

SECTION 1 – MAJOR APPLICATIONS

Item: 1/01

WAVERLEY INDUSTRIAL ESTATE, P/3233/10
HAILSHAM DRIVE, HARROW, HA1 4TR

WARD MARLBOROUGH

CHANGE OF USE TO A FLEXIBLE PERMISSION FOR EITHER B1(C), B2 OR B8 USE

Applicant: Eskmuir Properties Ltd
Agent: Savills (L&P) Ltd
Case Officer: Andrew Ryley
Statutory Expiry Date: | 09-MAR-11

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, and to all relevant material considerations as outlined in the application report. The proposed flexible permission would permit any of the specified uses being substituted within a 10 year period, without the need for a fresh planning application, and this would afford flexibility in attracting future tenants, which would also benefit the local economy and employment opportunities.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning for Sustainable Economic Development (2009)

London Plan:

2A.10 Strategic Industrial Locations

3B.4 Industrial Locations

4B.1 Design Principles for a Compact City

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

S1 The Form of Development and Pattern of Land Use

D4 The Standard of Design and Layout

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

EP21 Vacant and Disused Land and Buildings

T6 Transport Impact of Development Proposals

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

- 1) Principle of development (PPS4, S1, D4, EM14, EP21, T6)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

INFORMATION

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

a) Summary

Statutory Return Type: 12 – Smallscale Major

Council Interest: None

b) Site Description

- The application site comprises Waverley Industrial Park, accessed from Hailsham Drive.
- The industrial park consists of six separate buildings, made up of 15 individual units, which are currently in use for a variety of commercial / industrial purposes.
- The units are all two storeys in height, and constructed of a mix brick / corrugated metal.
- There is a total of 11,884 sq m floor space, and 225 car parking spaces.
- The West Coast Main Line abounds the site to the north.

c) Proposal Details

- Application proposes a change of use to a flexible permission for either B1(c), B2 or B8 Use.

d) Relevant History

The site has an extensive planning history associated with its current commercial use.

e) Consultations

Highway Engineer: No objection. The Transport Assessment provided is robust and acceptable. Based on the fact that this is an industrial park with existing B8/B1 activities, it is unlikely that additional vehicle movements will result for the proposed B1,B2 or B8 uses as compared to the current use hence there are no specific concerns.

Planning Policy Officer: No objection in principle to flexible permission. However, there is an issue if all of the units were to become B1a offices over time, which would be contrary to Policy EM4 of Harrow's UDP 2004 as the Council recommends employment and new office development to be located within Harrow Metropolitan Centre and Northolt Road, South Harrow. There should be a form of control in perpetuity that ensures that a complete blanket of B1a offices across the site does not occur, which could undermine the policy objective of directing employment towards the town centre.

Notifications:

Sent: 72

Replies: 0

Expiry: 06-JAN-11

Neighbours consulted:

Cumberland Court Princess Drive 1-15

Warwick Court Princess Drive Flats 1- 12

Harrow Crown Courts

Kodak Site, Headstone Drive

Factory Lbh property 21320000, 21320001a, 21320001, 21320090, 21320203, 21320204, 21320205

Car Park 2130001y, 21320001b

Warwick Court, Princess Drive
Waverley Industrial Estate, Units 1-15
Wardens Flat, 29, Pembroke Lodge Du Cros Drive
Offices Lbh property 21320001z

Summary of responses:

N/A

APPRAISAL

1) Principle of Development

The application proposes a flexible permission to cover all of the site, and would allow each unit to change between B1(c), B2 and B8 uses without the need for an individual planning permission. The applicant has set out that whilst at present the site is mostly occupied, there are a number of vacant units, and the current economic climate can make it difficult to attract new tenants, especially where delays occur in having to seek a change of use for each individual unit.

It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth (2009). PPS4 sets out the Government's guidance on planning for economic development. Broadly the Government's policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings. PPS4 particularly emphasises that local authorities should be positive, proactive and flexible when considering these matters, and states:

"EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably."

Saved Policy EM14 of the Harrow Unitary Development Plan (2004) is also supportive of the retention of existing commercial areas, of which this is one. The flexible permission sought would allow for either industrial or warehousing uses and would be appropriate both in terms of planning policy but also to maximize the employment potential of these premises in the interests also of sustainability.

Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (amended) is explicit in allowing local planning authorities to grant flexible planning permissions, where alternative uses may be specified. It allows *"Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on application, to another use which that permission would have specifically authorized when it was granted."*

Accordingly a grant of permission in this case would permit any of the specified uses being substituted within a 10 year period, without the need for a fresh planning application. This would afford flexibility in attracting future tenants, which would also benefit the local economy in line with current planning policy.

The site is located within a major employment location and surrounded by commercial (industrial/warehouse) uses. There are no 'noise-sensitive' uses nearby; all surrounding occupiers are B1, B2 and B8 uses. Overall it is considered that the proposed change of use would not result in any material impact on neighbouring commercial/industrial occupiers. It is accordingly considered unnecessary to impose conditions to restrict hours of operation or noise limits on external plant etc.

The application by its nature would lead to a mix of commercial uses and it is reasonable to assume that the uses would attract a mixture of light commercial vehicles and HGV's. Importantly the type/size and frequency of delivery vehicles associated with the 'other' business uses sought is unlikely to be materially different to that currently generated by the current mix of uses. The Council's Highway Engineer has confirmed that the Transport Assessment provided is acceptable and as such has no objection to the application.

It is noted that the Council's Planning Policy Officer has raised concerns over the potential for an increase in B1(a) offices, which would be contrary to the Council's aspirations and policies of directing new office development into the town centre. However, the proposed application would only lead to an unrestricted B1(c) use, and therefore planning permission would still be required for a change of use to B1(a) (outside of the established Permitted Development criteria).

Overall, it is considered that the proposal would be consistent with PPS4 and saved Policy EM14 of the Harrow Unitary Development Plan (2004), and is therefore acceptable.

2) S17 Crime & Disorder Act

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

3) Consultation Responses

These have been dealt with the body of the report.

CONCLUSION

The decision to grant permission has been taken on the basis the proposed flexible permission would permit any of the specified uses being substituted within a 10 year period, without the need for a fresh planning application, and this would afford flexibility in attracting future tenants, which would also benefit the local economy and employment opportunities.

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 existing access, parking and servicing space, as shown on the submitted drawings shall be permanently retained for such use and shall not be used for any other purpose.

REASON: To ensure that adequate provision for parking and servicing is retained at the site in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

2 No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written permission of the Local planning authority.

REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall be carried out in accordance with the following approved plans: 30, Site Plan, Planning Statement, Transport Assessment.

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, and to all relevant material considerations as outlined in the application report. The proposed flexible permission would permit any of the specified uses being substituted within a 10 year period, without the need for a fresh planning application, and this would afford flexibility in attracting future tenants, which would also benefit the local economy and employment opportunities.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning for Sustainable Economic Development (2009)

London Plan:

2A.10 Strategic Industrial Locations

3B.4 Industrial Locations

4B.1 Design Principles for a Compact City

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

S1 The Form of Development and Pattern of Land Use

D4 The Standard of Design and Layout

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

EP21 Vacant and Disused Land and Buildings

T6 Transport Impact of Development Proposals

2 COMPLIANCE WITH PLANNING CONDITIONS:

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

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

Plan Nos: 30, Site Plan, Planning Statement, Transport Assessment

Item: 1/02
TESCO SUPERMARKET, STATION ROAD, P/3332/10
HARROW, HA1 2TU

Ward GREENHILL

VARIATION OF CONDITION 1 ATTACHED TO PERMISSION EAST/237/96/VAR DATED 29/05/1996 TO PERMIT THE OPENING HOURS FROM 06.00 TO 23.00 MONDAY TO SATURDAY (RETROSPECTIVE APPLICATION)

Applicant: Tesco Storey Ltd
Agent: DPP LLP
Case Officer: Gerard Livett
Statutory Expiry Date: | 08-MAR-11

RECOMMENDATION

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

REASON:

The decision to GRANT planning permission for the variation of the condition has been taken as the proposal would provide retail facilities in the early morning and late evening and would not cause undue harm to the residential amenities of neighbouring occupiers, and having regard to relevant government guidance contained in Circular Guidance 11/95: The Use of Conditions in Planning Permissions; guidance contained in the relevant guidance contained in National Planning Policies and Planning Statements, the policies and proposals of the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)
Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 13 – Transport (2011)
Planning Policy Guidance 24 – Planning and Noise (1994)

London Plan:

3D.2 – Town Centre Development
3D.3 – Maintaining and improving retail facilities
4B.1 – Design principles for a compact city
4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

SEM2 – Hierarchy of Town Centres
D4 – The Standard of Design and Layout
D5 – Residential Amenity
EM24 – Town Centre Environment
EP25 – Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C17 – Access to Leisure, Recreation, Community and Retail Facilities

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

- 1) Principle of Development (PPS1, PPS4, D4, D5, EP25, EM24)
- 2) Residential Amenity (D4, D5, EP25, PPG24)
- 3) Traffic and Highway Safety (T6, T13, PPG13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is referred to the Planning Committee as a variation of condition for major development is outside the scope of the Scheme of Delegation.

a) Summary

Statutory Return Type: Smallscale major retail
Site Area: 0.22 ha
Council Interest: None

b) Site Description

- The application site is occupied by a single-storey supermarket with a car park and servicing area
- The customer car park is accessed from Hindes Road
- Servicing of the supermarket is from a service road to the rear of Dominion Parade, Station Road
- The site is within the Harrow Metropolitan Centre
- Station Road is a London Distributor Road (Road Tier 2)

c) Proposal Details

- Variation of Condition 1 attached to planning permission EAST/237/96/VAR which limits the opening hours of the supermarket.

The existing condition states:

The premises shall not be open for sale of goods to the public except between the hours of 08.00 to 22.00 Monday to Saturday and between 10.00 and 17.00 hours on Sundays. No sale of goods to the public shall take place at any other time except with the prior agreement in writing of the Local Planning Authority.

The proposal would change that to:

The premises shall not be open for sale of goods to the public except between the hours of 06.00 to 23.00 Monday to Saturday and between 10.00 and 17.00 hours on Sundays. No sale of goods to the public shall take place at any other time except with the prior agreement in writing of the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring residential occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

d) Relevant History

LBH/43753	New retail store (55,000 sq.ft), car parking, access and associated works	GRANTED 24-JAN-92
EAST/237/96/VAR	Variation of condition 10 of P/P LBH/43753 to allow hours of opening from 8:00 to 22:00 Mon to Sat (re-consideration)	GRANTED 29-MAY-96
EAST/884/98/VAR	Variation of condition 10 of planning permission LBH/43753 to allow 24 hour trading Monday to Saturday	REFUSED 26-APR-99 APPEAL DISMISSED
P/0294/08	New vehicular access onto dominion parade, station road	REFUSED 11-MAR-08

Reason for Refusal:

- The proposal would give rise to conditions that would be prejudicial to the safety and free flow of vehicles and pedestrians on Station Road, Dominion Parade and the existing service road, contrary to policies 3C.17, 3C.20 & 3C.21 of the London Plan and policies ST3, T6 and T9 of the Harrow Unitary Development Plan (2004)

P/4017/08	1). Raising roof of existing store and construction of mezzanine floor 2). Construction of three level decked car park and 3). Construction of three independent retail units.	WITHDRAWN 03-MAR-09
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e) Pre-Application Discussion

- None

**f) Applicant Statement
Planning Statement**

Store is currently trading outside permitted hours
Site has a PTAL rating of 4
Proposal would allow for use of store by persons who cannot shop during current permitted hours
Separation of store from site boundaries would mitigate additional noise

Noise Impact Assessment

Predicted noise levels associated with the proposal would be within the daytime and night-time guideline values in WHO and BS8233.
Predicted levels of noise would be below existing ambient and peak noise climate

g) Consultations

Environmental Health Agency: No response received

Highways Engineers: Proposals are acceptable

Advertisement: Major Development

Expiry: 06-JAN-11

Notifications:

Sent : 356 Replies : 5

Expiry: 04-JAN-11

Neighbours consulted:

Dominion Parade: 9-16 Consecutive

Station Road: Isobel House, flats 1-21

Station Road: Bluepoint Court: flats 1-25

Station Road: 84-142 (even) (including flats)

Station Road: 47-79 (odd) (including flats)

Nibthwaite Road: 2-60 (even) (including flats)

High Mead: 1-48

Hindes Road: 2-25 (inclusive)

Hamilton Road: 1-41 (inclusive)

Woodlands Road: Woodland Court

Summary of Responses:

- Noise and disturbance from extended opening hours
- Extended hours are already in operation
- Loss of property value

APPRAISAL

1) Principle of Development

The use of the site as a supermarket is long established.

The principle of extended opening hours from 06:00 to 23:00 on Monday to Friday is considered acceptable, provided that this would not be detrimental to the residential amenities of neighbouring occupiers.

It is noted that a previous application (EAST/884/98/VAR) to allow for 24 hour opening on Monday to Saturday was refused and dismissed on appeal as it was considered that the increased noise and disturbance and associated activity would be detrimental to the residential occupiers of neighbouring dwellings.

In this case, it is considered that an additional two hours of morning trading and one hour of evening trading would be of benefit to customers of the supermarket. It is also considered that the impact of the additional opening hours could be mitigated through the use of barriers to prevent the use of that part of the car park closest to residential boundaries.

Given that the potential harm to residential occupiers could be minimised through car park management, it is considered that, on balance, the benefit of the additional opening hours would outweigh any potential harm to residential amenities.

2) Residential Amenity

The application site has residential properties on two sides: High Mead to the North (behind the building) and Hamilton Road to the west (adjacent to the car park). There is also a residential block of flats at Gainsborough Court on Hindes Road, which is opposite and adjacent to the roundabout at the entrance to the car park.

Station Road, the west of the site is a London Distributor Road and levels of ambient noise arising from vehicular traffic from the early morning hours until the late night time hours are quite high. Similarly, Hindes Road is a busy Local Distributor Road which provides a commonly used link between Station Road and Harrow View for vehicular traffic avoiding Harrow Town Centre.

The increased opening hours would result in increased activity at the site, and some of that activity could be intrusive, for example shouting, car doors opening and similar customer-related activity. It is considered that the use of the car parking areas to the east and north of the site at the hours proposed would cause unreasonable disturbance to the occupiers of the residential properties which abut these parts of the site.

However, the bulk of the car parking area at the supermarket is at the front of the store. This area is not immediately adjacent to any residential boundary and it is anticipated that any early morning or late evening parking will be in this area as it is closest to the store entrance. It is considered that this area would provide adequate parking the users of the site at the additional hours proposed as volumes of customers at these times would be below traditional shopping hours. Though there are residential flats on the opposite side of Hindes Road, given the levels of ambient noise that would be associated with vehicular traffic along Hindes Road, it is considered that any noise arising from the car park on the southern part of the site would be lost in the background ambient noise from Hindes Road and Station Road.

Subject to parking being restricted to this area therefore, it is considered that the impact of additional noise from extended opening hours would not have an undue effect on the amenity of the neighbouring residential occupiers.

To this end, It is suggested that an additional condition be imposed requiring details of a barrier system preventing the use of the car park at the west of the site, adjacent to properties in Hamilton Road, to be submitted and approved within six months of the date of this decision. Such a barrier system would be required to be installed within nine months of the date of this permission.

3) Highway Safety

Given that the road network and access arrangements of the supermarket are established, it is considered that any additional traffic movements could be accommodated using the existing arrangements.

4) s.17 Crime and Disorder Act

The proposal would have no impact with respect to this legislation

5) Consultation Responses

- Noise and disturbance from extended opening hours – *addressed in residential amenity section of the appraisal*
- Extended hours are already in operation – *planning law allows for retrospective planning applications*
- Loss of property value – *this is not a material planning consideration*

CONCLUSION

The proposal would provide retail facilities in the early morning and late evening and would not cause undue harm to the residential amenities of neighbouring occupiers.

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

CONDITIONS

1 The premises shall not be open for sale of goods to the public except between the hours of 06.00 to 23.00 Monday to Saturday and between 10.00 and 17.00 hours on Sundays. No sale of goods to the public shall take place at any other time except with the prior agreement in writing of the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring residential occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

2 Details of a barrier system and car park management measures to prevent the use of the whole of the car park area to the west of the supermarket building between the hours of 22:00 to 08:00 on Mondays to Saturdays shall be submitted to, and approved in writing by, the local planning authority within six months of the date of this permission.

The approved barrier system and car park management measures shall be implemented within three months of the date of the approval of the details and shall thereafter be retained.

REASON: To safeguard the amenities of neighbouring occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

3 The permission hereby granted is supplemental to planning permission ref: LBH/43753 granted by the Council on 24 January 1992. Save as modified by this permission the terms and conditions of planning permission ref: LBH/43753 are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: To ensure compliance with planning permission ref: LBH/43753.

INFORMATIVES

1 INFORMATIVE

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

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

Planning Policy Guidance 13 – Transport (2011)

Planning Policy Guidance 24 – Planning and Noise (1994)

London Plan:

3D.2 – Town Centre Development

3D.3 – Maintaining and improving retail facilities

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

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Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

EM24 – Town Centre Environment

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C17 – Access to Leisure, Recreation, Community and Retail Facilities

2 INFORMATIVE

CONSIDERATE CONTRACTORS' CODE OF CONDUCT

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

Plan Nos: 302498/05; Planning Statement; Noise Impact Assessment

RAYNERS LANE FC, 151 RAYNERS LANE,
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

INFORMATION

This application was considered at the January 12th Planning Committee, where Members resolved to defer a decision on the application for Officers to consider what conditions might be appropriate to mitigate the impact of the floodlights. This request was made in the light of the additional information presented to the Committee in the addendum report. This was in accordance with Paragraph 30.7 of the Council's Constitution (2010). This states:

Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations.

Accordingly, the application is now presented to Members again, with an update of the information and comments received since the previous planning committee, and a list of planning conditions to be attached to any planning permission granted. The original report, updated to include the information within the addendum report, is appended to this report.

Notifications:

A further 11 amount of letters have been submitted in support of the application. These letters set out the following additional comments:

- Most letters set out concern that the Football Club will fold and that a valued local community facility will be lost. Letters set out strong support for the application.
- Do not consider the use of the lights would lead to an increase in noise or disturbance
- Crowds at the football matches rarely exceed 50.

Applicant Statement:

- From 1986 till the present, the use of the pitch has been reduced by 43%
- The clubs membership has dropped from 1200 to 540.
- The following is a breakdown in the differences in the number of games played between the 1985-86 season and the current 2010-11 season:
Games played in 1985/86 – 109, of which 43 were evening games.
Games played in 2010/11 – 64, of which 6 have been evening games.

- The average attendance of 67 across the 2009/10 season has a seasonal shift of 21% between the summer / winter months
- Harrow Borough are the nearest Football Club, and they have experienced a drop of 35% of match attendance.

APPRAISAL

1. As set out in the addendum to the previous Planning Committee, there is clearly a level of local public support for the application. In total 22 letters have now been received in support of the application. In addition to this, bodies associated with the Football Association (FA) have written in support of the application. There is a clear need for the proposed development, and there are apparent consequences for the long term viability of the Football Club and the associated Social Club, should planning permission not be granted for the proposed floodlights.

Further to the information submitted by the applicant before the previous Planning Committee, additional information has been received to address Officers concerns in relation to the increased intensity of the use of the site at unsocial hours that may result as a consequence of the proposed floodlights.

The applicants argument focuses on two matters. Firstly, over the past 25 years or so, for better or for worse, the membership of the club has fallen, and this has in turn led to a decreased use of the football pitch. The figures presented by the applicant suggest that there has been a significant decrease in the use of the pitch, and this decrease in use extends to evening games.

Secondly, the applicant has re-affirmed that the use of the floodlights would be limited, and are happy to accept planning conditions to ensure this is the case. They cannot use the improvement of the ground through the floodlights to gain promotion to the next division, and as such it would always be the case that the use of the floodlights would be limited.

The FA have confirmed the need for the club to have the use of the floodlights, which the applicant has stressed.

CONCLUSION

Should Members, for all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, be minded to approve the planning application, contrary to Officers original recommendation for refusal, the following condition(s) are recommended:

CONDITIONS

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

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

2 On match days (when football games are being played on the pitch) played under the use of the approved floodlights, the pedestrian and vehicular gates to Lucas Avenue shall be kept closed.

REASON: In the interest of neighbouring amenity to prevent spectators from accessing the site via Lucas Avenue, in accordance with saved Policies D5 and D23 of the Harrow Unitary Development Plan (2004).

3 No more than ten evening fixtures (football games commencing on or after 19:00 hours) shall be played under the use of the approved floodlights, unless another level is agreed in writing with the local planning authority.

REASON: In the interest of neighbouring amenity to prevent excessive use of the approved floodlights, in accordance with saved Policies D5 and D23 of the Harrow Unitary Development Plan (2004).

4 The approved floodlights shall be switched off 10 minutes after the completion of each game played under the use of the floodlights (and no later than 22:00 hours).

REASON: In the interest of neighbouring amenity to prevent excessive use of the approved floodlights, in accordance with saved Policies D5 and D23 of the Harrow Unitary Development Plan (2004).

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

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

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

RAYNERS LANE FC, 151 RAYNERS LANE,
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	REFUSED 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 previously 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,

24 RAILWAY APPROACH, WEALDSTONE, HA3 5AA **Item: 1/04 P/3376/10**

Ward GREENHILL

VARIATION OF CONDITION 22 ATTACHED TO OUTLINE PLANNING PERMISSION P/1455/08/COU DATED 11/05/2010 TO REFLECT REVISED SCALE PARAMETERS OF THE PROPOSED DEVELOPMENT

Applicant: A2 Dominion Group Ltd
Agent: Yurky Cross Chartered Architects
Case Officer: Gerard Livett
Statutory Expiry Date: | 11-MAR-11

RECOMMENDATION

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

REASON:

The proposed variation of the condition would allow for a development with a footprint that would be at most 0.5m larger in any direction than approved and 0.5m higher, but would maintain a high standard of design and layout without having any detrimental impact on the amenities of neighbouring occupiers.

The decision to **GRANT** permission for the variation of the condition has been taken having regard to Government guidance contained within Circular Guidance 11/95: The Use of Planning Conditions, guidance contained in PPS1 and the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below which encourage a high standard of design in all developments, and all relevant material considerations including any comments.

National Planning Policy: PPS1 – Delivering Sustainable Development (2005)

The London Plan 2008

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

London Borough of Harrow Unitary Development Plan 2004

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

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

- 1) **Character and Appearance of the Area, Amenity (4B.1, 4B.8, D4, D5)**
- 2) **S17 Crime and Disorder Act (D4)**
- 3) **Consultation responses**

INFORMATION

This application is referred to Committee as variations of conditions relating to major development cannot be determined under delegated powers

a) Summary

Statutory Return Type: Smallscale Major Development

Council Interest: None

b) Site Description

- The application site is a tear-shaped site bounded by Railway Approach, Marlborough Hill and the Nightclub at No. 26 Railway Approach.
- The existing building, which is three storeys tall measured by its lowest point at Marlborough Hill and one storey high at Railway Approach is currently vacant and awaiting demolition, but was formerly in warehouse use with ancillary office space
- There are a variety of architectural styles and materials in the surrounding area
- To the north and east of the site are railway tracks, with office buildings to the south and the Civic Centre Car Park and a 4-5 storey block of flats off Marlborough Hill to the west

c) Background and Proposal Details

- Planning permission P/1455/08/COU dated 15-May-2010 granted outline planning permission for the redevelopment of the site to provide a part five- and part six-storey building containing 34 residential units, ground floor office space and lower ground floor parking.
- The outline permission determined matters of Scale, Layout and Means of Access, with Appearance and Landscaping being reserved matters
- The applicants submitted an application for approval of the Reserved Matters of Appearance and Landscaping (reference P/2871/10) on 18 October 2010.
- This application was deemed to be invalid as the scale parameters of the proposed building were not compatible with those shown on the approved drawings of the outline permission.
- The applicants have therefore sought to vary Condition 22 of planning permission P/1455/08/DOU, which specifies the plan numbers dictating the approved scale parameters.
- Condition 22 attached to planning permission P/1455/08/COU dated 15-May-2010 states:
The parameters of the building hereby permitted shall in respect of its length and width be that shown in plans K35/08/01, 02, 05, 06 and 08 and the building's height shall be shown in plans K35/08/09, 10 & 11
- The proposed variation of the condition would allow for a development with an altered footprint that would result in a building with discrepancies in the approved width and lengths of up to 0.5m (maximum additional widths including balconies) and up to 0.5m higher at the highest point.
- The approved footprint of the proposed building is 994.6 sq.m. whereas the changes would result in a building with a footprint of 1000.6 sq.m.

- The current application would change that to:
The parameters of the building hereby permitted shall in respect of its length and width at ground floor be that shown in plans 10901/PL02 Rev A and 03 Rev A and the building's height shall be that shown on plans 10901/PL10 Rev A, PL11 Rev A and PL12 Rev A. In respect of the intermediate floor plans, the parameters shown on drawings 10901/PL04, PL 05 Rev A, PL06 Rev A, PL07 Rev A, PL08 Rev A and PL09 Rev C shall apply.

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

d) Relevant History

P/2654/07/UN	Demolition of existing warehouse. Construction of part 5, part 6 storey building containing 45 residential units and offices on ground floor.	REFUSED 23-OCT-07 APPEAL WITHDRAWN 29-JUL-08
P/1455/08/COU	Outline: demolition of existing warehouse and construction of part 5/part 6 storey building containing 34 residential units, ground floor office space and lower ground floor car parking	GRANTED 11-MAY-2010
P/2871/10	Reserved matters: (details of appearance and landscaping) pursuant to condition 2 attached to outline permission P/1455/08/COU dated 11/05/2010 for 'demolition of existing warehouse and construction of part 5/part 6 storey building containing 34 residential units, ground floor office space and lower ground floor car parking'	INVALID APPLICATION

e) Applicant Statement

- Proposed changes are required to enable to scheme to comply with Building Regulations and to facilitate a workable construction solution.

g) Consultations

Advertisement Major Development Expiry: 13-JAN-10
Notifications:
Sent : 35 Replies: 0 Expiry: 07-JAN-10
Neighbours consulted:
Railway Approach: 26, 32, 33, 34, 36
Moon House, Railway Approach: Flats 1 – 20
Marlborough Hill: 1, 2, 3, 4
Healthaid House, Marlborough Hill: Units A, B, C, D
Station Road: 12-14

Summary of Responses:

- N/A

APPRAISAL

1) Character and Appearance of the Area, Amenity

The principle of the redevelopment of the site with a part five- and part six-storey building to provide 34 flats, commercial floorspace and parking has been established with the grant of outline planning permission P/1455/08/COU.

The current proposal seeks to change the drawing numbers that dictate the scale parameters attached to the outline planning permission P/1455/08/COU and would allow the proposal to comply with current Building Regulations and to be feasible.

The proposed changes would result in an increased footprint of the building of 6 sq.m., with the maximum deviation from the approved plans being 0.5m in any direction. Similarly, the maximum height of the building, at the 'nose' section facing Railway Approach would be increased by 0.5m.

Although these changes could be considered to be minimal, the fact that the changes would, in part, increase the scale parameters of the development and the cumulative impact of the changes are such that they cannot be considered to be non-material.

In terms of the character and appearance of the area, the bulk of the proposed building would be comparable to the approved scheme, and would maintain the previous design elements. These include a continuous active frontage that would follow the contour of Marlborough Hill, a series of breaks in the elevations with a dominant central element dividing two landscaped areas on the Railway Approach frontage, and a series of balconies and roof gardens as the building steps back from the Railway approach frontage on the upper floors.

The detailed design of the building is a matter for the currently invalid reserved matters application: reference P/2871/10.

The building would be at least 55m from the nearest residential block of flats at Moon House off Marlborough Hill. It is therefore considered that the increases in width and height would have no additional harmful impact on the residential amenities of the occupiers of those flats.

The officer's report for the original outline planning permission noted that the impact the proposed development would have on neighbouring office blocks in terms of light and privacy would not outweigh the benefits of the proposal. The proposed increases in the width, depth and height of the building would not result in any significant additional harm to those business premises.

Although the proposed changes to the scale parameters could not be considered as non-material, the changes are considered to be minimal and the resultant structure would be in keeping with the character and appearance of the area and would have no additional impact on the amenity of the area or nearby occupiers or businesses.

2) S17 Crime & Disorder Act

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

3) Consultation Responses

N/A

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 to the scale parameters of the approved development is considered to be consistent with current policy and would allow for the redevelopment of the site to provide high quality housing and commercial floorspace.

National Planning Policy:

PPS1 – Delivering Sustainable Development (2005)

The London Plan (2008)

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan (2004)

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

CONDITIONS

1 The parameters of the building hereby permitted shall in respect of its length and width at ground floor be that shown in plans 10901/PL02 Rev A and 03 Rev A and the building's height shall be that shown on plans 10901/PL10 Rev A, PL11 Rev A and PL12 Rev A. In respect of the intermediate floor plans, the parameters shown on drawings 10901/PL04, PL 05 Rev A, PL06 Rev A, PL07 Rev A, PL08 Rev A and PL09 Rev C shall apply.

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

2 The permission hereby granted is supplemental to planning permission ref: P/1455/08/COU granted by the Council on 11 May 2010. Save as modified by this permission the terms and conditions of planning permission ref: P/1455/08/COU are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: To ensure compliance with planning permission ref: P/1455/08/COU.

INFORMATIVES

1 INFORMATIVE:

Summary of reasons for variation of planning conditions:

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

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

London Plan:

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Plan Nos: 10901/PL01 Rev A; PL02 Rev A; PL03 Rev A; PL04 Rev A; PL05 Rev A;
PL06 Rev A; PL07 Rev A; PL08 Rev A; PL09 Rev C; PL10 Rev A; PL11 Rev
A; PL 12 Rev A

**KINGSGATE HOUSE, 29 - 39 THE P/3018/10
BROADWAY, STANMORE, HA7 4DJ**

Ward STANMORE PARK

CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM OFFICE USE TO 17 SELF CONTAINED FLATS (CLASS B1 TO C3); EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF WINDOWS, ROOFLIGHTS AND SOLAR PANELS; NEW ENTRANCE; INTERNAL REFUSE AND CYCLE STORAGE AT GROUND FLOOR; MINOR ALTERATIONS TO EXTERNAL PARKING AND LANDSCAPING; ADDITIONAL OFFSITE PARKING AREA (12 SPACES) AT THE REAR OF 14-30 (EVEN) THE BROADWAY, STANMORE (RESIDENT PERMIT RESTRICTED)

Applicant: Jaspar Management Ltd

Agent: MR Partnership

Case Officer: Nicholas Ray

Statutory Expiry Date: 15-FEB-11

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by the 14th February 2010. 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) **Affordable Housing:** Payment of £136,000 as a contribution towards the provision of affordable housing in the Borough, subject to the inclusion of a review clause;
- ii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement if applicable;
- iii) **Planning Administration Fee:** Payment of £500 administration fee for the monitoring of and compliance with this agreement.

REASON

The proposed development would make efficient use of this disused office building for the provision of housing. 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.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 9th May 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 or contribution to off site provision 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).

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth

The London Plan 2008:

2A.1 – Sustainability Criteria
3A.1 – Increasing London's Supply of Housing
3A.2 – Borough Housing Targets
3A.3 – Maximising the Potential of Sites
3A.5 – Housing Choice
3A.6 – Quality of New Housing Provision
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
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
D7 – Design in Retail Areas and Town Centres
D9 – Streetside Greenness and Forecourt Greenery
D11 – Listed Buildings
D12 – Locally Listed Buildings
EP25 – Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
T15 – Servicing of New Developments
H7 – Dwelling Mix
EM15 – Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas
C16 – Access to Buildings and Public Spaces
Supplementary Planning Document: Sustainable Building Design (2009)
Supplementary Planning Document: Accessible Homes (2010)
Supplementary Planning Document: Harrow Residential Design Guide (2010)

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 the Use and Employment Policy**
PPS1, PPS3, PPS4, EM15
- 2) **Character and Appearance of the Area and Nearby Listed/Locally Listed Buildings**
PPS1, 4A.22, 4B.1, D4, D7, D9, D11, D12, SPD
- 3) **Residential Amenity**
D5, EP25, SPD
- 4) **Traffic and Parking**
T6, T13, T15
- 5) **Accessible Homes**
C16, SPD
- 6) **Housing Provision and Density**
PPS3, 3A.1, 3A.2, 3A.3, 3A.5
- 7) **Affordable Housing**
PPS3, 3A.8, 3A.9, 3A.10, 3A.11
- 8) **Sustainability**
4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, SPD
- 9) **S17 Crime & Disorder Act**
D4, 3A.6, SPDs
- 10) **Consultation Responses**

INFORMATION

This application is reported to Planning Committee as it is a major application recommended for approval and therefore falls outside the scheme of delegation.

a) Summary

Statutory Return Type:	7. Smallscale Major Dwellings
Floorspace:	1710m ²
Lifetime Homes:	15
Wheelchair Rooms:	2
Car Parking	Standard: 23 (maximum) Justified: 19 spaces Provided: 19 spaces
Council Interest:	None.

b) Site Description

- The site comprises Kingsgate House, a three storey (plus roof floor) commercial building on the south side of The Broadway, currently used for retail (A1) on the ground floor, with vacant office space (B1) on the upper floors.
- The site falls within Stanmore District Centre.
- The entrance to the upper floors of the building is via an entrance to the west of the building, close to the corner with Glebe Road.

- The upper floors of the building overhang the ground floor, providing a covered walkway, adjacent to a bus stop on The Broadway.
- The roof of the building is occupied by a substantial amount of telecommunications equipment.
- The Broadway is a busy distributor road and a main bus route. Stanmore London Underground Station is approximately 5-10 minutes walk from the property.
- The site includes a service road at the rear, accessed from Claire Gardens, which has 10 off street parking spaces.
- 12 additional parking spaces are included within the application site, but are located within the car park on the opposite side of The Broadway, to the rear of Nos.14-30 (even).
- To the east of the site is the commercial parade Nos.45-55 (odd) The Broadway, which comprises a mixture of food and drink and retail uses, with residential flats above.
- To the south (rear) of the site are the residential properties on Claire Gardens and Glebe Road.
- To the west of the site is the locally listed Bernays Hall and Glebe Hall, with Sainsbury's supermarket beyond.
- To the north of the site, beyond The Broadway, are other commercial properties.

c) Proposal Details

- Change of use of first, second and third (roof) floors from offices (B1) to residential (C3), comprising 17 flats.
- The proposal would provide 1x4 bed, 2x3 bed, 8x2 bed and 6x1 bed flats.
- External alterations to the building, including additional rooflights, windows, doors and the installation of 18 solar panels on the southern roofslope.
- Provision of roof terrace to serve 4 bed flat at third floor (roof) level, including the removal of telecommunications equipment.
- New entrance in same location as existing office entrance, leading to new lobby area.
- Provision of refuse and cycle storage at ground floor level.
- Alterations to external parking and landscaping.
- Additional offsite parking area (12 spaces) at the rear of 14-30 (even) The Broadway.

d) Relevant History

- N/A.

e) Pre-Application Discussion (HA/2010/ENQ/00039)

- Existing building covers most of the site, with 10 parking bays to the rear and 12 on the opposite side of The Broadway.
- Retail outlet Carpet Right on the ground floor is remaining, but the offices above have been vacant for 2 years and have been marketed with no success.
- The building is based in a central location close to shops/cafes and has good public transport access.

- Should contact Housing Department regarding affordable housing provision.
- Lifetime Homes Standards should be applied to every unit with one wheelchair unit for every ten.
- Advised to overcome concerns over outlook from some flats.
- Advised to consider difference between residential use and office use, particularly in relation to overlooking of properties at rear from different pattern of use of windows – advised to have no Juliet balconies and reduce the number of windows generally.
- No increase in parking required, except for the provision of 2 spaces for persons with disabilities.
- Resident permit restriction should be applied.

f) Applicant Statement

- Design and Access Statement.
- Planning Statement.
- Developers Statement.
- Site Waste Management Plan.
- Energy Statement.
- Affordable Housing Statement.
- Financial Viability Assessment In Respect of Affordable Housing Provision.

g) Consultations:

Highways Engineer: This is a sustainable location, hence the principle of flat provision is acceptable subject to the acceptability of the loss of B1. Parking spaces are provided although provision could be lessened, but it is accepted that parking spaces are already in existence and it is impractical to utilise these spaces for other planning purposes. In short the provision is accepted. Secure cycle storage and refuse provisions are to standard. Resident permit restriction should be applied.

Landscape Officer: Proposal would be acceptable subject to conditions requiring details of planting.

Conservation Officer: No objection.

Housing Officer: The applicant has proposed that an off site contribution be offered to the Council in lieu of on site provision. The figure has been arrived at through the GLA Toolkit which seeks to ensure a financially neutral position based on the economic of the development appraisal. This principle is considered acceptable as it would allow the provision of affordable housing elsewhere and of a more appropriate tenure. We would seek to ensure that a review clause is inserted in the legal agreement. This provision would require reappraisal of the proposals upon 80% occupation of the residential units. This provision would seek to ensure that the variations seen over the last number of years in open market values would not adversely affect the level of affordable housing normally secured as an average on similar sites.

Site Notice: 30-NOV-10 Expiry: 21-DEC-10

Advertisement: 25-NOV-10 Expiry: 16-DEC-10

Notifications:

Sent: 130

Replies: 3

Expiry: 20-DEC-10

Addresses Consulted:

- Anmer Lodge, Coverdale Close;
- Broadway House, The Broadway;
- 1 & 2 Buckingham Parade;
- Buckingham House, The Broadway;
- 1-8 (conc) Claire Gardens;
- 1-8 (conc) Glebe Road;
- 14-76 (even) The Broadway;
- 45-65 (odd) The Broadway;
- Bernays Institute Hall, The Broadway;
- 3-12 Buckingham Parade, The Broadway;
- 80-82 The Broadway;
- Stanmore Library, 8 Stanmore Hill

Summary of Response:

- Concerns about parking in neighbouring residential roads and associated disruption;
- Concern that consultation is not wide enough.

APPRAISAL

1) Principle of the Use and Employment Policy

The applicant has provided sufficient evidence to demonstrate that the B1 office space has been marketed without success since 2008 with the building having been vacant throughout that period. Although the property is in an accessible location, there is considered to be sufficient alternative office accommodation in Stanmore and the wider area. Accordingly, the loss of employment use space would be acceptable in this instance and it is considered that there would be no unacceptable harm to the local economy as a result of the loss. The proposal would therefore comply with all criteria set out under saved UDP policy EM15.

PPS3 promotes the efficient use of previously developed land for housing. As this application proposes the conversion of a permanent building, the proposal would be consistent with this policy and residential development would therefore be acceptable in principle.

2) Character and Appearance of the Area and Nearby Listed/Locally Listed Buildings

Some minor external alterations are proposed, including new rooflights, new windows in the existing blank brick walls at the two side elevations of the building. Some windows would also be replaced and a new entrance door would be provided in place of the existing main entrance. A condition is recommended requiring these windows to match the existing windows in the building and they would therefore have an acceptable appearance. The proposed solar panels would also have an acceptable appearance.

Given the minimal external alterations proposed to the existing building, it is considered that the proposal would preserve the setting of the neighbouring locally listed Bernays Hall and the nearby Grade II listed Cottrell Cottages.

Existing areas of soft landscaping around the building would be re-landscaped, including the retention and pruning of existing trees. The Council's Landscape Officer considers that the proposal would be acceptable, subject to conditions requiring a detailed landscape scheme to be submitted and approved, prior to commencement of the development.

Refuse Storage

The bins required to serve the proposed flats would be stored within the building at the rear, with access to the rear service road for collection. This area would provide adequate space for the required bins and access for collection would also be adequate. It is therefore considered that this would be an acceptable arrangement.

3) Residential Amenity

Impact on Neighbouring Residential Occupiers

As discussed, it is considered that the proposed residential use would be appropriate in principle. It is not uncommon for residential flats to be located above commercial premises in Stanmore and other town centres. The nature of the proposed flats would be different to that of the existing office, and would introduce more activity outside of normal working hours and into the evenings and weekends. However, it is not expected that the proposed flats would generate unacceptable levels of activity and disturbance, given the high background noise levels in the locality and the existence of similar residential properties close to the site. The traffic movements arising from the use would not significantly increase the level of background noise in the area and they would be confined largely to existing streets and parking areas. It is therefore considered that the proposed use would not be detrimental to the amenities of neighbouring residential occupiers by way of noise and disturbance.

The nature of the use of the building would change as discussed and some additional windows are proposed. It is noted that the existing first and second floor windows overlook the residential properties to the rear (south) of the building, in particular Nos.1 & 2 Claire Gardens and Nos.1 & 3 Glebe Road. However, the change of use to residential would affect the level of overlooking experienced by neighbouring properties, by virtue of the occupation of the building in the evenings and also during the day at weekends, where the occupiers of neighbouring residential properties are more likely to be enjoying their garden areas and habitable rooms.

The proposed new windows would be no more prominent in relation to neighbouring properties than the existing windows. Whilst it is acknowledged that the first and second floor windows in the rear elevation, facing neighbouring residential properties on Claire Gardens and Glebe Road, would serve living rooms and bedrooms as opposed to office space, it is considered that this change in use would not result in detrimental overlooking of these properties.

The rear windows facing Nos.1 & 2 Claire Gardens are sited some 16 metres from the nearest part of these properties. It is also noted that the main habitable room windows of the Claire Garden properties face away from the application site and the main areas of amenity space to these properties is located to the south of the blocks and would not be unduly overlooked. First and second floor rear facing windows and some side facing windows would be in close proximity to the boundary with No.1 Glebe Road. However, the side facing windows nearest to this boundary would be obscure glazed and the rear facing windows would be obscure glazed and fixed closed up to a height of 1.7 metres above finished floor level and it is considered that this would mitigate the impact on the amenities of the occupiers of the Glebe Road properties in terms of overlooking. It is therefore considered that the proposed mitigation measures would strike an appropriate balance between the outlook from the proposed flats and the overlooking of neighbouring properties.

A roof terrace is proposed at third floor level to provide amenity space for the occupiers of the 4 bedroom flat. Whilst this would be a large outdoor space, it would be located high up on the building and as such would not result in excessive noise transmission to neighbouring occupiers, particularly given the background noise levels in the area. The terrace would also be set down within the roofspace by 2.3 metres, so as to ensure that people standing on the terrace would not be able to overlook neighbouring properties.

The proposal would therefore have an acceptable impact on the amenities of neighbouring residential occupiers.

Living Conditions of Future Occupiers

The accommodation schedule is summarised in the table below, including unit types and floor areas, in comparison with Interim London Housing Design Guide (ILHDG), Harrow SPD: Residential Design Guide and Consolidation Draft London Plan standards:

Flat Number	Type	Floor Area	ILHDG and SPD Standards
Flat 1	3 bed, 6 person	112m ²	95m ²
Flat 2	2 bed, 4 person	87m ²	70m ²
Flat 3	2 bed, 4 person	78m ²	70m ²
Flat 4	1 bed, 2 person	50m ²	50m ²
Flat 5	1 bed, 2 person (+ study)	60m ²	50m ²
Flat 6	2 bed, 4 person	80m ²	70m ²
Flat 7	2 bed, 4 person	80m ²	70m ²
Flat 8	1 bed, 2 person	67m ²	50m ²
Flat 9	3 bed, 6 person	112m ²	95m ²
Flat 10	2 bed, 4 person	87m ²	70m ²
Flat 11	2 bed, 4 person	78m ²	70m ²
Flat 12	1 bed, 2 person	50m ²	50m ²
Flat 13	1 bed, 2 person (+ study)	57m ²	50m ²
Flat 14	2 bed, 4 person	80m ²	70m ²
Flat 15	2 bed, 4 person	80m ²	70m ²
Flat 16	1 bed, 2 person	67m ²	50m ²
Flat 17	4 bed, 8 person	178m ²	133m ²

As the above figures demonstrate, all the flats would comply and the majority would exceed the minimum space standards set out in the acknowledged residential design guidance. All flats would also have an adequate level of light and outlook. It is therefore considered that the proposed units would provide an adequate standard of accommodation for future occupiers.

The large 4 bedroom third floor flat would also have a roof terrace with an area of 60m². It is considered necessary to impose a condition requiring the telecommunications equipment to be removed from the roof of the building, prior to the occupation of the third floor flat, in the interests of the living conditions of the occupiers of this unit. It is considered that the provision of amenity space for the occupiers of the remaining flats would not be necessary in these circumstances, given that the proposal involves the conversion of an existing purpose built office building and that the site is in a town centre location, where external amenity space provision would not always be expected.

4) Traffic and Parking

Given the relatively good public transport accessibility level (PTAL) of the site and parking controls in neighbouring streets, the Council's Highways Engineer considers that the parking provision could be lessened in relation to this proposal. However, the 19 space parking provision for the site is in existence and the provision is acceptable. The proposed parking provision for persons with disabilities is acceptable, as is the proposed cycle storage. A condition is imposed restricting residents from applying for parking permits, in order to avoid placing a burden on the surrounding roads.

Given the on site parking restraint and the good PTAL of the location, it is considered that the increase in traffic movement as compared to the office use would be likely to be insignificant. The existing service road at the rear would be adequate to serve the proposed use and the retail use at ground floor level, and it is considered that congestion in this area would not materially increase as compared to the use as an office. The proposal would therefore be acceptable in this regard.

5) Accessible Homes

The proposed flats would be fully compliant with Lifetime Homes Standards, with level access to the main entrance door, a lift between all floors and adequate circulation space within the building. Two of the flats would be Wheelchair Home compliant and this would therefore accord with London Plan policy 3A.5 and the Council's Accessible Homes SPD.

6) Housing Provision and Density

The proposal would have a density of 121 dwellings per hectare and 357 habitable rooms per hectare. Following the appropriate density ranges in London Plan table 3A.2, these figures would be within the density range for this urban location, with a PTAL rating of 3. It is therefore considered that the density proposed density is entirely appropriate and the proposal would therefore contribute to housing supply by making efficient use of previously developed land whilst being compatible with the local context.

7) Affordable Housing

The applicant has submitted an Affordable Housing Statement and accompanying evidence, which demonstrates that the maximum level of affordable housing that could be feasibly provided as part of this development is 2x1 bed shared ownership flats. Whilst this is considered low, this has been tested through the appropriate Toolkit method. In terms of the take-up of these two units by registered providers, it is considered that it would be unlikely that there would be any interest. Grants are generally not available for schemes where shared ownership is the only tenure, as these would not be the tenure normally sought by providers. The priority housing need would not be addressed by the provision, as no social rented tenure would be provided. Also, the economies of scale in terms of the management of this number of units mean that the take-up of the two units would be unlikely.

It is therefore considered that a contribution towards off-site affordable housing would be more appropriate in these circumstances. This is considered to be acceptable, as it would allow the provision of affordable housing elsewhere and of a more appropriate tenure. The maximum figure generated by the GLA Toolkit is £136,000 and this has been agreed by the applicant. A review clause is also recommended in the S106, whereby the provision is re-appraised upon 80% completion of the residential units, to ensure that the variations in open market values are adequately accounted for. The proposal would therefore satisfy London Plan policy 3A.9 on affordable housing.

8) Sustainability

The applicant has submitted an Energy and Sustainability Report, which concludes that the introduction of passive energy efficiency measures would reduce carbon dioxide emissions by 13.4% as compared to the existing situation. The report also considers the use of a number of renewable energy technologies in line with the requirements of London Plan policy 4A.7. The report concludes that the most feasible technology would be solar hot water heating. Solar hot water panels are proposed as part of this application and would result in a reduction in carbon dioxide emissions by 15%. A condition is imposed to ensure that these measures are implemented as part of the development and the proposal would therefore comply with London Plan policies 4A.3 and 4A.7 on sustainability.

9) S17 Crime & Disorder Act

The new doors and windows at the rear would improve the security of the building. They would be security access controlled with good external illumination. The replacement front entrance door would be automated and would have a high level of external and internal illumination. It is therefore considered that the proposed change of use would not increase the risk or fear of crime.

10) Consultation Responses

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

- Concern that consultation is not wide enough: As shown on the notification plan, it is considered that adequate consultation has taken place.

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 this disused office building for the provision of 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: JM015-100 Rev A, 101 Rev B, 102 Rev B, 103 Rev B, 104 Rev B, 105 Rev B, 110 Rev B, 111 Rev B, 121 Rev B, 131 Rev B, 140 Rev A, 141, 200 Rev B, 201 Rev C, 202 Rev E, 203 Rev E, 204 Rev D, 205 Rev D, 210 Rev E, 211 Rev E, 221 Rev D, 231 Rev E, Planning Statement, Design and Access Statement, Site Waste Management Plan, Developers Statement, Energy Statement and Affordable Housing Statement.

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

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

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

4 The development hereby permitted shall not be occupied until there has been submitted to, and approved in writing 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). 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 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.

7 The approved Developers Statement shall be adhered to throughout the construction period.
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.

8 The approved Site Waste Management Plan shall be implemented as part of the development and thereafter retained.
REASON: To safeguard the appearance of the locality in accordance with saved UDP policy D4.

9 The recommendations set out in the approved Energy Statement 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.

10 The car parking spaces as approved shall be marked out prior to first occupation of the development and thereafter permanently retained. The car parking spaces shall only be used for cars and motor vehicles in association with the approved use 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.

11 The development hereby permitted shall not be occupied or used until the parking spaces shown on the approved plans as No9 and No10 have been made available for use. The spaces shall be allocated and retained for use by the occupants of flats 6 and 14 only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.
REASON: To ensure suitable parking provision for people with disabilities in association with the provision of Wheelchair Standard housing, in line with requirements of London Plan policy 3A.5 and saved policy C16 of the UDP.

12 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of persons with disabilities, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.
REASON: To ensure that the scheme adequately addresses the sustainability requirements of saved UDP policy T13.

13 The west facing first and second floor windows shown as 'opaque windows' on the approved plans, shall be of purpose made obscure/opaque glass and be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents, in line with the requirements of saved UDP policy D5.

14 The rear (south) facing first and second floor windows shown as 'new windows with opaque glazing up to 1.7m above FFL' shall be of purpose made obscure/opaque glass and be permanently fixed closed below a height of 1.7 metres above finished floor level. Above 1.7 metres above finished floor level, these windows shall be of clear glass and capable of opening. The windows shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents, in line with the requirements of saved UDP policy D5.

15 Before the third floor flat (Flat 17) hereby permitted is occupied, all telecommunications equipment shall be removed from the roof of the building.

REASON: To safeguard the living conditions of the occupiers of the third floor flat, in terms of outlook, in line with the requirements of saved UDP policy D5.

INFORMATIVES

1 PARTY WALL ACT

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

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.

Item 1/05 : P/3018/10 continued/...

- 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 ADVERTISEMENTS

The applicant is advised that no advertisements are permitted by this grant of planning permission. Separate consent must be obtained under the Advertisement Regulations where necessary.

5 RELEVANT POLICIES

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

National Policy: PPS1, PPS3, PPS4

The London Plan 2008: 2A.1, 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 3A.11, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.22, 4B.1

Interim London Housing Design Guide (2010)

Interim Housing Supplementary Planning Guidance (2010)

London Borough of Harrow Unitary Development Plan 2004: D4, D5, D7, D9, D11, D12, EP25, T6, T13, T15, H7, EM15, C16

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: JM015-100 Rev A; 101 Rev B; 102 Rev B; 103 Rev B; 104 Rev B; 105 Rev B; 110 Rev B; 111 Rev B; 121 Rev B; 131 Rev B; 140 Rev A; 141; 200 Rev B; 201 Rev C; 202 Rev E; 203 Rev E; 204 Rev D; 205 Rev D; 210 Rev E; 211 Rev E; 221 Rev D; 231 Rev E; Planning Statement; Design and Access Statement; Site Waste Management Plan; Developers Statement; Energy Statement; Affordable Housing Statement

**KINGSGATE HOUSE, 29 - 39 THE P/3081/10
BROADWAY, STANMORE, HA7 4DJ**

Ward STANMORE PARK

CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM OFFICE USE TO A 40 BEDROOM HOTEL (CLASS B1 TO C1); EXTERNAL ALTERATIONS INCLUDING ADDITIONAL WINDOWS, DOORS AND THE INSTALLATION OF SOLAR PANELS ON THE SOUTHERN ROOFSLOPE; NEW ENTRANCE, OFFICE, LAUNDRY, INTERNAL REFUSE AND CYCLE STORAGE AT GROUND FLOOR; ALTERATIONS TO EXTERNAL PARKING AND LANDSCAPING; ADDITIONAL OFFSITE PARKING AREA (12 SPACES) AT THE REAR OF 14-30 (EVEN) THE BROADWAY, STANMORE

Applicant: Jaspar Management Ltd

Agent: MR Partnership

Case Officer: Nicholas Ray

Statutory Expiry Date: | 11-FEB-11

RECOMMENDATION

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

REASON

The proposed development would make efficient use of this disused office building and the proposed hotel use would contribute to the local economy by supporting local business and would encourage visitors to the area, to the benefit of local businesses. 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

PPS4 – Planning for Sustainable Economic Growth

The London Plan 2008:

2A.1 – Sustainability Criteria

2A.8 – Town Centres

3D.7 – Visitor Accommodation and Facilities

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

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

D9 – Streetside Greenness and Forecourt Greenery

D11 – Listed Buildings

D12 – Locally Listed Buildings

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

T15 – Servicing of New Developments

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

R15 – Hotels and Guest Houses

C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Access For All (2006)

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

- 1) **Principle of the Use and Employment**
PPS1, PPS4, 2A.8, EM15, R15
- 2) **Character and Appearance of the Area and Nearby Listed/Locally Listed Buildings**
PPS1, 4A.22, 4B.1, D4, D9, D11, D12, R15, SPD
- 3) **Residential Amenity**
EP25, R15, SPD
- 4) **Traffic and Parking**
T6, T13, T15
- 5) **Accessibility**
C17, SPD
- 6) **Sustainability**
4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, SPD
- 7) **S17 Crime & Disorder Act**
D4
- 8) **Consultation Responses**

INFORMATION

This application is reported to Planning Committee as it is a major application recommended for approval and therefore falls outside the scheme of delegation.

a) Summary

Statutory Return Type: 8. Smallscale Major Offices

Floorspace: 1710m-

Wheelchair Rooms: 4

Car Parking Standard: 8 (maximum), plus extra for staff

Council Interest: Justified: 19 spaces
 Provided: 19 spaces
 None.

b) Site Description

- The site comprises Kingsgate House, a three storey (plus roof floor) commercial building on the south side of The Broadway, currently used for retail (A1) on the ground floor, with vacant office space (B1) on the upper floors.
- The site falls within Stanmore District Centre.
- The entrance to the upper floors of the building is via an entrance to the west of the building, close to the corner with Glebe Road.
- The upper floors of the building overhang the ground floor, providing a covered walkway, adjacent to a bus stop on The Broadway.
- The roof of the building is occupied by a substantial amount of telecommunications equipment.
- The Broadway is a busy distributor road and a main bus route. Stanmore London Underground Station is approximately 5-10 minutes walk from the property.
- The site includes a service road at the rear, accessed from Claire Gardens, which has 10 off street parking spaces.
- 12 additional parking spaces are included within the application site, but are located within the car park on the opposite side of The Broadway, to the rear of Nos.14-30 (even).
- To the east of the site is the commercial parade Nos.45-55 (odd) The Broadway, which comprises a mixture of food and drink and retail uses, with residential flats above.
- To the south (rear) of the site are the residential properties on Claire Gardens and Glebe Road.
- To the west of the site is the locally listed Bernays Hall and Glebe Hall, with Sainsbury's supermarket beyond.
- To the north of the site, beyond The Broadway, are other commercial properties.

c) Proposal Details

- Change of use of first, second and third (roof) floors from offices (B1) to hotel (C1), comprising 40 bedrooms.
- The proposal would comprise 20 rooms on each of the first and second floors, a business centre and luggage store on the first floor, staff facilities on the second floor and a guests breakfast area on the third (roof) floor.
- External alterations to the building, including additional windows, doors and the installation of 18 solar panels on the southern roof slope.
- New entrance in same location as existing office entrance, leading to reception area.
- Provision of ancillary office, laundry, internal refuse and cycle storage at ground floor level.
- Alterations to external parking and landscaping.
- Additional offsite parking area (12 spaces) at the rear of 14-30 (even) The Broadway.

d) Relevant History

- N/A.

e) Pre-Application Discussion (HA/2010/ENQ/00039)

- Existing building covers most of the site, with 10 parking bays to the rear and 12 on the opposite side of The Broadway.
- Retail outlet Carpet Right on the ground floor is remaining, but the offices above have been vacant for 2 years and have been marketed with no success.
- The building is based in a central location close to shops/cafes and has good public transport access.
- Currently there are no identified hotels in this location.
- Proposal would be for a 40 bed budget hotel, with no bar or restaurant.
- Must address all criteria in saved UDP policy EM15.
- Under 50 bedrooms means that no coach parking space would be required – do not have too many set down points on the highway and allocate minibuses to the rear.
- Intensity/operation to be incorporated in the Design and Access Statement.
- Should provide secure cycle storage for 1:10 staff with travel plan.

f) Applicant Statement

- Design and Access Statement.
- Developers Statement.
- Site Waste Management Plan.
- Energy Statement.

g) Consultations:

Highways Engineer: Principle of a hotel considered acceptable, given strict on-street parking controls and generous public car parking facilities, combined with existing commercial activities of the town centre.

Landscape Officer: Proposal would be acceptable subject to conditions requiring details of planting.

Conservation Officer: No objection.

Site Notice: 30-NOV-10 Expiry: 21-DEC-10

Advertisement: 02-DEC-10 Expiry: 23-DEC-10

Notifications:

Sent: 130 Replies: 7 Expiry: 16-DEC-10

Addresses Consulted:

- Anmer Lodge, Coverdale Close;
- Broadway House, The Broadway;
- 1 & 2 Buckingham Parade;
- Buckingham House, The Broadway;
- 1-8 (conc) Claire Gardens;
- 1-8 (conc) Glebe Road;
- 14-76 (even) The Broadway;

- 45-65 (odd) The Broadway;
- Bernays Institute Hall, The Broadway;
- 3-12 Buckingham Parade, The Broadway;
- 80-82 The Broadway;
- Stanmore Library, 8 Stanmore Hill

Summary of Response:

- Concern about traffic congestion in the rear service road;
- Inadequate parking provision would impact on surrounding roads and cause highway and pedestrian safety problems;
- Inadequate consultation carried out;
- Would adversely affect the area and neighbouring residents quality of life;
- Would result in an increase in noise, disturbance and pollution;
- Hotel not appropriate in this area;
- Extra windows would result in overlooking and loss of privacy.

APPRAISAL

1) Principle of the Use and Employment Policy

The applicant has provided sufficient evidence to demonstrate that the B1 office space has been marketed without success since 2008 with the building having been vacant throughout that period. Although the property is in an accessible location, there is considered to be sufficient alternative office accommodation in Stanmore and the wider area. Accordingly, the loss of employment use space would be acceptable in this instance and it is considered that there would be no unacceptable harm to the local economy as a result of the loss. The proposal would therefore comply with all criteria set out under saved UDP policy EM15.

Saved UDP policy R15 supports the development of small hotels in town centres and areas served well by public transport. It is therefore considered that the principle of a hotel in Stanmore District Centre would be acceptable and the proposal would satisfy a local need and support local businesses. The proposed hotel would also be within reasonable walking distance of Stanmore London Underground Station and would therefore be suitable for use by people attending events at Wembley Stadium and in Central London.

2) Character and Appearance of the Area and Nearby Listed/Locally Listed Buildings

Some minor external alterations are proposed, including new windows in the existing blank brick walls at the two side elevations of the building. Some windows would also be replaced and a new entrance door would be provided in place of the existing main entrance. A condition is imposed requiring these windows to match the existing windows in the building and they would therefore have an acceptable appearance. Wood framed panels with planter boxes are also proposed on the outside of the building, which would improve the appearance of the building. The proposed solar panels would also have an acceptable appearance.

Given the minimal external alterations proposed to the existing building, it is considered that the proposal would preserve the setting of the neighbouring locally listed Bernays Hall and the nearby Grade II listed Cottrell Cottages.

Existing areas of soft landscaping around the building would be re-landscaped, including the retention and pruning of existing trees. The Council's Landscape Officer considers that the proposal would be acceptable, subject to conditions requiring a detailed landscape scheme to be submitted, approved and implemented prior to commencement of the use as a hotel.

Refuse Storage

The bins required to serve the proposed use would be stored within the building at the rear, with access to the rear service road for collection. This area would be a refuse storage and laundry area and would be accessed via the service lift from the upper floor hotel accommodation. It is considered that this would be an acceptable arrangement.

3) Residential Amenity

As discussed, it is considered that the proposed hotel use would be appropriate to a town centre location. The nature of the proposed use would be different to that of the existing office, and would introduce more activity outside of normal working hours and into the evenings and weekends. However, it is not expected that the proposed hotel use would generate unacceptable levels of activity and disturbance at anti-social hours, due to the nature of such a use whereby occupants typically spend much of their time away from the property. The use of the hotel rooms would be unlikely to be significantly noisy, given the town centre location and reasonably high levels of background noise. The traffic movements arising from the use would not significantly increase the level of background noise in the area and they would be confined largely to existing streets and parking areas. It is therefore considered that the proposed use would not be detrimental to the amenities of neighbouring residential occupiers by way of noise and disturbance.

The nature of the use of the building would change as discussed and some additional windows are proposed. It is noted that the existing first and second floor windows overlook the residential properties to the rear (south) of the building, in particular Nos.1 & 2 Claire Gardens and Nos.1 & 3 Glebe Road. However, the change of use to a hotel would affect the level of overlooking experienced by neighbouring properties, by virtue of the occupation of the building in the evenings and also potentially during the day at weekends, where the occupiers of neighbouring residential properties are more likely to be enjoying their garden areas and habitable rooms. Notwithstanding this, it is considered that any additional overlooking would be minimal and would not be to such an extent as to warrant a refusal of planning permission, given that it is considered most likely that guests would not be in the hotel rooms for long periods, other than when they are sleeping. Some room occupation could also occur during the day, but this would be similar to the existing situation, and would be unlikely to be unduly detrimental to neighbours living conditions. The proposed new windows would be no more prominent in relation to neighbouring properties than the existing windows. The proposal would therefore have an acceptable impact on the amenities of neighbouring residential occupiers.

4) Traffic and Parking

The Council's Highways Engineer considers the principle of a hotel in this location to be acceptable on transport sustainability grounds, given the strict on street parking controls and generous public car parking facilities in the vicinity of the site, combined with the existing commercial activities of the town centre.

In accordance with emerging London Plan standards, some parking can be provided for operational needs only, given the relatively good public transport accessibility level (PTAL) of the site. However, the 19 space parking provision for the site is in existence, hence no objection is raised to this provision. The proposed parking provision for persons with disabilities is acceptable, as is the proposed cycle storage for 6 cycles. The coach drop off point is welcomed, although not strictly required for this scale of proposal.

Intensity of use in the form of vehicular movements to and from the site (private and taxi related) would increase as compared to the current office use. However, owing to the predominant off peak demand, on-site parking restraint and the good PTAL of the location, the increase would be likely to be insignificant. The existing service road at the rear would be adequate to serve the proposed use and the existing retail use at ground floor, and it is considered that congestion in this area would not materially increase as compared to the use as an office. The proposal would therefore be acceptable in this regard.

5) Accessibility

The proposal would incorporate level access to the main front entrance door via the existing ramped access. The reception area would incorporate a low level counter to accommodate guests in wheelchairs. A lift would provide access to all floors including the third floor breakfast area. 4 of the 40 bedrooms would be wheelchair accessible and this is considered to be an acceptable level of provision. The proposal would therefore be accessible to all and would comply with saved UDP policy C17.

6) Sustainability

The applicant has submitted an Energy and Sustainability Report, which concludes that the introduction of passive energy efficiency measures would reduce carbon dioxide emissions by 13.4% as compared to the existing situation. The report also considers the use of a number of renewable energy technologies in line with the requirements of London Plan policy 4A.7. The report concludes that the most feasible technology would be solar hot water heating. Solar hot water panels are proposed as part of this application and would result in a reduction in carbon dioxide emissions by 15%. A condition is imposed to ensure that these measures are implemented as part of the development and the proposal would therefore comply with London Plan policies 4A.3 and 4A.7 on sustainability.

7) S17 Crime & Disorder Act

The new doors and windows at the rear would improve the security of the building. They would be security access controlled with good external illumination. The replacement front entrance door would be automated and would have a high level of external and internal illumination. It is therefore considered that the proposed change of use would not increase the risk or fear of crime.

8) Consultation Responses

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

- Inadequate consultation carried out: As shown on the notification plan, it is considered that adequate consultation has been carried out.
- Would result in an increase in pollution: It is considered that the hotel use would not result in a material increase in the amount of pollution in the area, as compared to the existing use.

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 this disused office building and the proposed hotel use would contribute to the local economy by supporting local business and would encourage visitors to the area. 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: JM015-100 Rev A, 101 Rev B, 102 Rev B, 103 Rev B, 104 Rev B, 105 Rev B, 110 Rev B, 111 Rev B, 121 Rev B, 131 Rev B, 140 Rev A, 141, 300, 301 Rev B, 302 Rev A, 303 Rev A, 304 Rev A, 305, 310 Rev A, 311 Rev A, 321 Rev A, 331 Rev A, Planning, Design and Access Statement, Site Waste Management Plan, Developers Statement and Energy Statement.

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

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

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

4 The use as a hotel 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 commencement of the hotel use. Any existing or new trees or shrubs which, within a period of 5 years from the commencement of the hotel use, 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 Harrow UDP policies D4 and D9.

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

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

7 The approved Developers Statement shall be adhered to throughout the construction period.

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.

8 The approved Site Waste Management Plan shall be implemented as part of the development and thereafter retained.

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

9 The recommendations set out in the approved Energy Statement 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.

10 The car parking spaces as approved shall be marked out prior to first use of the hotel and thereafter permanently retained. The car parking spaces shall only be used for cars and motor vehicles in association with the approved use and for no other purpose.

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

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

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 ADVERTISEMENTS

The applicant is advised that no advertisements are permitted by this grant of planning permission. Separate consent must be obtained under the Advertisement Regulations where necessary.

6 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

London Plan: 2A.1, 2A.8, 3D.7, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.22, 4B.1

Harrow Unitary Development Plan: D4, D7, D9, D11, D12, EP25, T6, T13, T15, EM15, R15 and C17

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

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Access For All (2006)

Plan Nos: JM015-100 Rev A; 101 Rev B; 102 Rev B; 103 Rev B; 104 Rev B; 105 Rev B; 110 Rev B; 111 Rev B; 121 Rev B; 131 Rev B; 140 Rev A; 141; 300; 301 Rev B; 302 Rev A; 303 Rev A; 304 Rev A; 305; 310 Rev A; 311 Rev A; 321 Rev A; 331 Rev A; Planning, Design and Access Statement; Site Waste Management Plan; Developers Statement; Energy Statement.

Item: 1/07
FORMER GOVERNMENT OFFICES, P/3414/10
HONEYPOT LANE, STANMORE, HA7
1BB

Ward CANONS

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/2317/06/CFU
DATED 12/11/2007 TO CHANGE THE TENURE OF THE 55 UNITS CONSENTED
TO BE LOW COST HOME OWNERSHIP TO SHARED OWNERSHIP

Applicant: A2 Dominion
Case Officer: Nicholas Ray
Statutory Expiry Date: 27-JAN-11

RECOMMENDATION

APPROVE modification of the Section 106 Agreement which restricts the tenure of 55 units consented to be low cost home ownership, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) Amendment to terms of agreement to change tenure of 55 low cost home ownership units to shared ownership;
- (ii) 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 completion of the S106 agreement and to agree any minor amendments to the conditions or the legal agreement.

REASON

The decision to approve this modification has been taken having regard to the policies and proposals in The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging the provision of appropriate levels of affordable housing and tenure mix in new residential developments. The proposed variation would enable these units would be more affordable to a wider range of people and would therefore better contribute to the provision of affordable housing in the borough. The change of these 55 units from low cost home ownership to shared ownership provision is therefore considered acceptable in this instance and in the overall interests of ensuring that affordable housing in the borough can be considered genuinely affordable in line with planning policy as set out below.

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

London Plan 2008:

3A.8 – Definition of Affordable Housing
3A.9 – Affordable Housing Targets
3A.10 – Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes
The London Plan Interim Housing Supplementary Planning Guidance 2010

London Borough of Harrow Unitary Development Plan 2004

H7 – Dwelling Mix

MAIN CONSIDERATIONS AND POLICIES

(National Policy, The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)

- 1) Affordable Housing (PPS1, PPS3, 3A.8, 3A.9, 3A.10, H7)
- 2) Consultation Responses

INFORMATION

This application is reported to the Planning Committee as the recommendation is for approval subject to a legal agreement and therefore falls outside the scheme of delegation.

a) Summary

Statutory Return Type: 1. Largescale Major Dwellings

Council Interest: None

b) Site Description

- The site formerly comprised government office buildings, which are now demolished, and the site is in the process of being redeveloped for housing and business use space, pursuant to planning permission P/2317/06/CFU (allowed on appeal).
- Some of the housing has been completed and is occupied, whilst other phases are under construction.
- When completed, the development will comprise a total of 798 residential units, 200 of which would be affordable, whilst 59 would be low cost market housing.

c) Proposal Details

- It is proposed to vary the S106 agreement relating to the development, to change the tenure of 55 of the low cost market housing to shared ownership, with the remaining 4 to be kept as low cost, to be provided in later phases of the development.
- These units would comprise 21x1 bed, 20x2 bed and 14x3 bed.

d) Relevant History

P/2317/06	Redevelopment to provide 798 residential	REFUSED
Appeal Ref	units (including 40.2% affordable housing)	10-JAN-07
APP/M5450/A/ 06/2032152	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 28-AUG-07

e) Pre-Application Discussion

- None.

f) Applicant Statement

- None.

g) Consultations:

Housing Officer: This proposed change of tenure is considered acceptable in this instance and in the overall interests of ensuring that shared ownership units can be marketed to a range of household incomes in line with identified requirements. A good mix of unit sizes will also be secured.

Notifications:

Sent: 92

Replies: 0

Expiry: 28-JAN-11

Addresses Consulted:

- Amber House (all flats), Honeypt Lane;
- 1-34 (conc) Bramble Close;
- 268-334 (even) Whitchurch Lane;
- Canons Park Residents Association.

Summary of Response:

None received.

APPRAISAL

1) Affordable Housing

At present 59 of the 259 total affordable housing units would be provided as low cost market housing. The occupiers of these units would only be allowed to purchase up to 80% of the equity of these properties, with the Council retaining the remaining 20%, as a subsidy from the developer. The affordability of these units is however a concern to the Council's Housing Department, as it would be difficult to offer the low cost market housing to a wide range of households, whilst ensuring that the units would be completed.

This modification proposed would change the tenure of 55 of the 59 low cost market units to shared ownership units. These would be managed by A2 Dominion, a registered affordable housing provider and with the benefit of Homes and Communities Agency (HCA) funding, it would be possible to immediately offer the units to households in line with the income criteria considered acceptable by the Harrow Housing Needs Assessment 2006/7 (lower income households), which is considered to be beneficial to those in need of housing. The provision of 14x3 bedroom units would also be beneficial, as these are rarely delivered as shared ownership units in the Borough. The other 4 low cost market units would remain so. The reason these have not been taken up by A2 Dominion is because they are located in later phases of the development, which presents difficulties for management and for obtaining HCA funding.

A2 Dominion currently promote the other shared ownership units in this development and would ensure that if and when a resident purchases additional shares in their shared ownership property, subsidy can be recycled to provide additional affordable housing in the Borough in the future.

This is considered to be a significant benefit and will ensure that these units continue to contribute to affordable housing provision in the Borough.

In summary, the proposed change in tenure type is acceptable, as it would ensure that these 55 units are genuinely affordable in line with the income criteria in the Harrow Housing Needs Assessment. PPS3 now considers that 'low cost market' housing is not affordable housing for the purposes of planning (revised definition). The long term management of these units by A2 Dominion, would secure the provision of these shared ownership units and provide subsidy in the future, for the provision of additional affordable housing in the Borough. The first phase of these 55 units are due for completion in March 2011, so it is important that this deed of variation is completed urgently, in order for the HCA funding to be secured.

2) Consultation Responses

Housing Officers comments are addressed in the above section. No other consultation responses were received.

CONCLUSION

Having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging the provision of appropriate levels of affordable housing and tenure mix in new residential developments, the proposed modification is considered to be consistent with current policy. The change in tenure would enable these units to be more affordable to a wider range of people and would therefore better contribute to the provision of affordable housing in the borough. The change of these 55 units from low cost home ownership to shared ownership provision is therefore considered acceptable in this instance and in the overall interests of ensuring that affordable housing in the borough can be considered genuinely affordable.

Plan Nos: None.

**SHERIDAN HOUSE, 17 ST ANNS ROAD, HARROW, P/3192/10
HA1 1LQ**

Ward: GREENHILL

CHANGE OF USE OF EXISTING SEVEN-STORY BUILDING (B1 USE) TO HOTEL (C1 USE) WITH 90 BEDROOMS. DEMOLITION OF EXISTING PLANT AT 6TH FLOOR LEVEL AND REPLACEMENT WITH NEW PLANT (REVISED APPLICATION)

Applicant: Mr Raj Soni
Agent: DRN Architect
Case Officer: Sushila Bhandari
Statutory Expiry Date: | 22-FEB-11

RECOMMENDATION

RECOMMENDATION A:

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

- i) **Public realm and public transport improvements:** towards two-way Station Road improvements;
- ii) **Local Training and employment:** Contributions towards local training and employment initiatives prior to comment of development;
- iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- iv) **Planning Administration Fee:** for the monitoring of and compliance with this agreement.

REASON

The site lies within Harrow Town Centre and located within the main shopping area and is currently occupied by Sheridan House, which is a six storey building comprising of retail use on the ground floor with offices above. The principle to change the use of the existing offices (use class B1) to hotel (use class C1) has already been established in the approval of planning permission under P/1375/09. The loss of the existing office accommodation from this site would not lead to an unacceptable reduction in office space, nor would it be likely to have an adverse affect on the local economy and the proposal would meet the guidance set out under Planning Policy Statement 4: Planning Sustainable Economic Growth which was published in 2009. The proposal is therefore considered to be acceptable and in accordance with National Policy Statements, London Plan policies, and Harrow Unitary Development Plan (2004) saved policies. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)
PPS4 Planning for Sustainable Economic Growth (2009)
PPG13 Transport (2001)

London Plan:

- 2A.1 Sustainability Criteria
- 2A.8 Town Centres
- 2A.9 The Suburbs: Supporting sustainable communities
- 3B.1 Developing London's Economy
- 3B.9 Tourism Industry
- 3B.11 Improving Employment Opportunities for Londoners
- 3C.2 Matching Development To Transport Capacity
- 3C.23 Parking Strategy
- 3D.7 Visitor Accommodation and Facilities
- 4A.1 Tackling climate change
- 4A.2 Mitigating Climate Change
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.7 Renewable Energy
- 4B.1 Design principles for a compact city
- 4B.4 London's Buildings: Retrofitting
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection
- SF.1 The Strategic Priorities for West London
- 6A.4 Priorities in planning obligations
- 6A.5 Planning obligations

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

- S1 The Form of Development and Pattern of Land Use
- EM15 Land and Buildings in Business, Industrial and Warehousing – Outside Designated Areas
- EM24 Town Centre Environment
- EP25 Noise
- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D7 Design in Retail Areas and Town Centres
- R15 Hotels and Guest Houses
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport
- Supplementary Planning Document Access For All (April 2006)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Sustainable Community Strategy [March 2009]

RECOMMENDATION B

That if a Section 106 Agreement is not completed by the 22/02/2011 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 absence of a legal agreement to provide appropriate provision for infrastructure and community facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructure improvements arising directly from the development, thereby being contrary to policies 6A.4 and 6A.5 of the London Plan (2008)”

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 Change of Use of Building – Outside Designated Areas (PPS4; London Plan: 2A.8, 3D.7, 3B.1, 3B.9, 3B.11, 4B.1; Harrow UDP: S1, EM15, EM24, R15)
- 2) Design and Character of the Area (PPS1; London Plan: 4B.1, 4B.4; Harrow UDP: D4, D7)
- 3) Access (London Plan: 3D.7, 4B.5; Harrow UD: C16, C18, SPD).
- 4) Sustainability (PPS1; London: 2A.1, 2A.9, 4A.1, 4A.2, 4A.3, 4A.4, 4A.7; Harrow UDP: D4, SPD).
- 5) Parking and Highway Safety (PPG13; London Plan: 3C.2, 3C.23; Harrow UDP: T6, T11, T13)
- 6) Planning Obligations (London Plan: 6A.4, 6A.5)
- 7) S17 Crime & Disorder Act (London Plan: 4B.6; Harrow UDP: D4)
- 8) Consultation Responses

INFORMATION

This application is reported to committee as it is a major application, recommended for approval subject to a S.106 agreement, and thereafter falls outside the scheme of delegation.

a) Summary

Statutory Return Type:	Major Development
Site Area:	1,148 m ²
Car Parking	Standard 1 space per 5 bedrooms (maximum)
	Justified 3 Disabled spaces (10% of 30 Staff)
	Provided 0
Council Interest:	None

b) Site Description

- The application site comprises a 6 storey building located on the corner junction of St Ann’s Road and Havelock Place, with an enclosed plant on the roof. The ground floor of the building comprises retail units forming part of Harrow Metropolitan Shopping Centre, with offices (use class B1) on the floors above.
- Access to the office suites is by a reception area located at the ground floor corner of the building.
- Servicing to the building is from the rear.
- The immediate surrounding area is characterised by commercial development with some residential development located above buildings that front Station Road and College Road.

- In the wider context of the town centre there are other hotel establishments in the area and recently planning permission has been granted (under ref P/2872/09) for a eight storey hotel building (also a Travelodge) at the site of Signal House on Lyon Road.
- The application site is located within Harrow Metropolitan Town Centre and is well serviced by public transport.

c) Proposal Details

- The proposal seeks to change the use of the existing offices on the 1st to 5th floors to a Hotel (use class C1), comprising 90 bedrooms.
- The proposal would also incorporate the demolition of the existing plant on the 6th floor roof and to replace with new plant.
- The entrance lobby to the hotel would be located at ground floor level, which is accessed from the corner of the building. The main hotel reception area would be located at first floor level.
- External alterations are proposed to the façade of the building which would include the provision new zinc cladding in multi-tonal colour scheme and new glazing.
- Cycle storage for 4 bicycles has been shown in a enclosed storage area at the rear of the.
- Three refuse bins have been shown at the rear.

Revisions to Previous Application:

Following the previous decision (P/1375/09) the following amendments have been made:

- The previous scheme proposed to create two additional floors to the building to form an eight storey building - this has now been omitted from the current scheme.
- Number of bedroom reduced from 114 to 90 bedrooms.
- No dining/ catering facilities proposed.

d) Relevant History

P/1297/07	CHANGE OF USE OF FIFTH FLOOR OFFICE SPACE (CLASS B1) TO 6 FLATS (CLASS C3); ALTERATIONS TO EXTERNAL ELEVATIONS FROM 1ST TO 5TH FLOORS (RESIDENT PERMIT RESTRICTED)	REFUSED 16/-JUL-07 APPEAL ALLOWED 21-MAY-08
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Reasons for Refusal:

1. The proposal would result in the loss of office floor space and in the absence of a credible justification for such loss the proposal would be prejudicial to promotion and retention of employment provision / land in the borough contrary to Policies SD1, D4 and EM15 of the Harrow Unitary Development Plan which aim to retain employment in the borough.
2. The proposal does not make satisfactory provision within the site for the storage of refuse and recycling facilities for the proposed flats or and due to lack of satisfactory access/entrance to the proposed flats, the proposal would be detrimental to the amenities of future occupiers of the site and attractiveness of Harrow Metropolitan Centre contrary to Policies SD1, D4, D8 and D9 of the Harrow Unitary Development Plan.

P/1375/09	CHANGE OF USE OF EXISTING SEVEN-STOREY BUILDING [B1 USE] TO HOTEL [C1 USE] WITH 114 BEDROOMS. DEMOLITION OF EXISTING PLANT FLOOR AT 6TH FLOOR LEVEL AND REPLACEMENT WITH ADDITIONAL TWO FLOORS TO CREATE EIGHT-STOREY BUILDING	GRANTED SUBJECT TO LEGAL AGREEMENT 10-APR-10
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e) Pre-Application Discussion

The applicant has had informal discussion in respect of the proposal prior to submission of this application.

f) Applicant Statement

- This application is supported by a Design and Access statement, which is summarised below:
 - Scheme proposes converting the existing five floors of office spaces into hotel rooms.
 - 90 bedrooms will be created, maintaining the small reception on the ground floor; the main reception will be on the first floor.
 - Cladding and the new glazing system will infill panels have been specified to complement the existing materials while the selection of varying bold colour tones provides a more contemporary design.
 - Current offices not fully occupied – the proposed hotel will increase footfall to the town centre, in particular after 6.00pm.
 - Currently there is an oversupply of office space in the town centre.
 - New entrance is designed to offer natural surveillance of the area at night.
 - Level of car usage will be much lower than that generated by the current office use. This will help reduce the carbon emission associated with this building.
 - Sustainability in construction includes the re-use existing structure and insulation.
 - Premises have excellent transportation links within walking distance.
 - Ample public and private car parking facilities locally.
 - Unlikely to be any conflicts with existing users of the car-parks.
 - Bicycle parking offered in the rear service yard.
 - Deliveries to the hotel will take place from the rear service yard.
 - Refuse collections will remain as currently servicing the office building.
 - Travelodge has produced a Strategic Level Access Statement which provides accessibility arrangements for the hotel which will include improved front entrance, refuge areas on all floors, five fully accessible bedrooms and four ambulant rooms on the first floor. The reception desk and other visitor processing at reception will meet DDA requirements. Lifts will have a full upgrade to DDA complaint specification.
 - Applicants have agreed to provide full details of proposed construction methods, noise levels and operations to the freeholders as part of their consent for the works to go ahead.

- The building already contains a large amount of vacant office floor space – recent planning appeal confirmed there is a good supply of office accommodation within the Town Centre and this property has been difficult to let.
- The level of employment from a hotel would be lower than the office block which was fully occupied. However the knock on benefits of the use for the Town Centre would be considerable.
- All employees will be recruited locally (with the exception of perhaps the Manager and Assistant Manager). Travelodge has signed up to the nationwide Government partnership with Job Centre Plus to encourage the long term unemployed back to work.
- There is a significant amount of vacant office floor space locally – the injection of this type of hotel into the Town Centre would act as a catalyst for further investment.
- Principles of Policy EM15 would be complied with and would comply with policy EM24 in providing a mixed use centre.

g) Consultations

Highways Engineer: No Objection

Greater London Authority:

As the proposed floor space of the hotel development is below the threshold of 2500sqm, it is not referable to the Mayor of London.

Advertisement:	Major Development Departure from the Development Plan	Expiry: 30-DEC-10
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Notifications:

Sent: 41

Replies: 1

Expiry: 27-DEC-10

Summary of Responses:

- Poor occupancy levels throughout the area. They have worsened since the last application and a further 90 rooms will just dilute this more.
- Applications for Travelodge at Signal House already approved.
- Original applications was to have conferencing facilities for over 200 delegates which Harrow Council was keen on as no hotel could provide this. The new application does not seem to have this therefore not offering anything new to the area.
- Property would not be a purpose built hotel as encouraged by UDP policy R15 because it is already an office block – so should be reject on those grounds.
- Direct impact on the Harrow hotels industry leading to more job losses than it would create.
- Travelodge is considered one of the lower market hotel brands. Allowing them into the town centre would force other hotels to lower prices and standards to compete this cheapening the area which is a direct contrast to Harrow's redevelopment.

APPRAISAL

1) Principle of Development and Change of Use of Building – Outside Designated Areas

This application follows on from a previous application (P/1375/09) which sought planning permission for the provision of two additional floors to the existing building to form a eight storey building and the change of use of the building from a office (use class B1) to a hotel (use class C1). The Planning Committee resolved to grant planning permission for the development proposed under P/1375/10 subject to a legal agreement. In this current scheme, the applicant is now only seeking to convert the existing building to a hotel without any additional extensions to the building.

The application site is not located within a designated business use area and therefore saved policy EM15 would apply in the assessment of the loss of 'B' class uses outside a designated area. Saved policy EM15 of the Harrow UDP states that the loss of land or buildings from business, general industrial or warehouse use (use classes B1, B2 and B8) to other uses outside these classes will be resisted, unless it can be demonstrated that the site is no longer suitable for employment use. Applications for proposals to change the use from B class categories to other uses, must demonstrate how the proposal satisfies criteria a) to g) of saved policy EM15.

The principle of converting the existing office to a hotel has already been established in the approval of P/1375/09. Whilst no marketing data has been provided to support this current application (a requirement of criterion c) of policy EM15), this information was provided in support of the previous application. There have been no material changes in the site circumstances since the previous approval to warrant a different view on the loss of the office space. Furthermore, since the previous application the Government has issued a new Planning Policy Statement 4 (PPS 4) on Planning For Sustainable Economic Growth (2009) which forms a material consideration in the assessment of planning applications relating economic development. Policy EC11 of PPS 4 broadly reflects saved policy EM15 of the Harrow UDP (2004) in requiring planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

It is acknowledged that the proposed hotel use in place of the existing offices in Sheridan House is likely to have less number of employees than the fully occupied office building. However, the proposal would bring back into use an existing building which is largely vacant at present, and in doing so, the proposal would meet the wider objectives of the development plan. Furthermore, due to the prominent location of Sheridan House within the Metropolitan Town Centre, it would encourage patrons of the hotel to use/ visit use other nearby commercial premises within the town shopping centre, which in turn would be beneficial to the local economy. The provision of a hotel in this location would also comply with saved policy R15 of the Harrow UDP which seeks to encourage the provisions of a range of hotel and guest accommodation within the borough, in particular the provision of budget accommodation. The proposal would also comply with London Plan policy 3D.7 on visitor accommodation and facilities, and the Mayor's vision to achieve 40,000 net additional hotel bedrooms by 2026.

Representation have been received from nearby hotel businesses in objection to the proposed hotel on grounds that the nearby existing business would suffer as a result of proposed development and that planning permission has recently been granted for another Travelodge at the site of Signal House on Lyon Road, which would further heighten the impact on the existing businesses. Notwithstanding these objections, the Government's objectives for prosperous economies set out in PPS4 (paragraph 10) seeks to promote the vitality and viability of town and other centres as important places for communities. In order to achieve this objective, the Governments wants competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particular socially excluded groups). It is considered that although the proposal would see another hotel development in the Town Centre, the budget accommodation would offer choice to the consumer/ visitor to the town centre, which would be consistent with the objectives of PPS 4 and the development plan polices.

Representations have also been made to the fact that the current scheme does not offer any conferencing suite, as it did for the previous application and therefore the proposal does not offer anything new. The previous scheme under P/1375/09 did not show any provision of conferencing suites, although there was provision for dining facilities for up to 64 covers. It is noted that in this current scheme there will be no provision of conferencing suites or dining facilities for the patrons of the hotel. Whilst it is acknowledged that saved policy R15 seeks to support applications for large purposes built hotels with conference and banqueting facilities, such a requirement may not always be feasible for proposals involving the change of use of existing buildings. Each application needs to be assessed on its own merits having due regard to the site circumstances. In this case there is ample provision of dining facilities in the Town Centre itself which would support the viability of surrounding businesses. Furthermore, there are other hotels in the vicinity that do provide conferencing facilities and thereby offering choice to the consumer. The proposal is therefore not considered to be in conflict with the wider development plan policies.

Having regard to the planning history relating to this site and the consultation responses received, it is considered that the proposed change of use would not pose any adverse impact upon the local economy and would retain an employment at the building and therefore it would comply with the main objectives of saved policy EM15 of the Harrow UDP and PPS 4.

2) Design and Character of the Area

Planning Policy Statement 1 (PPS 1) on Sustainable Development and saved policy D4 of the Harrow Unitary Development Plan (2004) recognise the importance of the planning process in enhancing the built environment and encouraging high standards of design. To meet these aims, both PPS1 and saved policy D4 of the Harrow UDP require new development to respond to the local context and to create or reinforce local distinctiveness.

London Plan policy 4B.1 seeks to ensure that new development promotes high quality inclusive design, create or enhance the public realm and respect local context, history, built heritage, character and communities. Paragraph 4.10 of the reasoned justification to saved policy D4 Harrow UDP states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

The proposal would not involve any extensions to the existing building, other than the replacement of the plant machinery on the roof of the building. The replacement plant would be smaller in area than the existing and it would not be highly perceptible at street level. The proposal would include external alterations to the façade of the existing building which would incorporate cladding in bold colour infill panels and new glazing, and new glazing to the entrance lobby at ground floor level. Sheridan House is a 1980's brick built office building of no particular architectural merit. The proposed external alterations would enhance the external appearance of the building and add visual interest in the public realm. The proposals are considered to be consistent with the objectives of PPS1, policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP.

Paragraph 4.24 of the reasoned justification to saved policy D4 of the Harrow UDP requires that provision for refuse storage should be made for all new development proposals and must be located in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection. The proposal would utilise the existing refuse collection arrangements and have shown the provision of 3 large bins located in the rear service yard. The location of the refuse bins are considered to be acceptable and in accordance with the objectives set out under saved policy D4 of the Harrow UDP.

Representations have been made on the fact the proposed development would not be a purpose built hotel as encouraged by saved policy R15 of the Harrow UDP and therefore the proposal should be rejected. Whilst it is acknowledged criterion B) of saved policy R15 supports the development of large high quality built hotel accommodation, this policy also supports the redevelopment or conversion of existing buildings so long as such developments respect the character, amenity and environment of the locality. Furthermore, London Plan policy 4B.4 supports programmes for the refurbishment of existing buildings which could make a significant contribution to achieving the sustainability aims of the development plan. For the reasons identified above there would be not conflict with saved policy R15 of the Harrow UDP.

3) Parking and Highway Safety

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

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

The London Plan policy 3C.23 and saved policies T6 and T13 of the adopted Harrow UDP adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes. In order to regulate parking and to minimise additional car travel, development proposals will be assessed against the Council's maximum car parking standards set out in Schedule 5 appended to saved policy T13 of the Harrow UDP.

The principle of a Hotel (C1) at this location is considered acceptable on transport sustainability grounds given the strict on-street parking controls/ generous public car parking facilities in the vicinity combined with the existing commercial activities of the town centre. The retention of the existing footprint, with regard to not extending the foyer onto the public realm i.e. Havelock Place /St Ann's is welcomed. Servicing intensity of 8 times per week will be comparable to the current use. The (C1) lack of parking provision for the site conforms with the UDP maximum standards and complies with the emerging London Plan standards which require some parking for operational needs only in high PTAL areas as is the case here. The Council would normally seek a 10% disabled parking provision (in staff number terms i.e. 30). None can be provided on site however some are available on street which is acceptable although these cannot legally be allocated to the development.

A vehicular drop off point cannot be facilitated on site and it is inappropriate and illegal to provide a specific designated location on the public realm as suggested. However as patronage will be predominantly public transport based it is considered that in this case this lack of provision is acceptable.

As per London Plan there should be one coach parking space provided/50 rooms. In this case, two coach spaces would normally be required. This cannot physically be facilitated on site and as mentioned above, since patronage will be predominantly public transport based, the Council's Highway Engineer considers that in this case this lack of provision is acceptable.

Intensity of use i.e. vehicular movements to and from the site (private and taxi related) would increase as compared to the current use class however, owing to on-site parking restraint and the high PTAL sustainability of the location, the increase would be expected to be insignificant as there would be a heavy reliance by patrons on public transport and hence does not raise concerns.

Cycling provision of 1 /10 staff should be provided. A secure ground floor area for four bicycles spaces is suggested and is considered to be acceptable.

In conclusion, it is considered that the proposal in terms of parking and highway safety would be acceptable and would meet the objectives of PPS1, policy 3C.23 of the London Plan and saved policies T6 and T13 of the Harrow UDP.

4) Accessibility

London Plan Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Saved policy D4 of the Harrow UDP requires that buildings should be laid out in such a way to encourage pedestrian movement, minimise the distance to other land uses and transport and maintain a high level of accessibility. Saved policy C16 of the Harrow UDP seeks to ensure that buildings and public spaces are readily accessible to all.

The Design and Access statement submitted with the application confirms that the detailed design of the wider scheme has been designed to comply with the Council's Supplementary Planning Document: Access for All. The proposal will incorporate improved front entrance, refuge areas on all floors, five fully accessible bedrooms and four ambulant rooms on the first floor. The Design and Access statement also confirms that reception desk and other visitor processing at reception will meet DDA requirements. Lifts will have a full upgrade to DDA complaint specification.

Accordingly, the development is considered to comply with the accessibility requirements of policy 4B.5 of the London Plan and saved policies D4 and C16 of Harrow Unitary Development Plan (2004).

5) Sustainability

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Harrow Council has adopted a new Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has submitted a Energy Efficiently Report to support this application. The applicant's Design and Access statement contends that the proposal would use high value insulation to reduce overall U-value of the building. Furthermore, the re-use of the building would also save upon significant amount of energy in terms of demolition and waste. The re-fitting of the existing building would also meet the objectives of policy 4B.4 of the London Plan.

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.

6) Planning Obligations

Policies 6A.4 and 6A.5 of the London Plan (2008) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development.

A Section 106 contribution of £40,000, towards two way Station Road improvements, is being requested. It is considered that this request conforms with Government guidance introduced on 6th April, 2010, which requires planning obligations to meet all of the following legal requirements:~

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

A Section 106 contribution towards the current 2-way working for buses in nearby Station Road would meet the above legal requirements and therefore can be requested. The scheme does not have any provision for on-site parking. Whilst it is noted that the applicant has reduced the scale of the scheme and therefore somewhat reduced the intensity of the development. The use intensity for a hotel would still be greater than an office use, in particular outside of normal office opening hours. The application site is located in the main town centre and therefore it is expected that patrons of the hotel would use public transport to and from the hotel. The two-way improvement works for the buses on Station Road is directly relevant to the site as the additional intensity of the development over and above the office use would be off-set by the provision of a two-way bus route on Station Road.

In addition, a Section 106 contribution towards the Construction Training Initiative is required. Prior to the reduction in the number of bedrooms the applicant had agreed to make both of these contributions as part of a Section 106 agreement.

7) S17 Crime & Disorder Act

Policies 4B.1 and 4B.6 of the London Plan seek to ensure that developments should address security issues and provide safe and secure environments. Saved policy D4 of the Harrow UDP advises that crime prevention should be integral to the initial design process of a scheme.

The entrance to the building is located on the main thoroughfare and therefore affords natural surveillance from passers by during the day time and the proposal will incorporate CCTV and appropriate lighting system for other times of the day. On balance it is considered that the proposal would not pose any impact on community safety issues. Notwithstanding this, a condition is attached to ensure that details are submitted to the local planning authority to demonstrate that the proposal would comply with secure by design principles.

8) Consultation Responses

All matters raised by 3rd party responses have been addressed in the above report.

CONCLUSION

The principle to convert the existing building to a hotel has already been established through the approval of P/1375/10. The loss of the office space would be outweighed by the benefits gained in changing the use of the building to a Hotel. The provision of 'budget' accommodation with this scheme, would compliment existing conventional hotels in Harrow. The location of the proposal, within Harrow Metropolitan Centre, would allow good public transport links to central London (and Wembley).

The modern contemporary design of the proposed development would respond appropriately to the local context.

Overall, the proposed development would bring new strength and vitality to the local economy and the local area. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant, subject to the completion of a Section 106 Agreement and the following conditions.

CONDITIONS

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

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

2 The materials to be used in the external surfaces of the existing building hereby permitted shall be constructed in the materials as shown on the approved drawings. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan 2004.

3 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good or excellent' (or successor), the reduction of baseline CO₂ 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, 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).

4 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be erected / displayed at the hotel hereby approved without the prior written permission of the Local Planning Authority.

REASON: To enable the Local Planning Authority to ensure that any such adverts are carried out in a manner which will not be harmful to the character and appearance of the development or the locality, in accordance with Planning Policy Guidance 19: Outdoor Advertisement Control (1992).

5 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise nuisance to nearby neighbouring residents in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

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

REASON: to safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

7 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).

8 The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation.

Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the residential amenities of nearby occupiers in accordance with saved policy EP25 Harrow Unitary Development Plan (2004).

9 Deliveries by commercial vehicles shall only be made to or from the site between 8:00 hours and 18:00 hours Monday to Friday/Saturday and at no time on Sundays, Bank or other Public Holidays without the prior agreement in writing of the local planning authority.

REASON: To safeguard the residential amenities of nearby occupiers in accordance with saved policy EP25 Harrow Unitary Development Plan (2004).

10 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 rooms and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

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

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

AP-SP-1000; A-G-1100; A-G-1101; A-G-1102; A-G-1103; A-G-1104; A-G-1105; A-G-1106; A-G-1106; A-G-1107; A-G-1201; A-G-1203; A-G-1301; A-G-1400; A-G-4100 REV A; A-G-4101; A-G-4102; A-G-4103; A-G-4104; A-G-4105; A-G-4106; A-G-4107; A-G-4201; A-G-4202; A-G-4203; A-G-4301; A-G-4400; Design and Access Statement.

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

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning for Sustainable Economic Growth (2009)

PPG13 Transport (2001)

London Plan:

2A.1 Sustainability Criteria

2A.8 Town Centres

2A.9 The Suburbs: Supporting sustainable communities

3B.1 Developing London's Economy

3B.9 Tourism Industry

3B.11 Improving Employment Opportunities for Londoners

3C.2 Matching Development To Transport Capacity

3C.23 Parking Strategy

3D.7 Visitor Accommodation and Facilities

4A.1 Tackling climate change

4A.2 Mitigating Climate Change

4A.3 Sustainable design and construction

4A.4 Energy Assessment

4A.7 Renewable Energy

4B.1 Design principles for a compact city

4B.4 London's Buildings: Retrofitting

4B.5 Creating an inclusive environment

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

SF.1 The Strategic Priorities for West London

6A.4 Priorities in planning obligations

6A.5 Planning obligations

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

S1 The Form of Development and Pattern of Land Use

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

EM24 Town Centre Environment

EP25 Noise

T6 The transport Impact of Proposals

T11 Cycle and Motor Cycle Parking in Public Spaces

T13 Parking Standards

D4 The standard of Design and Layout,

D7 Design in Retail Areas and Town Centres

R15 Hotels and Guest Houses

C16 Access to Buildings and Public Spaces

C18 Special Mobility Requirements and Access to Transport

Supplementary Planning Document Access For All (April 2006)

Supplementary Planning Document Sustainable Building Design (May 2009)

Sustainable Community Strategy [March 2009]

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:

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

3 THE PARTY WALL etc ACT 1996

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 CDM REGULATIONS 1994

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

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

5 COMPLIANCE WITH PLANNING CONDITIONS PRECEDENT

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: AP-SP-1000; A-G-1100; A-G-1101; A-G-1102; A-G-1103; A-G-1104; A-G-1105; A-G-1106; A-G-1106; A-G-1107; A-G-1201; A-G-1203; A-G-1301; A-G-1400; A-G-4100 REV A; A-G-4101; A-G-4102; A-G-4103; A-G-4104; A-G-4105; A-G-4106; A-G-4107; A-G-4201; A-G-4202; A-G-4203; A-G-4301; A-G-4400; Design and Access Statement; Green Travel Plan; Energy Statement

**SCANMOOR HOUSE, 56 NORTHOLT ROAD, P/2624/10
SOUTH HARROW HA2 0EY**

Ward: HARROW ON THE HILL

PROPOSAL: CHANGE OF USE FROM OFFICE BUILDING (B1 USE) TO A HOTEL (C1 USE) WITH 44 ROOMS, RESTAURANT, KITCHEN AND CONFERENCE FACILITIES; ROOF EXTENSION TO PROVIDE 5TH FLOOR, 1ST TO 5TH FLOOR SIDE EXTENSION AND 1ST FLOOR REAR EXTENSION (RETROSPECTIVE APPLICATION)

Applicant: Mr Jay Patel
Agent: Mr John Broderick (JPB Architects)
Case Officer: Sushila Bhandari
Statutory Expiry Date: | 02-MAR-2011

RECOMMENDATION

GRANT permission subject to the completion of a deed of release by the applicant to enable the obligations in the Section 106 Agreement dated 28 July 2009 to be discharged.

REASON

The application site is located outside South Harrow district centre and has access to good public transport services. Scanmoor House was previously occupied as offices and had been vacant for a number of years before the submission of the first planning application under ref: P/3519/08. The principal to change the use of the building from offices (use class B1) to hotel (use class C1) has already been established in the approval of planning permissions relating to P/3519/08 and P/0620/09. Whilst it is acknowledged that the application site falls within a Business Use Area as designated in the Harrow Unitary Development Plan (2004), the loss of the former office accommodation from this site does not lead to an unacceptable reduction in office space in this locality, nor would it be likely to have an adverse affect on the local economy and the proposal would meet the guidance set out under Planning Policy Statement 4: Planning Sustainable Economic Growth which was published in 2009. The extensions that have been constructed on site are broadly reflective of what was approved under the previous planning permission ref P/0620/09 and the choice of materials and external finishes have modernised what was once dilapidated building.

The development is therefore considered to be acceptable and in accordance with National Policy Statements, London Plan policies, and Harrow Unitary Development Plan (2004) saved policies. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)
PPS4 Planning for Sustainable Economic Growth (2009)
PPG13 Transport (2001)
PPG24: Planning and Noise (1994)

London Plan:

2A.1 Sustainability Criteria
2A.8 Town Centres
2A.9 The Suburbs: Supporting sustainable communities
3B.1 Developing London's Economy
3B.9 Tourism Industry
3B.11 Improving Employment Opportunities for Londoners
3C.2 Matching Development To Transport Capacity
3C.23 Parking Strategy
3D.7 Visitor Accommodation and Facilities
4A.1 Tackling climate change
4A.2 Mitigating Climate Change
4A.3 Sustainable design and construction
4A.4 Energy Assessment
4A.7 Renewable Energy
4B.1 Design principles for a compact city
4B.4 London's Buildings: Retrofitting
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection
SF.1 The Strategic Priorities for West London
6A.4 Priorities in planning obligations
6A.5 Planning obligations

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

S1 The Form of Development and Pattern of Land Use
EM13 Land and Buildings in Business, Industrial and Warehousing –Designated Areas
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings
EP25 Noise
T6 The transport Impact of Proposals
T11 Cycle and Motor Cycle Parking in Public Spaces
T13 Parking Standards
D4 The standard of Design and Layout,
R15 Hotels and Guest Houses
C16 Access to Buildings and Public Spaces
Supplementary Planning Document Access For All (April 2006)
Supplementary Planning Document Sustainable Building Design (May 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 Change of Use of Building – Designated Areas (PPS4, London Plan: 2A.8, 3D.7, 3B.1, 3B.9, 3B.11, 4B.1; Harrow UDP: S1, EM13, EP20, EP21, R15)
- 2) Design and Character of Area (PPS1; London Plan 4B.1, 4B.4, Harrow UDP: D4)
- 3) Neighbourhood Amenity (PPG24; Harrow UDP: EP25)
- 4) Parking and Highway Safety (PPG13; London Plan: 3C.2, 3C.23; Harrow UDP: T6, T13)
- 5) Accessibility (London Plan: 3D.7, 4B.5; Harrow UD: C16, C18, SPD)
- 6) Sustainability – Energy Demand and Water Resources (PPS1; London: 2A.1, 2A.9, 4A.1, 4A.2, 4A.3, 4A.4, 4A.7; Harrow UDP: D4, SPD)

- 7) Planning Obligations (London Plan: 6A.4, 6A.5)
- 8) S17 Crime & Disorder Act (London Plan: 4B.6; Harrow UDP: D4)
- 9) Consultation Responses

INFORMATION

This application is reported to committee as it is a major application, recommended for approval subject to a legal agreement, and therefore falls outside the scheme of delegation.

a) Summary

Statutory Return Type:	Major Development
Site Area:	0.058452 ha
Floor Area	1871.7m ²
Car Parking	Standard 1 space per 5 bedrooms (maximum) Justified 8.8 Provided 7 including 2 disabled spaces
Council Interest:	None

b) Site Description

- The application site previously comprised a vacant five storey flat-roofed office building with ground floor undercroft parking to the rear of the site. The application site is located on the northwest side of Northolt Road and is located within a designed Business Use Area.
- The original office building has now been extended and converted into a 44 bedroom hotel (use class C1), which is the subject of this application.
- South Harrow Police Station, a four storey building adjoins the site to the south west.
- The neighbouring site to the north-east of the application site has recently been redeveloped to provide a 6 storey flatted development. The nearest rear wall of this development is approximately in line with the rear elevation of the main hotel building (not the two storey rear extension built at the site)
- There is an access road directly in front of the application site which provides gated access to the undercroft parking at the rear. There are 7 parking spaces provided of which two are disabled parking bays.
- There is a service road at the rear of the site.
- Located 500m north of South Harrow district centre.
- London distributor road extends along the front of the site (Northolt Road), the access road to the rear of site is accessed from Shaftesbury Avenue (Borough Distributor Road).
- Surrounding area comprises a mix of commercial and residential uses.

c) Proposal Details

- The Planning Committee resolved to Grant planning permission for extension to the existing building and change of use from offices (B1) to hotel use (C1), subject to a legal agreement under ref: P/0620/09. This permission was granted subject to a number of pre-commencement conditions. However the applicant commenced development on site without discharging the relevant pre-commencement conditions.

- This application is being made under Section 73A subsection (2) (c) of the Town and Country Planning Act 1990 and the applicant is now seeking retrospective planning permission for the conversion of the building from offices (use class B1) to a hotel (use class C1) and for the extensions that have been constructed on site.
- These extensions include:
 - an additional storey to make a six storey building, an infill side extension on the southern side of the building which extends from ground floor right up to the sixth floor and to the full depth of the pre-existing building.
 - A two storey rear extension has been added which has a depth of some 10.4m and a width of 20.5m. The southern flank wall of the two storey rear extension is set in by approximately 1.3m from the flank wall of the side extension. The northern flank wall of the extension is set approximately 2.2m in from the northern flank wall of the original building. The rear wall of the rear extension abuts the rear site boundary.
 - An external staircase has been constructed along both flank walls of the rear extension which provides access from the ground floor undercroft car park to the first floor.
 - An external lift shaft has been constructed along the northern flank wall of the two storey rear extension, which is sited adjacent to the external staircase. This lift provides access from the ground floor car park to the first floor.
 - At ground floor level, below the main structure of the building (what was once the car parking area) the ground floor has been extended to provide a new entrance foyer, reception, lounge, linen store and ground floor WC facilities. A separate storage room and internal staircase has also been created. The remaining ground floor area forms part of the car parking and access area.
- The scheme retains 7 parking spaces which includes 2 disabled parking spaces. The ground floor parking area is enclosed and accessed by electronic gates fronting the service road along Northolt Road.
- The hotel has provision for 44 bedrooms, conferring suites and a restaurant.
- All floors are serviced by two lifts.

Revisions to Previous Application:

Following the previous decision (P/0620/09) the following amendments have been made:

- Two external staircases have been added to the flank walls of the two storey rear extension.
- A linen store has been added at ground floor level.
- A larger storeroom has been created at ground floor level.
- A new lift shaft has been added along the northern flank wall of the two storey rear extension.
- 5 projecting rooflights have been inserted into the flat roof of the two storey rear projection. This was previously shown as a green roof.
- The number of parking spaces has been reduced from previously proposed 12 spaces to 7 spaces.

d) Relevant History

P/3519/08	Change of use from office building (b1 use) to a hotel (c1 use) with 40 rooms, restaurant, kitchen and conference facilities. Roof extension to provide fifth floor and two storey rear extension	GRANTED SUBJECT TO LEGAL AGREEMENT 11-DEC-09
P/0620/09	Change of use from office building (b1 use) to a hotel (c1 use) with 44 rooms, restaurant, kitchen & conference facilities. Roof extension to provide 5th floor, 1st to 5th floor side extension and 1st floor rear extension.	GRANTED SUBJECT TO LEGAL AGREEMENT 11-DEC-09

e) Pre-Application Discussion

- None

f) Applicant Statement

- This application is supported by a Design and Access statement, which is summarised as follows:
 - The application is similar to that which was approved under P/0620/09.
 - Application relates to the retention of the existing Hotel Use Class C1, including first floor rear extension which accommodates the conference and kitchen facilities and a side extension to accommodate staff rooms and laundry facilities.
 - Proposed development allows the opportunity to bring a redundant building back into use, which will be beneficial to both the local and wider community.
 - Buildings fabric will be upgraded to achieve increased thermal insulation values – will result in a sustainable and enhanced energy efficient building which will make a positive contribution to local community.
 - Potential guests and staff will be encouraged to use public transport and sustainable means of transport.
 - The use will not have any adverse impact in respect of noise generation – the use will not conflict with PPG24.
 - Proposals will not have an adverse effect on the residential amenities, noise or traffic in the immediate area.
 - Current hotel is making use of previously developed and empty property – will result in a sustainable use for the property.
 - Public realm will be unchanged as a result of proposals.
 - Property will retain existing established pedestrian and traffic routes.
 - A secure and welcoming environment is created.
 - Provision is made for bin and refuse storage within the ground floor car park area.
 - The current scheme provides level access threshold.
 - The scale of the proposed is generally in keeping with that previously approved, in addition a first floor rear/ side extension is incorporated.

- The existing layout does not provide opportunity for soft landscaping – consideration will be given to soft landscaping adjacent to the main entrance of the property.
- A total 44 bedrooms are provided, 10% of which will be wheelchair accessible.
- Consider that the use is appropriate given the context of the area, which is moving now to a mixture of commercial and residential.

g) Consultations

Highways Engineer: No Objections.

Environmental Health Officer: No Objections

Thames Water: No Objection

Harrow on the Hill Trust:

Objections for following reasons:

- Impact of the blue lighting which is a feature of the frontage of the hotel is widespread – in particular to those living on the top and western slopes of the Hill find that at night the view to the west is dominated by these blue lights shining in the air. – further reduction in power consumption could be made by switching off these lights, to the advantage of both the local neighbourhood and the wider global environment.
- The hotel as currently developed is resulting in increased parking in the adjacent area, in particular in Middle Road – further expansion will make for further problems.
- The dining room and kitchen as proposed is far too small to cope with the 224 covers which is set out in the proposed seating plan.
- Concerned with the proposed extraction and ventilation systems.
- Proposed with extension top, side and rear, the proposed expanded total represent an overdevelopment of the site.

Advertisement:	Major development Departure from the Development Plan	Expiry: 30-DEC-10
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Notifications:

Sent: 41

Replies: 0

Expiry: 08-FEB-11

Summary of Responses: n/a

APPRAISAL

Background

This application follows on from two previous planning applications P/3519/08 and P/0620/09, for the change of use of the building from office (use class (B1) to hotel (use class C1). In the first application (P/3519/08) the proposal included a fifth floor extension and a part single and part four storey rear extensions to provide a 40 room hotel which also comprised a restaurant, kitchen and conference facilities.

In the second application (P/0620/09), the ground to fifth floor extension on the southern side of the building was increased in depth to allow an increase in the number of hotel rooms from 40 to 44. The Planning Committee resolved to grant both planning application, subject to a legal agreement.

Both planning permissions were also granted subject to a number of pre-commencement conditions. Whilst the applicant entered into a Section 106 agreement with the Local Planning Authority, the applicant failed to discharge the relevant pre-commencement conditions before commencing development on site. The applicant has now completed all the extensions to the building, and the use as a hotel has commenced. The applicant is now seeking retrospective planning permission for all the works that have been carried out on site (including the additional extensions that did not form part of the previous development approved under P/0620/09) and the change of use of the building from offices (use class B1) to hotel (use class C1).

1) Principle of Development and Change of Use of Building – Designated Areas

The application site is located within a designated business use area in the Harrow Unitary Development Plan. Saved policy EM13 of the Harrow Unitary Development Plan seeks to resist the loss of land and buildings within designated business areas from business and light industrial (B1) uses to help ensure sufficient employment land supply.

As established by the approval of planning permission relating to P/3519/08 and P/0620/09, the principle of the hotel use on the site is considered to comply with saved policy EM13 of the Harrow UDP. The loss of the office use of the site was assessed against the policy requirements of EM13 and was considered to be acceptable based on the length of time the building was vacant, the marketing of the site for other B class uses, the availability of other B1 sites within the locality and potential harm to the local economy. There have been no material changes in the site circumstances since the previous approval to warrant a different view on the loss of the office space. Furthermore, since the previous application the Government has issued a new Planning Policy Statement 4 (PPS 4) on Planning For Sustainable Economic Growth (2009) which forms a material consideration in the assessment of planning applications relating economic development. Policy EC11 of PPS 4 requires planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

The hotel use would retain an employment generating use on the site that would be compatible with the surrounding residential and remaining commercial environment. Furthermore, the development that has taken place, is on previously developed land and makes use of a previous vacant building in accordance with saved policies EP20 and EP21 of the Harrow UDP.

The change of use of the site complies with saved policy R15 of the Harrow UDP, which supports the development of smaller hotels in locations that are well served by public transport. Currently there is an identified need for purpose built hotels with conference and meeting facilities and more middle range accommodation in the borough.

The site is well served by public transport and is located 500m to the north of South Harrow District Centre and tube station. The hotel use contributes to addressing the existing shortfall of middle range hotel accommodation in the borough. The development also complies with London Plan policy 3D.7 on visitor accommodation and facilities, and the Mayor's vision to achieve 40,000 net additional hotel bedrooms by 2026.

Having regard to the planning history relating to this site, it is considered that the change of use does not pose any adverse impact upon the local economy and retains an employment at the building and therefore it would comply with the main objectives of saved policy EM15 of the Harrow UDP and PPS 4. For the reasons set out above, this application is recommended for grant.

2) Design and Character of Area

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

The principle to extend the original building was considered to be acceptable in the approval of both previous applications. The development that has been carried out on site broadly reflects what was approved under the latest application P/0620/09. The extensions that have been built have been constructed in brickwork to match the original building. The external alterations to the façade of the building which includes new glazing, infill grey panels and the materials used for the cladding of the fifth floor roof extension provides a modern appearance to what was once a dilapidated building. These external alterations and choice of materials are considered to be acceptable in the context of the pattern of development within this locality.

There have been some minor additions to the footprint that was previously approved under P/0620/09, which include the formation of two external staircases along the flank walls of the two storey rear projection and a lift shaft has been added along the northern flank wall of the two storey rear projection. These additional elements are located at the rear and are not visible in the streetscene. The addition of the linen store and a larger store room at ground floor level are enclosed within the envelope of the building and therefore are not visible in the public realm. It is considered that these elements of the development do not have any adverse impact upon the character and appearance of the main building or the locality.

Paragraph 4.24 of the reasoned justification to saved policy D4 of the Harrow UDP requires that provision for refuse storage should be made for all new development proposals and must be located in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection. The applicant has shown that the refuse bins to be located in a designated area within the undercroft parking area, which is screened from view of the streetscene. The location of the refuse bins is considered to be acceptable and in accordance with the objectives set out under saved policy D4 of the Harrow UDP.

Based on the above factors, the development that has been carried out on site is considered to be consistent with the objectives of PPS1, policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP.

3) Neighbourhood Amenity

Since the approval of P/0620/09, the redevelopment of the site at No.50-54 Northolt Road to provide 27 flats has been completed and the development is now occupied. Whilst it is noted that the two storey rear extension projects beyond the rear wall of the flats nearest to the site boundary, as discussed above, the principle to extend the building at the rear was considered to be acceptable in the previous application, in terms of its size and relationship to the adjacent residential and commercial buildings. For the purposes of this application, the elements of the development that were not included as part of the proposal submitted under planning application P/0620/09 will be assessed only.

The external staircase and the lift shaft along the northern flank wall of the two storey rear extension face the residential development at No.50-54 Northolt Road. Given the size of the overall two storey rear extension, the addition of the staircase and the lift shaft are not considered to have an unreasonable impact in terms of loss of light or overshadowing upon the rear facing windows of the neighbouring flatted development. It is considered that a condition should be imposed to ensure that the external staircase is used for emergency access only and for no other purposes, in order to protect the privacy amenities of the adjoining flatted development.

The site adjoins South Harrow Police Station to the southwest and therefore the addition of the external staircase facing this site does not have any adverse impact upon the adjoining Police Station.

The access road and parking area to the north of the existing office building separate the site from the rear gardens of the residential properties to the north of the site nos. 3 - 11 Shaftesbury Avenue and accordingly there would be no adverse impact on the occupiers of these residential properties.

Saved policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused. The applicant has installed an extraction unit on the roof of the two storey rear extension. A Noise Report has been submitted with this application to assess the impact of noise from the nearest noise sensitive properties. The Council's Environmental Health Officer raises no objection to the data submitted.

Accordingly the installed extraction unit poses no conflict with the objectives of saved policy EP25 of the Harrow UDP. However, a condition is recommended to control the hours of opening relating to the restaurant/ conferencing use on the first floor. A condition is also attached to control the amplification of music from the premises. It is acknowledged that in the previous applications no such conditions were attached to the first floor of the hotel, it is considered that due to the new residential development (Osbury Court) at No.52 Northolt Road, a condition is required to ensure there is not undue impact in terms of disturbance and activities, associated with such uses, upon the residential amenities of the neighbouring occupiers. Such disturbance and activities include the congregation of customers in front of the hotel which would have a direct impact upon the residents of the flats nearest to the boundary. The local planning authority would not normally permit an early opening time of 7am within close proximity of residential development. However, it is considered that given the extraction flue is sited sufficiently away from the neighbouring properties, the early opening hours are not likely to give rise to any unreasonable harm in terms of noise and odour. The early opening hours would also allow for serving of breakfast for the patrons of the hotel should they seek to do so in future.

In conclusion the development in terms of its scale and layout does not have any detrimental impact upon the residential amenities of nearby residents and the development therefore meets the objectives of saved policy D4 of the Harrow UDP.

4) Parking and Highway Safety

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

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

The London Plan policy 3C.23 and saved policies T6 and T13 of the adopted Harrow UDP adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes. In order to regulate parking and to minimise additional car travel, development proposals will be assessed against the Council's maximum car parking standards set out in Schedule 5 appended to saved policy T13 of the Harrow UDP.

The site is currently accessed from Northolt Road at the front of site and from an access road to the rear of the site off Shaftesbury Avenue. Previously, the site could accommodate parking for 20 cars beneath the building and to the rear of the site.

The Council's hotel car parking standards allows a maximum provision of one space per five bedrooms. Therefore for this scheme the parking provision should not exceed 8.8 spaces (9 justified). Under the previous application P/0620/09, the applicant was proposing 12 car parking spaces, whilst it was acknowledged that the number of spaces exceeded the Council's maximum standards, it was considered that the overall reduction from 20 parking spaces to 12 spaces was acceptable.

In this current application, the applicant has shown 7 parking spaces, which will include two disabled spaces. The number of parking spaces would be acceptable and in accordance with the Council's Maximum parking standards.

The site is located within 500m of South Harrow Station, 1.25km from Sudbury Hill Station, 1.5km from Harrow on the Hill station and is within walking distance of South Harrow district centre.

A travel plan has been submitted with the application that states that no parking provision will be made available for conference visitors or staff. Potential clients would be made aware of the parking restrictions of the venue and public transport options through the marketing of the site. Staff members would be encouraged to use public transport, cycle or walk to the site. Shower facilities and covered and secure cycle parking would be provided on site for staff. The Council's Highways Engineer has recommended a more detailed travel plan should be secured by condition. However, the applicant has stated that according to the Transport for London 'Guidance on Workplace Travel Planning for Development' for Hotel developments involving less than 50 bedroom and less than 20 staff are not required to submit a detailed travel plan. Based on this and having regard to the benefits of access to public transport links, it is considered a detailed travel plan in this case is not necessary.

In conclusion, it is considered that the development in terms of parking and highway safety would be acceptable and meets the objectives of PPS1, policy 3C.23 of the London Plan and saved policies T6 and T13 of the Harrow UDP.

5) Accessibility

Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Saved policy D4 of the Harrow UDP requires that buildings should be laid out in such a way to encourage pedestrian movement, minimise the distance to other land uses and transport, and maintain a high level of accessibility. Saved policy C16 of the Harrow UDP seeks to ensure that buildings and public spaces are readily accessible to all.

The Design and Access statement submitted with the application confirms that the detailed design of the wider scheme has been designed to comply with the Council's Supplementary Planning Document: Access for All. The floor plans shown that the entrance to the hotel is level access, a disabled WC is provided on the ground and first floors, all floors are served by a lift and 10% of the total rooms (4 in total) are wheelchair accessible rooms.

Accordingly, the development is considered to comply with the accessibility requirements of policy 4B.5 of the London Plan and saved policies D4 and C16 of Harrow Unitary Development Plan (2004).

6) Sustainability – Energy Demand and Water Resources

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Harrow Council has adopted a new Supplementary Planning Document on Sustainable Building Design (adopted May 2009). Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

This applicant has stated in their Design and Access Statement that in order to make best use of energy there will be increased insulation through the fabric of the building which will include replacement of the existing windows with new double glazed type windows. All appliances fitted to have "A" energy rating where appropriate. Low flush/ dual flush WCs. Restricting the flow of shower head to no more than 9l/min. They conclude that the performance of the existing building will be enhanced through the incorporation of these measures.

The applicant has submitted a report relating to BREEAM predication for the site. In their assessment they have raised a concern on the viability of the development achieving a BREEAM rating of Very Good which requires a score of at least 55%. The report predicts that a score of 34.78% is currently being targeted for, which amount to a Pass only. Based on this, a condition is suggested that the applicant provide information for the final BREEAM assessment.

On balance, having due regard to the fact the development did involve the renovation of a vacant building and the applicant has incorporated the relevant energy efficiency measures. It is considered that the Sustainable Building Design Vision contained within the SPD would be adequately addressed.

7) Planning Obligations

Policies 6A.4 and 6A.5 of the London Plan (2008) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. The Government introduced the Community Infrastructure Levy Regulations (CIL) on 6th April, 2010, which now makes it unlawful for a planning obligation to be taken into account when determining a planning application if the obligation does not meet all of the following legal tests:~

4. necessary to make the development acceptable in planning terms;
5. directly related to the development; and
6. fairly and reasonably related to the scale and kind of development.

A Section 106 contribution towards payment of a highway contribution of £15,000 to fund the monitoring of traffic, parking conditions and installation of any required on street parking controls within the vicinity of the site, was previously requested under P/3519/08 and P/0620/09 and secured by way of a section 106 Agreement dated 28th July 2009.

As stated above, the CIL Regulations require that planning obligations should be directly related to the development and necessary to make the development acceptable in planning terms. It is considered that the highway contribution that was previously requested does not meet the CIL tests and it will, therefore, be unlawful for the LPA to request payment of the contribution in this current application. However, as the previous s.106 agreement is attached to the land, the applicant is required to enter a deed of release with the Council to enable the obligations in the previous s.106 agreement to be discharged.

8) S17 Crime & Disorder Act

Policies 4B.1 and 4B.6 of the London Plan seek to ensure that developments proposals address security issues and provide safe and secure environments. Saved policy D4 of the Harrow UDP advises that crime prevention should be integral to the initial design process of a scheme.

The entrance to the building is located on the main thoroughfare and therefore affords natural surveillance from passers by during the day time and there is CCTV and appropriate lighting system for other times of the day. On balance it is considered that the proposal would not pose any impact on community safety issues.

9) Consultation Responses

In response to the response received from the Harrow on the Hill Trust:

- The blue up lighting relates to the illuminated advertisement signs that have been erected on the building. These would require a separate Advertisement Consent and the applicant has been advised of this. The control of the lighting could be conditioned as part of an advertisement consent application.
- The principle of the hotel and the extensions in terms of their scale and impact on residential amenity and the locality has been considered acceptable in both previous applications. This current application is not significantly different to that already approved under P/0620/09. The impact of the additional elements of extensions that did not form part of P/0620/09 has been addressed in the above report.
- The impact on highway and parking has been addressed in the above report and the Council's Highways Engineer has raised no objection to the development on parking grounds, given that the number of spaces provided is in accordance with the Council's maximum parking standards for hotels.
- The impact of the flue and ventilation system has been addressed in the above report,
- The adequacy of the size of the kitchen and dining facility for 224 covers is not a material planning consideration.

CONCLUSION

The principle to convert the existing building to a hotel has already been established through the approval of P/3519/08 and P/0620/09. The loss of the office space would be outweighed by the benefits gained in changing the use of the building to a Hotel. Furthermore, the development brings back into use a building that was once vacant.

The provision of a middle range hotel accommodation within this location that is well served by public transport meets the requirements of sustainable development. The modern contemporary design of the proposed development would respond appropriately to the local context.

Overall, the development brings new strength and vitality to the local economy and the local area. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant, subject to the completion of a Deed of Release and the following conditions.

CONDITIONS

1 Notwithstanding the BEEAM Prediction Report submitted with this application, within 3 months of the date of this permission, a post construction assessment of the development to demonstrate achievement of BREEM 'pass or very good' (or successor), shall be submitted to and approved in writing by the Local Planning Authority.

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).

2 Notwithstanding the details shown on drawing No.08 REV G and details shown in Appendix 7 of the Design and Access Statement, within 3 months of the date of this permission, full details, including metric scaled roof plan(s) shall be submitted to the local planning authority showing provision for a 'Living Green Roof' for the roof over the two storey rear projection. The details shall be implemented within 6 months of the date of the approved details and subsequently maintained in a live condition for the life of the development hereby approved.

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).

3 The roof area of the two storey rear projection 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 in accordance with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

4 The external staircase located on the north flank wall of the two storey rear projection shall only be used for the purposes of emergency access and for no other reason without the grant of further special permission from the local planning authority.

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

5 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise nuisance to nearby neighbouring residents in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

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

REASON: to safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

7 The use of the first floor of the hotel hereby permitted shall not be open to customers outside the following times:-

a: 07.00 hours to 23.00 hours, Monday to Saturday inclusive,

b: 07.00 hours to 22.30 hours on Sundays or Bank Holidays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of adjoining neighbouring residents at Osbury Court, 52 Northolt Road and Nos. 3 to 7 Shaftesbury Avenue in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004)..

8 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with saved policy EP25 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:

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning for Sustainable Economic Growth (2009)

PPG13 Transport (2001)

PPG24: Planning and Noise (1994)

London Plan:

2A.1 Sustainability Criteria

2A.8 Town Centres

2A.9 The Suburbs: Supporting sustainable communities

3B.1 Developing London's Economy

3B.9 Tourism Industry

3B.11 Improving Employment Opportunities for Londoners

3C.2 Matching Development To Transport Capacity
3C.23 Parking Strategy
3D.7 Visitor Accommodation and Facilities
4A.1 Tackling climate change
4A.2 Mitigating Climate Change
4A.3 Sustainable design and construction
4A.4 Energy Assessment
4A.7 Renewable Energy
4B.1 Design principles for a compact city
4B.4 London's Buildings: Retrofitting
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection
SF.1 The Strategic Priorities for West London
6A.4 Priorities in planning obligations
6A.5 Planning obligations

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

S1 The Form of Development and Pattern of Land Use
EM13 Land and Buildings in Business, Industrial and Warehousing –Designated Areas
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings
EP25 Noise
T6 The transport Impact of Proposals
T11 Cycle and Motor Cycle Parking in Public Spaces
T13 Parking Standards
D4 The standard of Design and Layout,
R15 Hotels and Guest Houses
C16 Access to Buildings and Public Spaces
Supplementary Planning Document Access For All (April 2006)
Supplementary Planning Document Sustainable Building Design (May 2009)

Plan Nos: 01 REV B; 07 REV H; 08 REV G; 09 REV D; 10 REV K; 11 REV F; 12 REV E; 13 REV B; 14 REV C; 15 REV B; 50 REV C; 70 REV C; 71 REV C; 83 REV F; 92 P1; 93 P1; Design and Access Statement; Report on Noise Impact; Umicore Preweathered Zinc Data Sheet; 34/100 Profile Sheeting; Mardome Dome Rooflights; VMZINC Catalogue 2010; Quality of Material Production; Prediction of BREEAM Bespoke Credits; LED Wall Wash.

5-14 BECKET FOLD, HARROW, HA1 P/3102/10
2LA

Ward GREENHILL

DEMOLITION OF TWO SINGLE STOREY TERRACES (COMPRISING 10 RESIDENTIAL UNITS); REDEVELOPMENT TO PROVIDE PART 2/PART 3 STOREY BUILDING COMPRISING 13 RESIDENTIAL UNITS FOR OLDER PEOPLE; PROVISION OF 6 PARKING SPACES WITH ACCESS FROM COURTFIELD CRESCENT AND LANDSCAPING

Applicant: Harrow Churches Housing Association

Agent: jcmt architects

Case Officer: Gerard Livett

Statutory Expiry Date: | 11-FEB-11

RECOMMENDATION

GRANT permission subject to completion of a section 106 agreement and authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal Services to agree any minor amendments to the conditions or the legal agreement.

The S.106 Agreement Heads of Terms would cover the following matters:

- (i) Provision of 100% Affordable Housing (all general needs/social rented)
- (ii) Occupation of the development by people over the age of 60.
- (iii) Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
- (iv) Payment of £500.00 planning administration fee.

REASON:

The decision to grant permission has been taken on the basis that the redevelopment of the existing bungalows and their replacement with new elderly persons' accommodation would meet an identified need for such accommodation in the borough and is acceptable in principle on this previously developed site in accordance with Policies 2A.1 and EP20 of the LP and HUDP. The physical impact of the development on neighbouring residential properties, including the impacts from visitors to the site can be satisfactorily addressed by the development and through the conditions and s106 agreement. The design of the building, its size and siting are not considered to result in any unacceptable impacts upon the amenities of surrounding properties. The design and architectural style, whilst departing from the character of properties in Courtfield Crescent is considered to be acceptable and would not have an adverse impact upon the character and appearance of the area. Having regard to the representations received and all other material planning considerations, the proposed development is therefore considered, on balance, to satisfy national and development plan policy objectives and the objectives of the adopted SPD's set out below.

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

Planning Policy Guidance 13: Transport (2011)

Planning Policy Statement 22 – Planning for Renewable Energy (2004)

London Plan:

- 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.4 – Efficient use of stock
- 3A.5 – Housing choice
- 3A.6 – Quality of new housing provision
- 3A.8 – Definition of Affordable Housing
- 3A.9 – Affordable housing targets
- 3A.11 – Affordable housing thresholds
- 3A.13 – Special needs and specialist housing
- 3A.17 – Addressing the needs of London’s diverse population
- 3C.1 – Integrating transport and development
- 3C.2 – Matching development to transport capacity
- 3C.23 – Parking Strategy
- 4A.1 – Tackling climate change
- 4A.2 – Mitigating climate change
- 4A.3 – Sustainable design and construction
- 4A.4 – Energy assessment
- 4A.7 – Renewable energy
- 4A.9 – adaptation to climate change
- 4A.11 – Living roofs and walls
- 4A.14 – Sustainable drainage
- 4B.1 – Design principles for a compact city
- 4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

- S1 – The Form of Development and Pattern of Land Use
- D4 – The Standard of Design and Layout
- D5 – Residential Amenity
- D9 – Streetside Greenness and Forecourt Greenery
- D10 – Trees and New Development
- H7 – Dwelling Mix
- H10 – Maintenance and Improvement to Existing Housing Stock
- H11 – Presumption Against the Loss of Residential Land and Buildings
- H13 – Sheltered Accommodation
- H17 – Access for Special Households with Particular Needs
- EP12 – Control of surface water run-off
- EP20 – Use of Previously Developed Land
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP28 – Conserving and Enhancing Biodiversity
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Residential Design Guide (2010)
Supplementary Planning Document, Accessible Homes (2010)
Sustainable Planning Document, Sustainable Building Design (2009)

Interim London Housing Design Guide (2010)
Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)
Harrow Biodiversity Action Plan (2008)
London Biodiversity Action Plan (2000)
Manual for Streets (2007)

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

- 1) Background and principle of development (PPS1, PPS3, PPG13, 2A.1, 3A.1, 3A.2, 3A.3, 4B.1, 4B.8, S1, EP20, D4, H11, H13, H17, SPD)
- 2) Character and Appearance of the Area (PPS1, PPS3, 4B.1, 4B.8, D4, D9, D10, SPD)
- 3) Amenity of Neighbouring Occupiers (D4, D5, SPD)
- 4) Housing Quality, Affordable Housing, Elderly person's housing (PPS3, 3A.1, 3A.2, 3A.3, 3A.4, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 3A.11, 3A.13, 3A.17, D4, H7, H13, H17, C16, SPD)
- 5) Transport Implications (PPG13, 3C.1, 3C.2, 3C.23, T6, T13, MfS)
- 6) Sustainable Development (PPS22, 4A.1, 4A.2, 4A.3, 4A.7, 4A.9, 4A.11, 4A.14, EP12, EP26, EP27, EP28, D4, BAP)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is referred to the Planning Committee as it is major development recommended for approval and therefore is outside the scope of the Scheme of Delegation.

a) Summary

Statutory Return Type:	Smallscale major housing	
Site Area	1675 m ²	
No. of residential units	13	
Habitable Rooms	35	
Density	209 hrph, 78 dph	
Car Parking	Standard	11
	Justified	6
	Provided	6
PTAL rating	2	
Lifetime Homes	13	
Wheelchair Homes	2	
Council Interest:	None	

b) Site Description

- The application relates to a 1675 sq.m. site, Becket Fold, with vehicle access from the north east corner of Courtfield Crescent, and pedestrian access from Richards Close to the south east. The site is currently occupied by ten studio bungalows (each with 30 sq.m. floorspace in one terrace of four and one terrace of six. The entrance to the site is between Nos. 6 and 7 Courtfield Crescent and would, in part, incorporate part of the former gardens of those properties.

- The site is bounded by amenity space associated with Duffield Close to the northwest, the garden area of Ewart House (on Richards Close) to the northeast, the flank wall and rear garden of No. 7 Courtfield Crescent to the southeast and the rear garden of No. 5 Courtfield Crescent and the rear and flank wall of No. 6 Courtfield Crescent to the southwest.
- There is a footpath, which is not a public right of way, at the southeast of the site which provided access between Courtfield Crescent and Ewart House and Richards Close.
- There is a large allotment garden area to the rear of Nos. 7 – 14 Courtfield Crescent and Richards Close.
- No 6 Courtfield Crescent is divided into two flats, and No. 7 Courtfield Crescent is a house in multiple occupation.
- The properties in Courtfield Crescent are two-storey semi-detached dwellinghouses, with red brick finish on the ground floor and natural render on the upper floors, some of which have been extended with rear, side or with roof extensions.
- The properties in Duffield Close, to the northwest, comprise three flat-roofed three-storey blocks of flats. Beyond Duffield Close is Catherine Place, a three-storey block of flats with accommodation in the roofspace.
- Ewart House is a part three part four-storey building (with four storeys nearest to the site) with a flat roof with white rendered walls and contrasting blue tile surrounds on the recessed balconies.
- Courtfield Crescent itself is relatively narrow and has double yellow lines and no on-street parking provision.

c) Proposal Details

- Demolition of existing bungalows and redevelopment to provide a part two/ part three-storey flat-roofed building containing thirteen flats, (9 two-bedroom and 4 one-bedroom) for affordable housing for independent elderly persons (over sixty years of age), six parking spaces and associated landscaping.
- The proposed building would be a maximum of 18.6m wide, 30m deep with the three storey element of the building being 9.7m high (excluding roof-mounted solar panels), and the two storey element being 6.9m high. The design incorporates a 3m deep and 5m wide two-storey rectangular bay projection at the front.
- The three-storey element of the building would be set 8m behind the front bay projection and would be set in from the front part of the two-storey element, by 2m at the western flank and by between 3m and 6m on the western flank.
- The building would be orientated roughly north-south and would be parallel to the western flank wall of Ewart House. The building would be set at an angle to the properties in Courtfield Crescent and Duffield Close.
- The proposed block of flats would at its closest point be 20m from the flank wall of Ewart House, 3.5m from the southeast corner of Duffield Close, 3m from the northeast corner of No. 7 Courtfield Crescent and 4.5m from the northeast corner of No. 6 Courtfield Crescent.

- The proposal would provide two one-bedroom wheelchair standard flats and three two-bedroom flats on the ground floor; two one-bedroom flats and three two-bedroom flats on the first floor and three two-bedroom flats on the second floor, with each flat, apart from two ground floor one-bedroom flats and one first-floor one-bedroom flat having more than one aspect. Access to the building would be from Courtfield Crescent, with the entrance to the building facing the vehicular access from Courtfield Crescent. Pedestrian access would also be provided from Richards Close
- The proposal would incorporate an accessible lift serving all floors; a covered canopy entrance area on the eastern side of the building (facing Ewart House) providing four spaces for parking and charging mobility scooters.
- The refuse storage would be in an integral enclosed area at the front of the property near the Courtfield Crescent entrance.
- The proposal would provide a total of six parking spaces in the western part of the site (near the rear garden of No. 5 Courtfield Crescent). Two of the spaces would be wheelchair accessible.
- The parking area would have a control barrier, to ensure that spaces provided are available only to residents of the development.
- The proposal would incorporate a high level of soft landscaping, including a sensory garden, a pergola area, and a minimum of 10 new trees to replace the four trees that would be removed to facilitate the development.
- The roof of the two storey part of the building at the front of the property would be a green roof, with access limited to maintenance only.
- The proposal would be built to Level 3 of the Code for Sustainable Homes and would achieve a 25% reduction in CO2 emissions above current Building Regulations standards. On-site generation would be provided through roof-mounted photovoltaic and solar water panels.

d) Relevant History

HAR/8355/B	Erect old peoples flatlets (outline)	GRANTED 19-FEB-65
LBH/666	Convert house to four flatlets and erect 10 flatlets	GRANTED 10-NOV-65
LBH/666/1	Convert house to four flatlets and erect 10 flatlets (revised)	GRANTED 02-JUN-66

Planning permission P/2843/08 dated 28-Mar-09 granted planning permission for the redevelopment of the former two-storey blocks of flats on Richards Close to provide Ewart House, a three- and four-storey building providing 46 extra care units and 7 flats for affordable rent and Abigail House, a three-storey building providing 22 flats for shared ownership.

A Unilateral Undertaking dated 20-Mar-09 and attached to that planning permission committed the owner of the site known as 9-14 Becket Fold to redevelop the site for affordable housing within a ten-year period from the date of the Agreement, subject to funding from the Homes and Communities Agency being available. Should such funding not be available, then the owner committed to demolish all buildings on the site of 9-14 Becket Fold within that ten year period. This Unilateral Undertaking was secured to mitigate the overbearing impact of the four-storey development at Richard's Close on the occupiers of the bungalows at 9-14 Becket Fold.

e) Pre-Application Discussion

PAT/ENQ/00097/05/08/09 (Two options for a four storey building providing 26 flats)

Advice given included: Four storey building would be overdominant and out of context with surrounding properties; increased impact on Courtfield Crescent, poor relationship with Richards Close development; non-compliance with 45° code; no buffer between parking area and adjoining garden; advised to design a frontage that addresses the street scene in a more obvious way

HA\2009\ENQ\00097 (Three-storey block of 19 sheltered flats)

The principle basis of discussion was the proposed scale, form and siting of the three storey flats and the potential impact upon privacy and outlook from the surrounding properties and upon the character and appearance of the area. Advice included the need for greater sensitivity with regard to building form, layout and design. In particular, the orientation and apparent bulk of the block was considered inappropriate. Any increase on overlooking of the gardens in Courtfield Crescent was also highlighted as a matter of considerable concern, and the proposed building's relationship to these properties and the development under construction (Ewart House) were thought to require further consideration.

HA\2010\ENQ\00048 (Three-storey block of 15 flats)

Issues raised included: scale and set back of two storey element; design of building and whether a pitched roof building could be considered; materials, location of windows. Amended plans were received showing reduction to 13 flats and reduced second floor area, though still maintaining flat roof design. The scale and mass of the building, in relation to Courtfield Crescent, more acceptable in relation to the scale of properties in this street, with the 3 storey element responding to the scale of Duffield Close flats. Revised orientation of building would respect 45° code; windows would not result in direct overlooking of neighbouring windows at a distance of less than 20m; the angle of the building on the site, distances to boundaries, and proposed landscaping mitigated the potential impact of this development. Concern highlighted particularly at second floor north facing windows, for some overlooking of the rear garden area for the Duffield Road flats.

f) Applicant Statement

Design and Access Statement

Current bungalows are not suitable for modern needs

Demolition of bungalows is required by a Legal Agreement which also allows for the redevelopment of the site, subject to planning permission

Current proposal has been arrived at following pre-application advice from the local planning authority

Proposal would help meet Harrow's Older Person's Housing Strategy

Becket Fold is suitable for enhancement as it is close to the town centre, and residents would benefit from communal facilities at Richards Close extra care scheme

Site has good transport links

Area is characterised by two-storey semi-detached dwellings with some infill three and four-storey blocks of flats

Scheme would allow for improvement of pedestrian access and natural overlooking of paths
Design addresses layout of Courtfield Crescent
Proposal complies with 45 degree code and has a good orientation
Parking would be screened by landscaping
Height of building would be similar to nearby properties
Design of building takes its cue from surrounding properties and would have materials to match street properties and the nearby Ewart House
Alignment of building would avoid direct overlooking of neighbouring properties, but would provide natural surveillance of Courtfield Crescent
Building would comply with BRE requirements on sunlight and daylight in its own right and with respect to neighbouring properties
Proposal would protect existing trees
Proposal would provide improved landscaping
Part of building would have a green roof
Proposal would provide a mix of units, including two Wheelchair Standard Homes
Proposal provides six parking spaces and four mobility scooter spaces
Proposal would comply with principles and practices of safer places and secured by design
Proposal will achieve a high 'Building for Life' score
Proposal would meet Level 3 of the Code for Sustainable Homes and include on-site generation

Planning Statement

In addition to the points raised in the Design and Access Statement, the following comments have been included within the planning statement

Proposal is second phase of Richard's Close site.
Harrow Churches Housing Association delivers affordable housing for older people
Becket Fold development will be for people aged 60 years and over
Mix of properties will cater for differing family circumstances, including couples who may not be able to share a room due to care needs or who need a spare room for a carer or family member
Proposal is in accordance with national, regional and local planning policy and guidance
Proposal has been the subject of considerable pre-application negotiation

Construction Method Statement (Appendix 6)

Vehicular access will be from A409 Sheepcote Road, Bonnersfield Lane, Courtfield Avenue and Courtfield Crescent
Site will operate a 'no parking' restriction for supply chain operatives. Other parking arrangements will be off street
Normal working hours will be Monday to Friday 0800 – 1730 with Saturday working by exception and no working on Sundays
Notification of residents will be given for demolition, noisy activities, road and footpath closures if required and specialist equipment deliveries
Storage and construction activity will be limited to the site

Arboricultural Implications Assessment

Trees on site are a mixture of B and C class trees

Four trees would need to be removed

Protection for retained trees to BS 5837:2005 would be in place throughout the construction process

No storage of potentially injurious materials would be permitted within 15m of any stem, and no fires would be lit within 5m of drip line of any retained tree

Renewable Energy Feasibility Report

Wind turbines would not be appropriate for this project

Photovoltaics could be a viable option

Solar thermal could also be viable, but would not achieve full 20% renewable energy requirement and would need additional renewable sources

Biomass heating or biomass combined heat and power would be difficult to deliver given the constraints of the site and would not be feasible for this project

Ground source heat pumps could make a contribution to the sustainability of the project, but would have costs associated with geotechnical survey and boreholes

Sustainability Report

Proposal would meet Code Level 3

Proposal would incorporate solar water heating and solar photovoltaic tile

Proposal would incorporate soft landscaping and a green roof

Proposal would use sustainable materials and sustainable construction methods

Daylight and Sunlight Report

Assessment has been carried out with respect to Ewart House, 19-24 Duffield Close, 5-8 (inclusive) Courtfield Crescent.

No site facing windows are orientated within 90 degrees of due south and are therefore not material for assessment in sunlight terms.

Ewart House is BRE compliant in daylight terms

19-24 Duffield Close have no windows facing onto the site and will be BRE compliant in daylight terms

5 Courtfield Crescent: Proposed development falls below a 25 degree angle from the lowest site facing window, and development is unlikely to have a substantial effect on diffuse skylight.

6 Courtfield Crescent: One habitable room window would suffer a loss of daylighting, but this would be to a secondary window serving that bedroom. 6 Courtfield Crescent will be BRE compliant in daylight terms

7 Courtfield Crescent: No first floor habitable windows face onto site. Ground floor kitchen/dining room window faces the site, but this is a secondary window.

8 Courtfield Crescent: No windows in this building face the site, so it will be BRE compliant in daylight terms.

The proposal as a whole would result in fully BRE compliant levels of daylight, sunlight and overshadowing.

Transport Statement

Proposal site has good public transport links with buses, underground and overground services nearby
Immediate area has robust parking controls
No specified cycle routes in proximity of site
Access to site is 3m wide
Proposal would generate a maximum additional 6 morning peak trips (2 by car) and 8 afternoon trips (3 by car)
Local roads have parking stress levels between 33% and 100%
Council's standards for Sheltered Housing would require four spaces and one warden space
Access to car park would be barrier controlled
Sufficient parking is available within a four minute walk to accommodate over-spill parking
Generated peak hour traffic flows can be accommodated on existing highway network without any adverse impact

Community Involvement Report

Consultation began in September 2010 and included a public exhibition, contact with councillors and a door to door resident's survey.
800 leaflets delivered to local community on 23 September 2010.
Second leaflet distribution on 7 October 2010
Public exhibition with 28 attendees on 28 September 2010

g) Consultations

Courtfield Residents Association: No response received to date

Environment Agency: Proposal has a low environmental risk

Thames Water: There are public sewers crossing the site

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

Waste Management: Proposals are acceptable

Housing Enabling: This application contributes towards meeting the needs identified in the 2005 review, and confirmed in the Supported Accommodation Strategy 2010, and is therefore supported by Housing.

Planning Policy: Principle of replacement of C3 use with C3 use is acceptable

Highways Engineers: Proposal would result in a net increase of three units. Allocated parking provision is within UDP and London Plan maximum standards. This is acceptable given low car ownership anticipated by this type of development and stringent on-street parking controls in wider area. Internal road layout conforms to Manual for Streets provisions. Additional generated traffic can be accommodated by existing infrastructure. No highways objection.

Landscape Architect: Proposal acceptable in principle, but landscaping conditions required

Planning Arboricultural Officer: Proposed landscape plans are acceptable, provided tree protection measures and new planting are implemented

Building Control: Proposals would comply with Level 3 of Code for Sustainable Homes

Advertisement: Major Development

Expiry: 16-DEC-10

Notifications:

Sent : 224

Replies : 3 (at 24-01-11)

Expiry: 28-JAN-11

Neighbours consulted:

Richards Close: Hines Court, Fenn Court, Challiner Court, Price Court (all flats)

Becket Fold: 1-14 (consecutive)

Courtfield Crescent: 2-20 (consecutive)

Duffield Close: 1-24 (consecutive)

Courtfield Avenue: 42-64 (even)

Elmgrove Crescent: 45-107 (odd)

Grange Road: 33-75 (odd)

Hill Crescent: 31-41 (odd)

Hill Road: 1-23 (odd)

Catherine Place: Leaf House (flats 1-24)

Greenhill Allotments

Summary of Responses:

- Overdevelopment;
- proposed building would be too high and out of scale with two-storey houses
- Disturbance and disruption,
- Out of character, local opposition,
- Problems with access
- Problems with access by emergency vehicles and to owners of properties in Courtfield Crescent
- Proposal represents back garden development
- Insufficient parking
- Proposal will exacerbate feeling of over-building following Richard's Close
- Land should be used for green space

APPRAISAL

1) Background and principle of development

The proposals are for the redevelopment of previously developed land at Becket Fold to provide new residential accommodation. National Planning policies PPS1 and PPS3, the London Plan (2008) and local policies are broadly supportive of the provision of new residential development within sustainable locations such as this site. As previously developed land, the proposals would comply with the aims of PPS3, London Plan policy 2A.1 and UDP policy EP20. There would be no net loss of residential accommodation, in accordance with the aims of UDP policy H11, and the proposal would contribute to the supply of new housing in the Borough, in accordance with the aims of London Plan policies 3A.1, 3A.2 and 3A.3.

The applicants have stated, and it is clear from site visits and the plans, that the existing bungalows are no longer suitable for the particular client group and fall well short of current standards. Policy H17 of the Harrow UDP seeks to ensure that new housing is provided to meet the boroughs housing needs. The Councils Supporting Older People Strategy (2010) highlights provision of supported accommodation for elderly people as an area of particular priority in the borough. Given that there is an identified need within the borough for affordable housing for independent older people, the provision of new, tailored housing to replace the existing bungalows, is therefore acceptable in principle.

Representations have been received noting that the Becket Fold site used to be part of the garden of No. 6 Courtfield Crescent, and includes part of the side and rear garden of No. 7 Courtfield Crescent. The representations argue that the proposal effectively amounts to 'garden grabbing'. Despite the removal of residential gardens from the definition of previously-developed land in the 2010 revision of PPS3, in this case the majority of the site is considered to be previously-developed land as the current layout of bungalows and communal car parking space has been in place since the 1960's. Part of the side and rear garden of No. 7 Courtfield Crescent, to be included in the new development site, is currently in use as part of the shared garden to that property. This part of the site would be landscaped as part of the curtilage of the new development. The revision of PPS3 does not contain an automatic presumption against the development of garden land. Instead, the impacts of developing on garden land need to be objectively assessed against any benefit. The part of the side garden of No. 7 that has been included in the application site would not be built on, and would be landscaped to provide part of the setting of the proposed development. On this basis, the use of this part of the garden for such purposes is considered to be acceptable. Overall therefore, it is considered that the redevelopment of the site would not amount to 'garden grabbing' and would comply with saved policy EP20 of the Harrow Unitary Development Plan (2004) which has a presumption that all new development should be on previously-developed land.

The number of units proposed for the site would result in an increase of three (from 10 to 13), with the number of habitable rooms increased by twenty-five (from 10 to 35). Although this could be considered to be a material increase, the residential density would be within the range, of 150-250 habitable rooms per hectare, outlined in table 3A.2 attached to policy 3A.3 of the London Plan, and is appropriate for this location. The increase in habitable rooms is in part a result of the need to meet current standards for affordable housing, particularly for the identified group, and the need to replace the existing studio units.

An increase in the number of residential units, and the change in the housing types, will have an effect on the nature and intensity of the residential use on the site. However, the current residential density, of 60 habitable rooms per hectare, represents an underdevelopment of the site. The proposal is therefore considered to maximise the potential of the site, as required by policy 3A.3 of the London Plan.

Comments were made as part of the pre-application consultation process regarding the Unilateral Undertaking to demolish the bungalows. Concerns have been expressed that this development is being considered solely because of this undertaking and that without the undertaking, the redevelopment of this site would not be considered. For the reasons stated above, as previously developed land, the principle of the redevelopment of this site, regardless of the S106 is entirely consistent with the aims of local and national planning policies, and the principle of the scheme could be supported, even if the Unilateral Undertaking had not been provided.

2) Character and Appearance of the Area

London Plan policy 4B.1 requires developments to maximise the potential of sites and to promote high quality design. This overarching policy is supported by other London Plan policies, including policy 4B.8 which requires development to respect local contexts and local distinctiveness. These policies are also supported by saved policy D4 of the Harrow Unitary Development Plan, which requires a high standard of design and layout, and saved policy D9 which seeks to achieve a high quality of streetside greenness and forecourt greenery.

The guiding principle of planning is that development should achieve a high standard of design. This is highlighted in national Planning Policy Statement 1 which states, at paragraph 33, that, 'good design is indivisible from good planning.'

Good design does not necessarily mean replicating the architectural style or character of other developments in the vicinity. However, any design needs to be based upon an understanding of context, including the development constraints and opportunities and an understanding of the character (and appearance) of an area. The Council has recently adopted a Supplementary Planning Document (2010) for all residential development that makes this objective clear. Matters of siting, orientation, form and scale, together with architectural style and character must therefore be carefully addressed, particularly where clearly defined characteristics are evident.

The layout and orientation of the proposed development has been designed to reflect the constraints of the site: its length, width and orientation is delineated by 45 degree splays from the corners of nearby properties (meeting the SPD requirements), and the height is constrained by a requirement not to have an overbearing impact on neighbouring properties or occupiers (and meet BRE and SPD requirements).

The proposed two- and three-storey block would be set at an angle to the two rows of houses that comprise 1 – 6 and 7 – 12 Courtfield Crescent. Buildings on corner plots are often set at an angle so that they address and respond to both adjoining building lines. In this case, the main front elevation would be set 8m behind the front corners of Nos. 6 & 7 Courtfield Crescent, with the front bay projection at the centre of the entrance to Becket Fold, but set back 12m from the rear line of the footway.

When viewed from approaches on Courtfield Crescent, the proposed block would therefore appear as a subordinate feature behind the regular spacing of suburban houses in the street as it would be set back from the building lines of properties adjacent to both No. 6 and No. 7 Courtfield Crescent. The three-storey element would be set even further back from the corner.

In terms of the height of the proposed building, the overall height of the building, at 9.7m, is slightly greater than the ridge heights (9.2m) of nearby two-storey dwellinghouses in Courtfield Crescent, with the two storey part of the building, which is that part of the building that addresses Courtfield Crescent, being slightly higher than the eaves heights of existing properties on this road. Given the set back of the building on the site, it is not considered that this additional height would be readily apparent within the whole of the street.

The proposed set back of the top floor would mean that, notwithstanding the markedly different style of the building, the proposals, in relation to Courtfield Crescent, would not appear over dominant. .

The design and style of the building has been the subject of pre-application discussions with the local planning authority and the community. Particular concerns have been raised regarding the contemporary flat roof design, and the applicant was asked to consider an alternative, pitched roof design. At the residents meeting held at the Council a mansard roof design was also suggested. The applicants have however chosen to continue with a style and design that reflects the more contemporary form of Ewart House and the flat roof blocks to the south and east of Courtfield Crescent at Duffield Close.

The contemporary flat roof design would broadly follow the form of the adjoining flats at Duffield Close, and the new development at Ewart House. The proposed block of flats would be a step down from the 13m high four-storey Ewart House and would represent a transition between that development and the suburban inter-war development in Courtfield Crescent.

The proposed materials for the development include facing bricks for the ground floor, part of the second floor, the front bay projection, and a three-storey feature projection at the rear. The remainder of the walls would have a rendered finish. It is considered that this treatment of the external appearance of the property would, subject to suitable materials being used, not be inconsistent with developments in the vicinity.

In terms of the impact the proposal would have on the visual amenities of the area, the proposed development would be visible from Courtfield Crescent, Duffield Close, Richards Close, Catherine Place and Elmgrove Crescent.

From Courtfield Crescent, the development would have a lesser impact on the street scene, increasing as the viewer got closer to the entrance at the Corner of Courtfield Crescent between Nos 6 and 7. Although the proposal would, to a certain extent, close this gap, this is considered acceptable given the set back from the footway and the design of the building with a recessed second floor, which would still result in a clear and evident "break" in the building line at this corner. Views from the rear gardens of properties in Courtfield Crescent (especially Nos 2 to 12) would be contextualised by the backdrop of Ewart House and flats in Duffield Close, together with the proposed and existing trees.

From Duffield Close, the proposed block of flats would be more readily visible, but would be 18m from the nearest public viewpoint. The building façade that would be presented to Duffield Close would be articulated and the changes in building height between the two and three-storey elements would be more visible. Given the existing flats in the foreground, forming the context of such views, it is considered that the development would be complementary to the existing pattern and character of development as it is appreciated from that viewpoint.

Catherine Place is approximately 50m from the development site, and comprises a three-storey building with accommodation in the roofspace. The view of the building from this street would be contextualised by the flats at Duffield Close. The sense to which the development complemented or harmed the character of the area would, it is considered, be similar to that from Duffield Close.

The development would also be visible from the southwest corner of Elmgrove Crescent and the block of flats would be approximately 30m from the nearest public viewpoint, (a parking area). This viewpoint would also benefit from the articulation in the building façade and changes in building heights.

The overall proportions, articulation and treatment of the building elevations is considered to be consistent with the architectural style and character adopted. The development results in well-lit internal accommodation meeting lifetime homes standards and providing spacious accommodation with landscaped outlooks for those who are likely to be less mobile. The design of the building is considered to satisfy the objectives in the London Plan, UDP and Residential design SPD for high quality design. The effect of the proposals would be to introduce this distinct, contemporary building into an area of mixed character. The siting and configuration of the building, its height and orientation are considered to be acceptable. The way in which the building complements the character of the area is dependent upon viewpoint. The building setback means that it would not form part of the established character of Courtfield Crescent, when viewed from within the street. From back gardens, the context and character changes, to include 3 storey flats and the recently completed Ewart House. From Duffield Close and Elmgrove, these buildings already play a part in defining a more mixed character. On this basis, officers consider that the design and style of the development, whilst controversial, is appropriate and would therefore meet the policy objectives set out in national and Development Plan policies.

The applicants have supplied a tree constraints plan, an arboricultural implications assessment and a landscape plan, which indicate that the proposal would achieve a high standard of hard and soft landscaping associated with the development. The plans also indicate that there would be a green roof on the second floor of the block of flats. However, given that the details in the landscape plan do not include a full planting specification, a condition requiring a fully detailed landscape plan to be submitted and approved prior to first occupation of the development would be required, together with an operational condition requiring the approved details to be implemented and maintained for a minimum of five years. The details required would need to include all hard and soft landscaping works, including vehicle barriers and external lighting.

The landscape masterplan also includes details of measures to protect existing trees on and near the site that are to be retained. These details are considered sufficient to safeguard these trees. Therefore, a condition requiring the tree protection measures to be implemented is attached.

In addition to the landscaping conditions, conditions requiring site levels and drainage to be approved are also recommended to ensure a satisfactory form of development and to ensure that the proposal does not produce surface water run-off, as required by London Plan policy 2A.1 and saved policy EP12 of the Harrow Unitary Development Plan.

As noted above, a condition requiring external materials to be approved is recommended, together with a further condition requiring details of extract flues, ventilation systems and rainwater goods to be submitted and approved to ensure that the development has a satisfactory appearance.

A proliferation of television aerials or satellite dishes could detract from the appearance of the building, and therefore a condition requiring details of a shared television reception system to be submitted, approved and implemented is also recommended.

3) Amenity of Neighbouring Occupiers

Loss of light

The proposed block of flats has been designed to comply with the 45 degree code from the nearest first floor corners of neighbouring properties, as described in paragraph 4.68 of the Council's adopted Supplementary Planning Document, Residential Design Guide (SPD).

The applicants have submitted a daylight and sunlight report in accordance with BRE guidelines which examines the impact of the development on 5, 6, 7 and 8 Courtfield Crescent, upon 19-24 Duffield Close, and the new development at Ewart House. The report concludes that the proposed development would meet Building Research Establishment guidelines on sunlighting and daylighting at those properties nearest to the site and would not therefore result in a significant loss of light to neighbouring properties. As such, it is considered that the proposed development would not result in any undue loss of light or overshadowing to neighbouring properties and gardens.

Overlooking

With respect to overlooking of or by neighbouring properties, the proposed development faces directly towards the new flats in Ewart House. The windows in the western elevation of Ewart House would face directly onto the windows in the eastern elevation of the proposed block of flats. However, these windows would have a separation of 20m. This separation distance is comparable to the normal separation between dwellinghouses on the opposite sides of a suburban street and is considered sufficient to minimise any adverse effect from intervisibility.

With respect to other nearby properties, including those at Nos. 5, 6, 7 and 8 Courtfield Crescent and the flats at Duffield Close, the orientation of the proposed block of flats means that the windows would be at obtuse angles to each other, between 125 and 140 degrees. The upper floors of the building contain no balconies or terraces. When taken into consideration with the separation between windows, it is considered that there would be no material intervisibility between windows of these properties. Considerable concern has nevertheless been raised previously regarding overlooking between the recently constructed Ewart House and properties in Courtfield Crescent and Elm Grove.

The proposal is not however considered to result in a material increase in overlooking of these properties, over and above the existing levels. Whilst the perception of overlooking by existing residents close to the development are acknowledged the actual increase from indirect views from within the building are not expected to exceed levels already possible from existing surrounding properties to a point where refusal would be justified.

Although the rear garden of No. 5 Courtfield Crescent is 15m from the nearest ground floor window at the proposed block of flats, and the garden of No. 7 Courtfield Crescent is 7m from the nearest ground floor window, it is considered that any potential overlooking of the proposed ground floor flats from neighbouring gardens could be avoided through the use of suitable boundary treatment. A condition to this effect is therefore recommended.

Overbearing impact

The proposed development would result in a building that would be of greater scale than the existing bungalows, in terms of both the footprint and the height. Representations have been received objecting to the increased height of the proposed building compared to the existing bungalows and the overbearing impact the building would have on the existing views from the rear windows and gardens of neighbouring properties.

As noted above, the building would not result in a loss of light to neighbouring properties, but the proposed block of flats would affect the view from these properties and their gardens. In particular, there would be an interruption to the views from the rear windows of adjoining properties, and Nos. 5 & 6 Courtfield Crescent in particular, as well as from the rear gardens of Nos. 1-5 Courtfield Crescent and Nos. 7-12 Courtfield Crescent. It is recognised that the impact of the visual intrusion would diminish with increased separation from the site and as landscaping proposed matured over time.

The impact with respect to the view from Nos. 5 & 6 Courtfield Crescent would be the most pronounced. The outlook from the rear windows of the ground floor of No. 6 Courtfield Crescent is already compromised by the fence. With respect to No. 5 Courtfield Crescent, the development would not be readily visible from the rear windows as the block of flats would be 16m from the nearest window and set at an angle of 125 degrees. Notwithstanding this, the proposed block of flats would be clearly visible from the rear garden of No. 5 Courtfield Crescent, and to a lesser extent from those of Nos. 1-4 Courtfield Crescent. However, the nearest part of the building would be 15m from the garden of No. 5 Courtfield Crescent. Given this separation of the proposed block of flats from the garden of No. 5 Courtfield Crescent, and the maximum height of 9.7m., it is considered that the development would not be so intrusive as to justify refusal on this ground.

The proposal would have a similar impact with respect to the rear gardens of Nos. 7 & 8 Courtfield Crescent. The proposed block of flats would be at an angle of 140 degrees from the rear windows of these properties, and would be 4m from the rear garden of No. 7 at its closest point and 10m from the rear garden of No. 8 at its closest point, which comprises the two storey part of the proposed building.

Given the relative angles and distances from these gardens, it is also considered that the proposal, whilst clearly obvious, would not be sufficiently obtrusive from these gardens as to justify refusal.

The proposed flats would also be visible from No. 20 Courtfield Crescent, which sits on the corner opposite the entrance to Becket Fold. However, the front of the proposed block would be approximately 30m from the nearest habitable windows at No. 20 Courtfield Crescent and would have less of an impact than the existing properties at Nos. 6 & 7 Courtfield Crescent (at either side of the entrance to Becket Fold). Although the proposed development would, to a certain extent, close the gap at the entrance to Becket Fold, the design and set back of the block would not be so intrusive as to warrant refusal.

The proposed development would also be visible from some corner properties (Nos. 51-71) Elmgrove Crescent. However, there are no windows in Elmgrove Crescent which face the site and the impact on these properties is considered to be minimal.

With regard to the view from the balconies of Ewart House, it is considered that the proposed development would not be overbearing as the separation distance would be comparable to that between houses on opposite sides of a suburban street.

Intensity of Use

In addition to a consideration of the potential loss of light or overbearing appearance, the potential impact of the increased intensity of use of the site needs to be assessed.

The proposal would increase the number of residential units on the site from ten to 13, and the nature of these units would change from studio flats to one- and two-bedroom flats.

Representations have been received noting that the development would have a total of 22 double bedrooms – with the potential for occupation by 44 persons. It is recognised that in social housing occupation densities tend to be higher than in private housing. However, with regard to the intended age group, census data indicates that occupation densities would be lower than in general needs social housing. The applicants have stated that the intended occupiers could include couples who require separate bedrooms due to medical circumstances, individuals who may need occasional carers or some with dependent children. It is therefore considered unlikely that the development would house 44 persons.

Notwithstanding this, it is recognised that the occupation density at the development would be higher than the previous situation. As noted above, the residential density is within the range required by policy 3A.3 of the London Plan, and that the housing types would comply with the aims of London Plan policies 3A.6, 3A.13 and 3A.17 regarding the units' sizes and number of bedrooms.

The proposal would result in increased comings and goings and residential activity at the site (although this may be less likely at unsocial hours given the occupants of the proposed development).

However, the parking constraints at the site, which are discussed later in the appraisal, indicate that such additional movements would be more likely to be on foot or by non car modes and the increase in residential activity would not therefore be likely to be so significant that is caused significant additional disturbance to surrounding residents or prompted other amenity impacts that would warrant refusal on these grounds.

Impact of traffic movements

Representations have been received concerning the potential impact of the development with respect to transport and vehicular movements at the site, including during the construction phase. These aspects are discussed in the Transport Implications section of the appraisal below.

Amenity space

It is considered that the amount of amenity space that would be provided would be sufficient to protect the amenities of neighbouring occupiers and to act as an amenity space in and of itself for the occupiers of the development, and would accord with the requirements of saved policy D5 of the Harrow Unitary Development Plan. The proposal is expected to operate in association with Ewart house, and the amenities provide in the ground floor of that property. The amount of amenity space provision for residents, having regard to their expected needs and requirements for open space, is considered to be acceptable.

There has been a suggestion from a neighbour that the land forming the application site should be used as an amenity area for Richards Close and that the balconies on Ewart House would have a poor view of a three-storey building. The use of the site as an amenity area would comply with the requirements of the Unilateral Undertaking. Such a proposal is not, however, before the Council for consideration at this time. The Committee must consider the merits of the scheme before them.

4) Housing Quality, Affordable Housing, Elderly person's housing

Planning Policy Statement 3: Housing (2010) requires new residential development to be of a good quality. When considering what is an appropriate standard of accommodation and quality of design, the Council is mindful of the Housing Quality Indicators (HQI) with reference to the Interim London Housing Design Guide (2010), which have been incorporated into the Council's adopted Supplementary Planning Document: Residential Design Guide (2010), which supports national, regional and local planning policy in this regard.

Two of the one-bedroom flats would have gross internal areas of 48m², and two would have areas of 54m². Two of the two-bedroom flats would have a gross internal area of 68m², four would have an area of 70m², and one would have an area of 72m².

These comply with the requirements of the Interim London Housing Design Guide.

Policy 3A.5 of the London Plan, which is supported by saved policies D4 and C16 of the Harrow Unitary Development Plan and adopted Supplementary Planning Document, Accessible Homes (2010), requires that all new residential development should comply with the requirements of Lifetime Homes standards, and that 10% of new development should comply with Wheelchair Homes standards.

All of the flats would fully comply with the requirements of Lifetime Homes, and two ground floor one-bedroom flats would further comply with the Wheelchair Homes standards, as required by London Plan policy 3A.5.

The proposed flats would fall within the definition of Affordable Housing in London Plan policy 3A.8 and would provide social housing for persons over the age of 60, and would assist in meeting affordable housing targets as required by London Plan policy 3A.9. Given that all of the flats would be affordable housing, the minimum requirements of London Plan policy 3A.11 are exceeded.

Harrow's Housing Strategy 2007-2012 has identified that there is an on-going demand for all types of social housing. The Council's Older Person's Housing Review 2005 indicates that there is a particular shortfall in provision of social housing for older people.

London Plan policy 3A.13 requires boroughs to favourably consider special needs and specialist housing, and London Plan policy 3A.17 requires boroughs to address the needs of London's diverse population in the provision of housing. These policies are supported by saved UDP policies H7, which requires developments to provide a suitable mix of dwelling types, H13, which supports the provision of sheltered accommodation and H17, which encourages the provision of suitable accommodation for those with particular housing needs.

The housing type proposed would allow for independent living by older people, for which there is a demonstrable need in the borough, and this proposal would make a significant contribution to the supply of such accommodation.

It is therefore considered that the proposal would provide good quality accommodation that would make a positive contribution to the provision of specialist housing in the borough, as required by London Plan policies 3A.5, 3A.6, 3A.11, 3A.13 and 3A.17 and saved policies D4, D5, H13, H17 and C16 of the UDP.

5) Transport Implications

The proposed intensity of this development would increase the amount of 'elderly persons' dwelling units on this site from 10 to 13 resulting in a net increase of 3 units. The allocated parking provision (including disabled provision) of just less than half a space per dwelling is considered acceptable and is within UDP and London Plan maximum parking standards as set out in London Plan policy 3C.23 and saved UDP policy T13. The low level of parking provision is reinforced by the low car ownership associated with this type of development and hence, given the stringent on-street parking controls in the surrounding area, no measurable displacement of parking affiliated to the site is anticipated.

The internal road layout is acceptable and in accord with 'Manual for Streets' (MfS) principles. Refuse provisions are to acceptable standards in terms of vehicular access.

The net gain in traffic activity from the increase of 10 to 13 units is estimated to be in the region of 2 to 3 vehicles at both the morning and afternoon peak traffic periods.

This would represent a small percentage increase in current overall vehicular activity in the locality during peak hours and is therefore considered insignificant in road capacity and safety terms. Current Department for Transport guidance in the form of MfS considers that developments of the scale proposed are relatively insignificant on highway infrastructures.

Hence, 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 Courtfield Crescent (in line with accepted DfT standards), the impact of the proposal is considered to be minimal and would not be at a level that would be considered prejudicial to vehicular or pedestrian movement or road safety. There is no objection to this proposal on highways grounds and the proposal would comply with London Plan policies 3C.1, 3C.2, 3C.23 and saved policies T6 and T13 of the Harrow UDP.

Representations have been received regarding insufficient parking being made available at the site. However, as noted above, the anticipated level of car ownership associated with the proposal would be significantly lower than for general privately owned housing and the level of parking provision is considered appropriate for the development. Given the robust parking controls in the area, and the lack of available on-street parking provision in Courtfield Crescent and nearby streets, it is considered that the proposal would not result in overspill parking.

The parking area within the site would be barrier controlled, and therefore the availability of parking could be restricted to occupiers and permitted visitors to the development.

The potential for making the development 'resident permit restricted', in which occupiers would not be eligible for parking permits to allow for parking in residents' parking bays in the area, was considered. However, the nearest resident's parking bays are some distance from the site (In Richard's Close, which is accessible on foot), and the controlled parking zone does not experience levels of parking stress that would make such a requirement necessary or justified.

Representations have been received regarding the suitability of the layout for servicing by emergency vehicles. However, as noted above, the road layout complies with current Department for Transport standards and it is considered that the proposal could be adequately serviced by emergency and refuse collection vehicles.

The location of the parking area would be close to the rear garden of No. 5 Courtfield Crescent, with the closest part being 3m from the shared boundary. This could result in increased noise and disturbance from vehicle activity. However, there is an existing car parking area which is currently closer to the rear garden than the proposed parking spaces would be. Given that there would only be six parking spaces, the levels of vehicular activity would be minimal and together with additional landscaping, the impact of the parking on nearby properties is not considered likely to be materially different to the existing circumstance.

Representations have been received regarding the potential impact of construction activity on the amenities of neighbouring occupiers, including vehicle movements to service the development process.

Although the activity associated with construction activity is not normally a planning consideration, in this case, the restrictions of the site are such that on-site activity, and associated service vehicle movements could result in disturbance to neighbouring occupiers.

The applicants have submitted a construction method statement as an appendix to the Planning Statement. The details contained in the method statement are considered suitable to minimise disruption and disturbance during the construction phase. These provisions could be secured through a planning Condition.

6) Sustainable Development

London Plan policy 4A.7 requires boroughs to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. This policy supports general policies 2A.1, 4A.1, 4A.2 and 4A.3 regarding sustainable development and mitigating climate change.

The applicants have submitted a Renewable Energy Feasibility Report and a Sustainability Statement, as required by London Plan policy 4A.4.

The proposal also includes the provision of photovoltaic and solar water panels on the roof which would generate energy on site.

These indicate that the proposal would meet Level 3 of the Code for Sustainable Homes and would achieve a 20% reduction in CO₂ emissions above current Building Regulations standards.

It is therefore considered that the proposal would comply with the requirements of London Plan policies 2A.1, 4A.3, 4A.4 and 4A.7, which relate to sustainable development and mitigating the environmental impact of new development, and saved policy D4 of the Harrow UDP and adopted Supplementary Planning Document, Sustainable Building Design.

Notwithstanding the details shown on the submitted drawings, a condition requiring details of the solar hot water and photovoltaic panels to be submitted and approved is suggested to ensure that the proposal is not detrimental to the character and appearance of the building and the area.

In addition to the on-site generation and energy-efficiency measures outlined in the Renewable Energy Feasibility Report and Sustainability Statement, the proposal would include a green roof on the front part of the two-storey element of the building. This is supported by London Plan policy 3A.11 and would also make a contribution to biodiversity enhancements at the site.

However, the adopted Biodiversity Action Plan and saved policies EP26, EP27 and EP28 of the UDP require the Council to maximise opportunities to enhance biodiversity where feasible. Therefore, notwithstanding the details shown on the submitted plans, conditions relating to the maintenance of the Green Roof and the provision of biodiversity enhancements to safeguard suitable 'at risk' species identified in the London Biodiversity Action Plan, including swift boxes, have been recommended.

7) S.17 Crime and Disorder Act

The proposal would comply with the principles and practices of secured by design and safer places. Furthermore, subject to appropriate lighting the proposal would allow for greater natural surveillance of the footpath between Courtfield Crescent and Richards Close which could reduce opportunities for crime and reduce the fear of crime of people using the footpath.

8) Consultation Responses

Consultation responses received as of 24-Jan-2011 have been addressed in the relevant sections of the appraisal. Any additional representations, and issues raised, will be reported to Committee.

CONCLUSION

The proposal would provide new, high quality affordable housing tailored to the needs of older people, for which there is an identified need in the Borough. In principle, the development would therefore meet development Plan objectives through the re-use of previously developed land, in a location close to the metropolitan town centre. The proposals represent a controversial response, in architectural and design terms, to the area, but for the reasons outlined above are considered to be acceptable and not to result in significant adverse impacts upon the amenities of those who already reside in surrounding properties. The associated impacts that the development would create can, officers consider, be adequately mitigated through the use of appropriate conditions and the S.106 agreement. Notwithstanding opposition to the proposals expressed at the pre application stages and in response to the application, the proposals are considered to be acceptable and approval, subject to the S106 and conditions is accordingly recommended.

CONDITIONS

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

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

2 The development hereby permitted shall not proceed beyond damp proof course 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 boundary treatment

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

REASON: To safeguard the appearance of the locality, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

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

“956/PL01 Rev P3; 956/PL02 Rev P3; 956/PL03 Rev P3; 956/PL100 Rev P3; 956/PL101 Rev P3; 956/PL102 Rev P3; 956/PL103 Rev P3; 956/PL104 Rev P1; 956/PL200 Rev P2; 956/PL201 Rev P3; 956/PL202 P3; 956/PL203; J42.11/01; J42.11/02; Design and Access Statement; Planning Statement; Arboricultural Implications Assessment; Renewable Energy Feasibility Report; Sustainability Statement; Daylight and Sunlight Assessment; Transport Statement”

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

4 The development hereby permitted shall not proceed beyond damp proof course until details of any extraction flues, ventilation systems, and rainwater disposal systems (including downpipes) have been submitted to and approved in writing 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, as required by saved Policy D4 of the Harrow Unitary Development Plan 2004.

5 The development hereby permitted shall not proceed beyond damp proof course until details of a strategy for the provision of communal facilities for television reception (e.g. Aerials, dishes and other such equipment) has been submitted to and approved in writing 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).

6 Prior to the commencement of works to the roof of the approved building, details of the proposed solar hot water heating system and photovoltaics, (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 in writing by the local planning authority. The details shall also include details for the maintenance of the solar hot water heating system and photovoltaics. The development to be completed in full accordance with such details and thereafter retained.

REASON: In the interests of the visual amenity of the development and the area, as required by saved Policy D4 of the Harrow Unitary Development Plan 2010.

7 The development hereby permitted shall not be occupied 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.

Hard landscape works shall include details of permeable paving, vehicle barriers and external lighting.

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

8 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 buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

9 The development hereby permitted shall not be occupied until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the implementation and maintenance of the green roof. The development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.

REASON: In the interest of the character and appearance of the development, as required by policy 4A.11 of the London Plan (2008) and saved policy D4 of the Harrow Unitary Development Plan (2004).

10 The development hereby permitted shall not proceed beyond damp proof course until a scheme for biodiversity enhancements at the site has been submitted to, and approved in writing by, the Local Planning Authority. The biodiversity enhancements shall be carried out in accordance with the approved details and thereafter retained.

The scheme should include the provision of swift boxes.

REASON: To enhance the biodiversity at the site and in the area, as required by saved policies EP26, EP27 and EP28 of the Harrow Unitary Development Plan (2004) and the Harrow Biodiversity Action Plan (2008).

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

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by saved policy D10 of the Harrow Unitary Development Plan (2004).

12 No site works or development shall commence until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway, and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To prevent the increased risk of flooding, in compliance with saved policies D4 & EP12 of the Harrow Unitary Development Plan (2004).

15 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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

16 The development hereby permitted shall not be occupied until the car parking areas shown on the approved plans have been constructed and surfaced with permeable materials, or 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 shall be used only for the parking of private motor vehicles in connection with the development hereby permitted (by residents and their visitors) and for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety, as required by saved policies D4, T6 & T13 of the Harrow Unitary Development Plan (2004).

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

a: the frontage

b: the boundary

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, as required by saved policy D4 of the Harrow Unitary Development Plan.

18 The development hereby permitted shall be carried out in accordance with Appendix 6 (Method Statement) of the approved Planning Statement.

REASON: To safeguard the amenity of neighbouring occupiers and to ensure that the development process does not impeded the free flow of traffic or pedestrians on nearby public highways, as required by saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

1 INFORMATIVE

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

Planning Policy Guidance 13: Transport (2011)

Planning Policy Statement 22 – Planning for Renewable Energy (2004)

London Plan:

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.4 – Efficient use of stock

3A.5 – Housing choice

3A.6 – Quality of new housing provision

3A.8 – Definition of Affordable Housing

3A.9 – Affordable housing targets

3A.11 – Affordable housing thresholds

3A.13 – Special needs and specialist housing

3A.17 – Addressing the needs of London's diverse population

3C.1 – Integrating transport and development

3C.2 – Matching development to transport capacity

3C.23 – Parking Strategy

4A.1 – Tackling climate change

4A.2 – Mitigating climate change

4A.3 – Sustainable design and construction

4A.4 – Energy assessment

4A.7 – Renewable energy

4A.9 – adaptation to climate change

4A.11 – Living roofs and walls

4A.14 – Sustainable drainage

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

S1 – The Form of Development and Pattern of Land Use

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

H7 – Dwelling Mix

H10 – Maintenance and Improvement to Existing Housing Stock
H11 – Presumption Against the Loss of Residential Land and Buildings
H13 – Sheltered Accommodation
H17 – Access for Special Households with Particular Needs
EP12 – Control of surface water run-off
EP20 – Use of Previously Developed Land
EP26 – Habitat Creation and Enhancement
EP27 – Species Protection
EP28 – Conserving and Enhancing Biodiversity
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Residential Design Guide (2010)
Supplementary Planning Document, Accessible Homes (2010)
Sustainable Planning Document, Sustainable Building Design (2009)
Interim London Housing Design Guide (2010)
Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)
Harrow Biodiversity Action Plan (2008)
London Biodiversity Action Plan (2000)
Manual for Streets (2007)

2 INFORMATIVE

CONSIDERATE CONTRACTORS' CODE OF CONDUCT

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

3 INFORMATIVE

THE PARTY WALL ETC. ACT

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 INFORMATIVE

COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

5 INFORMATIVE

DRAINAGE CONDITIONS

To discharge the attached drainage conditions, the applicant's attention is drawn to the following required information:

- a) A copy of a letter from Thames Water with permission for indirect connections to the public sewers is required.
- b) The development is subject to a limitation on a discharge to **5 l/s**, consequently there will be a storage implication and the system should be checked for no flooding for a storm of critical duration and period of **1 in 100 years**. These **storage calculations** should include all details of inputs and outputs together with impermeable and permeable areas drained. Please note that the M5-60(mm) is **21** and the Ratio "r" should read **0.43** for this region. Similarly the Volumetric Run-off Coefficient should be substantiated by calculations (Reference to Chapter 13 The Wallingford Procedure) or a figure of **0.95** should be used for winter and summer. Please note that a value for UCWI of 150 is appropriate when calculating Percentage Runoff (PR) for storage purposes. Please include 20% allowance for climate change.
- c) Full details of drainage layout including details of the outlet and cross section of proposed storage are required.
- d) Full details of any flow restrictions (hydrobrake) that are proposed for this scheme need to be submitted together with the relevant graphs.

Should the applicant wish to discuss these matters, please contact Hanna Miturska on 020 8416 8366.

6 INFORMATIVE

INFORMATIVE:

There are public sewers crossing the site. In order to protect public sewers and to ensure 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 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. The applicant is advised to contact Thames Water Development Services on 0845 850 2777 to discuss the options available at this site.

Plan Nos: 956/PL01 Rev P3; 956/PL02 Rev P3; 956/PL03 Rev P3; 956/PL100 Rev P3; 956/PL101 Rev P3; 956/PL102 Rev P3; 956/PL103 Rev P3; 956/PL104 Rev P1; 956/PL200 Rev P2; 956/PL201 Rev P3; 956/PL202 P3; 956/PL203; J42.11/01; J42.11/02; Design and Access Statement; Planning Statement; Arboricultural Implications Assessment; Renewable Energy Feasibility Report; Sustainability Statement; Daylight and Sunlight Assessment; Transport Statement; Community Involvement Report

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

60 ST MICHAEL'S CRESCENT, PINNER, HA5 5LG	Item: 2/01 P/3212/10
	Ward PINNER SOUTH
SINGLE STOREY REAR EXTENSION	
Applicant:	Mrs Ann Sullivan
Agent:	Mr Martin Simister
Case Officer:	Andy Parker
Statutory Expiry Date:	19-JAN-11

RECOMMENDATION

GRANT planning permission for the single storey rear extension as described in the application and submitted plans.

REASON:

The decision to GRANT permission for the single storey rear extension (retrospective application) has been taken having regard to Government guidance contained within PPS1 and PPS25 and the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below encouraging a high standard of design in all developments, and all relevant material considerations including any comments received in response to publicity and consultation.

National Planning Policy:

Planning Policy Statement 1– Delivering Sustainable Development

Planning Policy Statement 25: Development and Flood Risk (2010).

Strategic Flood Risk Assessment (Level 1 SFRA) Volume I – Planning & Policy Report (March 2010 – London Borough of Harrow Council)

The London Plan 2008

4B.1 – Design principles for a compact city

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP11 Development within Floodplains

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

- 1) **Character and Appearance of the Area, Amenity (4B.1, D4, Residential Design Guide (2010))**
- 2) **Residential Amenity (D5)**
- 3) **Risk of Flooding (PPS25, EP11)**
- 4) **S17 Crime and Disorder Act (D4)**
- 4) **Consultation responses**

INFORMATION

This application is referred to Committee as the applicant is a Council employee.

a) Summary

Statutory Return Type: 21-Householder

Council Interest: None

b) Site Description

- Two storey semi-detached dwellinghouse located on the south-east side of St. Michaels Crescent.
- The dwellinghouse has an existing garage attached to the flank wall of the dwellinghouse and a two storey side to rear extension.
- The adjoining semi-detached property no.58 has a 2.8m deep single storey rear extension which is substantially complete and which abuts the boundary with no.60.
- The adjacent semi-detached property no.62 has a single storey side and rear extension.
- The rear boundary of the application site abuts the boundary with Yeading Brook.
- The ground level to the rear of the existing house is situated 0.58m below the finished floor level of the ground floor of the existing house.

c) Proposal Details

- The single storey extension provides a dining room.
- The extension is being built in conjunction with the single storey extension to no.58, extends to the same depth and abuts the boundary with no.60.
- The extension is substantially complete. The extension is substantially complete. However, the tiles on the roof have not been installed, the extension has not been rendered and the finished floor level has not been constructed.
- The single extension is 2.8m deep, 3.35m wide and 4.06m high with a pitched roof. The mid-point of the proposed roof is 3.48m high and the eaves level is 3m high.
- There is a roof light in the pitched roof.
- The extension is attached to the flank wall of the existing two storey side to rear extension.
- The extension is pebble dash rendered to match the existing building

d) Relevant History

LBH/24466	SINGLE STOREY SIDE TO REAR EXTENSION (INCOMPLETE)	WITHDRAWN 03-NOV-83
LBH/24510	SINGLE STOREY SIDE TO REAR EXTENSION	GRANTED 05-DEC-83
LBH/28963	SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS	GRANTED 09-DEC-85

P/2609/10

CERTIFICATE OF LAWFUL
PROPOSED DEVELOPMENT:
SINGLE STOREY REAR
EXTENSION

WITHDRAWN
22-NOV-10

e) Applicant Statement

- Not applicable

g) Consultations

The Pinner Association: No response.

The Environment Agency: Although the proposed development is within 20 metres of a watercourse and in flood zone 2, in this instance we have no concerns that can not be addressed by the Environment Agency's [Flood Risk Standing Advice](#) (FRSA). It is the Council's responsibility to ensure that one of the mitigation measures in cell E2 of the consultation matrix has been incorporated. This is to make sure that the development is resistant to future flood risk.

The applicant should be made aware that our prior written consent is required for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Yeading Brook. This is under the terms of the Water Resources Act and the Thames Region Land Drainage Byelaws.

Advertisement

Not applicable

Expiry: Not applicable

Notifications:

Sent : 2

Replies: 0

Expiry: 29-DEC-10

Summary of Responses:

- N/A

APPRAISAL

1) Character and Appearance of the Area

Saved policy D4 of the Harrow Unitary Development Plan (2004) requires that new development should be of a high standard of design and layout. Paragraph 4.10 of the supporting text states that 'buildings should be designed to complement their surroundings and should have a satisfactory relationship with adjoining buildings and spaces'.

Paragraph 6.58 of the Supplementary Planning Document: Residential Design Guide adopted on the 15th December 2010 states that rear extensions should be designed to respect the character and scale of the original house.

Paragraph 6.58 states that where all other permitted development criteria have been met, single storey extensions to a depth of 3metres on a semi-detached house may not need planning permission. Where planning permission is required, the acceptable depth of extensions will be determined the need for consistency with permitted development and site considerations, the scale of development, the impact on the amenity of neighbouring residents, and the established pattern and character of the area.

In this case, the proposed single storey rear extension is not visible from the street scene but would be visible from surrounding residential properties.

Whilst it is accepted that the property already has a substantial two storey side to rear extension, the 2.8m depth of the single storey rear extension would comply with what could be built under permitted development and taking into consideration the small scale of the proposal the cumulative impact of the existing two storey rear extension and the single storey rear extension would not be overbearing, or out of proportion with the existing property. The materials match the existing building.

It is therefore considered that the siting, size, bulk and design of the proposed extension is considered to be in keeping with the character and appearance of the existing dwellinghouse in accordance with saved policy D4 of the Harrow UDP and the Supplementary Planning Document: Residential Design Guide (2010).

2) Residential Amenity

As discussed above the depth of the single storey rear extension is consistent with what could be built under permitted development and the height of the single storey element also complies with paragraph 6.63 of the SPD which notes that the finished height for a pitched roof should be a maximum of 3.5 metres at the mid-point of the pitch at the site boundary.

Notwithstanding the above, the single storey rear extension to the rear of no.58, being built in conjunction with the extension at no.60 extends to the same depth as the extension to no.60. As such, the extension at no.60 is not therefore considered to have an adverse impact on the occupiers of this adjoining property.

With regard to the adjacent property no .62, the single storey rear extension would be screened from this property by the existing two storey side to rear extension to no.60 and the proposal would not therefore have an adverse impact on the occupiers of this property.

Given the position of the proposed extensions in relation to the surrounding properties it is considered the proposed scheme would not have an adverse impact on the amenities of the surrounding occupiers in accordance with saved policy D5 of the Harrow UDP (2004) and the adopted SPD – Residential Design Guide (2010).

3) Risk Of Flooding

With regard to the comments of the Environment Agency above, the applicants have confirmed in the Flood Risk Assessment, and indicated on the plans that the proposed floor levels within the development will be set 300mm above the known, or modelled 1% (1 in 100 chance each year) river flood level. As such, one of the mitigation measures in cell E2 of the consultation matrix has been incorporated to make sure that the development is resistant to future flood risk.

The proposal is therefore considered to comply with saved policy EP11 of the Harrow UDP (2004) and the adopted SPD – Residential Design Guide (2010).

4) S17 Crime & Disorder Act

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

5) Consultation Responses

Not Applicable

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 single storey rear extension is not considered to detract from the character and appearance of the existing house, the surrounding area, or the amenities of nearby residents.

National Planning Policy:

PPS1 – Delivering Sustainable Development (2005)

The London Plan (2008)

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan (2004)

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

CONDITIONS

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

REASON: To safeguard the character and appearance of the area in accordance with saved policies D4, of the Harrow Unitary Development Plan (2004).

2 The development hereby permitted shall be carried out in accordance with the following approved plans: STM-60/1A; STM-60/2B; Flood Risk Assessment

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

INFORMATIVES

1 INFORMATIVE:

The decision to grant planning permission has been taken having regard to National Planning Policy Statements, 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 Policy Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 25: Development and Flood Risk (2010).

Strategic Flood Risk Assessment (Level 1 SFRA) Volume I – Planning & Policy Report (March 2010 – London Borough of Harrow Council)

Item 2/01 : P/3212/10 continued/...

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

EP11 Development within Flood Plains

D4 – The Standard of Design and Layout

D5 – Residential Development-Amenity Space And Privacy

Supplementary Planning Document

Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: STM-60/1A; STM-60/2B; Environment Agency Matrix

WILLIAM ELLIS SPORTS GROUND, CAMROSE AVENUE, EDGWARE, HA8 6ES

P/2106/10/NR

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 100m² floorspace on Council owned land. The application was deferred from the previous Planning Committee on the 12th January 2011 to enable the Environment Agency objection to be overcome.

a) Summary

Statutory Return Type: 18. Minor Development
Floorspace: 700m²
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: 12/11/10 Expiry: 03-DEC-10

1st Notifications:

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

2nd Notifications on Amendments:

Sent: 506 Replies: 6 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, should only be able to be used by Belmont Utd FC;
- 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 and at weekends would cause disturbance;
- Excessive hours of use proposed, should be the same as the Krishna Avanti School;
- Changing facilities should be provided within the school, not by developing green space;
- License must not be granted to sell alcohol.

William Ellis Residents' Association:

- Glazing at upper levels would overlook neighbours;
- There is no indication of lighting levels or management of access road lighting;
- Security concerns;
- Concerns over noise and disturbance and traffic congestion;
- Concerns about flood risk;
- Concerns about lack of parking;
- Details of sale of alcohol not provided.

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:

- License must not be granted to sell alcohol: This is not a material planning consideration, as it is covered under the Licensing Act.
- There is no indication of lighting levels: No lighting is proposed as part of the above application. If the intention is to install lighting, this would be subject to a separate application. Details of the access road lighting is covered under the planning permission for the school (ref P/1282/07).

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

Item 2/02 : P/2106/10 continued/...

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

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**

**Item: 2/03
P/2824/10/NR**

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. This recommendation is also subject to a deed of variation to amend the wording of the original S106 agreement to link the agreement to this replacement planning permission.

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. The application was deferred from the previous Planning Committee on the 12th January 2011 to enable the Environment Agency objection to be overcome.

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:

Mayor of London (GLA): The proposal does not raise any strategic planning issues, because it is seeking an extension of time and the strategic policy context has not changed. The Council may determine this application without further reference to the GLA.

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, Longcroft 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. It is considered that the provision of a footpath in this location would not increase the risk of crime in the adjoining residential properties. These properties are situated on the opposite side of Edgware Brook and the provision of a footpath and appropriate lighting to this area of open space would improve security in the area.

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.

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

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

Applicant: 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.

This application was deferred from the Committee on the 12th January to permit further consultation with neighbouring occupiers.

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

Site Notice: General Site Notice Expiry: **to be confirmed**

Notifications:

Sent : 234 Replies : 7 (to date) Expiry: 4-FEB-11

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
1-10 Yeoman Court, Pinner Road
1-27 Dukes court, Station Road
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

4B.1 - Design Principles for a Compact City
4B.5 – Creating an Inclusive Environment
4B.6 – Safety, Security and Fire Prevention and Protection
London Housing Design Guide: Interim Edition (2010)

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

S1 – The Form of Development and Pattern of Land Use
C16 – Access to Buildings and Public Spaces
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
D18 – Historic Parks and Gardens
EP11 - Development within Floodplains
EP12 – Control of Surface Water Run-Off
EP20 – Use of Previously-Developed Land
EP26 – Habitat Creation and Enhancement
EP27 – Species Protection
EP28 – Conserving and Enhancing Biodiversity
EP29 – Tree Masses and Spines
EP31 – Areas of Special Character
EP43 – Green Belt and Metropolitan Open Land Fringes
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Supplementary Planning Document – Residential Design Guide (2010)
Supplementary Planning Document – Access For All (2006)
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)
Supplementary Planning Document Sustainable Building Design (2009).

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

- 1) Principle of Development (PPS1, PPS3, 3A.1, 3A.2, 3A.3, 3A.5, EP20)
- 2) Character and Appearance of the Area (PPG 2, 4B.1, EP31, EP43, D4, D18, SPD – Residential)
- 3) Landscaping, Trees and New Development (D4, D9, D10, EP29)
- 4) Residential Amenity (D5, SPD – Residential)
- 5) Ecology and Development within Floodplains (PPS 25, EP11, EP12, EP26, EP27, EP28)
- 6) Traffic and Parking (T6, T13)
- 7) Accessibility (3A.5, C16, SPD – Access)
- 8) S17 Crime & Disorder Act (4B.1, 4B.6, D4, SPD – Residential)
- 9) Consultation Responses

INFORMATION

This application is reported to Committee as a petition with 10 signatures has been received by the Council against the proposed development.

a) Summary

Statutory Return Type: E(13) – Minor Dwellings
Council Interest: None

b) Site Description

- The subject planning application applies to a site which is located on the eastern side of Bentley Way.
- Bentley Way is a private residential road characterised mainly by detached dwellings of varying designs and sizes.
- A detached dwellinghouse (No. 22 Bentley Way) is located in the south-western corner of the site. Garden space occupies the remainder of the site.
- The dwellinghouse has a hipped, pitched roof and features two-storey side and single storey rear extensions. It is set back approximately 11 m from the highway.
- The property is well screened by mature boundary trees and vegetation. This vegetation is an important characteristic of the area.
- A number of trees on the site are subject to Tree Preservation Order (TPO) 613. The majority of these are to the rear of the site.
- The rear garden of the site extends approximately 50 m in depth beyond the main rear wall of the dwelling.
- The side garden of the property extends approximately 15 m in width beyond the northern flank wall of the dwelling.
- The site lies within flood zone 2/3.
- The neighbouring properties No. 20 and No. 24 are two-storey detached properties and have both been extended in the past.

c) Proposal Details

- It is proposed to construct a new two-storey dwellinghouse in the side garden of No. 22 Bentley Way
- The proposed dwellinghouse would have a hipped, pitched roof.
- The front elevation of the property would feature an integral garage, a juliet balcony and a single storey projection, featuring a bay window.
- The side elevation towards the boundary with No. 24 and the rear elevation would feature single storey projections with a pitched roof.
- Vehicular access to the property would be gained via an existing cross-over. This is one of two cross-overs which currently serves the existing dwelling No. 22.
- One parking space would be provided in the proposed integral garage and an additional parking space would be provided on a proposed area of hardstanding at the front of the dwelling. The parking arrangement for the existing dwelling would remain unchanged as a result of the proposed development.
- Refuse storage would be provided in the rear gardens of the existing and proposed dwellinghouses.

- The garden of the existing dwellinghouse, No. 22 Bentley Way, would be subdivided to provide amenity space for both the existing and proposed dwellinghouses.
- It is also proposed to extend the existing dwellinghouse No. 22 Bentley Way, by way of single and two storey rear extensions.
- The proposed two storey rear extension would extend the entire width of the dwellinghouse and the proposed single storey rear extension would extend beyond this proposed extension.
- Roof alterations are also proposed by way of one front and one rear dormer, and an enlarged roof space over the southern two storey element.

d) Relevant History

HAR/21654	EXTENSION TO KITCHEN, REBUILD GARAGE, 2 ROOMS OVER	GRANTED 16-MAR-64
LBH/7791	ERECTION OF DETACHED HOUSE WITH INTEGRAL GARAGE -OUTLINE APPLICATION	GRANTED 23-AUG-72

e) Pre-Application Discussion (HA/2009/ENQ/00121)

- Proposal - Redevelopment of existing detached house to provide two detached houses
- The site is located within Flood Zones 3a / 3b and this is a significant constraint on the development
- Any proposal should aim to achieve a minimum Code for Sustainable Homes Level 3
- Compliance with Lifetime Homes standards would also be required
- Amenity impact issues in respect of the adjacent house to the north west
- A Tree Constraints Plan to BS 5837 would be required for submission with any planning application
- The proposed development is adjacent to the Green Belt and an Area of Special Character

f) Applicant Statement

- Design and Access Statement submitted
- The application site is highly accessible and sustainable in terms of its proximity to public transport, local amenity and services.
- The site is considered to represent a previously developed site.
- The application scheme is of an appearance and scale that clearly represents an appropriate form of development on this large plot, respecting and enhancing the prevailing residential characteristics of the surrounding area whilst safeguarding the residential amenity of neighbouring properties.
- There is a historical permission for a new dwelling on the vacant land north of the existing house.
- The house has been specifically designed to take into full consideration the protection of adjacent residential amenities.
- The northern most element of the proposed house is single storey only with the two storey element set back by some 2.5m

- The existing access arrangements will remain unaltered given that the property currently has dual access
- The proposed extensions to No. 22 are positioned to the rear and have been designed to reflect the character and scale of the existing area.
- Residential amenities would be fully protected as a result of the extensions.
- The proposal would be compliant with PPS 1 and PPS 3.
- It is considered that the new dwelling proposed on what is currently existing garden space is in keeping with the area and is wholly acceptable in the context of the amended PPS 3.
- The submitted Flood Risk Assessment demonstrates that the scheme is in full accordance with the requirements of PPS 25 and relating supporting policy guidance.
- The land on which the new dwelling is proposed is a single plot, fronting the roadway between two dwellings in a continuous streetscene other than this break.
- It is considered that the proposed extensions to the existing dwelling together with the new house on the adjacent land within the curtilage are of a high quality design in accordance with national guidance set out in PPS 1 and recently amended PPS 3. It is also further considered that it is fully in accordance with the UDP policies SD1 and D4, which seek a high quality of design and layout in all development proposals.
- The submitted Arboriculture Method Statement demonstrates that all works associated with the proposed development can be carried out in a way that will not be detrimental to retained trees. There is a need to remove some trees to implement the proposals which are stated to be of small or moderate size.
- The site is well screened by existing landscaping to the front of the site which is to be retained.
- The amount and scale of development proposed would result in a development of a scale wholly acceptable in this streetscene and setting.
- The new dwelling will be fully Lifetime Homes compliant.
- Both the extensions and the new dwelling have been designed and will result in an appearance to fully accord with its setting, which is not characterised by any single prevailing appearance of dwelling.
- The supporting information commissioned by the applicant and submitted with this application shows that the development is wholly acceptable in respect of arboricultural considerations and flood risk matters.

g) Consultations:

Tree Officer - No objections , subject to conditions
Landscape Architect - No objections, subject to condition
Highway Engineer – No objections to the proposal
Drainage Engineer - No objections, subject to conditions
Environment Agency - No objections, subject to condition
Stanmore Society – No comments received
Biodiversity Officer - No objections, subject to condition

Bentley Way Residents Association -

- Bentley Way is a private road with detached houses with mature trees. The erection of a second house on the same plot, together with extension of the existing house at No. 22 will be out of character with the houses on the road.
- Bentley Way is a private road and is subject to too much parking and traffic from residents on the Uxbridge Road.
- The area is subject to flooding and already the main drains block as water from existing homes in Bentley Way cannot feed into the main drains in the road during heavy rains
- It may not be possible for a second home on the plot at No. 22 to gain access via the cross-over between Bentley Way and the plot.

Notifications:

Sent: 19 Replies: 7 Expiry: 21-DEC-11
(including one petition with 10 signatures)

Neighbours Consulted:

Bentley Way: 11, 9, 16, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 36
Bentley Priory Open Space

Summary of Response:

Against – 6 (including one petition with 10 signatures)

- The application property is in a flood plane and would lead to an increased flood risk
- Removal of trees will increase the danger of flooding
- The look and feel of Bentley way will change for the worse and will spell disaster would the proposed development go ahead
- Under the present government, gardens have been re-designed as green-field sites – the present government is against garden-grabbing
- Granting this planning permission could set a precedent for further development and the destruction of the Bentley Way community
- At a recent Extraordinary General meeting, it was obvious that the majority of residents of Bentley Way are not in favour of the planned new development
- Gardens provide a unique habitat encouraging biodiversity
- Loss of light to windows on south-eastern side of No. 24, including a dining room window and a bedroom window
- Loss of outlook to bedroom window on flank wall of No. 24
- Overbearing impact given the projection of over 5 m beyond the rear of No. 24 (9.5 m in total), particularly in respect of the private amenity area which is the main sitting out area for the occupiers
- The excessive depth and vertical emphasis of the proposed new dwelling would be out of character with the surrounding development.
- The failure to conform to the more horizontal emphasis of neighbouring properties is an indication that the proposal amounts to overdevelopment of the plot
- Proposed first floor windows on the northern elevation should be conditioned to be obscure-glazed and non-opening.
- Failure to meet UDP Policies D4 and D5.

- Loss of 'ground' through additional building will increase significantly the risk of flooding by virtue of the silk stream that runs immediately behind the properties and the lake immediately to the rear of No. 22
- There have been many incidences of flooding to properties located at the end of Bentley Way and many home owners suffered considerable damage
- The Environment Agency has improved the surface drainage but residents were always made aware that there is a very delicate balance to be maintained and that any further development will almost certainly renew once again the threat of flooding
- Residents in Bentley Way has to suffer increased premiums and excesses to their buildings and property insurances because of the history of flooding
- This is a change of the use in the land from a garden to a new building – the amenity of No. 22 will be destroyed and the outlook of the road will be changed
- Overdevelopment of the site
- The narrow and deep property will be out of keeping with the remaining properties on the road
- Pressures will be placed on the road for extra parking as most properties have at least two cars
- It is unclear in the plans if there will be any rooms on the loft space although velux windows have been included.
- Trees have recently been removed from the garden at No. 22 and it appears that further trees may need to be removed.
- This would affect local amenities and the abundant wildlife which is slowly being eroded by the constant over-development at Bentley Way
- This will exacerbate the risk of flooding, especially flash flooding and its impact on vulnerable properties

Support – 1

- The development will not be detrimental to the road – the design is in keeping with the style of other properties already established in Bentley Way and the size of the proposed structure will not be over imposing compared to the size of the plot on which it is being built.
- It doesn't look like it has been squeezed in between the two other properties.
- The additions and alterations to No. 22 Bentley Way itself if carried out to the same standard of other renovations that have already been completed on other properties in the road can only serve to further enhance Bentley Way.

APPRAISAL

1) Principle of Development

Policy 3A.1 of The London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. Policy 3A.5 of the London Plan encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing.

Saved policy EP20 states that 'The Council will seek to secure all new build development to take place on previously-developed land, with the exception of ancillary development necessary to support appropriate open space, metropolitan open land and green belt uses'. Revisions to PPS3, dated June 2010, exclude private residential gardens from the definition of previously developed land, for the purposes of housing development. However, in assessing a proposal, it is necessary to have regard to all material planning considerations which pertain to the particular site. In this instance, the following are two material planning considerations.

Saved 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'. In terms of road frontage, the application property, No. 22 Bentley Way, is one of the widest properties on this road. Under the subject planning application, the width of the plots would be approximately 15 metres for the proposed and existing properties. This proposed width would not be uncharacteristic of the streetscene and it is considered that the proposal for a dwelling on this gap site would be in keeping with the 'urban grain' of the area and would not detract from the character or the appearance of the streetscene. In this regard, the proposal would thereby comply with policy 4B.1 of The London Plan (2008) and saved Policy D4 of the HUDP (2004). The merits of the design and siting of the proposed dwelling are discussed below in section 2.

Furthermore, the proposed division of the site would retain garden space of approximately 670 m² for the existing dwelling No. 22 Bentley Way, while providing garden space of approximately 610 m² for the proposed dwelling. Both proposed gardens would be sufficiently large to provide outdoor amenity space for the occupiers of the existing dwelling and the intended occupiers of the proposed dwelling. In this regard, the proposal would not infringe upon the amenity of the occupiers at No. 22.

Having particular regard to both of these material planning considerations, no objection is raised with respect to the development of a dwellinghouse on the private residential garden land of No.22 Bentley Way. Overall, it is considered that the subject proposal would make efficient and effective use of land whilst providing an increase in housing stock within the borough, in line with the objectives of PPS 3 (2010), the objectives of The London Plan (2008) and the Council's policies and guidelines.

2) Character and Appearance of the Area, the Green Belt Fringe, the Area of Special Character and the Historic Park and Garden

The rear boundary of the application site abuts the Green Belt, the Harrow Weald Ridge Area of Special Character and Bentley Priory Historic Park and Garden (as shown within the Harrow Unitary Development Plan Proposals Map). In relation to proposed developments on the Green Belt fringe, saved Policy EP43 states that 'the Council will resist development proposal adjacent or close to Green Belt land which would have a detrimental visual impact on the open character of that land or an adverse ecological impact'.

Having particular regard to the siting of the proposed building works a minimum of 45 meters from the Green Belt boundary, the presence of mature vegetation at the rear of the site, and the existing residential pattern of development along Bentley Way and the siting of the proposed dwelling on a gap site, it is considered that the proposed development would comply with PPG 2 and saved Policy 43 of the HUDP (2004). By the same token, it is considered that the proposal would not negatively impact upon the Harrow Weald Ridge Area of Special Character or Bentley Priory Historic Park and Garden, thereby complying with saved policies EP31 and D18 of the HUDP (2004).

Policy 4B.1 of the London Plan 2004 seeks to ensure that developments should promote high quality inclusive design and create or enhance the public realm. Saved Policy D4 of the HUDP (2004) paragraph 4.10 states that "Buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces".

Bentley Way is a residential road characterised mainly by detached dwellings of varying designs and sizes which are set in generally large sized plots. As discussed in Section 1 above, the width of the proposed plots would be akin to that of neighbouring plots and would be in keeping with the character of the area. The proposed dwelling would be sited 2.3 metres from the neighbouring boundary with No. 24 and 1 metre from the proposed boundary with No.22. The front building line, at both ground and first floor level, would largely maintain the building line of the neighbouring properties. The siting of the proposed dwelling in relation to the front and side boundaries would therefore be consistent with the established pattern of development in the area, thereby satisfying London Plan Policy 4B.1 and saved Policy D4 of the HUDP (2004).

Close attention has been paid to the design and scale of the proposed dwellinghouse and its relationship to the neighbouring dwellinghouses. The proposed dwelling would have a hipped, pitched roof profile and would be comprised of both single and two storey elements. This would serve to break up the massing of the proposed dwelling in the streetscene, whilst providing a satisfactory level of proportion and balance. The proposed two-storey element would be sited towards the proposed extended dwelling, No. 22, while the proposed single storey element would be sited towards the boundary with No. 24. Although the proposed single storey element would project 3.4 m beyond the two storey front wall of the proposed dwelling, it would not dominate the front elevation and would serve as a feature to the overall design of the dwelling.

Overall, it is considered that the proposed dwelling would be acceptable in terms of design, scale, siting and detailing. It would reflect the established character and pattern of development of the area and given the overall size of the application site would not result in overdevelopment. Subject to an appropriate condition requiring the approval of materials prior to the commencement of development, the proposal would therefore satisfy Policy 4B.1 of the London Plan 2004 and saved policy D4 of the HUDP (2004), which requires a high standard of design and layout in all development proposals. A condition is suggested with respect to the achievement of a Level 3 Code for Sustainable Homes, as required by the Council's adopted Supplementary Planning Document Sustainable Building Design (2009).

It is also proposed to extend the existing dwellinghouse No. 22 Bentley Way, by way of single and two storey rear extensions. The footprint of the proposed extended dwellinghouse would be in keeping with that of neighbouring properties, particularly the adjacent dwelling No. 20 Bentley Way which has recently been extended by way of single and two-storey side and rear extensions and front and rear dormers. Given the proximity of the neighbouring dwelling No. 20 and the proposal to construct an additional dwelling to the north of No. 22, the flank walls of the proposed two storey rear extension would be visible only intermittently from Bentley Way. The design of the roof over the proposed two-storey rear extension would match the angle of the roof of the original dwellinghouse, thereby providing an acceptable appearance. The proposed two storey rear extension would be subordinate to the main dwellinghouse and accordingly, no objection is raised regarding the siting, scale and design of the proposed two storey rear extension.

Revised drawings were received during the course of this application showing a reduction in the height of the proposed single storey rear extension and a revised roof profile. Accordingly, it is considered the proposed single storey rear extension would integrate satisfactorily with the existing dwelling, No. 22 Bentley Way.

Revised plans have been received during the course of this application showing a reduced front dormer. Having particular regard to its modest scale, and the presence of front dormers in the immediate locality, it is considered that the proposed front dormer would therefore be acceptable in terms of character and appearance of the property and the area, thereby complying with the above policies. It is also proposed to enlarge the roof space over the southern two storey element of the dwelling. However, appropriate subordination would be maintained and this would therefore be acceptable. The proposed rear dormer would comply with SPD requirements and would be a modest feature on the rear roof slope, in keeping with the scale of the roof.

Overall, it is considered that a satisfactory level of proportion and balance would be retained and the proposed extensions and alterations to the existing dwelling would be acceptable in relation to the original property and neighbouring properties. The submitted Design and Access Statement has advised that the whole building would be rendered. Given the varying types of materials used on the external surfaces of building along Bentley Way, no objection is raised with respect to this. It is considered that subject to a suitable condition, the proposal would not therefore unreasonably affect the character of the property or the area thereby complying with Policy 4B.1 of the London Plan 2004 and saved Policy D4 of the HUDP (2004).

Paragraph 4.24 of saved Policy D4 of the HUDP (2004) states that bin and refuse storage must be provided "in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection". Storage of refuse bins is proposed at the rear of both the proposed dwelling and the existing dwelling No. 22. This proposed siting would be compliant with saved policy D4 of the HUDP (2004).

3) Landscaping, Trees and New Development

Saved Policy D4 of the HUDP (2004) paragraph 4.22 states that '*Landscaping should be considered as part of the overall design of a site....Replacement planting will be required as needed*'. Saved Policy D9 states that "*The Council will seek to achieve and retain a high quality of streetside greenness and forecourt greenery in the Borough*".

The application site features mature vegetation and a large number of (approximately 50) mature and semi-mature trees along the front, side and rear boundaries of the site. These trees and vegetation are an important characteristic of the area. A number of the trees on the application site are subject to Tree Preservation Order 613. The majority of these trees are at the rear of the site, with an additional two trees on the frontage of the existing dwelling No.22. An arboricultural report has been submitted as part of the application documents which advises that it is proposed to remove nine trees from the site. Three of these nine trees have already been felled and the remaining trees proposed for removal are either in decline or are not significant specimens. The site benefits from larger mature trees in the front and rear gardens and the removal of the trees will have little impact overall on the visual amenity of the site. The submitted arboricultural report suggests protective fencing for the remaining trees during development. The Council's Tree Officer has advised that sufficient new planting should be provided to off-set the trees already removed and those proposed to be removed. This has been incorporated in the submitted Landscaping Masterplan, which is discussed below. Subject to the recommendations of the submitted arboricultural report being carried out, the Council's Tree Officer raises no objection to this proposal. It is therefore considered that the subject proposal would be acceptable on Tree grounds and would therefore preserve the character and appearance of the area.

Under the subject proposal, vehicular access to the proposed dwelling would be gained via an existing cross-over, which is one of two cross-overs currently serving the existing dwelling No. 22. This would enable the retention of the existing hedging at the front of the site. During the course of the planning application, a Landscaping Masterplan was submitted for consideration. It is proposed to retain the existing trees and the hedgerows along the frontage of the site and in accordance with the Tree Officers recommendations, additional new planting is proposed at the front and rear of the site. It is considered that this would assist the integration of this proposed development into the site, in accordance with saved policy D4 and D9 of the HUDP (2004). An acceptable ratio of hard and soft landscaping is proposed at the front of the proposed dwelling. Marshalls 'Brindle' priora permeable paving is proposed which is subtle, muted and not visually obtrusive and considered suitable in order to preserve the visual aesthetics of the area. The subject planning application was referred to the Council's Landscape Architect who has advised that the submitted landscaping scheme is acceptable, subject to a suitable condition in relation to implementation of the proposed landscaping scheme.

In this regard, it is considered that the proposed development would meet the objectives set out under saved policies D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

4) Residential Amenity

Criteria C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded”. Having regard to the proposal to provide a new dwelling and to extend the existing dwelling on the application site, a condition is suggested which would require the entire development to be constructed at the same time. An assessment of the proposal with respect to the potential impacts on residential amenity will therefore be made on the basis of this condition.

▪ **Impact of the Proposed Dwelling on Neighbouring Amenity**

The proposed dwelling would be comprised of both single and two storey elements. The proposed single storey element would be sited towards the boundary with No. 24 while the proposed two-storey element would be set 4.7 m away from the shared boundary. The windows on the flank wall of No. 24 are not protected and the two-storey element of the proposed dwelling would not interfere with the 45 degree code in the horizontal plane in relation to No. 24. The proposed siting and design would thereby comply with paragraphs 6.28 - 6.31 of the Council's SPD, in relation to this neighbouring property. Having particular regard to the southerly siting of the proposed dwelling in relation to No. 24, it is considered that the proposed dwelling design would provide a satisfactory relationship with the neighbouring property No. 24.

Having particular regard to the extensions and alterations proposed under this application to No. 22 Bentley Way, a satisfactory relationship would be provided with this neighbouring property in terms of siting and design. It is therefore considered, subject to the above mentioned condition that no undue impact would result on the existing or proposed properties as a result of the subject proposal. Compliance with this condition will ensure that the residential amenity of both properties is not compromised.

Four small, high-level, ground floor windows serving a lounge and a family room are proposed in the northern flank wall, facing towards the boundary with No. 24. One window serving an en-suite and one secondary window serving a bedroom are also proposed at first floor level on this elevation. On the proposed southern flank wall facing towards No. 22, one first floor window serving an ensuite and two ground floor windows serving an integral garage and a utility room are proposed. Each of these proposed flank wall windows would satisfy paragraph 6.21 of the Council's SPD and a suitable condition requiring these windows to be obscure glazed and non-opening below 1.7 meters above ground level is suggested. Given that the proposed ground floor window on the flank wall of the single storey rear projection would be sited seven metres from the shared boundary with No. 24, it would not therefore give rise to loss of privacy for neighbouring occupiers and would therefore be compliant with paragraph 6.22 of the Council's SPD.

The raised patio proposed at the rear of the dwelling would be sited an adequate distance from the boundaries with both neighbouring properties. Having regard to this, the 0.4 metre height of the proposed patio, the composition of the existing boundary with No. 24 and the proposed boundary with No. 22, it is considered that no detrimental loss of amenity would therefore occur.

- **Impact of the Proposed Extensions to No. 22 on Neighbouring Amenity**
The proposed roof alterations would be modest in scale and appropriately sited. They would not therefore unduly impact upon the amenities of neighbouring occupiers, in terms of overlooking, overshadowing or loss of outlook.

Given the siting of the proposed two-storey rear extension in relation to the dwelling proposed under this application, compliance with the 45 degree code in the vertical and the horizontal plane would be provided in accordance with paragraph 28 – 32 of the Council's adopted SPD. The neighbouring property No. 20 has recently been extended by way of single and two storey side and rear extensions and these extensions would buffer the impact of the proposed two storey rear extension, thereby providing a satisfactory relationship.

Given the siting of the proposed single storey rear extension 3.1 m from the shared boundary with No. 20 and its alignment with the rear wall of the existing single storey side to rear extension at this neighbouring property, a satisfactory relationship would therefore be provided. One large ground floor window serving an orangery is proposed in the southern flank wall of this single storey extension. This would face towards a blank flank wall at No. 20 and would not therefore give rise to any overlooking or loss of privacy for the occupiers of this neighbouring property. The proposed single storey rear extension would not therefore result in any undue impact on the amenities of the adjacent occupiers at No. 20.

During the course of this application the proposed raised patio has been reduced in height and depth and its siting has been set back from the boundary with No. 20. It is considered that these revised proposals are acceptable in relation to their impact on the occupiers of adjacent properties.

- Outdoor Amenity Space

Saved policy D5 of the UDP does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided.

As discussed in section 1 above, the proposed division of the site would retain garden space of approximately 670 m² for the existing dwelling No. 22 Bentley Way, while providing garden space of approximately 610 m² for the proposed dwelling. Both proposed gardens are considered sufficiently large to provide outdoor amenity space for the occupiers of the existing dwelling and the intended occupiers of the proposed dwelling. Accordingly it is considered that the proposal would comply with saved Policy D5 of the HUDP (2004)

- Summary:

In summary, it is considered that the proposed development would have an acceptable impact on the amenities of the occupiers of neighbouring properties. No adverse impacts, in terms of overlooking, loss of privacy or loss of outlook are envisaged to any other surrounding properties as a result of the proposal.

5) Ecology and Development within Floodplains

Saved policies EP26, EP27, and EP28 of the HUDP are concerned with species protection, habitat creation and enhancement and the conservation and enhancement of biodiversity. The rear boundary of the site abuts a designated Area of Nature Conservation Importance. Accordingly, the subject planning application was referred to the Council's Biodiversity Officer who has advised that given the location of the site adjacent to Bentley Priory Site of Specific Scientific Interest and within proximity of Boot Pond, the habitat in this area is ideal for bats to forage. The proposed building works would be sited a minimum of 45 metres from the rear boundary of the site and protective fencing is suggested in the submitted arboricultural report for the remaining trees during development. Subject to conditions, there are therefore no objections to the proposal from an ecology viewpoint.

The application site is located within flood zone 2/3 as defined by Planning Policy Statement 25 and mapped in the LB Harrow SFRA. The applicant has submitted a Flood Risk Assessment in relation to the proposed development. It is noted that a number of submissions received in response to consultation have commented on the potential for increased flooding, as a result of the subject proposal. The application has been referred to the Drainage Department of the Council and to the Environment Agency who have both agreed that the potential impacts of flood risk on the site and elsewhere could be mitigated by the imposition of suitable conditions. Having particular regard to these comments, it is considered subject to condition that the proposal would be compliant with saved policy EP11 of the HUDP (2004) and PPS25 (2010) and would therefore be acceptable.

6) Traffic and Parking

Saved policies T6 and T13 of the Harrow Unitary Development Plan state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems.

Schedule 5 of the HUDP (2004) requires a maximum of 1.8 (including visitor spaces) per unit, which would be rounded up to 2 spaces per unit. The parking arrangement for the existing dwelling, No. 22, would remain unchanged as a result of the proposed development; one parking space is provided in the existing garage and an additional parking space is provided on an area of hardstanding in front of this dwelling. A similar situation is proposed for the new dwelling; one parking space would be provided in the proposed integral garage and an additional parking space would be provided on an area of hardstanding in front of this garage. The proposed number of car parking spaces is therefore in accordance with Schedule 5 of the HUDP (2004).

Vehicular access to the proposed dwelling would be gained via an existing cross-over, which is one of two cross-overs currently serving the existing dwelling No. 22. Although the existing property will lose its dual access, this is not objectionable and as discussed above would assist in the integration of the development into the application site.

The subject planning application was referred to the Highways Engineer, who has advised that the layout and car parking provision for the new property is acceptable and that there are no objections to the proposed development on parking grounds.

7) Accessibility

Saved Policies D4 and C16 of the Harrow Unitary Development Plan and policy 3A.5 of the London Plan Consolidated with Alterations since 2004 (2008) seeks to ensure that all new housing is built to Lifetime Homes standard.

It appears that external door widths and turning circles in the proposed dwelling would be sufficient to accommodate wheelchair users. Level access to the main entrance door is proposed and the proposed parking space would be of sufficient width and depth to provide for disabled users. A downstairs WC/wetroom is proposed, which appears sufficiently large to enable a shower to be fitted in the future. The proposed staircase appears to have been designed to accommodate a future stair lift. It is therefore considered that the proposed dwellinghouse has been shown to meet the relevant requirements of Lifetime Homes standards. A condition has been suggested to ensure that the proposed dwellinghouse would be built to Lifetime Homes standards, in accordance with these policies.

7) S17 Crime & Disorder Act

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

8) Consultation Responses

Granting this planning permission could set a precedent for further development and the destruction of the Bentley Way community – Each planning application is assessed on its own merits.

It is unclear in the plans if there will be any rooms on the loft space although velux windows have been included – There are no rooms proposed in the loft space of the proposed dwelling

The concerns expressed with respect to the impact of this development on the character of the area, the loss of residential amenity, biodiversity, flooding, trees and parking are discussed at length above.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant, subject to the following condition(s):

CONDITIONS:

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 001, 002, 003, 004, 005, 006B, 007A, 008A, 009A, 010B, 101A, 102, 103, 104A, 105A, 106, 107B, 111, 112B, LMP/22BW/01 Rev B, TPP/22BW/01 Rev A, Site Plan, Flood Risk Assessment, Design and Access Statement, Arboricultural Implications Assessment and Arboricultural Method Statement (revised November 2010)

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

3 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the new dwelling have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

4 Unless the whole building is rendered, the materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

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

5 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars detailed in Arboricultural Implications Assessment and Arboricultural Method Statement (revised November 2010) and drawing No. TPP/22BW/01 Rev A, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

6 All planting, seeding or turfing detailed on the approved drawing no. LMP/22BW/01 Rev B shall be carried out in the first planting and seeding seasons following the occupation of the approved dwelling(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 Site works in connection with the development hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, in accordance with saved UDP policy D5.

8 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.

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

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

10 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.

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

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

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

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

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

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

15 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 29 September 2010 and the following mitigation measure detailed within the FRA:

Finished floor levels for both the extension and the new build are set no lower than 85.62 m above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with PPS 25 and saved policy EP11 of the Harrow Unitary Development Plan (2004)

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents, in accordance with saved UDP policies D4, D5 and T13.

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policy D5.

18 With the exception of the flank wall windows serving the kitchen/dining room of the proposed dwelling and the orangery of the existing dwelling, the window(s) in the flank wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policy D5.

19 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.

20 Before the new dwelling 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 CO₂ 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 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).

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policy D5

22 Prior to first occupation of the dwelling hereby approved, details of bat roosts to be provided within the site shall be submitted to, and approved in writing by the Local Planning Authority. The bat roosts shall be installed in accordance with the approved details, and shall be retained as such thereafter.

REASON: In the interests of site ecology, in accordance with saved UDP policies EP26, EP27, and EP28.

INFORMATIVES:

1 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

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 25 – Development and Flood Risk (2010)

Planning Policy Guidance 2: Green Belts (1995)

The London Plan (2008)

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

3A.2 - Borough Housing Targets

3A.3 – Maximising the Potential Use of Sites

3A.4 - Efficient Use of Stock

3A.5 - Housing choice

3A.6 – Quality of New Housing Provision

4A.1 – Tackling Climate Change

4A.3 – Sustainable Design and Construction

4A.4 – Energy Assessment
4A.7 – Renewable Energy
4B.1 - Design Principles for a Compact City
4B.5 – Creating an Inclusive Environment
4B.6 – Safety, Security and Fire Prevention and Protection
London Housing Design Guide: Interim Edition (2010)

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

S1 – The Form of Development and Pattern of Land Use
C16 – Access to Buildings and Public Spaces
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
D18 – Historic Parks and Gardens
EP11 - Development within Floodplains
EP12 – Control of Surface Water Run-Off
EP20 – Use of Previously-Developed Land
EP26 – Habitat Creation and Enhancement
EP27 – Species Protection
EP28 – Conserving and Enhancing Biodiversity
EP29 – Tree Masses and Spines
EP31 – Areas of Special Character
EP43 – Green Belt and Metropolitan Open Land Fringes
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Supplementary Planning Document – Residential Design Guide (2010)
Supplementary Planning Document – Access For All (2006)
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)
Supplementary Planning Document Sustainable Building Design (2009).

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

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

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

5 The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:198

6 All building materials shall be stored within the site.

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

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

Plan Nos: 001, 002, 003, 004, 005, 006B, 007A, 008A, 009A, 010B, 101A, 102, 103, 104A, 105A, 106, 107B, 111, 112B, LMP/22BW/01 Rev B, TPP/22BW/01 Rev A, Site Plan, Flood Risk Assessment, Design and Access Statement, Arboricultural Implications Assessment and Arboricultural Method Statement (revised November 2010)

Item: 2/06

ALEXANDRA SCHOOL, 283 ALEXANDRA P/3422/10
AVENUE, HARROW, HA2 9DX

WARD ROXBOURNE

NEW HARD SURFACED PLAY AREA TO WEST OF MAIN BUILDING TO FORM A
MULTI-USE GAMES AREA (MUGA)

Applicant: Mr Dennis Goldthorpe
Agent: Mr Richard Wootten
Case Officer: Andrew Ryley
Statutory Expiry Date: 16-FEB-11

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, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The proposed Multi-Use Games Area would lead to the increased provision for school sports facilities without the undue loss of existing sports fields.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)
PPG17 Planning for Open Space, Sport and Recreation (2002)

London Plan:

3D.8 Realising the Value of Open Space and Green Infrastructure
3D.13 Children and Young People's Play and Informal Recreation Strategies
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
R4 Intensive Use Pitches
C7 New Education Facilities
EP12 Control of Surface Water Run-Off
EP47 Open Space

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

- 1) Use and Character and Appearance of the Area (PPG17, C7, D9, EP12, EP47)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

INFORMATION

The application is reported to Committee because the Council is the land owner, and the footprint of the proposal exceeds 100 sq m. The determination of this application therefore falls outside of the remit of the scheme of delegation.

a) Summary

Statutory Return Type: 18 – Minor Developments

Council Interest: The Council is the freehold owner of the site

b) Site Description

- Site comprises of Alexandra School
- The site is occupied by a two/three-storey main building, comprising four main wings set around a courtyard.
- Other temporary buildings occupy the site, the west of the site is predominantly in use as the school playing field and the area to the south of the main building is a hardsurfaced car park/playground.
- The property to the east, No.283-292 Alexandra Avenue is a three storey terraced block of flats comprising of 9 self contained flats.
- Newton Park adjoins part of the northern boundary and the western boundary of the school.

c) Proposal Details

- Application proposes to hard surface an area of the existing school playing field to form a Multi-Use Games Area (MUGA).
- MUGA would cover an area of 240 sq m in the north east of the playing fields associated with the school.
- The MUGA would have a concrete surface and be enclosed by steel railings, the height of which would be 800mm at the side, and rising up to 2m at the ends of the pitch. Five-a-side football goals and basketball hoops would be installed.

d) Relevant History

WEST/521/ 96/LA3	ATTACHED SINGLE STOREY BUILDING TO PROVIDE 26 PLACE NURSERY AND RECEPTION AREA WITH ASSOCIATED PLAY AREAS (REVISED)	GRANTED 23-MAY-97
P/1282/09	RETENTION OF EXTERNAL ALTERATION TO NURSERY BUILDING INCORPORATING ENLARGEMENT OF WINDOW ON NORTH EAST ELEVATION	GRANTED 14-OCT-09

e) Consultations

Drainage: No objection subject to a planning condition.

Sport England: Objection, on the basis that the sub-size MUGA proposed can only be used for mini-tennis in view of Sport England design guidance note on MUGA design and therefore is not considered an adequate facility to justify the loss of playing field.

Notifications:

Sent: 105

Replies: 1 comment

Expiry: 26-JAN-11

Neighbours consulted:

Alexandra Avenue – 283 to 301 (odds), Flats 1-10, Clinic, Social Services
Kings Court, Alexandra Avenue – 259 to 265 (odds)
Malvern Avenue – 2 to 96 (evens)

Summary of responses:

No objection in principle but concern raised that there is only one exit.

APPRAISAL

1) Use and Character and Appearance of the Area

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.

Guidance on determining whether playing fields are surplus to requirements can be found at paragraph 15 of PPG17. This states that in the absence of a robust assessment of need, planning permission should not be allowed unless:

1. *the proposed development is ancillary to the use of the site a playing field and does not affect the quality or quality of pitches and their use. Examples include changing rooms and pavilions;*
2. *the proposed development only affects land which is incapable of forming a pitch (or part of one). This could include a small triangle area of a site in a corner, a wooded area or a severely sloping part of a playing field;*
3. *the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quantity and quality in a suitable location (see Para 13 of PPG 17); or*
4. *the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport as to outweigh the loss of the playing field. Such developments can include a synthetic turf pitch or a sports hall, where it can be proved there is local need for the facility.*

Paragraph 13 of PPG17 states that "development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements".

Saved Policy C7 of the Harrow Unitary Development Plan (2004) states that Council will seek to ensure that appropriate education facilities are provided. Saved policies R4 and R5 of the Harrow Unitary Development Plan (2004) recommend that the Council should seek further provision of outdoor sports facilities and intensive use pitches, with Policy R5 in particular highlighting that multi use areas can be particularly important. Saved Policy EP47 of the Harrow Unitary Development Plan (2004) states that the Council will protect and where appropriate enhance the boroughs open spaces regardless of ownership.

The application would entail the loss of a small area of the schools existing playing fields and replace this with a Multi-Use Games Area (MUGA). The applicant has stated that due to the state of the ground, the playing fields are often unusable through the winter months, and this can cover a significant portion of the school terms. The proposed MUGA would allow outdoor physical education and other sporting activities to take place through the year. Saved policy R5 of the Harrow Unitary Development Plan (2004) sets out that the Council will support applications for intensive use pitches such as the one proposed.

It is noted that Sport England have objected to the proposed development. Sport England have considered the application in the light of its playing fields policy; 'a Sporting Future for the Playing Fields of England'.

The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies."
Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country."

Sport England have set out that as the development proposed is located on playing fields and one of the five exceptions within the playing field protection policy must be applicable for the development to be deemed acceptable. In this regard they refer to the fifth exception of the policy, that if the facility proposed was for a sports facility of a scale to be sufficient to outweigh the loss of playing field. Sport England have set out that they do not consider that the proposed MUGA would be of a sufficient size to accommodate a range of sports activities, and therefore the benefits it would bring do not outweigh the loss of the existing playing fields.

A large area of approximately 6000 sq m would still remain as grassed playing area and the area for the proposed MUGA would be open in the fact there are no buildings proposed; the actual amount of playing field lost as a proportion of the original area is just 4%. The proposed MUGA would not impact upon the actual use of playing fields themselves but rather would add to the viability of them through an alternative use.

The comments of Sport England in relation to the size of the MUGA are noted. The applicant has set out that it would be used for a variety of informal sports, including football and basketball – with goals / hoops for these being proposed – and other activities. Given that Alexandra School is a Primary School, the size of the proposed MUAG must be considered in this context. Overall, it is considered that the proposed MUGA would provide a good quality alternative in lieu of the small area of playing fields that would be lost. The range of activities it would bring and the increased provision for outside play etc would outweigh the minor loss of the playing fields. As such, it is considered that the proposed MUGA would be consistent with the principles of PPG17 and saved Policies R5, C7 and EP47 of the Harrow Unitary Development Plan (2004).

Under the Town and Country Planning (Consultation) (England) Direction 2009, applications are sometimes required to be referred to the Secretary of State where a local planning authority is minded to approve an application where a statutory consultee (i.e. Sport England) object to a development.

Paragraph 7 of the Direction sets out that where Sport England have been consulted, the application will be referred to the Secretary of State if Sport England object on the following basis:

- (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
- (ii) that the proposed development would result in such a deficiency; or
- (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

In this case it is considered that the Direction would not apply as the relevant criteria have not been met.

2) S17 Crime & Disorder Act

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

3) Consultation Responses

Saved policy EP12 of the Harrow Unitary Development Plan (2004) states that development likely to result in adverse impacts, such as increased risk of flooding, river channel instability or damage to habitats, will be resisted. The site does fall adjacent to (but not within) flood zone 2 as set out within the Council's Strategic Flood Risk Assessment (SFRA). As such, the Council's Drainage department have advised that a planning condition is imposed in relation to this matter. This is recommended accordingly.

The comment received in relation to a single exit within the proposed MUGA is noted. However, it is considered that this is an operational matter for the applicant to consider in relation to the Health and Safety legislation.

CONCLUSION

The decision to grant permission has been taken on the basis that the proposed Multi-Use Games Area would lead to the increased provision for school sports facilities without the undue loss of existing sports fields.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

CONDITIONS

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

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

2 The development 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).

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

JM10, Design and Access Statement, Lightmain Mini Multi Use Games Area Specifications, 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 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)

PPG17 Planning for Open Space, Sport and Recreation (2002)

London Plan:

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

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

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

R4 Intensive Use Pitches

C7 New Education Facilities

EP12 Control of Surface Water Run-Off

EP47 Open Space

2 COMPLIANCE WITH PLANNING CONDITIONS:

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

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

Plan Nos: JM10, Design and Access Statement, Lightmain Mini Multi Use Games Area Specifications, Site Plan

374 PINNER ROAD, HARROW, HA2 6DZ

Item: 2/07

P/2618/10

Ward **HEADSTONE NORTH**

CHANGE OF USE OF GROUND FLOOR FROM A BUTCHERS TO A RESTAURANT/HOT FOOD TAKEAWAY (CLASS A1 TO A3/A5); USE OF FRONT FORECOURT FOR SITING OF FOUR TABLES AND EIGHT CHAIRS; NEW SHOPFRONT; SINGLE STOREY REAR INFILL EXTENSION; EXTRACT FLUE TO REAR; EXTERNAL ALTERATIONS

Applicant: Mr R Malkhan

Case Officer: Sarah MacAvoy

Statutory Expiry Date: | 27-DEC-10

RECOMMENDATION

GRANT permission subject to the conditions set out in this report.

REASON

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre. In the North Harrow District Centre vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by filling a vacant site in the Primary frontage of the North Harrow District Centre outweighs the harm caused by the loss of an A1 unit and as such complies with PPS4 (2009).

National Policy Guidance:

Planning Policy Statement 25: Development and Flood Risk (2010)

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

The London Plan:

4A.3 Sustainable Design and Construction

4B.1 Design principles for a compact city

Harrow Unitary Development Plan 2004:

SEM2 Hierarchy of Town Centres

D4 The Standard of Design and Layout

D5 Residential Amenity

D25 Shopfronts and Advertisements

EP11 Development in the Flood Plain

EP25 Noise

EM16 Change of Use of Shops – Primary Shopping Frontages

EM24 Town Centre Environment

EM25 Food, Drink and Late Night Uses

T6 The Transport Impact of Development Proposals

T13 Parking Standards
C16 Access to Buildings and Public Spaces

Supplementary Planning Document: 'Access for All' (2006)

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

- 1) Town Centre Environment and Change of Use (SEM2, EM16 and EM24)
- 2) Amenity & Change of Use (D5, EM25, EP25)
- 3) Character and Appearance of the Area (D4)
- 4) Parking and Highway Safety (T6, T13)
- 5) Accessibility (C16, SPD)
- 6) Development in the Floodplain (PPS25, EP11)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is reported to Committee the proposal is considered to be a Departure from the Harrow Unitary Development Plan (2004).

a) Summary

Statutory Return Type: 20 - Change of Use
Council Interest: None

b) Site Description

- The subject site is on the eastern side of Pinner Road.
- The site is located within the primary frontage of Pinner Road.
- The property is two storeys high with residential properties above the shops and commercial units below.
- The property is located in a row of 6 attached properties.
- The use of the property is Class A1. It is currently vacant but was previously used as a butchers shop.
- The adjoining ground floor shop at 372 is a liquor store (Use Class A1).
- The adjoining ground floor shop at number 376 is an office (Use Class A2).
- A service road abuts the rear boundary of the site.
- The site is located in the North Harrow District Centre.
- The site is located in a flood plain.

c) Proposal Details

Change of Use

- The current use of the property is A1 retail.
- The proposed use of the property is A3 (restaurant)/A5 (hot food takeaway).

Single Storey Rear Extension

- The single storey rear kitchen extension would have a depth of 4.47 metres and a width of 1.93 metres and a flat roof with a height of 2.5 metres (to the same height as the existing rear projection).
- An extract flue would be located above the existing rear projection. It would project 3.3m above the existing rear projection and would have a length of 0.35m and a width of 0.35m. It would project 0.71m above the eaves of the existing roof at first floor level over the first floor flats.

The extension would have no flank windows but would have one door on the rear elevation facing the service road.

Revisions to Current Application

- N/A

d) Relevant History

- N/A

e) Applicant's Statement

- The site was previously in use as a butchers shop (A1).
- The vacant site was on the market for up to 18 months until it was purchased by the applicant.
- The A3/A5 use would compliment the surrounding area in a sustainable location (town centre location).
- Tables and chairs proposed to the front with a single storey rear extension to the rear.
- An external flue is proposed to the rear of the building, positioned well away from habitable room windows of the above flat.

f) Consultations

Environmental Health:

1. The noise report attached to the application is not a noise report, but a set of details regarding the equipment to be used. Therefore the following is required as a condition:

A. The level of noise emitted from any plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Also , following installation but before the new plant comes into operation additional measurements of noise from the plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

B. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

C. The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

2. There are no details about the amount of tables and chairs, and it is likely that the toilet facilities will not be sufficient for need. Additionally, the toilet would need to be disabled accessible

3. There seems to be no details regarding refuse storage. There have been issues in this area as the rear service road is normally blocked preventing easy access to the bins for collection.

4. Considering the location of the premise, no details of parking for customers is addressed. This is a busy area, and could lead to issues of parking problems and noise

Highways Engineer:

There is some concern around the A5 provision which could potentially cause short term vehicle stop offs in this vicinity however I believe that this concern would not be sustainable on appeal hence no objection.

Economic Development:

The Economic Development Unit (EDU) supports the proposed change of use. This is because there are signs that the District centre is struggling to maintain its vitality and viability. In summary, these are:

- North Harrow has highest overall levels of vacancy of all the District Centres
- There are higher levels of vacancy in the primary shopping frontage than in the secondary frontage - see below

	Total no of Units	No of Vacant Units	Percent	Length of Frontage	Percent
Primary	41	11	26%	120.30	40.48%
Secondary	56	7	12.5%	42.25	11.14%

- Closure of Lloyds TSB could have further effect on District centre as it is the last bank in the District Centre.
- The focus of the town centre has arguably shifted with the opening of Tesco Express in Secondary Frontage at 503-505 Pinner Road and soon to open V & B Cash and Carry at former Allied Carpets unit at 539-545 Pinner Rd also in secondary Frontage.

The Economic Development Team is aware that proposal appears to be contrary to the UDP's policy on primary frontages. However, it considers that the high levels of vacancy and the shift in focus of the retail offer constitute other material considerations that should be looked at when considering the proposals.

Headstone Association: No comment received

Drainage Engineer: Submitted FRA acceptable to discharge the drainage condition.

Advertisement – Departure from the Harrow Unitary Development Plan (2004):

Site Notice

Expiry: 13-JAN-11

Notifications

Sent
26

Replies
10

Expiry
02-DEC-10

Addresses consulted:

17, 18, 18A, 19, 19B, 20, 20A, 21, 21A, 21B, 22, 22A, 22B, 22C Broadwalk
90-100 Pinner Road, Ground Floor 97, Upper Flat 97, 370A, 372A, 374A, 376A
first floor flat 368A, 354-356, rear of 368, 368-370, 370, 372, 374, 376-378, 378,
378A Pinner Road
Repair garage – 27 Station Road
Morris House, Canterbury Road
Unit 2, Morris House, Canterbury Road
Unit 3, Morris House, Canterbury Road
First floor North West Wing and part first floor offices Devonshire House
1-17 Patience Court, Canterbury Road
1-10 Yeoman Court, Pinner Road
Nower Hill High School Pinner Road
1-49 Savoy Court

Summary of Response:

- Neighbours will be disturbed by the noise, people and machinery.
- Fast food restaurants tend to be open for many hours a day hence noise pollution increases, which is made worse by the echo effect from Savoy Court's development design.
- Air pollution from smells from the restaurant flue will enter neighbouring flats.
- Disturbance to neighbours working lives.
- There are plenty of eating places in the area.
- It would back directly onto the car park which serves neighbouring flats and onto which all the blocks of flats open out onto.
- Existing rat problem. The proposal would make this worse.
- Health and Safety issues.
- The proposal would be located in a residential area and would not be a friendly safe environment for residents especially those with children.

APPRAISAL

1) Town Centre Environment and principle of the change of use

The lawful use of the site is use class A1, having been previously used as butcher.

The proposal would comply with the following parts of HUDP Policy EM16:
The change of use into A3/A5 use would provide a use that is directly related to a shopping trip and supports the retail function of the centre. This is because many people stop to eat out during the course of their shopping trips.

It would not lead to a harmful concentration of non retail uses as the only site in the same parade as the subject site to be in non retail A1 use is number 376-378, which is in A2 use.

The proposal as discussed below, would not cause undue harm to highway safety.

However, one of the requirements of HUDP saved policy EM16 is that the length of primary frontage in non retail use at street level in the District Centre would not exceed 25% of the total. The total primary frontage in non-retail use in the North Harrow District Centre is currently 27.26%. Therefore, the primary frontage in this District Centre already exceeds the non-retail primary frontage figure recommended by saved policy EM16. The proposal would further increase this figure to 29.32% non-retail primary frontage.

The proposal is contrary to the UDP's policy on primary frontages in regards to the length of primary frontage in non A1 retail use having already been exceeded. However, policy EC11 of PPS4 (2009) requires planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

In this District Centre, vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by filling a vacant site in the Primary frontage of the North Harrow District Centre outweighs the harm caused by the loss of an A1 unit and as such complies with PPS4 (2009). This is also a view that is supported by the Council's Economic Development Team as summarised in section f above under consultation responses.

In these circumstances it is considered that the proposal can be supported as it would enhance the vitality and viability of this District Centre location.

Health Impacts

Following a High Court ruling where planning approval for a fast food takeaway near a school with a healthy eating policy in the London Borough of Tower Hamlets was quashed by the High as they acted unlawfully due to the fact that they failed to take account of health and well-being of the school children.

Nower Hill High School is located approximately 500m from the site. This is considered to be a sufficient separation distance of the proposed fast food and restaurant premises. In addition, it is considered that there is not a harmful concentration of fast food outlets in the area.

2) Amenity

Consideration must be given to the impact the proposal might have on the living conditions of the occupiers of flats above ground floor level in this parade and adjacent to the site.

HUDP Policy EP25 commits the Council to minimise noise and disturbance, through, amongst other things, controlling times of operation. As the site is located within the North Harrow District Centre, a relatively high level of activity is expected when compared to the level of activity anticipated in a purely residential area. Policy EM25 seeks to ensure that proposals for food and drink and late night uses do not have a harmful impact on residential amenity and in assessing applications regard will be had to the location of the premises and the proximity of residential property. Further to this, EM25 states that disturbance is likely to be greater if there is a concentration of such uses and the Council will have regard to this possibility. The attached sites to the subject site constitute an A1 use and an A2 use. As such there is not considered to be a harmful concentration of food, drink and late night uses in the immediate area.

It is suggested that the opening hours of the restaurant/hot food takeaway be conditioned in this application. Therefore it is considered that the proposal would not cause unreasonable disturbance to the occupiers of the residential flats above, as people would be dispersing at reasonable (social) hours. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. As such the proposed opening hours of 10:00 to 23.00 hours on Monday to Saturdays and 11:00 to 22.00 hours on Sundays and Bank Holidays, would be adequate to mitigate the impact of disturbance to a reasonable degree.

Furthermore, it is considered necessary to restrict the use of the forecourt of the premises to ensure that the tables and chairs be removed from outside the site by 7pm each day as a measure to protect neighbouring amenities.

The Council's Environmental Health officer has not objected to the proposal and has recommended a condition which has been recommended requiring an acoustic report to be submitted to and approved by the Council prior to installation, in the interests of the amenities of neighbouring occupiers.

Details of refuse storage for the development has been provided. The bins would be located within the rear service yard, similar to the other commercial units in this parade. This is considered to be acceptable and in accordance with saved policy D4 of the UDP.

The proposed extract flue would be located above the existing rear projection. It would project 0.71m above the eaves at first floor level of the existing building. Therefore, any fumes would be extracted away from the first floor residential flats.

Therefore, it is considered that the extractor fan would not have any undue impact on neighbouring amenity.

3) Character and Appearance of the Area

In relation to the proposed single storey rear extension, it is considered that it would not unreasonably impact on the character of the area as it would back onto a service road. The proposed single storey rear extension would not be unduly bulky nor would it cause shading to the first floor residential properties.

The proposed extractor fan would be located to the rear of the site, above the existing rear projection, which is located adjacent to the service road. Due to the District Centre location and the existence of other restaurant/takeaway premises across the road from the subject site, there are other extraction systems in the vicinity of the proposal and therefore the proposal would not unduly impact on the character and appearance of the building or the area.

The new shopfront would be of an appearance that is similar to the existing and is therefore considered to be acceptable in relation to the character of the area.

The use of the forecourt for the siting of four tables and eight chairs in connection with the use of the site as a restaurant/takeaway is considered to be acceptable. It would add vitality to this front forecourt area and is a feature that is common in town centres throughout the Borough where circumstances allow.

4) Parking and Highway Safety

The proposal would be contained within the site and therefore would not obstruct the service road at the rear of the site.

The pavement area directly adjacent to the front of the unit is wide and even discounting the seating area there would be approximately 5.8m width of unobstructed pavement adjacent to the seating area which would ensure that it would not obstruct pedestrians.

It is considered that the proposal would not cause any traffic or parking problems and the Council's Traffic and Parking Engineer has not objected to the proposal.

5) Accessibility

Policy C16 of the Harrow UDP states that the Council will seek to ensure that buildings are accessible to all. A new shop front with level entry access would be provided.

Therefore, it is considered that the proposed change of use would provide an acceptable layout, in accordance with saved policies D4 and C16 of the HUDP (2004) and the Council's SPD – Access for All (2006).

6) Development in the flood plain

The proposal is located in flood zone 2/3 within the flood plain and lies within an area of land liable to flooding as shown on maps held by the Environment Agency. The Council's Drainage Engineer has not objected to the proposal. Therefore it is considered that the proposed development would not have an undue impact on flooding in accordance with PPS25 and saved policy EP11 of the UDP.

7) S17 Crime & Disorder Act

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

8) Consultation Responses

- Disturbance and impact on neighbouring amenity has been addressed in the report above.
- Conditions have been placed on the flue in regards to the noise it may emit.
- The hours for the restaurant/takeaway have been conditioned in this application.
- The change of use application from an A1 butchers to an A3/A5 restaurant/hot food takeaway has been assessed in the report above.
- A condition requiring refuse storage details has been placed on this permission. The encouraging of rats to a location is not a material planning concern.
- Health and Safety issues are not a material planning concern.
- The proposal site is located on primary frontage in the North Harrow District Centre. As such it is considered to be located in a mixed use area, rather than a residential area.

CONCLUSION

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 site is located in the North Harrow District Centre. In the North Harrow District Centre vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by filling a vacant site in the Primary frontage of the North Harrow District Centre outweighs the harm caused by the loss of an A1 unit and as such complies with PPS4 (2009).

CONDITIONS

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

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

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

REASON: To safeguard the appearance of the locality in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

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

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

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

a: 08.00 hours to 23.00 hours, Monday to Friday inclusive,

b: 09.00 hours to 23.00 hours to 23.00 hours on Saturday

c: 10.00 hours to 22.30 hours on Sundays and Bank Holidays

without the prior written permission of the local planning authority.

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

5 Without the prior written consent of the Local Planning Authority, the outdoor seating area on the front forecourt shall not be open to customers outside the following times: 10.00 to 19.00 hours Monday to Saturday inclusive and 10.00 hours to 19.00 hours on Sundays and Bank Holidays, and all outdoor equipment used in connection with the outdoor seating area on the front forecourt hereby permitted shall be stored inside the building by 19.00 hours everyday (Monday – Sunday inclusive).

REASON: To safeguard the amenity of the neighbouring residents, in accordance with saved policies D4, EP25 and EM25 of the Harrow Unitary Development Plan.

6 The refuse bins shall be stored at all times (other than on collection days) in the area shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate standards of hygiene and refuse/waste collection and storage without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

6 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents.

7 The level of noise emitted from the plant hereby approved shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Following installation but before the new plant comes into operation additional measurements of noise from the plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

8 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: to ensure the use does not cause harm to neighbouring residential occupiers with regard to amplified sound in accordance with saved policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall be carried out in accordance with the following approved plans: GTD005-01; GTD005-02; GTD005-03 (received 24.1.11); GTD005-4 (received 24.1.11); GTD005-05; Site Plan; Design and Access Statement ; Flood Risk Assessment; Canopy UK.com Noise Report, dated 28 October 2010.

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

INFORMATIVES

1 INFORMATIVE:

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.

National Policy Guidance:

Planning Policy Statement 25: Development and Flood Risk

Planning Policy Statement 4: Planning for Sustainable Economic Growth

The London Plan:

4A.3 Sustainable Design and Construction

4B.1 Design principles for a compact city

Harrow Unitary Development Plan 2004:

SEM2 Hierarchy of Town Centres

D4 The Standard of Design and Layout

D5 Residential Amenity

EP11 Development in the Flood Plain

EP25 Noise

EM16 Change of Use of Shops – Primary Shopping Frontages

EM24 Town Centre Environment

EM25 Food, Drink and Late Night Uses

T6 The Transport Impact of Development Proposals

T13 Parking Standards
C16 Access to Buildings and Public Spaces
Supplementary Planning Document: 'Access for All' (2006)

2 INFORMATIVE:

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

3 INFORMATIVE:

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

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

and that work falls within the scope of the Act.

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos: GTD005-01; GTD005-02; GTD005-03 (received 24.1.11); GTD005-4 (received 24.1.11); GTD005-05; Site Plan; Design and Access Statement ; Flood Risk Assessment; Canopy UK.com Noise Report, dated 28 October 2010.

Item: 2/08

THE ELMS TENNIS CLUB, PYNNACLES P/2207/10
CLOSE, STANMORE, HA7 4AF

Ward STANMORE PARK

PROVISION OF 6 X 8 METRE HIGH FLOODLIGHTING COLUMNS (REVISED APPLICATION)

Applicant: The Elms Tennis Club

Case Officer: Nicholas Ray

Statutory Expiry Date: | 17-DEC-10

RECOMMENDATION

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

REASON

The proposed floodlights would support the recreational use of these tennis courts and would therefore encourage outdoor sport and recreation activities, 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 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
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPS17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout
D10 – Trees and New Development
D11 – Statutorily Listed Buildings
D14 – Conservation Areas
D23 – Lighting, Including Floodlighting
EP25 – Noise
EP27 – Species Protection
R4 – Outdoor Sports Facilities
Stanmore Hill Conservation Area Policy Statement (2003)

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

- 1) Principle of Development and Outdoor Sports Facilities (PPS1, PPS17, R4)
- 2) Character and Appearance of the Area, Adjacent Listed Building and Stanmore Hill Conservation Area (PPS5, D4, D11, D14, D23)
- 3) Residential Amenity (PPG24, D23, EP25)
- 4) Trees and Biodiversity (PPS9, D10, EP27)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

This application is reported to Committee because a petition has been submitted in objection.

a) Summary

Statutory Return Type: 18. Minor Development
Council Interest: None.

b) Site Description

- Elms Tennis Club is located to the west of Pynacles Close and is enclosed by a residential property, Coolmain to the north, Ray Court to the east and a car parking area to the south which serves those commercial properties which front onto Church Road.
- The 3 primary tennis courts are located on the eastern part of the site, separated from a smaller group of courts on the western side of the site by mesh fencing and a footpath.
- The 3 main tennis courts have an area of approximately 46 x 35 metres.
- A clubhouse building has been erected in the north-eastern corner of the site.
- The southern boundary of the site is enclosed by mesh fencing and some early mature trees and hedging.
- The eastern boundary of the site is also enclosed by mesh fencing and features some deciduous trees varying between 6 and 14 metres in height (approx.).
- The northern boundary of the site is a brick wall shared with the adjoining residential dwelling to the north, Cooldine.
- The area between the tennis courts and the northern boundary of the site serves as a car parking area.
- The Stanmore Hill Conservation Area is located beyond Ray Court to the east, and beyond Pynacles Close to the west

c) Proposal Details

- It is proposed to erect 6 floodlight columns, each of which would be 8 metres in height.
- The 3 columns on each side would be sited at 15 metre intervals, starting at the western end of the main 3 courts.
- The floodlights would therefore serve the 2 central tennis courts.
- The floodlights would be Thorn champion floodlights utilising 600w SON-T Plus lamps.
- 16 Floodlights are proposed in twin or multiple configurations, with an average of 344 lux.

Item 2/08 : P/2207/10 continued/...

- Proposed use of floodlighting from 1700 - 2100 hours on Mondays to Fridays, from mid October to April.

Revision to Previous Application:

- The proposed floodlighting columns have been reduced from 8 to 6, with the two columns nearest to Ray Court having been removed from the proposal.

d) Relevant History

LBH/2034/1	Erection of pavilion and changing rooms	GRANTED 30-OCT-69
P/2178/09	Provision of eight x 8 metre floodlighting columns	REFUSED 12-MAR-10

Reasons for Refusal:

1. The proposed floodlighting would result in excessive levels of light spillage into the internal and external areas of the neighbouring properties, No.'s 5, 6, 7 and 8 Ray Court, to the detriment of the living conditions of these properties, contrary to saved policy D23 of the Harrow Unitary Development Plan (2004).
2. The proposed floodlighting, by reason of the increased activity in the evening hours, would enable increased disturbance from the use of the tennis courts in the autumn, winter and spring months, to the detriment of the amenities of No.'s 5, 6, 7 and 8 Ray Court and Coolmain, Pynnales Close, contrary to saved policies EP25 and D23 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- N/A.

f) Applicant Statement

- The revised proposal is for floodlights to be installed for the two middle courts of the club's four courts.
- The floodlights would only be used between mid-October and April and would not be used after 21.00 hours.
- The floodlighting would only be used for coaching/practice, with a maximum of 8 children using the two courts at any one time.
- It is essential that children have year round coaching continuity and The Elms Tennis Club is recognised as one of the leading junior tennis coaching facilities in Middlesex.
- The floodlights will be positioned to keep light spillage to an absolute minimum.
- The removal of the 2 columns nearest to Ray Court should overcome the previous reason for refusal.

g) Consultations:

Conservation Area Advisory Committee: The higher such lights are, the more restricted the light is/ the less spillage there is. Light spillage would be the only possible issue here. It would be acceptable, providing the lighting is acceptable to the neighbours.

Conservation Officer: There was concern that the lighting could overspill so that it would detract from the character of the surrounding Listed Buildings and the nearby Conservation Area. However, the information provided is that the lights would not be strong enough to spill out so far. Therefore, the proposal would preserve the setting of the adjacent conservation area and listed buildings and so comply with saved Harrow UDP policies D11 and D14.

Tree Officer: No objection.

Biodiversity Officer: Acceptable, subject to condition requiring the lighting to be 'bat friendly'. Any upward lighting should be minimal to avoid light pollution. Light can be restricted to selected areas by fitting hoods which direct the light below the horizontal plane, at preferably an angle less than 70 degrees. Limiting the height of lighting columns and directing light at a low level reduces the ecological impact of the light.

Lighting Engineer: The designed lighting levels are similar to the previous application, but confined to the two centre courts, instead of the three original courts. The maximum recommended vertical illuminance into house windows is 5 Eav Lux within Environmental Zone E2. Isolux contours would appear to indicate levels of 2-5 Lux to the closest properties in Pynacles Close and Ray Court, with 10 Lux to the rear of the properties in Church Road, which are commercial. The impact could be mitigated by the use of louvres or tree screening and also be restricting hours of use.

Sport England: Supports the development.

Site Notice: 22-NOV-10 Expiry: 13-DEC-10

Advertisement: 04-NOV-10 Expiry: 25-NOV-10

Notifications:

Sent: 447 Replies: 3 (including Expiry: 22-NOV-10
petition of 8 signatures
in objection)

Addresses Consulted:

- **Elm Park:** 4, 4A, 4B, 6, 8, 10, 12, 14, 16, 18
- 2-5 (conc) Halsbury Close;
- 1-12 Halsbury Court, Halsbury Close;
- **Green Lane:** Evergreen Lodge, Green Tiles, Helmsdale, High Trees, Little Gables, Mauray, Olde Cottage, The Glade, The Orchard, Tremar, Waitemata, Whitegates, Wildings, Wildwood, Willow Lodge, Applegarth, Bramblewood, Brookside, Lukes Place 1, The Studio, Ballyculter, Cherchfelle Mews (all addresses), Rylands, Red Tiles, Boveda;
- 1-12 (conc) Hewett Close;
- 1-11 (conc) Grey Fell Close;
- **Pynacles Close:** Armon, Avondale Lodge, Coolmain, Dron House, Green Lawns, Green Trees, Hawthorns, The Gables, The Spinney, Compass House, Russetings, Stanmore Free Church, Oaktrees, Albert House (all flats), Windsor House (all flats);
- **Old Church Lane:** Old Chuch House, Stanmere House, Church House Cottage, The Tithe Barn, The Church House;

- 1-8 (conc) & Parkgate, Stangate Gardens;
- **Stanmore Hill:** 1, 1A, 3, 5, 7, 7A, 7B, 7D, 7-9, Stanmore Library 8, 11, 12, 15, 16, Elm House 17, 19, 21, Nunlands 23, 26, Park View House 27-29, 31, 31A, 33, 33B, 35, 37, Gooden Gate 42 (all flats), 44, 44A, 51, The Woodlands;
- **Uxbridge Road:** 1, Longdrive, Stanmore Recreation Ground, St Johns Church;
- **The Broadway:** 1, 1A, 3A, 4, 5A, 7A, 9, 13, 14, 14A, 14B, 16, 16A, 16B, 18B, 18C, 18D, 18E, 20, 20A, 22, 22A, 24, 24A, 25, 26, 26A, 28, 30, 30B, 32, Bernays Institute Hall, Buckingham House East (all units), Buckingham House West (all units);
- 1 Woodside Close;
- **Church Road:** 2, 3, Post Office 4, 5, 6, 7, 8, 8-14, Doctors Surgery 9, 9A, 9B, Dental Surgery 9C, 14, 15, 16, 17, 18, Stanmore House 19 (all addresses), 20, 20A, 20B, 22A, 22B, 21, 22, 23A, 24-26, 24-28, 25-29, 28, 28-36, 30-32, Compton House 31-33, 34, The Vintry PH 35, 36, 37, 37-41, 40, 41, 41A, 42, 44, 46, 46A, 48-50, 48A, 50A, 52, 52A, 54, 54A, 56-58, 56A, 57-58, 58A, Crazy Horse PH, Stanmore Towers (all flats), Stewart House (all flats), Fountain House (all addresses);
- Temple Lodge, Rectory Lane;
- 1-8 (all flats) Ray Court, Ray Gardens;
- 1-14 (conc) The Woodlands, Stanmore Hill;
- Buckingham Parade, Stanmore Hill.

Summary of Response:

- Proposed lighting would interfere with the residential, private and exclusive nature of the road;
- Concerns about additional traffic at late hours;
- Would result in anti-social behaviour in the area;
- Spread of light would impact on neighbours and add to existing light levels;
- Increase in use of courts would increase noise and disturbance;
- Would affect human rights.

APPRAISAL

1) Principle of Development and Outdoor Sports Facilities

The site is an established tennis club, with an ancillary clubhouse. The principle of development that would enhance these sporting facilities is therefore supported in principle, subject to full consideration of the likely impact on the character and appearance of the area, residential amenity and other material planning considerations as addressed in the appraisal sections below.

2) Character and Appearance of the Area, Adjacent Listed Building and Stanmore Hill Conservation Area

The site is located in a transition zone between the commercial properties in Stanmore District Centre to the south and the residential properties to the east, north and west, beginning with Pynacles Close and Ray Court. Stanmore Hill Conservation Area is located to the north and west of the site, but does not directly abut the site boundaries. There are also Grade II listed buildings close to the site, Regent House, which fronts Church Road to the south and 17-23 (odd) Stanmore Hill.

The site itself comprises 4 hardsurfaced tennis courts, with associated fencing and a single storey clubhouse.

In terms of the physical appearance of the lighting columns, it is considered that the area surrounding the tennis courts, just outside of Stanmore District Centre, has an urban character, with the parking areas serving commercial properties to the south of the site. Some smaller lampposts are evident within the car parking areas and along Pynacles Close to the west of the site and it is considered that the proposed columns would not have an intrusive effect on the area. The columns would not be overly visible in views from Stanmore Hill Conservation Area and would therefore preserve the character and appearance of this area. Given the separation distance from the Grade II listed buildings and the urban nature of their surroundings, the proposed columns would not adversely affect the special interest of this building.

The floodlights would also preserve the character and appearance of Stanmore Hill Conservation Area and the setting of the adjacent listed buildings. Stanmore Hill and Green Lane converge at a higher level to the north providing views over Stanmore District Centre and southwards towards Central London. Given the high level of vegetation in this area and along Stanmore Hill and Green Lane and the location of the tennis courts just outside of the District Centre, it is considered that any additional glow or light spill into the night sky as a result of the floodlighting would not be readily perceived or adversely affect views from within the Stanmore Hill Conservation Area or the wider area. Within the immediate area around the Tennis Courts, it is considered, given the urban character of the area, that the additional light spill and glare created, although brighter than existing, would be perceived in conjunction with the ambient street and building lighting in the area and would not have an adverse effect on the character or appearance of the area.

3) Residential Amenity

Saved policy R4 of the UDP supports the further provision of outdoor facilities that are in limited supply. Whilst not creating a new sports facility, the proposed development would enhance the use of an existing sports facility. Whilst the provision of additional sporting facilities is to be encouraged, saved policy R4 also states that this should not be at the expense of the amenity of local residents and saved policy D23 of the UDP requires floodlighting to be as unobtrusive as possible and have regard to the effect on the amenity of surrounding area.

It should be noted that the previous application (ref P/2178/09) was refused on the grounds that the proposed floodlighting would result in excessive levels of light spillage to Nos.5, 6, 7 and 8 Ray Court, to the detriment of the living conditions of the occupiers of these properties. However, this proposal differs by reason of the removal of the two floodlighting columns closest to Ray Court, with the remaining six occupying the same positions. This would result in only the centre two courts being illuminated, rather than three as previously proposed.

The proposed floodlighting, which would be similar in design to the previous proposal, would result in an average of 350-400 lux within a site located in Environmental Zone E2 which is an area experiencing low district brightness as defined in the 'Guidance Notes for the Reduction of Light Pollution' produced by the Institute of Lighting Engineers.

For the purposes of assessing the application in relation to the additional lighting within the area, the Council's Street Lighting Engineer has commented on the application. Within Environmental Zone E2, the maximum recommended vertical luminance into house windows is 5 Eav Lux. Isolux contours in the lighting information submitted with the application indicate levels of 2-5 Lux to the closest properties in Pynacles Close and Ray Court. This would therefore be within acceptable levels in this Environmental Zone. The high brick boundary to the nearest property to the north, Coolmain, would also mitigate light spill and glare to that property. Lux levels of 10 would be experienced at the rear of the properties on Church Road, but as these properties are commercial in nature, there would be no adverse impact on living conditions.

It is therefore considered that the proposed floodlighting would have an acceptable impact on the living conditions of neighbouring occupiers. The impact could also be mitigated by the use of louvres to direct the majority of the light downwards and it is considered necessary to impose a condition to require details of these installations, prior to commencement of development. A condition is also considered necessary to restrict hours of use. The applicants propose to use the floodlights between 17.00-21.00 hours from mid October to April and these hours are considered to be acceptable in this location.

The previous application was also refused on the grounds that the increased activity on the courts would be detrimental to the amenities of neighbouring residential occupiers, by reason of increased disturbance in the evening hours. This additional disturbance was considered to principally affect the adjoining residential properties at Coolmain and Ray Court and would generally occur during the autumn, winter and spring months, when the floodlighting would be most likely to be used. As discussed above however, this revised proposal removes the floodlights to the court nearest to Ray Court. This court would therefore not be properly illuminated and would not be likely to be used beyond sunset. The floodlights would illuminate the centre two courts, which are some 20 metres from Ray Court and 14 metres from Coolmain. On balance, and considering the local planning authority's ability to impose conditions on hours of use, it is considered that the revised arrangement, in conjunction with an hours of use restriction of between 17.00-21.00 hours from October to April only, would not result in excessive levels of disturbance in this location. It is considered that ceasing play at 21.00 hours would be acceptable, as this would be outside of the times that most residents would be asleep. It is therefore considered that this revised proposal overcomes the previous objection relating to disturbance.

4) Trees and Biodiversity

The Council's Tree officer considers that the proposed lighting columns would not have a harmful effect on the health of the protected trees on the site. The Council's Biodiversity Officer has also commented on the application and given the urban type environment, any potential bat activity in the area could be mitigated by a condition requiring the proposed lighting to be 'bat friendly'. A condition has been imposed, requiring these details to be submitted and approved prior to installation.

5) S17 Crime & Disorder Act

Concerns have been raised that the proposed floodlights would result in anti-social behaviour in the area. It is however considered that these concerns are unfounded. The floodlights are proposed to provide for extension of play time in the evenings, within an established tennis club. It is therefore considered that the proposal would not result in an increase in anti-social behaviour.

6) Consultation Responses

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

- Would affect human rights: This is not a material consideration, as human rights legislation is not directly related to planning. Consideration of the impact on the living conditions of neighbouring residents has been undertaken in the appraisal section above.

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 floodlights would enhance the recreational use of these tennis courts and would therefore encourage outdoor sport and recreation activities, 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: SC/8.5-520/41/RL (Elevations), SC/8.5-520/41/RL (Foundation Details), Page 1 - SC8-600/401/RL, Page 2 – Good Lighting Award, Page 3 – Training/Practice Lighting to Courts 2 & 3 only, Page 4 – Horizontal Illuminance Values, Page 5 - Illuminance Normal to TV Camera, Page 6 – Floodlight Location and Aiming Details, Page 7 – Light Spillage Contour Plan, Page 8 – Vertical Illuminance Normal to Court Centre, Page 9 - Illuminance Normal to TV Camera, Site Plan and Design and Access Statement.

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

3 The floodlights hereby permitted shall not be used outside the following hours: 17.00-21.00 hours, Monday to Friday, from October to April only.

REASON: In the interests of the amenity of neighbouring residential occupiers, in line with the requirements of saved UDP policies D23, EP25 and national planning policy in the form of PPG24.

4 The floodlighting hereby permitted shall not be brought into use until a scheme has been submitted to, and approved in writing by the local planning authority, which provides details of the proposed measures for the reduction of light pollution in accordance with the Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution E2 Zone 'low district brightness'. The development shall be carried out in accordance with the approved details of this scheme and thereafter retained.

REASON: To ensure that bats and biodiversity in the locality are not adversely affected by the floodlighting and to ensure that measures for the reduction of light pollution are provided in the interests of the amenities of neighbouring residential occupiers, in line with saved UDP policies D23 and EP27.

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

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, PPS5, PPS9, PPS17 and PPG24

Harrow Unitary Development Plan (2004):

D4, D10, D11, D14, D23, EP25, EP27 and R4

Stanmore Hill Conservation Area Policy Statement (2003)

Plan Nos: SC/8.5-520/41/RL (Elevations); SC/8.5-520/41/RL (Foundation Details);
Page 1 - SC8-600/401/RL; Page 2 – Good Lighting Award; Page 3 –
Training/Practice Lighting to Courts 2 & 3 only; Page 4 – Horizontal
Illuminance Values; Page 5 - Illuminance Normal to TV Camera; Page 6 –
Floodlight Location and Aiming Details; Page 7 – Light Spillage Contour
Plan; Page 8 – Vertical Illuminance Normal to Court Centre; Page 9 -
Illuminance Normal to TV Camera; Site Plan; Design and Access Statement

**GRIMSDYKE HOTEL, OLD REDDING, HARROW P/2530/10
WEALD, HA3 6SH**

Ward: HARROW WEALD

LISTED BUILDING CONSENT: CAREFULLY TAKE DOWN AND REBUILD ONE GATE
PIER AND ADJOINING WALL AND REPAIR OF THE OTHER GATE PIER

Applicant: Mr John Parker
Case Officer: Lucy Haile
Statutory Expiry Date: | 20-JAN-11

RECOMMENDATION

GRANT listed building consent for the development described in the application and submitted plans, subject to conditions

REASON: The decision to grant listed building consent has been taken having regard to the saved policy D11 of the Harrow Unitary Development Plan 2004 and Planning Policy Statement 5 (PPS5), as the proposed works would preserve the character and setting of the curtilage Grade II* Listed Building.

National Planning Policy:

PPS5 – Planning for the Historic Environment (2010)

London Borough of Harrow Unitary Development Plan (2004)

D11 – Statutorily Listed Buildings

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

- 1) Character and Appearance of the Listed Building (PPS5, D11)
- 2) Consultation Responses

INFORMATION

The application is reported to Committee as it relates to a curtilage Listed grade II* building and therefore it is outside the Council's scheme of delegation.

a) Summary

Statutory Return Type: 24 – Listed Building
Conservation Area: Yes Brookshill Drive and Grimsdyke Estate
Council Interest: The building is owned by the Council.

b) Site Description

- The site comprises the formal entranceway to Grimsdyke on Old Redding.
- It consists of recessed, central wrought iron entrance gates connected on each side to a brickwork and stonework pier connected to a dwarf curved brickwork and stonework wall, topped with decorative cast iron railings.
- Each pier is topped by a decorative metal light.

- The layout of the entranceway is in a semi-circular arrangement.
- Grimsdyke is a grade II* listed building dating to 1872 and built by Norman Shaw as a mansion house, but it is now used as a hotel.
- The building became grade II* listed on 05/09/1969 and the list description reads: '1872, by Richard Norman Shaw. Large, irregular house of 2 and 3-storeys in modified Tudor style. Red brick and stone with timber-framed gables. Tiled roof. Prominent chimneys. Wing added at east end. Residence of W S Gilbert. Internal features includes highly elaborate alabaster chimney piece by Ernest George'.
- The formal entranceway appears to be contemporary with South Lodge, although the railings topping the dwarf walls may be later.
- Since the formal entranceway is within the curtilage of the grade II* Listed Grimsdyke, has formed part of the land since before July 1948, and as it is historically and socially linked to Grimsdyke in an ancillary manner, it is a curtilage Listed grade II* structure.
- The structure is not Listed in its own right.
- The formal entrance way is located just south of South Lodge which also dates to 1870-1872 and is also by Norman Shaw.
- South Lodge became grade II listed on 25/05/1983 and the list description reads: '1870-72, by R Norman Shaw. Two-storeys. Red brick with tile hung gables and stone dressings. Tile roof, crested ridge. Prominent chimney stack. Single 4-light mullioned window. Door in pointed arch under sweep of main roof.'
- All buildings are located within the Brookshill Drive and Grimsdyke Estate Conservation Area.
- Fixed to the eastern gate pier on all sides are advertisement boards for Grimsdyke.
- There are two timber advertisement boards in front of the eastern curved wall to the entranceway on the Old Redding side of the entranceway, one timber advertisement board in front of the western curved wall, and there is a banner sign fixed to the railings above the dwarf wall on the west side.

Current condition

- The gate piers to the entranceway are currently in a poor condition as they have been knocked by vehicles trying to enter the driveway behind.
- The piers are knocked because the distance between them is too narrow for buses and service vehicles going to and from Grimsdyke to pass through them.
- The distance between the two gate piers is 4.4m.
- Also, it is because the entrance is recessed so it is difficult to see from the road.
- The gate piers have had their caps knocked so that the western gate pier has been twisted askew.
- It is no longer sitting in line with the pier below and so is not fixed securely to it.
- The other gate pier cap and light on top of this has been knocked completely off and is now lying on the ground just behind this gate pier.
- The gate that was fixed to the eastern gate pier has been knocked off and is lying adjacent.
- The brickwork underneath the eastern pier is largely missing.

c) Proposal Details

- Take down the existing wall, railings and gate pier on the east side and rebuild it in exactly the same form using the existing materials, dimensions and lime mortar but with an increased dimension of 6.6 metres between this gate pier and the adjacent one.
- Other works would comprise repairs to the west gatepost.
- The brickwork will be rebuilt to match the adjacent pier, its cap and light above re-attached.
- The signs fixed on it would be removed and the gate would be re-attached.
- It is anticipated that, given the condition of the existing materials, it will be possible to reuse the vast majority of these.
- Wherever it is not possible to reuse existing materials, matching materials would be used.

d) Relevant History

- Not applicable.

e) Pre-Application Discussion

A site visit was held with English Heritage and the applicant to discuss the proposals which were agreed to in principle.

f) Applicant Statement

- The proposal is to widen existing gate piers at the road entrance to the hotel to accommodate buses and service vehicles.
- Repair and restoration of previously damaged gate piers.
- The entrance to Grims Dyke is on Old Redding and takes the form of a Victorian entrance lodge with a semi-circular arrangement of gate piers, gates, dwarf walls and cast iron railings.
- The entrance is recessed, difficult to see from the road and too narrow for buses and service vehicles to negotiate easily.
- Currently the stone caps of both gateposts have been damaged or completely removed by collisions with vehicles.
- Grims Dyke house is a Grade II * Listed Building.
- South Lodge is Grade II listed dating from 1870-72 also by Norman Shaw
- The gates are not mentioned in the list description for the lodge nor are they listed in their own right.
- A site visit was undertaken with Will Reading from English Heritage and Lucy Haile, the Conservation Officer from Harrow Council.
- The proposal is to take down the existing wall, railing and gatepost to the left hand side of the entrance (away from the lodge) and to rebuild it in exactly the same form using the existing materials, dimensions, brickbond, lime mortar etc. with an increased distance of 6.6 metres between the gateposts. (Existing dimension 4.4 metres).
- The right hand side gatepost will have its existing cap replaced and repairs undertaken as necessary to both pier and cap.
- The yew hedge behind the left hand side wall will be replanted on completion of the works in exactly the same form as the current yew hedge and with the same relationship to the rebuilt wall as exists at present.

- The shrubs that are currently behind the yews will be cleared to allow this but we do not believe the relocation will substantially affect any other mature trees.
- Rectangular stone blocks are proposed as low bollards in the area to the front of the side walls to the gates to protect them further from vehicles.
- All existing materials will be reused for the works proposed wherever possible. It is anticipated that, given the condition of the existing materials, it will be possible to reuse the vast majority of existing materials. Wherever it is not possible to reuse existing materials, matching materials will be used.
- The new work will be constructed in lime mortar and to match the existing bond. The repairs to the RHS pier will be made in matching reclaimed bricks to the existing bond and laid in lime mortar. (should acceptable reclaimed bricks not be available, then bricks could be taken from the rear of the LHS wall that is proposed to be rebuilt and reclaimed bricks from elsewhere used in areas that will not be seen in the finished work). The wrought iron lights will be retained/reinstated with the wiring running down the centre of the piers. The existing gates will be reused and fixed in the open position as it is not envisaged they would ever have to be closed.
- New signage designs will be prepared on completion of the works and submitted to the Local Authority for approval

g) Consultations

Advertisement: | Demolition of a Listed Building/ | Expiry: 20-DEC-10
| Setting of a Listed Building |

Notifications:

The following bodies were consulted and any responses were due by 20th December, 2010:

Ancient Monuments Society: No response

The Georgian Group: No response

Twentieth Century Society: No response

The Victorian Society: No response

The Council for British Archaeology: No response

The Society For the Protection of Ancient Buildings: No response

The Garden History Society: No response

English Heritage was consulted on 24th December, 2010 and a response was received on 20th January, 2011

Sent 7

Replies 0

Expiry: 20-JAN-11

Summary of Responses:

English Heritage responded on 20th January, 2011 that the Council is 'authorised to determine the application for Listed Building Consent as we think fit'.

APPRAISAL

1) Policy Context

National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.4 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'. PPS5 policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'.

Saved Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

Policy HE9.4 states that 'Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

Proposal to take down, relocate and rebuild the existing eastern half of the formal entranceway - D11 and PPS5

Whilst the existing formal entranceway is not statutory listed in its own right, it is recognised that it is a curtilage Listed grade II* building. It is important for vehicles to be able to get to and from the grade II* Listed Grimsdyke hotel, in order to retain its ongoing use as a hotel which helps ensure its continuing conservation. However, the current distance between the gate piers is not sufficient for larger vehicles such as buses and delivery vehicles to the hotel to enter through them. There is no other vehicular entranceway to the hotel and it is considered that it would not be possible to form another elsewhere. At the moment, vehicles continue to go to and from the Listed Building through the formal entranceway which given the distance between the piers means these are constantly being knocked heavily which is very damaging to them. This is clear from their current poor condition. This is therefore not compatible with their future conservation. The principle of some form of alteration to them to allow vehicles to go through them without damaging them is therefore accepted.

The entranceway needs to be widened by a good distance (approximately 2m) in order to allow the larger vehicles through, which would enable the conservation of this entranceway and the ongoing viability of the use of Grimsdyke as a hotel. So, whilst ideally the building would remain in its current location since this was its original one, moving it would be best on balance as it would bring the benefit of helping to secure its long-term conservation in line with PPS5 policy HE9.4.

The entranceway comprises two halves that form a symmetrical whole. The symmetry is a very important element of the design. The gate piers are integral to its design. So, it is considered that the only way of increasing the width of the entranceway is to move one half of it further away from the other in order to retain the symmetry and not lose any important elements of the design.

The eastern side of the formal entranceway relates well to the grade II Listed South Lodge behind, given the current distance between them. Although there is greenery behind it, it would be possible to relocate the western half since there is space there to do so. Therefore, in order to widen the existing entranceway, it is considered more appropriate to move the western half of the formal entranceway.

In terms of the details of the proposal, the west half of this formal entranceway would be carefully taken down and rebuilt using existing materials to match the design as existing in every way. The western half would be relocated so that it would remain in alignment with the eastern half. It is considered that given the current condition of the stone and brickwork, that it would be possible to reuse the vast majority of the existing materials. However, where this is not possible, it is proposed to use materials to match. To ensure that this is the case it is recommended that a condition is included which ensures that only hand driven tools are used to take the wall down and, where materials would not be reused, that the Council can check to ensure that the originals are beyond repair and that samples are provided to the Council for approval in writing prior to the use of these materials.

To ensure that the scheme is not only partly implemented, perhaps leaving only one half of the entranceway present, it is also recommended that a condition is attached which ensures that the scheme is implemented in full within 6 months of the date of the commencement of the approved development works.

In summary therefore, it is considered that relocating the western half of the entranceway is acceptable and would preserve the character of the curtilage Listed Building itself and the setting of the adjacent grade II Listed Building. The proposal complies with the above policies outlined within the 'Policy Context' section, since it would help ensure that this curtilage Listed Building is not continually knocked by passing vehicles which are needed for the ongoing viable use of the grade II* Listed Grimsdyke hotel. It would retain the integrity of the original design since the symmetry would be recreated and original materials and brickwork bond would be re-used wherever possible and where this is not possible, materials to be used would match the originals.

2) Proposal to repair the western gate pier - D11 and PPS5

Those parts that are currently broken or missing would be rebuilt to match the existing adjacent gate pier. Materials would be to match. A condition is recommended to ensure this is the case. It is therefore considered that the proposal would preserve the character of this curtilage Listed Building and so would comply with saved Harrow UDP policy D11 and PPS5 policies HE7.4, HE9.1 and HE9.4.

3) Consultation Response

English Heritage responded on 20th January, 2011 and stated they authorised the Council to determine this application for Listed Building Consent as they think fit.

CONCLUSION

In summary, the recommendation to grant listed building consent has been taken having regard to the saved policy D11 of the Harrow Unitary Development Plan 2004, and PPS5 as the proposed works would preserve the special interest of the Grade II* Listed Building.

CONDITIONS

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

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

2 The works hereby approved once commenced shall be completed within 6 months of the date of the commencement of the works.

REASON: To protect the special architectural or historic interest of the listed building in accordance with saved Harrow UDP policy D11 and PPS5 policies HE7.4 and HE9.1.

3 Where existing materials cannot be reused, samples of materials should be provided to the Council for approval in writing prior to their use.

REASON: To protect the special architectural or historic interest of the listed building in accordance with saved Harrow UDP policy D11 and PPS5 policies HE7.4 and HE9.1.

4 Demolition work shall be carried out by hand tools or by tools held in the hand, other than power-driven tools.

REASON: To protect the special architectural or historic interest of the listed building in accordance with saved Harrow UDP policy D11 and PPS5 policies HE7.4 and HE9.1.

5 The development hereby permitted shall be carried out in accordance with the following approved plans: DESIGN AND ACCESS STATEMENT; 06009(PA)33 REV F; 06009(PA)32 REV E; 06009(PA)31 REV B; 06009(PA)30 REV A; 06009(PA)29 REV A; 06009(PA)28; 06009(PA) 34 (Photo).

INFORMATIVES

1 COMPLIANCE WITH PLANNING CONDITIONS

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

2 SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:

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

PPS5 – Planning for the Historic Environment

Harrow Unitary Development Plan:

D11 – Statutorily Listed Buildings

Plan Nos: DESIGN AND ACCESS STATEMENT; 06009(PA)33 REV F; 06009(PA)32 REV E; 06009(PA)31 REV B; 06009(PA)30 REV A; 06009(PA)29 REV A; 06009(PA)28; 06009(PA) 34 (Photo).

**WILLOW COTTAGE, HILLSIDE ROAD, PINNER, P/1297/10
HA5 3YJ**

Ward PINNER

RETROSPECTIVE APPLICATION FOR A LOFT CONVERSION WITH PROPOSED ALTERATIONS TO REDUCE THE SIZE OF THE UNAUTHORISED SIDE AND REAR DORMERS; RETENTION OF OTHER REAR DORMER; REMOVAL OF 14 OF THE 26 UNAUTHORISED ROOFLIGHTS; INSERTION OF 1 ADDITIONAL ROOFLIGHT; RETENTION OF EXISTING FIRST FLOOR REAR PROJECTION ON COLUMNS; REPLACEMENT OF UNAUTHORISED PANTILES WITH CLAY TILES ON ROOF; TWO PROPOSED FRONT DORMERS

Applicant: Mr Sabri Karim
Agent: SCP Architects
Case Officer: Sarah McAvoy
Statutory Expiry Date: | 08-AUG-10

RECOMMENDATION

The committee resolves that, had the application not been appealed under the grounds of non-determination, it would have been **REFUSED** for the following reason:

- 1 The proposed alterations to the side and rear dormers, the retention of the flat roofed rear dormer closest to the boundary with Heatherlaw and the proposed front dormers and rooflights, by reason of their design, number, prominent siting and bulk would result in visually intrusive, incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Green Belt and fail to preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area and the Area of Special Character, contrary to Planning Policy Guidance 2 (1992) - Green Belts, policies HE7 and HE9 of Planning Policy Statement 5 (2010) – Planning for the Historic Environment, The London Plan (2008) policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document – Residential Design Guide (2010)

National Planning Policy

Planning Policy Guidance 2 (1995) - Green Belts

Planning Policy Statement 5 (2010) – Planning for the Historic Environment

The London Plan [2008]

4B.1 Design Principles for a Compact City

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

SEP5 Structural Features

EP31 Areas of Special Character

EP32 Acceptable Land Uses

EP34 Extensions to Buildings in the Green Belt

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D12 Locally Listed Buildings
D14 Conservation Areas
D15 Extensions and Alterations in Conservation Areas

Supplementary Planning Document – Residential Design Guide (2010)
Supplementary Planning Document – Pinner Conservation Areas (2009)
Appendix 9: Conservation Area Appraisal and Management Strategy – Pinner Hill (2009)
Pinner Hill Estate Conservation Area Designation and Policy Statement (1990)

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

- 1) **Green Belt and the Area of Special Character** (PPG2, SEP5, EP31, EP32, EP34)
- 2) **Character and Appearance of the Conservation Area and the Setting of a Locally Listed Building** (PPS5, 4B.1, D4, D12, D14, D15, Supplementary Planning Document – Residential Design Guide, Supplementary Planning Document – Pinner Conservation Areas, Appendix 9: Conservation Area Appraisal and Management Strategy – Pinner Hill, Pinner Hill Estate Conservation Area Designation and Policy Statement)
- 3) **Residential Amenity** (D5, Supplementary Planning Document – Residential Design Guide)
- 4) **S17 Crime & Disorder Act** (D4)
- 5) **Consultation Responses**

INFORMATION

This application is being reported to committee as an appeal against the non-determination of the application by the Council has been lodged to the Planning Inspectorate and the application therefore falls outside of the thresholds of the Scheme of Delegation.

a) Summary

Statutory Return Type:	Householder Development
Green Belt:	Yes
Conservation Area:	Pinner Hill Estate
Area of Special Character	Yes
Council Interest:	None.

b) Site Description

- Willow Cottage is situated on the south eastern side of Hillside Road within Pinner Hill Estate Conservation Area and on Green Belt land and is set within a large site to a width of approximately 40m.
- Dwelling is set back a minimum of 7m from the front boundary.
- The property has a large double garage, a single storey side extension, a two storey side extension and large side and rear dormers (subject of this application).
- The adjacent detached property to the northeast is Heatherlaw. It has a single and two storey side extension, front dormer, detached double garage and a single storey rear extension.

- The adjacent detached property to the southwest is Madalane House (previously known as Eleven Trees). It has an outbuilding in the rear garden, a two storey side extension with roof dormers and a double garage.
- Hillside Road is characterised by detached properties of varying character and appearance.
- Monks Rest to the west on the opposite site of Hillside Road is a locally listed building.

c) Proposal Details

- The two dormers are proposed on the rear roofslope to replace the existing unauthorised dormer. Both would have gabled pitched roofs, have a height of 2.1425m, a width of 3.25m, a volume of 3.3 cubic metres and be set up 1.17m from the rear roofslope. There would be a separation distance of 0.64m between the two dormers and the dormer closest to the roof edge would be set 0.43m away from the roof edge. The other dormer would be set away 0.3m from the side roofslope.
- The side dormer, to replace the existing unauthorised dormer, would be set up 1.19m from the roofslope and 0.3m from the roof edge. It would have a width of 3.25m, a height of 2.01m and a volume of 2.28 cubic metres. It would have a gabled pitched roof.
- The retention of the rear dormer on the northern rear roofslope closest to the boundary with Heatherlaw. This rear dormer is set up 1.37m above the eaves. It has not been set away from the existing roofslope. It has, however been set away 2.9m from the edge of the roof. It has a volume of 5.44 cubic metres.
- Two new dormers are proposed on the front elevation. The dormer closest to the gabled roof edge would be set up 1.14m from the eaves. It would have a depth of 3.05m, a height of 2.14m and a width of 3.25m. It would have a volume of 3.4 cubic metres and would be set in 1m from the edge of the roof. The dormer closest to the neighbouring site at Heatherlaw would be set up 2.81m from the eaves. It would be set in 2.72m from the edge of the roof, 0.66m from the existing two storey front extension, have a height of 1.5m, a depth of 1.89m, a width of 2.202m and a volume of approximately 1 cubic metre. The front dormers would have gabled pitched roofs over.
- Removal of 14 of the 26 rooflights spread over the front, side and rear roofslopes. 12 rooflights spread over the front, side and rear roofslopes are proposed to be retained. 1 additional rooflight is proposed.
- The retention of the projecting first floor rear extension over the colonnade (on the north/western edge of the building).
- The replacement of the unauthorised pantiles which replaced plain clay tiles.

Revision to the previous application (P/0362/10):

- The side and rear dormers have been further reduced in size in the current application.
- Front dormers are proposed in the current application and have gabled pitched roofs.
- The retention of the projecting first floor extension over the colonnade (on the north/western edge of the building) forms part of the current application.

- The replacement of pan tiles which replaced plain clay tiles forms part of the current application.

d) Relevant History

LBH/9619	Alterations and erection of two storey side extension to lounge with bedroom over.	GRANTED 11-NOV-73
LBH/35665	Single and two storey side to front extension	GRANTED 08-AUG-18
P/2262/09	Retention of rear dormer roof extensions and rooflights on front, side and rear roofslopes	REFUSED 15-DEC-09

Reasons for Refusal (P/2262/09):

1. The rooflights, by reason of their number, design and siting, result in visually obtrusive and incongruous additions to the roofslope, to the detriment of the character and appearance of the original dwellinghouse, the Conservation Area and the Setting of a Locally Listed Building, contrary to London Plan policy 4B.1 and saved policies D4, D12, D14 and D15 of the Harrow Unitary Development Plan (2004).

2. The rear dormers by reason of their design, siting and bulk result in incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character, to the detriment of the character of the Conservation Area, the setting of a Locally Listed Building, the Area of Special Character and the character and appearance and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) and Supplementary Planning Guidance - 'Extensions: A Householders Guide (2008).

P/0362/10	Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers and to remove 17 of the 23 unauthorised rooflights and the rear dormer on the northern side of the rear roofslope.	REFUSED 20-APR-10 APPEAL DISMISSED
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Reason for Refusal (P/0362/10):

1. The proposed alterations to the side and rear dormers by reason of their design, siting and bulk would result in incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character to the detriment of the character and appearance of the Conservation Area, the Area of Special Character and the character and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) 'Green Belts' and Supplementary Planning Guidance – 'Extensions: A Householders Guide (2008)'.

e) Pre-Application Discussion

None

f) Applicant Statement

- The unauthorised development consisting of a first floor extension over columns has been there for some time.
- We propose to remove all the rooflights on the street elevation and replace them with gabled dormers. They would be better suited to the proportions of the house and would be built to match the existing pitched dormer at the rear of the property.
- We propose to remove all of the unsightly box dormers on the north / side garden elevation and replace them with a number of gable / pitched roof dormers. These dormers would be better suited to the proportions of the house and would match the existing pitched dormer at the rear. We also propose to remove some of the rooflights in the garage roofslope that would be visible from a northern street approach to the property.
- We propose to remove the unsightly box dormer on the northern edge of this elevation and replace it with two gable / pitched roof dormers. These dormers would be better suited to the house.
- Retention of the small flat roof dormer on the south western corner as another pitched dormer here would not give us adequate headroom over the stairs. This dormer is mostly obscured.
- Removal of rooflight above the existing dormer to de-clutter this section of the roof.
- South / side elevation: We have proposed to retain most of the rooflights on this elevation as it is less exposed.

g) Consultations

Conservation Area Advisory Committee

Dormers are normally allowed only on the rear elevation of buildings in Pinner Hill. The dormers are too large for the roof and there is very little room between them. The dormers look like gables rather than dormers. The ridges of the dormers are the same height as the ridges of the roof but should be set down. The dormer proposed above the staircase would be totally out of character. There would be too many rooflights. The proposal should have taken greater care to appreciate the appearance of the house and worked back from that, rather than working to maximise loft head room. Nothing in the proposal is subordinate to the original house. The western rear elevation of the whole roof is dominated by the new build and also the oblique angle appears bulky. The three rooflights at ridge level should be set down within the ridge slope not at the uppermost point. The large gable ends and flat roof dormer are done badly. There is nothing wrong with extending the roof in principle; but as currently proposed the appearance in relation to the building and locality are our main concerns

The Pinner Association:

No response received to date

Pinner Hill Residents Association:

No response received to date

Council's Biodiversity Officer:

No objection

Notifications:

Advertisement Character of the Conservation Area Expiry: 29-JUL-10

Sent: 6 Neighbour Replies: 5
Four letters of objection and 1 letter of support

Neighbours Consulted:

Hillside Road: Madalene House, Heatherlaw, Lane End, Monk Rest, Amistoso
Potter Street: 125

Summary of Responses:

Objection:

The rooflights are not in keeping with the conservation area; Other residents of Pinner Hill have been denied the installation of even small rooflights; It is worrying that this level of work can be undertaken with planning permission only sought retrospectively; The proposal to construct two further dormers at the front is a complete disregard for the current council guidelines; New roofline too high; Rooflights, dormers and new roof tiles unacceptable under conservation area guidelines; Bulky extensions; Little has changed in the current application; The site is prominent; The property has been overdeveloped and we hope that the dormers are refused permission; Overlooking onto neighbouring property.

Support:

The bulk of the development of the property is at the rear and is thus not visible from the road; No objections

APPRAISAL

1) Green Belt and Area of Special Character

This application site had already been significantly extended prior to the construction of the rear dormers. There are existing single and two storey front and side extensions and a double garage extension.

Saved policy EP34 of the Harrow UDP follows on from the guidance set out under PPG2 and seeks to ensure that developments do not adversely impact upon the environment and character of the Green Belt. It goes on to state under paragraph 3.123 that developments should have regard to the size of the original building and the amount of space around the building, and should not result in disproportionate additions over and above the size of the original dwelling.

	Original (1948)	Prior to dormer extensions/first floor rear projection applied for	% Increase Over Original	Proposed	% Increase Over Original
Footprint (m²)	91.37	259.05	184%	259.05	184%
Floor Area (m²)	182.74	407.55	123%	522.75	286%

The original house had a volume of 683.05 cubic metres. The house has been greatly extended since this time pursuant to the planning permissions listed in the Planning History above. The dormers subject to this application would increase the volume of the original house by 18.72 cubic metres or 2.74% and the first floor rear projection has increased the volume of the original house by 32.8 cubic metres or 4.8%. The total cubic metre increase of the proposed and existing unauthorised extensions would be 51.52 cubic metres or 7.5%.

The overall footprint of the original dwelling was 91.37m². The footprint of the extended dwelling prior to the construction of the dormers increased the overall footprint by approximately 167.68m² or 184%, but no additional footprint would be created by the dormer extensions. However, an additional footprint of 13.39 square metres has been created by the retention of the first floor rear projection on columns.

The floor area of the dwellinghouse has increased significantly as a result of the construction of the dormers. The floor area of the original house was 182.74 square metres. The original floor area increased to 407.55 square metres prior to the construction of the dormers, which was a 123% increase in floor area from the original dwellinghouse. With the reduced dormers and the retention of the first floor rear projection on columns, the floor area of the dwellinghouse would be 522.75 square metres. This results in an increase in floor area from the original dwellinghouse of 286%.

It would appear that following enforcement investigations that the first floor extension on columns at the rear does not have planning permission. However, it would appear that on the balance of probabilities that the extension has been there for more than 4 years and is immune for Enforcement Action. Nonetheless, its existence needs to be taken into consideration and the footprint, volume and floor areas needs to be considered in relation to PPG2 as it is a development that has enlarged the original dwellinghouse.

The previous application for the site which partly involved the reduction of the side and rear dormers was refused and the decision was upheld at appeal (Reference: APP/M5450/A/10/2127215).

The Inspector stated that “The original dwelling as at 1948, has already been extended by a two storey side extension permitted in 1973 and a single and two storey side to front extension, permitted in 1988. These alterations and additions have already more than doubled the original size of the property based on floor area. The dormer windows not proposed would not increase the already extended footprint of the property, but they would increase the apparent bulk of the property at second floor level. These alterations can not be construed as a continuation of a limited extension but would contribute significantly to the added building bulk being out of scale with the original property. I conclude on this issue that the proposal would result in a disproportionate addition, which results in the proposal being inappropriate development and is also contrary to saved Policy EP34 of the Council’s UDP”. It is considered that this decision of the Inspector forms a significant material consideration and the dormers still result in a disproportionate addition of the property in the current application. The bulk of the dormers are therefore considered to be unacceptable and, in conjunction with the other extensions made to the original dwellinghouse, the proposal would, by definition, result in appropriate development in the Greenbelt.

The application site is also sited within the designated Harrow Weald Ridge Area of Special Character. It is considered that the existing development has and the proposed development would have a detrimental impact upon the Area of Special Character. This is because the architectural and historic features of the dwellinghouse which contribute to the character of the Conservation Area would be negatively affected by the addition of the dormers, the first floor rear projection on columns, and the rooflights. The views of the property from the road would be considered to be unduly affected by the rooflights and front dormers.

The inspector stated that the changes to the ‘pre-existing’ state of the property and in particular its roofscape do not harm the openness of the Green Belt, and on this basis it is considered that an objection on these grounds could not reasonably be sustained.

2) Character and Appearance of the Conservation Area and the Setting of a Locally Listed Building

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policy 4B.1 of The London Plan (2008) which seeks to ensure that development should respect local context, history, built heritage and communities amongst other issues. Paragraph 6.45 of the Supplementary Planning Document – Residential Design Guide 2010 (SPD) relates specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

Willow Cottage is situated within the Pinner Hill Estate Conservation Area, which is characterised by large residential villas of high architectural quality.

Any development within this area should seek to preserve or enhance its character or appearance. Willow Cottage is an early 20th century building, which is considered to be a building which preserves the Conservation Area.

The Pinner Hill Conservation Area character Appraisal and Management Strategy was adopted at the 17th December 2009 Cabinet meeting.

Saved policy D14 states that the Council will seek to preserve or enhance the character or appearance of Conservation Areas through various criteria including criterion D which requires the Council to prepare specific policies and proposals for each Conservation Area, within the framework of the plan. The draft Pinner Hill Conservation Area Appraisal and Management Strategy is relevant to the Pinner Hill Conservation Area, of which this site is part. In addition to the above, saved policy D15 states that extensions and alterations in Conservation Areas should comply with six specific criteria which relate to site circumstances, building materials, the character of the locality and design.

Whilst the Design and Access Statement mentions that some aspects of this development cannot be seen from the streetscene, paragraph 4.55 of the Harrow UDP states that 'the Council considers that other, more private, viewpoints [within conservation areas] are also of importance'.

The Inspector stated in the Appeal Decision (Reference: APP/M5450/A/10/2127215) that "Although the two main dormers would be at the rear of the property, I still considered that their overall form and appearance would harm the character and appearance of the property and its contribution to the Conservation Area".

It is considered that the dormers are excessively large which, along with the use of their steeply sloping pitched roof design (rather than small pitched roof dormers) would appear bulky and obtrusive. They would dominate the front, rear and side roofslopes. This is uncharacteristic and out of keeping as according to the Pinner Hill Conservation Area Appraisal where a third storey is present on properties within this Conservation Area this is usually served by small dormers or conservation style rooflights so as to minimise the apparent bulk.

The proposed pitched roof dormers near the existing chimney would be at the same level as the height of the main building and would detract from the intended prominence of the chimney and would result in these extensions not being subservient to the original building.

The retention of the flat roof rear dormer closest to the boundary with the neighbouring site at Heatherlaw is considered to be unacceptable as this flat roof dormer's plain and bulky design takes no account of the existing roofslope and is bulky and obtrusive.

The Pinner Hill Appraisal and Management Strategy states that 'the front and side roofs will be protected from dormers'.

Therefore it is considered that the front and side dormers would be contrary to the Pinner Hill Appraisal and Management Strategy and is therefore considered to be unacceptable in principle.

In addition, the SPD recognises that the roof form of a house is a significant part of the character of an area. It goes on to state that roof alterations and dormer windows should complement the original street character and not dominate buildings or impair their proportions or character. Paragraph 6.67 of the SPD states that front and side dormers can be objectionable. Their potential bulk and impact on the appearance and character of the building and streetscene can potentially interrupt a regular pattern in the streetscene.

There are no other examples of front dormers within the immediate vicinity of the site. It is considered that the proposed size of the dormers would form an unattractive, inappropriate and obtrusive form of development which would detract from the character and appearance of the original dwellinghouse and the Conservation Area.

The pan tiles which replaced plain clay tiles are considered to be obtrusive and out of keeping with the character of the Conservation Area and would not preserve the local historic or architectural interest of the locally listed building: 'Monks Rest'.

The first floor rear projections on columns (on the north/western edge of the building) does not relate well to the existing dwelling and is considered to be unduly bulky, obtrusive and out of character with the dwellinghouse and the Conservation Area.

It is considered that the proposed front dormers and the retention of 14 of the 26 rooflights fail to preserve the character or appearance of the Pinner Hill Estate Conservation Area. In addition, they would not/do not preserve the local historic or architectural interest of the locally listed building: 'Monks Rest'.

Therefore, the proposed reduced dormers, the retention of the existing rear dormer closest to the boundary with the adjacent property at Heatherlaw, the proposed front dormers and the retention of 14 of the 26 rooflights and 1 additional rooflight, would have/has an unacceptable impact on the character and appearance of the house and the area and would fail/fails to preserve the character of the Pinner Hill Estate Conservation Area, contrary to PPS5 (2010), The London Plan policy 4B.1, saved policies D12, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document – Residential Design Guide (2010).

3) Residential Amenity

Saved policy D5 of the Harrow UDP seeks to ensure that all new residential development inter alia provides amenity space that is sufficient to protect the privacy and amenity of the occupiers of the surrounding buildings, as a usable amenity area for the occupiers of the development and as a visual amenity.

Criterion B goes on to state that new buildings should provide space around buildings by maintaining adequate separation between buildings and site boundaries in order to reflect the setting of neighbouring buildings and to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. In order to assess the impact of a development on the privacy and amenity of adjoining properties, the general quality of privacy in the surrounding area will be taken into account (paragraph 2.27).

Willow Cottage is situated on a large site and the dormer extensions are situated well away from adjacent dwellinghouses (minimum 20m). It is considered that they do not have an undue impact on the residential amenity of neighbouring occupiers. It is therefore considered that there is no unreasonable harm to the amenities of the occupiers neighbouring dwellings with regard to overlooking and loss of light/overshadowing.

4) S17 Crime & Disorder Act 1998

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

5) Consultation Responses

Character and appearance issues

The impact of the extensions on the character and appearance of the house, the Conservation Area and neighbouring amenity have been addressed in the report above.

Other extensions refused in other parts of the Conservation Area

Each planning application is assessed on its merits and site circumstances along with relevant planning policies and neighbouring objections are taken into account. Therefore, where rooflights may not be considered to be acceptable on one site, they may be acceptable on another site.

Application has only been made retrospectively

Our enforcement team is usually only informed of planning breaches when reported by neighbours. The owner of the site/applicant has a legal right to apply for retention of an unauthorised development. If the planning application is refused planning permission, then enforcement action will be taken. The applicant has right of appeal of the Council's decision of any refused planning application to the Planning Inspectorate. In relation to the existing unauthorised extensions, an Enforcement Notice was issued on 15th November 2010 which came into effect on 31st December 2010 requiring removal of the dormer roof extensions and rooflights.

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 **refusal**.

INFORMATIVES

1 The following National Planning Policy, policies in The London Plan (2008) and the saved policies of the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy

Planning Policy Guidance 2 (1995) - Green Belts

Planning Policy Statement 5 (2010) – Planning for the Historic Environment

The London Plan (2008)

4B.1 Design Principles for a Compact City

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

SEP5 Structural Features

EP31 Areas of Special Character

EP32 Acceptable Land Uses

EP34 Extensions to Buildings in the Green Belt

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D12 Locally Listed Buildings

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Pinner Conservation Areas (2009)

Appendix 9: Conservation Area Appraisal and Management Strategy – Pinner Hill (2009)

Plan Nos: ALGA0001 Rev B, ALGA0002 Rev C, ALGA0003 Rev B, Design and Access Statement

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

Item: 4/01
FORMER PALACE OF ARTS & PALACE OF INDUSTRY SITE, ENGINEERS WAY, WEMBLEY, HA9 **P/3380/10**

WARD ADJOINING BOROUGH
CONSULTATION FROM NEIGHBOURING AUTHORITY: OUTLINE APPLICATION, ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT, FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE MIXED-USE REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 160,000M² OF FLOORSPACE (GEA, EXCLUDING INFRASTRUCTURE) COMPRISING: RETAIL/FINANCIAL AND PROFESSIONAL SERVICES/FOOD AND DRINK (USE CLASS A1 TO A5): 17,000M² TO 30,000M² BUSINESS (USE CLASS B1): UP TO 25,000M²; HOTEL (USE CLASS C1): 5,000M² TO 20,000M²; RESIDENTIAL DWELLINGS (USE CLASS C3): 65,000M² TO 100,000M² (815 TO 1,300 UNITS); COMMUNITY (USE CLASS D1): 1,500M² TO 3,000M²; LEISURE AND ENTERTAINMENT (USE CLASS D2): UP TO 5,000M²; STUDENT ACCOMMODATION/SERVICED APARTMENTS/APART-HOTELS (SUI GENERIS): 7,500M² TO 25,000M²; AND ASSOCIATED INFRASTRUCTURE INCLUDING FOOTWAYS, ROADS, PARKING, CYCLE PARKING, SERVICING, OPEN SPACES, LANDSCAPING, PLANT, UTILITIES AND WORKS TO OLYMPIC WAY.

Applicant: London Borough of Brent
Case Officer: Andrew Ryley
Statutory Expiry Date: | 10-DEC-10

RECOMMENDATION

INFORM the London Borough of Brent that Harrow Council raises NO OBJECTION to this application.

REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan (2008) and the saved policies of Harrow's Unitary Development Plan (2004), and to all relevant material considerations.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)
PPS3 Housing (2010)
PPS4 Planning for Sustainable Economic Development (2009)
PPG13 Transport (2011)
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

5F.1 – The strategic priorities for West London
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)
SPD Residential Design Guide (2010)

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

- 1) Impact on the London Borough of Harrow
- 2) S17 Crime and Disorder Act

INFORMATION

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

a) Summary

Statutory Return Type: Consultation by other Borough
Site Area: 5.71 hectares
Council Interest: Neighbouring Borough

b) Site Description

- The Application Site is adjacent to Wembley Stadium in the London Borough of Brent.
- The site extends to 5.71 hectares of previously developed land, and is bound by Engineers Way to the south, Olympic Way to the east, Fulton Road to the north and Empire Way (in part) to the west. The National Stadium and the re-orientated and refurbished Wembley Arena lie to the south of the North West Lands.
- The application site is part of a wider 238 hectare area (including Wembley High Road) that is the focus of major regeneration and new development, as identified in the 2008 adopted London Plan (and in its 2009 Draft Replacement), and by the London Borough of Brent in its adopted Core Strategy 2010, and its Wembley Masterplan 2009 Supplementary Planning Document (SPD).

c) Proposal Details

- This is an outline application to the London Borough of Brent. The application consists of the following land use parameters:
- Use Classes A1 – A5: 17,000 sqm to 30,000 sqm;
- Use Class B1 Business: up to 25,000 sqm (with no specified minimum);
- Use Class C1 Hotels: 5,000 sqm to 20,000 sqm;
- Sui Generis Student Accommodation, Serviced Apartments and/or Apart-hotels: 7,500 to 25,000 sqm;
- Use Class C3 Residential: 65,000 sqm to 100,000 sqm (this equates to between 815 and 1,300 units);
- Use Class D1 Community: 1,500 sqm to 3,000 sqm;
- Use Class D2 Leisure and Entertainment: up to 5,000 sqm (with no specified minimum);
- Provision of residential car parking at a ratio of 0.5, plus commercial / retail parking spaces for 800 cars and cycle storage;
- Provision of pedestrian, cycle and vehicle access links to the existing network;
- The applicant has set out that the Proposed Development will include the following townscape and design elements:
- A new 'retail' street to the west of Olympic Way, which will extend Wembley Park Boulevard northwards, and which will link through to Stadium Retail Park to the north;
- 'The Square', forming the heart of the scheme;
- Four new 'Pockets' of hard landscaped public open space;
- Building heights ranging from 41m AOD to 96m AOD; and
- The upgrading of a significant part of Olympic Way.
- The Proposed Development falls within Category 10b (Urban Development Projects) of Schedule 2 of the Environmental Impact Assessment (EIA) Regulations. An Environmental Statement (ES) has been submitted in support of the application.

d) Consultations:

Planning Policy Officer: No objection.

Highway Engineer: No objection. Although complex and highly intense, the approximate 2-3 mile physical separation from Harrow's boundary with this proposal site will dilute any measurable impact on Harrow's public realm. In summary there are no specific concerns or adverse/detrimental issues envisaged for Harrow as a result of the development.

APPRAISAL

1) Impact on the London Borough of Harrow

The applicant (QED) has set out that the construction of the new National Stadium has been the catalyst for the beginning of the regeneration process, and QED (which is the largest landowner in Wembley and owns 17 hectares immediately next to the Stadium) is already taking this to the next stage by implementing its 'Stage 1' Development. The applicant contends that the proposed development would meet with the London Plan's objective (Policy 5F.1) of realising Wembley's potential as a "nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing".

The applicant has also contended that the proposed application is consistent with, and meets the objectives of, the London Borough of Brent's Core Strategy's and 'Wembley Masterplan 2009' SPD.

Clearly, the application is significant in its size and scale, and it would likely have a significant impact upon the regeneration of the Wembley area. However, notwithstanding the complexity and range of the scheme, it is considered that the proposal is unlikely to have a significant impact upon Harrow. Officers have sought advice from the Council's Planning Policy and Highways departments, who have confirmed that they have no objection to the proposed development.

2) S17 Crime & Disorder Act

The proposed development is not considered to result in an increase in crime or loss of safety within the London Borough of Harrow.

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that NO OBJECTION be made.

**PRINCE OF WALES PUBLIC HOUSE, 218 BURNT
OAK, BROADWAY, EDGWARE, HA8 0AP**

Item : 4/02

P/3468/10

Ward: Adjoining Borough

CONSULTATION FROM NEIGHBOURING BOROUGH: USE OF GROUND FLOOR AS RESTAURANT (A3), PART FUNCTION ROOM ON FIRST FLOOR AND THREE STOREY REAR EXTENSION AND CONVERSION OF UPPER FLOORS TO FORM TOTAL OF SEVEN FLATS

Applicant: LONDON BOROUGH OF BARNET

Case Officer: Nathan Barrett

Statutory Expiry Date: | 14-JAN-11

RECOMMENDATION

INFORM London Borough of Barnet that Harrow Council raises NO OBJECTION to this application.

REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations.

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

National Planning Policy:

None

The London Plan [2008]:

None

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

D4 The Standard of Design and Layout

T6 The Transport Impact of Development Proposals

INFORMATION

a) Summary

Statutory Return Type: Consultation by other Borough

Site Area: 0.1 ha

Council Interest: Adjoining London Borough

b) Site Description

- The subject site is rectangular shaped and located on the eastern side of Burnt Oak Broadway.

A three level public house is located in the front part of the site. The rear part of the site is occupied by a garden area associated with the public house.

- The borough boundary with the London Borough of Harrow runs down the centre line of Burnt Oak Broadway.
- A parking area, with capacity for approximately 5 cars, is located between the public house building and Burnt Oak Broadway.
- A two storey row of shops with flats above is located opposite the subject site and within the London Borough of Harrow

c) Proposal Details

- The applicant proposes use of the ground floor as restaurant (A3) and part of the first floor as a function room.
- A three storey rear extension is proposed. This would enable conversion of the upper floors into a total of seven flats

d) Consultations

- None

APPRAISAL

1) Impact on the London Borough of Harrow

As noted the proposal involves a three storey rear extension and conversion of the upper floors into seven flats. The plans indicate that the existing public house at ground floor level would be converted into a restaurant and expanded to the rear. A function room would be added to the front part of the first floor level. This would result in the loss of residential space in the front part of the building. Flats would remain on the uppermost level.

Given the above, the elevation facing the London Borough of Harrow would remain largely unchanged. The restaurant may result in increased patronage, although this would likely be subject to conditions (such as limitations on opening hours and live music) imposed by the London Borough of Barnet. The subject site is also separated from the flats opposite (which are located within the London Borough of Harrow) by approximately 25 metres and ambient noise from traffic on Burnt Oak Broadway. As such, the restaurant would not give rise to an unreasonable increase in noise and disturbance.

The proposed flats and first floor level function room replace existing flats located behind the façade in the first and second storeys. The proposed flats would also remain separated from the flats opposite by the width of Burnt Oak Broadway noted above. As such, the proposed flats would not give rise to unreasonable overlooking of properties in the London Borough of Harrow.

With regards to the standard of accommodation in the flats and parking demand arising from them and the expanded public house, the London Borough of Barnet has its own standards. No comment is therefore made on these aspects of the proposed development.

2) S17 Crime & Disorder Act

The proposed development is not considered to result in an increase in crime or loss of safety within the London Borough of Harrow.

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that NO OBJECTION be made.

Plan Nos: Site Plan, 397101, 397102, 397103, 397104A, 397105A, 397106A,
 397107

SECTION 5 - PRIOR APPROVAL APPLICATIONS

Item : 5/01
LAND FRONTING LINCOLN HOUSE, P/0026/11
LONDON ROAD, HA1 3JJ
WARD HARROW ON THE HILL
PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 515187 186785) (PCP:025)

Applicant: Openreach
Case Officer: Ian Hyde
Statutory Expiry Date: | 28-FEB-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, would be unduly obtrusive and would detract from the visual amenities and open character of the street scene and fails to preserve or enhance the character or appearance of the Sudbury Hill Conservation Area or the setting of adjacent statutory and locally listed buildings, 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 (2010), saved policies D4, D11, D12, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of Supplementary Planning Document: Harrow on the Hill Conservation Areas: (2008) Appendix 4: The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.
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 Statement 5 - Planning For The Historic Environment
Planning Policy Guidance 8 – Telecommunications Development

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout
D11 – Statutory Listed Buildings
D12 – Locally Listed Buildings
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 Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.

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: Sudbury Hill Conservation Area
Council Interest: Public Highway
Listed Buildings: Toll Gate, Highlands
Locally Listed Buildings: Herga House, Gerrards, Lincoln House, Parkside, Park Lodge

b) Site Description

- The application site is an area of footpath to the east of the intersection of Roxeth Hill and London Road where the footpath is of unusual depth
- A landscaped, raised planting bed is sited directly to the south
- An existing junction box is sited on the eastern side of this planting bed
- To the east of the site is the frontage of Lincoln House, a locally listed building.
- The site is within the Sudbury Hill 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:

- Not applicable

d) Relevant History

- None

e) **Pre-Application Discussion**

- None

f) **Applicant Statement**

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

g) **Consultations**

CAAC: This is a very important junction and this would add clutter. It seems strange that so many need to be installed in such a small area. For example, there is one proposed in front of Summit House, The Bursar's Office and Sudbury Lodge. Could they not be installed elsewhere or the number reduced? They could re- landscape the centre part and landscape around it to install this more subtly, for example by planting hedges.

Highways Engineer: No Objection

Conservation Officer: Objection on the basis of the highly visible location of the structure and resultant harm to the Conservation area and adjacent locally and statutorily listed buildings.

Advertisement: | Character of Conservation Area | Expiry: 07-FEB-10

Notifications:

Sent: 15

Replies: 0

Expiry: 02-FEB-10

Address Consulted

Flat 7-12 Edward Court London Road
Flats 1-5 Lincoln House, London Road
The Highlands, London Road
Lincoln Cottage, London Road
Lincoln House, London Road

Summary of Responses: None at time of writing

APPRAISAL

1) **Siting and Appearance**

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 Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

Saved policy D12 refers to locally listed buildings and states that the council 'will... seek the preservation of their local historic or architectural interest' while saved Policy D14 states the Council will seek to preserve or enhance the character of the Conservation Area.

Saved policies D4, 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.

National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. HE7.4 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'.

PPS5 policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'. Policy HE9.2 states, 'Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that: (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss;'

Policy HE9.4 of PPS5 states that 'Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

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 Sudbury Hill Conservation Area against the side of a triangular landscaped area within the footpath area, The proposed cabinet would be highly visible both from within the front garden of Lincoln House and from the streetscene.

The Sudbury Hill Conservation Area is relatively uncluttered and verges are important to the area. The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) states: "Generally the range of street furniture within the area is limited to roadside lampposts and a number of seating areas incorporating wooden and or iron benches with varying degrees of planting around...Importantly though public and private greenery throughout provides the setting to buildings, breaks up the streetscene and helps create a semi-rural character, softening what could otherwise be a hard roadscape."

The CAAMS notes in the negative features, problems and pressures table that there is pressure for telecommunications developments particularly along London Road & Sudbury Hill. It states: "There have been a number of applications in recent years for telecommunication proposals, particularly along the main spinal route, which threatens the character of the conservation area."

Page 6 of the Management Strategies section of the CAAMS further states:

- "The Council will encourage the utility companies to install the minimum amount of new street furniture and to locate any furniture sensitively."
- "Proposals for telecommunications equipment and other tall structures which detrimentally affect the character and appearance of the Conservation Area will be refused".

The proposed cabinet would be located in a highly visible location where the pavement widens adjacent to the intersection of London Road and Roxeth Hill. With the exception of an existing (and much smaller) telecommunications cabinet, there is little street furniture in the immediate area. It is considered that the provision of a 1.6m x 1.2m x 0.45m cabinet would add street clutter to the Conservation Area in front of Lincoln House and the other Listed and Locally Listed Buildings, thereby detracting from the character of the conservation area and the other buildings. The proposed cabinet would be very visible in views from London Road towards this junction and also from Roxeth Hill to the west.

Whilst it's location in front of a landscaped area which would help to soften its appearance, especially when viewed from the north, the planting bed is landscaped with low level, low density planting which the 1.6m high unit would stand clearly above. As a result, the upper portion of the cabinet would still be highly prominent in all directions.

The design of the unit itself is also of a very plain appearance and fails to demonstrate any sympathy to its prominent location. London Road is part of the main spinal route of the Conservation Area, and so the open, uncluttered character here is particularly important. Therefore it is considered that given its prominent siting, the proposed cabinet would fail to preserve the character of the Conservation Area or the setting of the nearby Listed or Locally Listed Buildings.

These observations are supported by the CAAMS which notes in the negative features, problems and pressures table that there is pressure for telecommunications developments particularly along London Road & Sudbury Hill. It states: "There have been a number of applications in recent years for telecommunication proposals, particularly along the main spinal route, which threatens the character of the conservation area." It states: 'The Council will refuse any proposal for telecommunications equipment that detrimentally affect the character and appearance of the conservation area'.

Page 6 of the Management Strategies section of the CAAMS further states:

- "The Council will encourage the utility companies to install the minimum amount of new street furniture and to locate any furniture sensitively."
- "Proposals for telecommunications equipment and other tall structures which detrimentally affect the character and appearance of the Conservation Area will be refused".

The application has failed to provide adequate justification that there are no alternative locations for the development and that the requirement for the cabinet outweighs the harm described above, as such, there is considered to be no justification for the cabinet in this location which would justify departure from Council Policy and guidance. This would also be contrary to the requirements of Criterion A) of saved policy D24.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would not be consistent with 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, PPS5 and the CAAMS.

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.

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 in a location which would be unlikely to result in pedestrian or vehicular conflict. Therefore, the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety. 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

Not applicable

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 Statement 5 - Planning For The Historic Environment

Planning Policy Guidance 8 – Telecommunications Development

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D11 – Statutory Listed Buildings

D12 – Locally Listed Buildings

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)

Supplementary Planning Document: Harrow on the Hill Conservation Areas: (2008)

Appendix 4: The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.

Plan Nos: Location Plan; Unnumbered Photograph of Cabinet; PCP 025

LAND FRONTING SUMMIT HOUSE, P/0049/11
LONDON ROAD, HA1 3HD

WARD HARROW ON THE HILL

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 515170 186689) (PCP:059)

Applicant: Openreach

Case Officer: Ian Hyde

Statutory Expiry Date: | 02-MAR-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 the lack of clarity shown on “South Harrow PCP059 DSLAM Plan”, in conjunction with the poor quality supporting information contained within the application, would not provide sufficient assurance to the Local Planning Authority that the siting of the cabinet would not cause unacceptable clutter within the streetscene and maintain adequate space for pedestrian movement along the footway. The proposal is therefore considered to fail to preserve or enhance the Sudbury Hill Conservation Area, and would be 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, D29, T9 and T12 of the Harrow Unitary Development Plan (2004) and the provisions of Supplementary Planning Document: Harrow on the Hill Conservation Areas: (2008) Appendix 4: “The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS)” .
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

4B.8 – Respect Local Context and Communities

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 Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.

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: Sudbury Hill Conservation Area
Council Interest: Public Highway
Locally Listed Buildings: Opposite locally listed Longridge, Kingsley House, Edgehill, The Little House, The Hermitage, Uplands, Wilmington

b) Site Description

- The application site is an area of footpath located adjacent to the front boundary of Summit House, which is located on the western side of Pinner Hill Road.
- The existing front boundary treatment of Summit House is formed of a low brick wall. Several mature trees are sited along this boundary.
- There is an existing equipment cabinet located to the south, in front of Chyngton Court (some 38 metres away).
- A bus stop and refuse bin are sited to the north although the actual distance is unclear from submitted plans.
- The site is situated within the Sudbury Hill 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:

- Not applicable

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

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

g) Consultations

CAAC: We object to this as it would add street clutter and the pavement is quite narrow. This would be very visible. It seems strange that so many need to be installed in such a small area. For example, there is one proposed in front of Lincoln House, the Bursar's Office and in front of Sudbury Lodge. Could they not be installed elsewhere or the number reduced?

Highways Engineer: Based on the inadequacy of the information provided the application cannot be determined hence resubmission of details is required.

Advertisement: | Character of Conservation Area | Expiry: 07-FEB-11

Notifications:

Sent: 29

Replies: 0

Expiry: 02-FEB-11

Address Consulted

Flats 1-4 Summit House

Flats 7-12 Chyngton Court

1-5 Edgehill London Road

1-4, and Flat 5 Kingsley House London Road

Flat 1-4 Longridge, London Road

Kingsley House, London Road,

Summit House, London Road

Longridge, London Road,

Edgehill, London Road

Summary of Responses: None at time of writing

APPRAISAL

1) Siting and Appearance

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 Sudbury Hill Conservation Area against a low wall, a location where the choice of colour would provide little mitigation, The proposed cabinet would be highly visible both from within the front garden of Summit House and from the streetscene.

The Sudbury Hill Conservation Area is relatively uncluttered and verges are important to the area. The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) states: "Generally the range of street furniture within the area is limited to roadside lampposts and a number of seating areas incorporating wooden and or iron benches with varying degrees of planting around...Importantly though public and private greenery throughout provides the setting to buildings, breaks up the streetscene and helps create a semi-rural character, softening what could otherwise be a hard roadscape."

The CAAMS notes in the negative features, problems and pressures table that there is pressure for telecommunications developments particularly along London Road & Sudbury Hill. It states: "There have been a number of applications in recent years for telecommunication proposals, particularly along the main spinal route, which threatens the character of the conservation area."

Page 6 of the Management Strategies section of the CAAMS further states:

- "The Council will encourage the utility companies to install the minimum amount of new street furniture and to locate any furniture sensitively."
- "Proposals for telecommunications equipment and other tall structures which detrimentally affect the character and appearance of the Conservation Area will be refused".

With regard to the development currently under consideration, the submitted site plan "South Harrow PCP059 DSLAM Plan" shows the proposed cabinet crossing the boundary between the footway and the front garden area of Summit House a highly unlikely final location. This plan also fails to show the existing bus stop and associated sign and refuse bin to the north of the proposed location and a vehicular crossover onto Summit House. The lack of this information results in difficulty in assessing the impacts of the proposal on the pedestrian footway and the clutter of the area.

A supporting photomontage has been provided as part of the application, however this is of poor quality and fails to clarify the proposed location of the cabinet.

Given that saved Policy D24 of the Harrow Unitary Development Plan and the CAAMS seek to prevent clutter within the street scene and that it cannot be confirmed whether the development, itself a substantial 1.6m high cabinet, would not result in an unacceptably bulky and intrusive development which would result in unacceptable harm for the amenities of the surrounding area. In these circumstances, it is considered that the development fails to demonstrate that it would be consistent with the intentions of PPS5, the Unitary Development Plan or the CAAMS.

Notwithstanding the above, the applicant has failed to demonstrate that there are no other satisfactory alternative locations for the proposed siting of the equipment cabinet to meet the network coverage and the development would therefore be contrary to the requirements of Criterion A) of saved policy D24. Officers have reviewed the site and it would appear that a more appropriate and less sensitive location would be just off London Road, at the top of Mount Park Avenue, where a cabinet could be pushed back into the vegetation on the west boundary of Chyngton Court.

Given the lack of clarity within the application and the failure to consider alternative locations, it is considered that the proposal would be contrary to 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: Harrow on the Hill Conservation Areas: (2008) Appendix 4: The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.

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 and 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 Local Planning Authority cannot be satisfied that the siting and appearance of the proposed cabinet would meet the objectives set out under saved policies, D4, D14, D24 and D29 of the Harrow UDP and would be contrary to the guidance set out in PPG8, PPS5 and the CAAMS.

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, it is not clear where the proposed cabinet would be sited and in particular to what extent it would project into the footpath. The site plan appears to show it spanning the boundary of Summit House and the highway, a highly unlikely final location. The footway in this location is not of great width and there is not considered to be sufficient evidence provided to ensure that the development would allow free and unrestricted access past the cabinet. This is of particular importance in this location given the heavily trafficked nature of the street and in particular the location of the adjacent bus stop (which is also not identified on the site plan). Given that the potential impacts of the application cannot be assessed with confidence, the development cannot be supported in this respect as it would be contrary to saved UDP policies T9 which seeks to improve the pedestrian environment, and T12 which seeks to increase road safety.

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

Not applicable

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, 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)

Supplementary Planning Document: Harrow on the Hill Conservation Areas: (2008)

Appendix 4: The Sudbury Hill Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 4 of the Harrow on the Hill SPD adopted in May 2008.

Plan Nos: South Harrow PCP059 DSLAM Plan; Unnumbered Photograph of Cabinet.

**LAND ADJACENT TO NO. 32 HIGH P/0029/11
STREET, HARROW, HA1 3HP**

WARD HARROW ON THE HILL

PRIOR APPROVAL FOR SITING AND APPEARANCE; INSTALLATION OF ONE
EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 515281 187275)
(PCP:066)

Applicant: Openreach

Case Officer: Andy Parker

Statutory Expiry Date: | 01-MAR-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 cabinet by reason of its siting and design would result in an obtrusive and incongruous form of development which would be out of keeping with the traditional street furniture within the immediate vicinity and would add to visual clutter within this part of the Harrow On The Hill Village Conservation Area and the adjacent Harrow School Conservation Area, to the detriment of the character of the area and the setting of nearby listed buildings nos.3 -9High Street and listed telephone box. The proposal is therefore considered to detract from the visual amenities and character of the street scene and fails to preserve or enhance the Harrow on the Hill Conservation Area and the adjacent Harrow School Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, policies HE9.1, 9.2 and 9.4, HE7., HE7.4 and HE10.1 of Planning Policy Statement 5: Historic Environment, saved policies D4, D11, D12, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Harrow on the Hill Conservation Areas SPD Appendix 4: Harrow on the Hill Conservation Area Appraisal and Management Strategy (CAAMS) adopted May, 2008).
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 (2005)

Planning Policy Statement 5 - Planning For The Historic Environment (2010)

Planning Policy Guidance 8 – Telecommunications Development (2001)

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D11 - Statutory Listed Buildings

D12 - Locally Listed Buildings

D14 - Conservation Areas

D15 - Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

C16 – Access to Buildings and Public Spaces

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document

Supplementary Planning Document 'Access for All' (2006)

Harrow on the Hill Conservation Areas SPD Appendix 4: Harrow on the Hill Conservation Area Appraisal and Management Strategy (CAAMS) adopted May, 2008.

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 D4, D14, D15, D24, D29, C16, SPD)
- 2) Accessibility and Highway Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to committee as the applications falls outside the scheme of delegation.

a) Summary

Statutory Return Type: 27: Notifications Under Circular

Conservation Area: Harrow On The Hill Village Conservation Area

Council Interest: Public Highway

b) Site Description

- The application site is an area of public highway on the north-west side of High Street adjacent to 32 High Street Harrow and immediately opposite The Burser, 5 High Street, Harrow.
- Immediately to the north-west of the application site are 1.8m high railings and coniferous hedge which run along the southern boundary of the gardens of Harrow School.
- Opposite the application site are nos. 3, 5, 7 and 9 (odd) High Street which are all individually Grade II Listed Buildings.
- An existing cabinet is located adjacent to 1 High Street and adjacent to a red pillar box.

- Immediately to the south west of the application site are is a litter bin, a salt receptacle and a Grade II Listed K6 red telephone box.
- The surrounding buildings are labelled as positive unlisted buildings if they are not Listed or Locally Listed.
- The site is located within Harrow on the Hill Conservation Area and is within the setting of Harrow School Conservation Area.

c) Proposal Details

- Where electronic equipment is installed by a Code Systems Operator within Article 1/5 land, (a conservation area), an application for prior approval is required to be made to the Local Planning Authority.
- The proposal is for prior approval of siting and design for the installation of one equipment cabinet.
- The proposed DSLAM Cabinet installation forms a wider part of a Government Digital Britain Project, which would enable the provision of super Broadband connectivity to the majority of the population, by boosting the individual's use of the internet and the wider economy in general.
- The kiosk would be a maximum of 1.6m high, 1.2m wide and 0.45m deep.
- The new cabinet would be green coated.
- The cabinet would be located on the public highway of High Street to the s east

Revisions to Previous Application:

- n/a

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

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

g) Consultations

Conservation Area Advisory Panel: There are strong objections to this as it would add street clutter and would be of a very poor design. They should install this behind the railings and come to some arrangement with the land owner. It would ruin the ambience. It seems strange that so many need to be installed in such a small area. For example, there is one proposed in front of Lincoln House, the Summit House and Sudbury Lodge. Could these not be installed elsewhere or the number reduced?

Highways Engineers: No objection in principle.

Advertisement:	Character of Conservation Area Setting of a Listed Building	Expiry: 04-FEB-11
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Notifications:		
Sent: 6	Replies: 0	Expiry: 02-FEB-11

Addresses consulted:

3 High Street, Harrow
5A High Street, Harrow
7 High Street, Harrow
32 High Street Harrow
The Burser 5 High Street Harrow,
30 High Street Harrow

Summary of Responses:

- Not applicable

APPRAISAL

1) Siting and Appearance

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.

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 special interest of the Harrow on the Hill Village Conservation Area, and the Harrow School Conservation Area which is immediately adjacent to the proposed site for the cabinet, relates partly to the lack of street clutter here. Indeed, the CAAMS states: 'At present the pavements are not at all cluttered as 'the narrowness [of the pavements] restrict the siting of too much street furniture and fortunately limit obstructive and visual clutter.' It also notes that as the townscape quality is so high: 'The special qualities of the area make attention to detail worthwhile and as such each component of the townscape deserves close attention. Therefore any additional street furniture should respect the historic qualities of the area and be of the highest quality of design'.

The CAAMS also identifies 'Telecoms equipment on the Hill' as a pressure within the Conservation Area. It states that 'Pressure for cells and masts are inevitable at this lofty location because of the coverage they afford. Hand in hand with this, there is also pressure for associated equipment cabinets, which creates both visual and obstructive clutter on buildings and footpaths'.

The proposed cabinet has been located on a relatively wide part of the pavement to limit its obstructiveness. However, at present the surrounding area is generally uncluttered by street furniture and it is considered that this adds to the quality of the Conservation Area and the setting of the nearby Listed and Locally Listed Buildings. Whilst there is nearby street furniture, this is of the highest quality, traditional design, again helping to preserve the setting of the nearby Listed and Locally Listed Buildings. This is illustrated by the way one of the nearest items is a Grade II Listed K6 telephone box (list description below) and opposite nearby is a traditional red pillar box, which is a heritage asset within the Conservation Area. Otherwise, the adjacent rubbish bin and salt bin are of a good quality design as they are quite small and painted black and gold to give a subtle, traditional character.

The proposed cabinet in contrast to all the above, would be very large and obtrusive and given its plain box design would result in an incongruous form of development in this extremely sensitive location. When viewed in conjunction with the other items of street furniture within the immediate vicinity, it would result in additional clutter. The proposal is therefore considered to be contrary to the CAAMS statement that requires that 'any additional street furniture should respect the historic qualities of the area and be of the highest quality of design' and the CAAMS statement that the Council will 'Refuse applications, which will visually clutter or that will be physically obstructive to the streetscene as part of the planning process'.

Therefore it is considered the proposal would not preserve the character of the conservation area, or the setting of the Listed or Locally Listed Buildings or the nearby positive unlisted buildings which are heritage assets within the Conservation Area and **so would be not comply with the above outlined policies, namely: PPS5 policy D11, D12, D14 and PPS5 policies HE9.1, 9.2 and 9.4, HE7., HE7.4 and HE10.1.**

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 a cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

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.

The cabinet will be located such that it will not cause undue obstruction to pedestrian or other non-motorised movement. The Council's Highways Engineer raises no objection to the proposal.

2) Accessibility and Highway Considerations

In terms of assessing the siting of the proposed cabinet with regards to the Council's Accessibility Supplementary Planning Document, it is considered that 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

This cabinet would be located on a busy road and the open nature of the site means that it generally has good levels of natural surveillance, and this should prevent the cabinet becoming a target for vandalism.

Although abandoned cabinets that are no longer in use could attract graffiti and be vandalised, a general condition attached to Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is that telecommunications apparatus must be removed once it is no longer required for operational purposes.

Therefore, the proposal is not considered to have a detrimental impact on crime and disorder in the area.

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:

Prior approval of details of siting and appearance **is** required and 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 (2005)

Planning Policy Statement 5 - Planning For The Historic Environment (2010)

Planning Policy Guidance 8 – Telecommunications Development (2001)

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D24 – Telecommunications Development

D29 – Street Furniture

EM24 – Town Centre Environment

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document

Access for All (2006)

Harrow on the Hill Conservation Areas SPD Appendix 4: Harrow on the Hill Conservation Area Appraisal and Management Strategy (CAAMS) adopted May, 2008.).

Plan Nos: Site Plan, dimensioned elevation of sheet cabinet

LAND ADJACENT TO 1-97 CHASEWOOD PARK, HARROW, HA1 3RU P/0028/11

WARD HARROW ON THE HILL
PRIOR APPROVAL FOR SITING AND APPEARANCE; INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 515335 186393) (PCP:024)

Applicant: Openreach

Case Officer: Andy Parker

Statutory Expiry Date: | 28-FEB-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 cabinet by reason of its prominent siting opposite at a road junction and location within the setting of locally listed building Gooden Cottage would result in an obtrusive form of development which would result in the loss of greenery on the grass verge and would add to visual clutter within this part of the Sudbury Hill Conservation Area to the detriment of the open character of the area and the setting of the locally listed building Gooden Cottage. 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 Sudbury Hill Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Planning Policy Statement 5: Historic Environment, saved policies D4, D12, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Harrow on the Hill Conservation Areas Supplementary Planning Document appendix 4 part D - the Sudbury Hill Conservation Area Appraisal and Management Strategy (May 2008).
2. The proposed cabinet by reason of its siting adjacent to a 1.8m high brick boundary wall to the grounds of nos.1-97 Chasewood Park and location of the proposed equipment cabinet on the grassed verge adjacent to the brick wall may result in "Secured by Design" issues in that the cabinet could be used for access into the adjacent property Sudbury Lodge, contrary to saved policy D4 of the Harrow Unitary Development Plan (2004)
3. 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 (2005)

Planning Policy Statement 5 - Planning For The Historic Environment (2010)

Planning Policy Guidance 8 – Telecommunications Development (2001)

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

C16 – Access to Buildings and Public Spaces

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document

Supplementary Planning Document 'Access for All' (2006)

Harrow on the Hill Conservation Areas SPD appendix 4 part D - the Sudbury Hill Conservation Area Appraisal and Management Strategy (May 2008)

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 D4, D14, D15, D24, D29, C16, SPD)
- 2) Accessibility and Highway Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to committee as the applications falls outside the scheme of delegation.

a) Summary

Statutory Return Type: 27: Notifications Under Circular
Conservation Area: Sudbury Hill Conservation Area
Council Interest: Public Highway

b) Site Description

- The application site is a 0.65m wide area of grassed verge adjacent to the public highway on the north-east side of Sudbury Hill (A4005), a Borough Distributor Road, and immediately opposite its junction with South Hill Avenue.
- To the north of the application site Sudbury Hill runs steeply downwards in a north/south direction and the application site is located at a point where the road bends downwards to the south-east.
- To the north-east of the grassed verge a 1.8m high brick wall which runs along the boundary of the to the grounds of nos.1-97 Chasewood Park.
- The brick wall to the north-west of the application site has railings above. The 1.8m high brick wall immediately to the north-east and adjacent the proposed siting of the cabinet has no railings above.

- To the south-east of the application site the boundary wall has a recessed area which provides pedestrian access, via a metal railing entrance gate, from Sudbury Hill to the to the grounds of nos.1-97 Chasewood Park.
- To the north-west of the application site is Sudbury Lodge, a locally Listed Building.
- On the opposite side of Sudbury Hill Road and immediately to the north of its junction with South Hill Avenue is Gooden Cottage, a locally listed building.
- On the grass verge between the public footpath and the brick boundary wall and to the north-west of the application site there is an exiting equipment cabinet and a bench.
- It is considered that the location opposite is junction with Sudbury Hill contributes to the open nature of the street scene.
- The site is located within Sudbury Hill Conservation Area and is within the setting of a locally listed Gooden Cottage and Sudbury Lodge.

c) Proposal Details

- Where electronic equipment is installed by a Code Systems Operator within Article 1/5 land, (a conservation area), an application for prior approval is required to be made to the Local Planning Authority.
- The proposal is for prior approval of siting and design for the installation of one equipment cabinet.
- The proposed DSLAM Cabinet installation forms a wider part of a Government Digital Britain Project, which would enable the provision of super Broadband connectivity to the majority of the population, by boosting the individual's use of the internet and the wider economy in general.
- The kiosk would be a maximum of 1.6m high, 1.2m wide and 0.45m deep.
- The new cabinet would be green coated.
- The cabinet would be located on the grassed verge between the equipment cabinet to the north-west and pedestrian access to the grounds of nos. 1-97 Chasewood Park.
- The cabinet would be located to the south east of an existing cabinet and immediately to the north west of the pedestrian entrance gate to the grounds of nos. 1-97 Chasewood Park.

Revisions to Previous Application:

- n/a

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

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

g) Consultations

Harrow Hill Trust: No response to date.

Conservation Area Advisory Panel: It would look very obtrusive. This is a very prominent corner. They could be located opposite and pushed back into the shrubbery. This could either be on the other side of the road, or in the recreation area or back into the footpath lane. Or it could stay on the same side of the road but be moved further east.

Highways Engineers: There is a potential 'secure by design' issue with regard to the back of footway location otherwise no objection.

Advertisement: | Character of Conservation Area | Expiry: 04-FEB-11

Notifications:

Sent: 2

Replies: 0

Expiry: 02-FEB-11

Addresses consulted:

Gooden Cottage, South Hill Avenue, Harrow
Sudbury Lodge, Sudbury Hill Harrow
Nos. 1-97 Chasewood Park

Summary of Responses:

- No responses to date.

APPRAISAL

1) Siting and Appearance

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.

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 Conservation Area Appraisal and Management Strategy indicates that the special interest of the Conservation Area relates partly to the good areas of greenery within it, including grass verges. It refers to the vegetation under summary of special interest. It also states: 'Adding to the semi-rural theme an intimate and secluded feel is created in parts by:...areas of grass, including grass verges.' It refers to the southern end of Sudbury Hill as 'although still busy with traffic, takes on an almost semi-rural character, with large areas of open space to both sides glimpsed behind roadside planting, grass verges and walls'. It states: 'A softer and greener feel is created at these junctions compared to the more urban environment further north, as there is particularly dense public and private planting along the roadside in grass strips; central islands; trees; and hedges'. It states that: 'grass verges or grass banding,...helps to create a softer and more varied character.' It states: 'Importantly public and private greenery throughout provides the setting to buildings, breaks up the streetscene and helps create a semi-rural character, softening what could otherwise be a hard roadscape'.

In this case, the proposed cabinet would be located in a prominent location at the junction of Sudbury Hill and South Hill Avenue and is clearly located within the setting of the locally listed building Gooden Cottage. The locally listed building Sudbury Lodge which is located to the north west of the application site is screened from the proposed cabinet by the existing brick boundary wall to the grounds of nos.1-97 Chasewood Park and by fencing and coniferous planting which runs along the south-east boundary of Sudbury Lodge and the grounds of nos.1-97 Chasewood Park. The proposal is not therefore considered to adversely affect the setting of this listed building.

The proposed cabinet is considered to result in a reduction in the greenery of the grass verge, which would be very evident given its location on the prominent junction. There is an existing bench and equipment cabinet located with close proximity of the application site and the proposed development would add clutter within the setting of the locally listed Gooden Cottage. The proposal is not therefore considered to preserve the character of the Conservation Area and could be located to better preserve the setting of the locally listed building contrary to Harrow UDP policy D12, D14, D15 and D16 and PPS5 policy HE7.4 and HE9.1 and HE9.4.

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 a cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

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.

The cabinet will be located such that it will not cause undue obstruction to pedestrian or other non-motorised movement. The Council's Highways Engineer raises no objection to the proposal.

2) Accessibility and Highway Considerations

In terms of assessing the siting of the proposed cabinet with regards to the Council's Accessibility Supplementary Planning Document, it is considered that 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

This cabinet would be located on a busy road and the open nature of the site means that it generally has good levels of natural surveillance, and this should prevent the cabinet becoming a target for vandalism. However, the proposed cabinet would be sited adjacent to a 1.8m high brick boundary wall and the location of the proposed equipment cabinet on the footway adjacent to the brick wall may result in "Secured by Design" issues in that the cabinet could be used for access into the adjacent grounds of nos.1-97 Chasewood Park. Given this, it is considered that alternative locations should be sought for this proposal.

Therefore, the proposal is considered to have a detrimental impact on crime and disorder in the area.

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:

Prior approval of details of siting and appearance **is** required and 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

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Planning Policy Guidance 8 – Telecommunications Development

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D24 – Telecommunications Development

D29 – Street Furniture

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document

Access for All (2006)

Supplementary Planning Document (SPD) (Dec 2009):

Plan Nos: Site Plan, dimensioned elevation of street cabinet, PCP 72