enhance the appearance of the development in line with the requirements of saved UDP policy D9.

10 All hard and soft landscaping works shall be carried out in accordance with the approved details and in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

REASON: To enhance the appearance of the development in line with the requirements of saved UDP policy D9.

11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the local planning authority prior to the footpath being brought into use. The landscape management plan shall be carried out as approved.

REASON: To enhance the appearance of the development in line with the requirements of saved UDP policy D9.

12 The development hereby permitted shall not commence until details of the footpath external lighting scheme 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.

REASON: In the interests of the security of the site and the amenities of neighbouring residents, in line with the requirements of saved UDP policies D4 and D23.

## **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 RELEVANT POLICIES

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development

London Borough of Harrow Unitary Development Plan 2004

D4, D9, D10, D23, EP11, EP12, EP25, EP26, EP27, EP28, EP29, EP47, EP50, T9, R7, C16, Supplementary Planning Guidance: Designing New Development (2003)

Plan Nos: D1415.L.205

---

**Item: 2/04**  
**354-356 PINNER ROAD, HARROW, HA2 P/2743/10**  
**6DZ**

Ward HEADSTONE NORTH

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/2447/04/CFU  
DATED 16/10/2006 TO CHANGE THE TENURE TYPES

**Agent:** Genesis Housing Group  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** 02-DEC-10

---

## **RECOMMENDATION**

**APPROVE** modification of the section 106 Agreement which regulates the tenure types of the affordable housing at the application site, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- That not less than 85 units on the land to be Affordable Housing Units
- That 2 x 1 bed 23 x 2 bed and 2 x 3 bed Units shall be for social rent
- That 35 x 1 bed and 23 x 2 bed Units shall be for Intermediate Housing, with not fewer than 31 x 1 bed and 14 x 2 bed units to be available on a Shared Ownership basis
- That all Intermediate Housing Units shall be offered, in the first instance, to key workers for a period of not less than twelve weeks, or such other period as may be agreed by the Council and the Association or the RSL and that following the expiry of the twelve week, or other agreed, period, any Affordable Housing Units that remain unoccupied, may be offered to any persons nominated by the Council to the Association or the RSL.
- The payment of the Council's reasonable legal fees incurred in the course of preparing the deed of variation

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 agreement and to agree any minor amendments to the conditions or the legal agreement.

**Reason for Approval:** The decision to APPROVE the modification to the s106 agreement has been taken having regard to Government guidance contained within PPS1 and PPS3 and the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below encouraging the provision of appropriate levels of affordable housing and tenure mix in new residential developments, and all relevant material considerations including any comments received in response to publicity and consultation.

The proposed variation would retain the level of Affordable Housing at the development, and would accord with general government policy on the provision of key worker and general needs affordable housing.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development (2005)

PPS3 – Housing (2010)

### **The London Plan 2008**

3A.8 – Definition of affordable housing

3A.9 – Affordable housing targets

3A.11 – Affordable housing thresholds

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

D4 – The Standard of Design and Layout

H7 – Dwelling Mix

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

- 1) Provision of Affordable Housing (3A.8, 3A.9, 3A.11, D4, H7)
- 2) S17 Crime and Disorder Act (D4)
- 3) Consultation responses

### **INFORMATION**

This application is referred to Committee as variations to Legal Agreements cannot be determined under delegated powers.

#### **a) Summary**

Statutory Return Type: Minor Development, all other

Council Interest: None

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

- The application site is a three to six- storey building with frontages on both Pinner Road and Station Road, North Harrow and provides 112 flats, a retail unit (currently vacant), community facilities and parking
- The development has been completed and the flats are occupied.

#### **c) Background**

- Planning permission P/2447/04/CFU dated 19-Oct-2006 granted planning permission for the development, and an associated s.106 Agreement required that at least 85 of the flats be designated as affordable housing.
- The agreed mix of affordable housing types are:
- Social Rent: 2 x one-bedroom; 23 x two-bedroom; 2 x three-bedroom (total 27)
- Shared Ownership: 5 x one-bedroom; 5 x two-bedroom (total 10)
- Key Worker Shared Ownership: 35 x one-bedroom; 13 x two-bedroom (total 48)
- Due to current market conditions, the Registered Social Landlord has been unable to allocate all of the Key Worker Shared Ownership units to key workers, and they propose to reduce the number of Shared Ownership units from 58 to 45, with the remaining 13 units in a new tenure type of Intermediate Market Rent. The Shared Ownership and Intermediate Market Rent units would be offered first to Key Workers
- The applicants have sought flexibility to allow the Intermediate Market rent Units to be offered as Shared Ownership units as and when market conditions permit
- There would be no change in the number or type of Social Rented Units

**d) Relevant History**

P/2447/04/CFU	Redevelopment for 3-6 storey building to provide supermarket 112 flats community facility; parking and access and extension of time to complete s106 agreement	GRANTED 19-OCT-06
P/0352/08	Variation of condition 3 to planning permission P/2447/04/CFU	GRANTED 10-MAR-08
P/2390/08/DVA	Details of highway reinstatement works required by condition 2 of planning permission P/2447/04/CFU	GRANTED 24-JUL-08

**e) Applicant Statement**

- Key worker units have not been filled despite extensive marketing

**g) Consultations**

**Housing Enabling:** No objection, subject to a suitable cascade mechanism

**Notifications:**

Sent : 190                      Replies : 7    Expiry: 10-NOV-10

Neighbours consulted:

Pinner Road: 326 – 386 (even), all properties; 427 (all flats), 435, 435a

Broadwalk, Pinner Road: 17 – 28 (consecutive), including flats and offices

Broadway Parade, Pinner Road: 1 – 9 (consecutive), including flats and offices

Canterbury Road: 3, 3a, 5, 7, 9, 11, 13, 27, 29, 31, 33, 34

Station Road: 33 – 49 (odd, including flats and offices), 34 – 50 (even, including flats and offices), Home Guard Club, North Harrow Assembly Hall

Gloucester Road: 23 – 35 (odd): 30 – 40 (even)

Embry Close, Stanmore: 5

High View, Pinner: 52

Priory Way, Harrow: 68

Canterbury Road: 1, 3, 5, 6, 9, 11, 13 Chaucer House

Canterbury Road: 2, 3 Morris House

Westmorland Road: 13

Hooking Green: 2 – 8 (consecutive), 10, 36 – 44 (consecutive)

Cambridge Road: 10, 103

Kingsfield Avenue: 60, 62, 79

Cumberland Road: 10 – 18 (even): 43 – 55 (odd)

Fallowfield, Stanmore: 5

Pinner Road: 41, 41a

*NB – Consultation includes respondents to original planning application*

**Summary of Responses:**

- Objections to change in tenure type as this alters the basis of the original sale of a shared ownership unit

## **APPRAISAL**

### **1) Affordable Housing**

The current Legal Agreement requires that 10 of the affordable housing units be in shared ownership and 48 be for key worker shared ownership.

During the current part of the economic cycle, the applicant has not been able to allocate all of these units in the agreed tenure types.

The proposal is to change the tenure type of these 58 affordable housing units to provide a minimum of 45 shared ownership units and 13 units to be offered on an Intermediate Rent Basis. The proposed agreement would not make the distinction between Key Worker and general needs housing, but would contain a cascade requiring the Units to be offered to key workers as a priority for a twelve week period. The proposed changes would allow for the Intermediate Rent Units to be offered as shared ownership units as and when circumstances permit.

In terms of overall provision within this scheme, the proposed amendments would not reduce the overall affordable housing provision at the premises, although the tenure type would be changed for some units. Although this could have an impact with respect to some existing occupiers of the scheme, it is considered more beneficial for all of the affordable housing units to be occupied by persons or families in defined housing need rather than remaining empty if a particular type of leaseholder, such as Key Worker, cannot take occupation due to difficulties in obtaining the necessary mortgage finance.

It is considered that the proposed modification would comply with saved UDP policy H7 and London policies 3A.9 and 3A.10, which require appropriate tenure mixes in new developments, advocating a flexible approach to the application of these policies. The proposal would also comply with the Mayor's Interim Housing SPG, which requires consideration of the viability of a development when considering affordable housing provision.

### **2) S17 Crime & Disorder Act**

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

### **3) Consultation Responses**

The basis of the sales on a shared ownership basis and the lease conditions are a contractual matter.

As noted above, the total number of affordable housing units in the development would not change, and the applicants have expressed an intention that the Intermediate Market Rent units should revert to Shared Ownership once market conditions allow.

The change has been requested to allow for the Association to allocate properties in the development which could otherwise remain empty during this part of the economic cycle.

On balance, it is considered that the benefits of providing homes to persons and families in identified housing need and the benefit of having the development fully occupied rather than partially occupied outweigh any short-term harm that may be caused to existing leaseholders' interests.



## **CONCLUSION**

Having regard to national planning policy and the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and comments received as a result of consultation, the proposed modification is considered to be consistent with current policy and would encourage the provision of appropriate levels of affordable housing and tenure mix in new residential developments. The proposed changes from shared ownership to allow for intermediate market rent is therefore considered acceptable in this instance and in the overall interests of ensuring that the social housing units can be occupied.

National Planning Policy:

PPS1 – Delivering Sustainable Development (2005)

PPS3 – Housing (2010)

The London Plan (2008)

3A.8 – Definition of affordable housing

3A.9 – Affordable housing targets

3A.11 – Affordable housing thresholds

Harrow Unitary Development Plan (2004)

D4 – The Standard of Design and Layout

H7 – Dwelling Mix

Plan Nos: None

---

**43 RADNOR ROAD, HARROW, HA1 1SA**      **Item: 2/05**  
**P/3162/10**  
WARD    MARLBOROUGH  
SINGLE STOREY REAR EXTENSION TO GROUND FLOOR FLAT

**Applicant:**        Mr Andreas Karaiskos  
**Agent:**            Ada Architecture  
**Case Officer:**    Andrew Ryley  
**Statutory Expiry Date:**    13-JAN-10

---

## **RECOMMENDATION**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, Supplementary Planning Guidance, Extensions; A Householders Guide (2008) and to all relevant material considerations. 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 (2008):**

4B.1 Design Principles for a Compact City

### **Harrow Unitary Development Plan (2004):**

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 as the applicant is employed by the London Borough Of Harrow.

### **a) Summary**

Statutory Return Type:                    21 – Householder Development  
Council Interest:                            None

### **b) Site Description**

- The application site comprises a ground floor flat of a two-storey semi detached property located on the east of Radnor Road.
- The building has a two storey bay window with gable, porch canopy and hipped roof. At the rear the main wall is staggered, being flush with the adjacent property at 45 Radnor Road, and then set forward by 1.3m away from the adjacent property by 3.3m.



As such, it is considered that the proposed single storey rear extension would not result in overdevelopment of the site and would 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.41 and 45 Radnor Road; all other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

As noted above, No.45 Radnor Road already has a 3.4m deep single storey rear extension. The application proposes that the extension to No.43 would be flush with this extension where it is adjacent to No.45 Radnor Road. As such, it is considered that no adverse impact would result on the amenities of the occupiers of No.45 Radnor Road.

In relation to No.41 Radnor Road, the proposed extension would be 3.0m deep from the main rear wall of the existing building. The Councils Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008) sets out that a 3m deep single storey will normally be acceptable on a semi-detached property.

It is noted that the rear wall of the adjacent property at No.41 Radnor Road is staggered, with a two storey rear outrigger and a single storey rear projection. Due to the juxtaposition of the two properties, the proposed extension would be approximately 5m deeper than the rear wall of No.41 Radnor Road, which is set back, and comprises a kitchen.

On this basis, it is considered that whilst there would be some additional impact on the amenity of the occupier of No.41 Radnor Road, this would be limited due to the separation of 2m between the two properties. Given that the application is consistent with Councils Supplementary Planning Guidance: "Extensions: A Householders Guide" (2008) in this regard, the application is considered acceptable.

Notwithstanding that the existing building has been converted into two self contained flats, as the application proposes a flat roof extension, it is considered appropriate to impose a planning condition restricting its use as a balcony, so that the amenities of neighbouring occupiers would be protected from potential overlooking. The proposed rooflight is considered acceptable subject to a planning condition to ensure that it is obscurely glazed.

As such, 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) S17 Crime & Disorder Act**

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

#### **4) Consultation Responses**

N/A

### **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 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: 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 approved rooflight to the flat roof extension shall be fitted with obscure glazing and retained thereafter.

REASON: To 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:

PL/01 Rev O.H-C, PL/02 Rev O.H-C, PL/03 Rev O.H-C, PL/04 Rev O.H-C, PL/05 Rev O.H-C, PL/06 Rev O.H-C, Site Plan

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

Plan Nos: PL/01 Rev O.H-C, PL/02 Rev O.H-C, PL/03 Rev O.H-C, PL/04 Rev O.H-C, PL/05 Rev O.H-C, PL/06 Rev O.H-C, Site Plan

---

**2 AVENUE ROAD, PINNER, HA3 3HH**

**Item: 2/06**

**P/1291/10**

Ward PINNER

REDEVELOPMENT TO PROVIDE DETACHED BUILDING COMPRISING FIVE SELF CONTAINED FLATS, AT GROUND, FIRST AND ROOF LEVEL; CYCLE STORE REFUSE AND ASSOCIATED PARKING (RESIDENT PERMIT RESTRICTED)

Applicant: Mr Philip Goodmaker  
Agent: Simon Levy And Associates  
Case Officer: Ian Hyde  
Statutory Expiry Date: 25-AUG-10

---

## **RECOMMENDATION**

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation, as outlined in the application report. The proposed development achieves sustainable development in line with PPS 1, provides high quality housing in accordance with PPS 3, 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 and the character of the area in accordance with the Harrow Unitary Development Plan (2004).

### **National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 25: Development and Floodrisk (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.5 Housing Choice

3C.1 Integrating Transport and Development

3C.3 Sustainable Transport For London

4A.1 Tackling Climate Change

4A.3 Sustainable Design and Construction

4A.7 Renewable Energy

4B.1 Design principles for a compact city

Interim London Housing Design Guide (2010)

### **Harrow Unitary Development Plan 2004:**

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D9 Street side Greenness and Forecourt Greenery

D10 Trees and New Development

C16 Access to Buildings and Public Spaces

EP11 Development within Floodplains

EP12 Control of Surface Water Runoff

EM15 Land and Buildings in Business, Industrial and Warehousing Use- Outside Designated Areas  
T13 Parking Standards

Supplementary Planning Guidance, Designing New Development (2003)  
Supplementary Planning Guidance, Extensions, A householders Guide (2008)  
Supplementary Planning Document 'Accessible Homes' (2010)  
Supplementary Planning Document 'Sustainable Building Design' (2009)

---

**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, 4B.1, 4B.8, D4, D5, D9, EP12, SPG)
- 2) Residential Amenity, including Lifetime Homes (London Plan 3A.5, D4, D5, C16, SPD)
- 3) Floodrisk (PPS25, EP11 and EP12)
- 4) Parking/Highways Considerations (London Plan 3C.1; 3C.3; T6, T13)
- 5) Sustainable Development (London Plan 4A.1, 4A.7, SPD)
- 6) 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, and specifically that it relates to the erection of a building containing more than two residential units.

**a) Summary**

Statutory Return Type	Minor Dwellings
Site Area	0.034ha (341sqm)
Density	145 Dwellings per hectare 707 Hab Rooms per hectare
PTAL Level	3
Car Parking	Standard – 5.2 (max) Justified – 1 (disabled) Provided – 1 (disabled)
Lifetime Homes:	Two units (ground floor).
Wheelchair Standards:	Not demonstrated
Council Interest	None

**b) Site Description**

- The application site is a detached and relatively isolated building located on the eastern side of Avenue Road.
- To the north of the site is a two storey detached building in use as a social club which is provided with a small carpark separating it from the site.
- To the south and east are, respectively, the entrance to a public carpark and the carpark itself. To the east of this car park is the boundary of Tookes Green Conservation Area.



- To the west of the site across Avenue Road are residential dwellings and just to the north west is the intersection with Love Lane.
- The property was most recently in use as a solicitors but is currently unoccupied.

**c) Proposal Details**

- The proposed development seeks to demolish the existing building and to erect a two storey building (with a third floor of accommodation in roofspace) to provide 5 units of residential accommodation.
- Units would be allocated as follows:
  - 2 x 2 bed (3 person) units at ground floor 60 and 63sqm in area
  - 1 x 2 bed and 1 x 3 bed (inc. study) units on first floor at 62 and 65sqm respectively.
  - 1 x 3 bed (including study) unit in loft level 82sqm in area (excluding areas of less than 1.8m in height).
- The proposed footprint of the building would be rectangular in shape and would incorporate a projecting corner bay feature in the southern front corner of the building. The overall depth of the building would be 16.50m and the width would be 10.45m. The height of the main part of the building would be 8.4m and the height of the projecting bay feature would be 9.10m.
- The proposal would incorporate a dormer window sited in the front roof slope which has been designed as a bay dormer to match the style of main bay window feature at the front. An inverted dormer window is also proposed in the rear roofslope.
- A Juliet style balcony is proposed in the rear elevation at first floor level.
- The ground floor Flat No.2 would have access to its own court yard style rear garden.
- The remaining flats would have access to a communal rear garden which would have an overall area of 30 m<sup>2</sup>.
- A cycle store has been provided in the rear part of the site.
- Bins stores would be also located in the rear part of the site.
- A disabled parking bay is proposed in the rear part of the site which would be accessed from the adjacent public car park.

**d) Revisions to previous application**

- Not applicable

**e) Relevant History**

Whilst there have been several historic applications for changes of use of the existing building, no comprehensive redevelopment proposals have been received.

**f) Pre-Application Discussion**

Formal pre-application discussion with the planning officers was finalised on 24 September 2009. The conclusions in the closing letter from officers raised the following points:

Flood risk assessment would be required due to Zone 2/3 location. Scale and general design were appropriate in their context, the bay provides a statement, parking at one disabled space would be appropriate.

Concerns;

- Lack of front entrance
- Parking, refuse and cycle storage locations
- Scale and dominance of side dormer
- Rooflight arrangement
- Accessibility for lifetime homes

Further work to be undertaken:

- Level access for lifetime homes
- Sustainable Homes Level 3 compliance
- Tree Survey
- Landscaping details

**g) Applicant Statement**

- Existing building is uninhabitable
- Ground floor flats designed to Lifetime Homes Standards with main entrance having a level access, suitable lighting and covered porch. Ground floor units have low window sills, light sockets ventilation and service controls placed at low level.
- Development footprint and height would match the existing building and design provides details which replicate the existing building
- Acknowledge that the site is in a prominent location and the use of a turret has a distinctive look and enhances the architectural character of the area.
- The area is residential and the site was residential until the use was changed to commercial.
- Private amenity space for flat 2 and communal space is provided to rear.
- Building designed to meet Sustainable Homes Level 3.
- Solar water heating is proposed to ensure more than 50% hot water provided for, water butts would collect and use rainwater.
- Development proposes to retain most of the vegetation existing.
- Made reference to similarities with 8 Maxwell Lane.

**h) Consultations:**

**Highway Engineer:** Parking restraint is acceptable at this sustainable location hence no objection in principle on the premise that a 'resident permit restriction' is applied via title inclusion & condition.

*"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 landscaping and sustainability requirements of HUDP Policies T13, D4 and D9."*

**Drainage:** No objections to the proposal.

**Environment Agency:** No comment received.

**Landscape design:** No objection subject to conditions requiring the following:

Details of proposed hard and soft landscape treatment for the whole site, including the rear communal garden for the flats would be required. This should include any hard and soft landscape to be retained, permeable paving should be considered for the proposed hard surfacing and details of the permeable paving including manufacture and colour of paving would be required as well as proposed installation details.

Landscaping Scheme – Implementation, including a period of **5** year period for replacements of soft landscape

**Waste Management:**

There would be a requirement for bin storage as follows:

1 x 1100l bin for landfill

1 x 1280l bin for recycling

**Tree Officer:** No objection.

**Pinner Association:** Lack of amenity space. None is provided for four of the flats. Also the general lack of soft landscaping. The new building would be an island in a sea of tarmac from the point of view of the majority of flat owners and all local residents.

No car parking is provided save for one disabled bay. The area in which the property is situated is very heavily trafficked because of the proximity of the Pinner shopping centre and the Love Lane car park and street parking in the area is at a premium. Requested a condition to prevent the grant of any Resident's Parking Permits to the flat occupiers.

**Notifications:**

Sent: 18

Replies:  
5 Objections to the  
scheme

Expiry: 20-DEC-10

**Neighbours Consulted:**

- Avenue Road; 2B; *Pinner Methodist Church*
- Love Lane: 28; 30; 32; 33A; 33; 35A; 35 *Carpark Rear of; Garages Rear of; St Lukes Roman Catholic Church*
- Leighton Avenue; 2 ;4; 6; *United Services Club*
- Avenue Road; 2; 2A;

**Summary of objections:**

Out of scale and character; inappropriate appearance; reduce privacy and light; inappropriate increase in residential occupation density; Traffic and parking pressures; danger to pedestrians (especially children) when crossing roads and accessing the Medical Centre.

Concerns were also raised over the motivations of the applicants for their application and the harm caused by construction.

**APPRAISAL**

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

Principle of Residential Development

The existing building has a varied history in terms of its use. The building was originally used for residential. During the 1980's, the Council's records show that the ground floor and first floors were used at one point as a doctors surgery (use class D1) and planning permission had been granted to change the use of the ground floor to solicitors office (use class B1) and the first floor to professional and financial services (use class A2). It is also believed that the upper floors may have been later been used as residential, albeit without the benefit of planning permission. Whilst it is acknowledged that saved policy EM15 of the Harrow Unitary Development Plan will resist the loss of office space outside the designated areas, given that the office use only related to the ground floor and taking into account the varied use of the building, it is considered that the loss of the B1 office use in this case is justified. Furthermore, as discussed below the redevelopment of the site to provide residential development on this site is supported by national and local development plan policies. Pre-application discussions conducted in relation to this site also confirmed that, in principle, residential development in this location would be acceptable.

National planning policies PPS1 and PPS3 are broadly supportive of the provision of new residential development within built up and sustainable locations such as this one. However London Plan section 3A.3 suggests that sites should provide a density appropriate to their setting.

Section 3A.2 of the London Plan provides a Density Matrix of expected development intensities within new developments. Whilst the surrounding area is of varied character, the location is considered to be within the urban category of this Matrix. This conclusion is reached on the basis of the pattern of development in the area (mainly terraced and semi detached dwellings), the PTAL rating of 3 of the site and its location within 800m of a District Centre.

The development provides a density of 145 habitable rooms per ha which is within the London Plan Matrix indicative target of 55-225 units per hectare. It is however noted that the density of the development at 4.2 habitable rooms per unit, including the living/dining/kitchen areas as two room equivalent's, does result in a high level of intensity within the building itself.

This part of Avenue Road is characterised by a variety of building styles, the site itself being somewhat isolated by the car parks and access to the south so that it represents an "island location".

It is considered that a replacement building on this site can be granted some flexibility in design terms given its relative isolation from other buildings. These site circumstances however still require a high quality which respects the overall character of the area and its prominent location.

The design of the building proposes to replicate some features of the existing building and the surrounding area. The use of pitched roofslopes and traditional fenestration on the elevations are generally welcomed, as is the "turret" feature on the front of the building which provides an identifying and anchoring feature. The front elevation of the building would address the intersection with Love Lane well and would provide a high quality appearance which would also respect the general pattern of development design in the area.

Whilst the application provides some details of materials to be used within the development and suggests that these would match those used in the surrounding area, it is considered to be appropriate that a condition on the submission of materials would be required would be necessary to ensure the acceptable level of quality for the development.

With regard to the roof features, the application proposes a dormer in the front roof slope, the provision of roof lights in all roof slopes and in particular six units along the southern elevation. Additionally, a single inverted dormer on the rear elevation is also proposed.

With regard to the southern elevation fenestration, three windows would be provided in the flank at both ground and first floor levels. These windows would be regularly spaced along the elevation but would be massed towards the west leaving some 5m of blank façade towards the east. This would be to the rear of the site and would be less visible from the highway than other parts of the structure.

With regard to the proposed rooflights in the southern side elevation of the building, these would be well separated within the roofslope of the building and would not dominate it. As such, in this respect the development would be considered to be acceptable.

With regard to the proposed bay dormer window in the front roof slope, the Council's guidelines recognise that front dormers can be objectionable due to their potential bulk and impact on the streetscene, in particular where there is a regular pattern of development in the streetscene. Given the application site is relatively isolated from other buildings and the existing building is characterised by a front dormer, the proposed front dormer would not interrupt a regular pattern of development in the streetscene. Furthermore, the proposed front dormer has been sympathetically designed to match the design of the front bay feature and the overall scale of the dormer would be sufficiently contained within the profile of the proposed main roof of the building.

The rear inverted dormer window would face the car park to rear and would be almost invisible except when directly facing the rear elevation. This alteration is not considered to cause harm to the amenities of the area and would also be acceptable.

The use of crown roof to provide a location for solar hot water panels is noted and would minimise any disruption to the roof plane which may cause harm to the visual amenity of the structure, however these are not shown on elevations. This absence suggests that the units would lie flat and would not be visible. Should the panels be visible from outside of the site, they could result in a discordant appearance and a resultant reduction in the visual amenity of the development. It is therefore considered appropriate that a condition be imposed to require details of the panels (including sectional drawings) to ensure that they were not visible from the streetscene.

With regard to other matters relating to the appearance of the building, no specific details of rainwater goods, ventilation systems and or satellite/television reception have been proposed. These elements can have a significant impact on the design quality of a scheme and it is considered important to attach conditions to require details of these to be submitted prior to building works above ground level.

Bin storage and cycle parking facilities would be provided to the rear of the site and would not be visible from the streetscene, this would be considered to be an appropriate location for these items. It is considered appropriate however to attach a condition to require specific details of these items (plans and elevations) as well as additional details of the materials.

The development is considered to still retain an individual character which would be appropriate for a building in such a prominent site and would provide a suitable quality development for its expected occupiers, notwithstanding the lack of relief proposed within the southern side elevation of the building, on balance It is considered that, subject to the conditions proposed, the application can be supported.

## **2) Residential Amenity**

Given that the development is somewhat isolated in terms of its location (only the rear garden of 2 Leighton Avenue shares a corner of its boundary with the site) and that it would be of a similar size and height to that existing, it is not considered that the proposed development would lead to any material loss in the amenities of neighbouring occupiers by way of loss of light, or outlook over the existing situation.

With regard to the privacy of neighbouring occupiers, the residential dwelling at no. 2 Leighton Avenue may suffer limited impacts on their privacy as a result of the proposed windows and inverted dormer on the rear elevation. Given however that any overlooking would be at an oblique angle and would result in overlooking only of the rear garden of this neighbouring occupier, the development is on balance considered to be acceptable in this respect.

### Lifetime Homes and Unit Quality:

Saved Policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals. Saved policy D5 of the UDP seeks to ensure that new residential development provides amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, is a usable amenity area for the occupiers of the development and provides an appropriate level of visual amenity. When considering what is an appropriate standard of accommodation and quality of design, the Council is mindful of the Housing Quality Indicators (HQI) within the Interim London Housing Design Guide (2010). It should be noted that these room sizes are incorporated into a new SPD on Residential Development which is due to be adopted shortly. 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. Each aspect of the proposed development in the context of saved policies D4 and D5, and the Interim London Housing Design Guide is addressed accordingly below.

The development proposes five units, four of which (units 1, 2, 3 and 4) would be provided with two bedrooms. These units would be provided with one large double room and one "single" (provided with a single bed on plan). The two bed (three person) requirement within Interim Housing Guidance is 61sqm. Unit one would be provided with a floor area of 60sqm, Flats 2 and 3 at 63sqm and Flat 4 an area of 67sqm.

Flat 4 is provided with a study which, whilst small at 6.4sqm, could accommodate a single bed. If considered as a 3 bed 4 person unit, the unit would fall some 7sqm below the allowance for a 3 bed 4 person unit suggested within the Interim Housing Guidance. Notwithstanding this, should this room be utilised as a bedroom, an overall shortfall of 7sqm over the indicative guidance would not be sufficient in itself to justify refusal. It does however suggest that further scrutiny of the development would be required.

The remaining unit within the development is a 3 bed 5 person unit (including a study which could be converted to a single bedroom).

The Interim London Housing Design Guide suggests that this should have an area of 90sqm and is shown to have an area of 94sqm. It is noted that part 4.42 of the guidance suggests that flats with 3 or more bedrooms should have two living spaces, which the application fails to provide. However, a large (37sqm) living room/kitchen would compensate for this lack of provision and on balance this unit can be supported.

Movement appears reasonable within the units, and bathrooms and bedrooms are of an appropriate size for their potential occupiers, within all units and it is considered that even unit 4, if taken as a 4 person 3 bed unit, would provide appropriate living space for future occupiers.

London Plan Policy 3A.5 and the Councils adopted Supplementary Planning Document (SPD) 'Accessible Homes' seeks to ensure that new homes can be built to meet Lifetime Home standards.

The size of the units and their open plan nature would appear to provide sufficient size to allow for movement between rooms within the building, and the Design and Access Statement suggests that the ground floor units take this into account. Whilst the development does not demonstrate how Lifetime Homes standards can be achieved, especially for upper floor units, the entrances, stair widths and internal circulation appear to comply with the requirements of the Lifetime Homes Guidance (2010) and would therefore be acceptable in this respect.

With regard to outlook, all units would be provided with acceptable outlook and daylight. Bedroom 1 and the study within the 2<sup>nd</sup> floor unit would gain their sole illumination from roof level roof-light windows. Whilst this is not an ideal situation, the proposed roof-lights would be of significant size and would provide outlook, daylighting and openness which would be considered to be adequate for future occupiers. Therefore, the development is considered to be acceptable in terms of saved policies D4 and D5 of the Harrow Unitary Development Plan in this respect

### **3) Floodrisk**

With regard to flood risk assessment, it is noted that this was discussed during pre-application discussion. The applicant has provided a flood risk assessment as part of their assessment which concludes that subject to the recommended mitigation measures, the proposed development would not increase the risk of flooding in the surrounding area and is not at risk of fluvial or surface water flooding. The report was assessed by Council Drainage Unit Engineers who agree with the recommendations. As such, the development is considered to be consistent with the intentions of PPS25 and saved Policies EP11 and EP12 of the Harrow Unitary Development Plan (2004).

### **4) Parking/Highways Considerations**

Whilst noting the concern of objectors to the scheme on the basis of Highways issues, it is acknowledged that the site is in an area of good public transport accessibility and is adjacent to a town centre location. Policy 3C.1 of the London Plan seeks to reduce the need to travel, especially by private car, whilst Policy 3C.3 seeks to encourage shifts to more sustainable modes of transport.



In terms of the Harrow Unitary Development Plan, saved Policy T13 seeks to promote sustainable transport choice and specifically to reduce dependence on private motor vehicles.

Whilst limited parking is proposed onsite, as stated above the site is located in an area with a PTAL 3 rating, which provides good public transport accessibility and parking in the area is controlled through resident parking permit schemes. Given the intentions of the London Plan and the Harrow Unitary Development Plan to reduce car dependence, it is considered that this site presents an opportunity to limit car ownership in pursuance of the above documents.

Given that onsite parking provision is limited, there is the potential for the development to result in increased congestion on the adjoining highway by pushing resident vehicles to park offsite. As suggested by Council Highways Engineers, it is considered appropriate that the consent be conditioned to prevent future occupiers from gaining residents parking permits in the area. Such a provision would prevent any potential issue arising from onstreet parking congestion arising from the development, this would also address any concerns in relation to reducing pedestrian safety in the area.

The recommended condition from the Highways Officer would however be amended to require discharge of the details before occupation as there is no planning merit in requiring it prior to commencement.

#### **5) Sustainability**

The application is accompanied by a Sustainability Assessment from Formas Sustainability Ltd. This assessment concludes that the development has the potential to achieve Code for Sustainable Homes Level 3 through the use of: Passive design features; zero carbon technology; energy efficiency measures and water efficiency measures.

Paragraph 21 of PPS1 refers to the prudent use of resources and Paragraph 22 of this document seeks for authorities to promote renewable energy, end efficiency measures. Saved Policy D4 of the Harrow Unitary Development Plan contains the local policy direction to support sustainability within developments.

The intentions of the applicants in proactively seeking a sustainable development are supported and this is considered to be a positive consideration in the assessment of the application.

#### **6) S17 Crime & Disorder Act**

The rear of the site would not be well overlooked at night (given its proximity and openness with relation to the rearward public car park). It is considered that care would need to be taken in terms of planting and fencing provisions. These measures would be addressed as part of the landscaping conditions attached to the approval. Notwithstanding these provisions however, the development is considered to provide an appropriately overlooked front entrance and that on balance that this would not result in issues of increased crime for occupants or the community.

## **7) Consultation Responses**

The comments of objectors in relation to the application are addressed as follows:

Questions of the design, scale, density and character have been addressed in the main body of the report, as have concerns relating to privacy.

With regard to traffic and safety, the provision of a car free scheme (with the exception of a single disabled space) would, as addressed above address this concern.

Concerns were also raised over the motivations of the applicants for their application and the harm caused by construction, such matters would however be better dealt with through other legislation should adverse effects arise.

With regard to the motivations of the applicants in making the application, this cannot be considered to be a planning consideration as it does not have any material bearing on the potential impacts arising from the development.

## **CONCLUSION**

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for GRANT, subject to the following conditions.

## **CONDITIONS**

1 The 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 approved shall be carried out in accordance with the following plans and information:

6506/101; 6506/200 Revision G; 6506/201 Revision G; 6506/202 Revision G; 6506/203 Revision G; 6506/204 Revision G; G3421-1; SLA/E3753/100; Location Plan; Site Plan; Sustainability Assessment; Design and Access Statement.

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: building

b: the ground surfacing

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

To safeguard the appearance of the locality to comply with saved policy D4 of the Harrow Unitary Development Plan 2004.

4 Notwithstanding the details on the approved plans, 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 and any boundary treatments. 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 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, to enhance the appearance of the development and in the interests of crime prevention, in accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

6 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 any controlled parking zone which may be in force in the area at any time.

REASON: To ensure that the development addresses the landscaping and sustainability requirements of saved Policies T13 and D4 of the Harrow Unitary Development Plan (2004).

7 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 should 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).

8 Prior to development proceeding above ground level, details of any extraction flues, ventilation systems, and rainwater disposal systems (including downpipes) shall be submitted to and approved by the Local Planning Authority. The application shall be implemented in full accordance with such details and be maintained thereafter.

REASON: In order to ensure a high standard of development which provides an appropriate standard of visual amenity for the surrounding area, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2004.

9 Prior to the commencement of works to the roof of the approved building, details of the proposed solar hot water heating system, (including sectional drawings) which confirm that any panels will not be visible from the neighbouring highway or residential properties, shall be submitted to and approved by the local planning authority. The development to be completed in full accordance with such details.

REASON: In the interests of the visual amenity of the development and the area and in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2010.

10 Prior to the commencement works onsite, additional details of the proposed bin and cycle stores, including detailed drawings, and materials samples, should be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained thereafter.

REASON: To ensure an appropriate standard of design which respects the amenities of the development and the area, and in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2004.

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

REASON: to safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow UDP.

12 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.

13 No site works or development shall commence until details of the levels of the building and footpaths in relation to the adjoining land and highways, 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, gradient of access and future highway improvement in accordance with saved policies D4 of the Harrow UDP.

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

REASON: To ensure that, where the development is capable of meeting 'Lifetime Home' in accordance with saved policy C16 of the Harrow Unitary Development Plan.

15 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Code for Sustainable Homes Level 3 (or successor), the reduction of baseline CO<sub>2</sub> emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policies 4A.1, of the London Plan (2008), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

16 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. 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.

17 No development shall take place until a detailed plan and elevations indicating the positions, height, designs, materials and type of boundary fencing treatment to be erected, 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 future occupiers of this site, in accordance with saved policies D4 and D5 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:

### **National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 25: Development and Floodrisk (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.5 Housing Choice  
3C.1 Integrating Transport and Development  
3C.3 Sustainable Transport For London  
4A.1 Tackling Climate Change  
4A.3 Sustainable Design and Construction  
4A.7 Renewable Energy  
4B.1 Design principles for a compact city  
Interim London Housing Design Guide (2010)

**Harrow Unitary Development Plan 2004:**

D4 The Standard of Design and Layout  
D5 New Residential Development – Amenity Space and Privacy  
D9 Street side Greenness and Forecourt Greenery  
D10 Trees and New Development  
C16 Access to Buildings and Public Spaces  
EP11 Development within Floodplains  
EP12 Control of Surface Water Runoff  
EM15 Land and Buildings in Business, Industrial and Warehousing Use- Outside Designated Areas  
T13 Parking Standards

Supplementary Planning Guidance, Designing New Development (2003)  
Supplementary Planning Guidance, Extensions, A householders Guide (2008)  
Supplementary Planning Document 'Accessible Homes' (2010)  
Supplementary Planning Document 'Sustainable Building Design' (2009)

**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>

Item 2/06 : P/1291/10 continued/...

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: 6506/101; 6506/200 Revision G; 6506/201 Revision G; 6506/202 Revision G; 6506/203 Revision G; 6506/204 Revision G; G3421-1; SLA/E3753/100; Location Plan; Design and Access Statement; Sustainability Assessment; Flood Risk Assessment.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.



## SECTION 5 - PRIOR APPROVAL APPLICATIONS

---

<b>LAND FRONTING 87 PINNER HILL ROAD, HA5 3SG</b>	<b>Item: 5/01</b> <b>P/3265/10</b> Ward: PINNER
PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 511112 190488) (PCP: 52)	
<b>Applicant:</b>	Harlequin Ltd.
<b>Case Officer:</b>	Sushila Bhandari
<b>Statutory Expiry Date:</b>	21-JAN-11

---

### RECOMMENDATION

#### 1. PRIOR APPROVAL IS REQUIRED

**2. REFUSE PRIOR APPROVAL** of details of siting and appearance for the development as described in the application and submitted plans for the following reasons:

1. The proposed equipment cabinet by reason of its prominent siting on a grass verge and unacceptable appearance, together with the existing equipment cabinet would result in an obtrusive form of development and visual clutter within this part of the Pinnerwood Park Estate Conservation Area and would be harmful to the visual amenities of the occupiers at No.87 Pinner Hill Road. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the Pinnerwood Park Estate Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Policies HE 7.4 and HE 9.1 of Planning Policy Statement 5: Planning for the Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Supplementary Planning Document (SPD) (Dec 2009) : Pinner Conservation Area Appendix 8 - The Pinnerwood Park Conservation Area Appraisal and Management Strategy (Dec 2009).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

#### **National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

#### **London Plan:**

4B.1 – Design principles for a compact city

#### **Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development  
D29 – Street Furniture  
T6 - The Transport Impact of Development Proposals  
T9 – Walking  
T13 – Parking Standards

Supplementary Planning Document 'Access for All' (2006)  
The Pinner Conservation Areas SPD (Appendix 8 – the Pinnerwood Park Conservation Area Appraisal and Management Strategy - CAAMS) (2009)

---

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

- 1) Siting and Appearance (PPS1, PPS5, PPG8, 4B.1, D4, D14, D15, D24, D29, SPD)
- 2) Accessibility and Highways Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

This application is reported to committee as the application falls outside the scheme of delegation for the determination of telecommunications equipment.

**a) Summary**

Statutory Return Type: 27: Notifications Under Circular  
Conservation Area: Pinnerwood Park Estate Conservation Area  
Council Interest: Public Highway

**b) Site Description**

- The application site is an area of grass verge located adjacent to the front boundary of No.87 Pinner Hill Road, which is located on the eastern side of Pinner Hill Road.
- The existing front boundary treatment of No.87 is characterised by a low hedgerow.
- There is an existing equipment cabinet located adjacent to the front boundary of No.87.
- The site is situated within the Pinnerwood Park Estate Conservation Area.

**c) Proposal Details**

- The applicant is seeking prior approval for the siting and appearance for one equipment cabinet. This cabinet would have dimensions of 1.6m x 1.2m x 0.45m and would be dark green in colour.

**Revisions to Previous Application:**

- There have been no revisions made to the previous application ref: P/2710/10 which was refused prior approval.

**d) Relevant History**

P/2710/10	PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 511112 190488) (PCP: 52)	REFUSED 22-NOV-10
-----------	--	----------------------

**Reasons for Refusal:**

1. The proposed equipment cabinet by reason of its prominent siting on a grass verge and unacceptable appearance, together with the existing equipment cabinet would result in an obtrusive form of development and visual clutter within this part of the Pinnerwood Park Estate Conservation Area and would be harmful to the visual amenities of the occupiers at No.87 Pinner Hill Road. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the Pinnerwood Park Estate Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Planning Policy Statement 5: Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Supplementary Planning Document (SPD) (Dec 2009) : Pinner Conservation Area Appendix 8 - The Pinnerwood Park Conservation Area Appraisal and Management Strategy (Dec 2009).

2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a design statement forming part the application form.

**g) Consultations**

CAAC: The greenery within this Conservation Area is a luxury that should be retained. The cabinet would be over large, unattractive, too prominent and detract from the Conservation Area. This appears identical to application P/27010/10 that was refused.

Repeat some of objections that CAAC made before which was that:

Any additional street furniture should be discreetly located. We regret the proliferation of street furniture in the conservation area.

Previous comments from CAAC relating to application P/2710/10

Any additional street furniture should be discreetly located. We regret the proliferation of street furniture in the conservation area. They should be pushed back and located discretely within the streetscene as much as possible to have wide access on pavements for the pedestrian particularly for wheelchairs and prams.

Highways Engineer: No Objection

**Advertisement:** | Character of Conservation Area | Expiry: 30-DEC-10

**Notifications:**

Sent: 37

Replies: 0

Expiry: 23-DEC-10

**Address Consulted**

83, 85, 87, 89 Pinner Hill Road  
Pinner Hill Community Hall  
Edwin Ware Court, Crossway, Pinner  
1 to 31 Edwin Ware Court, Crossway, Pinner

**Summary of Responses:** N/A

**APPRAISAL**

**1) Siting and Appearance**

This application is the same as the previous application submitted under P/2710/10. There has been no material change to the proposal or the relevant policies since the previous decision and therefore the material consideration in the previous application are relevant in this application. The appraisal to the previous application is set out below, which is relevant in this application.

In assessing an application for prior approval national policy guidance PPG 8 on Telecommunications advises that the matters such as the following should be taken into consideration when assessing the siting of any telecommunications development:

- The height of the site in relation to the surrounding land;
- The existence of topographical features and natural vegetation;
- Effect on skyline or horizon;
- When observed from any from any side;
- site in relation to areas designated for their scenic or conservation value;
- site in relation to existing masts, structures or buildings, including buildings of a historic or traditional character;
- site in relation to residential property; and
- any other relevant considerations.

With regard to assessing the appearance of telecommunications development, PPG8 advises that factors such as materials, colour and design should be taken into consideration.

Saved policy D24 of the Harrow UDP is broadly reflective of the guidance set out under PPG 8. Saved policy D24 will consider proposals for telecommunication development favourably provided that *inter alia* there would be no detrimental impact on conservation areas, listed buildings, important local views and landmarks, there would be no serious risk to amenity in residential areas, and the proposed installation would be sited and designed to minimise visual impact. Saved policies D4, D14, D15 and D29 are also relevant in the assessment of telecommunications development in terms of design, siting, street future and proposals that would impact on conservations areas.

As part of a major upgrade programme to install new fibre optic broadband, BT Openreach are seeking to install a number of system cabinets across the borough. These cabinets are larger than the other similar style cabinets that have been installed on streets across the borough and therefore in terms of its external appearance such cabinets would be visible in the streetscene. In terms of the choice of material and colour, the proposed cabinet has been designed in a way to minimise its impact by choosing to paint the cabinets dark green to blend in with the landscape setting of the streetscene. In this case the proposed cabinet would be located within the Pinnerwood Park Estate Conservation Area against a hedge which would camouflage it to some extent. However, once the hedge has shed its leaves in winter, or it is pruned/ cut back, the proposed cabinet would be highly visible both from within the front garden of No.87 Pinner Hill Road and from the streetscene. Furthermore, as the height of the new cabinet would be 1.6 metres, nearly twice the height of the existing adjacent cabinet, the proposed cabinet in terms of its appearance would have a detrimental impact upon the visual amenities of No.87 Pinner Hill Road and the Pinnerwood Park Estate Conservation Area.

Furthermore, its siting over an existing grass verge and its siting in conjunction with this existing cabinet would add street clutter within the area. At the moment the Conservation Area is relatively uncluttered and the grass verges are important to the area. The Pinner Conservation Areas SPD (Appendix 8 – the Pinnerwood Park Conservation Area Appraisal and Management Strategy - CAAMS) adopted December, 2009 highlights the importance of grass verges to the Conservation Area. The guidance notes within this CAAMS then state that 'To ensure that the character of the streetscene is both preserved and enhanced, Harrow Council will: b) Encourage utility companies to install the minimum amount of new and replacement street furniture and to locate this sensitively. d) Encourage street furniture and signage to be well sited and designed.' And states that: To ensure that the soft character of the conservation area is both preserved and enhanced Harrow Council will: a) encourage the retention and improvement of both public and private green spaces and open land, including trees, hedgerows and grass verges. The proposed siting and appearance of the cabinet would therefore not preserve the character of the Conservation Area and would be contrary to PPS5 policy HE 7.4 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 PPS5 policy HE9.1 which states: There should be a presumption in favour of the conservation of designated heritage assets.

The applicant has also failed to demonstrate that there are no other satisfactory alternative locations for the proposed siting of the equipment cabinet to meet the network coverage as required by Criterion A) of saved policy D24.

In assessing applications for telecommunication development due regard must also be given to any potential health hazard upon the surrounding community. The proposal relates to the installation of cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would fail to meet the objectives set out under saved policies D24, D14, D4 and D29 of the Harrow UDP and would be contrary to the guidance set out in PPG8 and PPS5.

**2) Accessibility and Highways Considerations**

In terms of assessing the siting of the proposed cabinet with regards to the Council's Accessibility Supplementary Planning Document, the proposed cabinet would be located on part of the grass verge at the end of the footpath and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety. It is noted that the owners of No.87 Pinner Hill Road have raised concerns with regards to the impact of the installation of the new cabinet upon the surrounding highway and the future problems likely to arise when engineers require future access to the cabinet. As stated by the occupiers of No.87 Pinner Hill Road, any disruption to the highway would be a 'one off' occurrence. Any indiscriminate parking as a result of any future access to the cabinet would be a matter for highways enforcement and not a matter that planning policy can control. Furthermore the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

**3) S17 Crime & Disorder Act**

It is considered that the proposed siting and appearance of the equipment cabinet would not have any adverse crime or safety concerns.

**4) Consultation Responses**

All material planning considerations have been addressed in the above report.

**CONCLUSION**

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

**INFORMATIVES**

**1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

**National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

**London Plan:**

4B.1 – Design principles for a compact city

**Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

Item 5/01 : P/3265/10 continued/...

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document 'Access for All' (2006)

The Pinner Conservation Areas SPD (Appendix 8 – the Pinnerwood Park Conservation Area Appraisal and Management Strategy - CAAMS) (2009)

Plan Nos: Location Plan; Unnumbered Photograph of Cabinet; PCP 052

**LAND OUTSIDE 9 NOWER HILL ON THE CHASE, PINNER, HA5 5QR**, P/3268/10

Ward: PINNER

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 512749 189343)(PCP: 78)

**Applicant:** Harlequin Ltd.  
**Case Officer:** Sushila Bhandari  
**Statutory Expiry Date:** | 21-JAN-11

---

## RECOMMENDATION

### 1. PRIOR APPROVAL IS REQUIRED

**2. REFUSE PRIOR APPROVAL** of siting and appearance for the development as described in the application and submitted plans for the following reasons:

1. The proposed equipment cabinet by reason of its prominent siting on the corner junction of Nower Hill and The Chase would result in an obtrusive form of development and add visual clutter within this part of the Tookes Green Conservation Area. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the Tookes Green Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Policies HE 7.4 and HE 9.1 of Planning Policy Statement 5: Planning for the Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of Supplementary Planning Document (SPD) (Dec 2009) : Pinner Conservation Area Appendix 7 – Tookes Green Conservation Area Appraisal and Management Strategy (Dec 2009).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

### **National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 – Planning For The Historic Environment

### **London Plan:**

4B.1 – Design principles for a compact city

### **Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

T6 – The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards



Supplementary Planning Document 'Access for All' (2006)  
The Pinner Conservation Areas SPD (Appendix 7 – the Tookes Green Conservation Area Appraisal and Management Strategy) (2009)

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

- 1) Siting and Appearance (PPS1, PPS5, PPG8, 4B.1, D4, D14, D15, D24, D29, SPD)
- 2) Accessibility and Highways Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

This application is reported to committee as the application falls outside the scheme of delegation for the determination of telecommunications equipment.

**a) Summary**

Statutory Return Type: 27: Notifications Under Circular  
Conservation Area: Tookes Green Conservation Area  
Council Interest: Public Highway

**b) Site Description**

- The application site forms part of the pavement area adjacent to the southern side boundary wall of the front garden to No.9 Nower Hill and fronts The Chase.
- There is a road name sign located adjacent to the application site.
- The existing side boundary treatment to the front garden of No.9 is characterised by a low brick wall and trees/ shrubbery.
- The site is situated within the Tookes Green Conservation Area.

**c) Proposal Details**

- The applicant is seeking prior approval for the siting and appearance for one equipment cabinet. This cabinet would have dimensions of 1.6m x 1.2m x 0.45m and would be dark green in colour.

**Revisions to Previous Application:**

Following the previous decision (P/2727/10) the following amendments have been made:

- The proposed equipment cabinet has been relocated from the previous location adjacent to the front boundary wall of No. 9 Nower Hill to the side boundary wall, which fronts The Chase.

**d) Relevant History**

P/2727/10	PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 512749 189343)(PCP: 78)	REFUSED 22-NOV-10
-----------	---	----------------------

**Reasons for Refusal:**

1. The proposed equipment cabinet by reason of its prominent siting on a grass verge and unacceptable appearance would result in an obtrusive form of development and add visual clutter within this part of the Tookes Green Conservation Area and would be harmful to the visual amenities of the occupiers at No.9 Nower Hill. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the Tookes Green Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Planning Policy Statement 5: Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Supplementary Planning Document (SPD) (Dec 2009) : Pinner Conservation Area Appendix 7 – Tookes Green Conservation Area Appraisal and Management Strategy (Dec 2009).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a design statement forming part the application form.

**g) Consultations**

CAAC: It would appear that a cabinet has already been installed.

This should be round one side, further into the Chase so that it is not as prominent and noticeable as it would be currently on that corner. As you go up Nower Hill it is very historic, including the hedge. If they have to have this here it would need to be further into the Chase. They should put the box further up by where the PCP is labelled on the plan. This would be too large/prominent. It will obstruct the footpath.

Highway Engineer: No objection

**Advertisement:** | Character of Conservation Area | Expiry: 30-DEC-10

**Notifications:**

Sent: 25

Replies: 0

Expiry: 30-DEC-10

**Addresses consulted:**

Flats 1 and 2, 11 Nower Hill

10, 12 Nower Hill

Flats 1-9, 6-8 Nower Hill

Flats 1-6, 9 Nower Hill

6-8, 9, 11 and 6 Nower Hill

Flats 1 and 2 Nower Court, Nower Hill

Summary of Responses: n/a

## **APPRAISAL**

### **1) Siting and Appearance**

This application follows on from a previous application for a similar sized equipment cabinet located on the grass verge, adjacent to the front boundary wall of No.9 Nower Hill, which was refused prior approval for the reasons stated above. In this current application, the applicant has relocated the cabinet adjacent to the southern side boundary wall of the front garden of No.9 Nower Hill and at the corner junction of Nower Hill and The Chase.

In assessing an application for prior approval national policy guidance PPG 8 on Telecommunications advises that the matters such as the following should be taken into consideration when assessing the siting of any telecommunications development:

- The height of the site in relation to the surrounding land;
- The existence of topographical features and natural vegetation;
- Effect on skyline or horizon;
- When observed from any from any side;
- site in relation to areas designated for their scenic or conservation value;
- site in relation to existing masts, structures or buildings, including buildings of a historic or traditional character;
- site in relation to residential property; and
- any other relevant considerations.

With regard to assessing the appearance of telecommunications development, PPG8 advises that factors such as materials, colour and design should be taken into consideration.

Saved policy D24 of the Harrow UDP is broadly reflective of the guidance set out under PPG 8. Saved policy D24 will consider proposals for telecommunication development favourably provided that *inter alia* there would be no detrimental impact on conservation areas, listed buildings, important local views and landmarks, there would be no serious risk to amenity in residential areas, and the proposed installation would be sited and designed to minimise visual impact. Saved policies D4, D14, D15 and D29 are also relevant in the assessment of telecommunications development in terms of design, siting, street future and proposals that would impact on conservations areas.

As part of a major upgrade programme to install new fibre optic broadband, BT Openreach are seeking to install a number of system cabinets across the borough. These cabinets are larger than the other similar style cabinets that have been installed on streets across the borough and therefore in terms of its external appearance such cabinets would be visible in the streetscene.

In terms of the choice of material and colour, the proposed cabinet has been designed in a way to minimise its impact by choosing to paint the cabinets dark green to blend in with the landscape setting of the streetscene. It is considered that the existing trees and shrubs, and the relocation of the cabinet adjacent to the side boundary wall instead of the previously proposed location adjacent to the front boundary wall, would screen the proposed cabinet from the direct view of the occupiers of No, 9 Nower Hill and therefore overcome the previous objections raised under application P/2727/10.

However, the equipment cabinet would be located adjacent to a very low brick wall of No.9 Nower Hill and on a prominent corner junction of Nower Hill and The Chase, and therefore a 1.6m high cabinet would be highly visible in the streetscene. Furthermore, the proposed cabinet would be located within the Tookes Green Conservation Area. The proposed location of the cabinet would be an obtrusive siting within the Conservation Area and would add street clutter within the area. The uncluttered nature of this Conservation Area in terms of its street furniture is highlighted by the Pinner Conservation Areas SPD (Appendix 7 – the Tookes Green Conservation Area Appraisal and Management Strategy) adopted December, 2010. The guidance note within this CAAMS states that ‘To ensure that the character of the streetscene is both preserved and enhanced, Harrow Council will: b) Encourage utility companies to install the minimum amount of new and replacement street furniture and to locate this sensitively. d) Encourage street furniture and signage to be well sited and designed.’ Given the obtrusive proposed siting, the current proposal would therefore be contrary to Harrow UDP policy D14 and PPS5 policy HE 7.4 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 PPS5 policy HE9.1 which states: There should be a presumption in favour of the conservation of designated heritage assets.’

The applicant has also failed to demonstrate that there are no other satisfactory alternative locations for the proposed siting of the equipment cabinet to meet the network coverage as required by Criterion A) of saved policy D24. Furthermore, there are two other similar 1.6m high equipment cabinets within close proximity of the application site. One located outside No.696 Pinner Road and the other is located outside Nower, Court, Nower Hill, which raises the question as to why so many equipment cabinets are required within close proximity of each other.

In assessing applications for telecommunication development due regard must also be given to any potential health hazard upon the surrounding community. The proposal relates to the installation of cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would fail to meet the objectives set out under saved policies D24, D14, D4 and D29 of the Harrow UDP and would be contrary to the guidance set out in PPG8 and PPS5.

**2) Accessibility and Highways Considerations**

In terms of assessing the siting of the proposed cabinet with regards to the Council's Accessibility Supplementary Planning Document, the proposed cabinet would be located at the end of the footpath and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety and the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

**3) S17 Crime & Disorder Act**

It is considered that the proposed siting and appearance of the equipment cabinet would not have any adverse crime or safety concerns.

**4) Consultation Responses**

All material planning considerations have been addressed in the above report.

**CONCLUSION**

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

**INFORMATIVES**

**1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

**National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

**London Plan:**

4B.1 – Design principles for a compact city

**Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document 'Access for All' (2006)

The Pinner Conservation Areas SPD (Appendix 7 – the Tookes Green Conservation Area Appraisal and Management Strategy - CAAMS) (2009)

Plan Nos: Location Plan; Unnumbered Photograph of Cabinet