

SECTION 1 – MAJOR APPLICATIONS

Item: 1/01

**CHANDOS PARADE, BUCKINGHAM P/3080/10
ROAD, EDGWARE, HA8 6HW**

Ward EDGWARE

REDEVELOPMENT FOR A PART 2, PART 3 STOREY BUILDING TO PROVIDE 10
FLATS WITH ACCESS AND PARKING (RETROSPECTIVE APPLICATION)

Applicant: Safeland PLC
Agent: Stuart Henley & Partners
Case Officer: Nicholas Ray
Statutory Expiry Date: 08-MAR-11

RECOMMENDATION

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

REASON

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

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS25 – Development and Flood Risk

The London Plan 2008:

2A.1 – Sustainability Criteria

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

3A.2 – Borough Housing Targets

3A.3 – Maximising the Potential of Sites

3A.5 – Housing Choice

3A.6 – Quality of New Housing Provision

3A.8 – Definition of Affordable Housing

3A.9 – Affordable Housing Targets

3A.10 – Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes

3A.11 – Affordable Housing Thresholds

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

4A.1 – Tackling Climate Change
4A.2 – Mitigating Climate Change
4A.3 – Sustainable Design and Construction
4A.4 – Energy Assessment
4A.6 – Decentralised Energy: Heating, Cooling and Power
4A.7 – Renewable Energy
4A.22 – Spatial Policies for Waste Management
4B.1 – Design Principles for a Compact City
4B.5 – Creating an Inclusive Environment
Interim London Housing Design Guide (2010)
Interim Housing Supplementary Planning Guidance (2010)

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D9 – Streetside Greenness and Forecourt Greenery
EP12 – Development Within Floodplains
EP25 – Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
H7 – Dwelling Mix
C16 – Access to Buildings and Public Spaces
Supplementary Planning Document: Sustainable Building Design (2009)
Supplementary Planning Document: Accessible Homes (2010)
Supplementary Planning Document: 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 Development**
PPS1, PPS3, 2A.1, 3A.3
- 2) Character and Appearance of the Area and Design**
PPS1, PPS3, 4A.22, 4B.1, D4, D9, SPD
- 3) Residential Amenity**
3D.13, D5, EP25, SPG:Extns
- 4) Traffic and Parking**
T6, T13
- 5) Accessible Homes**
C16, 3A.5, 4B.5, SPD:Access
- 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) Development and Flood Risk**
PPS25, EP12
- 10) S17 Crime & Disorder Act**
D4, 3A.6, SPGs
- 11) Consultation Responses**

INFORMATION

a) Summary

Statutory Return Type:	7. Smallscale Major Dwellings
Lifetime Homes:	4
Wheelchair Homes:	0
Density:	131 dwellings/hectare, 263 habrooms/hectare
Car Parking	Provided: 12
Council Interest:	None

b) Site Description

- The site is occupied by a part 2, part 3 storey building comprising 10 flats, occupying a corner site between Buckingham Road and Merlin Crescent.
- The site was formerly occupied by a parade of 4 commercial/retail units and has been in the process of being developed pursuant to a previous planning permission reference (P/939/04, allowed on appeal).
- 12 parking spaces have been constructed to serve the development, as well as soft landscaping, railings, fencing and a refuse storage enclosure.
- Vehicle access to the car park is to be provided from Merlin Crescent, with an existing vehicle access to be retained for access to a single parking space from Buckingham Road.
- The site is located within Flood Zone 2, with Edgware Brook running along the south west boundary.
- To the west of the site are the residential properties on Buckingham Road, comprising two storey semi-detached dwellings.
- To the north of the site, beyond Buckingham Road, are single storey garages serving residential flats beyond, which are 3 and 4 stories high.
- To the east of the site, beyond Merlin Crescent, are two storey residential properties and a two storey parade of shops and commercial uses.
- To the south of the site, beyond Edgware Brook, are two storey residential properties on Merlin Crescent.

c) Proposal Details

- Retrospective planning permission is sought for the whole development as built.
- As explained above, the development was originally commenced pursuant to planning permission allowed on appeal on 22nd July 2005. However, owing to conditions not being satisfied within the 5 year period for commencement, full permission must be sought.
- This application includes details relating to the conditions that were not originally discharged, including:
 - Boundary treatments;
 - Landscaping;
 - Landscape management;
 - Refuse storage;
 - Site levels and drainage.
- In terms of the physical development as built, the proposal differs from the approved development as follows:
 - Increase in height of 3 storey section of 200mm;
 - Minor changes to fenestration of elevation fronting the junction.

- There was also a unilateral undertaking submitted with the original appeal, relating to contributions for landscaping of the highways land to the front of the site, which has not be carried out.

d) Relevant History

P/939/04/CFU	REDEVELOPMENT FOR A PART 2, PART 3 STOREY BUILDING TO PROVIDE 10 FLATS WITH ACCESS AND PARKING	REFUSED 30-JUL-04 APPEAL ALLOWED 22-JUL-05
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e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design and Access Statement.
- Flood Risk and Drainage Details.

g) Consultations:

Highways Engineer: No objection.

Landscape Officer: Condition requested requiring additional planting.

Environment Agency: The development would be acceptable, subject to condition relating to boundary walls and fencing.

Drainage Officer: Objection, drainage systems installed are unsatisfactory.

Site Notice: 29-DEC-10 Expiry: 26-JAN-11

Advertisement: 23-DEC-10 Expiry: 13-JAN-11

Notifications:
Sent: 59 Replies: 1 Expiry: 11-JAN-11

Addresses Consulted:

- Flats 1-30, 61 Buckingham Road;
- 80-90A (even) Buckingham Road;
- Flats 1-6 Chandos Court, Buckingham Road;
- 78-82 (even) Chandos Crescent;
- 91 & 93 Merlin Crescent;
- 126-138 (even) Merlin Crescent.

Summary of Response:

- Concerns about existing boundary fencing adjacent to No.80 Buckingham Road, in relation to property deeds and impact on visibility/highway safety.

APPRAISAL

1) Principle of Development

The principle of development is accepted, given that this application seeks retrospective permission for a development which has been previously approved on the site, albeit with minor changes. The development makes efficient use of previously developed land for housing and therefore contributes to the provision of housing in the Borough.

2) Character and Appearance of the Area and Design

As discussed, the development as built differs from the approved development, by reason of an increase in height of the three storey section by 200mm and changes to the elevational treatments and fenestration. In terms of scale and design the development is not significantly different from what was previously approved. The two storey element relates well to the two storey housing on Buckingham Road, whilst the three storey element presents an attractive visual landmark on this prominent corner site, comprising a high quality contemporary design. Elevational changes that have taken place comprise alterations to fenestration facing the junction and an increase in timber cladding. The principle of this set of materials is established and the combination of off-white render, timber cladding and grey metal windows and balconies is considered appropriate in this location, given the variety of materials used in other buildings around the junction. It is therefore considered that the building has an acceptable appearance and complies with saved UDP policy D4.

The layout of the parking and soft landscaping is not materially different to what was originally allowed on appeal. Some planting has been introduced on the site, but this is considered to be insufficient. A landscaping plan has been submitted, which is considered to be acceptable by the Council's Landscape Officer. Conditions are imposed to ensure that this additional landscaping is implemented on site.

A unilateral undertaking was submitted as part of the original appeal, relating to the payment of a sum of £21,000 for hard and soft landscaping works to the highways land in front of the site. This has not been carried out. However, it is noted that the Inspector, in allowing the appeal, commented that 'although it would be a benefit, in my view this undertaking is not necessary in planning terms to overcome any objection that would otherwise justify dismissing the appeal'. It is therefore considered that the development is not rendered unacceptable by the absence of these works and landscaping of the highways land is not necessary for the implementation of the development.

Refuse Storage

The refuse storage area constructed provides storage space for one 1100 waste bin and one 1280 litre recycling bin, which would be in line with the Council's requirements for this development. The storage area is in the same part of the site as originally approved and the timber enclosure screens the bins from view. Access to the bins is considered to be acceptable.

3) Residential Amenity

Despite the minor increase in size compared to the original approval, the building complies with the 45 degree code from the neighbouring property at No.80 Buckingham Road and there are no protected windows on the flank wall of that property that are adversely affected. Given the separation distance between the building and other neighbouring residential properties, no other residential occupiers are adversely affected in terms of loss of light or outlook.

The window and balcony arrangement close to the neighbouring properties to the west, on Buckingham Road, is not materially different to what was originally approved and is therefore considered acceptable. The minor changes to the windows on the other parts of the building have not increased the level of overlooking experienced by other neighbouring occupiers.

There are two roof terraces on the building, one on the two storey section and one on the three storey section and these have been constructed as approved. It is noted however that a condition was imposed on the original appeal decision, which was not discharged, relating to landscape management. The roof terraces incorporate landscaped planters round the edges, to ensure that users of the roof terrace are not able to walk up to the raised parapet walls and overlook neighbouring properties.

A landscaping scheme showing proposed planting for these areas, as well as details of management measures to ensure that they are retained has been submitted and is considered satisfactory. Subject to the condition imposed requiring these measures to be implemented, the amenities of neighbouring residential occupiers would therefore be safeguarded.

Room sizes and amenity space:

The layout and room sizes are the same as those allowed under the previous appeal. Private balconies, garden areas and two large roof terraces are provided for occupiers of the building. The standard of accommodation is therefore considered to be acceptable.

4) Traffic and Parking

The provision of 12 parking spaces to serve the development is considered to be acceptable in this location and is consistent with the provision on the original approval. The Council's Highways Engineer raises no objections and the development is considered to be acceptable in this regard.

Concerns have been raised by the adjacent neighbour at No.80 Buckingham Road relating to boundary fencing adjacent to their property. It is considered that the current 1.8 metre high boundary fence adversely affects visibility from the driveway of this property. Alternative details have been submitted, showing a 1.0 metre high fence along part of this boundary. A condition is imposed to ensure that these works are carried out within 1 month of this approval.

5) Accessible Homes

Level access is provided to the main entrance doors of the block and the four ground floor units would therefore be accessible. No lift is provided to the upper floors, but it is considered that the provision of four accessible flats would be acceptable in this case.

6) Housing Provision and Density

The density of the development is 130 dwellings per hectare and 260 habitable rooms per hectare. This was considered acceptable by the by the appeal Inspector and there has been no material change in policy or site circumstances since this original approval.

7) Affordable Housing

When originally approved, the threshold for a major development, and therefore the provision of affordable housing, was 15 dwellings. Accordingly, when originally considered in 2004/05, there was no policy requirement to provide any affordable housing as part of the development. This has since changed and the threshold is now 10 dwellings. As the development comprises 10 flats, this triggers the consideration of affordable housing provision under London Plan policy 3A.9.

In the absence of a full Toolkit response, the applicant has submitted details of purchase price, stamp duty, legal fees and construction costs. In the interests of sensitivity, these are not reported. The figures show a modest 20% profit if all the flats are sold at their asking price of £199,000. To date, there has been little interest in the flats. It should be borne in mind that the applicant took over this site and, as shown in the submitted figures, has invested a considerable amount to bring the development to completion, to the benefit of the wider area. Given the modest projected profit for the developer and the current lack of interest in the flats at what is considered to be a reasonable asking price, it is considered that the provision of any affordable housing within the development would render the scheme unviable, resulting in no provision to the Borough's housing stock and the development sitting idle once more.

It is therefore considered that the development complies with London Plan policy 3A.9 and policy 3A.10, which emphasises the need to 'encourage rather than restrain residential development and the individual circumstances of the site'.

8) Sustainability

The development as originally approved was not subject to the same policy requirements relating to sustainable design and construction and renewable energy. In these circumstances, it is considered to be unreasonable to apply the current policy retrospectively. The completed development is constructed of sustainable materials and is considered to be acceptable.

9) Development and Flood Risk

It is noted that the Council's Drainage Department have objected to the application, as the surface water storage system does not meet their requirements. However, subject to a condition relating to alterations to the fencing along the Edgware Brook boundary, the Environment Agency have no objection and the internal level of the building would be 1.7 metres above the 1 in 100 year flood level, plus 20% allowance for climate change.

Permeable paving has been installed to the car parking area. Notwithstanding the objection from the Drainage Section, which can be dealt with under their byelaws, it is considered that the development has an acceptable impact on flood risk, subject to compliance with the condition relating to alterations to boundary fencing adjacent to the Brook.

10) S17 Crime & Disorder Act

No new concerns have arisen in relation to this legislation. The development allows good natural surveillance of the car park and surrounding streets, whilst illuminated entrance doors provide a safe and secure environment for occupants of the building.

11) Consultation Responses

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

- Property deeds: These are not material planning considerations.

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 development makes efficient use of previously developed land 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 scheme of hard and soft landscape works hereby approved, shall be implemented in the first planting season following this approval. The landscaping shall be retained as approved and managed in accordance with the submitted landscape management plan. 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.

2 The alterations to the boundary fencing along the side boundary with No.80 Buckingham Road as shown on the approved landscaping plan (L001A) shall be completed within 1 month of this approval. The fence shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents, the character of the locality and in the interests of highway safety, in accordance with saved UDP policies D4 and D5.

3 Within 1 month of this approval, a 150mm gap shall be provided at the base of the fencing along the boundary of the site with the Edgware Brook. The fencing shall be retained as altered.

REASON: To ensure that any wall or fence surrounding the site will not cause an obstruction to the flow and storage of flood water, with a consequent increased risk of flooding, in line with the requirements of PPS25.

4 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.

5 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 the parking of cars and motor vehicles of the occupiers of the development hereby permitted 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.

6 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: 3964/04; 10; 11; L1207/01; 03 Rev A; L001A; L002; L003; Planter Detail; Site Plan; Design and Access Statement; Landscape Proposals.

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

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 RELEVANT POLICIES

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

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS25 – Development and Flood Risk

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London Plan: 2A.1, 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.6, 4A.7, 4A.22, 4B.1

Interim London Housing Design Guide (2010)

Interim Housing Supplementary Planning Guidance (2010)

Harrow Unitary Development Plan: D4, D5, D9, EP12, EP25, T6, T13, H7, C16

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: 3964/04; 10; 11; L1207/01; 03 Rev A; L001A; L002; L003; Planter Detail; Site Plan; Design and Access Statement; Landscape Proposals

Item: 1/02
KRISHNA-AVANTI PRIMARY SCHOOL, P/2046/10
CAMROSE AVENUE, EDGWARE, HA8 6ES

Ward EDGWARE

VARIATION OF CONDITION 9 ATTACHED TO PLANNING PERMISSION P/1282/07/CFU DATED 10/03/2008 TO READ 'THE SITE LEVELS SHALL BE MAINTAINED IN ACCORDANCE WITH THE LEVELS SHOWN ON COTTRELL AND VERMEULEN DRAWING NUMBER 0236 PL26 REVISION A, UNLESS OTHERWISE APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY'.

VARIATION OF CONDITION 17 ATTACHED TO PLANNING PERMISSION P/1282/07/CFU DATED 10/03/2008 TO READ 'THE LIGHTING SHALL BE MAINTAINED IN ACCORDANCE WITH DRAWING NUMBER V(21)006 REV 1 AND SCHEDULE V(21) 501C REVISION D. DETAILS OF ANY ADDITIONAL LIGHTING SHALL BE SUBMITTED TO, AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY, PRIOR TO THE INSTALLATION OF THE LIGHTING'.

Applicant: Mr Nitesh Gor
Agent: Cottrell and Vermeulen
Case Officer: Nicholas Ray
Statutory Expiry Date: | 18-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 has been taken having regard to the saved policies of the Harrow Unitary Development Plan and other material considerations. The proposed variation of conditions would regularise the existing access works and lighting on the site. The proposed lighting would also be acceptable.

London Borough of Harrow Unitary Development Plan 2004

D4 – Standard of Design and Layout
D23 – Lighting, Including Floodlighting
T9 – Walking
T13 – Parking Standards
T15 – Servicing of New Developments

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

- 1) Pedestrian and Highway Safety (T9, T13, T15)
- 2) Residential Amenity (D4, D23)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee as it falls outside of the thresholds set by the Schedule of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 12. Smallscale Major Development
Council Interest: The Council is Freeholder

b) Site Description

- Application site comprises a single storey one form primary school (includes a nursery, reception and year 1 up to year 3), with associated landscaping, car parking and access works from Camrose Avenue.
- The surrounding area is predominantly suburban residential in character.
- The school has been constructed pursuant to planning permission P/1287/07 and is occupied, although a number of pre-commencement conditions remain outstanding.
- Condition 9 of the original permission relates to the laying out of the access carriageway and footways.
- Condition 17 relates to the installation of external lighting.

c) Proposal Details

- It is proposed to vary conditions 9 and 17 to enable the discharge of these details.
- In relation to condition 9, the access carriageway and footways have been constructed on site. This application effectively seeks to regularise the existing arrangement.
- In relation to condition 17, some of the lighting has been installed, in the form of low level bollard lighting and bulkhead lighting on the building. This application therefore seeks to regularise this arrangement.
- The lighting plan also shows proposed lighting in the pond area to the west of the site and along the path leading to the play area to the south of the site.

d) Relevant History

P/1282/07/CFU	Construction of one form primary school, external works, access and car parking	GRANTED 10-MAR-08
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e) Pre-Application Discussion

- None.

f) Applicant Statement

- Supporting Statement.

g) Consultations:

London Borough of Barnet: No objection.

Landscape Officer: No objection

Highways Engineer: No objection.

Notifications:

Sent: 469

Replies: 2

Expiry: 12-JAN-11

Addresses Consulted:

- 2-322 (even) Camrose Avenue;
- 1-297 (odd) Camrose Avenue;
- William Ellis Sports Ground, Camrose Avenue;
- Camrose Baptist Church, Camrose Avenue;
- 46-108 (even) Broomgrove Gardens;
- 69-155 (odd) Broomgrove Gardens;
- 41-79 (odd) Westleigh Gardens;
- 36-88 (even) Constable Gardens;
- 2-10 (even) Raeburn Road;
- 11-16 (conc) Bideford Close;
- 2-12 (conc) Appledore Close.

Summary of Response:

- Concern about expansion of school and increase in size of building;
- Change in levels has resulted in flooding on neighbouring properties;
- School should have complied with conditions earlier;
- Concerns about traffic increase and parking problems;
- Objection to increase in lighting, suggest sensor lighting and low level lighting.

APPRAISAL

1) Pedestrian and Highway Safety

The access carriageway and footways have been constructed and are in use. The Council's Highways Engineer raises no objection to the arrangement and the access carriageway and footways are therefore considered to provide a safe environment for vehicles and pedestrians.

2) Character and Residential Amenity

The application proposes to regularise the existing lighting on the site. The lighting installed includes 950mm high bollard lighting to access road and parking areas, as well as wall mounted luminaires, bulkheads and emergency lighting to the main entrance gates and buildings. The bollard lighting is modest in scale and illumination and is considered to be appropriate to the school's setting, to the rear of residential dwellings.

They are also not illuminated during the night and are primarily there to provide a safe environment for setting down during hours of darkness in winter mornings. The building mounted lighting is also modest and is required for security purposes.

Three floodlights have been installed and these are located in the middle of the site and illuminate the temple feature. These are only used on special occasions (around 2-3 times per year) and are not considered to be excessive.

Some lighting is also proposed, including 420mm high lights along the path between the low level playground and the courts to the south of the site. These would be very modest 'garden spike' lights and would not be objectionable. Three floating feature lights are also proposed in the pond and these would also be acceptable.

In summary, the existing and proposed lighting is considered to be acceptable and the proposed lighting would not unduly harm the character of the area or amenities of neighbouring occupiers, nor would it affect local wildlife.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

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

- Concern about expansion of school and increase in size of building: This is not proposed as part of this application.
- Change in levels has resulted in flooding on neighbouring properties: Site levels are not the subject of this application, only the levels relating to the highway access to Camrose Avenue.
- Concerns about traffic increase and parking: Given that no expansion of the school is proposed, it is considered that there would be no increase in traffic or parking problems.

CONCLUSION

The decision to grant planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan and other material considerations. The proposed variation and discharge of conditions would regularise the existing access works and lighting on the site. The proposed lighting would also be acceptable. The proposal is therefore recommended for grant, subject to the following condition(s):

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 100 Rev E; 101 Rev C; 102 Rev E; 200 Rev E; 201 Rev E; 500 Rev E; 700 Rev F; 701 Rev E; 703 Rev A; 1200 Rev H; DWG/PL26/A; V[21]006/ Rev I; Bollard Light Detail; Maxfordham Lighting Schedule

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

3 The permission hereby granted is supplemental to planning permission ref: P/1282/07/CFU granted by the Council on the 10th March 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

INFORMATIVES

1 RELEVANT POLICIES

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

D4 – Standard of Design and Layout

D23 – Lighting, Including Floodlighting

T9 – Walking

T13 – Parking Standards

T15 – Servicing of New Developments

Plan Nos: 100 Rev E; 101 Rev C; 102 Rev E; 200 Rev E; 201 Rev E; 500 Rev E; 700 Rev F; 701 Rev E; 703 Rev A; 1200 Rev H; DWG/PL26/A; V[21]006/Rev I; Bollard Light Detail; Maxfordham Lighting Schedule

**EDGWARE TOWN FOOTBALL CLUB, P/0428/11
BURNT OAK BROADWAY, EDGWARE,
HA8 5AQ**

Ward EDGWARE

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/1941/07/COU
DATED 22/04/10 TO ALLOW A CASCADE ARRANGEMENT TO DETERMINE THE
LEVEL OF AFFORDABLE HOUSING PROVISION

Applicant: Edgware Developments Ltd

Agent: Kaz Ryzner Associates

Case Officer: Nicholas Ray

Statutory Expiry Date: | 13-APR-11

RECOMMENDATION

APPROVE modification of the Section 106 Agreement relating to the provision of affordable housing, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) In the event that grant funding is not obtained, or is only partially obtained, evidence of the lack of funding shall be provided, as well as a financial appraisal demonstrating that it is not viable to provide the Affordable Housing Units, but that it would be viable to provide the Minimum Affordable Housing Units.
- (ii) In the event that the financial appraisal shows that it is not viable to provide the Affordable Housing Units, but that it would be viable to provide more than the Minimum Affordable Housing Units, then a revised level and/or mix of affordable housing shall be agreed.

Affordable Housing Units: 40 affordable rented units (3 x 1 bed flats, 14 x 2 bed flats, 12 x 3 bed flats, 7 x 4 bed houses and 4 x 5 bed houses) and 17 intermediate units (6x 1 bed flats and 11 x 2 bed flats).

Minimum Affordable Housing Units: 11 social rented units (7 x 4 bed houses and 4 x 5 bed houses) and 15 intermediate units (8 x 1 bed flats and 7 x 2 bed flats).

- (iii) The remaining units within the development shall remain as open market housing.
- (iv) 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 affordable housing, balanced with the need to encourage rather than restrain residential development.

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: 7. Smallscale Major Dwellings

Council Interest: None

b) Site Description

- The site comprises a football ground and premises, which was previously occupied by Edgware Town FC, but is now vacant.
- The site benefits from outline planning permission for 189 dwellings.

c) Proposal Details

- It is proposed to vary the S106 agreement relating to the development, to alter the affordable housing provision by adopting a cascade arrangement.
- This would set the base level and minimum level of affordable housing, with a review mechanism to determine the appropriate level of provision, given the availability of grant funding and market conditions at the time of delivery.

- d) **Relevant History**
P/1941/07/COU Development to provide 189 dwellings GRANTED
(outline) 22-APR-10
- e) **Pre-Application Discussion**
- None.
- f) **Applicant Statement**
- None.
- g) **Consultations:**
Housing Officer: The reduced development value since the original 2008 assessment is accepted. There is continuing uncertainty in relation to the availability of social housing grant and additional development costs have been identified. In line with current policy and in the interests of enabling the scheme to proceed, it is considered appropriate to explore a revision to the affordable housing provision on the site. A minimum level of provision has been identified, whilst the existing level may be deliverable depending on funding availability. A cascade arrangement is recommended, in order to determine the appropriate level of provision, based on funding availability and market conditions.

APPRAISAL

1) **Affordable Housing**

The proposed modification is sought due to the change in market conditions and Homes and Communities Agency (HCA) funding expectations since the original assessment was made in 2008. Other abnormal build costs have also been identified, in relation to the provision of the basement car park element and community heating system.

The revised GLA Toolkit analysis demonstrates the reduced financial viability of the scheme. The additional build costs are considered justified and it is considered unlikely that the same level of HCA funding would be available in the current climate. In line with current planning policy and in the interests of enabling the scheme to proceed, a revision to the affordable housing mix secured previously is considered appropriate in principle, in order to reflect the changes since the original affordable housing agreement.

Following advice from the Council's Housing Enabling Team, a baseline minimum affordable housing provision, assuming no HCA grant whatsoever, would be the provision of 11 social rented units (4 and 5 bed houses) and 15 intermediate units (1 and 2 bed flats). This would ensure that a good range of larger family housing, the priority tenure and size, is delivered as social rented accommodation, as well as a good mix of intermediate provision.

The Toolkit analysis demonstrates that the existing provision (40 social rented and 17 intermediate) may be deliverable, were the social rented units provided under the proposed new affordable rent model. It is therefore proposed that this arrangement be retained, with a cascade clause put in place to facilitate further negotiation. The clause would ensure that further negotiation of the level and mix of provision, once funding availability becomes more certain and a Registered Provider has been identified. This will ensure that the appropriate level and mix of tenures is delivered, given funding and market conditions at the time the developer enters into a contract with the Registered Provider.

The proposed modification is considered to be acceptable. It would enable a flexible approach to the delivery of affordable housing within the development, in line with the recommendations of London Plan policy 3A.10 and the Mayor's Interim Housing SPG.

2) Consultation Responses

Housing Officers comments are addressed in the above section.

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 would adopt a flexible approach to the delivery to affordable housing on this site, in line with policy requirements.

Plan Nos: None.

Item: 1/04
NORTH SIDE CAR PARK, GREENHILL WAY, P/3406/10
HARROW, HA1

Ward GREENHILL

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/1721/08CFU DATED 10/03/2009 TO CHANGE PROPORTION OF AFFORDABLE HOUSING AT THE PROPOSED DEVELOPMENT

Applicant: Shiv Properties
Agent: Affordable 106
Case Officer: Gerard Livett
Statutory Expiry Date: | 15-MAR-11

RECOMMENDATION

APPROVE modification of the section 106 Agreement which regulates the proportion 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 3 units on the land be Affordable Housing Units
- That 2 x 3 bed and 1 x 4 bed Units shall be for social rent
- That the requirement to provide 2 x 1 bed and 4 x 2 bed Intermediate Housing units be deleted
- That the requirement to provide 10% of the Affordable Housing as Wheelchair Standards Homes be deleted
- 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 ensure that the development is financially viable and would ensure that Affordable Housing is provided at the development, and would accord with general government policy on the provision of 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.10 – Negotiating affordable housing in individual private residential and mixed-use schemes

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.10, D4, H7)
- 2) S17 Crime and Disorder Act (D4)
- 3) Consultation responses

INFORMATION

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

a) Summary

Statutory Return Type: Smallscale Major Dwellings

Council Interest: None

b) Site Description

- Existing pay and display car park accommodating 42 parking spaces off Greenhill Way, formerly owned by the Council;
- Irregular shaped plot with large advertisement hoardings facing Greenhill Way;
- Site is located within the Harrow Town Centre and is identified as an opportunity site in the Town Centre Development Strategy 2005;
- Site within 400m of Harrow on the Hill Underground and Train Station;
- Site within 200m of the town centre shops and services;
- The northern boundary of the site backs onto the rear gardens of the 2-storey terrace houses on Fairholme Road;
- On western boundary the site faces the side elevations of 2-storey semidetached dwellings on Greenhill Road;
- On southern boundary is Greenhill Way and the Council owned car park and the rear of Debenhams;
- On eastern boundary is the rear of the 3-storey office building 221-225 Station Road.
- The development has not yet been commenced

c) Background

- Planning permission P/1721/08/CFU dated 10-Mar-2010 granted planning permission for the development of the site to provide 37 flats in one block ranging between three and five storeys in height, together with the provision of 7 parking spaces and 37 cycle storage spaces

- This planning permission is accompanied by an associated s.106 Agreement which required that 9 of the flats be designated as affordable housing.
- The agreed mix of affordable housing types are:
- Social Rent: 2 x three-bedroom; 1 x four-bedroom
- Intermediate Housing: 2 x one-bedroom; 4 x two-bedroom
- Due to changes in the estimated costs of development, and uncertainty over grant funding for the Intermediate Housing units, the proposed development would not be viable with the agreed level of affordable housing provision
- The applicants have provided a toolkit which demonstrates that the development could be completed, with no grant funding, but would only be viable if the Intermediate Housing units were omitted
- The applicants have therefore sought to vary the s.106 Agreement such that only the agreed three social rented units would be provided

d) Relevant History

P/1721/08/CFU	Redevelopment of former car park to provide block of 37 flats with associated parking (resident permit restricted)	GRANTED 10-MAR-10
P/1414/10	Non-material amendment application for increased number of car parking spaces to planning permission P/1721/08/CFU dated 10.3.2009 for redevelopment of former car park to provide block of 37 flats with associated parking (resident permit restricted)	REFUSED 12-JUL-10

Reason for Refusal:

- The proposed amendments would significantly change the design and character of the approved development, would result in an excessive level of site coverage by hard surfaces, would result in a loss of available amenity space and would increase the number of vehicular movements to and within the site. These amendments are considered to be material and would need to be assessed against the requirements of policies 4B.1 and 4B.8 of the London Plan (2008) and saved policies D4, D5, D9, T6 and T13 of the Harrow Unitary Development Plan (2004).

e) Applicant Statement

- The applicants have provided a supporting statement and associated toolkit which concludes that in the absence of Grant funding from the Homes and Communities Agency, the development would not be viable should the requirement to provide Intermediate Housing be retained
- The applicants state that the scheme could still provide the agreed Social Rent units without any grant funding

g) Consultations

Housing Enabling: Our priority affordable housing need is for family sized social rented housing. We are therefore satisfied to accept the 3 social rented units on offer as part of the proposed deed of variation. These 3 social rented units will be delivered with no grant availability guaranteed;

The 6 New Build Homebuy units will not now be provided as a result of the viability considerations and in the interests of allowing the scheme to progress;

On the condition that the 3 social rented units are delivered, we are satisfied with this proposed amendment which secures the maximum reasonable level of affordable housing at this time.

Advertisement: Major Development Expiry: 20-JAN-11

Notifications:

Sent : 34 Replies : 3 Expiry: 26-JAN-11

Neighbours consulted:

Weldon Crescent: 14, 14a, 16, 16a, 18, 22, 22a

Greenhill Road: 49, 49a, 51, 51a, 53, 53a, 55, 55a, 57, 57a, 59, 59a

Fairholme Road: 27, 29, 31, 33, 35, 35a, 37, 39, 39a, 41, 41a, 43, 45

Greenhill Way: 2

Knights, 24 Oakhill Avenue, Pinner

Summary of Responses:

- This development should never have been granted in the first place as it is out of character with surrounding low-rise housing and will have a detrimental impact on the skyline
- Planned block will block view from my property and will further affect sunlight coverage in the garden.
- Value of property will decrease

APPRAISAL

1) Affordable Housing

The current Legal Agreement requires that three flats be provided for social rent and six for intermediate housing, defined as housing where costs are higher than target rents for social housing but are affordable by households on incomes of between £16,900 and £52,500 per annum.

The toolkit that was submitted with the original planning application, reference P/1712/08/CFU misinterpreted the build cost for the development, and as such the maximum supportable level of affordable housing was overestimated at that time.

Since the signing of the s.106 Agreement, the model and levels of Homes and Communities Agency funding for affordable housing have changed, with the priority being given to new build 100% affordable schemes and kick-starting stalled schemes.

A revised toolkit indicates that the six intermediate housing units could only be delivered as part of a viable scheme with HCA funding, and that without HCA funding the scheme as a whole would not be viable.

Given that HCA funding cannot be guaranteed, it is considered that the removal of the Intermediate Housing provision from the scheme would result in a viable scheme that could be built and therefore ensure that the social rented units were delivered.

The provision of three social rented units would represent a significant shortfall of affordable housing compared to the 50% target envisioned by policy 3A.9 of The London Plan (2008). However, this is a strategic target and includes provision from 100% affordable housing led schemes, net gain from estate regeneration and provision from non-self-contained accommodation, as well as long-term vacant properties brought back into use.

Policy 3A.10 of The London Plan (2008) notes that targets (for affordable housing) should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

The scheme would still deliver three larger family-sized units, for which there is an identified need in the Borough, and therefore the proposal would still make a significant contribution to the supply of this type of social rented accommodation.

On balance, it is considered that although the loss of Intermediate Housing would reduce the provision of affordable housing at the site, the benefit of a viable scheme that would ensure the delivery family sized social rented housing is considered to outweigh what would otherwise be the total loss of the scheme.

The s.106 Agreement includes a provision that 10% of the affordable housing be to Wheelchair Homes standards. This requirement is additional to an overall requirement, secured by condition, that 10% of the total housing provision be to Wheelchair Homes standards. Given that the proposed modification of the s.106 Agreement would result in only three affordable homes being provided, a requirement for 10% of these to be Wheelchair Standards homes is neither practical nor enforceable. Consequently it is recommended that this provision in the s.106 Agreement be deleted as this would not result in any overall loss in Wheelchair Standards homes at the development.

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

- This development should never have been granted in the first place as it is out of character with surrounding low-rise housing and will have a detrimental impact on the skyline – *notwithstanding that these representations are not directly applicable to this application, it is noted that the planning merits of the overall development were comprehensively addressed with the original planning submission. The assessment of that scheme noted that it would provide an active frontage to this part of Greenhill Way and would complement other larger buildings in the vicinity, including Temple House (221-225 Station Road) and Debenhams. It was also considered that the design of the block, which rises from three to five storeys, would not have a detrimental impact on the skyline.*
- Planned block will block view from my property and will further affect sunlight coverage in the garden. These issues were also addressed with the original application. It was noted that, at present, some properties have a view of a car park and the back of advertising hoardings and that the proposal would improve on that view – *A daylight and sunlight report was submitted with the original application which indicates that any loss of light to surrounding properties would be within Building Research Establishment guidelines and would not be so significant as to be detrimental to neighbouring amenity.*
- Value of property will decrease – *this is not a material planning consideration*

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 this residential development. The proposed removal of the Intermediate Housing units would ensure the viability of the scheme and their loss is therefore considered acceptable in this instance and in the overall interests of ensuring that the remaining social housing units can be delivered.

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

Harrow Unitary Development Plan (2004)

D4 – The Standard of Design and Layout

H7 – Dwelling Mix

Plan Nos: Site Plan

**WHITMORE HIGH SCHOOL, PORLOCK AVENUE, P/3389/10
HARROW, HA2 0AS**

WARD HARROW ON THE
HILL

VARIATION OF CONDITION 23 ATTACHED TO OUTLINE PERMISSION P/0892/08COU DATED 23/05/2008 TO ALLOW AN EXTENSION OF OPENING HOURS OF THE SITE FOR COMMUNITY PURPOSES UNTIL 2300 ON FRIDAYS AND SATURDAYS.

Applicant: Whitmore High School
Agent: Howard Fairbairn MHK
Case Officer: Ian Hyde
Statutory Expiry Date: 05-APR-11

RECOMMENDATION

The decision to **GRANT** this variation of condition application has been taken having regard to national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations, including responses to consultation received during the application process. This variation of Condition application would allow for an appropriate revision to the operating hours of the site for community facilities approved under outline permission P/0892/08/COU dated 23/05/2008. It would not result in any unreasonable harm on the amenities of adjacent residential occupiers and would be consistent with the intentions of Council Policy to provide space for community uses.

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)
PPG13 Transport (2011)

London Plan (2008):

4B.1 Design principles for a compact city
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection

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

EP25 Noise
C10 Community Buildings and Places of Worship
R13 Leisure Facilities
T6 The transport Impact of Development Proposals

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

- 1) **Consideration of amendments to approved scheme.**
(PPS1, PPG13. 4B.1, 4B.5, 4B.6, EP25, C10, R13, T6)
- 2) **s.17 Crime and Disorder Act**
(D4)
- 3) **Consultation Responses**

INFORMATION

This application falls to be considered by the Planning Committee as the application falls within the category of a major development.

a) Summary

Statutory Return Type:	Major Development
Site Area:	4.2ha
Floor Area:	1.346ha
Council Interest:	Council administered school

b) Site Description

- The site is a recently completed school on a large triangular site to the north of Porlock Avenue, to the south of houses on Whitmore Road, and to the east of houses on Shaftesbury Avenue.
- The school is comprised of a two and three-storey building to the east of the site incorporating classrooms, library, kitchen and dining facilities, main hall, sports hall, and a fitness centre.
- A variety of outdoor space is provided, including multi-purpose tennis/netball courts, a multi-purpose football pitch and athletics track, and open and covered play space.
- The main access to the site is off Porlock Avenue and a second, emergency access runs along the eastern boundary.
- To the south west of the site is an electricity substation and McDonald's restaurant to the west and north are residential dwellings.
- To the south (on the opposite side of Porlock Avenue) are residential dwellings, and more dwellings lie to the east.

c) Proposal Details

- The application proposes amendments to the approved scheme through a variation of the approved opening hours for use by community (ie. outside of the school) activities.

- This will require a variation of condition 23 of planning approval P/0892/08/COU (Condition 23) which was approved 23/05/2008. Condition 23 currently reads:

23. The community uses that are proposed to operate on the site (i.e. use of the facilities outside normal school hours) shall not operate outside the following hours:

a: 0700 hours to 2200 hours, Monday to Friday inclusive,

b: 0900 hours to 2100 hours, Saturdays, Sundays and Bank/Public Holidays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

The condition proposed by the applicants would read as follows:

23 The community uses that are proposed to operate on the site (ie; the use of the facilities outside normal school hours) shall not operate outside the following hours:

a: 0700 hours to 2200 hours, Monday to Thursday inclusive,

b: 0700 hours to 2300 hours, Fridays

c: 0900 hours to 2300 hours, Saturdays

d: 0900 hours to 2100 hours, Sundays and Bank/Public Holidays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

d) Relevant History

P/0892/08COU	OUTLINE: REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES	GRANTED 23-MAY-08
P/0392/10	VARIATION TO CONDITIONS 4, 6, 9, 13, 17, 19, 20 AND 21 OF OUTLINE PLANNING PERMISSION REF: P/0892/08 DATED 23 MAY 2008 FOR REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES	GRANTED 27-APR-10

NB: This application requested the variation of the timing of discharge of planning conditions attached to the consent except for amendments to condition 21 which would bring the development into line with the provisions of the London Plan with regard to Sustainability.

P/0458/10	REVISIONS TO VEHICULAR AND PEDESTRIAN ACCESS OFF PORLOCK AVENUE OF APPLICATION REF P/0892/08/COU DATED 23/5/2008 FOR ...	GRANTED 21-JUN-10
P/0535/10	DISPLAY OF TWO EXTERNALLY ILLUMINATED FASCIA SIGNS TO PORLOCK AVENUE ELEVATION	GRANTED 15-JUN-10
P/1159/10	VARIATION TO CONDITION 16 OF PLANNING PERMISSION REF: P/0892/08 DATED 23.05.2008 FOR REDEVELOPMENT TO PROVIDE NEW TWO AND THREE-STOREY BUILDING ALONG WITH INDOOR AND OUTDOOR SPORTS AND RECREATIONAL FACILITIES, INTERNAL ROADS AND FOOTPATHS, ACCESS AND PARKING, AND ANCILLARY FACILITIES	GRANTED 15-JUN-10
P/2744/10	RETENTION AND COMPLETION OF CARETAKERS STORE IN SOUTH WESTERN CORNER OF SITE	GRANTED 14-DEC-10

e) Consultations:

Sport England: No objection as development will not affect sports fields

Police Crime Prevention Officer: No objection

Environment Agency: Noted that the original application for the school was approved in spite of Agency objection and that the proposed variation is not within the remit of the consultee. Hence no objection.

Advertisement: Major Development

Expiry: 09-FEB-11

Notifications:

Sent: 137

Expiry: 04-FEB-11

Neighbours Consulted:

Replies: 1

70-72 Merton Road (Even)
Jarvis Cottage, Porlock Avenue
1-19 Porlock Avenue (Odd)
Bramber, Porlock Avenue
Field End Cottage, Porlock
11,12,14,15, 16, 17 Shaftesbury Circle
124 – 220 Shaftesbury Avenue (Even)
71-169 Whitmore Road (Odd)
Milook, 4 Porlock Avenue
Lascelles School House, Porlock Avenue
Substation adj. Whitmore High
1,2 Kelvin Court, Shaftesbury Avenue

Summary of Responses:

No objection subject to robustly enforced appropriate measures are taken to ensure that those attending functions 24/7 do not, “through increased noise, disturbance and general activity” detract from the amenities of the objectors property (the closest to the site).

APPRAISAL

1) Consideration of amendments to approved scheme.

Outline planning permission [Ref: P/0892/08] for ‘Redevelopment to provide new two and three-storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities’ was granted on 23 May 2008.

The application approved the use of the site for community facilities outside of school hours. The amendments proposed would increase the latest opening hours on the site by 1 hour on Friday (to 2300 hours) and by two hours on Saturday (also to 2300 hours). Other hours would remain unchanged.

The principle of community use of the school, outside of school hours, has been addressed within the original application hence the attachment of the condition under consideration. Therefore, it falls to be considered whether the increase in hours over those existing would be detrimental to the amenities of the surrounding area.

Saved policy R13 of the Harrow Unitary Development Plan (2004) seeks to provide community facilities within new school developments, whilst saved Policy C10 requires that proposals for community uses do not result in significant adverse impact on neighbouring properties.

It is noted that Porlock Avenue is a Borough Distributor Road which carries a significant amount of traffic between Harrow on the Hill and Northolt. To the south west of the site is the Shaftesbury Circle shopping area containing a public house, McDonalds restaurant and local supermarket. Whilst it is noted that traffic would decrease in the evening, there would still be a significant volume of traffic on this highway. In addition, the public house, McDonalds restaurant and local supermarket within Shaftesbury Circle would be likely to attract patrons into the night time, particularly on Friday and Saturday evenings when the increased hours are proposed. As such, it can be reasonably expected that residents in this area would expect somewhat increased levels of traffic and disturbance during the evening hours than would be expected in other locations.

In terms of noise from patrons in the evening, notwithstanding the baseline noise levels expected in the area, the main entrance to the building and drop off/pickup point is located centrally within the site, well distanced from any residential occupiers (over 50m for properties opposite on Porlock Avenue), residential occupiers to either side are similarly well separated from this entrance.

Whilst there may be some noise arising from patrons leaving the site in the evening, it is unlikely that this would cause significant disruption for these residential neighbours and that an increase in operation to 2300 on two days per week would therefore be considered to not result in unacceptable harm to them.

With regard to traffic movement around the site during the evening, access arrangements were considered under application P/0458/10 which was granted 21/06/2010. Given that operating hours of up to 2200 hours were approved as part of the original application and that all residential occupiers are well separated from parking areas, the proposed increase in time to 2300 hours would not be considered to be significant with respect of to the amenities of these occupiers

With regard to the residential occupier adjacent to the access road in the eastern part of the site, this is closed to all vehicles except for emergency access as part of the approved scheme and is significantly separated from the carpark, therefore the additional hours of late night operation would be unlikely to cause harm to this neighbour in this respect.

Given the arrangement of entry and access arrangements onsite and the lack of negative responses to consultation, it is considered that the proposed extension of operating hours beyond those approved within application P0892/08/COU would not result in any material harm to neighbouring occupiers.

2) Section 17 Crime & Disorder Act

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

3) Consultation Responses

The conditions attached to this consent will respect the concerns of the respondent.

CONCLUSION

This variation of Condition application would allow for an appropriate revision to the operating hours of the site for community facilities approved under outline permission P/0892/08/COU dated 23/05/2008. It would not result in any unreasonable harm on the amenities of adjacent residential occupiers and would be consistent with the intentions of Council Policy to provide space for community uses.

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations as set out above, this application is recommended for **GRANT**.

CONDITIONS

1 This permission shall have the effect of varying condition number 23 of outline planning permission reference P/0892/08/COU dated 23/05/2008 to read:

The community uses that are proposed to operate on the site (ie; the use of the facilities outside normal school hours) shall not operate outside the following hours:

a: 0700 hours to 2200 hours, Monday to Thursday inclusive,

b: 0700 hours to 2300 hours, Fridays

c: 0900 hours to 2300 hours, Saturdays

d: 0900 hours to 2100 hours, Sundays and Bank/Public Holidays,
without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in pursuance of saved Policies EP25. C10 and R13 of the Harrow Unitary Development Plan (2004).

2 The permission hereby granted is supplemental to planning permission Ref: P/0892/08/COU dated 23/05/2008. Save as modified by this permission and any previously approved planning applications relating to P/0892/08COU, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

REASON: To ensure compliance with the requirements of permission P/0892/08.

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and / the Harrow Unitary Development Plan set out below, and to all other relevant material considerations as outlined in the application report:

National Planning Policy:

PPS1 Delivering Sustainable Development (2005)

PPG13 Transport (2011)

The London Plan [2008]:

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

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

EP25 Noise

C10 Community Buildings and Places of Worship

R13 Leisure Facilities

T6 The transport Impact of Proposals

1-14 AND 15-38 SWIFT CLOSE AND 1-8 AND 9-16 DRINKWATER ROAD, HARROW

WARD ROXBOURNE

VARIATION OF CONDITION 23 OF PLANNING PERMISSION (APPROVED PLANS) P/0405/10 DATED 20/07/2010 AS AMENDED BY APPROVAL P/2854/10 DATED 14/12/2010 TO RESTRICT ACCESS TO ROOF TERRACES AND AMEND DESIGN OF ORIEL WINDOWS

Applicant: Home Group
Agent: MEPK Architects
Case Officer: Ian Hyde
Statutory Expiry Date: | 30-MAR-11

RECOMMENDATION

The decision to **GRANT** this variation of condition application has been taken having regard to national Planning Policy, 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.

REASON

The proposed variation of condition to secure alterations to the buildings within site "F1" planting bed heights, parapet walls and oriel windows, would result in no harm to neighbouring residential amenities and would provide improvements with regard to the security of the scheme and the internal access arrangements for occupiers of the units.

National Planning Policy:
PPS3 Housing (2010)

London Plan:
3A.6 Quality of new housing provision
4B.1 Design principles for a compact city
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection

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

S1 The Form of Development and Pattern of Land Use
D4 The standard of Design and Layout,
D5 New Residential Development –Amenity Space and Privacy
C16 Access to Buildings and Public Spaces

Supplementary Planning Document, Access for All [2006]
Supplementary Planning Document, Accessible Homes [2010]

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

- 1) **Consideration of Amendments to Proposed Scheme**
(PPS1, 3A.6, 4B.1, 4B.5, 4B.6, S1, D4, D5, C16, SPD)
- 2) **s.17 Crime and Disorder Act**
(D4)
- 3) **Consultation Responses**

INFORMATION

This application is required to be considered by the Planning Committee as it falls within the category of a major development.

a) Summary

Statutory Return Type:	Major Development
Site Area:	5,800sqm
Floor Area:	3,635sqm
Council Interest:	None

b) Site Description

- Outline planning permission was granted in 2002 for the overall regeneration of the Rayners Planning Estate [15.43 ha]. Application P/0405/10 (Phase F) involved the construction of 55 residential units, comprising of 2 X 3 bedroom houses, 17 X 2 bedroom houses, 22 X 2 bedroom apartments and 14 X 1 bedroom apartments; the provision of landscaping, refuse and 54 surface car parking spaces
- The combined 0.58ha area of the two application sites contained within phase F is located within the southern part of the Rayners Lane Estate. The two sites have been named F1 and F2.
- The two application sites are located within the wider [15.43 ha] Rayners Lane Estate, in the southern part of the Estate. The two sites have been named F1 and F2. Site F1 is located to the south and west of Swift Close and to the rear of existing properties in Coles Crescent and Maryatt Avenue. Site F2 is located to the east of Site F1 and to the south of Drinkwater Road. Dwellings that are being constructed as part of the development of Coles Crescent are located on the south eastern boundary of Site F2. Dwellings that are being constructed as part of Phase E granted planning permission in December 2009, (planning application P/1905/09), are located on the southern and western boundaries of Site F2.

c) Proposal Details

- The application proposes amendments to the approved scheme through variation to the approved plans.
- The proposed alterations specifically relate to the apartment block F1, which comprise rows of terraced houses which are provided with first floor level side terraces. It is proposed to reduce the height of the planting beds to the front of dwellings by 150mm, to raise the parapet wall to front and rear of the terraces by 300mm in height and to reduce the handrails and balustrade accordingly.
- The application also proposes the variation of the oriel window designs of House type A by extending the window to floor level. All areas below 800mm above floor level would be obscured as existing.
- This will require a variation of condition 23 of planning approval P/0405/10 which was subsequently amended by approval P/2854/10 which was approved 14/12/2010. Condition 23 therefore currently reads:

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

0947/ P-01 Rev. A, P-02 Rev. D, P-03 Rev. C, P-04 Rev. A, P-05 Rev. B, P-06 Rev. B, P-07 Rev. B, P-08 Rev. C, P-09 Rev. C, P-10 Rev. C, P-11 Rev. C, P-12 Rev. C, P-13 Rev. C, P-14 Rev. C, Sunlight & Daylight Study, Drainage Statement and Design & Access Statement.

The proposed condition would read as follows:

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

0947/ P-01 Rev. A, P-02 Rev. E, P-03 Rev. D, P-04 Rev. A, P-05 Rev. B, P-06 Rev. B, P-07 Rev. B, P-08 Rev. D, P-09 Rev. D, P-10 Rev. D, P-11 Rev. D, P-12 Rev. C, P-13 Rev. C, P-14 Rev. D, Sunlight & Daylight Study, Drainage Statement and Design & Access Statement.

d) Relevant History

WEST/112/02/ OUTLINE	REGENERATION OF ESTATE INCLUDING DEMOLITION OF 515 FLATS AND MAISONETTES AND CONSTRUCTION OF 329 HOUSES AND 406 FLATS WITH PARKING COMMUNITY BUILDING, ESTATE OFFICE/SHOP AND PROVISION OF PUBLIC OPEN SPACE, WITH PLAY AREAS AND NEW ROAD LAYOUT.	GRANTED 16-FEB-02
P/0431/08/COU OUTLINE	OUTLINE : REDEVELOPMENT OF RAYNERS LANE ESTATE (AREA BOUNDED BY RAYNERS LANE, MARYATT AVENUE, COLES CRESCENT, ELIOT DRIVE AND AUSTEN ROAD, PHASES E TO H) TO PROVIDE 162 HOUSES, 177 FLATS, CAR PARKING, PUBLIC OPEN SPACE AND NEW ACCESS ROAD/PEDESTRIAN ACCESS.	GRANT (SUBJECT TO 106 CONCLUSION)

P/0405/10	DEMOLITION OF FOUR EXISTING BLOCKS OF FLATS AND THE CONSTRUCTION OF 55 RESIDENTIAL DWELLINGS AS PART OF THE RAYNERS LANE ESTATE REGENERATION; COMPRISING 2 X 3 BED HOUSES, 17 X 2 BED HOUSES, 22 X 2 BED APARTMENTS AND 14 X 1 BED APARTMENTS; THE PROVISION OF LANDSCAPING, REFUSE AND 54 CAR PARKING SPACES (REVISED PROPOSAL).	GRANTED 20-JUL-10
P/2854/10	VARIATION TO CONDITION 23 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION P/0405/10 DATED 20/07/2010 FOR DEMOLITION OF FOUR EXISTING BLOCKS OF FLATS AND THE CONSTRUCTION OF 55 PRIVATE RESIDENTIAL DWELLINGS AS PART OF THE RAYNERS LANE ESTATE REGENERATION; COMPRISING 2 X 3 BED HOUSES, 17 X 2 BED HOUSES, 22 X 2 BED APARTMENTS AND 14 X 1 BED APARTMENTS; THE PROVISION OF LANDSCAPING, REFUSE AND 54 CAR PARKING SPACES TO REDUCE THE WIDTH OF UPPER FLOOR (SECOND AND THIRD FLOOR) LEVEL ACCESS WALKWAYS WITHIN THE SOUTHERN ELEVATION OF BUILDING "F2"	GRANTED 28-JAN-11

e) **Consultations:**
N/A

Advertisement: Major Development Expiry: 09-FEB-11

Notifications:

Sent: 357 Replies: 0 Expiry: 28-JAN-11

Neighbours Consulted:

Properties within Rayners Lane, Coles Crescent (including Concord Terrace) Elliot Drive, Thornley Drive, Drinkwater Road, Swift Close, Maryatt Avenue and Scott Crescent.

Summary of Responses:

- None

APPRAISAL

1) Consideration of amendments to approved scheme.

Application P/0405/10 was granted in July of 2010 for the development to which the application relates. Attached to this consent were a number of conditions, one of which (23) related to the plan numbers and details approved within the application. The alterations proposed within this application would require that several of the approved drawings be superseded. It is noted that variation of condition application P/2854/10 approved on 28/01/2011 proposed amendments to the building located within site "F2" this amended the approved condition by altering the list of plans.

Alteration of Balcony:

In terms of physical changes to the approved development, the proposal would affect all of the Type A dwellings proposed within site "F1" in the western part of the site. The proposal would lower the height of the planting beds to front of the dwellings by 150mm and increase the height of the first floor patio parapet to front and rear by 300mm. This would in effect change the proportion of parapet to safety railing on the affected dwellings so as to reduce the ability of potential intruders to climb from ground level to first floor terraces.

The variation does not seek to alter the footprint of the buildings themselves nor increase their height in any way. Unit sizes and numbers would likewise be unchanged.

Elevational treatments would appear materially similar to those within the approved scheme and would not be considered to result in any loss of design quality nor cause material harm to visual amenity of the surrounding area. The increase in height of the parapet would be considered to not result in any increase in massing or bulk of the buildings and would respect their balance and proportions.

Given the above considerations, the development is considered to not result in any additional harm on the amenities of the area beyond those considered within application P/0405/10 and the application can be considered as a material minor alteration to the approved development.

Alterations to oriel window:

The proposed alteration seeks to amend the side elevation windows on the elevations from 1.65m in height to 2.55m. The applicant claims that this will help to facilitate internal access for cleaning purposes, in pursuance of "Access for All" considerations.

In terms of design considerations, the lower portion of the window (the proposed increase in area) would be covered by a zinc shield to match other surfaces within the development and would be considered to be a minor alteration which would not materially affect the character or quality of the buildings themselves.

With regard to overlooking, with the exception of plot 18, all windows would overlook neighbouring blank walls and their own gardens and terraces. The rear facing of the oriel (facing rear boundaries) would be not be glazed and therefore overlooking would not be an issue in this respect. It is noted that these matters were considered in the approval of application P/0405/10. With respect to these windows, it is considered that no additional material harm in terms of overlooking as a result of residents being able to walk into the space provided by the lowering of the windows would arise over that which existed under the original approval.

With regard to Plot 18, this dwelling was provided (as approved under P/0405/10) with a louver to prevent direct overlooking of the properties facing the window, this louvre would be retained and would therefore retain protection for these neighbours which would be similar to that approved within the original application.

As discussed above, the oriel window of this plot is not provided with a glazed panel to the rear and as such there would be no overlooking in this direction. To the front, any overlooking would be limited to an oblique angle of the rear gardens of neighbouring properties (as indicated on submitted plan P-500). Much of this view would be partially obscured by the roof terrace associated with the dwelling. As such it is considered that any material harm caused by the development would not be significantly greater than as approved.

The application notes that the proposal seeks to provide access into the windows in order to facilitate access for cleaning without recourse to ladders etc. This would be in accordance with the intentions of saved Policy C16 and London Plan Policy 4B.5 which seek to ensure that access to buildings is readily accessible to all, particularly elderly and disabled persons. The proposed alterations to the oriel windows would improve access to the windows for such persons and it is therefore considered that these are appropriate alterations.

Given the above considerations, the benefits that would be provided as a result of the alterations and the lack of material harm arising from these changes, the variation of condition is considered to be appropriate and can be approved.

2) Section 17 Crime & Disorder Act

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

3) Consultation Responses

No responses have been received in relation to this scheme.

CONCLUSION

The proposed variation of condition to secure alterations to the buildings within site "F1" planting bed heights, parapet walls and oriel windows, would result in no harm to neighbouring residential amenities and would provide improvements with regard to the security of the scheme and the internal access arrangements for occupiers of the units.

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations as set out above, this application is recommended for **GRANT**.

CONDITIONS

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

0947/ P-01 Rev. A, P-02 Rev. E, P-03 Rev. D, P-04 Rev. A, P-05 Rev. B, P-06 Rev. B, P-07 Rev. B, P-08 Rev. D, P-09 Rev. D, P-10 Rev. D, P-11 Rev. D, P-12 Rev. C, P-13 Rev. C, P-14 Rev. D P-500; Sunlight & Daylight Study, Drainage Statement and Design & Access Statement.

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

2 The permission hereby granted is supplemental to planning permission Ref: P/0405/10 dated 20 July 2010 and any amendments to this permission granted by the London Borough of Harrow. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

REASON: To ensure full compliance with planning permission P/0405/10

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and / the Harrow Unitary Development Plan set out below, and to all other relevant material considerations as outlined in the application report:

National Planning Policy:

PPS3 Housing (2010)

London Plan:

3A.6 Quality of new housing provision

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

Saved Policies of the London Borough of Harrow Unitary Development Plan

[2004]:

S1 The Form of Development and Pattern of Land Use

D4 The standard of Design and Layout,

D5 New Residential Development –Amenity Space and Privacy

C16 Access to Buildings and Public Spaces

Supplementary Planning Document, Access for All [2006]

Supplementary Planning Document, Accessible Homes [2010]

EATON HOUSE, 152-158 NORTHOLT ROAD, SOUTH HARROW, HA2 0PG

WARD ROXBOURNE

CHANGE OF USE OF FIRST AND SECOND FLOORS FROM OFFICE (B1) TO EDUCATIONAL USE (D1C)

Applicant: Mr Sudipto Bose
Agent: Preston Bennett Planning
Case Officer: Ian Hyde
Statutory Expiry Date: 23-MAR-11

RECOMMENDATION

The decision to **GRANT** planning permission has been taken having regard to National Planning Policies, policies within The London Plan [2010] and the saved Policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, including meeting the Vision of the Council in maintaining high standard of education facilities, as detailed in Harrow's Sustainable Community Strategy [Mar 09].

It is considered that the change of use of the first and second floors of the site to Class D1(c) educational use is appropriate for the site and, for the reasons set out above and supported by a robust three year marketing exercise and Transport Statement and Travel Plan, this proposal on balance, is acceptable.

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 13: Transport (2011).

The London Plan [2008]:

3B.1 Developing London's economy
3B.11 Improving employment opportunities for Londoners
3C.2 Matching development to transport capacity
3C.23 Parking strategy
4B.5 Creating an inclusive environment

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

ST1 Land Uses and the Transport Network
S1 The Form of Development and Pattern of Land Use
EM13 Land and Buildings in Business Use – Designated Areas
EM21 Long Term Vacancies
C7 New Education Facilities
C16 Access to Buildings and Public Spaces
EP25 Noise
T6 The Transport Impact of Development Proposals
T13 Parking Standards
Supplementary Planning Document, Access for All [2006]
Supplementary Planning Document, Access for All [2006]
Harrow's Sustainable Community Strategy [Mar 09]

MAIN CONSIDERATIONS AND POLICIES [National Policy, The London Plan 2008 & Saved Policies of Harrow's Unitary Development Plan 2004 and any other relevant guidance]

- 1) Principle of Development and Land Use [Loss of B1 Floorspace]**
PPS1; PPS4
The London Plan 2008: 3B.1, 3B.11, 3C.2, 3C.23, 4B.5
London Borough of Harrow UDP 2004: ST1, S1, EM13, EM15, EM21, C7, C16, EP25, T6, T13
- 2) Character and Appearance of the Area**
The London Plan 2008: 3B.1, 3B.11, 3C.2, 3C.23, 4B.5
London Borough of Harrow UDP 2004: ST1, S1, EM13, EM15, EM21, C7, C16, T6, T13
- 3) Access**
The London Plan 2008: 3D.7, 4B.5
London Borough of Harrow UDP 2004: C16
- 4) Highways**
PPG13
The London Plan 2008: 3C.2, 3C.21, 3C.23
London Borough of Harrow UDP 2004: T6, T13
- 5) S17 Crime & Disorder Act**
London Borough of Harrow UDP 2004: D4
- 6) Consultation Responses:**

INFORMATION

This application is referred for consideration by the Planning Committee as it represents a departure from the Unitary Development Plan (2004). Specifically, it proposes the loss of the business use of part of a building within a designated employment zone.

a) Summary

Statutory Return Type: Change of Use
Site Area: 0.066 ha
Car Parking: Provided 32
Council Interest: None

b) Site Description

- Existing five-storey B1 office building on the junction of Stanley Road and Northolt Road.
- The building has a total floor area of 2028sqm.
- Located in designated Business Use area as identified in Harrow's UDP Proposals Map 2004;
- Service access and car park area to the rear;
- Single main entrance to offices on right side of ground floor front elevation;
- Northolt Road is a London Distributor Road (Road Tier 2);
- South Harrow Tube Station is 160m from the site;

Item 1/07 : P/3363/10 continued/...

- South Harrow designated retail centre begins approximately 125m from proposal site;
- Residential properties sit to the rear on Pitt Road.

c) Proposal Details

- Change of use of first and second floors (1022sqm) from B1 (office) to D1(c) (education).
- Use would be party personal to Techno School of Business and Engineering Ltd.
- Hours of use would be Monday – Friday 9.00am through 6.00pm. No Saturday hours are proposed.
- 20 part time and 20 full time staff would be employed.
- Up to 200 students would be on the role with an average of 80 at any one time.
- In terms of Access for all the following comments are made:
 - There are existing lifts to this five-storey building;
 - Main, common entrance to reception is at street level, with level threshold;
 - Main entrance to reception benefits from automatic sliding entrance doors;
 - Disabled toilet located on ground floor;
 - Step-free access throughout the entire building via 2 x lifts at ground floor level;
 - Step-free access from ground floor parking.

d) Relevant History

- Application P/0904/07 requested advertisement consent for a non illuminated fascia sign was approved 18/05/2007.

e) Pre Application Discussion

- None

f) Applicant Statement

- The change of use is to meet the requirements of Techno School of Business and Engineering and to enable them to expand to allow a greater intake of students on a wider range of courses.
- This expansion of the facility would re-introduce an employment generating use into this currently unoccupied and vacant building. The enclosed reports detail the extensive marketing exercise that has been undertaken over the period of the last three years with no formal interest from a B1 user.
- The personal consent is proposed in response to the current market, and will ensure that there is no permanent loss of B1 space, the use to which floorspace will revert once Techno School of Business and Engineering vacate or cease trading.
- No external changes are proposed.

g) Consultations

Planning Policy Team: No objection in principle to the loss of B1 to D1 use on this site on the upper floors. The proposal would still provide a form of employment and an education use that could assist in the long term benefit to the local economy.

In order to further justify the loss of buildings from B1 use in Harrow, proposals are judged against the criteria of saved UDP Policy EM15. Though the applicant acknowledges that saved UDP Policy EM15 refers to B1 uses outside of designated areas, given the amount of time and unsuccessful marketing efforts carried out at the site over the last four years, it is considered that these criteria are an appropriate test to determine the acceptability of this 'Departure' application proposal, which would result in a permanent employment use, whilst meeting educational needs of the Borough.

The seven criteria of saved UDP Policy EM15 are, accordingly, examined and addressed below:

a) Sufficient provision of other sites or premises available for B1, B2 or B8 Use exists within the local area and throughout the remainder of the Borough.

As set out in significant detail within section 2.0 "Harrow Office Market Review" of the "South Harrow Market Report" by Joint Letting Agents, there is an existing significant surplus of B1 office space throughout the Borough. The Planning Statement refers, in sections 5.19 and 5.20, to a report prepared on behalf of Harrow Council by URS Corporation published in November 2006 which concluded that demand for office space in Harrow over recent years has been low and there are relatively high vacancy rates in the existing stock. The Planning Statement suggests that market conditions since 2006 have exacerbated this situation. It is noted that the Council's Annual Monitoring report suggests that the vacancy rate for Harrow B1 space was 1.64% in 2009 and rose to 13.72% in 2010 which supports this assertion.

It is therefore contended that at this time the loss of part of this vacant B1 building is fully justifiable given the surplus of existing B1 office space throughout Harrow.

Notwithstanding this position, it is noted that given the employment designation of the land and that circumstances are likely to change in the future, the attachment of a "party personal consent" for the applicants, would ensure that the building could be returned to B1 use when no longer required by the applicants. In addition to this, it is considered to be appropriate that the development be conditioned to a limited duration of five years so that an assessment of market conditions could be made at such a time.

b) There will be no unacceptable harm to the local economy resulting from the loss.

Further to the demonstrated surplus of B1 office space in the Borough, the change of use from B1 office use to D1(c) education use is proposed in the context that there is an identified and agreed user in Techno School of Business and Engineering. This proposed education use will be an important provider of employment in the locality. As set out in Paragraph 5.9 of Preston Bennett's Planning Statement, Paragraph 3.117 of the London Plan recognises education facilities as a 'major employer.'

With the additional business that local shops and facilities will experience as a result of the students and staff associated with the education use compared to the currently vacant status it is clear that the change of use would not result in any harm to the local economy, indeed it is likely it would have a positive catalyst and 'multiplier' effect on the vitality and viability of the local area and South Harrow.

c) There is satisfactory evidence that the site has been extensively marketed for B1, B2 and B8 use.

As demonstrated above, and set out in Preston Bennett's Planning Statement, the applicant's extensive and detailed Marketing Report clearly sets out the unsuccessful marketing efforts carried out since early 2006. This is considered to be a significant period of time, over which the marketing efforts are clearly outlined within the report. It is considered that the marketing efforts and flexible terms on which the building was offered has been clearly demonstrated for a period in excess of three years and now fully justifies the change of use.

d) The site has been vacant for a considerable length of time.

The marketing efforts have been undertaken since the office building was bought in vacant condition in early 2006. A significant period of time has therefore lapsed and it is considered that the locality in particular would benefit from bringing the building back into use as an employment-generating establishment.

e) In the case of B2 or B8 uses, continued use of the site for these purposes would be severely detrimental to the amenity of the occupiers of neighbouring residential properties.

This is not relevant to this proposal for a change of use of part of the building from B1 to D1(c).

Notwithstanding this, it is noted that the opening hours of the development 9.00pm to 6.00pm would be consistent with hours of greater activity associated with business activities and it is unlikely that activities occurring on the site would be detrimental to the amenities of neighbouring residential occupiers.

f) Access to the site by public transport is poor and is unlikely to be improved.

This criteria is also not strictly relevant. The site is very well served by public transport, though it is considered this has not influenced the interest in the building from potential B1 occupiers. This accessibility will benefit the proposed education use, where a large number of students will use non-car transport modes, as concluded by the supporting Transport Statement by EAS Transport Planning Ltd. This would reduce reliance on the private car and the number of vehicle trips that could otherwise be associated with office use. Further detailed analysis in this regard can be found in the Transport Statement submitted in support of the application, prepared by EAS Transport.

g) Access for delivery vehicles [where this is required] is poor and cannot be reasonably improved.

As with the criteria above, the access arrangements would not change. Despite the provision of an off-road parking and delivery area, this has not attracted potential B1 users. The current arrangements will remain unaffected by the proposed education use.

In conjunction with the Planning Statement and the Marketing Report submitted, supplemented by additional office floorspace availability data, it is considered there is reasoned justification for a departure from the adopted development plan in this instance. Furthermore, this departure would be temporary due to the restricted time and limits to occupiers of part of the vacant building on this site designated in Harrow's UDP 2004 as a Business Use Area from B1 office use to D1(c) education use.

The site has been vacant and extensively marketed since early 2006. With the demonstrated significant surplus of vacant office space throughout Harrow, it is considered that the proposal is appropriate for a change of use of part of the building to D1(c) education, which would generate an important and recognised source of employment, would boost the local economy and meet further and higher educational needs by enhancing education provision in the Borough.

Accordingly, the principle of this change of use is considered acceptable and would not undermine the objectives of Harrow's UDP 2004 to retain this part of Harrow as a defined and designated Business Use Area. This has been demonstrated by the applicant in the provision of information resulting from the lack of demand for B1 office use.

It is recognised that market circumstances can change over time and whilst acceptable at this time, that future demand could render such a change of use unacceptable in terms of loss of employment land. In response to this concern the applicants have suggested a party personal consent. This is supported by officers, however as discussed above it is also considered to be appropriate to limit the duration of the consent so that consideration of prevailing market considerations can be undertaken when assessing any further application.

The proposed change of use would reintroduce employment provision within this currently vacant building. In combination of these factors, the acceptance by the applicants of a party personal consent and subject to a temporary five year time period for the use (to allow for review of market conditions at expiry), it is considered that the loss of office space in this designated Business Use Area can be fully justified in accordance with London Plan Policy 3B.11 and saved UDP Policies C7 and EM21.

The change of use also accords with relevant community and education planning policies, providing for an identified requirement of expansion of an existing institution, improving the provision on offer, and being in a highly accessible location, in immediate proximity to public transport links, reducing reliance on the private car.

2) Character and Appearance of the Area

The proposed change of use requires only internal changes to the former office layout, with new partitioning to create suitable spaces to accommodate the college use. The proposal would not result in any changes to the external appearance or fabric of the building.

3) Access

The development provides a number of features including internal lifts and level accesses to assist mobility impaired individuals in moving in and about the site, this is supported by an email from the applicants agent of 15 Feb and the plans accompanying the application

Accordingly, the building appears compliant saved Policy C16 of the Harrow Unitary Development Plan 2004 and with Harrow Council's Access for All SPD 2006.

4) Highways

The site is within walking distance of nine bus routes, and approximately 100m north-east of South Harrow Station. This results in a PTAL 5 rating for the site, indicating it is in a highly accessible location. As such, it is considered that the site is an appropriate location for an educational use. Given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

There are currently 32 car parking spaces, which will remain unchanged through the development. It is proposed that a Travel Plan would be adopted following occupation of the site. The requirement for the Travel Plan, which would complement and be appropriate for this proposed change of use, would be secured by way of planning condition.

EAS' Transport Statement concluded that the site's accessibility and proximity to local services results in an ideal location for a college facility. In respect of highway capacity and safety, the low level of car trips associated with the proposed D1 education use would be imperceptible, and in any event significantly lower than a B1 re-use. Furthermore, any trip movements would be spread throughout the day with teaching classes proposed from 9am to 6pm. As such, it is considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

Harrow's Senior Development Engineer is satisfied with the proposal subject to the provision of a Green Travel Plan, secured as a condition to any planning consent.

5) 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.

6) Consultation Responses

None received.

CONCLUSION

It is considered that the change of use of the first and second floors of the site to Class D1(c) educational use is appropriate for the site and, for the reasons set out above and supported by a robust three year marketing exercise and Transport Statement and Travel Plan, this proposal on balance, is acceptable.

For all the reasons considered above, and weighing up the National Policy and Guidance, the Policies of the London Plan and Harrow Unitary Development Plan policies and proposals, as well as other material considerations, as set out above, this application is recommended for **GRANT**, subject to the following conditions.

CONDITIONS

1 The use hereby permitted shall be carried on only by Techno School of Business and Engineering and shall be for a limited period being the period of five (5) years from the date of this permission, or the period during which the premises are occupied by Techno School of Business and Engineering whichever is the shorter after which time the D1(c) use shall be discontinued and the site shall revert to its former (B1) use.

REASON: To safeguard the potential of the site as employment land, to reflect the particular circumstances of the applicant and to permit reconsideration of the prevailing conditions with respect of demand for employment land in the light of circumstances then prevailing, in pursuance of saved Policies EM13 and EM15 of the Harrow Unitary Development Plan 2004

2 The development shall provide for people with mobility impairments, to gain access to and egress from the building without the need to negotiate steps. The development shall not be occupied until the works have been completed and thereafter permanently retained.

REASON: To ensure that the development will be accessible for people with disabilities, in pursuance of London Plan (2008) Policy 4B.5 saved Policy C16 of the Harrow Unitary Development Plan 2004 and the Council's SPD: Access for all (2006).

3 Within six months of commencement of the use hereby permitted, details of a Green Travel Plan shall be submitted to, and approved in writing by, the local planning authority. Such details as approved shall thereafter be permanently retained for the life of the use.

REASON: In the interest of reducing use of the private car and in pursuance of saved Policies T6 and T13 of the Harrow unitary Development Plan 2004.

4 The number of pupils enrolled at the school shall not exceed 200 at any one time.

REASON: In order to ensure that the intensity of the use of the site is appropriate and in pursuance of saved Policies T6, T13, EM13 and EM15 of the Harrow Unitary Development Plan 2004,

5 Teaching associated with the use hereby approved shall only occur between the hours of 9am and 6pm Monday to Friday and shall not occur at any other time without the prior written permission of the Local Planning Authority.

REASON: In the interests of the amenities of neighbouring residential occupiers and in pursuance of saved Policy EP25 of the Harrow Unitary Development Plan 2004.

6 The permission hereby approved shall be implemented in full accordance with the following plans and information:

Location Plan; 1160/4F.751; 1160/3F.751; 1160/2F.751; 1160/1F.751; 1160/GF.751; 1160/LG.751; Proposed Layout – Second Floor; Proposed Layout – First Floor; Property Contact Report; Planning Statement prepared by Preston Bennett Planning; Transport Statement prepared by EAS Transport Planning; Marketing History Report prepared by Chamberlain Commercial; Marketing information for Eaton House; Email From Preston Bennett dated 15/2/2011.

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

INFORMATIVES

1 The following policies in National Planning Policy, The London Plan and the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

Planning Policy Guidance 13: Transport (2011).

The London Plan [2008]:

3A.3 Maximising the potential of sites

3B.1 Developing London's economy

3B.11 Improving employment opportunities for Londoners

3C.2 Matching development to transport capacity

3C.23 Parking strategy

4B.5 Creating an inclusive environment

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

ST1 Land Uses and the Transport Network

S1 The Form of Development and Pattern of Land Use

EM13 Land and Buildings in Business Use – Designated Areas

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

EM21 Long Term Vacancies

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

EP25 Noise

T6 The Transport Impact of Development Proposals

T13 Parking Standards

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500. (Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

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

6 With regard to water supply, this comes within the area covered by the Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts AL10 9AL. 01707 268111.

Item 1/07 : P/3363/10 continued/...

Plan Nos: Location Plan; 1160/4F.751; 1160/3F.751; 1160/2F.751; 1160/1F.751; 1160/GF.751; 1160/LG.751; Proposed Layout – Second Floor; Proposed Layout – First Floor; Property Contact Report; Planning Statement prepared by Preston Bennett Planning; Transport Statement prepared by EAS Transport Planning; Marketing History Report prepared by Chamberlain Commercial; Marketing information for Eaton House; Email From Preston Bennett dated 15/2/2011.

FORMER GOVERNMENT OFFICES, HONEYPOT LANE, STANMORE, HA7 1BB

Item: 1/08

P/0531/11

Ward CANONS

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/2317/06/CFU DATED 12/11/2007 TO EXTEND THE PERIOD FOR THE PROVISION OF PUBLIC ART TO 31ST DECEMBER 2011 AT THE LATEST, OR TO PROVIDE THE COUNCIL WITH THE SUM OF £50,000 TO SECURE THE DELIVERY OF THE PUBLIC ART ON THE SITE

Applicant: Berkeley Homes
Case Officer: Nicholas Ray
Statutory Expiry Date: 25-APR-11

RECOMMENDATION

APPROVE modification of the Section 106 Agreement which requires the provision of public art, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (v) To provide public art in consultation with the Council on the site at a cost not to exceed £50,000, by the 31st December 2011;
- (vi) If the public art is not provided by the above date, to pay the Council the sum of £50,000 for the provision of the public art;
- (vii) 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 public realm improvements in new developments.

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

London Plan 2008:

4B.1 – Design Principles for a Compact City

4B.3 – Enhancing the Quality of the Public Realm

London Borough of Harrow Unitary Development Plan 2004

D4 – Standard of Design and Layout

MAIN CONSIDERATIONS AND POLICIES

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

1) Character and Appearance of the Area (PPS1, PPS3, 4B.1, 4B.3, D4)

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.
- The original S106 agreement requires to provision of public art on the site at a cost not to exceed £50,000 on completion of 200 units.

c) Proposal Details

- It is proposed to vary the S106 agreement relating to the development, to allow the public art to be provided by the end of the calendar year, or the sum of £50,000 to be transferred to the Council to provide the art.

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:

- None.

APPRAISAL

1) Character and Appearance of the Area

It is proposed to modify the S106 obligation relating to the provision of a piece of public art within the development, in consultation with the Council. Because of the recent state of the residential market and the risk of losing the grant funding for the affordable housing if not completed, the development has proceeded quicker than expected and the trigger for the provision of public art (on completion of 200 units) will be hit in March 2011, much earlier than expected.

The public art is considered to be an important public realm improvement and it is important to adopt a flexible approach toward its delivery, particularly in the light of the above circumstances. It is considered appropriate to extend the period for the provision of the public art to the end of 2011. It is the Council's intention to approach Harrow Heritage Trust with a view to them assessing any proposals for the art. It is considered important to provide a second clause, requiring payment of the sum of £50,000 to the Council to enable the provision of the public art, if the developer fails to provide the art by the end of the year. If this payment takes place, the Council will undertake the delivery of the public art in consultation with Harrow Heritage Trust.

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, the proposed modification would enable necessary affordable housing to be delivered, whilst setting a revised trigger for the provision of public art, to the benefit of the appearance of the public realm within the development.

Plan Nos: None.

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

LAND AT KING HENRY MEWS, HARROW, HA1 3LW
NEW STEEL GATES TO ENTRANCE FROM BYRON HILL ROAD

Item: 2/01
P/3440/10

WARD HARROW ON THE HILL

Applicant: Kings Head Rent Charge Management Ltd
Agent: T R Harris (Design & Surveying Services) Ltd
Case Officer: Andrew Ryley
Statutory Expiry Date: | 15-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 replacement gates would preserve the character and appearance of the Harrow on the Hill Village Conservation Area.

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 5: Planning for the Historic Environment (2010)

London Plan:

4B.1 Design Principles for a Compact City

4B.8 Respect Local Context and Communities

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

D11 Statutorily Listed Buildings

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

D16 Conservation Area Priority

Supplementary Planning Documents / Guidance:

Supplementary Planning Document: Harrow on the Hill Conservation Areas (2008)

Harrow on the Hill Village Conservation Area Appraisal and Management Strategy (2008)

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

- 1) Character and Appearance of the Conservation Area and Setting of Statutorily Listed Building (PPS5, D4, D11, D14, D15, D16)
- 2) Residential Amenity (D4, D5 and SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee as a petition objecting to the application has been received and therefore the application cannot be determined under delegated powers.

a) Summary

Statutory Return Type: 18 – Minor Development, other
Conservation Area Harrow on the Hill Village
Council Interest: None

b) Site Description

- The application site comprises the secondary access gates into the King Henry Mews residential development in Harrow on the Hill.
- The secondary access, which is an access for emergencies only, is off Byron Hill Road, at the side of No.6A/B/C/D Byron Hill Road flats and the rear of No.8 and 10 Byron Hill Road (these are locally listed).
- The existing gate is a traditional 5-bar timber gate, approximately 1.2m in height, and contains a 'no access' sign on it.
- The site lies within the curtilage of the Kings Head Hotel Grade II Statutorily Listed Building and in the Harrow on the Hill Village Conservation Area.

c) Proposal Details

- Application proposes the replacement of the existing timber gate with a larger metallic gate, of a similar style and appearance to the existing main gate into the development off the High Street.
- The gate would be 1.75m high at the edge, rising to approximately 2.16m.
- Transom rails would be 50x100mm with square hollow posts, and balustrades 18 sq mm with maximum set distances between of 100mm. The gate would be painted black.
- The gate is for emergency access only.

d) Applicant Statement

- The proposal is to provide a higher and more secure set of gates in place of the existing timber gate.
- The area is characterised by a number of iron railings and the proposed development will not have an impact upon the character and appearance of the Conservation Area.

e) Relevant History

WEST/143/02/FUL	CHANGE OF USE: HOTEL TO RESIDENTIAL AND PART FOOD AND DRINK (C1 TO C3 AND A3) 3 STOREY EXTENSION TO HOTEL WITH ACCOMMODATION IN ROOFSPACE AND CONVERSION TO PROVIDE 16 FLATS AND DETACHED 2 STOREY BLOCKS WITH ACCOMMODATION IN ROOFSPACE TO PROVIDE 3 BED FLATS AND 11 TERRACED AND 2 SEMI DETACHED PROPERTIES WITH ACCESS AND PARKING	NON- DETERMINATION APPEAL ALLOWED 09-JUN-03
P/179/04/CFU	REDEVELOPMENT: 3 STOREY BLOCK TO PROVIDE 9 DWELLINGS AS AN EXTENSION TO KINGS HEAD, ACCESS AND PARKING	GRANTED 26-APR-04

f) Consultations

Harrow on the Hill Trust: Comments that there is no need for the two gates to be identical. Notes that there are security concerns which are why the gates are needed, but states that the gates would not need to be higher than 2m.

CAAC: Objection. It would be out of keeping. This development was never given permission to be a gated community. The current main entrance gates similar to those proposed here are within a stone arch whereas these are within the country side of the site. If something like this were to go ahead the curved top would be unacceptable or they should be timber gates.

Advertisement: Character of a Conservation Area Expiry: 17-FEB-11

Notifications:

Sent: 77 Replies: 3 objections, plus a petition Expiry: 16-FEB-11
objecting with 13 signatures

Neighbours consulted:

Byron Hill Road: 7, 9, 2-22 (even numbers), Land rear of, Garages adjacent 6, Kings Head Car Park,
Leigh Court: 1-24
King Henry Mews: 1-34
High Street: 41-49, 88, 90

Summary of responses:

- Proposed gates would have an adverse impact on the streetscene and would not preserve the character and appearance of the Conservation Area.
- The existing wooden gate contributes to the openness of the site.
- Gates would be of little architectural merit, and steel material would not be appropriate in the context of wrought iron which is more traditional.
- Concern over the 2m height of gates.

APPRAISAL

1) Character and Appearance of the Conservation Area and Setting of Statutorily Listed Building

National Planning Policy Statement 5 (PPS5) policy HE1.1 states: '*Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when...making decisions relating to heritage assets by seeking...the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency*'.

PPS5 policy HE1.2 states '*Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting*'.

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 and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.*'

The site lies within the Harrow on the Hill Village Conservation Area and is within the setting of the Grade II Listed Kings Head Hotel. A number of objections have been made setting out that the proposed gates would have a detrimental impact in the setting and character of the Conservation Area. Furthermore, concerns have been raised that the use of steel for gates as opposed to wrought iron is not appropriate. Finally, comments have also been made that the existing wooden gate lends itself to retaining a degree of openness in the area, which the proposed gates would detrimentally affect.

Whilst it is noted that the existing gate has a soft traditional character, it is arguably of limited quality in terms of enhancing the setting and character of the Conservation Area. The proposed gates would be similar to the main access gates facing onto the High Street.

The Harrow on the Hill Village appraisal states that 'Boundary treatments do vary throughout, although low brick walls, fences and iron railings are prevailing characteristics'. These proposed gates would include metal railings.

The Council's Conservation Officer has raised no objection to the proposed gates, subject to the stipulation that they are painted black. It is considered that, whilst the materials used would be steel as opposed to more traditional wrought iron, the effect of this would not be significant. It is not uncommon for the use of modern materials for development in Conservation Areas, so long as its appearance does not lead to an adverse impact on the Conservation Area. The comments of an adjacent occupier in relation to their more immediate views of the proposed gate are noted. However, the public views of the proposed gate – it being set back from the main road by approximately 35m – would be limited. Furthermore, it will be possible to view through the gates, so openness would not be unduly affected. The concerns raised in relation to the more 'rural' nature of this part of Harrow on the Hill are noted. However, again it is considered that the proposed gate, whilst arguably being less 'rustic' than the existing gate, would not look out place in the built up setting of the site. There are a number of examples of black iron / steel railings along the High Street and Byron Hill Road.

Given the distance and physical separation from the former Kings Head Hotel, it is considered that no adverse impact would result on the setting of the Listed Building.

Overall, it is considered that the proposed replacement gates would comply with the Harrow on the Hill Conservation Area Appraisal and Management Strategy and would thereby preserve the character and setting of the Harrow on the Hill Conservation Area and would be consistent with the objectives of PPS5 and saved policies D4, D14, D15 and D16 of the Harrow Unitary Development Plan (2004).

2) Residential Amenity

An adjacent occupier has raised the concern that the proposed gate would be used as a main access into the site, and that their amenity would be affected as such.

The applicant has stated in the Design and Access Statement that the existing gate is used as an emergency access only (and it is sign posted as such). On this basis, it is considered appropriate to impose a planning condition setting out that the proposed gate should only be used as an emergency vehicular access.

It is therefore considered that the proposal would not adversely affect the amenities of the adjoining occupiers and that the proposal is in line with the objectives of the objectives of saved Policy D5 of the Council's Harrow Unitary Development Plan (2004).

3) S17 Crime & Disorder Act

The applicant has set out that the proposed gate is to reduce concerns over security because the existing gate is low. It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

4) Consultation Responses

These have been dealt with the body of the report.

CONCLUSION

The replacement gate would preserve the character and setting of the Harrow on the Hill Village Conservation Area. There would not be an adverse impact on neighbouring residential; amenities as discussed in the above report.

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 approved gates shall be painted black and thereafter retained.

REASON: To safeguard the appearance of the locality in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

3 The approved gates shall be used as an emergency access only.

REASON: To safeguard the amenity of neighbouring residents by preventing the regular use of the access in accordance with Policy D5 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 10/KHM/01A, 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 (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.

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 5: Planning for the Historic Environment (2010)

London Plan:

4B.1 Design Principles for a Compact City

4B.8 Respect Local Context and Communities

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

D11 Statutorily Listed Buildings

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

D16 Conservation Area Priority

Supplementary Planning Documents / Guidance:

Supplementary Planning Document: Harrow on the Hill Conservation Areas (2008)

Harrow on the Hill Village Conservation Area Appraisal and Management Strategy (2008)

Plan Nos: 10/KHM/01A, Design and Access Statement

**LAND ADJACENT TO THE HERMITAGE,
776 KENTON LANE, HARROW, HA3 6AF**

**Item: 2/02
P/3505/10**

Ward HARROW WEALD

TWO STOREY DETACHED DWELLING HOUSE; ASSOCIATED PARKING,
REFUSE AND LANDSCAPING

Applicant: Mr Nicholas Rishover
Agent: DGA Architects
Case Officer: Nicholas Ray
Statutory Expiry Date: | 13-APR-11

RECOMMENDATION

GRANT planning permission for the development described in the application and submitted plans, subject to conditions. It is recommended that delegated authority be given for the determination of the application, following the end of the consultation period.

REASON

The proposal represents an acceptable departure from policy in this instance. The public benefit arising from the refurbishment and repair of the listed building would outweigh the harm to the setting of the listed building that would result from the proposal, in line with the principles of enabling development. The associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development therefore does not have any significant visual, transport, amenity or other impact that would warrant refusal of planning permission. The development is therefore found to be consistent with government guidance, the policies and proposals in the London Plan (2008) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations, including comments received in response to publicity and consultation as outlined in the application report.

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

Enabling Development and The Conservation of Significant Places (English Heritage)

The London Plan 2008:

3A.5 – Housing Choice

4A.1 – Tackling Climate Change

4A.2 – Mitigating Climate Change

4A.3 – Sustainable Design and Construction

4A.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

Interim London Housing Design Guide (2010)

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D11 – Statutorily Listed Buildings

EP20 – Use of Previously Developed Land

EP25 – Noise

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: 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 Development and Enabling Development**
PPS3, PPS5, EP20, D11
- 2) **Character and Appearance of the Area and Setting of Listed Building**
PPS5, 4B.1, D4, D9, D11, SPD
- 3) **Residential Amenity**
D5, SPD
- 4) **Traffic and Parking**
T13
- 5) **Accessible Homes**
C16, 3A.5, SPD:Access
- 6) **Sustainability**
4A.1, 4A.3, SPD
- 7) **S17 Crime & Disorder Act**
D4, SPD
- 8) **Consultation Responses**

INFORMATION

a) Summary

Statutory Return Type: 13. Minor Dwellings

Lifetime Homes: 1

Council Interest: None

b) Site Description

- Site comprises part of 'The Hermitage', a Grade II listed two storey cottage, on the east side of Kenton Lane.
- The building is located directly adjacent to the western boundary of the site, abutting Kenton Lane, and has a larger than average plot for the area, with a feeling of space to the side of the building, where the application site is located.

- The listed description for the building reads: *'Probably early C18. Partially timber framed. Rendered. Two-bays, with narrow recessed entrance door between. Left bay of 2-storeys, one window with hipped tiled roof. Right bay, 2-storeys with upper-storey lit by small central dormer in hipped tile roof. Behind is a higher gabled rear wing with pantiling.'*
- The property is in a state of disrepair, but benefits from planning permission and listed building consent for extensions and refurbishment (refs P/2223/08 and P/2224/08).
- An existing single storey garage is located to the side (north) of the building and the rear garden is overgrown with vegetation.
- There is a rise in levels on the site, most notably from front to back (west to east) and also from south to north. This is also evident on neighbouring properties.
- The adjacent property to the south, No.774 Kenton Lane, is a single and two storey detached dwelling.
- The adjacent property to the north, No.778 Kenton Lane, is a two storey inter-war semi-detached dwelling with a car port at the side and shed in the rear garden.
- The existing listed building on the site pre-dates most other buildings in the area, with the predominant character being suburban, with detached and semi-detached dwellings set back in their plots from the street.

c) Proposal Details

- Two storey detached dwellinghouse to be located in the side garden of the property, following demolition of the existing garage.
- The dwelling would be set some 10 metres from the front boundary, with a maximum width of 5.5 metres and a maximum depth of 10.3 metres.
- The dwelling would have an eaves height of 5.25 metres and a maximum height of 7.1 metres, following levels changes to the site.
- The plot would be split into two to provide amenity areas for the existing and proposed dwellings.
- Two parking spaces would be provided to the side (north) of the existing building to serve the two dwellings, with associated soft landscaping and bin storage.
- The proposed dwelling would be constructed in conjunction with the approved extensions, repairs and refurbishment to the listed building (also within the applicant's ownership), in order to generate funds for this refurbishment.

d) Relevant History

P/2223/08	Demolition of existing garage and ground floor store and w/c; two storey rear extension; new double garage with store over; external alterations including rooflight on north elevation and replacement windows	GRANTED 16-OCT-08
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P/2224/08 Listed building consent: demolition of existing garage and ground floor store and w/c; two-storey rear extension; new double garage with store over; external alterations including roof light on north elevation and replacement windows; internal alterations GRANTED
16-OCT-08

e) Pre-Application Discussion (Summary)

- *Further advice from our pre-application meeting held on the 2nd September 2010, you have further amended your proposal for a separate dwelling which would release funds to refurbish the listed building.*
- *Split driveways – two smaller crossovers resulting in the reduction of hardstanding and an increase in soft landscaping and screening to the proposed dwelling.*
- *Scale of proposed dwelling has been further reduced to 2 storeys with two bedrooms. Front gable reduced to match width of the Heritage front gable, this is now less than the width of the approved garage in this location.*
- *Revised ridge height is now lower than that of the listed dwelling. Hipped roofs have been added to front and rear to match the hipped roofs of the listed building.*
- *New scheme is compliant with Lifetime Homes standards and will achieve Code Level 3 for Sustainable Homes.*
- Chimney feature should be added to the new build, to reflect the listed building and neighbouring inter-war dwellings. This could be simple/contemporary in nature.
- Increased soft landscaping welcomed, but felt this could be increased further.
- Hard surfacing should be gravel/gravel effect to soften appearance.
- Front access welcomed in relation to secure by design.
- Timber cladding not appropriate.

f) Applicant Statement

- Design and Access Statement.
- Heritage Assessment.
- Financial Statement and Accompanying Information.

g) Consultations:

Highways Engineer: No objection.

Landscape Officer: Conditions requested.

Conservation Officer: Following submission of additional financial information, no objections.

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

Site Notice: 21-FEB-11 Expiry: 14-MAR-11

Advertisement: 24-FEB-11 Expiry: 17-MAR-11

Notifications:

Sent: 13

Replies: 3

Expiry: 27-JAN-11

Addresses Consulted:

- 8-14 (even) Drummond Drive;
- 719-725 (odd) Kenton Lane;
- 770-780 (even) Kenton Lane.

Summary of Response:

Three objections received from occupier of No.778 concerning:

- Overlooking;
- Loss of light;
- Lack of space around the building;
- Impact on character of the area and listed building; and
- Impact on views.

APPRAISAL

1) Principle of Development and Enabling Development

This application proposes the construction of a two storey dwellinghouse in the side garden of this listed property, in a similar location to an existing detached garage. It is acknowledged that the proposed dwellinghouse would impact on the setting of the listed building, by way of its intrusion into the side garden of the plot. Policy HE7.4 of PPS5 states that 'local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'. Policy HE9.4 goes on to state 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.

Policy HE10.1 states that 'when considering application that do not do this [make a positive contribution to or better reveal the significance of the asset], local planning authorities should weigh any such harm against the wider benefits of the application'. Policy HE11 deals specifically with enabling development, setting out the considerations to be taken into account. These are addressed in relation to this proposal as follows:

Whether it will materially harm the significance of the heritage asset or its setting

The proposed new house would subdivide and encroach into the plot which currently provides a reasonable buffer between the Listed Building and the surrounding development.

In particular, the building and associated hardsurfacing would detract from the amount of side and rear green space which is important to this building since it is a cottage building which once had a good level of surrounding greenery and open space so the small remnants of remaining greenery complements its character. The proposed subdivision would cut into the plot at an angle to the Listed Building. Therefore there is a presumption against the proposed new house under usual planning rules in order to preserve the setting of the Listed Building.

However, enabling development is development which is unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. In this case the public benefit of the new house is intended to be saving the Listed Building. Enabling development is a form of public subsidy. The design of the proposed dwelling has been modified significantly throughout the pre-application advice process. The scale of the building has been reduced and it has been set back in the site to reduce the prominence and proximity to the listed building, to minimise the harm to the heritage asset. This is discussed in more detail below.

Whether it will avoid detrimental fragmentation of management of the heritage asset

The proposal would involve the subdivision of the plot, but with the listed building retaining its own larger curtilage and single planning unit. The extensions and refurbishments to be carried out to the listed building would ensure that it is habitable as a single dwelling and management of the building would therefore not be fragmented as a result of the proposal.

Whether it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation

The proposed dwelling would generate the funds required to refurbish, repair and extend the listed building, which could not be obtained by other means. A condition is imposed to ensure that the works to the listed building are completed before the proposed dwelling is occupied. The listed building would then be habitable as a single family dwelling – its lawful use and one which is appropriate to its cottage character – which would increase the likelihood of a successful sale. It is recognised that the best way to ensure the long term future of the building is to bring the building back into a viable use and encourage residential occupation. Ongoing maintenance of the building would therefore be the responsibility of any future owners.

Whether it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid

A Heritage Statement and accompanying financial justification has been submitted with the application. The submitted information confirms that the present owner purchased the property for £285,000 in 2007, which is considered to be a reasonable price for a building in such a poor state of repair. The Council's Conservation Officer has confirmed that the building has not been further neglected whilst in the present owner's possession.

Whilst the recent economic downturn will have significantly reduced the value of the site, the needs and problems of the heritage asset remain the same.

The building has been on English Heritage's 'Heritage at Risk Register' for the last three years. The notes state it is vacant, in a poor condition and is Priority C, i.e. 'slow decay; no solution agreed', and it is in '...a state of disrepair with cracks in wall, peeling paint and render, holes in ceilings and broken roof tiles. All are causing damp problems...'. The financial justification, including the breakdown of costs submitted is considered to be satisfactory for the type of development and the projected sales prices for the refurbished listed building and the new dwelling are considered reasonable. The projected profit of 5.82% would be low compared with the profit percentages considered appropriate by English Heritage in paragraph 5.12.2 of their guidance 'Enabling Development and the Conservation of Significant Places'. It is therefore considered that the proposed development is necessary to resolve the problems arising for the inherent needs of the listed building, rather than being related to the particular needs of the site owner.

Whether there is a source of funding that might support the heritage asset without the need for enabling development

Given the significant costs of over £200,000 for the refurbishment and repair of the listed building, it is considered there would be no sources of grant aid to fund the works required to bring the building to a habitable condition. In the present economic climate, it is unlikely that any public body or heritage preservation trust would take on the building.

Whether the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests

The figures submitted confirm that the proposed dwelling would be the minimum necessary to overcome the deficit arising from the works needed to refurbish and repair the listed building. It is considered that one new house on the site would be the minimum needed, given the lack of funding available.

It is acknowledged that the proposed dwelling would be harmful to the setting of the listed building. However, it is considered that this harm would be less than substantial. The design of the proposal has been amended during pre-application discussions. This is discussed in more detail below, but it is now considered that the proposal minimises the harm to the setting of the listed building, by reason of its separation from the building, its siting at a lower height to the existing ground levels and its contemporary design, incorporating traditional design features. The proposal also minimises harm to other public interests as discussed in more detail below.

It is therefore considered that the public benefit arising from the refurbishment and repair of the listed building would outweigh the harm to the setting of the listed building and the proposal would therefore comply with policies HE9.4, HE10 and HE11 of PPS5 and the principles of enabling development.

A condition is imposed to ensure that the proposed dwelling is not occupied until the works to the listed building are completed, to ensure that the refurbishment and repair of the listed building is carried out concurrently with the proposed dwelling.

Recent revisions to Planning Policy Statement 3: Housing

It is noted that the definition of previously developed land has been amended following changes to PPS3 in June 2010, to exclude residential garden land. Saved UDP policy EP20 seeks all new build development to take place on previously developed land. As the location of the proposed dwelling would be on former garden land, this is considered not to be previously developed land for the purposes of assessing new housing development. However, for the reasons considered above, material considerations in the form of the resultant improvements to the heritage asset, justify a departure from the normal application of policy in this instance. It is therefore considered that the nature of the enabling development proposed would justify development on Greenfield land, in this instance.

2) Character and Appearance of the Area and Setting of Listed Building

As discussed above, the proposed dwelling would affect the setting of the listed building, due to its siting within the large area of open space to the side of the building. However, the development is considered to be an acceptable departure from the normal application of policy, given the benefits arising in the form of the refurbishment and repair of the listed building. It is also considered that the development proposed is the minimum necessary to secure this benefit.

The design has been modified during pre-application discussions and is considered to minimise the impact on the setting of the listed building. The proposed dwelling would be set back some 10 metres in the plot, ensuring that a minimum separation distance of 4.5 metres is maintained to the listed building as extended. The dwelling would also be set adequately away from the boundary of No.778. The proposal takes advantage of the existing rise in site levels, by setting the building into the ground and consequently minimising the height and prominence of the building. The eaves height and ridge height would be the same as that of the listed building. In terms of design, it is considered that the proposal would read as a contemporary reflection of the northern wing of the listed building, incorporating a similar roof pitch and the use of external materials which would have a similar appearance. The proposed sunken path and the side and the sunken patio and terraced garden at the rear are considered to be acceptable. It is therefore considered that the proposed design minimises the harm to the setting of the listed building. A restriction is imposed on the implementation of permitted development rights, in order to further safeguard the setting of the listed building.

The proposal incorporates two parking spaces in the area to the side of the existing building, one to serve each of the properties, as well as soft landscaping including planting. Whilst the proposal would result in the loss of vegetation in this area, the impact on the appearance of the development would be minimised by the provision of planting and by the use of sympathetic gravel surfacing, which would also be permeable.

Appropriate refuse storage areas are proposed within each of the new property curtilages and these would be screened by new planting. Subject to conditions relating to details of planting, it is therefore considered that the proposal would comply with saved UDP policies D4 and D9 in this respect.

3) Residential Amenity

Impact on neighbouring occupiers

As discussed, the proposal would take advantage of the change in levels on the site to set the building into the ground. This would also have the benefit of minimising the impact on the amenities of neighbouring residents. Because of the set down of the building, it would only be one and a half storeys at the rear. The dwelling would project beyond the rear building line of the adjacent property at No.778 by 3.3 metres, but would be set away from this property so as to comply with the 45 degree code as set out in paragraph 6.31 of the Council's adopted SPD and saved policy D5 of the UDP. There are no protected windows on the flank wall of this property that would be adversely affected. It is therefore considered that, given the site circumstances and notwithstanding the orientation of the new building in relation to the adjacent property, there would be no unreasonable loss of light or outlook to the occupiers of No.778, nor to any other surrounding properties.

The proposal would have windows that would face to the rear of the property. It is acknowledged that these windows would allow partial views into neighbouring gardens. However, this level of overlooking would not be greater than what is currently experienced by occupiers of surrounding properties, whereby first floor windows overlook rear gardens. Indeed, it is considered that the level of overlooking would be less, given that the height of the building at the rear would only be around one and a half storeys and the proposed windows would only allow oblique views into neighbouring properties. The rooflights in the side facing roofslopes would be above eye-height in the rooms that they serve and would therefore not result in unacceptable overlooking of neighbouring occupiers.

The proposed dwelling and rear garden area would not result in a detrimental increase in disturbance and activity to neighbouring occupiers.

Impact on future occupiers of refurbished, repaired and extended listed building

It is acknowledged that the proposed dwelling would be sited to the rear of the listed building and would therefore not comply with the 45 degree code from this property. It is also noted that the listed building as extended (in accordance with planning permission and listed building consent (refs P/2223/08 and P/2224/08 respectively) would bring the rear living room windows close to the proposed dwelling and the principle amenity area would also be close to the new building. However, it is considered that the separation distance of 4.5 metres, the scale and design of the proposed dwelling and the provision of appropriate boundary treatments and planting would strike an acceptable balance between the desire to protect the living conditions of future occupiers of the site and the acknowledged need to achieve a new dwelling on the site. The front facing windows on the proposed dwelling would not face directly to the rear of the listed building and would only allow oblique overlooking.

No first floor windows are proposed facing the listed building and the ground floor windows and doors would be concealed behind the sunken path and boundary treatments. The proposed dwelling would therefore have an acceptable relationship with the existing dwelling on the site.

Living conditions of future occupiers of the proposed dwelling

The proposed 2 bedroom, 4 person dwelling would have a total floor area of 92m², with all individual rooms being of an appropriate size. This would therefore comply with the space standards set out in the Council's SPD. The proposal would result in an acceptable size of garden for future occupiers of the proposed dwelling, with adequate garden space maintained for future occupiers of the listed building.

4) Traffic and Parking

The parking provision of one space for each of the resultant dwellings on the site is considered to be acceptable. The use of the existing vehicle access to serve these two spaces would also be acceptable. The Council's Highways Engineer raises no objections and the proposal is therefore considered to be acceptable in this regard.

5) Accessible Homes

The proposed dwelling would comply with all 16 points of the Lifetime Homes Standards, as set out in the Council's SPD.

6) Sustainability

The applicant has set out in the Design and Access Statement that the proposed dwelling would achieve Code for Sustainable Homes level 3. A condition is imposed requiring the submission of certification in this regard and the proposal would therefore satisfy London Plan policy on sustainability.

7) S17 Crime & Disorder Act

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

8) Consultation Responses

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

- *Impact on views from neighbouring property: It is noted that in this context, the impact on a view is not a material planning consideration, as the proposal would not affect a view designated in a policy document. Consideration of impact on outlook has however been undertaken above.*
- *All other matters addressed in appraisal sections.*

CONCLUSION

In summary, the proposal represents an acceptable departure from policy in this instance. The public benefit arising from the refurbishment and repair of the listed building would outweigh the harm to the setting of the listed building that would result from the proposal, in line with the principles of enabling development. 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 & Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 001 Rev A; 002; 003; PL-010 Rev A; 011 Rev A; 012 Rev A; 013 Rev A; 020; 021; 022; 023; 030 Rev C; 031 Rev C; 032 Rev D; 033 Rev D; 040; 041; 042 Rev A; 043; 050; 051; 052; 060 Rev A; 061; 062 Rev B; 063 Rev A; 064 Rev B; Design and Access Statement; Heritage Appraisal; Financial Statement and Accompanying Information.

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

3 The development hereby permitted shall not be occupied until the refurbishment and extensions permitted by planning permission ref P/2223/08 and listed building consent ref P/2224/08, including all repairs proposed, (or any planning permission or listed building consent references replacing those approvals, without modification to the development thereby approved) are completed in accordance with the approved plans.

REASON: To ensure that the refurbishment and repair works to the listed building are carried out in conjunction with the approved development, in the interests of ensuring a satisfactory form of enabling development, in line with the requirements of PPS5.

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

- a) the building,
- b) the ground surfacing,
- c) the 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 and listed building, in line with the requirements of saved UDP policies D4 and D11.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A - F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area and the amenities of neighbouring residents by restricting the amount of site coverage by buildings in relation to the size of the plot, in line with the requirements of saved UDP policies D4, D5 and D11.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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

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

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

(iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;

(v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development;

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D9.

9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in line with the requirements of saved UDP policies D4 and D5.

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

b: the front 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 in line with the requirements of saved UDP policy D4.

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

The boundary treatment shall be completed:

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

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in line with the requirements of saved UDP policies D4 and D5.

13 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 the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in line with the requirements of PPS25.

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

REASON: To ensure that adequate drainage facilities are provided in line with the requirements of PPS25.

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

REASON: To prevent the increased risk of flooding in line with the requirements of PPS25.

16 The dwellinghouse shall be constructed to meet at least Level 3 of Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 3 prior to occupation of any of the dwellinghouse.

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

17 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/pavingfrontgarden>
[S](#).

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in line with the requirements of PPS25.

18 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 line with the requirements of saved UDP policy D4.

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:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

Enabling Development and The Conservation of Significant Places (English Heritage)

London Plan: 3A.5, 4A.1, 4A.2, 4A.3, 4A.22, 4B.1

Interim London Housing Design Guide (2010)

Harrow Unitary Development Plan: D4, D5, D9, D11, EP20, EP25, T13, C16

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: 001 Rev A; 002; 003; PL-010 Rev A; 011 Rev A; 012 Rev A; 013 Rev A; 020; 021; 022; 023; 030 Rev C; 031 Rev C; 032 Rev D; 033 Rev D; 040; 041; 042 Rev A; 043; 050; 051; 052; 060 Rev A; 061; 062 Rev B; 063 Rev A; 064 Rev B; Design and Access Statement; Heritage Appraisal; Financial Statement and Accompanying Information

3 AYLNER DRIVE, STANMORE, HA7 3EJ

Item: 2/03

P/3429/10

Ward STANMORE PARK

SINGLE/TWO STOREY DETACHED HOUSE WITH BASEMENT AND ROOMS IN ROOFSPACE, EXISTING GARAGE TO BE RETAINED

Applicant: Mr Ramesh Kerai
Agent: CKC Architects
Case Officer: Nicholas Ray
Statutory Expiry Date: | 10-FEB-11

RECOMMENDATION

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

REASON

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

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

The London Plan 2008:

2A.1 – Sustainability Criteria

3A.5 – Housing Choice

4A.1 – Tackling Climate Change

4A.2 – Mitigating Climate Change

4A.3 – Sustainable Design and Construction

4A.7 – Renewable Energy

4A.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

4B.5 – Creating an Inclusive Environment

Interim London Housing Design Guide (2010)

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

EP20 – Use of Previously Developed Land

EP25 – Noise

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: 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 Development**
PPS1, PPS3, 2A.1, EP20
- 2) Character and Appearance of the Area and Adjacent Conservation Area**
PPS1, PPS3, 4A.22, 4B.1, D4, D9, D10, D14, D15, SPD
- 3) Residential Amenity**
D5, EP25, SPD
- 4) Trees and New Development**
D10
- 5) Traffic and Parking**
T13
- 6) Accessible Homes**
C16, 3A.5, 4B.5, SPD:Access
- 7) Sustainability**
4A.1, 4A.2, 4A.3, 4A.6, 4A.7, SPD
- 8) S17 Crime & Disorder Act**
D4, SPD
- 9) Consultation Responses**

INFORMATION

a) Summary

Statutory Return Type:	13. Minor Dwellings
Lifetime Homes:	1
Council Interest:	None

b) Site Description

- Vacant site, formerly occupied by single-storey gable fronted dwelling with rooms in roof and a footprint of 105m², located on the south side of Aylmer Drive, site also occupied by a detached garage.
- Vehicular access from Aylmer Drive with additional pedestrian access from Heriots Close to the east.
- The site is finger shaped and slopes down from Aylmer Drive (north to south).
- There is a row of Sycamore trees that are subject to a Tree Preservation Order towards the front boundary of the site.
- The Little Common Conservation Area boundary is located on the northern side of Aylmer Drive, approximately 15 metres from the boundary with the application property.

- Following a meeting of the Local Development Framework Panel on the 3rd June 2008, it was recommended to locally list the dwelling that previously existed on the site. This building has since been demolished.
- The adjacent property at No.5, to the west, is a part two/part three storey detached dwelling set forward in its plot in relation to the application property by approximately 20 metres.
- The adjacent property to the east, No.6 Heriots Close, backs onto the application site, with the main rear wall of the property being approximately 10 metres from the side boundary of the application property. A third party tree on this property is also located close to the boundary with the application site.
- The south of the site abuts the rear gardens of Nos.12 and 14 Old Forge Close.

c) Proposal Details

- Single/two storey dwellinghouse with basement, with a similar siting to the previously existing dwelling.
- Proposed dwelling would have a ground floor footprint of 148m², the main first floor front wall would be located 13.5 metres behind the main rear wall of No.5 Aylmer Drive.
- The dwelling would be sited between 1.5 and 2.0 metres from the boundary with No.5 Aylmer Drive and between 1.0 and 3.0 metres from the boundary with No.6 Heriots Close.
- The proposed house would have a height of 3.0 metres (at the east) and 4.1 metres (at the west) to the eaves and 7.5 metres to the highest point of the pitched roof (as measured at the front elevation) and would include a single-storey front projection of 2.0 metres incorporating a kitchen.
- The two storey element of the proposal would be 11.7 metres in depth, similar in depth to the dwelling which previously occupied the site, as well as a similar roof pitch.
- The dwelling would also have a 3.4 metre deep single storey rear projection beyond the main rear wall.
- The proposed dwelling would have a contemporary design, incorporating a pitched roof design and use of materials including brick, white render and timber boarding, with a clay tile roof
- An average rear garden depth of 15 metres would be provided, including a raised patio leading from the rear of the dwelling.
- The proposal would incorporate a basement (approximately 182m² internal floorspace) with light wells at the front and rear of the proposed building.
- It is proposed to retain the existing detached garage, which would also serve as a second entrance to the basement.
- The existing gravel driveway would be retained, broadly in its existing position, with soft landscaping proposed immediately to the front of the proposed dwelling.

Revision to Previous Application (ref P/2480/10):

- Curved 'barrel' roof design omitted in favour of pitched/catslide roof.
- Eaves height reduced by between 1.25 metres and 800mm, with resultant reduction in scale at first floor level.

- Overall height increased by 500mm, due to use of pitched roof.
- Materials changed to use clay tiles instead of grey metal roof material as previously proposed. Render, brickwork and timber cladding also proposed as previously, but in a different arrangement.

d) Relevant History

P/3599/07/DDO	Determination: Demolition of dwellinghouse	GRANTED 05-DEC-07
P/1849/08/DVA	Variation of Condition 1 of 'Determination: Demolition of dwellinghouse' approval P/3599/07/DDO dated 05-DEC-07 to extend period for demolition and restoration of the site from six months to twelve months	GRANTED 05-SEP-08
P/1338/08/DFU	Replacement single/two storey detached house with basement and rooms in roofspace, retention of existing garage	REFUSED 19-JUN-08

Reasons for Refusal:

- 1) The proposed detached dwelling by reason of cramped siting, lack of space about the building, excessive height, bulk, unsatisfactory design and the proposed flank windows and rear balcony would fail to respect the character and appearance of the locality and would result in an overbearing impact and loss of privacy to the occupiers of neighbouring properties, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders Guide (2008).
- 2) The proposal, by reason of inadequate provision of private amenity space, would be detrimental to the living conditions of the future occupiers of the proposed dwelling, contrary to Policy D5 of the Harrow Unitary Development Plan (2004).
- 3) The proposal, by reason of a lack of a Tree Constraints Plan, would potentially result in the loss of a third party tree of amenity value, which would be detrimental to the character and appearance of the area, contrary to Policy D10 of the Harrow Unitary Development Plan (2004).

P/3932/08	Single/two storey detached house with	REFUSED
Appeal ref:	basement and rooms in roofspace, existing	21-APR-09
APP/M5450/A/09/	garage to be retained (revised)	APPEAL
2109297		DISMISSED
		05-MAR-10

Reason for Refusal:

- 1) The proposed detached dwelling by reason of cramped siting, lack of space about the building, excessive height, bulk, unsatisfactory design and the proposed flank windows would fail to respect the character and appearance of the locality and would result in an overbearing impact and loss of privacy to the occupiers of neighbouring properties, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders Guide (2008).

Summary of Appeal Decision:

The Inspector agreed with the Council's reasons for refusal, concluding that the increase in bulk and height would be harmful to neighbouring outlook, whilst the proposed design would fail to be of a sufficient high standard.

P/1678/10	Replacement single/two storey detached dwellinghouse with basement; existing garage to be retained (revised application)	WITHDRAWN 06-SEP-10
P/2480/10	Single/two storey detached house with basement; existing garage to be retained (revised application)	REFUSED 08-NOV-10

Reasons for Refusal:

- 1) The proposed dwelling by reason of its size, siting, relationship to neighbouring properties, design and scale would appear as an intrusive and bulky form of development which would dominate the outlook from the properties at No.6 Heriots Close and No.5 Aylmer Drive and would be harmful to the residential amenity of the occupiers, contrary to saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders Guide (2008).
- 2) The proposed dwelling, by virtue of its size, design, siting within the plot and relationship to the site boundaries, would appear as an obvious and alien feature within the site, inconsistent with the established character and appearance of the area, contrary to Planning Policy Statement 1, Planning Policy Statement 3, London Plan policy 4B.1 and saved policy D4 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Highways Engineer: No objection.

Tree Officer: No objection.

Conservation Officer: The site lies outside the Stanmore Common Conservation Area and is at a sufficient distance not to have a detrimental effect on its character or setting. The site does not have a "locally listed status" nor is "saved" policy D12 on locally listed buildings applicable following the demolition of the former locally listed dwelling.

Conservation Area Advisory Committee: No objections. This would have no impact on surroundings anymore. It would be set well away from everything else and would not be visible from the streetscene. It would now have less impact on Heriots Close. It is considered that they have lowered the building enough.

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

Site Notice: 07-JAN-11 Expiry: 04-FEB-11

Advertisement: 30-DEC-10 Expiry: 20-JAN-11

Notifications:

Sent: 11

Replies: 7
(including petition of 10
signatures in objection)

Expiry: 14-JAN-11

Addresses Consulted:

- 5-9 (conc) Heriots Close;
- 5, 7 and 10 Aylmer Drive;
- 8, 12 and 14 Old Forge Close.

Summary of Response:

- Proposal does not overcome the concerns of the Inspector or previous refusal on this constrained site;
- Previously existing house not shown accurately on plans;
- Excessive increase in footprint/floorspace and scale/bulk/height;
- Would be overbearing to and overshadow neighbours;
- Would affect privacy and enjoyment of neighbouring gardens;
- Forward and rearward projection would be unacceptable;
- Contemporary design would be inappropriate and standard of design not high enough;
- Would be out of keeping with the area and adjacent Conservation Area;
- Building would be cramped within the site;
- Would affect adjacent locally listed building;
- Proposal does not take into account the merit of the previously existing locally listed dwelling;
- Proposed materials would be inappropriate and no reference to colour;
- Concern about green roof;
- Light from the dwelling would harm wildlife and affect neighbours;
- Proposed windows and rooflights are excessive and would cause overlooking;
- Windows at front would overlook No.5 Aylmer Drive and cause disturbance and cooking smells;
- Inadequate private amenity space for the occupiers of the dwelling;
- Terrace and front patio may impact on neighbouring amenity;
- Development may affect tree roots;
- New trees and shrubbery should be planted;
- Flank wall doors and windows would result in disturbance and overlooking;
- Basement excavations could cause subsidence;
- Concerns about linked garage and future use of basement annexe and future development;
- Deeds and covenants;
- Impact on views and outlook.

APPRAISAL

1) Principle of Development

The site was formerly occupied by a residential dwelling, which was demolished in late 2008, retaining the existing single storey garage. Therefore, although the proposal is for a new dwelling, it is essentially a replacement dwelling. Given the extensive recent history of applications and the short period of time since the demolition, it is considered that the site has not been abandoned in terms of its residential use.

The proposed dwelling would be sited in the same location as the previously existing dwelling, albeit with a larger footprint, so would not constitute development on former residential garden land. The principle of a new residential dwelling here is therefore accepted in relation to saved UDP policy EP20 and PPS3.

2) Character and Appearance of the Area and Adjacent Conservation Area Scale

The starting point for the assessment of this proposal is the appeal decision relating to refused application reference P/3932/08, which proposed a new two storey dwelling with basement and habitable roofspace, to replace the original dwelling on the site. The outline of this scheme, which was dismissed on appeal, has been shown on the proposed elevations to demonstrate how the scale of the proposal has been reduced. In dismissing the appeal proposal, the Inspector noted that (Para 7) 'the considerable increase in height and bulk over that of the original dwelling would result in the proposed dwelling appearing significantly cramped within the site and conclude that it would fail to have a satisfactory relationship with the adjoining buildings and spaces around it'.

In contrast, the current application proposes a much smaller dwelling with a significant reduction in scale at first floor level, by virtue of the pitched roof design. The resultant design would therefore relate much more closely with the original dwelling on the site and the first floor front and rear walls would not project significantly beyond the original front and rear building lines. It is noted that the indicative outline of the original dwelling shown on proposed elevations is inaccurate in terms of the height of the building. In reality, the proposed ridge height would increase by up to 300mm. However, this modest increase is considered not to be objectionable, particularly given that the side dormers that existed on the original dwelling are not proposed. The modest single storey front and rear projections, whilst being visible over boundary fences, would be set away from the site boundaries and would be acceptable.

In summary, the scale of the proposal has been reduced significantly since the appeal dismissal and subsequent submissions. The current proposal would have a similar relationship to the adjoining buildings and spaces as the original dwelling that occupied the site, despite the increase in footprint and scale at ground floor and basement level.

Design

The previous appeal was dismissed because the Inspector felt that the proposed design failed to be of a high enough standard to meet the aims of saved UDP policy D4. In coming to this conclusion, the Inspector recognised the close relationship of the property with its neighbours and the resulting constraints. She noted that the appeal scheme was 'rather bland in its appearance, with large expanses of relatively unbroken brickwork that does not match the attractive qualities of local buildings'. The previous application (ref P/2480/10) was refused because it was felt that the proposed curved roof design would be at odds with the character of the area and would result in the introduction of an alien feature in this sensitive location.

By contrast, the current application proposes a pitched/catslide roof design, which would reflect the cottage character of the original dwelling that occupied the site and would sit well in its location within the plot, to the rear of neighbouring properties. The reduction in scale has resulted in fewer large areas of unbroken brickwork and the design approach has resulted in greater visual interest. The contemporary design approach is considered appropriate and it is considered that the revised design would be visually attractive and would respond to its local context, as required by PPS1.

Materials

The proposed materials are considered to be appropriate. Cedar boarding to the front and rear elevations would soften the appearance of the building and is a material that is used in other buildings in the area. Brickwork and clay tiles would reflect the materials used in the surrounding houses, whilst white render would reflect the appearance of the original dwelling. The arrangement of these materials on the building is also considered to be acceptable, with the front and rear projections utilising white render to be read as distinct features of the building. Samples of materials are required by condition, to ensure an acceptable appearance.

Locally listed building and impact on adjacent Conservation Area

As the previously existing locally listed dwelling has been demolished, saved UDP policy D12 is not strictly relevant to this determination, as stated by the Inspector. It is considered that the proposed dwelling would not adversely affect the setting of the adjacent locally listed building at No.5 Aylmer Drive. Given the distance from the front boundary of the site and consequentially from the Little Common Conservation Area boundary, it is considered that the proposal would not have a detrimental effect on the character of the Conservation Area. The proposal would therefore preserve the character or appearance of the Conservation Area and would comply with saved UDP policies D14 and D15.

In summary, it is considered that the revised proposal overcomes the concerns of the Inspector in dismissing the previous appeal, as well as the Council's reasons for refusal on the most recently refused application (ref P/2480/10). The proposal would therefore comply with saved UDP policy D4, as well as London Plan policy 4B.1, PPS1 and PPS3.

A condition is imposed requiring a detailed landscaping scheme, requiring new tree and shrub planting, to be submitted and approved prior to commencement of the development. The proposal would therefore comply with saved UDP policy D9.

3) Residential Amenity

Outlook from neighbouring properties

In dismissing the previous appeal, the Inspector noted that the proposed increase in height and bulk as compared to the original dwelling would appear more prominent from No.5 Aylmer Drive and No.6 Heriots Close and would be harmful to the outlook from these properties. The most recently refused application (ref P/2480/10) was also refused, due to the impact on outlook from these two neighbouring properties, given the increase in scale proposed. The submitted drawing reference A3/0542/SD1/10 shows the outline of the previous scheme with the curved roof in red and the appeal scheme in yellow. As this drawing demonstrates, the scale of the dwelling has been significantly reduced, so that it more closely resembles the form of the original dwelling. The eaves height on either side of the building would now not be significantly increased, so the scale of the building would be less prominent and less apparent from No.5 Aylmer Drive and No.6 Heriots Close, nor would it be overbearing to those occupiers.

The proposed single storey front and rear projections, which would be forward and to the rear of the line of the original dwelling, would be modest in scale. The front projection would be sited some 8 metres from the nearest rear wall of No.5 Aylmer Drive and some 7 metres from the nearest rear wall of No.6 Heriots Close. It is considered that these distances would be adequate to ensure that no unacceptable impact would occur in terms of outlook. The rear projection would be sited at least 3 metres from the rear boundary of No.6 Heriots Close and would be angled away from this property due to the siting of the building.

In summary, it is considered that the proposed dwelling would have an acceptable impact on the amenities of neighbouring occupiers in terms of outlook.

Loss of light and overshadowing

In dismissing the previous appeal, the Inspector noted that overshadowing and loss of light to neighbouring properties 'would be minimal and would not be so significant to be harmful to the continued enjoyment of these dwellings by the occupiers therein'. The current proposal has a reduced scale as compared to the appeal scheme, with the exception of the increase in width of the single storey front projection by 2.4 metres towards No.6 Heriots Close. As discussed above however, an adequate separation distance would remain between this element of the proposal and the rear facing habitable room window on the rear extension to that property. It is therefore considered that the proposal would not result in unacceptable loss of light or overshadowing to the occupiers of neighbouring properties.

Overlooking

In dismissing the previous appeal, the Inspector raised concerns about the proposed windows serving the habitable roofspace at second floor level. This has been removed from the proposal and the dwelling now proposed would have a similar scale to the original dwelling as discussed.

The Inspector also noted that a degree of mutual overlooking already exists in the area. The original dwelling that occupied the site overlooked neighbouring properties, by reason of the windows on the front, side and rear elevations and the side dormers, one facing No.5 Aylmer Drive and two facing No.6 Heriots Close.

The proposed windows in the first floor front and rear elevations would be similar in number and size to those on the original dwelling and would also serve bedrooms. Given that these windows would be in a similar location to those on the original dwelling, it is considered that they would not result in a material increase in the level of overlooking already experienced by neighbouring occupiers. The proposed dwelling would not 're-introduce' the side dormers that previously existed, instead proposing four velux windows to the east facing roofslope and two to the west facing roofslope. Given that these rooflights do not serve habitable rooms, a condition is imposed to ensure that they are obscure glazed and fixed closed below a height of 1.7 metres above finished floor level. The proposal would therefore result in an improved situation in this regard.

The proposed ground floor front windows, despite the increase in forward projection of 2.0 metres at ground floor level, would have an acceptable relationship with the rear windows of No.5 Aylmer Drive, given the minimum separation distance of 8 metres. The proposed large side facing windows facing the garden area of No.5 would be similar to those that occupied the flank elevation of the previously existing dwelling and it is therefore considered that an acceptable impact would be maintained. The flank kitchen windows facing No.5 would be modest in size, but it is acknowledged that these are closer to the principle amenity area of No.5 than the previous windows on the original dwelling. However, it is considered that the boundary fencing would ensure that no unacceptable overlooking would occur. The proposed ground floor rear facing window would not directly overlook neighbouring properties. The narrow windows on either side of the single storey rear projection would be set away from the boundaries and, due to their size, would not result in detrimental loss of privacy.

The proposed rear terrace would have a maximum height of approximately 600mm above ground level. Given the distance between this terrace and the rear boundary of the site, albeit with the site sloping down, it is considered that the proposed terrace would not result in an unacceptable level of overlooking to Nos.12 and 14 Old Forge Close. The proposed screen walls to the terrace and the oblique relationship would alleviate any unacceptable overlooking to the occupiers of No.6 Heriots Close and No.5 Aylmer Drive and this was confirmed by the Inspector who determined the previous appeal. A condition is imposed requiring these screen walls to be installed prior to occupation. A condition is also imposed to ensure that the flat roof areas of the front and rear projections are not used as balconies or roof terraces.

In summary, the proposal would result in an acceptable impact on neighbouring residential occupiers, in terms of overlooking.

Basement

The proposed basement, including its glazing, would be located below ground level and would therefore not unduly impact on neighbouring amenity. A condition is imposed requiring details of existing and proposed levels to be submitted prior to commencement of works on site, to ensure that the finished levels on the site are acceptable. The proposed lightwell would be a modest structure and would be acceptable. A condition is also imposed to ensure that the proposed basement annexe with link to the garage is not used as a separate unit of accommodation. Annexe accommodation is common in the area and this arrangement is considered to be acceptable.

Noise and disturbance

It is considered that the rear terrace would not result in a greater level of noise and disturbance as compared to a typical residential garden and this was confirmed by the Inspector in dismissing the original appeal. It is considered that disturbance from cooking smells would be minimal and would not be excessive, given that the proposal is for a single family dwellinghouse.

The area between the proposed kitchen/breakfast room in the dwelling and the existing garage to be retained is shown as a patio. Concerns have been raised by the occupiers of No.5 Aylmer Drive, the adjacent property, about noise and disturbance from the use of this area. The property is situated in a residential area, where it is not uncommon for patios and other amenity areas to be sited adjacent to each other. Notwithstanding this, it is acknowledged that the proposal would potentially introduce a new amenity area in this location. However, given that no external doors are proposed directly to this area, it is considered that it is unlikely to be used on a regular basis by the occupiers of the proposed dwelling. The level of noise and disturbance arising from the use of this area would therefore be minimal. A condition is imposed to ensure that the full height ground floor windows to the breakfast area are not replaced with doors and it is considered that this would ensure that the use of this area is minimised.

Light pollution

Given the existence of a dwelling on the site previously, it is considered that internal lighting from the proposed dwelling would not cause harm to the living conditions of neighbouring occupiers and this is consistent with the conclusion of the Inspector in dismissing the previous appeal.

Living conditions of future occupiers of proposed dwelling

The proposed dwelling would provide an acceptable standard of accommodation for the future occupiers. The proposal would provide adequate amenity space for the occupiers of the proposed dwelling and there would therefore be no conflict with saved UDP policy D5 in this respect.

4) Trees and New Development

A group of Sycamore trees that run along the entrance track are subject to a Tree Preservation Order and could be affected by construction activity. A condition is imposed requiring a Tree Protection Plan to be submitted and approved prior to commencement of any development on the site.

There is also a large Cedar tree located in the rear garden of No.6 Heriots Close, approximately 2.2 metres from the boundary (measurement taken at 1.5 metres above ground level) and it is considered that this tree could sustain construction damage. The previous appeal scheme was submitted with an Arboricultural Statement, which included calculations of the Root Protection Area (RPA) of this tree. The proposed basement was reduced in footprint in order to avoid this RPA and the ground floor building line would not be significantly different from the previously existing dwelling. The Council's Tree Officer raises no objections and neither did the Inspector in determining the appeal. The proposal is therefore considered to comply with saved UDP policy D10.

Concerns have been raised about the impact on the trees on the neighbouring property at No.5 Aylmer Drive. A number of these trees, including a Yew tree, are located along the boundary with the application site. Following an inspection of the site during the previous application, the Council's Tree Officer considers that the impact on these trees could be adequately addressed by a Tree Protection Plan, which is required by pre-commencement condition. The larger tree on this property is sited some 13 metres from the proposed building excavation and given this distance, would therefore not be adversely affected. The Inspector found that the previous proposal 'would not unreasonably impact upon trees within or adjacent to the site' and the current proposal would not have a greater impact. Accordingly, the proposal would be acceptable in this regard, subject to the conditions set out below.

5) Traffic and Parking

Given that the proposal is effectively for a single replacement dwelling, it is considered that there would be adequate parking provision on site. The Council's Highways Engineer raises no objections and the proposal is therefore considered to be acceptable in this regard.

6) Accessible Homes

The proposal complies with all 16 points of the Lifetime Homes Standards, and would create an inclusive environment and would therefore comply with London Plan policies 3A.5, 4B.5 and the SPD.

7) Sustainability

A number of sustainability measures will be explored as part of the development, including rainwater harvesting systems and solar panels (although it is noted that solar panels are not proposed as part of the current proposal). A sedum green roof is proposed on the flat roof of the single storey rear projection. This is a planted roof system, which has a number of benefits including enhanced biodiversity, increased thermal performance and reduction in surface water run off volumes. A condition is imposed to ensure that the proposed dwelling meets Code for Sustainable Homes Level 3 in line with the requirements of the SPD and the proposal would therefore comply with sustainability policy.

8) S17 Crime & Disorder Act

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

9) Consultation Responses

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

- *Light from the dwelling would harm wildlife: Given that a dwelling previously occupied this site, it is considered that the increase in light spillage would not be excessive.*
- *Basement excavations could cause subsidence: This is not a material planning consideration.*
- *Concerns about linked garage and future use of basement annexe: Any future development or change of use would require planning permission, due to the condition imposed. Annexe accommodation would not be out of character in the area.*
- *Deeds and covenants: This is not a material planning consideration.*
- *Impact on views: It is noted that in this context, neighbours views are not protected. Consideration of impact on outlook has however been undertaken above.*
- *All other matters addressed in appraisal sections.*

CONCLUSION

The proposal overcomes the concerns of the Inspector who dealt with the previous appeal and the reasons for refusal previously raised by the Council. 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 & Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A3/0542/SD1/01; 02; 03; 04; 05; 06; 07; 08; 10; A4/0542/SD1/09; 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 line with the requirements of saved UDP policy D4.

4 The velux windows in the side facing roofslopes 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 line with the requirements of saved UDP policy D5.

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

REASON: To reduce overlooking of the neighbouring properties, in line with the requirements of saved UDP policy D5.

6 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), the ground floor front (north) breakfast room windows shall be installed and retained as windows and shall not be replaced with doors without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of the occupiers of No.5 Aylmer Drive, in line with the requirements of saved UDP policy D5.

7 The roof areas of the single storey front and rear projections hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

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

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A - F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area and the amenities of neighbouring residents by restricting the amount of site coverage by buildings in relation to the size of the plot, in line with the requirements of saved UDP policies D4 and D5.

9 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development and protection of the third party trees at No.5 Aylmer Drive and No.6 Heriots Close, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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

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

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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, in line with the requirements of saved UDP policy D10.

12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

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

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works, in line with the requirements of saved UDP policy D10.

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, in line with the requirements of saved UDP policy D5.

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

b: the front 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, in line with the requirements of saved UDP policy D5.

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

The boundary treatment shall be completed:

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

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in line with the requirements of saved UDP policy D9.

17 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 the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, in line with the requirements of PPS25.

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

REASON: To ensure that adequate drainage facilities are provided, in line with the requirements of PPS25.

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

REASON: To prevent the increased risk of flooding, in line with the requirements of PPS25.

20 The basement annexe hereby permitted and the existing retained garage shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in line with the requirements of saved UDP policies D4 and D5.

21 The access path leading to Heriots Close shall be used for pedestrian access only and shall at no time be used for vehicular access.

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

22 The dwellinghouse shall be constructed to meet at least Level 3 of Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 3 prior to occupation of any of the dwellinghouse.

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

INFORMATIVES

1 RELEVANT POLICIES

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

PPS1 – Delivering Sustainable Development

PPS3 – Housing

London Plan: 2A.1, 3A.5, 4A.1, 4A.2, 4A.3, 4A.7, 4A.22, 4B.1, 4B.5

Interim London Housing Design Guide (2010)

Harrow Unitary Development Plan: D4, D5, D9, D10, D14, D15, EP20, EP25, T13, C16

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

2 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.co m

3 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.

4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: A3/0542/SD1/01; 02; 03; 04; 05; 06; 07; 08; 10; A4/0542/SD1/09; Design and Access Statement

Item: 2/04
RAEBARN HOUSE, 100 NORTHOLT ROAD, P/3137/10
SOUTH HARROW, HA2 0DT

Ward ROXBOURNE

**CHANGE OF USE OF PART FIRST FLOOR FROM COMMERCIAL TO 8 SELF
CONTAINED FLATS (USE CLASS C3)**

Applicant: Bellway Homes
Agent: Barton Wilmore
Case Officer: Fergal O'Donnell
Statutory Expiry Date: | 31-JAN-11

RECOMMENDATION

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The development would provide high quality housing and increased housing choice in a sustainable location and would provide an efficient use of the vacant part of this building, thereby according with the principles of sustainable development.

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

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development (2005)
Planning Policy Statement 3 – Housing (2010)

The London Plan [2008]

3A.1 – Increasing London's supply of Housing
3A.2 – Borough Housing Targets
3A.3 – Maximising the Potential of sites
3A.5 – Housing Choice
3A.6 – Quality of new Housing Provision
3A.9 – Affordable Housing Targets
3A.10 – Negotiating affordable housing in private residential and mixed use schemes
3A.11 – Affordable Housing Thresholds
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.4 – London's Buildings: Retrofitting
4B.5 – Creating an Inclusive Environment

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

SEM1 – Development and the Borough’s Regeneration Strategy

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

H3 – New Housing Provision – Land Identified for Housing and Vacant Sites

H7 – Dwelling Mix

EM13 – Land and Buildings in Business Use – Designated Areas

C16 – Access to Buildings and Public Spaces

Adopted Supplementary Planning Documents

Supplementary Planning Document – Residential Design Guide [2010]

Supplementary Planning Document – Accessible Homes [2010]

Supplementary Planning Document – Sustainable Building Design [2009]

Other Relevant Documents

London Borough of Harrow Employment Land Review [2010]

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

- 1) **Loss of Designated Office Space** (SEM1, EM13)
- 2) **Affordable Housing, Housing Provision and Density** (PPS3, 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11, H3, H7)
- 3) **Residential Amenity, Design and Layout** (4B.1, D4, D5, SPD – Residential Design Guide)
- 4) **Sustainable Design** (PPS1, 4A.1, 4A.3, 4A.4, 4A.7, 4B.4, SPD – Sustainable Building Design)
- 5) **Parking and Highway Safety** (T13)
- 6) **Accessible Homes** (3A.5, 4B.5, D4, C16, SPD – Accessible Homes)
- 7) **S17 Crime & Disorder Act** (D4)
- 8) **Consultation Responses**

INFORMATION

This application is being reported to committee as the proposal constitutes a departure from the development plan and the application is therefore excluded from categories 1 to 26 of the Scheme of Delegation by proviso G.

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area:	0.48ha
Habitable Rooms:	20
Density:	329 uph, 768 hrph
Council Interest:	None

b) Site Description

- Site is 0.48 ha in area and is located on the west side of Northolt Road
- Planning permission, P/2471/06/CFU, was granted for 150 flats and 834m² of commercial space at ground and first floor level.

- The residential units on the site are now occupied though the commercial spaces have not been occupied since completion of the development.
- The site is approximately 400m north of the South Harrow District Centre and the South Harrow underground station.
- The surrounding area has a mixture of uses – retail, offices and residential
- To the immediate north of the site is Templar House a 7-storey block of 84 affordable housing units.
- To the immediate south is the junction of Northolt Road and Cowen Avenue
- To the immediate east across Northolt Road are 3-4 storey blocks of flats
- To the west is a petrol filling station and superstore with its car park.
- The site is within the Northolt Road, South Harrow Employment Area as designated in the UDP.

c) Proposal Details

- Change of use of 460m² of commercial floor space at first floor level to provide 8 flats
- 4 x 2 bed and 4 x 1 bed flats proposed
- Provision of 3 parking spaces

d) Relevant History

P/2471/06/CFU	REDEVELOPMENT TO PROVIDE 150 RESIDENTIAL UNITS AND 834 SQUARE METRES OF COMMERCIAL FLOOR SPACE IN A BLOCK VARYING IN HEIGHT THREE TO EIGHT STOREYS AND TOWER	GRANTED 19-OCT-06
P/3498/08	CHANGE OF USE OF 834 SQUARE METRES OF OFFICE FLOOR SPACE TO NINE FLATS	REFUSED 22-DEC-08

Reasons for Refusal:

- 1) The proposed change of use would, due to the loss of designated office space of strategic importance to South Harrow and the wider borough, be unacceptable in principle and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.
- 2) The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of PPS1 of promoting mixed and balanced communities and would result in a unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.
- 3) The proposed development by reason of its poor layout and location next to sources of disturbance and inadequate provision of outdoor amenity space for the larger family sized units would result in poor living conditions for future occupants contrary to policy 4B.1 of the consolidated London Plan 2008 and policies D4, D5 and EP25 of the Harrow Unitary Development Plan 2004.

P/0221/09	CHANGE OF USE OF 460 SQUARE METRES OF FIRST FLOOR OFFICE FLOOR SPACE TO EIGHT FLATS	REFUSED 20-APR-09 DISMISSED ON APPEAL 29-OCT-09
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Reasons for Refusal:

- 1) The proposed change of use by reason of the loss of designated office space of strategic importance to South Harrow and the wider borough, is unacceptable in principle and contrary to policies SEM1 & EM13 of the Harrow Unitary Development Plan 2004.
- 2) The proposed development by reason of failing to provide affordable housing and failing to justify the viability of affordable housing provision, would fail to address the key aims of Planning Policy Statement 1 (PPS1) which seeks to promote mixed and balanced communities and would result in an unacceptable and unsustainable housing development contrary to policies 3A.1, 3A.2, 3A.9, 3A.10 & 3A.11 of the Consolidated London Plan 2008.

P/0572/10	CHANGE OF USE OF GROUND AND FIRST FLOORS FROM COMMERCIAL TO EDUCATION USE (CLASS TO D1)	GRANTED 16-JUN-10
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e) Pre-Application Discussion

- None

f) Applicant Statement

Planning Statement (summarised as follows):

- Permitted use of the building is for 150 residential flats and 834m² of commercial floorspace at ground and first floor levels.
- Change of use for educational purposes D1(c) was granted in 2010. This was the only meaningful interest in the commercial floorspace.
- Site has a high level of accessibility
- Marketing drive began in December 2007, seeking a leasehold interest in the commercial floorspace
- Despite ongoing marketing, there has been no market interest in the subject site
- An application to convert the ground floor and first floor to residential use was refused in January 2009.
- A further application to convert only the first floor of the offices was refused and subsequently dismissed, whereby the Inspector found that it would be premature at that stage to lose modern office space in that location
- Area has taken on a predominately residential character resulting from the conversion of existing buildings and planning permissions for new development.
- The proposed eight flats will be accessed via a staircase in the existing residents' entrance hall.
- Cycle parking will be provided in the existing residential use cycle stores in Raebarn House. Three car parking spaces are proposed for the eight residential units.
- No external alterations are proposed.

Item 2/04 : P/3137/10 continued/...

- Proposal would represent a more efficient use of land and buildings.
- Development will bring back vacant previously developed land and buildings
- Accompanying market report highlights that there has been no demand for floorspace at the subject site
- Principle of the entire loss of employment use from the Business Use Area (BUA) was established by planning permission ref. P/2018/03/CFU at Templar House.
- More recently, a change of use was granted permission at Townsend House.
- Recent (2006) Employment Land Supply Study concluded that demand for commercial floorspace in Harrow over recent years has been low and there are relatively high levels of existing stock.
- Marketing report concludes that the current level of supply of commercial space within 1.5 miles is 534,000sq. which is an increase in availability of 110,000sq feet from November 2009 and from June 2006 when the availability was 343,000 sq feet.
- Marginal increase in population arising from the development will increase the vitality and viability of the area
- Subsequent to the Inspector comments on the most recent appeal on the site, 12 months have elapsed without success in securing a tenant
- Cost of floorspace reduced in the interim
- It is considered that a reasonable period of time for marketing has elapsed
- Site has been vacant since being available for occupation in September 2008
- Proposed use would be compatible with surrounding uses
- Site is well served by public transport and public amenities
- Development will support the overarching objectives of national, strategic and local policy.

Marketing Report (summarised as follows):

- Marketing conditions over the period from December 2007 have been difficult.
- From August 2008 onward, the entire market as a whole displayed diminishing levels of demand
- Whilst there has been no significant improvement in demand, there have been indications of moderately improving levels, particularly during the early part of 2010.
- The Harrow market is significantly weaker office location than the closest major centres (Watford and Uxbridge). This has been consistent since the late 1990s.
- Previously price of the property was £300 per sq foot on a leasehold basis or £19 per square foot on a rental basis. This was reduced in February 2010 to £200 per sq foot and £15 per sq foot respectively. An offer of £1.1m was received conditional on obtaining a D1 consent on the site.
- Although the applicant obtained a change of use under P/0572/10 for educational use, the proposed end user fell through and no subsequent education user has been found. From discussion with local residents, it is clear that residential use would be much preferred by the local community.

Item 2/04 : P/3137/10 continued/...

- Marketing has principally targeted local businesses seeking freehold premises for office uses.
- Property has been marketing in local media, on the web and in Property Direct.
- Car parking available at Raebarn House for B1 use was considered totally unsatisfactory by potential clients
- The marketing of the property has revealed that potential occupiers of the property are reluctant to occupy properties perceived as primarily residential.

Email correspondence

- The applicant has stated that criteria 5, 15 and 16 of Lifetime Homes standards could not be satisfied as this development involves the retrofitting of an existing building

g) Consultations

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Traffic and Highways Engineer

There are no specific issues here and as we did not impose a 'resident permit restriction' on the original 150 flats (06 permission) it would also not apply to the 8 proposed flats for logistical reasons hence no objection or further comment.

Departure from Development Plan

Advert Date: 20-Jan-2011

Expiry: 17-FEB-11

Site Notice Posted

Date: 19-Jan-2011

Expiry: 16-FEB-11

Notifications:

Sent: 332

Neighbour Replies: 5

Expiry: 28-JAN-11

Neighbours Consulted:

Northolt Road: 61-121 (odd), 115A, 117A, 119A, 121A, Templar House 82, Auxiliary Forces Head Quarters 84, Substation at No.84, Service station adjacent to 140, 140, Raebarn House, Bovis House at No.142, Flats 1-84 Templar House No.84 Northolt Road, Flats 1-150 Eastcroft House

Osmond Close: 52-75

Grange Road: 2

Stanley Road: 22-28 (even), 59 Bridge Court

Empire Road, Perivale Greenford: 201
Arundel Drive: 23
Marsworth Avenue: 75

Summary of Responses :

Five (5) in Support:

Developers have struggled to secure demand or interest in the commercial space; more demand for residential units due to the ideal location for amenities locally; commercial space has attracted vandalism and security issues; demand for residential units would resolve the issues relating to the vacant nature of the site and may attract smaller units to the ground floor

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: *'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'*

Paragraph 10 of The Planning System: General Principles (the companion guide to PPS1 –Delivering Sustainable Development) further reinforces this view and states that *"If development contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision."*

In this case, other material considerations such as the appeal decision of the Planning Inspectorate following the Council's decision to refuse planning application P/0221/09, the economic conditions the market is currently experiencing and the existing authorised use of the premises and the unrestricted hours of use of the commercial use of the premises form some of the most pertinent material planning considerations.

1) Loss of Designated Office Space

This part of Northolt Road in South Harrow is characterised by blocks of residential flats and large scale B1 office use, and as such is recognised for its strategic importance for not only South Harrow but the borough as a whole. Saved policy EM13 of the Unitary Development Plan 2004 (HUDP) states that the *"the Council will resist the loss of land and buildings within the following business use areas, as defined on the proposals map, from business and light industrial B1 uses: - ... Northolt Road, South Harrow (North of South Harrow Station) ... those industrial areas listed above ... are of borough significance, and will be protected equally from loss to other uses."*

This view is reinforced by saved policy SEM1 of the UDP at point 2.96 which states that *“the limited amount of land for employment use in the Borough means that land and buildings suitable for such use need to be protected. When one business vacates a site, that site should be retained for employment purposes for the benefit of new businesses ... the only exception to the retention of employment land may be where small sites, undesignated by the Council (see policy EM15), are not viable for continued employment use ...”*.

The site was formerly a large seven storey office building providing 3,222m² of B1 office space. The mixed use redevelopment granted under planning permission P/2471/06/CFU reduced the overall commercial floor space to 834m² and confined the commercial use to parts of the ground and first floor levels on the Northolt Road frontage.

In dismissing the appeal against refused planning application P/0221/09 [PINS ref APP/M5450/A/09/2105312] (“the Appeal”) on the site for the use of part of the first floor as eight flats, the Inspector, though acknowledging that the quality of the office floorspace was good, considered that the initial asking price for the floor space was relatively high for this location. The Inspector agreed that a marketing period of two years from the when the building was realistically available, at reasonable asking prices, would be a proper test of market demand for modern offices of this size in the North-West London sector. In June 2010, the Council granted planning permission (P/0572/10) for a change of use of the ground and first floor to educational use (Use Class D1(c)). The principle of the change of use was justified in light of the extensive marketing exercises which were completed which had been unsuccessful in securing a tenant, securing an economic use on the site which would have provided some employment opportunities and the beneficial community uses provided. As such, the development proposed under P/0572/10, though it would have resulted in the loss of commercial space on the site, offered differing considerations, in that the loss of the commercial use would not have unduly harmed the economic viability of the locality.

It should be noted that the previously refused planning application for the change of use of the first floor described the works as a change of use from offices to residential accommodation. However, the original planning permission, P/2471/06/CFU, did not restrict the commercial use to a specific use class, neither were conditions imposed to control the hours of use of the commercial floorspace, or the nature of the activities allowed. Whilst the Inspector considered the change of use of the first floor from offices to residential uses, the original planning permission would allow a range of uses including A1 (retail), A2 (financial and professional services), A3, A4, A5 (food and drink uses such as restaurants, pubs and hot food takeaways, and B1 (offices, and light industrial). This is a material consideration in considering the future use of these premises.

The site has been extensively marketed (as B1 offices and no other use) for over three years, and has been available for over two years. Over a year has elapsed since the price of the commercial use on the site has been significantly reduced and, though the Inspector on the previous appeal on the site considered that a period of two years would be a proper test of demand for modern offices of this size, this consideration was made in light of an assumed authorised use of the offices as B1 Use Class only. The applicant has submitted an extensive marketing report which concludes that the failure to secure any significant interest in the site has been due to a number of factors, namely: the overall malaise in the economic market; the reluctance of potential occupiers of the site to use the premises for commercial purposes due to the perceived residential predominance of the site; the unsuitability of the premises for B1 office use due to the poor level of car parking spaces available; and the high and rising levels of vacant B1 office within proximity to the application site.

It is clear that current economic conditions have resulted in the difficulty in securing a tenant for the commercial space within the site. Though the economic conditions may only be temporary, the rising levels of vacant B1 office spaces in the locality and within the wider Borough indicate that the commercial use of the first floor of the premises is not viable, at least not in the short to medium term. Other issues within the site, such as the absence of adequate levels of car parking and the perception of the site as a residential property would test the viability of the first floor commercial units in the long term. As such, it is considered that the commercial space on the first floor of the premises, which has been vacant since the completion of the development over two years ago, is unlikely to offer any economic benefit to the locality in the long term and is even less likely to offer economic benefit to the area in the short to medium term. Though the proposed development would, on the face of it, appear to conflict with saved policy EM13 of the UDP in proposing to change the use of part of the first floor from commercial uses (not solely B1 offices) to residential accommodation (Use Class C3), by occupying the first floor of the premises, the proposed development would at least provide regeneration of the building without impacting on economic development in the locality, thereby according with the thrust and objectives of saved strategic policy SEM1 of the UDP. The proposed development would also provide other benefits to the locality and the wider Borough which are discussed in Section 2 of the Appraisal below.

2) Affordable Housing, Housing Provision and Density

Planning permission for the conversion of the first floor to eight flats was previously refused in part because the proposal failed to provide any affordable units and failed to provide a rationale for the absence of affordable units. Prior to the Appeal hearing, the Council withdrew this reason for refusal as it was considered to be unreasonable. The Inspector in the Appeal did not address this reason for refusal and it can be assumed that a similar conclusion was reached on this point.

Since the previous application, P/0221/09, the residential units are now occupied. Given the standards of accommodation required by the Council's adopted SPD, the proposed development could not conceivably achieve 10 units (the lower threshold of policy 3A.11 of The London Plan 2008). As the development is distinct from the existing residential development on the site, it is considered that the development would not conflict with policy 3A.11 of The London Plan 2008.

The proposed development would provide 4 one bed units and 4 two bed units, thereby providing a mix of units whilst contributing to borough housing targets, albeit in the form of private units. The proposed development would therefore accord with policies 3A.1, 3A.2, 3A.3 and 3A.5 of the London Plan and saved policy H7 of the HUDP (2004).

The density of the development would be above that suggested within The London Plan 2008. However, the density of development solely provides an indicator of the appropriateness of development. The impact of development on the economic vitality of the area, the character of the area and amenity impacts are considered in other parts of this Appraisal which provides the primary determining factors of the acceptability of development.

3) Residential Amenity, Design and Layout

The design and layout of the proposed development has not altered since that previously refused under application P/0221/09. No objection to the design, amenity or layout was raised at that time to the proposed development and the Inspector in the Appeal of that application dismissed the Appeal based solely on the issue of the loss of employment space. There have been no changes at the site in the interim, though the Council has recently adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) which sets out minimum Gross Internal Area (GIA) space standards. For the most part, the flats would meet the GIA standards outlined in the adopted SPD with two flats having marginal deficiencies in terms of GIA. The flats do not display any external amenity spaces but are located within a District Centre. However, as UDP policy has not changed since the determination of the previous application for a change of use to flats where no objection was raised previously and the deficiencies in design would not unduly compromise the enjoyment of the living spaces, it is considered that a refusal on the basis of layout and design would be unreasonable. The residential use and the relationship that the proposed units would have with neighbouring occupiers would be acceptable. No external alterations are proposed and the occupation of the units is likely to have a positive impact on the appearance of the area. Refuse storage would be provided on the ground floor, along with the existing refuse stores on the ground floor. The proposed increase in refuse would be relatively minimal (in comparison with the refuse of the existing 150 units on the site) and it is considered that there would be no adverse impacts on the appearance of the locality or local amenity. The proposed development would therefore accord with saved policies D4 and D5 of the HUDP (2004).

4) Sustainable Design

Sustainable development provides the overarching thrust and objective of PPS1. The challenge of climate change and providing development at a minimum cost to the environment is a re-occurring theme throughout National, Regional and Local planning policy. The development proposed here requires the retrofitting of the existing building. Planning permission was granted October 2006 for the building and though PPS1 was adopted at this time, The London Plan has since been consolidated and the Council has adopted a Supplementary Planning Document – Sustainable Building Design (2009) to support sustainability policies in the development plan.

The requirement for sustainability measures to be designed would not have carried the same weight at this time as current policy now affords. No requirements for the building to achieve specific levels of reductions in carbon dioxide emissions beyond Building Regulation standards were required with the original permission. As the development proposed here solely requires the retrofitting of the existing building, compliance with extant policies such as policy 4A.7 of The London Plan (2008) which requires development to achieve a 20% reduction in carbon dioxide emissions beyond Building Control standards would not be feasible. A condition requiring the development to provide a reduction in carbon dioxide emissions would therefore not be reasonable. Policy 4B.4 of The London Plan (2008) states that boroughs should support measures to produce a lower environmental impact from the existing stock of buildings. The applicant is made aware, by way of an informative, of the need to reduce carbon dioxide emissions, increase thermal efficiency, reduce waste and noise impacts in the refurbishment of the building where possible.

5) Parking and Highway Safety

The proposed development would increase the provision of residential units on the site. No objection was previously raised by the Council or the Inspector in the Appeal on the site in this regard. The Council's Traffic and Highways Officer has commented on the application and, given the relatively high level of public transport accessibility (PTAL levels), it is considered that there would be no undue impact on highway safety or parking as a result of the proposal. The development would therefore accord with saved policy T13 of the HUDP (2004)

6) Accessibility

The proposed eight flats would have adequate internal and external door and corridor widths and access to the first floor via an accessible lift. The internal areas of the flats would accord with Lifetime Homes standards and the development would therefore accord with saved policies D4 and C16 of the HUDP (2004) and the inclusive design principles contained in policy 4B.5 of The London Plan (2008). Some elements of Lifetime Homes would not however be achievable within the building as the development involves the retrofitting of an existing building. The Council's SPD – Accessible Homes states that new homes can still be regarded as being Lifetime Homes if the development accords with the relevant criteria of Lifetime Homes.

The applicant has stated that each of the relevant criteria would be achievable, save for criteria 5, 15 and 16 (criteria taken from the Mayor of London's Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment 2004) which relates to stairs and lifts, window specification and controls, fixtures and fittings respectively. In this case, conflict with each criterion would be relatively minor and given the nature of the development (retrofitting), it is considered that these minor conflicts with the criteria for Lifetime Homes would be acceptable in this instance.

7) S17 Crime & Disorder Act 1998

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

8) Consultation Responses

Developers have struggled to secure demand or interest in the commercial space; demand for residential units would resolve the issues relating to the vacant nature of the site and may attract smaller units to the ground floor; more demand for residential units due to the ideal location for amenities locally

The attractiveness of the development has been considered in Section 1 of the Appraisal above where it was found that factors such as the issues such as the vacancy of the unit and market demand have been found to weigh in favour of the development

Commercial space has attracted vandalism and security issues

It is considered that the use of the first floor units would benefit the vitality of the area and would provide some regeneration in this location

CONCLUSION

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

CONDITIONS

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

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

2 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to the relevant Lifetime Homes Standards, with the exception of criteria 5, 15 and 16, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with policies 3A.5 and 4B.5 of The London Plan (2008) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the council's adopted Supplementary Planning Document – Accessible Homes (2010)

3 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. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies D4 and T13 of the Harrow Unitary Development Plan (2004)

4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PL-100 Rev P4, PL-101 Rev P6, PL-300 Rev P5, PL2, P001, Planning Statement (dated November 2010), Marketing Report (dated October 2010)

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

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

The London Plan [2008]

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

3A.2 – Borough Housing Targets

3A.3 – Maximising the Potential of sites

3A.5 – Housing Choice

3A.6 – Quality of new Housing Provision

3A.9 – Affordable Housing Targets

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

3A.11 – Affordable Housing Thresholds

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.4 – London's Buildings: Retrofitting

4B.5 – Creating an Inclusive Environment

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

SEM1 – Development and the Borough's Regeneration Strategy

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

H3 – New Housing Provision – Land Identified for Housing and Vacant Sites

H7 – Dwelling Mix

EM13 – Land and Buildings in Business Use – Designated Areas

C16 – Access to Buildings and Public Spaces

Adopted Supplementary Planning Documents

Supplementary Planning Document – Residential Design Guide [2010]

Supplementary Planning Document – Accessible Homes [2010]

Supplementary Planning Document – Sustainable Building Design [2009]

Other Relevant Documents

London Borough of Harrow Employment Land Review [2010]

2 CONSIDERATE CONTRACTORS CODE OF PRACTICE:

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

3 CONSTRUCTION MANAGEMENT REGULATIONS:

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

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

4 INFORMATIVE:

The applicant's attention is drawn to policy 4B.4 of the London Plan (2008) which states that borough will support measures to produce a lower environmental impact from the existing stock of buildings which will reduce carbon dioxide emissions, increase thermal efficiency, reduce waste and noise impacts, conserve water, materials and other resources.

Plan Nos: PL-100 Rev P4, PL-101 Rev P6, PL-300 Rev P5, PL2, P001, Planning Statement (dated November 2010), Marketing Report (dated October 2010)

SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

BOTWELL COURT, 118-120 HEADSTONE ROAD, HARROW, HA1 1PF

Item: 3/01

P/3216/10

Ward GREENHILL

PROVISION OF TWO FLATS WITHIN MANSARD ROOF SPACE TOGETHER WITH ROOF LIGHTS TO FRONT AND REAR ROOF SLOPES (REVISED)

Applicant: Mr K Sabaratnam
Agent: R. P. Architectural Services
Case Officer: Gerard Livett
Statutory Expiry Date: 16-FEB-11

RECOMMENDATION

REFUSE planning permission for the development described in the application and submitted plans, for the following reason:

REASON:

The proposal, by reason of the insertion of windows in the front roofslope, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity, to the detriment of the visual amenities of the area and nearby occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008) and saved policy D4 of the Harrow Unitary Development Plan (2004).

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

- 1) Character and Appearance of the Area (PPS1, 4B.1, 4B.8, D4)
- 2) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPDs)
- 3) Parking and Highway Safety (T6, T13)
- 4) Housing Provision (3A.1, 3A.2, 3A.3, 3A.4, 3A.6, 3A.9, 3A.10, 3A.11)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

This application is referred to the Planning Committee as a petition opposing the recommendation has been received, and therefore the application cannot be determined under delegated powers.

a) Summary

Statutory Return Type: Minor Dwellings
Site Area: 865 m²
Density: 474 hrph 162 dph (for 14 flats)
Lifetime Homes: 2
Wheelchair Homes: 0
Council Interest: None

b) Site Description

- The application site is on the west side of Headstone Road just south of Hindes Road and contains a three-storey block of 12 flats with a mansard roof;
- Hard surfaced area to front with bin store and parking for 2 cars;
- Detached 2-storey house (No. 116) to the south, and a three-storey block of flats (Elizabeth Mews) to the north;
- Rear of site backs onto the rear gardens of 97-99 Roxborough Road;
- Located within an existing controlled parking zone (CPZ).

c) Proposal Details

- Provision of two flats in roof space with four recessed windows on the front mansard roof slope and six roof lights on the rear mansard roof slope
- Each flat would have two bedrooms, one at the front of the property, and one at the rear.
- Each bedroom would have two windows.
- Each flat would also have a combined living/kitchen/dining room with one roof light in the rear roof slope and a further roof light in the crown roof section.
- Each of the flats would also have a separate internal bathroom.
- One flat would have a gross floor area of 76m² and the other would have a gross floor area of 77m².

Revisions to previous applications:

Following the previous refusals of planning permission (references P/3845/08 and P/0763/09) for the provision of two flats within mansard roof space together with roof lights to front and rear roof slopes, the following amendments have been made:

- Number of rooflights in front roofslope reduced from six to four
- Design of rooflights changed from Velux style rooflights to recessed windows (with vertical glass section)

d) Relevant History

P/1832/03/CFU	Redevelopment to provide 12 flats in 3 storey building with access and parking (resident permit restricted)	GRANTED 09-SEP-03
P/3151/06/CDP	Discharge of condition No 2 (materials) pursuant to permission P/1832/03/CFU	APPROVED 12-DEC-06
P/3366/06/DDP	Discharge of conditions 3 (hoarding), 9 (levels) & 10 (access and egress) pursuant to permission P/1832/03/CFU	APPROVED 16-JAN-07
P/1317/07/DDP	Discharge of condition no.4 (boundary treatment) pursuant to permission P/1832/03/CFU.	REFUSED 26-JUN-07

P/1101/07/DFU	Mansard roof extension at 3rd floor level to create an additional storey to provide 2 additional flats over the building approved ref P/1832/03/CFU dated 16 Oct 2003 for 12 flats in a 3 storey building with access and parking. (resident permit restricted)	REFUSED 14-SEP-07
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Reason for Refusal:

1) The proposal by reason of its increased size, scale, bulk, massing and design of the roof would appear unduly bulky, obtrusive, overbearing and overpowering and would detract from the established pattern/character of existing development in the vicinity and would have a detrimental effect on the visual amenities of nearby occupiers contrary to policies SD1, SH1, D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders' Guide (2003).

P/3199/07/DFU	Formation of 2 flats within roofspace	WITHDRAWN 21-NOV-07
P/3421/07/CVA	Variation of condition 8 (details of surface water attenuation) of planning permission ref: P/1832/03/CFU)	GRANTED 11-DEC-07
P/3611/07/CVA	Variation & discharge of condition no.6 pursuant to permission P/1832/03/CFU	GRANTED 12-DEC-07
P/3357/07/CVA	Variation of condition 4 (details of boundary treatment) required by planning permission ref: P/1832/03/CFU.	GRANTED 28-NOV-07
P/4121/07/CFU	Retention of 3-storey block of 14 flats with rooms in the roof space, parking for 2 cars and binstore to the front (resident permit restricted)	REFUSED 17-JAN-08 APPEAL WITHDRAWN

Reasons for Refusal:

1) The proposed development, by reason of excessive bulk, massing, footprint and rearward projection would appear unduly bulky, obtrusive, overbearing and would detract from the established pattern/character of existing development in the vicinity and would have detrimental affect on the amenities of nearby occupiers contrary to policies 4B.1 of the London Plan 2004, D4, and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).

2) The proposed development, by way of poor roof design, higher eaves, and higher front and rear parapet walls, would poorly relate to the adjoining properties and detract from the character and appearance of the building and wider street scene contrary to policies 4B.1 of the London Plan 2004, D4 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).

3) The proposed development, by way of poor internal layout and inadequate room size, would produce unacceptable standards of accommodation and fail to meet requirements of Lifetime Homes Standards and Wheelchair Homes Standards, contrary to policies 3A.4 of The London Plan 2004, D4 of the Harrow Unitary Development Plan 2004 and Accessible Homes Supplementary Planning Document (April 2006).

4) The proposed development, by reason of failing to demonstrate how the building incorporates renewable energy and energy conservation and efficiency measures into the design, would result in an inefficient and unacceptable development contrary to policies 4A.7, 4A.8, & 4A.9 of The London Plan 2004.

P/0740/08/CFU	Retention of 3-storey block of 12 flats with alterations to front & rear elevations, parking for two cars and binstore to the front (resident permit restricted)	GRANTED 15-MAY-08
P/2579/08	Retention of rear left corner of existing block of 12 flats	GRANTED 10-SEP-08
P/2478/08/DDP	Details of affordable housing as required by condition 3 of planning permission ref: P/0740/08/CFU	APPROVED 28-AUG-08
P/3845/08	Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes	REFUSED 27-MAR-09 APPEAL DISMISSED 17-AUG-09

Reasons for Refusal:

1) The proposal, by reason of an excessive number of velux rooflights both to the front and rear elevations, with regard to the design of the roof, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity and would have a detrimental effect on the visual amenities of the nearby occupiers, contrary to HUDP policy D4.

2) The two flats, which would be created by the use of the roofspace, would afford substandard accommodation to the detriment of the residential amenities of the future occupiers thereof and, in the absence of easy access to the upper floor and the fact that these flats would be located on the fourth floor, would fail to meet the requirements of Lifetime Homes Standards contrary to HUDP (2004) policy D4 and the Accessible Homes Supplementary Planning Document (April 2006).

P/0763/09	Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes	REFUSED 24-JUL-09 APPEAL DISMISSED 04-AUG-10
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Reasons for Refusal:

1) The proposal, by reason of an excessive number of velux rooflights both to the front and rear elevations, with regard to the design of the roof, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity and would have a detrimental effect on the visual amenities of the nearby occupiers, contrary to policy D4 of the Harrow Unitary Development Plan (2004).

Summary of Responses:

- Objections:
- Four-storey building would be out of scale and character
- Rooflights at front and rear would be clearly visible
- Loss of privacy to properties in Roxborough Road
- Kitchen with no windows would not be ideal
- Eight letters plus petition with 10 signatures in support of the proposal have also been received

APPRAISAL

1) Character and Appearance of the Area

In relation to the first reason for refusal of the two previous applications, the Council objected to six rooflights in each of the front and rear roof slopes, regarding this as an excessive number.

This approach was supported by the Inspector in both associated planning appeals. The Inspector for the first appeal (LBH ref P/3845/08, Pins ref APP/M5450/A/09/2102716) noted that the height of the existing building appears out of scale and overly bulky in the streetscene when compared to other properties in the vicinity. He noted that the addition of rooflights into the mansard roof would merely accentuate the fact that the building would become effectively a four-storey block amongst largely two-storey, with occasional three-storey buildings.

The Inspector for the second appeal (LBH ref P/0763/09, Pins ref APP/M5450/A/09/2116743) noted that the existing building was taller than others in the vicinity. He also considered that the addition of rooflights into the mansard roof would give the building the appearance of a four-storey block building in an area characterised by mostly two-storey buildings, and that this would accentuate the incongruous appearance of the existing building.

Although the current proposal would result in fewer windows in the front roofslope, and the design of the windows, as recessed rather than flush, the previous concerns about the resultant appearance being effectively a four-storey building that would be out of context have not been overcome.

The applicants state that the windows would be shielded by the parapet wall. However, the whole roofslope is clearly visible from many vantage points in Headstone Road, and while the parapet may conceal the windows when viewed from directly opposite, this would not be the case from other vantage points on Headstone Road.

The existing building is larger than those surrounding it, including the two-storey houses to the south and the three-storey block (Elizabeth Mews) to the north and already dominates the streetscene. Any addition of windows to the front roofslope would exacerbate this incongruous appearance to such a degree that it would be detrimental to the character and appearance of the area and the visual amenities of neighbouring occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008) and saved policy D4 of the Harrow Unitary Development Plan (2004).

2) Residential Amenity, including Lifetime Homes

The previous second reason for refusal of the previous applications related to the lack of easy access to the upper floor.

However, this approach was not supported by either Inspector at appeal, and therefore a reason for refusal based on non-compliance with Lifetime Homes standards could not be supported.

The proposed flats would each have adequate floor areas and adequate internal circulation areas. As such, they would comply with the requirements of the Council's Adopted Supplementary Planning Document, Residential Design Guide (2010). Furthermore, the flats would benefit from the use of the communal amenity area, which is considered adequate.

The Council's adopted Supplementary Planning Document, Accessible Homes (2010) notes that on the upper floors of existing buildings, lift access may not be required. Given that the flats would comply with all feasible requirements of Lifetime Homes, the proposal would not be detrimental to the residential amenities of future occupiers of the flats.

Representations have been received noting that the rooflights at the rear could result in overlooking of gardens and properties in Roxborough Road.

This matter has been addressed in previous applications at the site, and the planning Inspectors, and it is considered that the distance between those neighbouring properties and the proposed rooflights would be sufficient to avoid any significant loss of privacy due to overlooking.

3) Parking and Highway Safety

The development as a whole provides 2 off-street parking spaces. The site is located within a Controlled Parking Zone and the future occupants would not be eligible for residents parking permits to park on the street. Given the site's location to good public transport links, the proposed level of parking would have been considered acceptable.

4) Housing

The proposal represents an additional 2 units to Harrow's housing stock, which would make a positive contribution to the borough.

Notwithstanding the above, the level of housing delivery in the Borough is such that there is no requirement for new development on the basis of the five year land supply. The Council's Annual Monitoring Report (AMR) sets out that in 2008/09 the number of net additional dwellings completed was 766 units, more than double the 373 completions in 2007/08. The London Plan's (2008) housing target for Harrow is 400 units per year, with the conventional supply target of 360 units up to 2016/17 (based on the Alterations to the London Plan, approved in December 2006). Previously Harrow's conventional annual average target was 330 units per year. Over the past five years (since 1 April 2004), Harrow has delivered 2,802 net units in conventional supply, exceeding targets by 1,002 units. As such, it is clear that whilst the principle of the redevelopment is supported by some policies, its provision on the basis of the five year land supply is not.

However, as the proposal would make use of existing space within an existing building, and would not require additional external building work, other than the insertion of windows, a reason for refusal based on the lack of identified need for new housing provision could not be justified in this case.

The proposed density is 474 habitable rooms per hectare (hrph), which is considered satisfactory for this location and type of development. The approved scheme from 2003 has an approved density figure of 416 hrph.

The London Plan requires that all developments on sites that are capable of supporting 10 or more units should provide affordable housing.

However, given that the proposal is for the provision of two flats in a building which has already been completed and occupied, it is considered that no requirement for affordable housing to be provided is required.

5) S17 Crime & Disorder Act

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

6) Consultation Responses

- Four-storey building would be out of scale and character, rooflights at front and rear would be clearly visible – these matters have been addressed in the Character and Appearance of the Area section of the appraisal
- Loss of privacy to properties in Roxborough Road – this matter has been addressed in the Residential Amenity section of the appraisal
- Kitchen with no windows would not be ideal – the proposed kitchen/living room would have one window at one end of the room, which would leave the kitchen end of the room with no standard window. However, the plans indicate that the kitchen area would benefit from

CONCLUSION

The proposal, by reason of the insertion of windows in the front roofslope, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity, to the detriment of the visual amenities of the area and nearby occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan and saved policy D4 of the Harrow Unitary Development Plan (2004).

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

INFORMATIVES

1 INFORMATIVE

SUMMARY OF REASONS FOR REFUSAL OF PLANNING PERMISSION:

The decision to refuse 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:

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Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

London Plan:

3A.1 – Increasing London’s supply of housing

3A.2 – Borough housing targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient use of stock

3A.5 – Housing choice

3A.6 – Quality of new housing provision

3A.8 – Definition of Affordable Housing

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

3A.11 – Affordable housing thresholds

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside greenness and forecourt greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Accessible Homes (2010)

Supplementary Planning Document, Residential Design Guide (2010)

Plan Nos: 100.0 Rev B; 105.3 Rev E; 106 Rev C; 107 Rev C; 109 Rev D; 109A Rev D; 111 Rev D; 111A Rev D; 153 Rev D; 154 Rev E; 154.1 Rev E; Unnumbered section drawing (revision 3); Design and Access Statement

DEVONSHIRE HOUSE, 582 HONEYPOT LANE, STANMORE, HA7 1NR

**Item : 3/02
P/2724/10**

Ward: CANONS

CHANGE OF USE OF PART OF THE FIRST FLOOR FROM OFFICE TO EDUCATIONAL USE (CLASS B1 TO D1)

Applicant: Elizabeth College Limited
Agent: Mr Mark Pender, Pad Consultancy Limited
Case Officer: Matthew Lawton
Statutory Expiry Date: | 21-JAN-11

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reasons:

- 1 The proposal, by reason of its siting within a building located within a locally designated Industrial & Business Use Area and a regionally designated Strategic Industrial Location (an Industrial Business Park), would result in the loss of floorspace from business use contrary to the objectives of saved policies EM14 of the Harrow Unitary Development Plan (2004) and policy 3B.4 of the London Plan (2008), which aim to resist the loss of such land and buildings in London and the Borough.
- 2 The proposal, by reason of its siting in close proximity to existing offices on the first floor of the building and non self containment, would have a detrimental impact upon the use of adjacent offices due to associated disturbance as a result of the nature of the use proposed, contrary to the objectives of saved policies C7 and EP25 of the Harrow Unitary Development Plan (2004).

Policies:

National Policy Guidance

PPS1: Delivering Sustainable Development (2005)

PPS4: Planning for Sustainable Economic Growth (2009)

London Plan

3A.25 Higher and Further Education

3B.2 Office Demand and Supply

3B.4 Industrial Locations

4B.5 Creating an inclusive environment

Harrow Unitary Development Plan

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

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

C17 Access to Leisure, Recreation, Community and Retail Facilities

D4 Standard of Design and Layout

EM22 Environmental Impact of New Business Development

EP25 Noise

T6 The Transport Impact of Development Proposals

T13 Parking Standards

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Change of Use of Buildings in Business Use – Designated Areas (PPS1, PPS4, 3A.25, 3B.2, 3B.4, D4, EM14, C7, SPD)
- 2) Residential Amenity (EM22, EP25)
- 3) Access to Buildings (SPD, C16, C17, 4B.5)
- 4) Parking (T6, T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

This application is being reported to the Planning Committee due to the receipt of a petition which conflicts with the recommendation, in accordance with category 18 of the Schedule of Delegation.

a) Summary

Statutory Return Type: Change of use
Site Area: 185m²
Council Interest: None

b) Site Description

- The site is located within Devonshire House, a three storey office building in a designated Industrial & Business Use Area known as Stanmore Industrial Business Park on the eastern side of Honeypot Lane, which is safeguarded in the London Plan as a Strategic Industrial Location (an Industrial Business Park) within the West London region.
- Existing building is used as B1 offices.
- The existing parking provision is for approximately 94 parking spaces.
- Surrounding uses include a fire station, several warehouses and residential dwellinghouses.
- The nearest residential unit is approximately 25m away on Honeypot Lane to the south.
- On the opposite side of Honeypot Lane is a sports field that is designated Open Space.
- This application relates to 7 offices on the first floor of the building.

c) Proposal Details

- Change of use of part of the first floor from office to educational use (Class B1 to D1).
- The occupant of the offices would be Elizabeth College which teaches Information Technology and Business and Finance Management courses and is in the process of applying to the Accreditation Services for International Colleges, which is dependent on planning permission for D1 use.
- The three largest offices within the proposed section of this application site would be used as classrooms, the next largest would be an I.T. Lab and the three other smaller offices would be used as the Principal's Office, a staff room and a library.

Item 3/02 : P/2724/10 continued/...

- The college would have a capacity of approximately 94 students at any one time.
- Students would be aged 18 or over.
- There will be approximately 10 full time employees.
- The use is proposed to operate between the hours of 08:00 until 18:00, Monday to Friday and 08:00 until 14:00 on Saturdays.
- The amount and arrangement of parking on the site is proposed to remain as existing, the proposed college having use of 5 parking spaces within the site's car park.

d) Relevant History

P/1690/06/CFU Second floor extension and re-cladding of elevations. GRANTED 15-SEP-06

e) Pre-Application Discussion

- No formal PAT or PAM advice was sought.

f) Applicant Statement

- The offices have been vacant since August 2009 when the previous occupiers went into receivership.
- The offices have been unsuccessfully marketed since September 2009.
- The College proposed has been the only positive enquiry received, believe that otherwise the offices are likely to remain empty for a considerable period due to the poor state of the local office market.
- Although contrary to UDP policy EM14 this proposal is in line with policy C7.
- Approximately 30% of the floorspace will comprise administration (Class B1).
- The use will generate a similar level of employment to office use.
- The College occupies a further 25m² of office space on the first floor for administration purposes.
- On balance consider the application is acceptable.

g) Consultations:

- **Environment Agency:** No response.
- **Stanmore Society:** No response.

Advertisement: Departure from the Development Plan Expiry: 23-DEC-10

General Notification

Notifications:

Sent: 34 Replies: 3 (including a 6 signature petition of support) Expiry: 20-DEC-10

Site Notices: Departure from the Development Plan Expiry: 31-DEC-10

General Notification

Summary of Response:

Those For (6 signature petition of support):

The application will add a valuable education facility and create jobs in the area. It is stated that the petition has been signed by occupants of Devonshire House.

Those Against (2):

There will be a large increase in the number of people due to new proposal and, therefore, traffic and vehicles associated with that which will cause blockages and accidents; The proposed exit and entrance is already overcrowded with vehicles and parking is virtually impossible at present; As there are many children living nearby additional cars coming in and out of the site would make the area far more dangerous for pedestrians, especially young children; Residents will have parking problems as spaces could be taken by students; The increase in noise will cause distractions to households in the area which could interfere with young families or the elderly.

APPRAISAL

1) Change of Use of Buildings in Business Use – Designated Areas

The applicant is seeking to change the lawful use of the existing offices (Class B1) to educational use (Class D1). Saved policy EM14 of the Harrow UDP states that the loss of land or buildings from business, general industrial or warehouse use within sites from a list of areas designated by the Council's UDP as Industrial and Business Use Areas will be resisted. The reasoning for this policy is that the land available for these uses within the Borough is limited and it is therefore important to safeguard the land available for these uses, in line with PPS4. Unlike Policy EM15 which covers land outside designated areas, there are no exceptions to this policy in the case of long term vacancy backed up by marketing materials, which it is noted the Applicant has provided and attempted to demonstrate the difficulty of finding tenants for the vacant offices in the current economic climate. The site is also within a regionally designated Strategic Industrial Location (an Industrial Business Park), which policy 3B.4 of the London Plan (2008) protects in order to resist the loss of such land and buildings of strategic importance to London. The proposal, by reason of its siting within a building located within a designated Industrial & Business Use Area and a Strategic Industrial Location (an Industrial Business Park), would therefore result in the loss of floorspace from business use and so would be contrary to the objectives of saved policy EM14 of the Harrow Unitary Development Plan (2004) and policy 3B.4 of the London Plan (2008).

Saved policy C7 of the Harrow UDP states that the Council will seek to ensure that appropriate educational facilities are provided subject to three criteria, that there is a need for new education facilities in the area, the accessibility levels of the site and the availability of a safe-setting down and picking-up area. It also states, however, that new development must not be detrimental to the environmental quality of the surrounding locality or the amenity of residents.

The Council considers that the proposed educational use will have a detrimental impact on the other existing offices in the building, particularly those which would share communal facilities on the first floor of the building. The use of the offices for the proposed D1 use would have a greater impact on the amenities of the adjacent offices in comparison with the lawful use, particularly due to increased noise and disturbance due to increased activities. Notwithstanding the receipt of a petition of support, the comings and goings of larger numbers of people (up to 94 students plus up to 10 staff at any one time) than use the existing offices would make the working environment in the building significantly worse for the adjacent offices and as such may result in their relocation and be off putting to potential future occupiers, undermining the lawful B1 use of the building. Noise generated by people arriving, leaving and congregating in the communal areas of the building are likely to cause disturbance to the adjacent offices. It is therefore considered that the proposed use, by reason of its siting in close proximity to existing offices on the first floor of the building, would have a detrimental impact upon the use of adjacent offices due to associated disturbance as a result of the nature of the use proposed. This would be exacerbated by the non self containment of the office units and the units for the proposed D1 use, contrary to the objectives of saved policies EM15 and EP25 of the Harrow Unitary Development Plan (2004).

2) Residential Amenity

Given the nature of the site, the location of the site with regards to neighbouring residential occupiers and the scale of the proposal within the context of the wider site, it is considered that the proposed change of use would not have any unduly detrimental impacts upon the amenities of neighbouring residential occupiers. It is noted that an objection has been received with regards to the potential increase in noise causing distractions to households in the area which could interfere with young families or the elderly. However it is considered that given the location of the use proposed within the site and the distance from the nearest dwellinghouses, any detrimental impact upon residential amenity in this regard is unlikely. Had the change of use otherwise been acceptable, it is considered that the proposal would be acceptable in this regard.

3) Access to Buildings

Saved policy C16 of the HUDP (2004) states that development proposals should be adequately designed to accommodate the needs of all users, and saved policy C17 makes specific reference to community facilities such as that to which this application relates. The step-free access to the front of the building and existing lift would provide level access to the first floor educational use proposed. The layout of the offices and shared facilities are also considered to be acceptable in this regard and compliant with adopted local policy, the Council's Supplementary Planning Document 'Access for All' (2006) and London Plan policy 4B.5. Had the change of use otherwise been acceptable, it is considered that the proposal would be acceptable in this regard.

4) Parking

Saved policies T6 and T13 of the Harrow Unitary Development Plan (2004) 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. The site has a large number of parking spaces, although it is noted that only 5 would be allocated to the proposed use it is also stated by the Applicant that this provision is flexible. The application site is located within walking distance of a number of bus routes which connect to nearby Underground stations and therefore has reasonable accessibility to public transport. The Council's Highways Engineer has not objected to this application. Had the change of use otherwise been acceptable, it is considered that the proposal would be acceptable in this regard subject to appropriate conditions.

5) S17 Crime & Disorder Act

The proposed change of use has no impact with regard to this legislation.

6) Consultation Responses

There will be a large increase in the number of people due to new proposal and, therefore, traffic and vehicles associated with that which will cause blockages and accidents; The proposed exit and entrance is already overcrowded with vehicles and parking is virtually impossible at present; As there are many children living nearby additional cars coming in and out of the site would make the area far more dangerous for pedestrians, especially young children; Resident will have parking problems as spaces could be taken by students – Given that the site has a large parking capacity, notwithstanding the 5 spaces allocated to the proposed use, it is considered that the flexibility of parking provision within the wider site indicated could result in the proposal having an acceptable level of impact upon traffic and parking subject to appropriate conditions attached to an acceptable scheme.

All other issues addressed raised 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 publicity and consultation, as set out above, this application is recommended for refusal as the proposed development would result in the loss of floorspace from business use and would therefore be contrary to the objectives of saved policy EM14 of the Harrow Unitary Development Plan (2004) and policy 3B.4 of the London Plan (2008), which aim to resist the loss of such land and buildings in London and the Borough, and would also have a detrimental impact upon the use of adjacent offices due to associated disturbance as a result of the nature of the use proposed, contrary to the objectives of saved UDP policies C7 and EP25. The considerations outlined by the applicant would not, either singularly or collectively, justify a departure from adopted policy.

INFORMATIVES:

1 INFORMATIVE:

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

Policies:

National Policy Guidance

PPS1: Delivering Sustainable Development (2005)

PPS4: Planning for Sustainable Economic Growth (2009)

London Plan

3A.25 Higher and Further Education

3B.2 Office Demand and Supply

3B.4 Industrial Locations

4B.5 Creating an inclusive environment

Harrow Unitary Development Plan

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

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

C17 Access to Leisure, Recreation, Community and Retail Facilities

D4 Standard of Design and Layout

EM22 Environmental Impact of New Business Development

EP25 Noise

T6 The Transport Impact of Development Proposals

T13 Parking Standards

Supplementary Planning Document 'Access for All' (2006)

Plan Nos: Proposed First Floor; Existing Ground Floor; Existing First Floor; Existing Second Floor; Site Plan.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

Item: 4/01

**ALPINE HOUSE, HONEYPOT LANE, P/0321/11
LONDON, NW9 9RU**

Ward ADJOINING BOROUGH

CONSULTATION FROM NEIGHBOURING AUTHORITY: EXTENSION TO TIME LIMIT OF PLANNING PERMISSION 08/1427 DATED 13/08/2008 FOR DEMOLITION OF EXISTING COMMERCIAL UNITS AND ERECTION OF 3 X FOUR-STOREY BLOCKS AND 1 X FIVE-STOREY BLOCK, COMPRISING 120 SELF-CONTAINED FLATS, 1,823M² OF COMMERCIAL FLOORSPACE (USE CLASS B1) AND 5 LIVE/WORK UNITS, WITH 86 CAR-PARKING SPACES, BICYCLE AND BIN STORAGE AND ASSOCIATED LANDSCAPING (ACCOMPANIED BY DESIGN AND ACCESS STATEMENT, ENERGY ASSESSMENT, NOISE ASSESSMENT, FLOOD RISK ASSESSMENT, ARBORICULTURAL REPORT, TRANSPORTATION ASSESSMENT AND PLANNING STATEMENT)

Applicant: London Borough of Brent

Case Officer: Nicholas Ray

Statutory Expiry Date: | 07-MAR-11

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 national planning policy guidance and statements, 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.

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Development

PPG13 – Transport

PPG24 – Noise

The London Plan 2008:

4B.1 – Design Principles for a Compact City

Interim London Housing Design Guide (2010)

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

T13 – Parking Standards

Supplementary Planning Document: 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) **Impact on the London Borough of Harrow**
- 2) **S17 Crime & Disorder Act**

INFORMATION

This application is reported to the Committee as it falls outside of the thresholds set by the Schedule of Delegation for the determination of new development.

a) Summary

Statutory Return Type: Consultation by other Borough
Council Interest: Adjoining Borough

b) Site Description

- The site comprises Alpine House, a single and two storey commercial/industrial building on the eastern side of Honeypot Lane, which forms the boundary with the Borough of Harrow.
- To the west of Honeypot Lane are the residential properties on St Paul's Avenue, Ruskin Gardens and Honeypot Close.
- The site benefits from planning permission for demolition of existing commercial units and erection of 3 x four-storey blocks and 1 x five-storey block, comprising 120 self-contained flats, 1,823m² of commercial floorspace (use class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping.

c) Proposal Details

- This application proposes an extension of time for the implementation of this permission.

d) Relevant History

P/1906/08	Consultation from London Borough of Brent: construction of 120 flats, 1823 sq m commercial floorspace, 5 live/work units and car parking	FINALLY DISPOSED OF 23-JUL-08
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e) Consultations:

- None.

APPRAISAL

1) Impact on the London Borough of Harrow

As this proposal is for an extension of time, the relevant factors to consider are whether there has been a material change in the policy position, or a change in site circumstances that would now render the proposal unacceptable.

It is considered that there has been no material change in adopted policy that would now render the development unacceptable in terms of its impact on the Borough of Harrow. There has been no material change in circumstances at the properties within the Borough that are close to the development that would warrant a different view being taken about the development's impact. It is therefore recommended that no objection is raised to the proposal.

2) S17 Crime & Disorder Act

The reserved matters proposed would not 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.

**STONEGROVE AND SPUR ROAD P/0289/11
ESTATES, EDGWARE, HA8 8BT**

Ward ADJOINING BOROUGH

CONSULTATION FROM A NEIGHBOURING AUTHORITY: RESERVED MATTERS APPLICATION SEEKING APPROVAL FOR SCALE, EXTERNAL APPEARANCE AND LANDSCAPING IN RELATION TO DEVELOPMENT PHASE 2 (COMPRISING PART OF CHARACTER ZONES 2 AND 4) OF THE REDEVELOPMENT OF STONEGROVE AND SPUR ROAD ESTATES COMPRISING 107 RESIDENTIAL UNITS, INCLUDING 19 HOUSES, PURSUANT TO CONDITION 3 OF OUTLINE PLANNING PERMISSION REFERENCE W13582E/07 DATED 06/10/2008

Applicant: London Borough of Barnet

Case Officer: Nicholas Ray

Statutory Expiry Date: | 25-FEB-11

RECOMMENDATION

INFORM the 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 national planning policy statements, 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.

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

The London Plan 2008:

4B.1 – Design Principles for a Compact City

4B.2 – Promoting World-Class Architecture and Design

4B.3 – Enhancing the Quality of the Public Realm

4B.6 – Safety, Security and Fire Prevention and Protection

Interim London Housing Design Guide (2010)

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

Supplementary Planning Document: 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) Impact on the London Borough of Harrow
- 2) S17 Crime & Disorder Act

INFORMATION

This application is reported to the Committee as it falls outside of the thresholds set by the Schedule of Delegation for the determination of new development.

a) Summary

Statutory Return Type: Consultation by other Borough
Council Interest: Adjoining Borough

b) Site Description

- The site comprises part of the Stonegrove and Spur Road estates, on the eastern side of Stonegrove, which forms the boundary with the Borough of Harrow.
- The site benefits from outline permission for 937 residential units and community facilities, with access off Spur Road and Stonegrove.
- Reserved matters applications relating to scale, appearance and landscaping are to be submitted for each phase of the development.

c) Proposal Details

- This application relates to Phase 2 of the redevelopment, comprising 107 residential units.
- Phase 2 relates to parts of character zones 2 and 4, which are located centrally within the overall site area.
- The reserved matters seek to comply with a condition attached to the original permission relating to building heights, building siting and access points.
- The parts of the proposal the subject of this application would range from 3 storey dwellinghouses, to blocks of flats of between 4 and 8 storeys.
- Details of the external appearance and landscaping are included.

d) Relevant History

P/3366/07	Demolition of existing buildings; construction of 937 new residential units, community hall, church and church hall with new access off Spur Road and reopening access off Stonegrove [Consultation from neighbouring authority].	OBJECTION 10-DEC-07
P/0393/08	Demolition of existing buildings; construction of 937 new residential units, community hall, church and church hall with new access off Spur Road and reopening access off Stonegrove [Consultation from neighbouring authority].	OBJECTION 25-APR-08
P/1855/09	Reserved matters application seeking approval for scale, appearance and landscaping in relation to character zone 6 of the redevelopment of Stonegrove and Spur Road estates comprising 98 residential units pursuant to condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008 [Consultation from neighbouring authority].	NO OBJECTION 11-SEP-09

e) Consultations:

None.

APPRAISAL

1) Impact on the London Borough of Harrow

Phase 2 of the redevelopment, which is the subject of this consultation, is located in the centre of the site, some 150 metres from Stonegrove and the Borough boundary.

The reserved matters currently under consideration are scale, appearance and landscaping, with layout and access having been determined at outline stage. The proposed scale of the buildings would not be materially different to the parameters of the outline approval and would be within the range of permitted number of storeys for each block.

Given the separation distance between the part of the site that is subject to this application and the Borough boundary, it is considered that the proposed scale, appearance and landscaping would not result in any perceived harm to Harrow.

2) S17 Crime & Disorder Act

The reserved matters proposed would not 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.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

Item : 5/01

LAND OUTSIDE BOVEDA, GREEN LANE, P/0365/11
STANMORE, HA7 3AB

WARD STANMORE PARK

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 517575 192604) (PCP: 023)

Applicant: Harlequin Ltd

Case Officer: Nathan Barrett

Statutory Expiry Date: | 06-APR-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 and inappropriate design would result in an obtrusive form of development and add visual clutter within this part of the Stanmore Hill Conservation Area. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the character or appearance of the Stanmore Hill Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Policies HE 7.4 and HE 9.1 of Planning Policy Statement 5: Planning for the Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Stanmore Hill Conservation Area Policy Statement (October 2003).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 8: Telecommunications Development

Planning Policy Statement 5: Planning For The Historic Environment

London Plan:

4B.1 - Design principles for a compact city

Harrow Unitary Development Plan:

D4 - The Standard of Design and Layout

D14 - Conservation Areas

D15 - Extensions and Alterations in Conservation Areas

D24 - Telecommunications Development

D29 - Street Furniture

T6 - The Transport Impact of Development Proposals

T9 - Walking
T13 - Parking Standards

Supplementary Planning Document "Access for All" (2006)
Stanmore Hill Conservation Area Policy Statement (October 2003)

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: Stanmore Hill Conservation Area
Council Interest: Public Highway

b) Site Description

- The application site forms part of the grass verge on the eastern side of Green Lane. The grass verge is located in front of Boveda, a detached dwelling.
- A hedge is located on the front boundary of Boveda.
- The site is situated within the Stanmore 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.

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 and Design Officer: Objection.

Stanmore Society: No objection

Conservation Area Advisory Committee: No objection

Highway Engineer: No objection

Advertisement: Character of Conservation Area Expiry: 10-MAR-11

Notifications:

Sent: 2 Replies: 0 Expiry: 09-MAR-11

Addresses consulted:

Stanmore Station

Service Station Adjacent To Lodge Close

Open Space Fronting Stanmore Station

Open Space Fronting Kerry Court

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 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;
- the effect on skyline or horizon;
- the site when observed 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.

The equipment cabinet would be located within the Stanmore Hill Conservation Area on a grass verge. Given the design of the equipment cabinet, it would be a tall and bulky addition, that would add clutter to the street scene and detract from the open stretch of grass verge. The general character of the street scene in this section of the Conservation Area, along mid to lower Green Lane, is open, attractive and interesting, with wide pavements incorporating grass verges.

The Stanmore Hill Conservation Area Policy Statement, adopted in October 2003 highlights the importance of grass verges, as it states that the carriageway along Green Lane is “surrounded by soft, wide grass verges that run along the eastern side of the road from the junction with Uxbridge Road to about opposite Culverlands Close... The wide verges help to soften the whole scene”. The Conservation Area Policy Statement later highlights that: “Street furniture is limited in Green Lane... The lower reaches of Green Lane have very little street furniture and in consequence the streetscape appears simple and uncluttered.” However, the Policy Statement notes that “[p]oorly sited items can become eyesores and detract from their surrounding environment. ...items such as planters, salt bins and communications equipment could do with greater care in their placement and design to ensure that the street scene does not become cluttered with furniture.”

The ‘assets and detractions’ section of the Stanmore Hill Conservation Area Policy Statement on page 40, also notes that a main asset of the conservation area is its attractive character, which it derives from, amongst other things, “Important areas of open space within the townscape and streetscape, such as the small greens, grass verges etc.” The poor design, quality and siting of some elements of street furniture is also specifically noted as a feature that detracts from this Conservation Area.

Given the above and the proposed equipment cabinet's location on an open area of grass verge, the proposed equipment cabinet would detract from the character and appearance and would fail to preserve or enhance the Stanmore Hill Conservation Area.

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

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

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

2) Accessibility and Highway Considerations

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

3) S17 Crime & Disorder Act

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

4) Consultation Responses

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

CONCLUSION

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

INFORMATIVES

1 INFORMATIVE:

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

National Policy Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

T6 – The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Item 5/01 : P/0365/11 continued/...

Supplementary Planning Document "Access for All"(2006)
Stanmore Hill Conservation Area Policy Statement (October 2003)

Plan Nos: Location Plan PCP023; Unnumbered Photograph of Cabinet

**LAND OPP STANMORE STATION, LONDON P/0330/11
ROAD, STANMORE, HA7 4PD**

WARD CANONS

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 517575 192604) (PCP: 012)

Applicant: Harlequin Ltd

Case Officer: Nathan Barrett

Statutory Expiry Date: | 01-APR-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 and inappropriate design would result in an obtrusive form of development and add visual clutter within this part of the Kerry Avenue Conservation Area. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the character and appearance of the Kerry Avenue Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Policies HE 7.4 and HE 9.1 of Planning Policy Statement 5: Planning for the Historic Environment, saved policies D4, D12, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Kerry Avenue Conservation Area Policy Statement (June 1999).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 8: Telecommunications Development

Planning Policy Statement 5: Planning For The Historic Environment

London Plan:

4B.1 - Design principles for a compact city

Harrow Unitary Development Plan:

D4 - The Standard of Design and Layout

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)
Kerry Avenue Conservation Area Policy Statement (adopted June 1999)

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: Kerry Avenue Conservation Area
Council Interest: Public Highway

b) Site Description

- The application site forms part of the pavement area on the northern side of London Road.
- A high hedge is located immediately to the rear of this pavement, whilst a guard rail is located on the kerbline.
- Stanmore Station is located opposite the site.
- The site is situated within the Kerry Avenue 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.

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 and Design Officer: Objection on the grounds that the proposed equipment cabinet would add street clutter.

Highway Engineer: No objection

Advertisement: Character of Conservation Area Expiry: 14-MAR-11

Notifications:

Sent: 10

Replies: 0

Expiry: 09-MAR-11

Addresses consulted:

Stanmore Station

Service Station Adjacent To Lodge Close

Open Space Fronting Stanmore Station

Open Space Fronting Kerry Court

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 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;
- the effect on skyline or horizon;
- the site when observed 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.

The proposed equipment cabinet would be located within the Kerry Avenue Conservation Area against a high hedge which would camouflage it to some extent. However, it would be tall and bulky, and would add street clutter within the area. This part of London Road within the Kerry Avenue Conservation Area is relatively cluttered, with multiple items of street furniture beside the traffic lights in front of the station, including an existing equipment cabinet.

The overall streetscape appearance is summarized in the Kerry Avenue Conservation Area Policy Statement (Adopted June 1999), which states: "There is very little street furniture to be found in the area" and that "Wherever possible replacement street lamps and other items of street furniture should be in keeping with the character of the area in terms of design, materials and location". The streetscene in the Kerry Avenue Conservation Area remains simple and relatively uncluttered throughout contributing to the semi-rural character of the area. It is therefore important that proposals for street furniture do not add to this existing stretch of clutter, in order to preserve the streetscene in this part of the Conservation Area and the overall open character of the streetscene throughout the conservation area.

The area in front of the station also forms an important part of the setting of this locally listed building. The additional clutter resulting from the proposed equipment cabinet would therefore be detrimental to the character of the station.

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

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

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would fail to meet the objectives set out under saved policies D4, D12, D14, D24 and D29 of the Harrow UDP and would be contrary to the guidance set out in PPG8 and PPS5.

2) Accessibility and Highway Considerations

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

3) S17 Crime & Disorder Act

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

4) Consultation Responses

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

CONCLUSION

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

INFORMATIVES

1 INFORMATIVE:

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

National Policy Guidance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

London Plan:

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

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)

Kerry Avenue Conservation Area Policy Statement (adopted June 1999)

Plan Nos: Location Plan PCP012; Unnumbered Photograph of Cabinet

LAND AT THE JUNCTION OF MARSH ROAD & P/0283/11
CECIL PARK FRONTING PINNER LIBRARY,
PINNER, HA5 5NQ

WARD PINNER SOUTH

PRIOR APPROVAL FOR SITING AND APPEARANCE; INSTALLATION OF ONE
EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 512274 189286)
(PCP:037)

Applicant: Harlequin Ltd

Case Officer: Andy Parker

Statutory Expiry Date: | 29-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 prominent location, would result in an obtrusive form of development in close proximity to other items of street furniture which would add to visual clutter within this part of the Tookes Green Conservation Area. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the character or appearance of the Tookes Green Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, policies HE7.2, HE7.4, HE9.1, HE9.2 and HE9.4 of Planning Policy Statement 5: Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Pinner Conservation Areas Supplementary Planning Document, Appendix 7 - The Tookes Green Conservation Area Appraisal and Management Strategy (December 2009).
2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

National Policy Guidance

Planning Policy Statement 1 – Delivering Sustainable Development (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

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)
Pinner Conservation Areas SPD Appendix 7 Area Appraisal and Management Strategy (December 2009).

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

- 1) Siting and Appearance (PPS1, PPS5, PPG8 D4, D14, 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: Tookes Green Conservation Area
Council Interest: Public Highway

b) Site Description

- The application site is a 3m wide pavement fronting Pinner Library which is situated on the north-east side of Marsh Road, a Borough Distributor Road, and 25m to the south of its junction with Cecil Park.
- Pinner Library is located at the junction of Marsh Road and Cecil Park and is set back by 8m from the highway. Between Pinner Library and Marsh Road is an open grassed area, hedge, steps and an access ramp which serves the library. The access ramp to Pinner Library extends up the boundary with the pavement to Marsh Road and adjacent to the ramp and situated on the pavement are two wooden benches which provide a public seating area.
- On the grassed open area between the public footpath and Pinner Library and to the north of the application site there is a refuse bin.
- To the north west of the application site is a bus stop. Further to the north-west at the junction of Marsh Road and Cecil Park are two junction boxes
- To the south-east of the application site is no.78 Marsh Road, a detached residential property.
- To the south of the application site is a lamp post.
- On the opposite side of Marsh Road is a petrol filling station.
- The site is located within Tookes Green Conservation Area, which extends from the Metropolitan Underground Line to the north to Marsh Road to the south. The properties on the opposite site of Marsh Road fall outside the Tookes Green 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 of details of siting and appearance is required to be made to the Local Planning Authority.
- The proposal is for prior approval of details of siting and appearance 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 fast 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 pavement which is adjacent to the grassed open area which fronts Pinner Library.

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.
- The site has been chosen so that it would present the least obtrusive location so as not to impact on the surrounding environment.
- Consideration has been given to vehicle sight lines and pedestrian ease of access.
- Consideration has been given to the impact of the proposed cabinet on underground cabling.
- The cabinet is sited at the back of the footpath in order that it is not struck by vehicles.
- The proposed cabinet has been sited in order that it would not adversely affect the safety, or security of neighbouring residents and properties.

g) Consultations

The Pinner Association: No response

Conservation Area Advisory Panel: To be reported

Highways Engineers: No objection.

Advertisement: Character of Conservation Area Expiry: 18-MAR-11

Notifications:
Sent: 9 Replies: to be reported Expiry: 16-MAR-11

Addresses consulted:

Pinner Library, 80 Marsh Road, Pinner
Pinner Synagogue, Cecil Park
Service Station opposite Pinner Library
137 Marsh Road, Pinner
139 Marsh Road, Pinner
149 Marsh Road Pinner
51 Marsh Road, Pinner
173-175 Marsh Road Pinner
78 Marsh Road, Pinner

Summary of Responses:

- Not applicable.

APPRAISAL

1) Siting and Appearance

In assessing an application for prior approval, national planning 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, 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.

This approach supports policies contained in Planning Policy Statement 5 - Planning for the Historic Environment.

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'.

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"

Policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'.

Policy HE9.2 '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 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.

The Tookes Green Conservation Area Appraisal and Management Strategy (CAAMS), which forms appendix 7 to the Pinner SPD, adopted in December 2009 states: "There is not much street furniture within the conservation area and therefore there is an uncluttered appearance."

In line with this need, the Tookes Green CAAMS states on page 41 that:

"To ensure that the character of the streetscene is both preserved and enhanced, Harrow Council will:

- b) Encourage utility companies to install the minimum amount of new and replacement street furniture and to locate this sensitively.
- d) Encourage street furniture and signage to be well sited and designed. Redundant and unsightly street furniture and signage will be removed where opportunities occur, including signage."

The functional design and colour of the proposed cabinet would not be out of keeping with the other street furniture in the locality. However, the proposed cabinet is larger than other similar style cabinets that have been installed on streets across the borough and in this case, the proposed cabinet would be located in a prominent location close to the junction of Marsh Road and Cecil Park and adjacent to an open stretch of grassed area to the front of Pinner Library.

There is already some existing street furniture directly in front of Pinner Library and within the immediate surrounding area, and the proposal would be a tall and bulky addition to the streetscape that would add clutter to the existing street scene.

It is therefore considered that the proposal would fail to preserve or enhance the character of the Tookes Green Conservation Area contrary to Harrow UDP policies D14, and PPS5 policy HE7.2, HE7.4, HE9.1, HE9.2 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 of the UDP.

The cabinet would 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.

Therefore, the proposal is considered to have no detrimental impact on crime and disorder in the area.

4) Consultation Responses

To be reported.

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

Planning Policy Statement 5 - Planning For The Historic Environment (2010)

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

D14-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

Access for All (2006)

Pinner Conservation Areas Supplementary Planning Document appendix 7 - The Tookes Green Conservation Area Appraisal and Management Strategy (December 2009).

Plan Nos: Site Plan, dimensioned elevation of street cabinet, PCP 37

LAND OPP STANMORE STATION, LONDON P/0399/11
ROAD, STANMORE, HA7 4PD

WARD CANONS

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.41M X
0.37M X 1.21M) (APPLICANT REF: 517575 192604) (PCP: 012)

Applicant: OpenReach

Case Officer: Nathan Barratt

Statutory Expiry Date: | 11-APR-11

RECOMMENDATION

1. PRIOR APPROVAL IS REQUIRED

2. **GRANT PRIOR APPROVAL** of details of siting and appearance for the development as described in the application and submitted plans.

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

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)

Kerry Avenue Conservation Area Policy Statement (adopted June 1999)

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: Kerry Avenue Conservation Area
Council Interest: None

b) Site Description

- The application site is located to the rear of the pavement on the northern side of London Road, within a high hedge.
- A telecommunications equipment cabinet is located on this site.
- A guard rail is located on the kerbline.
- Stanmore Station, a locally listed building, is located opposite the site.
- The site is situated within the Kerry Avenue 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 1.41 m x 0.37 m x 1.21 m and would be dark green in colour. This cabinet would replace an existing, smaller cabinet.

d) Relevant History

P/0330/11	Prior Approval For Installation Of One Equipment Cabinet (1.6M X 1.2M X 0.45M) (Applicant Ref: 517575 192604) (Pcp: 012)	This application is being considered concurrently with the subject application. A decision is due by 01-APR-11.
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e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations

Design and Conservation Officer: No objection
Highways Engineer: No objection

Advertisement: Character of Conservation Area Expiry: 17-MAR-11

Notifications:
Sent: 4 Replies: 0 Expiry: 14-MAR-11

Addresses consulted:

Stanmore Station
Service Station Adjacent To Lodge Close
Open Space Fronting Stanmore Station
Open Space Fronting Kerry Court

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 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;
- the effect on the skyline or horizon;
- the site when observed 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.

The proposed equipment cabinet would be located within the Kerry Avenue Conservation Area within a high hedge which would camouflage it to some extent. It would also be located in the same position as an existing, albeit slightly smaller equipment cabinet, which it would replace.

The overall streetscape appearance is summarized in the Kerry Avenue Conservation Area Policy Statement, which states: "There is very little street furniture to be found in the area... the street-scene in Kerry Avenue Conservation Area remains simple and relatively uncluttered throughout contributing to the semi-rural character of the area."

In line with this need, the Kerry Avenue Conservation Area Policy Statement, adopted in June 1999 states on page 34 that: "Original elements of the street-scene should be maintained and repaired. Wherever possible, replacement street lamps and other items of street furniture should be in keeping with the character of the area in terms of design, materials and location."

In this instance, the existing cabinet shell is in need of repair and the proposal would replace this cabinet. This position is also somewhat camouflaged by the existing hedge. As such, the proposed replacement cabinet would preserve the character of the Kerry Avenue Conservation Area and the setting of the nearby locally listed building. It would therefore not be contrary to saved Harrow UDP policies D12 and D14, as well as Planning Policy Statement 5: Planning for the Historic Environment (PPS5).

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

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would meet the objectives set out under saved policies D4, D12, D14, D24 and D29 of the Harrow UDP and would be consistent with the guidance set out in PPG8 and PPS5.

2) Accessibility and Highway Considerations

In terms of assessing the siting of the proposed cabinet with regards to the Council's Access for All SPD (2006), the proposed cabinet would be located within an existing hedge and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety and the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

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

CONCLUSION

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

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

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

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)

Kerry Avenue Conservation Area Policy Statement (adopted June 1999)

2 The applicant is advised that this decision relates only to the planning requirements imposed by the Town and Country Planning (General Permitted Development) Order 1995.

3 The applicant is advised that a notification to the local highway authority will be required under the New Roads and Street Works Act 1991 for opening the highway (footway) for installation and any associated ductwork.

Plan Nos: Cabinet 7 Dimensions; Photograph of Existing Cabinet Entitled “Front View”; Location Plan Stanmore PCP 12 (received 01-MAR-11).