

## SECTION 1 – MAJOR APPLICATIONS

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Item: 1/01

**FORMER SAM MAQUIRE PH, 19 HIGH P/1856/09  
STREET WEALDSTONE, HA3 5BY**

WARD MARLBOROUGH

REDEVELOPMENT TO PROVIDE PART 3, PART 4, PART 5 STOREY HOTEL BUILDING WITH 78 BEDROOMS WITH CAFE (A3 USE) AT GROUND FLOOR LEVEL AND 2 PARKING SPACES

**Applicant:** Mr Nilesh Lukka - Mc Neil Ltd.

**Agent:** DWA Architects

**Case Officer:** Andrew Ryley

**Statutory Expiry Date:** | 18-JAN-10

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### RECOMMENDATION

The decision to **GRANT** permission has been taken on the basis the proposed development would bring a dilapidated and vacant site back into active use and lead to the creation of a hotel. The proposal is acceptable with regards to its visual impact, impact on amenity on adjacent occupiers and other associated impacts, and therefore it is consistent with the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report.

The proposed development would provide a modern contemporary design that would respond appropriately to the local context. Having regard to national planning policy, and the policies of the development plan listed below, the proposed development is therefore considered to be acceptable.

#### National Planning Policy:

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning for Sustainable Economic Growth (2009)

PPG13 Transport (2001)

PPS23 Planning and Pollution Control (2004)

PPG24 Noise (1994)

PPS25 Development and Flood Risk (2010)

#### London Plan (2008):

2A.1 Sustainability Criteria

2A.2 Spatial Strategy for Development

2A.8 Town Centres

2A.9 The Suburbs

3D.7 Visitor Accommodation and Facilities

SF.1 Strategic Policies for West London

4A.3 Sustainable Design and Construction

4A.4 Energy Assessment

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

4A.7 Renewable Energy

4A.8 Hydrogen Economy

4A.9 Adaptation to Climate Change

- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.6 Provision of heating and cooling networks
- 4A.7 Renewable Energy
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

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

- S1 The Form of Development and Pattern of Land Use
- EP11 Development within Floodplains
- EP12 Control of Surface water Run-Off
- EP20 Use of previously developed land
- EP25 Noise
- EM15 Employment
- EM24 Town Centre Environment
- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D7 Design in Retail Areas and Town Centres
- D9 Street side Greenness and Forecourt Greenery
- R15 Hotels and Guest Houses
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport

**Supplementary Planning Documents / Guidance:**

- SPD Access For All (2006)
- SPD Sustainable Building Design (2009)
- SPD Residential Design Guide (2010)

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

- 1) Principle of Development (3A.3, 3A.15).
- 2) Design and Character of the Area (PPS1, 4A.3, D4, D7)
- 3) Residential Amenity (PPS1, D4, D5)
- 4) Environmental Impact Assessment (D4)
- 5) Flooding (PPS25, EP12)
- 6) Parking and Highway Safety (T6, 3C.23)
- 7) Accessibility (3D.7, D4, C16)
- 8) Sustainability (4A.3, 4A.4, 4A.6, 4A.7, 4A.16, 4B.5, EP15),
- 9) S17 Crime & Disorder Act (4B.1, 4B.6, D4)
- 10) Consultation Responses

**INFORMATION**

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

**a) Summary**

Statutory Return Type:	12 Smallscale Major Other
Site Area:	0.16 hectares
Car Parking	Provided: 2
Council Interest:	None

**b) Site Description**

- The application site comprises the former Sam Maquire Public House on the west of the High Street in Wealdstone.
- The existing building is a modest three storey brick built building, which is set back from the High Street.
- The building is currently vacant and having become a target for anti-social behaviour, is somewhat run down in places.
- The application site lies within Wealdstone District Centre. Wealdstone High Street is a mix of uses, predominantly retail but with a range of other A Class and ancillary uses. The application site itself does not form part of the Primary or Secondary Shopping Frontage. The High Street is a London Distributor Road.
- At the rear of the site lies Ellen Webb Drive, and the main West Coast Rail Line into Harrow and Wealdstone Station.
- The application site is not within in a Conservation Area or within the setting of a Listed Building; the site is not within a Controlled Parking Zone or a Flood Risk Zone.

**c) Proposal Details**

- The application proposes the demolition of the existing building on site and the development of a new purpose built 78 bedroom hotel with ancillary A3 use on the ground floor.
- The application proposes a modern contemporary design to the hotel. The height and massing of the building would be broken up into different elements over a mix three, four and five stories. At its front on the High Street it would be 12.1m high and 19.9m wide. Its total depth set back from the High Street would be 63.6m. Along this length, the height of the building would be mixed between 9.8m to 14.9m.
- The front entrance foyer would be fully glazed and the café would have floor to ceiling glazing. The front of the building would be set back between 5.3m and 8.3m from the High Street.
- The rear of the building would be prominent along Ellen Webb Drive. The proposed rear elevation would be broken up in terms of its massing and mixed height.
- The existing service road to the south of the building would be retained. Two disabled parking spaces would be provided, along with 22 cycle spaces.
- Around the building would be a mix of hardsurfacing and some new landscaping in the form of a variety of trees. The existing two birch trees to the front of the site would be retained.

**Revisions to the Current Application:**

- The design of the building has been altered on a number of occasions, including the introduction of the more contemporary materials, increasing the visual interest of the development facing onto both the High Street and Ellen Webb Drive, and by altering the massing of the development at the rear to reduce the impact on adjacent occupiers.
- The number of bedrooms has been increased from 57 to 78.

**d) Relevant History**

EAST/640/97/F UL	REDEVELOPMENT TO PROVIDE CLASS A1 RETAIL STORE, CLASS A1,A2,A3 UNITS, B1 (BUSINESS USE) 40 RESIDENTIAL UNITS, (RESIDENTIAL PERMIT RESTRICTED) CAR PARKING, SERVICE YARDS, NEW LINK ROAD, REALIGNMENT OF ELLEN WEBB DRIVE, AMENDMENTS TO HIGHWAY NETWORK AND LANDSCAPING	WITHDRAWN 08-OCT-98
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P/3388/08	DEMOLITION OF PUBLIC HOUSE; CONSTRUCTION OF FOUR STOREY CARE HOME WITH TWO RETAIL UNITS ON GROUND FLOOR	WITHDRAWN 28-NOV-08
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**e) Pre-Application Discussion**

- Pre-application advice was given in May 2009.
- Prevailing character on this side of the High Street is three storey – 4 storey could work in this location, but design is considered bland and uninspired, not reflecting the contemporary.
- Bulky, rearward projection raises issue of 4 storey level throughout whole depth of site, particularly in relation to issues of scale, mass, potential overlooking and privacy issues affecting Bannister House in particular.

**f) Applicant Statement**

- The proposed scheme complies with national, regional and local planning policies for new hotel development.
- The footprint of the hotel would take advantage of the sites unusual shape. The majority of the rooms would face south and so get good access to natural light.
- The development tries to create a landmark feature along Ellen Webb Drive, consisting of a modern design and use of contemporary materials and glazing.
- The hotel would operate 24 hours a day all year around, and create a high number of new full time and part time jobs for the area.

**g) Consultations:**

**Planning Policy:** There is no objection in principle to the proposal in policy terms. The A4 (public house) use of the site ceased a considerable period back and the building has been vacant since. Saved UDP policies R15, EM5 and EM24 direct hotel development to locate in district centres such as Wealdstone. Also of relevance is policy EM11, which identifies Wealdstone as a regeneration area - the provision of a hotel would lend support to such regeneration initiatives, especially where this provides for an active frontage to the primary retail core.

**Highway Engineer:** No objection. The principle of a Hotel (C1) at this location is considered acceptable on transport sustainability grounds given the strict on-street parking controls/ generous public car parking facilities in the vicinity combined with the existing commercial activities of the town centre.

**Landscape Architect:** No objection. The site is extremely tight, with the proposed hotel building covering much of the site. In the design and access statement there is only brief reference to landscape. The proposals rely on the landscape on Ellen Webb Drive and the 2 existing birch trees along the High Street frontage. The birch trees are extremely important for street scene impact, are shown as retained and this must be ensured and would require protection during any construction works.

**Drainage Engineer:** No objection, subject to conditions.

**Environmental Protection:** No objection, subject to planning conditions.

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

**Environment Agency:** No objection.

**Wealdstone Active Community:** Welcomes the application as they think it will help with the business and financial future of Wealdstone. Slight concern over the limited on street car parking proposed.

**Advertisement:** Major Development Expiry: 23-SEP-10  
Departure from the Development Plan Expiry: 23-SEP-10

**Notifications:** (two separate rounds on the  
27/10/2009 and 07/09/2010)

Sent: 101 Replies: 4 objection Expiry: 23-SEP-10

#### **Summary of Responses:**

- Concern over lack of off-street car parking.
- Loss of view over the road from Bannister House.
- Question need for further food outlet within the District centre.
- Concern over the impacts arising from the construction of the development.
- Loss of light and privacy to adjacent flats at Bannister House

### **APPRAISAL**

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

The application seeks full planning permission for the demolition of the current Public House building and the building of a replacement mix three / four / five storey, 78 bedroom hotel. PPS4 sets out the Government's guidance on planning for economic development. Broadly speaking, the Government's policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings.

Saved policies R15, EM5 and EM24 of the Harrow Unitary Development Plan (2004) seek to direct hotel development to locate in district centres such as Wealdstone. Saved policy EM11 of the Harrow Unitary Development Plan (2004) identifies Wealdstone as a regeneration area, and it is considered that the provision of a hotel would lend support to such regeneration initiatives, especially where this provides for an active frontage to the primary retail core. The application proposes an A3 (restaurant) use at ground floor level, and given that the site does not fall within the either the primary or secondary shopping frontage this is considered acceptable.

The A4 use of the site ceased a considerable period back (circa 2004) and the building has been vacant since. Unfortunately, it has become a target for anti-social behaviour. Saved policy C10 of the Harrow Unitary Development Plan (2004) seeks to retain existing community facilities in the Borough. However, in the context of this policy, the definition of a community facility is not considered to extend to include public house uses located in the suburban area. There are no other land use policies in the Harrow Unitary Development Plan (2004) relevant to the existing Public House use.

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

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

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

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

The design and massing of the building has been altered since the application was first submitted. Whilst the original proposal was uniformly four storeys in height the revised design incorporates a design that is varied in its height, from three to five storeys, and its massing and bulk.

At the front of the site, the proposed building would occupy a prominent location within the High Street. Whilst the current Public House building is set in a staggered position in relation to the High Street, the proposed building would be sited on the building line as established by No.17 High Street, approximately 3.0m behind No.19A High Street.

The proposed building here would be four storeys in height and broadly speaking the same width as the current building. The application proposed that the building would be of a contemporary design, with a mix of red brick, white render and floor to ceiling dark glazing on the ground and third floor. The result would be an interesting addition to the High Street, a building which picks up on some of the established vernacular of the area, in particular the use of red brick, but which makes a statement in its own right.

A notable change to the design of the building is in how it would address Ellen Webb Drive to the rear of the application site. The context of this section of Ellen Webb Drive is of the backs of a number of buildings that form the High Street, including the application site, and the more modern but simple form of Bannister House, a four storey block of flats. Whilst in a local sense, Ellen Webb Drive is not a primary streetscene in terms of Wealdstone (forming the back of the High Street), it does however form a key vista into Wealdstone from the adjacent West Coast Main Line. Given the significant number of people that travel into Harrow on this line, and arguably an even greater number of people travelling into and out of London via Harrow, it is considered that any development in this location should improve the aesthetic qualities of the urban landscape in the location. As such, following discussions with Officers, the application has been revised to amend the details of the design of the building, in order to add some visual and architectural interest to it, so it would form more of a visual marker to this part of Harrow. As a result, the application now proposes a mix of four and five stories in this section (which drops down to a mix of three and four storeys towards the High Street), with the top of the building being significantly narrower than its base. The materials palette would include a mix of red brick and white render, and an appropriate solid to void relationship with large dark glazed windows.

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

In terms of landscaping, the existing level of hardsurfacing within the application site is high, and in its current condition, with limited poor quality, soft landscaping. Whilst bearing in mind policy D9 of the adopted Harrow Unitary Development Plan (2004) the level of proposed landscaping must be considered in the context of the existing situation and the requirement for some off-street disabled persons car parking and access road. The Council's Landscape Architect has no objection to the scheme, noting the site constraints, but highlighting that the existing Birch trees to the front of the site must be retained (which they are proposed to be). A suitable planning condition is recommended to ensure that these trees would be protected during construction works. Some further landscaping is proposed to the rear of the site, which is welcomed. In addition to this, it is proposed to locate the refuse storage to the rear of the site. This would be screened by a 2.1m high fence.

Overall then, it is considered that the changes to the proposed massing, scale and appearance of the building have addressed initial concerns in relation to the original somewhat plain design put forward.

The combination of the variety in scale of the building, the set back of the building line from the High Street and the revisions to the fenestration and design of the main elevations of the building, has led to a scheme that is now considered to be acceptable in design terms. It is recommended that conditions are imposed controlling precise details of materials to be used to ensure that the development is finished to a high quality.

### **3) Residential Amenity**

Given the scale, siting and design of the proposed building, the occupiers likely to be affected are the occupiers of No.19a and 19b High Street, and the Bannister House flats to the north of the site; other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

As set out above, the design of the proposed building in terms of its massing and scale has changed during the course of the application.

The adjacent building to the north at No.19A and 19B High Street is a four-storey building with two retail shops at ground floor and six self-contained flats on the upper three floors (two on each floor). Planning permission has been granted on appeal for a two-storey block of two flats towards rear of site. The block will be 10m long, 6.6m wide and 6.2m high with a flat roof. The consented block would not have any side (i.e. south) facing windows.

The proposed hotel would be four storeys in height on its High Street frontage, and this would extend backwards by approximately 15m. At this point, the building would drop down to three storeys in height, for a length of around 15m. It is this three storey section that would be closest to the adjacent plot to the north.

At the rear of the site, where the building is positioned onto Ellen Webb Drive, the height of the building would be a mix of four and five stories. It is noted that objections have been received from a number of occupiers of Bannister House. At its closest, the proposed building would be over 15.5m from the south elevation of Bannister House, and this would be in relation to the most northern tip of the building, with the majority of it being at a greater distance. Given the orientation of the proposed hotel to the south of the Bannister House flats, it is considered that there would be some additional impacts as a result of the development.

Given the potential for some impacts on adjacent residential occupiers from the proposed development, the applicant has submitted a Daylight Assessment report. The Daylight Assessment report was undertaken by consultants White Young Green and is based on Building Research Establishment (BRE) Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) and BS 8206-2:2008 (Lighting for Buildings, Part 2: Code of Practice for Daylighting).

As noted above, there are both existing residential occupiers that may be affected by the development (No.19A and 19B High Street and Bannister House) and the consented flats to the rear of No.19A and 19B High Street, should they be constructed. As such, the Daylight Assessment looked at the three following scenarios:



Baseline – Model of the existing site and surrounding buildings;  
Do-minimum – Model of the existing site and surrounding buildings including the consented scheme to the rear of 19a and 19b High Street;  
Do-something – Model of the development site and surrounding area should the proposals be completed.

The conclusions for the Daylight Assessment are as follows:

“The proposed redevelopment of the site has the potential to impact on the current access to daylight in surrounding buildings, in particular the adjacent consented scheme and Bannister House as identified by the Harrow Planning department. These potential impacts were assessed in accordance with BRE Guidance...The results of the Daylight Assessment indicated that the 25° Rule is not met along a number of building façades with the proposed development. Further assessment was undertaken to determine the VSC (Vertical Sky Component) at intervals along each façade in accordance with the BRE guidance. This determined that the all but 1No. façade would have the potential for good interior diffuse daylighting with the proposed development. The VSC criteria was not met at 1No. location situated along the rear façade of 19a High Street. However, it should be noted that the BRE criteria was not met in either the baseline, do-minimum, or do-something scenarios and the proposed development has a beneficial impact at this location. By virtue that the BRE criteria is met the it is considered that the surrounding buildings have good potential for interior diffuse daylighting.”

As set out, the conclusion of the Daylight Assessment is that whilst the proposed development would have some impact on the access to light of the current properties, it would not result in a situation that is any worse than the existing building. It is noted that the occupiers of a number of the Bannister House flats have objected to the development on the basis of this issue. As set out above, the distance between the north west tip of the proposed building and the back of Bannister House would be approximately 15.5m at its closest point. The four storey height of Bannister House is approximately 13.3m, and following discussions with Officers, the proposed fifth floor of the building has been set back further away from Bannister House to reduce its impact.

With the exception of one bedroom on the fourth floor, all windows facing north to Bannister House would be secondary, either bathroom or hall windows. The room proposed on the fourth floor would set approximately 26.2m away from the Bannister House flats, and this view would be mostly obscured by the proposed building in any case. Similarly, in relation to the adjacent buildings at No19A High Street, the oblique angle would prevent any undue overlooking to these properties.

It is considered that whilst the proposed development would have some additional impacts on the amenities of the occupiers of the Bannister House flats and 19A High Street, this impact would not be of such significance that it would warrant the refusal of planning permission. The applicant has submitted an assessment that indicates that in terms of access to sunlight and daylight, that the proposed development would not result in any additional adverse impacts. It is considered that the orientation of the two buildings, coupled with the distance between them and the relative heights, would result in an acceptable arrangement in planning terms.

Overall, it is considered that the proposal would not have an undue adverse impact on the residential and visual amenities of adjoining occupiers or the occupiers of the subject site in accordance with saved Policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010). It is recommended that a planning condition is imposed that would require details of finished floor levels of the building, to ensure that the development is built to the approved height.

**4) Environmental Impact Assessment**

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

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.16 hectares and therefore the proposed development does not require an EIA.

**5) Flooding**

Saved policy EP12 of the Harrow Unitary Development Plan (2004) states that development likely to result in adverse impacts, such as increased risk of flooding, river channel instability or damage to habitats, will be resisted. The reasoned justification (3.47) goes on to state that susceptibility of land to flooding is a material planning consideration. Given the uncertainty inherent in estimating flood risk and increased risk arising from climate change, Planning Policy Statement (PPS) 25: Development and Flood Risk advises local planning authorities to apply the precautionary principle to the issue of flood risk, avoiding risk where possible and managing it elsewhere.

The Environment Agency (EA) have been consulted on the application, and initially raised an objection on the basis that the Flood Risk Assessment (FRA) submitted with the application was unacceptable. The applicant and the EA have been in discussions regarding this issue (in part, one of the main reasons for the delay in bringing the application before this Committee), and on the basis of a revised FRA the EA have confirmed that the application is acceptable.

**6) Parking/Highways Considerations**

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

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

London Plan Policy 3C.23 seeks to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. Annex 4 Parking Standards of the London Plan states that Public transport accessibility should be used to assist in determining the appropriate level of car parking provision. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

Two off street car parking spaces are proposed within the site, and these would be solely for disabled persons usage. It is noted that a number of objections have been received on the impact of additional parking demand that would be created through the development. The Council's Highway Engineer has advised that the principle of a Hotel (C1) at this location is considered acceptable on transport sustainability grounds. The site is highly accessible in public transport terms, being in the immediate vicinity of Harrow and Wealdstone Station and several bus routes. Furthermore, given the strict on-street parking controls and widely available public car parking facilities in the vicinity combined with the existing commercial activities of the town centre, it is not considered that there would be an adverse impact on traffic or parking issues in connection with the development. Suitable cycle provision for 18 cycles has been shown as part of the proposed application.

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

#### **7) Accessible Buildings**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004), Supplementary Planning Document: Access for All (2006) and policies 3A.5 and 4B.5 of the London Plan Consolidated with Alterations since 2004 (2008) seeks to ensure that all future development meets the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. A recent appeal decision at No.72B Marlborough Hill (ref APP/M5450/C/10/2135771) has confirmed that this policy should be given significant weight when assessing planning applications.

The applicant has set out in their Design and Access Statement how the proposed development would comply with these policy requirements. As such, the application is considered acceptable in this regard.

#### **8) Sustainable Development**

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

The applicant has submitted a Sustainability Statement and an Energy Statement that seeks to identify how the proposed development would achieve various sustainable development credentials.

The Energy Statement reviews various technologies that may help to achieve lower CO<sub>2</sub> emissions and reduce the energy usage of the building. It sets out how the building would achieve BREEAM Very Good Standards. This identifies that the use of the building could achieve a 20% reduction in CO<sub>2</sub> emissions below baseline levels. It sets out that an Air Source Heat Pump (ASHP) would be the most appropriate and feasible way to achieve this.

On the basis of the applicants Energy Statement, it is considered that the Sustainable Building Design Vision contained within the SPD would be adequately addressed. However, to ensure this is the case, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Buildings Research Establishment Environmental Assessment Method (BREEAM) standards. This condition would require details of the siting and appearance of any such measures, along with details of possible noise levels.

**9) S17 Crime & Disorder Act**

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

It is considered that the proposal would not have an impact with respect to this legislation. Unfortunately, since the building has become vacant and fallen into disrepair, it has become something of a hub for anti-social behaviour. The development would bring back into use a vacant and somewhat derelict site that, in its current form, is a target for vandalism. As such its redevelopment is to be welcomed.

**10) Consultation Responses**

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

In relation to concerns regarding the potential for disturbance from the demolition of the existing building, and the construction of the development, are noted, but can only be given limited weight in planning terms. Notwithstanding this, a planning condition requiring a Construction Management Plan in relation to the demolition of the building and the build is recommended.

**CONCLUSION**

The provision of further accommodation with this scheme, would compliment existing conventional hotels in Harrow and Wealdstone and would bring a dilapidated and vacant site back into active use. The proposal is acceptable with regards to its visual impact, impact on amenity on adjacent occupiers and other associated impacts. The location of the proposal, within Wealdstone and in immediate proximity to a mainline railway station, would allow good public transport links to central London (and Wembley). The modern contemporary design of the proposed development would respond appropriately to the local context.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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

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

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

a: the ground surfacing

b: facing materials of new building

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

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

3 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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

5 Prior to the commencement of development details of the means of protection of the Street Trees (Birch) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall include details of

(i) type of protective fencing

(ii) height of protective fencing

(iii) location of protective fencing

The construction of the development shall be carried out in strict accordance with the approved details.

REASON: To protect retained trees on the site to maintain their longevity in accordance with Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

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

7 No site works or development shall commence until details of the levels of the building, road and footpath in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

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

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

REASON: To prevent the increased risk of flooding in accordance with the objectives set out under saved policy EP12 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted shall not commence until details of any external works required for ventilation and fume extraction for the approved A3 use have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building in accordance with Policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

12 The A3 use hereby permitted shall not be open to customers outside the following times:-

09.00 hours to 23.00 hours, Monday to Saturday inclusive, and 10.30 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies D5, EM25 and EP25 of the Harrow Unitary Development Plan (2004).

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

AL(0)001, AL(0)002, AL(0)003, AL(0)005, AL(0)006, AL(0)004 Rev C, AL(0)005 Rev C, AL(0)006 Rev D, AL(0)007 Rev D, AL(0)008 Rev C, AL(0)009 Rev D, AL(0)040 Rev C, AL(0)041 Rev C, AL(0)901 Rev A, 7218/01, Site Plan, Flood Risk Assessment, Pre-Construction Energy Report, Daylight and Sunlight Report, 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 national planning policies, the policies and proposals in the London Plan and the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

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

PPS1	Delivering Sustainable Development (2005)
PPS4	Planning for Sustainable Economic Growth (2009)
PPG13	Transport (2001)
PPS23	Planning and Pollution Control (2004)
PPG24	Noise (1994)
PPS25	Development and Flood Risk (2010)

**London Plan (2008):**

- 2A.1 Sustainability Criteria
- 2A.2 Spatial Strategy for Development
- 2A.8 Town Centres
- 2A.9 The Suburbs
- 3D.7 Visitor Accommodation and Facilities
- SF.1 Strategic Policies for West London
- 4A.3 Sustainable Design and Construction
- 4A.4 Energy Assessment
- 4A.6 Decentralised Energy: Heating, Energy and Cooling
- 4A.7 Renewable Energy
- 4A.8 Hydrogen Economy
- 4A.9 Adaptation to Climate Change
- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.6 Provision of heating and cooling networks
- 4A.7 Renewable Energy
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

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

- S1 The Form of Development and Pattern of Land Use
- EP11 Development within Floodplains
- EP12 Control of Surface water Run-Off
- EP20 Use of previously developed land
- EP25 Noise
- EM15 Employment
- EM24 Town Centre Environment
- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D7 Design in Retail Areas and Town Centres
- D9 Street side Greenness and Forecourt Greenery
- R15 Hotels and Guest Houses
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport

**Supplementary Planning Documents / Guidance:**

- SPD Access For All (2006)
- SPD Sustainable Building Design (2009)
- SPD Residential Design Guide (2010)

**2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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



### 3 PARTY WALL ACT:

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 THAMES WATER:

There may be public sewers crossing / adjacent to the site, so any building within 3m of the sewers will require an agreement with Thames Water Utilities. The applicant should contact the Area Service Manager, Mogden, at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 0645 200 800

### 5 PERMEABLE PAVING:

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

### 6 COMPLIANCE WITH PLANNING CONDITIONS:

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

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

Plan Nos: AL(0)001, AL(0)002, AL(0)003, AL(0)005, AL(0)006, AL(0)004 Rev C, AL(0)005 Rev C, AL(0)006 Rev D, AL(0)007 Rev D, AL(0)008 Rev C, AL(0)009 Rev D, AL(0)040 Rev C, AL(0)041 Rev C, AL(0)901 Rev A, 7218/01, Site Plan, Flood Risk Assessment, Pre-Construction Energy Report, Daylight and Sunlight Report, Design and Access Statement.

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Item: 1/02

**LAND ADJACENT TO THE KODAK SITE, P/0813/11  
HARROW VIEW, HARROW, HA2**

Ward HEADSTONE SOUTH

EXTENSION OF TIME TO PLANNING PERMISSION P/1685/08CFU DATED 20/06/2008 FOR HIGHWAY WORKS INCLUDING 1) FORMATION OF ROUNDABOUT 2) ALTERATIONS TO JUNCTIONS TO SPORTS GROUND 3) TEMPORARY ACCESS TO LESUIRE FACILITY 4) TEMPORARY CONTRACTORS GROUND 5) ERECTION OF BRICK PIERS AND RAILINGS

**Applicant:** Kodak Limited (UK)  
**Agent:** CBRE  
**Case Officer:** Abigail heard  
**Statutory Expiry Date:** 22-JUN-11

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## **RECOMMENDATION**

**GRANT** permission for the extension of time to planning permission P/1685/08/CFU dated 20/06/2008 as described above.

**REASON** - The proposed roundabout is required for the operational needs of the Kodak factory and there is considered to not have been any significant material change in circumstances since the previous approval. The development is deemed to not to be to the detriment of the amenities of any neighbouring occupiers and given the replacement planting of a number of trees will not be to the detriment of the character of the area. The proposal is therefore considered to comply with Government guidance contained within PPS1 and PPG13, policy 3C.16 of the London Plan and policies EP30, D4, D10, T12 and T15 of the Harrow Unitary Development Plan. It is recommended that the application is approved.

### **National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance Note13: Transport (2011)

### **The London Plan 2008**

3C.16: Road Scheme Proposals

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

EP30: Tree Preservation Orders and New Planting

D4: The Standards of Design and layout

D10:Trees and New Development

T15: Servicing of new Developments

T12: Relocating available roadspace and managing traffic

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

- 1) Principle of Highway Works (PPS1, PPG13, 3C.16, T12, T15)
- 2) Impact on Neighbouring Occupiers (PPS1, D4)
- 3) Impact on Character of Area (D4, D10, EP30)

## **INFORMATION**

This application is reported to committee as the site area of the application site exceeds 0.1ha of land and therefore this falls outside of the thresholds of the scheme of delegation.

### **a) Summary**

Statutory Return Type: 12 Smallscale Major Other  
Council Interest: Local Highway Authority Land

### **b) Site Description**

- The application site comprises highway land within the ownership of Harrow Council, additional land to the east and west of Harrow View which is within the ownership of Kodak but proposed to be transferred to Harrow Council and part of an existing car park within the Zoom leisure site.
- The stretch of Harrow View which is the subject of this application is a dual carriageway, with traffic islands in the middle of the carriageway.
- A bus lay-by is located on the western edge of the application site boundary to serve north bound buses and a bus stop is located on the southbound carriageway.
- There are also two existing pelican crossings which allow pedestrians to cross Harrow View near the Kodak site.

### **c) Proposal Details**

- Under Planning Application P/1865/08CFU permission has been granted for the construction of a roundabout on Harrow View to serve the Kodak site and Zoom Leisure, alterations to the junctions of the Zoom leisure site, construction of a new access to the Kodak site and the construction of a temporary access to the Zoom leisure facility.
- As part of the approved scheme the bus lay-by on the northern carriageway will be retained as is existing, the bus stop on the southern carriageway will be relocated further south down Harrow View. The two pelican crossings are to be retained as existing.
- The development will involve the felling of 8 trees including trees which are the subject of a Tree Preservation Order.
- The proposed development will result in the demolition of a section of the existing boundary wall around the Kodak site. In order to ensure that the site remains secure and enclosed 1.8 m vertical high railings are proposed to be erected on the revised Kodak boundary.
- The approved scheme also includes a temporary vehicular and pedestrian access to Zoom Leisure from Harrow View. This is to ensure that the Zoom leisure facility is able to remain operational during the roundabout construction works.
- Application P/1865/08CFU was granted subject to the scheme being implemented within 3 years. The scheme has not been implemented and subsequently this application seeks permission to extend the time for the implementation of the permission.

**d) Relevant History**

P/1865/08CFU	Highway works including 1) Formation of roundabout 2)Alterations to junctions to sports ground 3) Temporary access to leisure facility 4) Temporary contractors compound 5) Erection of Brick Piers and Railings	APPROVED 20-JUN-08
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**g) Consultations:**

London Underground: No comments received

Highways Officer: No Objections

Tree Officer: The TPO'd trees at the front of the site (group of cypress, laburnum & cherry) have only a 'C' retention grade and should not be a constraint on the proposal. Two trees within the site, Chestnut and Maple, could be affected but are not subject to protection and are also 'C' retention grade trees. The loss of the above trees could be mitigated with replacement planting, preferably x 8 (or more if there is room) English Oaks

**Advertisement:** Development on Right of Way

**Notifications:**

Sent: Replies:  
No letters of Objection or Support received

**Neighbours Consulted:**

1 – 5 The Rise Harrow View

1 – 27 Downing Close

292 – 302 (evens), 306, 319 – 365 (odd) Harrow View

Kodak Sports Ground and Pavilion

**APPRAISAL**

**1) Principle of Highway Works**

The roundabout is required to ensure that the Kodak factory is able to continue to function if the area to the south of the existing factory (which is currently cleared) is redeveloped. The original permission was granted on the same justification and it is not considered that there has been any material change in circumstances since this previous approval.

It is important to clarify that this roundabout is not proposed on the basis of it serving any new development on the Kodak or zoom leisure site. If a proposal for the redevelopment of Kodak comes forward and the applicant choose to put forward a roundabout to serve any new development this would need to be assessed to ensure that it would have sufficient capacity.

A transport statement was submitted with P/1865/08/CFU and given the fact there has not been any material change in circumstance other than a reduction in activity on the Kodak site it is considered that this information is up to date enough to ensure that the roundabout can cope with traffic flows.

The Councils Highways Officer has raised no objections to the proposed development advising that it will not be to the detriment of highway safety. It is important to acknowledge that both pedestrian crossings will remain. Further to this the relocation of the south bound carriageway bus stop is considered to be an improvement on the current situation in that the relocated bus stop will be clearly delineated on the road.

In light of the above it is considered to comply with Government guidance contained within PPS1 and PPG13, policy 3C.16 of the London Plan and policies T12 and T15 of the Harrow Unitary Development Plan.

**2) Impact on Neighbouring Occupiers**

The proposed highway works are not considered given the location of the development within a busy London distributor road to cause an unacceptable increase in noise and disturbance to the detriment of the amenities of any neighbouring occupiers. Further to this the proposed roundabout will be serving the existing Kodak site and Zoom leisure site and subsequently will not attract a significant increase in vehicular traffic.

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

**3) Impact on the Character of the Area**

The proposed demolition of the existing Kodak wall and erection of railings is not considered to be to the detriment of the character of the area.

The tree officer has advised that given the trees have a 'C' retention grade that their removal is considered acceptable subject to replacement planting with preferably eight or more English Oak trees. It is therefore recommended that a condition is added to the permission ensuring that a landscaping plan is submitted to and approved in writing by the Local Planning Authority and that the development is carried out in accordance with the approved details.

In light of the above it is not considered that the proposed development will have a detrimental impact on the character of the area and the proposal is considered to comply with policies D4, D10 and EP30 of the Harrow Unitary Development Plan.

**CONCLUSION**

The proposed roundabout is required for the operational needs of the Kodak factory and there is not considered to have been any significant material change in circumstances since the previous approval. The development is not deemed to be to the detriment of the amenities of any neighbouring occupiers and given the replacement planting of a number of trees will not be to the detriment of the character of the area. The proposal is therefore considered to comply with Government guidance contained within PPS1 and PPG13, policy 3C.16 of the London Plan and policies EP30, D4, D10, T12 and T15 of the Harrow Unitary Development Plan.

**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 not commence until samples of the materials to be used in the construction of the external surfaces of the boundary treatment have been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: to safeguard the appearance of the character of the area in accordance with policy D4 of the Harrow Unitary Development Plan.

3 The developer shall serve written notice on the council of the completion of the works not later than 14 days after said completion. The temporary compound shall be removed and the land reinstated to its previous condition within three months of completion.

REASON: to preserve the amenities of the locality in accordance with policy D4 of the Harrow Unitary Development Plan.

4 Notwithstanding the submitted drawings the existing landscaping adjoining the back edge of the footway to the west of Harrow View shall be retained within the temporary compound.

REASON: to safeguard the appearance of the character of the area in accordance with policy D4 of the Harrow Unitary Development Plan.

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be removed. Details of measures for the protection of the retained trees in the course of the development, shall be submitted to and approved by the Local Planning Authority, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed

REASON: To protect trees to be retained during the construction process in accordance with policy D10 of the Harrow Unitary Development Plan.

6 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works. Soft landscape works shall include: details of replacement trees, planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies D4, EP30 and D10 of the Harrow Unitary Development Plan

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies D4, EP30 and D10 of the Harrow Unitary Development Plan.

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

18675-104-07E, 19C, 06A, 18A, 30A, 33, 34A, 35

Planning System, Transport Statement, Stage 1 safety Audit.

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

### **INFORMATIVES:**

#### **1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

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

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance Note 13: Transport (2011)

The London Plan

3C.16: Road Scheme Proposals

Harrow Unitary Development Plan

EP30: Tree Preservation Orders and New Planting

D4 The Standards of Design and Layout

D10 Trees and New Development

T15 Servicing of New Developments

T12 Relocating available roadspace and managing traffic

#### **2 INFORMATIVE:**

The applicant is advised to contact the Highways Authority with regard to the works to the highway on 020 8863 5611.

Plan Nos: 18675-104-07E, 19C, 06A, 18A, 30A, 33, 34A, 35

Planning System, Transport Statement, Stage 1 safety Audit.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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	Item: 2/01
TIMBERS, BROOKSHILL, HARROW WEALD, HA3 6RT	P/0797/11
	Ward HARROW WEALD
NEW DETACHED TWO STOREY DWELLINGHOUSE; DETACHED DOUBLE GARAGE; LANDSCAPING; DEMOLITION OF DOUBLE GARAGE ON SITE	
<b>Applicant:</b>	Mahavir Foundation
<b>Agent:</b>	Ansell and Bailey
<b>Case Officer:</b>	Nicholas Ray
<b>Statutory Expiry Date:</b>	26-MAY-11

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### RECOMMENDATION

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

### REASON

The proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy. 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 as outlined in the application report.

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

PPS1 – Delivering Sustainable Development  
PPG2 – Green Belts  
PPS3 – Housing

#### **The London Plan 2008**

3A.5 – Housing Choice  
3D.9 – Green Belt  
4A.3 – Sustainable Design and Construction  
4B.1 – Design Principles for a Compact City  
4B.5 – Creating an Inclusive Environment

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

EP25 – Noise  
EP26 – Habitat Creation and Enhancement  
EP27 – Species Protection  
EP28 – Conserving and Enhancing Biodiversity



EP31 – Areas of Special Character  
EP32 – Green Belt – Acceptable Land Uses  
EP34 – Green Belt – Extension to Buildings in the Green Belt  
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  
D11 – Statutorily Listed Buildings  
D14 – Conservation Areas  
D15 – Extensions and Alterations in Conservation Areas  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
C16 – Access to Building and Public Spaces  
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document: Sustainable Building Design (2009)

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**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 Very Special Circumstances (PPS1, PPG2, PPS3, 3D.9, EP32, EP34)
- 2) Character and Appearance of the Area, Adjacent Conservation Area and Listed Building (4B.1, EP32, EP34, D4, D9, D11, D14, D15, SPD)
- 3) Residential Amenity (D5, EP25, SPD)
- 4) Traffic and Parking (T6, T13)
- 5) Trees and New Development (D10)
- 6) Accessibility (3A.5, 4B.5, C16, SPD)
- 7) Sustainability (4A.3, SPD)
- 8) Ecology and Biodiversity (EP26, EP27, EP28)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

**INFORMATION**

This application is reported to Committee, as it relates to a departure from the development plan and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

**a) Summary**

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

**b) Site Description**

- The site comprises 2800m<sup>2</sup> of land on the west side of Brookshill, formerly occupied by a single storey temple building, but now occupied only by a timber detached garage.
- The site is within the Metropolitan Green Belt and Harrow Weald Ridge Area of Special Character.

- The site slopes up from south to north and has dense planting along the southern, western and northern boundaries.
- A number of the trees on the site are subject to Tree Preservation Orders.
- The site has an existing vehicular access from Brookshill, which is a London Distributor Road.
- To the south and west of the site is Harrow Weald Park, an area of dense woodland, which is a Site of Nature Conservation Importance. Beyond this woodland is a development of 32 flats.
- To the east of the site, on the opposite side of Brookshill, is a cemetery, with detached residential dwellings to the south and north.
- To the north of the site is a private driveway, which is within the West Drive Conservation Area. The historic gate piers at the entrance to the driveway are statutorily listed, whilst North Lodge, to the north of the driveway is a locally listed building.

**Revisions to Previous Application (ref P/2891/08):**

- This application proposes a smaller, more contemporary dwelling than the previous application that was withdrawn.
- It is now proposed to provide access via the existing crossover to Brookshill, as compared to the 2008 submission which proposed a new access from the private driveway to the north of the site.

**c) Proposal Details**

- New detached two storey dwelling with a footprint of 166m<sup>2</sup>, located on the southern part of the site, close to the siting of the temple that previously occupied the site.
- The dwelling would have a chalet style design with a maximum height of 6.4 metres and would be of timber framed construction with extensive glazing.
- The dwelling would be some 7 metres from the southern boundary of the site, some 12 metres from the western boundary, 35 metres from the northern boundary (private driveway) and 16 metres from the eastern boundary (Brookshill).
- The dwelling would comprise open plan living space and a winter garden (conservatory) on the ground floor, and 4 bedrooms on the first floor.
- A new detached garage with a footprint of 36m<sup>2</sup> is also proposed, close to the location of the existing garage.
- The application also proposes landscaping, including a gravel courtyard, timber decking, a water feature and planting.
- Vehicular access would be via the existing crossover to Brookshill.

**d) Relevant History**

LBH/21286	Change of use from residential to dental surgery and creation of new vehicular access	REFUSED 27-MAY-82
LBH/21519	Change of use of two rooms to doctors surgery and creation of new vehicular access	GRANTED 08-SEP-82
LBH/22488	Single storey kitchen extension and roof additions to provide first floor living accommodation	GRANTED 02-FEB-83
EAST/641/ 01/CLE	Certificate of lawful existing use: use as clinic	GRANTED 14-AUG-01

EAST/113/ 02/FUL	Single storey rear extension and removal of existing dormer windows	GRANTED 05-JUN-02
EAST/1286 /02/FUL	Single storey replacement building for use as place of worship and religious instruction	GRANTED 12-DEC-02
P/2677/03/ CVA	Single storey replacement building for use as place of worship and religious instruction (revised)	GRANTED 13-FEB-04
P/2891/08	Replacement two-storey detached dwelling house; detached garage	WITHDRAW N 21-OCT-08

**e) Pre-Application Discussion (ref HA\2010\ENQ\00049)**

- The appropriate comparison with which to guide the footprint and volume of the proposed dwelling was discussed - whether the original dwelling or the replacement temple should be used.
- We noted that as a 'rule of thumb' a figure of approximately 30% above the footprint / volume of the original building should be used, which more or less equates to that permitted for the temple.
- The original dwelling had a higher roof height, whilst the replacement temple had a larger footprint.
- It was explained that the glazed winter garden and open oversailing beams may result in an increase in footprint. We suggested that this would be assessed in the overall context of the proposed design, having regard to the lightweight and open appearance.
- This should all form part of a very special circumstances argument, along with the extensive site history and restrictive covenants, as any proposal would be considered as a departure from the development plan.
- Previous comments expressed concerns about the bulk and scale of the dwelling, as well as the overall design.
- It was considered that the design approach is appropriate.

**f) Applicant Statement**

- Planning Statement (summarised below):
- The Mahavir Foundation took over the property in November 2001 and their intention was to develop a temple (class D1) on the site (see planning history).
- However, a restrictive covenant on the land prevents this and they now wish to dispose of the site, hence the proposal for a single dwelling, which is intended to attract prospective buyers.
- The applicant considers that very special circumstances exist for a single dwelling proposal that would re-instate the original residential use on the site.
- Community consultation has been carried out with local residents associations.
- Design and Access Statement.
- Arboricultural Method Statement and Tree Survey.
- Code for Sustainable Homes Pre-Assessment.
- Ecological Survey.

**g) Consultations:**

**Highways Engineer:** No objections to the proposal. Conditions should be imposed relating to visibility splays and details of boundary treatments.

**Biodiversity Officer:** No objections.

**Conservation Officer:** As long as the thick vegetation is conditioned to be retained on the north boundary and there are no driveways through here or anywhere near the conservation area on the east boundary, this proposal would preserve the character and appearance of the conservation area and the setting of the locally listed and listed buildings. It is important that this greenery is retained here and not disrupted since this is a main entrance way to the conservation area and retains a semi-rural character due to the thick vegetation lining this route. The conservation area's rich semi-rural character is important. It helps to preserve the setting of the locally listed and listed buildings.

**Conservation Area Advisory Committee:** No objections, although we would be concerned about light pollution and so consideration should be given to this. The trees around it would help to filter the light and so should be retained. The fencing and the hedging and the trees adjacent to Brookshill should remain dense and untouched. This would be more of a green belt issue rather than whether it affects the conservation area as it is set well away from it. There seems to be much more hardsurfacing than before though.

**Tree Officer:** The arboricultural report and method statement for the above application is comprehensive and acceptable. Provided the recommendations within the report and method statement are followed there should be no significant tree issues of constraints with this development.

**Drainage Officer:** Conditions requested relating to surface water storage and disposal, and sewage disposal.

**Landscape Officer:** Detailed landscape proposals should be requested by condition.

**Site Notice:** 04-MAY-11 Expiry: 25-MAY-11

**Advertisement:** 21-APR-11 Expiry: 12-MAY-11

**Notifications:**

Sent: 58 Replies: 0 Expiry: 02-JUN-11

**Addresses Consulted:**

- *Brookshill:* North Lodge, Polworth, Oak Lodge, Four Oaks, Tree Tops;
- Flats 1-32 Harrow Weald Park;
- Flats 1-18 Brookshill Gate;
- The Eagles & Tarasp, West Drive;
- 8 Lakeland Close;
- Hatch End Association.

**Summary of Response:**

- None received at time of report.

## **APPRAISAL**

### **1) Principle of Development and Very Special Circumstances**

Planning Policy Guidance 2: Green Belts sets out the presumption against inappropriate development within such areas. It states that 'such development should not be approved, except in very special circumstances'. The construction of new buildings in the Green Belt is inappropriate, unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling of existing villages;
- Limited infilling or redevelopment of major existing developed sites.

This application proposes a new dwelling and ancillary garage in the Green Belt. The proposal therefore constitutes inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances (VSC) put forward by the applicant in this case are:

- 1) The site was originally occupied by a single residential dwelling with ancillary garage. The extensive planning history shows that this use has technically been abandoned, due to the change of use of the property, first to a doctor's surgery, and later to a temple. Therefore, there is a history of residential use on the site.
- 2) Although not strictly related to planning, a covenant operates on the land restricting the use of the site to a single residential dwelling only. This has been challenged in the Courts by the applicant, whose intention was to construct the approved temple, but this challenge was unsuccessful. The only legal use of the site under the covenant is therefore as a single dwelling.
- 3) In planning terms, the established/approved D1 temple use is also inappropriate. The lawful use could potentially result in additional harm to the Green Belt, the amenities of neighbouring residents and highway safety in terms of comings and goings than a residential use. In short, a single residential dwelling would be a less harmful, more appropriate use for the site.
- 4) The proposed dwelling would not have a footprint greater than the permitted temple and would not be higher than the previously existing dwelling on the site. The replacement garage would not be materially larger than the existing garage.
- 5) The proposal would improve the overall appearance of the site and secure its long term future.
- 6) The development would be more acceptable to neighbouring residents, who were generally opposed to the temple use.

Little weight is attached to VSC1, as the residential use has clearly been abandoned on the site and the proposal does not relate to a replacement dwelling.

Although not strictly a material planning consideration, Officer's attach considerable weight to the existence of the restrictive covenant on the site in this instance (VSC2). This covenant has been recently challenged without success in the Lands Tribunal and is therefore unlikely to be removed. With the only permitted use of the site under the covenant being a single dwelling, this represents a significant constraint on alternative development.

Significant weight is also attached to VSC3. Officers agree with the applicant's view that the lawful use in planning terms (the D1 temple use) would be more harmful to the character and appearance of the area, the amenities of neighbouring residential occupiers and highway safety. It is therefore considered that this gives substantial weight to the case for the provision of a single dwelling on the site.

Detailed discussion of the footprint and height of the proposed dwelling is discussed below in appraisal section 2, where the visual harm to the Green belt is addressed in more detail. This section concludes that the proposed dwelling would not be materially larger than the previous buildings that have occupied the site and would therefore not result in additional harm to the openness of the Green belt in this location. In terms of VSC4, it is considered that moderate weight can be attached to this consideration. Essentially, VSC4 complements VSC2 and VSC3.

It is stated in VSC5 that the proposal would enable the site to be cleared of rubbish and would ensure that no further fly tipping would occur. However, this could be achieved without the grant of planning permission, so little weight is attached to this.

The applicant also argues that the proposed single dwelling would be more acceptable to neighbouring residents than the previously permitted temple (VSC6). It is noted that there was significant public opposition to the temple development. There have also been no objections received following consultation on this application at the time of preparing this report. Moderate weight is therefore attached to this consideration.

In Officer's opinion, the very special circumstances set out above, taken cumulatively and in particular VSC2, VSC3 and VSC4 demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of PPG2 and saved UDP policy EP32 in this case. The principle of a single dwelling on the site is therefore considered to be acceptable.

## **2) Character and Appearance of the Green Belt, Adjacent Conservation Area and Listed Building**

Saved UDP policy D4 requires a high standard of design and layout in all new development. The application site does not form part of a regular pattern of development and has a semi-rural character. The site slopes up from south to north, forming part of the Harrow Weald Ridge Area of Special Character. There is dense vegetation surrounding the site, with the exception of the eastern boundary with Brookshill where there are views into the site. In terms of appearance, the site itself is divided into two distinct clearings, one on the higher ground to the north and one in the south, where the existing garage sits and the former temple was located.

These clearings are separated by a row of tall pine trees, which are the subject of a Tree Preservation Order. The proposed dwelling would be sited in the lower, southern clearing. It would be sited some 8 metres further from the Brookshill boundary than the original dwelling that occupied the site. The proposed garage would be sited some 5.5 metres to the south of the existing garage and would be a similar distance from Brookshill. The table below sets out the difference in footprint and height of the proposed dwelling, as compared to the original building (including the approved extension to that building) and the approved temple.

	Original Building Including Approved Extension	Approved Temple	<b>Proposed Dwelling</b>	% / Difference Over Original Dwelling	% / Difference Over Approved Temple
Footprint (m <sup>2</sup> )	156	170	<b>166</b>	+ 6.4 %	- 2.35 %
Maximum Height (m)	6.4	5	<b>6.4</b>	Equal	+ 1.4

As the above figures demonstrate, the proposed dwelling would not be materially larger than the buildings that have occupied the site in the past. The proposed garage would have the same footprint as the existing garage, albeit with a modest increase in height of approximately 600mm. Consequentially, given the historic precedent of built development on the site, it is considered that the proposal would not unduly harm the openness of the Green Belt. The proposed siting of the dwelling further from the Brookshill boundary would also reduce the prominence of the building, as compared to the previous situation. In addition, the chalet style design of the proposed dwelling, with a catslide roof to the south and extensive glazing to the front and rear elevations, would complement this sylvan environment and would have a perceived lightweight appearance. The proposed dwelling would be contemporary in design, with a chalet style appearance. The design approach is considered to be acceptable on this site, which does not require replication of a particular built form or building style. It would incorporate a contemporary oak frame and zinc roof, which are considered to be appropriate to the design. The proposed garage would match the proposed dwelling and would be acceptable. Samples of materials to be used in the exterior surfaces of the dwelling have been requested by an attached condition.

In summary, it is considered that the proposed dwelling and garage would have an acceptable impact on the character and appearance of the area and would not unduly impact on the openness of the Green Belt. The proposal would therefore be consistent with saved UDP policies EP32, EP34 and D4 in this respect.

The site abuts West Drive Conservation Area to the north and the adjacent historic gateway piers to the north are statutorily listed. However, the dense vegetation along the northern boundary of the site would not be disturbed by the proposed development and the setting of this part of the Conservation Area and the listed building would not be adversely affected. Given the separation distance, lighting from the dwelling would not adversely affect the character and appearance of these heritage assets. The proposal would therefore preserve the character and appearance of the West Drive Conservation Area and the setting of the adjacent listed building and would therefore be consistent with the aims of PPS5 and saved UDP policies D11 and D14.

The application proposes an area of gravel surfacing for parking and access to the garage, along with planting and soft landscaping. The amount of hardsurfacing would be reduced as compared to the previous temple use and would not be excessive. Details of the landscape proposals have been requested by an attached condition and the proposal is therefore considered to be consistent with saved UDP policy D9.

### **Refuse Storage**

A concealed refuse storage area would be provided within the front landscape treatment, which would enable access from Brookshill for ease of collection. Details of the boundary treatment and planting can be reviewed as part of the landscaping details.

### **3) Residential Amenity**

There are no residential properties in the immediate vicinity of the site, the nearest property being North Lodge, some 35 metres to the north of the proposed dwelling. It is therefore considered that there would be no undue impact on the amenities of neighbouring residents in terms of loss of outlook or overlooking. As discussed above, a single dwelling would result in less noise and disturbance than the permitted temple use, so would also be acceptable in this regard. The proposed dwelling would provide ample living accommodation for future occupiers and there would be adequate external amenity space on this large plot. The proposal would therefore comply with saved UDP policy D5.

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

The proposed dwelling would utilise an existing access from Brookshill and, given the limited intensity of the proposed use, this is considered to be acceptable. The Council's Highways Engineer considers that a condition is necessary to confirm that the visibility splays would be acceptable. Details of the front boundary treatment would also need to be approved. Adequate parking would be provided within the double garage and the gravel courtyard and the proposal is therefore considered to be acceptable in this regard and the proposal would therefore comply with saved UDP policy T13.

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

As discussed, there are a number of protected trees of amenity value on the site. The Council's Tree Officer considers that the Arboricultural Report submitted with the application is satisfactory. Details of tree protection methods can be required as part of the landscaping condition. The proposal would therefore have an acceptable impact on the protected trees on the site and would comply with saved UDP policy D10.



**6) Accessibility**

This large detached dwelling would comply with all 16 points of the Lifetime Homes Standards. The development would therefore provide an accessible and inclusive environment, in line with the requirements of saved UDP policy C16 and the SPD, and London Plan policies 3A.5 and 4B.5.

**7) Sustainability**

A Code for Sustainable Homes pre-assessment has been submitted, which indicates that code level 4 could be met. The minimum requirement as set out in the Council's Sustainable Design SPD is code level 3 and a condition is imposed requiring certification to this level. The proposal would therefore comply with the Council's Sustainable Building Design SPD and London policy 4A.3.

**8) Ecology and Biodiversity**

The site is located adjacent to a locally important site for nature conservation. Saved UDP policies EP26, EP27 and EP28 relate to habitat creation and enhancement, species protection and conserving and enhancing biodiversity. An Ecological Survey has been submitted, which the Council's Biodiversity Officer considers to be acceptable. Recommendations in the report include the provision of bat and bird boxes and details of external lighting. Conditions are imposed requiring these details to be submitted and approved and it is therefore considered that the proposal would comply with saved UDP policies EP26, EP27 and EP28.

**9) S17 Crime & Disorder Act**

The submitted plans indicate new 1.8 metre high boundary fencing and gates to the Brookshill frontage and details of these would be dealt with by condition. The other boundaries are well covered by dense vegetation and it is therefore considered that the proposal would not increase the risk or fear of crime.

**10) Consultation Responses**

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

- None.

**CONCLUSION**

In summary, the proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy in this instance. 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: (00)001 Rev A; (00)005 Rev B; (01)001 Rev A; (01)002 Rev A; (02)001 Rev A; (02)002 Rev A; (03)001 Rev B; (05)001; Record Drawing 1/10036(09)1; Record Drawing 1/10036(09)2; Record Drawing 1/10036(09)3; Landscape Sketch Scheme; Tree Constraints Plan; Planning Statement; Design and Access Statement; Arboricultural Method Statement and Tree Survey; Code for Sustainable Homes Pre-Assessment; Ecological Survey.

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 buildings,
- 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 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 openness of the Green Belt 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 EP34.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policies D9 and D10.

6 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 policies D9 and D10.

7 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.

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

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

9 Site works in connection with the development hereby permitted shall not commence before the Brookshill 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.

10 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the buildings are occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the character of the locality and in the interests of highway safety, in line with the requirements of saved UDP policies D4 and T13.

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

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

12 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.

13 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.

14 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.

15 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

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

16 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.

17 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, in line with the requirements of saved UDP policy T13.

18 The development hereby permitted shall not proceed above ground floor damp proof course level until details of biodiversity measures, specifically the creation of bird and bat habitats on the site, have been submitted and approved in writing by the local planning authority. The development shall not be occupied until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.  
REASON: To safeguard the ecology and biodiversity of the area and in the interests of habitat creation and enhancement in line with the requirements of saved UDP policies EP26 and EP28.

19 The development hereby permitted shall not proceed above ground floor damp proof course level until details of any external lighting required in connection with the completed development has been submitted and approved by the local planning authority. The development shall not be occupied until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.  
REASON: To safeguard the ecology and biodiversity of the area in line with the requirements of saved UDP policy EP28.

## **INFORMATIVES**

### **1 PARTY WALL ACT**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

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

### 3 COMPLIANCE WITH PLANNING CONDITIONS

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

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

### 4 RELEVANT POLICIES

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

National Policy:

PPS1, PPG2, PPS3

London Plan (2008):

3A.5, 3D.9, 4A.3, 4B.1, 4B.5

Harrow Unitary Development Plan (2004):

EP25, EP26, EP27, EP28, EP31, EP32, EP34, D4, D5, D9, D10, D11, D14, D15, T6, T13, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

Plan Nos: (00)001 Rev A; (00)005 Rev B; (01)001 Rev A; (01)002 Rev A; (02)001 Rev A; (02)002 Rev A; (03)001 Rev B; (05)001; Record Drawing 1/10036(09)1; Record Drawing 1/10036(09)2; Record Drawing 1/10036(09)3; Landscape Sketch Scheme; Tree Constraints Plan; Planning Statement; Design and Access Statement; Arboricultural Method Statement and Tree Survey; Code for Sustainable Homes Pre-Assessment; Ecological Survey.

**24 – 28 CHURCH ROAD, STANMORE, P/3114/10  
HA7 4AW**

Ward STANMORE PARK

THIRD FLOOR EXTENSION TO PROVIDE THREE RESIDENTIAL FLATS;  
PROVISION OF THREE ROOF TERRACES; EXTERNAL ALTERATIONS  
(RETROSPECTIVE APPLICATION) (RESIDENT PERMIT RESTRICTED)

**Applicant:** Mr Raj Pankhania  
**Agent:** Jaspar Management Limited  
**Case Officer:** Nicholas Ray  
**Statutory Expiry Date:** 16-MAY-11

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## **RECOMMENDATION**

**GRANT** 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 housing. The parking impact that could arise from the development would be adequately mitigated through the use of an appropriate planning condition and the development therefore does not have any significant visual, amenity, transport or other impact that would warrant refusal of planning permission. The scheme is therefore found to be consistent with the 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.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing

### **The London Plan 2008**

3A.5 – Housing Choice  
4A.3 – Sustainable Design and Construction  
4A.7 – Renewable Energy  
4B.1 – Design Principles for a Compact City  
4B.5 – Creating an Inclusive Environment

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

D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D7 – Design in Retail Areas and Town Centres  
EP25 – Noise  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
C16 – Access to Building and Public Spaces  
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)  
Supplementary Planning Document: Sustainable Building Design (2009)

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**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, D4)
- 2) Character and Appearance of the Area (4B.1, D4, D7, SPD)
- 3) Residential Amenity (D5, EP25, SPD)
- 4) Traffic and Parking (T6, T13)
- 5) Accessibility (3A.5, 4B.5, C16, SPD)
- 6) Sustainability (4A.3, 4A.7, SPD)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

**INFORMATION**

This application is reported to the Committee as it proposes more than 2 new build dwellings and therefore falls outside the Schedule of Delegation.

**a) Summary**

Statutory Return Type: 13. Minor Dwellings  
Lifetime Homes: 3  
Council Interest: None.

**b) Site Description**

- The site comprises a four storey commercial building (previously three storeys) on the south side of Church Road, within Stanmore District Centre.
- The ground floor is currently occupied by two retail units and a cafe, entrance doors for access to the upper floors and a pedestrian walkway from Church Road to the rear service road.
- The first and second floors of the building are in use as offices.
- The neighbouring property to the east, No.30 (Fountain House) is a four storey building comprising retail uses at ground floor, with offices on the first floor and residential flats on the second and third floors.
- The neighbouring property to the west, No.22, is a three storey building with retail/food and drink uses at ground floor with residential flats on the first and second floors.
- To the rear of the property is a service road, serving the parade and Sainsbury's supermarket, which is located beyond the service road.

**c) Proposal Details**

- Retrospective application for the recently constructed third floor extension comprising 3 flats incorporating roof terraces.
- The extension as built has the same dimensions as the previously approved extension to provide additional office space, being set 1.0 metre from the main front, side and rear walls of the building and incorporating a mansard roof design with a grey metal finish.
- Three roof terraces have been provided to serve the flats, incorporating safety railings.
- 1x1 bed flat, 1x2 bed flat and 1x3 bed flat has been constructed and these are accessed from the main entrance to the building.
- External alterations incorporating solar panels to the roof of the extension and relocation of air conditioning units.



Item 2/02 : P/3114/10 continued/...

- Three parking spaces are allocated to the flats, these being located within the Sainsbury's car park to the rear.

**d) Relevant History**

P/3809/07 Third floor extension to provide offices (class B1), change of use of no.24 from retail to restaurant/cafe (class A1 to A3), extract duct at rear REFUSED  
04-DEC-08

**Reason:**

1) The third floor extension to the roof is of poor design and would appear to be visually obtrusive, incongruous and out of character in the street scene by reason of the materials and overall design not being in keeping with other similar extensions which take the form of a mansard construction with lead cladding, contrary to HUDP policy D4.

P/4116/08 Third floor extension to provide offices (class B1) GRANTED  
27-MAR-09

**e) Pre-Application Discussion**

- N/A.

**f) Applicant Statement**

- Sustainability, Planning, Design and Access Statement.

**g) Consultations:**

**Highways Engineer:** There are no specific concerns with this retrospective proposal as the location is relatively sustainable in public transport terms and exhibits stringent and wide spread parking controls on street. A 'resident permit restriction' should however be applied via title and standard condition.

**Notifications:**

Sent: 101

Replies: 0

Expiry: 11-APR-11

**Addresses Consulted:**

- Flats 1-15 and all offices, Fountain House, Church Road;
- Flats 1-15 Stanmore Towers, Church Road;
- 3-33 (odd) Church Road (all addresses including upper floors);
- 8-36 (even) Church Road (all addresses including upper floors);
- 13 The Broadway (Sainsbury's Supermarket).

**Summary of Response:**

- None received.

## **APPRAISAL**

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

This application seeks retrospective permission for a third floor extension to this office building. The same extension has already been approved under planning reference P/4116/08, but for use as additional office space. The extension has however been constructed as three flats as one building operation, with roof terraces provided on the flat roof sections surrounding the extension. There is no in principle objection with residential uses being located above office space and this is a common occurrence in Stanmore District Centre. It is considered that the flats do not adversely affect the viability of the office uses on the first and second floors. The development makes efficient use of previously developed land for the provision of housing, in line with the aims of PPS3 and is appropriate in this town centre location.

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

Saved UDP policy D4 requires a high standard of design and layout in all new development. As discussed above, the design and appearance of the extension has been recently accepted, due to the approval for the extension as offices in March 2009. The only change in terms of the external appearance of the building compared to the previous approval has been the addition of the three roof terraces with associated railings. Given the existence of similar terraces on the front and rear of the adjacent flats at Fountain House, it is considered that these features are not out of character with the area. The solar panels and re-located air conditioning units on the roof of the extension are considered not to be objectionable in this regard. The development is therefore considered to have an acceptable impact on the character and appearance of the area and therefore complies with saved UDP policy D4.

#### **Refuse Storage**

A refuse storage area has been provided within the building at lower ground floor level, with access from the rear service road. This area would provide adequate space for the required bins, as well as cycle storage, and would be in a convenient location for collection.

### **3) Residential Amenity**

As per the previous approval, the extension would comply with the 45 degree code from the adjacent second floor flats. The extension does not therefore result in loss of light or outlook to the occupiers of these properties. Also, it is considered that the front and rear windows would not result in unacceptable overlooking of neighbouring residential occupiers, given the distances to neighbouring properties.

It is considered that the roof terraces do not result in an unacceptable loss of privacy to neighbouring residential occupiers. The easternmost roof terrace (serving Flat 3), is located some 25 metres from the nearest habitable room windows of the flats in Stanmore Towers and this is considered to be an acceptable distance. The rear roof terrace (serving Flat 1) is sited at a lower level and behind a screen wall adjacent to the rear flats at Fountain House, so would not result in direct overlooking of these roof terraces.

The westernmost front roof terrace (serving Flat 2) would be sited adjacent to the front roof terrace of the flats at Fountain House, but again would be at a lower level. Raised planters have been provided along this boundary to provide screening and this is considered to be an acceptable arrangement. Given the distances between the roof terraces and other residential properties it is considered that the roof terraces do not result in unacceptable overlooking. The development therefore has an acceptable impact on the amenities of neighbouring residents and therefore complies with saved UDP policy D5 and the Residential Design Guide SPD.

It is considered that the flats provide an adequate standard of accommodation for the occupiers. Flat 1 is a 1 bedroom unit, with a total floor area of 76m<sup>2</sup>, which is well in excess of 50m<sup>2</sup> minimum standard in the Council's SPD. Flat 2 is a 3 bedroom unit, with a total 110m<sup>2</sup>, which also exceeds the Council's minimum standard of 95m<sup>2</sup> for a 3 bedroom 6 person flat. Flat 3 is a 2 bedroom unit, with a total floor area of 95m<sup>2</sup>, which is also in excess of the Council's minimum standard of 70m<sup>2</sup> for a 2 bedroom 4 person unit. A site inspection has confirmed that the flats are spacious and finished to a high standard. The rooms that are only served by rooflights are well lit and well ventilated. The roof terraces provide an adequate amount of private external amenity space for the occupiers of the flats. The flats therefore provide an adequate standard of accommodation, in line with SPD requirements and the aims of saved UDP policy D5.

As discussed above, it is not uncommon for residential flats to be located above offices and this occurs in other properties in Stanmore District Centre, including the adjacent Fountain House and Stanmore Towers. An office use is not especially noisy and generally occurs when residents of the flats would not be at home. The sharing of the communal access stairs and lift is also a common arrangement and would not be detrimental to the amenities of the occupiers of the flats.

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

Three parking spaces are provided within the Sainsbury's car park to the rear of the site for occupiers of the flats and secure cycle storage is provided within the building. The property is in a sustainable town centre location, being close to amenities, local bus services and within walking distance of Stanmore London Underground Station. Strict parking controls operate in the roads around the District Centre and the Council's Highways Engineer considers it necessary to impose a condition restricting the ability of occupiers of the flats to apply for parking permits. A condition is imposed in this regard and the development is therefore considered to be acceptable in relation to parking and traffic impact and therefore complies with saved UDP policy T13.

#### **5) Accessibility**

All the flats comply with Lifetime Homes standards and the existing lift has been extended to provide level access to the third floor. The development therefore provides an accessible and inclusive environment, in line with the requirements of saved UDP policy C16 and the SPD, and London Plan policies 3A.5 and 4B.5.

**6) Sustainability**

Although no Code for Sustainable Homes certification has been provided with the application, the flats incorporate energy efficient lighting, heating and ventilation, as well as measures to minimise water usage. These measures reduce energy demand by approximately 15%. Also, two solar hot water panels have been installed to supplement the domestic water heating for two of the flats, which is expected to reduce CO2 emissions by approximately 15%. It is therefore considered that the development incorporates adequate sustainability measures to comply with the requirements of London Plan policy 4A.3 and the Council's Sustainable Design SPD.

**7) S17 Crime & Disorder Act**

The flats are accessed through a secure communal entrance door at street level and are located at third floor level. It is therefore considered that the development does not give rise to undue security concerns and is therefore acceptable in relation to this legislation.

**8) Consultation Responses**

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

- None.

**CONCLUSION**

In summary, given due consideration to all relevant policy constraints and material considerations set out above, the development 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 scheme makes efficient use of previously developed land for housing. The associated impact that could arise from the development would be adequately ameliorated through the use of an appropriate planning condition, as set out below.

**CONDITIONS**

1 The development hereby permitted shall be retained in accordance with the following approved plans: JM006-300 Rev B; 301 Rev A; 302 Rev A; 303 Rev A; 310 Rev A; 311 Rev A; 312 Rev A; 313 Rev A; 321 Rev A; 400 Rev B; 401 Rev A; 402 Rev A; 403 Rev A; 410 Rev A; 411 Rev A; 412 Rev A; 413 Rev A; 421 Rev A; Parking Plan; Sustainability, Planning, Design and Access Statement.

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

2 Within 3 months of this decision, a scheme shall be submitted in writing to the local planning authority to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone. Once approved, the scheme shall be implemented as approved and thereafter retained, unless the local planning authority agrees any variation in writing.

REASON: To ensure that the scheme adequately addresses the sustainability requirements of saved UDP policy T13.

3 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 COMPLIANCE WITH PLANNING CONDITIONS**

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

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

### **2 RELEVANT POLICIES**

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

National Policy:

PPS1, PPS3

London Plan (2008):

3A.5, 4A.3, 4A.7, 4B.1, 4B.5

Harrow Unitary Development Plan (2004):

D4, D5, D7, EP25, T6, T13, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

Plan Nos: JM006-300 Rev B; 301 Rev A; 302 Rev A; 303 Rev A; 310 Rev A; 311 Rev A; 312 Rev A; 313 Rev A; 321 Rev A; 400 Rev B; 401 Rev A; 402 Rev A; 403 Rev A; 410 Rev A; 411 Rev A; 412 Rev A; 413 Rev A; 421 Rev A; Parking Plan; Sustainability, Planning, Design and Access Statement

**TECHNOLOGY HOUSE, 73-77 LOWLANDS ROAD, HARROW, HA1 3AW**

Ward: GREENHILL

CHANGE OF USE OF FROM OFFICE (CLASS B1) TO EDUCATION AND TRAINING (CLASS D1)

**Applicant:** Umang Shah

**Agent:** Harold Benjamin

**Case Officer:** Fergal O'Donnell

**Statutory Expiry Date:** | 01-JUL-11

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## **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 proposed educational use would provide an additional community facility to this area which is within a highly sustainable location and would not adversely impact upon the amenity of adjoining occupiers or the character and appearance of the Roxbourne Park and The Grove Conservation Area.

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## **MAIN CONSIDERATIONS AND POLICIES [National Planning Policy, 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 4 – Planning for Sustainable Economic Growth [2009]

Planning Policy Statement 5 – Planning and the Historic Environment [2010]

### **The London Plan [2008]**

3B.1 – Developing London's Economy

3B.2 – Office Demand and Supply

3C.22 – Improving Conditions for Cycling

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

D14 – Conservation Areas

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

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

I5 – Proposals Map and Proposal Sites Schedule

### **Adopted Supplementary Planning Documents**

Supplementary Planning Document – Access for All [2006]

Supplementary Planning Document – Harrow on the Hill Conservation Areas [2008]

Appendix 4: Roxbourne Park and the Grove Conservation Area Study [2008]

Appendix 4: Roxbourne Park and the Grove Management Study [2008]

### **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 and the Provision of New Educational Facilities (PPS4, SEM1, EM15, C7)
- 2) Layout, Amenity, Character of the Area and Impact of Development on the Roxbourne Park and the Grove Conservation Area (PPS3, D4, D14, SPD – Harrow on the Hill Conservation Areas)
- 3) Impact of Development on Proposal Sites (I5)
- 4) Parking and Highway Safety (3C.22, T13)
- 5) Accessibility (4B.5, D4, C16, SPD – Access for All)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

### **INFORMATION**

This application is being reported to committee as the proposal constitutes a change of use of more than 400m<sup>2</sup> of floorspace and therefore falls outside of Category 6 of the Scheme of Delegation.

#### **a) Summary**

Statutory Return Type: Change of Use

Council Interest: None

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

- Site is located on the north-western side of the junction of Lowlands Road and Station Approach
- The building on the site is a four-storey building with a main entrance on Lowlands Road.
- Part of the ground floor is used as a car park with some small commercial floorspace with a reception area on the ground floor.
- The building has an authorised use as offices (Use Class B1).
- The site is currently occupied by the proposed D1 users of the site who are using the premises as B1 offices in preparation for the D1 use of the site.
- The area to the rear and east of the site is identified within the UDP as Proposal Site 6 (public transport improvements and mixed use development for office, education, civic, residential, leisure and retail use and open space)
- The site is located on the southern periphery of Harrow Metropolitan Centre.

**c) Proposal Details**

- It is proposed to change the use of the building to an educational and training use (Use Class D1)
- The offices that would be retained within the upper three floors would be used as ancillary office accommodation for the educational and training use.

**d) Relevant History**

LBH/30572	FOUR STOREY OFFICE BUILDING WITH CAR PARKING	GRANTED 27-AUG-87
P/2149/09	CHANGE OF USE OF OFFICE (CLASS B1) TO RESTAURANT (CLASS A3); INSTALLATION OF EXTERNAL FLUE ON REAR ELEVATION	REFUSED 02-FEB-10

**Reasons for Refusal:**

1. The proposed change of use, by reason of its location and intensity of use, is inappropriate, would fail to respect the local context of development, and would give rise to excessive levels of activity and disturbance, to the detriment of the character of the area and the amenities of neighbouring occupiers, contrary to saved policies D4 and EM25 of the Harrow Unitary Development Plan (2008).
2. The applicant has failed to demonstrate that the proposal site is no longer suitable or required for employment use, contrary to saved policy EM15 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

Letter dated 7<sup>th</sup> of January 2011 (summarised as follows):

- The principle of the proposal is considered to be acceptable given these are relatively modern offices in a highly sustainable location in fringe location of the Harrow Metropolitan Centre.
- We would need to have justification of the loss of the business premises e.g. the applicant should demonstrate that the office use on the site is no longer viable / there are other suitable available locations for office use within close proximity of the site / extensive marketing of the site has failed to secure a tenant (See saved policy EM15 of the UDP). However, this does not mean this is unacceptable in principle.
- Details of hours of use and type of educational facility required.
- Details of how you control the number of students attending the facility are also required.
- The location is sustainable in public transport terms with robust on street parking controls to deter private car use. The limited parking provision which the site would have access to is acceptable.
- It would be expected that a comprehensive Travel Plan in line with TfL guidance to reinforce the sustainability aspect. If evidence of marketing of the B1 use can be provided justifying the principle of a change to a D1 use, there are no specific concerns.



**f) Applicant Statement**

Marketing Report (summarised as follows):

- Harrow experienced a decrease in popularity as an office location for major occupiers in the 1980s, partly explained by its protracting access from the M1, M40 and M25.
- Three large office developments (Hygeia, Aspect Gate, The Heights) occurred during this time and after lengthy periods of marketing, were let on a floor by floor basis.
- The Harrow office market over the past 10 years has consisted of small to medium sized occupiers moving within the locality as opposed to new companies relocating into Harrow.
- Demand for office space has fallen dramatically during the recession.
- Harrow previously accommodated a large number of Satellite banking offices which now have centralised operations and vacated the buildings.
- In the last 18 months demand for the private sector and commerce in general has been almost non-existent.
- As office demand and rental values have fallen sharply, an increase in enquiries from alternative space users such as colleges and religious faith groups has been witnessed.
- Despite the take up of office space by D1 college operators, there remains a substantial over supply of available offices of all sizes in Central Harrow and the Borough as a whole.
- The market is currently making a natural selection for D1 uses as not all office buildings are suitable for college use.
- As B1 supply begins to fall as a result of D1 uptake, it is expected to see a strengthening in value of the remaining B1 office stock. Higher rents will encourage refurbishment of existing offices and possibly new speculative development.
- The quality of the office space is considered not to be high.
- Technology House was vacated and brought to the open market by Chamberlain Commercial in July 2009. Every effort has been made to find a replacement B1 office occupier for the building including fixing a 6 x 5 foot letting board to the property in July 2009. No enquiries from B1 user were received.
- The office space was placed on the open market in an un-refurbished condition.
- Letting particulars were produced and mailed to 768 London and Middlesex based letting firms; all office applicants registered over a 12 month period; all office occupiers within the immediate vicinity.
- In addition, the property was registered with a number of online office brokers and featured on the website of instant Office Locater, Free Office Search and AJBC.
- Comparable office space at Intershop House at 45-51 Lowlands Road has recently been refurbished and has been the subject of an extensive marketing campaign. It has been available for 5 years.
- It is considered that there are no apparent reasons why Technology House would be more successful in attracting a B1 office occupier than Intershop House, if given a similar period of marketing.

- The Harrow office market has been weak in comparison with other decentralised locations such as Watford and Uxbridge.
- Demand has fallen further during the past 18 months due to the UK economic situation.
- There remains a substantial oversupply of office space in both the town centre and the Harrow area as a whole.

Travel Plan (summarised as follows):

- Trinity College will have mature students of 18 years of age and above (mostly aged between 18 and 30)
- The college is anticipating around 300 to 400 students over the course of the day, at different times.
- International students, which will make up the majority of the students, are likely to travel by public transport
- At present, the college employs 10 people, comprising four full-time 6 part-time employees. Only one of these uses a private vehicle. The other 9 use public transport.
- Technology House currently has 13 car parking spaces within the building. When fully operational, it is expected to have 20 to 25 employees and it is considered that the 13 spaces will be sufficient for the employees and guests.
- The 13 car parking space will mostly be allocated to selected members of staff and there will be between 2 and 4 car spaces that will be reserved for those visiting. Students will not be permitted to use the car spaces
- Building is located within close proximity of a number of car parks
- Site is well connected to transport links
- College is registered with TfL which means that students are entitled to 30% discount on London underground travel and its associated travel networks. The college actively promotes this registration

**g) Consultations**

Conservation Officer

This proposal is within the setting of the Roxborough Park and the Grove Conservation Area. This proposal would preserve the setting of this conservation area and so comply with PPS5 HE7.2, HE7.4 and HE10 and saved Harrow UDP policy D14 and D15 and the Harrow on the Hill Conservation Areas SPD appendix 4 the Roxborough Park and the Grove Conservation Area Appraisal and Management Strategy.

Traffic and Highways Engineer (comments summarised as follows):

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.

It is expected that car-borne travel to the site will be limited given the sustainability of the location together with the stringent parking controls in the area. The requirement of a Travel Plan, which should incorporate cycle storage spaces at a level of 1 space per 10 staff / students, should be secured by condition.

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 7am to 9pm on a weekday and 9am to 6pm on a Saturday / Sunday. As such, it is considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

Harrow Hill Trust

No response received to date

**Character of Conservation Area**

Advert Date: 19-May-2011

EXPIRY: 09-JUN-11

**Site Notice Posted**

Date: 23-May-2011

EXPIRY: 13-JUN-11

**Notifications:**

Sent: 37

Neighbour Replies: 0

Expiry: 13-JUN-11

**Neighbours Consulted:**

Lowlands Road: Dental Surgery at 58, 60-80 (even), 66A, 74A, 76A, 80A, 82, 84, 84A, 84B, 86, 88, Hill House 67-71, Ground, First, Second and Third Floor  
The Heights 59-65

Roxbourne Road: 40

**Summary of Responses :**

None

**APPRAISAL**

**1) Loss of Designated Office Space and Provision of New Educational Facilities**

This site is located on the periphery of Harrow Metropolitan Centre, just to the south of Harrow-on-the-Hill Station. The northern side of Lowlands Road is characterised by large office buildings, whilst the southern side of the road is characterised by residential properties, and the area creates a clear delineation between the commercial activities of the Town Centre and the residential activities of the more tranquil areas to the south. This is made all the more apparent by the Lowlands Recreation Ground to the east of the site The Grove Open Space to the south-east, both of which constitute part of the Roxbourne Park and The Grove Conservation Area.

Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that: a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough; b) there is no unacceptable harm to the local economy;

c) there is satisfactory evidence that the site has been marketed extensively for B1, B2, and B8 uses; d) the site has been vacant for a considerable length of time; e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of neighbouring occupiers; f) access to public transport is poor and is unlikely to be improved; and g) access for delivery vehicles is poor, where required, and unlikely to be improved. The tests outlined in saved policy EM15 stem from the wider development plan strategic objective of saved policy SEM1 which seeks to support businesses in the borough by protecting land and buildings suitable for employment use from other uses. Policy EC11 of PPS4 (2009) broadly reflects saved policy EM15 of the HUDP (2004) whilst requiring planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past ten years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. The applicant has demonstrated the availability of B1 office space in the supporting documents, thereby satisfying criterion (a) of saved policy EM15 of the UDP. PPS4 encourages local authorities to provide a flexible approach in assessing applications for economic development. The applicant has stated that the premises has been vacant for the period of marketing (up to 18 months) and whilst the use of the site for offices rather than educational uses is likely to generate a greater economic value to the borough, given the vacancy of the premises for this period, it is considered that having the premises occupied and used would provide a viable alternative to the use of the site as offices. The applicant has stated that another property in close proximity to the site, Intershop House, has been vacant for five years despite extensive marketing and refurbishment and considers that there is no reason why Technology House would be more successful in attracting a client, where the property to be marketing for a similar period of time. The vacancy of a similar commercial unit in close proximity would appear to add weight to the economic justification for the proposed change of use of the building. It is clear then that the site has been vacant for a considerable length of time with little prospect of occupation in the near future. In this respect, it is considered that there would be no unacceptable harm to the local economy resulting from the loss of B1 office space. The proposed development would therefore meet the tests of criteria (b) and (d) of saved policy EM15 of the UDP

The applicant has also demonstrated that the site has been extensively marketed for B1 office use through mailing letting particulars to: all London and Middlesex based commercial agents; all registered office applicants over the previous 12 month period and all office occupiers in immediate vicinity. Further marketing exercises were carried through a number of online office brokers and other online marketing resources. As such, it is considered that the development would satisfy criterion (c) of saved policy EM15 of the UDP.

Criteria e and g of saved policy EM15 are not applicable in this instance and whilst the site is in a highly accessible area, the use of the site for educational purposes requires an accessible location and the proposal would not therefore conflict with criterion f of saved policy EM15 of the UDP.

Saved policy C7 of the HUDP (2004) states that the Council will seek to ensure that appropriate educational facilities are provided subject to three criteria; a) that there is a need for new education facilities in the area; b) accessibility levels of the site; c) availability of a safe-setting down and picking-up area.

The site is located in a highly accessible location and though no demonstrable need for educational facilities has submitted by the applicant, it recognised that adult learning is an expanding area of growth. The high accessibility of the site will appeal to potential students and it is considered that there will be adequate demand in this location for such facilities. The site has safe setting down areas to the east of the site and as discussed in the Travel Plan, it is likely that many students will use public transport. The accessibility levels of the site will be discussed in Section 4 of the Appraisal below.

**2) Layout, Amenity, Character of the Area and Impact of Development on the Roxbourne Park and the Grove Conservation Area**

The proposed change of use would create an educational and training facility of significant scale in the Town Centre. The number of journeys to and from the site throughout the day would be likely to increase as a result of the proposed change of use to educational and training use. It is, however, considered that movements associated with the proposed use would not be disproportionate, given the commercial nature of the northern side of Lowlands Road and location of the site within the Town Centre, albeit on the southern periphery of the Centre. Harrow College is located to the east to the site which generates significantly greater number of movements than would be likely to occur here. Given the numbers of vehicle and pedestrian movements currently experienced locally, it is considered that additional movements throughout the day are unlikely to have a significant impact on the amenity of the residential occupiers on the southern side of Lowlands Road or the functioning of the commercial properties on the northern side of the road. However, to ensure that development does not result in unreasonable disturbance at times when neighbouring residents would reasonably expect to experience quiet, conditions are recommended with respect to the hours of use of the building. A further condition is recommended restricting the use of the building to the use described within the development description for similar reasons.

As no external alterations are proposed and the additional movements to and from the site would be perceived in the context of existing movements to and from Harrow College and the busy nature of Lowlands Road, it is considered that there would be no undue impact on the character and appearance of the Roxbourne Park and The Grove Conservation Area. The Council's Conservation Officer has commented on the application and has raised no objection to the proposed development.

**3) Impact of Development of Proposal Sites**

The proposed change of use is likely to generate a higher number of journeys to and from the site throughout the day. However, it is considered that the change of use would not be likely to prejudice the use or development of the proposal site to the rear and east of the site.

**4) Traffic and Highway Safety**

The site has a high public transport accessibility level (PTAL) of 6a (taken from the TfL website). The applicant has stated that the proposed users of the site are TfL registered and as such students of the college are eligible for a 30% discount on London Underground and associated travel networks fares. The site has 13 car parking spaces which is well above the maximum provision of 1 space per 300-600m<sup>2</sup> of floor space suggested in the UDP which would be entirely for staff members. In reality, the use of the building is likely to reduce private transport journeys to the premises and the high PTAL level and incentives to use public transport would encourage public transport to be used by both members of staff and students alike. It is therefore considered that the development would not have an undue impact on highway safety or traffic. The site is oversupplied by private parking spaces. However, it is considered that the oversupply of parking spaces is likely to be offset by the high PTAL of the site and the availability of parking spaces would not be likely to prejudice highway safety. The Council's Traffic and Highways Engineer has commented on the application. It is recognised that an educational use is likely to generate much lower levels of car-borne travel than would be experienced with the authorised office use of the site. However, given the nature of the use, it is likely that students and staff would be likely to use cycle transport more frequently than the currently authorised use of the premises. As such, a condition is recommended that cycle storage at a level of 1 space per student / staff member would be provided in order to provide safe cycle storage points, facilitate non car-borne methods of travel and reduce the level of vehicular activity on the highway, thereby according with policy 3C.22 of The London Plan (2008) and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004). Subject to such a condition, the development would accord with saved policy T13 of the Harrow Unitary Development Plan (2004).

**5) Accessibility**

The ground floor the building provides a level threshold and internal lift capable of providing disabled and wheelchair access to the upper floors. The applicant has indicated on the submitted drawings that the "all rooms layouts are indicative and do not reflect the true arrangements applied". It is considered that building could reasonably accommodate all potential users of the site. However, to ensure that the proposed use would not exclude any potential users, actual room layouts of the development as proposed would need to be submitted to the Council prior to the commencement of the use of the building as an educational and training use.

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

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

## 7) Consultation Responses

None.

### 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 premises shall only be used for the purpose specified in the application [D1(c) education use] and for no other purpose, including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenities of neighbouring residential properties to the south of the site and ensure the proper functioning of the commercial properties along Lowlands Road, in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

3 The educational facility hereby permitted shall only be used for teaching and training of students between the following times: -

a) 0800 hours to 2000 hours, Monday to Friday inclusive,

b) 0900 hours to 1800 hours on Saturdays, Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties to the south of the site and ensure the proper functioning of the commercial properties along Lowlands Road, in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

4 The education facility hereby permitted shall only be open to teaching staff between the following times:-

a) 0730 hours to 2030 hours, Monday to Friday inclusive,

b) 0830 hours to 1830 hours, Saturdays, Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties to the south of the site and ensure the proper functioning of the commercial properties along Lowlands Road, in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

5 The number of students within the premises shall not exceed 300 at any time and the number of staff within the premises shall not exceed 30 at any time.

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the student/staff numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the neighbouring residential properties is kept to a minimum in order to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

6 Prior to the commencement of the educational use of the site as described within the application, details of a scheme to provide storage for 30 cycle spaces on the site should be submitted to, and approved in writing by, the Local Planning Authority. The cycle storage as approved shall be for the sole use of the D1 use on the site and shall be retained for the duration of the educational use of the site.

REASON: To ensure the satisfactory provision of safe cycle storage points, to provide facilities for all potential users of the site and in the interests of highway safety, in accordance with policy 3C.22 of The London Plan (2008) and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

7 The use hereby permitted shall not commence until actual floor layouts to provide a fully inclusive building which would be accessible to all users has been submitted to, and approved in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the use proposed provides a fully inclusive building for all users, thereby according with the principles of inclusivity and good design and the aims and objectives of policy 4B.5 of The London Plan (2008), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document – Access for All (2006)

8 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 100, 101, 103, 104, 105, 106 Rev A, 10/035-CON2B, Site Plan, Design and Access Statement, Travel Plan, Marketing Report (dated 11<sup>th</sup> February 2011)

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

#### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

Planning Policy Statement 4 – Planning for Sustainable Economic Growth [2009]

Planning Policy Statement 5 – Planning and the Historic Environment [2010]

#### **The London Plan [2008]**

3B.1 – Developing London's Economy

3B.2 – Office Demand and Supply

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



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D14 – Conservation Areas

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

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

I5 – Proposals Map and Proposal Sites Schedule

**Adopted Supplementary Planning Documents**

Supplementary Planning Document – Access for All [2006]

Supplementary Planning Document – Harrow on the Hill Conservation Areas [2008]

**Other Relevant Documents**

London Borough of Harrow Employment Land Review [2010]

Roxbourne Park and the Grove Conservation Area Study

Roxbourne Park and the Grove Management Study

**2 INFORMATIVE:**

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

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

Plan Nos: 100, 101, 103, 104, 105, 106 Rev A, 10/035-CON2B, Site Plan, Design and Access Statement, Travel Plan, Marketing Report (dated 11<sup>th</sup> February 2011)

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**Item: 2/04**  
**52 SHEEPCOTE ROAD, HARROW, HA1 P/0636/11**  
**2JF**

Ward: GREENHILL

CERTIFICATE OF LAWFUL EXISTING USE: USE OF PROPERTY AS SIX FLATS AND  
USE OF OUTBUILDING AS A FLAT

**Applicant:** Mr Faheem Ahmed Hashmi  
**Agent:** Mr Paul Bloomfield, Shire Consulting  
**Statutory Expiry Date:** | 18-MAY-11

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## RECOMMENDATION

**GRANT** a Certificate of Lawful Existing Use for the development described in the application and submitted plans.

## REASON

The Local Planning Authority is satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probability, the main dwellinghouse at 52 Sheepcote Road, Harrow, HA1 2JF has been in use as six self-contained flats and the outbuilding to the rear of the main dwellinghouse as a single self-contained flat (as detailed on drawings, 'Ground Floor', 'First Floor', 'Loft' and 'Outbuilding G' received by the Local Planning Authority on 23 March 2011) for a continuous period of at least 4 years prior to the date of this application, and that a Certificate of Lawful Existing Use be issued.

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## MAIN CONSIDERATIONS

Whether sufficient evidence has been submitted with the application and whether that evidence is sufficiently precise and unambiguous to prove that, on the balance of probability, the unauthorised use has existed continuously for a period of four years prior to the date that the application was submitted so as to justify the grant of a certificate.

Taking account of:

- Evidence submitted by the owner/applicant in support of the application
- Evidence in the form of information from Harrow Council Tax and Electoral Register records
- Evidence provided by interested third parties – petitions and letters of objection
- Consultation responses –
  - Harrow Council Environmental Health Department (Private Sector Housing Team)
  - Harrow Council Legal & Governance Services Department

## INFORMATION

A petition signed by more than five persons which conflicts with the officer's recommendation has been received and so in accordance with the Council's Schedule of Delegation the application must be determined by the Planning Committee.

### a) Summary

Statutory Return Type: 26. Other  
Council Interest: None

**b) Site Description**

- The land is occupied by a two-storey extended semi-detached house with an outbuilding in the rear garden (hardstanding).
- The house was extended with a part single and part two-storey rear extension and a rear dormer following the grant of planning permission on 5<sup>th</sup> November 2002.
- There are six self-contained flats within the main house; three on the ground-floor, two on the first-floor and one at second-floor level (within the roofspace).
- The seventh self-contained flat is within the detached outbuilding in the rear garden. This outbuilding is more than four years old and appears to have been built under permitted development.

**c) Proposal Details**

- The current application seeks a Certificate of Lawful Existing Use for the existing use of the main house as six self-contained flats and the outbuilding to the rear of the main house as a single self-contained flat. As a certificate is sought for an existing use, no development is proposed and no planning policies apply. The Certificate is sought on the legal test of 'the balance of probability' based on the evidence submitted.
- The Council have informed the owner/applicant that in the event of the refusal of this certificate application (submitted after the withdrawal of the Enforcement Notice) it is intended to re-issue the Enforcement Notice against the unauthorised use.

**d) Relevant History**

EAST/658/97/CL P	CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: SINGLE STOREY SIDE TO REAR EXTENSION	GRANTED 24-OCT-97
EAST/1179/01/F UL	FIRST FLOOR TWO STOREY REAR EXTENSION AND REAR DORMER	NO DECISION DEEMED REFUSAL 05-JUL-02
EAST/1000/02/F UL	FIRST FLOOR REAR EXTENSION AND REAR DORMER	GRANTED 05-NOV-02
ENF/0641/08/P	WITHOUT PLANNING PERMISSION, THE MATERIAL CHANGE OF USE OF THE SINGLE FAMILY DWELLINGHOUSE ON THE LAND TO USE AS SIX SELF CONTAINED RESIDENTIAL UNITS; AND THE MATERIAL CHANGE OF USE OF THE DETACHED OUTBUILDING IN THE REAR GARDEN ON THE LAND TO USE AS A SELF CONTAINED RESIDENTIAL UNIT; AND THE INSTALLATION OF 5 SATELLITE DISHES TO THE SIDE ELEVATION OF THE DWELLINGHOUSE AND ONE TO THE FRONT FACADE OF THE DETACHED OUTBUILDING	ENFORCEMENT NOTICE ISSUED 18-JAN-11 EFFECTIVE 07-MAR-11 WITHDRAWN (HELD IN ABEYANCE PENDING A DECISION ON THIS APPLICATION)

ENF/0034/11/P	WITHOUT PLANNING PERMISSION, THE MATERIAL CHANGE OF USE OF THE SINGLE FAMILY DWELLINGHOUSE ON THE LAND TO USE AS SIX SELF CONTAINED RESIDENTIAL UNITS; AND THE MATERIAL CHANGE OF USE OF THE DETACHED OUTBUILDING IN THE REAR GARDEN ON THE LAND TO USE AS A SELF CONTAINED RESIDENTIAL UNIT.	ENFORCEMENT NOTICE ISSUED 18/-JAN-11 EFFECTIVE 07-MAR-11 WITHDRAWN (HELD IN ABEYANCE PENDING A DECISION ON THIS APPLICATION)
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**e) Pre-Application Discussion**

- Please refer to the applicant's statement below.

**f) Applicant Statement**

- A single-storey rear extension and a single-storey detached outbuilding to the rear of the dwelling was constructed as permitted development shortly after the owner acquired the property in August 1999.
- February 2003 - the owner first let the outbuilding as residential accommodation.
- November 2002 - planning permission was granted for further extensions to the main dwelling (Ref: EAST/1000/02/FUL).
- January 2004 - Building Regulations approval was acquired for internal work to divide the dwelling into 5 separate dwellings.
- September/October 2004 - Letting of five of the six apartments commences.
- March 2005 - Sixth flat was first let following the subdivision of one of the larger flats into two smaller units.
- April 2009 - Shire Consulting is appointed by owner to act for him in respect of enforcement correspondence alleging unauthorised use of the premises at 52 Sheepcote Road.
- January 2011 - Council issues two Enforcement Notices on 18th January 2011 (see planning history).
- February 2011 - Meeting held with the Council in which it was agreed that it would be reasonable to allow the evidence of the use of the premises to be considered by means of this application.

**g) Consultations:**

Addresses consulted: 2 Ashburnham Avenue; 50 Sheepcote Road; 54 Sheepcote Road (Dental Surgery), Harrow High School, Gayton Road; Canteen, Harrow High School, Gayton Road.

Sent: 5

Replies: 1 plus one  
petition containing a total  
of 8 signatures

Expiry: 18-APR-11

**Summary of Responses:**

- The development is out of character with this suburban area
- The outbuilding (which I was told by the owner was going to be an office/playroom) is only one foot from my boundary line and my bungalow and the main house is an eyesore. The amount of rubbish collected in the front of the house shows that the property is not big enough for six flats.
- This is a case of gross overdevelopment. There are too many people living in the house as is evidenced by the state of the rubbish bins which are usually overfilled with waste.
- The development is out of character with the area which has a mix of semi-detached and detached bungalows and houses. The outbuilding which is close to No. 2 Ashburnham Avenue has spoiled the look of that bungalow.
- The claim that the outbuilding was intended to be used as an office does not stand up to examination. Mr Hashmi's agent, Shire Consulting, says in paragraph 2 of its submission, "*The bathroom was installed and Mr Hashmi's original intention was to use it as a home office. Subsequently the kitchen was installed and in February 2003 Mr Hashmi began to let the outbuilding as residential accommodation.*"
- The Council has previously confirmed in writing that developments at No. 52 Sheepcote Road have been implemented without planning permission and has proceeded with the issue of an Enforcement Notice.
- It will not reflect well on Harrow Council, having delayed so long in issuing the Enforcement Notice, if the development is allowed to stand without correction.
- All the undersigned object strongly to this application and urge the Council to refuse it.

**APPRAISAL**

**1) Introduction**

Circular 10/97 is relevant in the consideration of this application. Within Annex 8 of this circular, it is noted that "the burden of proof" in applications under this section is firmly with the applicant.

The relevant test is the 'balance of probability', and Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate".

**2) Assessment of evidence submitted by applicant in support of the application**

In order therefore to formulate a judgment on this application, three significant aspects need to be clarified:

1. Does the use of the property constitute a Large House in Multiple Occupation (LHMO) as defined in Circular 08/2010?;
2. What is the time-scale in which the existing use can become lawful?;
3. Is the evidence submitted sufficiently precise and unambiguous to justify the granting of a certificate?

**1. Does the use of the property constitute a Large House in Multiple Occupation (LHMO) as defined in Circular 08/2010?**

Large houses in multiple occupation – those with more than six people sharing – are unclassified by the Use Classes Order and are therefore considered to be ‘sui generis’ and as such require planning permission as they constitute a material change of use from a dwellinghouse (C3). The distinction between whether the property has been converted into self-contained flats or whether the living arrangements constitute a LHMO is an important one because a change of use from a dwellinghouse to self-contained flats requires proof that the change of use has existed continuously for a period of four years prior to the date the application was submitted in order to acquire immunity from enforcement action and/or obtain a Certificate of Lawful Existing Use (the four year rule); whereas if the change of use is from a dwellinghouse to a LHMO, proof is required that the change of use has existed continuously for a period of ten years prior to the date the application was submitted in order to acquire immunity from enforcement action and/or obtain a Certificate of Lawful Existing Use (the ten year rule).

To determine whether or not the property is a LHMO, it is useful to access the layout and the living arrangements of the residents.

The layout of the property indicates that the 6 units within the house are self-contained flats (i.e., each unit of accommodation has its own living room, shower/bath room and kitchenette facilities). The only communal parts of the house are the hallway and stairs and these elements are not sufficiently significant to suggest that the house is not being operated as 6 self contained units, but are rather an essential and therefore unavoidably-communal means of access to several of the units. .

The main house has been subdivided into one x 1 bed flat (Flat A) and two studio flats (Studio B and C) on the ground floor; two x 1 bed flats on the first floor (Flat D and Flat E) and another studio flat (Flat F) at second-floor level within the roofspace.

The detached outbuilding has been converted into a single 1 bed flat (Flat G).

The approximate gross internal floor space for each flat is as follows:

<b>Flat</b>	<b>Gross Internal Floor Area m<sup>2</sup> (approx.)</b>
Flat A	47.72
Studio B	26.38
Studio C	23.91
Flat D	34.96
Flat E	41.62
Studio F	18.74
Flat G (Outbuilding)	46.35
<b>TOTAL</b>	<b>239.68</b>

The current mode of living indicates that each tenant has their own unit with separate shower/bath room and kitchen facilities, removing any communal living in the property.

The overall conclusion to be drawn from the layout and the living arrangements of the residents is that the use of the property is more akin to self-contained units rather than a LHMO.

## **2. What is the time-scale in which the existing use can become lawful in?**

The dividing of a single dwellinghouse into two or more separate dwellinghouses is deemed by section 55(3)(a) of the Town and Country Planning Act 1990 to constitute a material change in the use of the building and of each part of it which is so used. Accordingly, the change of use of the main dwelling house at 52 Sheepcote Road into self-contained units constitutes a material change in each part that is now a separate dwellinghouse. The change of use of the outbuilding into a self-contained flat also constitutes a material change of use.

By virtue of section 171B(1)(2) of the Town and Country Planning Act 1990, the time limit for taking enforcement action against the change of use of the main dwellinghouse and the outbuilding, is four years from the date the breach first occurred.

If no enforcement action has been taken within the 4 year period, the change of use will become lawful (section 191(2) Town and Country Planning Act 1990) and may be so certified by a lawful development certificate.

The relevant time for determining whether the change of use has become lawful is at the date of the application and the onus of proof rests firmly on the applicant. To be lawful, the applicant must demonstrate, on the balance of probabilities, that the main house has been used as 6 self-contained flats and the outbuilding as a self-contained flat for a continuous period of four years prior to the date the certificate application was received by the Council (i.e. March 2011). Accordingly, any evidence submitted should (at least) cover the period March 2007 to March 2011.

## **3. Is the evidence submitted sufficiently precise and unambiguous to justify the granting of a certificate?**

In support of the application, the applicant submitted a number of documents to the Council including a sworn affidavit, a list of tenancies and copies of tenancy agreements (the tenancies have been summarised in the schedule attached to this report).

The tenancy agreements provided to the Council in support of the application show that the 6 flats in the main dwellinghouse (flats A-F) had tenants occupying them from as early as 2004. The evidence provided to show the use of the outbuilding as a self contained flat shows that the outbuilding was occupied from as early as 2003.

Although the submitted evidence shows that there were periods of time where some of the flats remained unoccupied, the gaps are not sufficiently long enough for officers to conclusively infer that use of the relevant flats as self-contained units ceased prior to the four year period.

The applicant has not supplied tenancy agreements to cover some of the periods in which he states the flats were occupied (see attached Schedule in respect of flats E, Flat F and Outbuilding). This is, however, not considered to be fatal to the application since the applicant has provided a sworn affidavit which covers the relevant periods and the Council has no evidence of its own to counter the applicant's claim.

The affidavit provided by the applicant is sworn in Pakistan, but it is officers understanding that the affidavit is, nonetheless, valid evidence under UK law.

The Council's senior planning solicitor reviewed the evidence submitted in support of the application. Having reviewed the evidence, the senior planning solicitor's opinion is that, on the balance of probability, it is more likely than not that the main house has been used as six flats and the outbuilding as a self-contained flat for more than four years.

Council Tax records show that the applicant started paying council tax in relation to seven flats from 30 September 2009. The Council's Electoral Register does not reflect the fact that there are seven self contained flats on the land. However, these facts are not enough to conclusively refute the information/evidence submitted by the applicant in support of the application.

Government guidance (Annex 8 to Circular 10/97) advises that evidence submitted in support of applications for lawful development certificates should be considered objectively by the LPA, and where the LPA has no evidence of its own or from others to contradict the applicant's claim, there is no good reason to refuse the application.

Evidence provided by interested third parties – petitions and letters of objection

A letter of objection and a petition signed by eight neighbouring residents has been received in response to the application. Comments in both the letter of objection and the petition refer to the detrimental impact of the existing unauthorised use upon local residential and visual amenity. Whilst these comments for the most part, may be viewed as legitimate planning concerns, in the context of an application for a certificate of lawful existing use, the planning merits or impact of the application are not relevant to the determination of the application. The issues for determination are purely legal.

**CONCLUSION**

It is considered that sufficient evidence has been provided to demonstrate that, on the balance of probability, the main dwelling house at 52 Sheepcote Road, Harrow, HA1 2JF has been in use as six self-contained flats and the outbuilding to the rear of the main dwellinghouse as a single self-contained flat for a continuous period of at least 4 years prior to the date the application was submitted and that as the Council has no evidence of its own or from others to contradict the applicant's claim, there is no good reason to refuse the application.

A certificate of lawful existing use should therefore be granted.



**DETAIL OF FORMAL DECISION NOTICE**

The Local Planning Authority is satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probability, the main dwellinghouse at 52 Sheepcote Road, Harrow, HA1 2JF has been in use as six self-contained flats and the outbuilding to the rear of the main dwellinghouse as a single self-contained flat, (as detailed on drawings, 'Ground Floor', 'First Floor', 'Loft' and 'Outbuilding G' received by the Local Planning Authority on 23 March 2011) for a continuous period of at least 4 years prior to the date of this application and that a Certificate of Lawful Existing Use should therefore be granted in accordance with Section 191 of the Town and Country Planning Act 1990.

The use of the land as noted above is immune from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended) and is now considered to be lawful.

**INFORMATIVES**

None Required

Plan Nos: 'Ground Floor', 'First Floor', 'Loft' and 'Outbuilding G' received by the Local Planning Authority on 23 March 2011; Site Plan

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464 PINNER ROAD, HARROW, HA2 6EG

Item: 2/05

P/0724/11

Ward HEADSTONE NORTH

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: SINGLE STOREY  
REAR EXTENSION AND ALTERATION TO EXTERNAL ELEVATIONS

**Applicant:** Ms Victoria Silver

**Agent:** Mr James Rush

**Case Officer:** Andy Parker

**Statutory Expiry Date:** | 13-MAY-11

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## RECOMMENDATION

**GRANT** a Certificate of Lawful Proposed Development for the development described in the application and submitted plans.

## REASON

The decision to recommend grant of a Certificate of Lawful Proposed Development has been taken having regard to the limitations set out in Schedule 2 Part 1, Class A, of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse.

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## MAIN CONSIDERATIONS

### 1) Compliance with Permitted Development Limitations

## INFORMATION

This application is reported to the Committee because the applicant is a Council Member

### a) Summary

Statutory Return Type: 26. Other

Council Interest: None

### b) Site Description

- This application concerns a two storey semi-detached property, located on the north-west side of Pinner Road, a major road.
- The property has an original single storey rear projection.
- The area is predominantly characterised by a mixture of semi-detached, terraced properties and blocks of flats.

### c) Proposal Details

- The existing single storey rear projection is to be demolished.
- The proposed single storey rear extension would be 3m deep and 6.2m wide.
- The extension would have a pitched roof that would have a maximum height of 3.76m high and an eaves level of 2.72m.

- The extension would provide an extension to an existing dining room and kitchen.
- Three rooflights are proposed in the roof slope.
- The existing kitchen door and window in the flank wall that would face no.1 Headstone Lane would be blocked up.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- N/A.

**g) Consultations:**

- No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

**APPRAISAL**

**1) Compliance with Permitted Development Limitations**

This Certificate of Lawful Proposed Development application relates to proposed alterations to the dwellinghouse to erect a single storey rear extension.

This Certificate of Lawful Proposed Development application relates to a proposed single storey rear extension. Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to the enlargement, improvement or other alteration of a dwellinghouse is therefore the relevant class in relation to the proposed development.

Section A.1 of the above order states that 'development is not permitted by Class A if-'

*(a) as a result of the work, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

The proposed single storey rear extension would not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeding 50% of the total area of the curtilage.

*(b) the height of the part of the building enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.*

No part of the proposed single storey rear extension would exceed the height of the highest part of the roof of the existing dwellinghouse.

*(c) the height of the eaves of part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the original dwellinghouse*

The proposal would not exceed the height of the eaves of the original dwellinghouse.

*(d) the enlarged part of the dwellinghouse would extend beyond a wall which-*  
*(i) fronts a highway, and*  
*(ii) forms either the principal or a side elevation of the original dwellinghouse*

The proposal would not extend beyond a wall which fronts a highway and does not form the principal or a side elevation of the original dwellinghouse.

*(e) the enlarged part of the dwellinghouse would have a single storey and-*

*(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*

*(ii) exceed 4 metres in height*

The proposal would extend beyond the rear wall of the original semi-detached dwellinghouse by 3m and would be 3.76m high.

*(f) The enlarged part of the dwellinghouse would have more than one storey and*

*(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*

*(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse*

The proposal would not have more than one storey.

*(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves would not exceed 3 metres.*

The proposal would be within 2 metres of the dwellinghouse and the height of the eaves would be 2.72m.

*(h) The enlarged part of the dwellinghouse would extend beyond a wall fronting a side elevation of the original dwellinghouse, and would-*

*(i) exceed 4 metres in height,*

*(ii) have more than one storey, or*

*(iii) have a width greater than half the width of the original dwellinghouse, or*

*(i) it would consist of or include-*

*(i) The construction or provision of a veranda, balcony or raised platform,*

*(ii) The installation, alteration or replacement of a microwave antenna,*

*(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or*

*(iv) An alteration to any part of the roof of the dwellinghouse.*

The proposal would not extend beyond a wall fronting a side elevation of the original dwellinghouse. The proposal does not include any of the above.

Section A.2 of the above order states that 'development is not permitted by Class A if-

*In the case if a dwellinghouse on article 1(5) land, development is not permitted by Class A if-*

- (a) it would consist of include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, or*
- (c) the enlarged par of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse.*

The proposal is not located on article 1(5) land.

Section A.3 of the above order states that 'development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those use in the construction of the exterior of the dwellinghouse;*
- (b) any upper-floor windows located in a wall or roof slope forming a side elevation of dwellinghouse shall be-*
  - (i) obscured-glazed and*
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7metres above the floor of the room in which the windows are to be installed; and*
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof of the pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The materials used to construct the rear extension and to block the existing kitchen door and window would be of a similar appearance to those used in the construction of the exterior of the existing dwelling house. The proposal would be single storey.

The proposed single storey rear extension would be built entirely within the curtilage of the dwellinghouse and there are no planning conditions removing permitted development rights or any other relevant developments on the land.

## **CONCLUSION**

For all the reasons considered above, the proposal complies with the relevant limitations set out in Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse. It is therefore recommended that a Certificate of Lawful Proposed Development be issued.

## **DETAIL OF FORMAL DECISION NOTICE**

1. The proposed single storey rear extension and external alterations are within the tolerances of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
2. The proposal is therefore a lawful development.

## **INFORMATIVES**

### **1 PARTY WALL ACT**

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

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

### **3 PERMITTED DEVELOPMENT**

You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development. In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 1 October 2008. For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on:

<http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: [http://www.opsi.gov.uk/si/si2008/uksi\\_20082362\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1).

Plan Nos: Site Plan; 0779.1

**LAND ADJACENT TO 29 SUMMIT CLOSE, P/0595/11  
EDGWARE, HA8 6EJ**

Ward: Edgware

DEMOLITION OF 2 BLOCKS OF LOCK UP GARAGES; REDEVELOPMENT TO PROVIDE THREE DETACHED SINGLE STOREY HOUSES WITH PARKING, LANDSCAPING AND BIN STORE (RETROSPECTIVE)

**Applicant:** Pinner Developments

**Agent:** Neil Hammond

**Case Officer:** Olive Slattery

**Statutory Expiry Date:** | 19-MAY-11

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## **RECOMMENDATION**

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

**Reason:** - The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for housing, as well as to all relevant material considerations including any comments received in response to publicity and consultation. The proposed development is considered to be consistent with the character and appearance of the area, would not adversely affect the amenities of neighbouring occupiers and would not give rise to security issues.

### **National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 25 – Development and Flood Risk (2010)

### **The London Plan**

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

3A.2 - Borough Housing Targets

3A.3 – Maximising the Potential Use of Sites

3A.4 - Efficient Use of Stock

3A.5 - Housing choice

3A.6 – Quality of New Housing Provision

4B.1 - Design Principles for a Compact City

4B.5 – Creating an Inclusive Environment

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

London Housing Design Guide: Interim Edition (2010)

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

S1 – The Form of Development and Pattern of Land Use

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

EP12 – Control of Surface Water Run-Off

EP20 – Use of Previously-Developed Land  
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EP21 – Vacant and Disused Land and Buildings  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards

Supplementary Planning Document – Residential Design Guide (2010)  
Supplementary Planning Document – Accessible Homes (2010)  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)  
Supplementary Planning Guidance: Designing New Development (2003)

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

- 1) Principle of Development (PPS1, PPS3, 3A.1, 3A.2, 3A.3, 3A.5, EP20)
- 2) Character and Appearance of the Area (4B.1, D4, D9, SPD – Residential)
- 3) Residential Amenity (D5, SPD – Residential )
- 4) Traffic and Parking (T6, T13)
- 5) Accessibility (3A.5, C16, SPD – Access)
- 6) Drainage (PPS25, EP12)
- 7) S17 Crime & Disorder Act (4B.1, 4B.6, D4, SPG – Design)
- 8) Consultation Responses

**INFORMATION**

This application is reported to Committee as the development is for three dwellinghouses.

**a) Summary**

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

**b) Site Description**

- The residential dwellings within Summit Close were developed in 1959 when a proposal for 9 x 2 storey blocks of 4 maisonettes (36 dwellings in total) was approved. As part of the overall development 24 single garages were constructed at the north-eastern and north-western ends of Summit Close for the use of the residents of the dwellings.
- The subject planning application applies to an irregular shaped site located at the north-western corner of Summit Close. The application site previously accommodated 18 adjoining single-storey garages, and scattered vegetation.
- The land falls gently from the south to the north of the site.
- A public footpath, connecting Summit Close to Methuen Close (north-west of the site), runs along the eastern boundary of the application site. A 2m high corrugated iron fence separates this public footpath from Edgware Town Football Club which is to the east of the application site.
- The western boundary of the site is a shared boundary with the rear gardens of properties along Milford Gardens and Methuen Close.



- Under Planning Reference P/1146/10, planning permission was granted, subject to a number of conditions, for re-development of the plot by way of demolition of the lock-up garages and the construction of three detached dwellinghouses.
- The development of these dwellinghouses has commenced on site and they are now substantially complete. However the pre-commencement conditions attached to this approved scheme were not discharged.

**c) Proposal Details**

- Retrospective planning permission is sought for the demolition of the two blocks of lock-up garages and the construction of three detached single storey dwellinghouses.
- With the exception of internal and external finishes, the construction of the dwellinghouses is substantially complete.
- Each of the dwellinghouses is 6.6 m in depth and 15.2 m in width. The northernmost dwellinghouse has a slightly chamfered north-western corner.
- The dwellinghouses have raised monopitch roof profiles, beyond which flat roofs extend.
- Taken from the adjacent footpath, the height of the individual units are as follows:
  - The maximum height of Unit 1 (sited towards the southern site boundary) is 5m, with the lowest point being 3.3m.
  - The maximum height of Unit 2 (the middle unit) is 5m, with the lowest point being 3.5m.
  - The maximum height of Unit 3 (sited towards the northern site boundary) is 5.3m, with the lowest point being 2.5m.
- Once complete, Unit 1 and Unit 2 will have three bedrooms, a kitchen/living room, a bathroom, a separate WC, an en-suite bathroom and a utility room. These units also have a mezzanine level above the kitchen/living room. With the exception of the mezzanine levels, the layout of these units is largely as per the approved layout under Planning Reference P/1146/10.
- The current layout of Unit 3 is substantially different from the approved layout. However, under the current application, it is proposed to carry out internal alterations such that the layout would be largely similar to the approved layout. Following the proposed alterations, unit 3 will have three bedrooms, a kitchen/living room, a bathroom, a separate WC/cloakroom and a mezzanine level.
- The front elevations of the proposed dwellinghouses face towards the existing public footpath to the east of the application site.
- The private amenity space has not yet been subdivided. Under the current proposal, proposed private amenity space for Unit 1, 2 and 3 would have an area of approximately 73 m<sup>2</sup>, 117 m<sup>2</sup> and 89 m<sup>2</sup> respectively. The private amenity space for the units would be subdivided by 1.8 m high timber fences.
- 1.8 m high timber fences are also proposed between the properties (fronting the pedestrian path). These fences would feature access gates to provide access to the rear gardens of the properties.
- A communal area of hardstanding and soft landscaping is proposed at the southern part of the site where four on-site parking spaces and an enclosure for refuse storage are proposed.

**d) Relevant History**

P/794/05/CFU    Redevelopment: construction of terrace of 5 x 2    REFUSED:  
storey houses (revised)    11-MAY-05

DISMISSED  
ON  
APPEAL

**Reasons for Refusal:**

1. The proposed development, by reason of excessive number of units, site coverage by building and hard surfacing, a lack of space around the building and associated disturbance and general activity, would be an over intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area.
2. Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s).
3. The proposed development, by reason of excessive size, bulk and unsatisfactory design, would be visually obtrusive and overbearing, would be out of character with neighbouring properties and would not respect the scale and massing of those properties to the detriment of the visual amenities of the neighbouring residents and the character of the locality.

P/2035/06    Demolition of 2 blocks of lock up garages and re-    NON-  
development to provide 3 detached single storey    DETERMIN  
houses with parking    ATION  
ALLOWED  
14-DEC-07

- The applicant appealed to the Planning Inspectorate against non-determination
- The Council's subsequent statement to the Planning Inspectorate stated that had an appeal not been lodged, planning permission would have been refused for the following reasons:
  1. The proposed houses, by reason of excessive site coverage, unsatisfactory siting, poor aspect/outlook and lack of satisfactory and adequate amenity space would give rise to an unacceptable and cramped form of development which would provide poor/unsatisfactory living conditions to the detriment of the character and appearance of the area and the amenities of future occupiers of the proposed development, contrary to policies SD1, SH1, D4 and D5 of the Harrow Unitary Development Plan (2004).
  2. The proposed development, by reason of inappropriate design and layout, would not meet Secured by Design or Lifetime Homes standards, contrary to policies SD1, D4 and H18 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Documents 'Accessible Homes' (2006) and 'Access for All' (2006).
- The appeal was subsequently allowed, subject to a number of conditions. In determining the appeal, the Inspector concluded:
- The development would not appear overbearing to pedestrians (using the footpath) because of its limited height and elevations which are broken up in

design terms and contain a number of windows.

Item 2/06 : P/0595/11 continued/...

- There would be an adequate amount of garden space around the houses and the proposed layout and site coverage would sufficiently reflect the spaciousness of its locality.
- The development would improve the character and appearance of the surrounding area.
- The proposed development would contribute to housing choice by providing a type of home not currently available in the area. It would also secure the re-use of underused previously development land.
- A number of windows would face onto the footpath and the additional lighting that would be brought into this area would contribute to the surveillance of the footpath and the general safety of the surrounding area.
- Whilst the outlook onto the footpath and its boundaries is not attractive, the proposal achieves an appropriate balance between the needs of future occupiers and safety, both real and perceived, of the residents in the area wishing to use the footpath, who would be subject to passive surveillance.
- The proposed development would provide accommodation to a high degree of accessibility which is desirable in single storey housing.

P/1146/10                      DEMOLITION OF 2 BLOCKS OF LOCK UP      GRANTED  
GARAGES;                      REDEVELOPMENT                      TO      19-OCT-10  
PROVIDE THREE DETACHED SINGLE  
STOREY HOUSES WITH PARKING

**e) Revisions to previously approved scheme, P/1146/10**

- The dwellings under consideration follow similar design principles to that of the dwellings previously granted.
- Minor changes to the fenestration, including the removal of high level glazing from the rear elevation
- Changes to the Internal layout include the provision of mezzanine levels in each of the proposed dwellings.
- Unit 3 would be sited adjacent to the western site boundary. Under planning reference P/1146/10, a gap of 1 m was proposed.
- Under the current proposal, the proposed private amenity space for Unit 1, 2 and 3 would have an area of approximately 73 m<sup>2</sup>, 117 m<sup>2</sup> and 89 m<sup>2</sup> respectively. Under the previously approved scheme, the proposed private amenity space for Unit 1, 2 and 3 was approximately 88 m<sup>2</sup>, 120 m<sup>2</sup> and 100 m<sup>2</sup> respectively.
- Although the number and siting of the pockets of proposed landscaping has not been changed, the layout of a number of these pockets has been slightly amended.

- Taken from the adjacent footpath, the height of the individual units are as follows:

	<b>As Constructed</b>	<b>As Approved</b>
Unit 1	The maximum height is 5m, with the lowest point being 3.3m.	The maximum height is 4.9m, with the lowest point being 3.4m.
Unit 2	The maximum height is 5m, with the lowest point being 3.5m.	The maximum height is 4.9m, with the lowest point being 3.6m.
Unit 3	The maximum height is 5.3m, with the lowest point being 2.5m.	The maximum height is 5.2m, with the lowest point being 3m.

**f) Pre-Application Discussion**

- None

**g) Applicant Statement**

- Design and Access Statement submitted
- Generally the buildings are located in approximately the same location as previously approved, their repositioning being necessary due to the location of the foul and surface water sewers.
- The layout is in the form of detached units with living rooms having dual aspect and all bedrooms facing the private rear gardens
- Hard paving using pervious block pavers will be used in the new parking area and walkways.
- The dwellings will be timber clad and rendered with glazing to suit the internal layout
- The layout provides enhanced security with overlooking onto the improved public footpath and new carpark
- The footpath will have the benefit of improved lighting
- The units have been designed to accommodate wheelchair users and the provision of all services will be to Lifetime Homes Standards.

**h) Consultations:**

- Landscape Architect - No objections to the proposal
- Highway Engineer – No objections to the proposal
- Drainage Engineer - No objections to the proposal
- Environment Agency - No objections are raised.

**Notifications:**

Sent: 71

Replies: 6

Expiry: 19-APR-11

**Neighbours Consulted:**

Milford Gardens: 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

Methuen Close: 21, 22, 23, 24, 25, 26, 27, 28

Summit Close: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 36, 38, 40, 42, 44

Portland Crescent: 1, 2, 3, 4, 5, 6

Edgware Town Football Club

Garages at rear of 23 Summit Close

Garages at rear of 44 Summit Close

Open space at rear of Football ground

Tennis Courts adjacent to Football ground

**Summary of Response:**

- How can the properties be called 'single storey houses' when it is clear from the plans that there is a mezzanine floor included. This has pushed the height of the buildings to much higher than imagined from the description
- Unhappy with cedar cladding as after a period time it looks unfinished.
- It will impact upon the value of No. 8 Milford Gardens as it is overbearing from the back garden
- How can it be classified as friendly to wheelchair users and life time homes compliant as there is a stairs to enter the development
- With regard to the quality of the build, foundations were poured during freezing conditions.
- Two of the three houses are very close to the fence at No. 11 Milford Gardens.
- The windows and patio doors are facing towards the rear of No. 11 Milford Gardens, causing overlooking and loss of privacy
- The construction has upset the various species of birds that frequently feed in the garden
- Has full and proper planning permission been granted or have the houses been built illegally without the necessary approval by the Council.
- The occupiers of No. 16 do not recall receiving any notice of application recently for these houses.
- Style of the subject houses do not blend in with other houses in the neighbourhood.
- The front doors are very close to the public footpath running alongside the houses
- Additional houses in that location will invariably put heavy stress on the local community, as well as ancillary and emergency services
- Insufficient parking
- The built development is cramped
- It makes using the footpath feel unsafe, particularly at night
- It is mentioned in the Design and Access Statement that the existing footpath is to be improved but this is not evidenced in the plans
- The fact that these properties adjoin a disused football ground will certainly affect the viability and selling prospects of this whole development.
- If this includes the garage of No. 27, nobody has contacted the owner of No. 27 Summit Close about this – how can the development proceed?

## **APPRAISAL**

Following an appeal decision (ref APP/M5450/A/07/2045563), planning permission was granted on 19<sup>th</sup> October, 2010 under Planning Reference P/1146/10 for the 'Demolition of 2 blocks of lock up garages and the redevelopment of the site to provide three detached single storey houses with parking'. A number of pre-commencement conditions were attached to this approval which required the applicant to submit details of the scheme prior to the commencement of works.

These conditions related to the submission of details in relation to materials, boundary treatment, hard and soft landscaping and drainage.

However, the development commenced on site without prior approval of these details by the Council. Accordingly, the development on site no longer benefits from planning permission and is therefore currently unlawful. In order to regularise this, the applicant has submitted this retrospective planning application for this development on site.

The differences between this current scheme and the approved scheme (under Planning Reference P/1146/10) is outlined in section (e) above.

As per the previously approved planning application, P/1146/10, the appeal decision relating to the development of three dwellinghouses (ref APP/M5450/A/07/2045563) on 14<sup>th</sup> December 2007 is a material planning consideration in the assessment of this current proposal.

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

The principle of a development has been established with the decision by The Planning Inspectorate to allow 3 detached single storey houses with parking on the site.

Planning Policy Statement 3: Housing (2010) (PPS3) states that 'The priority for development should be previously developed land, in particular vacant and derelict sites and buildings'. Further to this, annex B of PPS3 states that previously-developed land is land 'which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' Saved policy EP20 states that 'The Council will seek to secure all new build development to take place on previously-developed land, with the exception of ancillary development necessary to support appropriate open space, metropolitan open land and green belt uses'. As the site previously accommodated 18 single-storey garages, it is therefore considered that it was previously developed land (prior to the construction of the dwellinghouses) for the purposes of PPS3. Housing development on this site is therefore considered appropriate in principle.

Policy 3A.1 of The London Plan (2008) sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. Policy 3A.5 of the London Plan encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing.

Accordingly, the redevelopment of this site for residential purposes is consistent with Planning Policy Statement 3: Housing (2010), policies 3A.1 and 3A.5 of The London Plan (2008) and saved policy EP20 of the Harrow Unitary Development Plan (2004), as it proposes the redevelopment of the site while providing an increase in overall residential units in the Borough.

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

Policy 4B.1 of The London Plan (2008) seeks to ensure that developments should promote high quality inclusive design and create or enhance the public realm. Saved Policy D4 of the HUDP (2004) paragraph 4.10 states that “Buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces”.

Summit Close predominantly consists of two storey pitched roof blocks, each of which accommodates 4 maisonette flats. A more recent development approved in 2003 and constructed soon thereafter, encompassed 3 pairs of 2 storey semi-detached houses (6 dwellings), located at the entrance of Summit Close. The adjacent street Milford Gardens (backing onto the subject site) accommodates 2 storey semi-detached dwellings. Accordingly the predominant characteristic of the locality is of detached/semi-detached residential blocks.

It is acknowledged that the design of the proposed dwellings is different to the established character of the neighbouring dwellings. However, it is considered that, due to the unique location of the application site at the very end of the cul-de-sac, abutting the rear gardens of residential properties, the site lends itself to take on a different type of development as opposed to replicating the existing pattern of development in the area. It is therefore considered that the most appropriate scale of residential redevelopment on this particular site is single storey.

When compared to the scheme allowed on appeal under reference APP/M5450/A/07/2045563 and the subsequently approved scheme under Planning Reference P/1146/10, the current proposal incorporates minor changes to the siting and design of the dwellings, as detailed in section (e) above.

The design of the dwellings on the application site follows similar design principles to the dwellings approved under both previous schemes and the floor areas of the dwellings, as constructed, is no larger than the approved dwellings. It is noted that there are slight variations to the heights of the buildings on site, when compared with both of the approved schemes. However, it is considered that the overall heights of the buildings are consistent with the heights of the approved buildings, when viewed from the street and no objection is therefore raised in relation to this. It is therefore considered that the dwellings under consideration would not be more overbearing or obtrusive in the street scene than the permitted dwellings.

One of the pre-commencement conditions under the approved scheme P/1146/10 related to the approval by the Council of the external finishes of the proposed buildings. Although development has commenced on site, the external finishes of the buildings have not been completed on site. The applicant has advised that the existing asphalt roof will be overlaid with 'striated dark grey prominade tiles' by Castile Composites Ltd. The elevations of the proposed dwellings would be comprised of 'colourless' woodstain 'siberian larch tongue and grooved channel cladding' and white rendered walls. Dark grey UPVC windows are also proposed. Having particular regard to the unique design and location of these dwellings, no objection is raised with respect to these proposed materials. 1.8 m high timber boundary fences are proposed along the site boundaries and to sub-divide the private amenity spaces for each of the units. This is considered to be acceptable.

In recommending the planning application P/2035/06 for refusal, the Council considered that the proposed development by reason of excessive site coverage and unsatisfactory siting would give rise to an unacceptable and cramped form of development. In determining the appeal, the Inspector stated that 'Although the development would be close to the back of the footpath, I do not consider that the development would appear overbearing to pedestrians because of its limited height and elevations which are broken up in design terms and contain a series of windows'. The primary difference between the approved planning application P/1146/10 and the scheme allowed on appeal (under reference APP/M5450/A/07/2045563) was the re-siting of the proposed dwellings. This was necessary due to the location of the foul and surface water sewers in the application site. Since this revised siting resulted in a greater separation distance between the proposed dwellings and the existing footpath, it therefore reduced the impact of the proposed dwellinghouses in relation to the existing footpath. Under the current proposal, a similar relationship is provided and no objection is therefore raised in relation to this siting.

It is noted that the shared boundary with No. 10 Milford Gardens is not in the same location as the approved scheme under Planning Register P/1146/10 and that Unit 3 is sited closer to the rear boundary with No. 10 Milford Gardens than previously approved. Boundary issues between neighbours are not a material planning consideration and since the dwellings under consideration are broadly in the same position as the approved plans (under P/1146/10), the overall relationship between the dwellings under consideration and the dwellinghouses along Milford Gardens is not substantially different to either of the approved schemes. Accordingly no objection to this siting is therefore raised.

It was considered by the Inspector (under reference APP/M5450/A/07/2045563) that the proposed open space at the front of unit 1 'would be significantly more attractive than the run-down appearance of the existing garage block and hard standing'. The Inspector concluded that 'the proposed layout and site coverage would reflect the spaciousness of its locality.....the development would improve the character and appearance of the surrounding area'. Given this conclusion and the fact that the current proposal is similar in terms of design, size, scale, siting and number of proposed dwellings, an objection to the proposed site coverage, design or siting of the proposed dwellings could not reasonably be sustained in this instance.



Saved Policy D4 of the HUDP (2004) paragraph 4.22 states that '*Landscaping should be considered as part of the overall design of a site...Replacement planting will be required as needed*'. Prior to the construction of the dwellings, the majority of the application site was hard-paved. However, there were a number of semi-mature trees and a large mature oak tree on the application site. Under the previously allowed schemes, it was proposed to remove several of the semi-mature trees in order to construct the proposed dwellinghouses. The majority of these trees have now been removed. However, the large oak tree remains on the site and it was noted on site inspection that this tree has now been protected. The Council's Tree Officer has visited the site and has advised that subject to this protective fencing being retained during construction works, there is no objection to this proposal.

One of the pre-commencement conditions under the approved scheme P/1146/10 related to the approval by the Council of a hard and soft landscaping scheme for the site. Under the current application, the applicant has submitted a landscaping scheme for the entire site and this includes replacement trees. Similar to the previously approved scheme, P/1146/10, soft landscaping is proposed in the communal area of hardstanding at the southern part of the site and between the front elevations of the dwellings and the footpath. Although the number and siting of the pockets of proposed landscaping has not been changed, the layout of a number of these pockets has been slightly amended. The amount of landscaping overall is however consistent with the amount of landscaping approved under Planning Reference P/1146/10 and it is considered that this represents an improvement to the scheme allowed on appeal. It is considered that this would assist in the integration of this proposed development into the site, in accordance with saved policy D4 and D9 of the HUDP (2004). Marshalls 'Brindle' permeable paving is proposed which is subtle, muted and not visually obtrusive and considered suitable in order to preserve the visual aesthetics of the area. The subject planning application was referred to the Council's Landscape Architect who has advised that the submitted landscaping scheme is acceptable, subject to a suitable condition in relation to implementation of the proposed landscaping scheme.

Paragraph 4.24 of saved Policy D4 of the HUDP (2004) states that bin and refuse storage must be provided "in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection". A bin enclosure (5.8 m<sup>2</sup>) is proposed towards the south-western site corner which would store refuse bins and recycling bins for the three dwellinghouses. It is considered that the proposed siting of the refuse storage would be acceptable as the proposed enclosure would be largely concealed from the street. The proposed bin enclosure would be comprised of 1.8 m high close-boarded fencing and there is no objection to this. It is also considered that the bins would be sited an acceptable distance from the existing neighbouring dwellinghouses so as not to inconvenience future occupiers when depositing rubbish. A condition is recommended requiring the bins to be stored in this area, except on collection days. It is therefore considered that the proposed bin enclosure would be compliant with saved policy D4 of the HUDP (2004). An enclosure for electricity and gas metres would be sited adjacent to the proposed bin enclosure. The height, composition and footprint of this enclosure would be similar to that of the proposed bin store and no objection is raised in relation to its siting or design.

**3) Residential Amenity**

▪ Impact on neighbouring dwellings:

As per section (e) above, the siting and design of the dwellinghouses on site are largely similar to the siting and design of the previously approved dwellinghouses.

It is noted that there is a slight variation in the height of the dwellings constructed on site when compared to the height of the dwellings approved under Planning Reference P/1146/10. Notwithstanding the provision of a mezzanine level within each of the dwellings, the overall heights of the buildings on site are largely consistent with the approved heights. Accordingly, it is deemed that this slight variation in the building heights is not material and it would not therefore result in any undue overshadowing or loss of outlook to the occupiers of the properties along Milford Gardens, when compared to the approved dwellings. Notwithstanding the provision of a mezzanine level, the approved form of the dwellings has not been altered under the current proposal. No objection is therefore raised in relation to the height and form of the buildings as constructed. Should the approved development have been implemented and occupied, the subsequent internal provision of mezzanine floors would not have required planning permission.

The high level glazing on the rear elevations of the dwellings, which was approved under Planning Register P/1146/10, has been removed under the current proposal. It is considered that this is a positive aspect of the proposal as it has removed any perceived element of overlooking of the properties along Milford Gardens. The fenestration serving the proposed mezzanine levels faces towards Edgware Town Football Club and accordingly this would not give rise to overlooking of the neighbouring properties along Milford Gardens. The internal layout of the dwellings is such that the habitable rooms are orientated towards the rear boundaries of the properties along Milford Gardens. Given that these are at ground floor level, they would not therefore give rise to overlooking or loss of privacy for the occupiers of the properties along Milford Gardens. This is consistent with the Inspectors decision under reference APP/M5450/A/07/2045563 and the subsequently approved scheme under Planning Reference P/1146/10.

It is noted that Unit 3 is sited 1 m closer to the rear boundary with No. 10 Milford Gardens than previously approved. However this is mitigated by the presence of an outbuilding in the rear garden corner of No. 10 which would buffer the impact of this siting. Furthermore, it is considered that the overall relationship between the dwellings under consideration and the dwellinghouses along Milford Close is not substantially different to either of the approved schemes and accordingly, an objection is not therefore raised.

▪ Outlook and Private Amenity Space for the Intended Occupiers

In recommending the planning application P/2035/06 for refusal, the Council considered that the proposed development by reason of poor aspect/outlook and lack of satisfactory and adequate amenity space would give rise to an unacceptable and cramped form of development which would provide poor/unsatisfactory living conditions to the detriment of the amenities of future occupiers. In determining the appeal, the Inspector stated that 'whilst the outlook onto the footpath and its boundaries is not attractive, I consider that the proposal achieves an appropriate balance between the needs of future occupiers and the safety, both real and perceived, of residents in the area wishing to use this footpath who would be subject to passive surveillance'. Under the previous application, the proposed bedrooms faced towards the rear gardens of the proposed units, while the proposed kitchen/living room had a dual aspect. Whilst there has been a slight amendment to the internal layout of the dwellings, the overall layout remains unchanged. Having particular regard to the Inspectors conclusions, it is considered that this part of the proposal is acceptable.

Under the current proposal, the proposed private amenity space for Unit 1, 2 and 3 would be approximately 73 m<sup>2</sup>, 117 m<sup>2</sup> and 89 m<sup>2</sup> respectively. This is not substantially different to the approved scheme P/1146/10, whereby the proposed private amenity space for Unit 1, 2 and 3 was approximately 88 m<sup>2</sup>, 120 m<sup>2</sup> and 100 m<sup>2</sup> respectively or indeed to the scheme allowed on appeal whereby private amenity space of approximately 120 m<sup>2</sup>, 93 m<sup>2</sup> and 175 m<sup>2</sup> was proposed for Unit 1, 2 and 3 respectively.

In determining this appeal, the Inspector deemed that 'the proposal would provide an adequate amount of garden space for future occupiers'. Accordingly, and taking into account the appeal decision on this site, it is considered that this aspect of the proposal would be acceptable.

▪ Room Size and Layout

Following public consultation, the Council's Supplementary Planning Document – Residential Design Guide (2010) has been recently adopted which sets out space standards for flats and new housing. The standards in the SPD follow on from the standards within the draft London Plan. Though not formally adopted, the Interim London Housing Design Guide 2010 (ILHDG) has been produced in response to public consultation on the Draft London Housing Design Guide 2009 and is due to be formally adopted in 2011. The internal and external space standards within the guide have not been amended after the original consultation period and as such, it is considered that the ILHDG provides important space indicators which are relevant to the determination of this planning application.

The proposed Gross Internal Area and room sizes of the current scheme are shown in the table below, along with the minimum floor areas for rooms as recommended by the ILHDG.

	<b>Essential GIA (sq.m)</b>	<b>Bedrooms</b>	<b>Kitchen/ Living</b>
<b>LHDG (2010)</b>	3 b 4 p = 74 sq.m	12m <sup>2</sup> =double 8m <sup>2</sup> =single	4 p = 27m <sup>2</sup>
Unit 1	87 sq.m	(1) 9 m <sup>2</sup> (2) 9 m <sup>2</sup> (3) 13.5 m <sup>2</sup>	29 m <sup>2</sup> + 9.6 m <sup>2</sup> = 38.6 m <sup>2</sup>
Unit 2	87 sq.m	(1) 9 m <sup>2</sup> (2) 9 m <sup>2</sup> (3) 13.5 m <sup>2</sup>	30 m <sup>2</sup> + 9.6 m <sup>2</sup> = 39.6 m <sup>2</sup>
Unit 3	87 sq.m	(1) 9 m <sup>2</sup> (2) 9 m <sup>2</sup> (3) 22 m <sup>2</sup>	22 m <sup>2</sup> + 10.2 m <sup>2</sup> = 32.2 m <sup>2</sup>

In relation to the above table, it is noted that the Gross Internal Area and the room sizes of the proposed dwellinghouses would comply with the recommended room sizes of the London Housing Design Guide: Interim Edition (2010) and the proposed layout and room sizes would therefore be acceptable.

**4) Traffic and Parking**

Saved policies T6 and T13 of the HUDP 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. Four car parking spaces are proposed in the south-western corner of the site. This would be similar to the scheme allowed on appeal (under reference APP/M5450/A/07/2045563) and the subsequent planning application P/1146/10 and would be in accordance with Schedule 5 of the HUDP (2004). The Highways Engineer has advised that there are no objections to the proposal on parking grounds.

**5) Accessibility**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan and policies 3A.5 and 4B.5 of The London Plan (2008) seeks to ensure that all new housing is built to Lifetime Homes standard.

Although the dwellings as constructed have a mezzanine level, they are for the most part single storey in form. The development, as it stands, is not fully complete. Once complete, level access from the footpath to the main entrance doors of the each of the dwellings will be provided. One proposed parking space of sufficient width and depth to provide for disabled users is proposed. External door widths and turning circles would be sufficient to accommodate wheelchair users.

The internal layout of Units 1 and 2 would provide fully wheelchair accessible homes. However, as the proposed internal layout of Unit 3 would have an internal step, this proposed dwelling would be Lifetime Homes compliant. This would include an internal step. The applicant has advised that Unit 3 has the greatest level change across its frontage and this internal step is therefore necessary.

Accordingly, the proposed development would comply with the Council's SPD – Accessible Homes (2010), saved policy C16 of the Harrow Unitary Development Plan and policies 3A.5 and 4B.5 of The London Plan (2008). A condition is attached to ensure that the proposed dwellinghouse would be built to Wheelchair Homes and Lifetime Homes standards.

**6) Drainage**

Three of the pre-commencement conditions under the approved scheme P/1146/10 related to the approval by the Council of details relating to the disposal of surface water, surface water attenuation and storage works and details of levels. During the course of this planning application details in relation to these conditions have been submitted. The subject planning application was referred to the Council's Drainage Engineer who has advised that the submitted information is satisfactory.

**7) S17 Crime & Disorder Act**

Saved policy D4 of Harrow's UDP 2004 advises crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of The London Plan (2008) seek to ensure that developments should address security issues and provide safe and secure environments.

In recommending Planning Reference P/2035/06 for refusal, the Council considered that the proposed development by reason of inappropriate design and layout would not meet Secured by Design standards. The current proposal would have a similar design and layout to this allowed scheme and the subsequently approved scheme under Planning Reference P/1146/10. The Inspector, in allowing this appeal, did not agree with the Council's concerns about the security of the site. In determining this appeal, the Inspector stated that the 'number of windows, including additional habitable rooms, would face onto the footpath...this and additional lighting that would be brought into this area, would contribute to the surveillance of the footpath and the general safety of the surrounding area...The Residents in the area wishing to use this footpath would be subject to passive surveillance'.

The submitted Design and Access Statement advises that 'The layout provides enhanced security with overlooking onto the improved public footpath and new carpark'. However, details of lighting levels and door and window security have not been submitted as part of the application. A condition is recommended to request that these and other details relating to the security of the development are submitted before the occupation of the development. Having regard to the above, an objection in relation to security could not reasonably be sustained.

## 8) Consultation Responses

- How can the properties be called 'single storey houses' when it is clear from the plans that there is a mezzanine floor included. This has pushed the height of the buildings to much higher than imagined from the description – As discussed in the above appraisal, the height of the dwellings constructed on site are largely in line with the approved dwelling heights. The inclusion of mezzanine floors has not therefore altered the form of the dwellings. Since the dwellings are constructed on site, the form of the dwellings is therefore instantly recognisable.
- Unhappy with cedar cladding, as after a period time it looks unfinished – Following a discussion with the applicant, the elevations of the proposed dwellings would now be comprised of 'colourless' woodstain 'siberian larch tongue and grooved channel cladding' and white rendered walls.
- It will impact upon the value of No. 8 Milford Gardens as it is overbearing from the back garden – Property values are not a material planning consideration. The impact of the proposal on residential amenity has been discussed in section 3 above.
- How can it be classified as friendly to wheelchair users and life time homes compliant as there is a stairs to enter the development – It was noted on site inspection that there is no stairs to enter the development. The development, as it stands, is not fully complete. Once complete, level access to the unit will be provided, as per the approved drawings.
- With regard to the quality of the build, foundations were poured during freezing conditions – This is an issue for Building Control and is not a material planning consideration.
- Two of the three houses are very close to the fence at No. 11 Milford Gardens. The windows and patio doors are facing towards the rear of No. 11 Milford Gardens, causing overlooking and loss of privacy - The impact of the proposal on residential amenity has been discussed in section 3 above.
- The construction has upset the various species of birds that frequently feed in the garden – The site is not within or adjacent to an Area of Nature Conservation Importance and as such it is not envisaged that the proposal would result in any undue harm to wildlife
- Has full and proper planning permission been granted or have the houses been built illegally without the necessary approval by the Council? Is it normal or even desirable to issue retrospective proposals/notices? – A number of pre-commencement conditions were attached to the approval of planning permission under Planning Register P/1146/10 which required the applicant to submit details of the scheme prior to the commencement of works. The development commenced on site without approval of these details by the Council. Accordingly, the applicant has submitted a retrospective planning application for this development on site. Carrying out development without the necessary permission is not illegal. There are provisions within the Town and Country Planning Acts that allow for the submission of retrospective planning applications. These types of applications are assessed against the same criteria as all other applications.
- The occupiers of No. 16 Milford Gardens do not recall receiving any notice of application recently for these houses – As per section (h) above, a letter was sent to the occupiers of No. 16 Milford Gardens in relation to this application. It is also noted that these occupiers were consulted in relation to the previous application, P/1146/10.

- Style of the subject houses do not blend in with other houses in the neighbourhood - The impact of the proposal on the character and appearance of the area has been discussed in section 2 above.
- The front doors are very close to the public footpath running alongside the houses – This is similar to the previously approved schemes and accordingly no objection is raised to this relationship.
- Additional houses in that location will invariably put heavy stress on the local community, as well as ancillary and emergency services – This planning application was assessed against the relevant material planning considerations.
- Insufficient parking – Addressed in section 4 of the above appraisal
- The built development is cramped - The impact of the proposal on the character and appearance of the area has been discussed in section 2 above.
- It makes using the footpath feel unsafe, particularly at night - This has been discussed in section 7 above.
- It is mentioned in the Design and Access Statement that the existing footpath is to be improved but this is not evidenced in the plans – The existing footpath is not within the site as outlined in red and is not therefore in the applicant's control.
- The fact that these properties adjoin a disused football ground will certainly affect the viability and selling prospects of this whole development - Property values are not a material planning consideration.
- If this includes the garage of No. 27, nobody has contacted the owner of No. 27 Summit Close about this – how can the development proceed? – The applicant has signed Certificate A on the submitted planning application to certify that he is owner of the land and buildings to which the application relates. Land disputes are not a material planning consideration.

## **CONCLUSION**

For all the reasons considered above, the proposal is considered to comply with the relevant policies of The London Plan (2008) and saved policies of the Harrow Unitary Development Plan (2004). With the exception of minor changes in building design and site layout, the development involves a similar scheme compared to that allowed on appeal under reference APP/M5450/A/07/2045563 and the subsequently approved scheme under Planning Application P/1146/10. It would utilise previously developed land which is currently in disuse for the provision of housing. Having particular regard to the Inspectors conclusions in allowing the appeal, the proposed development is considered to be consistent with the character and appearance of the area, would not adversely affect the amenities of neighbouring occupiers and would not give rise to security issues. The proposal is therefore recommended for grant, subject to the following conditions:

## **CONDITIONS:**

1 The development hereby permitted shall be completed as permitted within twelve months of the date of this planning permission.

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 201, 202 – Rev. J, 203 – Rev. F, 204 – Rev. E, 205, 207 – Rev. H, 208 – Rev. G, 209 – Rev. F, 210, H303, Design and Access Statement, LANS01 – Rev. A, Additional Information received from Carlo Criscuolo (dated 31<sup>st</sup> May, 2011), Drainage Information from Micro Drainage.

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

3 The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be:

- 'Striated dark grey prominade tiles';
- 'Colourless' woodstain 'siberian larch tongue and grooved channel cladding'
- White rendered walls.
- Dark grey UPVC windows
- 1.8 m high timber boundary fencing
- Marshalls 'Brindle' priora permeable paving

The development shall be completed in accordance with these approved details and shall thereafter be retained.

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

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

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

5 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

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

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



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

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

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents, in accordance with saved UDP policies D4, D5 and T13.

9 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

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

Following implementation the works shall thereafter be retained.

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

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

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

**INFORMATIVES:**

1 The decision to grant permission has been taken having regard to the policies and proposals in The London Plan (2008) and the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

**The London Plan (2008)**

3A.1 - Increasing London's Supply of Housing  
3A.2 - Borough Housing Targets  
3A.3 – Maximising the Potential Use of Sites  
3A.4 - Efficient Use of Stock  
3A.5 - Housing choice  
3A.6 – Quality of New Housing Provision  
4B.1 - Design Principles for a Compact City  
4B.5 – Creating an Inclusive Environment  
4B.6 – Safety, Security and Fire Prevention and Protection  
London Housing Design Guide: Interim Edition (2010)

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

S1 – The Form of Development and Pattern of Land Use  
C16 – Access to Buildings and Public Spaces  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
EP12 – Control of Surface Water Run-Off  
EP20 – Use of Previously-Developed Land  
EP21 – Vacant and Disused Land and Buildings  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

Supplementary Planning Guidance: Designing New Development (2003)

2 The materials hereby approved for the dwelling are: -

- 'Striated dark grey prominade tiles';
- 'Colourless' woodstain 'siberian larch tongue and grooved channel cladding'
- White rendered walls.
- Dark grey UPVC windows

Marshalls 'Brindle' priora permeable paving

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

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

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

6 The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:198

7 All building materials shall be stored within the site.

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

Plan Nos: 201, 202 – Rev. J, 203 – Rev. F, 204 – Rev. E, 205, 207 – Rev. H, 208 – Rev. G, 209 – Rev. F, 210, H303, Design and Access Statement, LANS01 – Rev. A, Additional Information received from Carlo Criscuolo (dated 31<sup>st</sup> May, 2011), Drainage Information from Micro Drainage.

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**WEST HOUSE, WEST END LANE, PINNER, HA5 1AE**

**Item 2/07**

**P/1016/11**

Ward: PINNER SOUTH

CHANGE OF USE OF SECOND FLOOR FROM AN OFFICE (USE CLASS B1) TO A MEDICAL FACILITY (USE CLASS D1)

Applicant: Christopher Mote

Case Officer: Andy Parker

Statutory Expiry Date: 03-JUN-11

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## **RECOMMENDATION**

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

The decision to recommend GRANT of planning permission has been taken having regard national planning policies, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. The proposed medical facility is considered appropriate in this location and would still retain an employment use on the site, and the proposed change of use would not result in an undue adverse impact on the amenities of adjoining occupiers.

### **National Policy Guidance**

PPS 4: Planning for Sustainable Economic Growth (2009)

#### **London Plan**

4B.1 and 4B.5

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

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

C8 Health Care and Social Services

C16 Access to Buildings and Public Spaces

EP25 Noise

T13 Parking Standards

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

- 1) Change of Use of Buildings in Business Use – Outside Designated Areas (PPS4 EM15, C8)
- 2) Residential Amenity (EP25)
- 3) Access to Buildings (C16)
- 4) Parking (T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

## **INFORMATION**

This application is reported to committee as the applicant is a Council Member.

### **a) Summary**

Statutory Return Type: Change of Use

Site Area 2.6ha

Floor Area                    111m<sup>2</sup>  
Council Interest:            None

**b) Site Description**

- A single and two storey unlisted detached building within Pinner Memorial Park, Pinner.
- Two storey element formed from remainder of 19<sup>th</sup> century dwelling 'West House' finished in brick with mostly flat roof and parapet.
- Single storey element is dwelling's former harness room also finished in brick with crown pitched roof.
- Vehicular accesses from West End Lane leads to surface car park areas on north, south and west sides of the building; West End Lodge forms a separate dwelling 22m to north of subject building.
- Pinner Memorial Park designated as Open Space and Site of Nature Conservation Importance by Harrow UDP,
- Pinner District Centre is located approx. 300m to north-west of site; surrounding areas to north of Chapel Lane, to west of West End Lane and to south of Memorial Park are residential; within the Memorial Park there is a bowling green and Pinner Bowling Clubhouse to south-east of the site.
- The main building on the ground floor comprises the Heath Robinson Gallery; kitchen, café, conveniences, a harness room extension: entrance foyer and exhibition space.
- The main building on the first floor comprises a further kitchen, 2 education/function rooms (with access to balcony/terrace), office, further conveniences.
- The second floor within the proposed roof space currently comprises three vacant offices, a meeting room, kitchenette and conveniences; the vacant offices (approx. 111m<sup>2</sup>) and ancillary facilities were originally intended to be sublet as offices (Class B1) to generate a future income stream for the Museum Trust and building maintenance.
- To the south of the existing building is a paved external seating area with lighting bollards.
- To the north, east and south of the existing building there is an existing parking areas formally laid out with 23 parking bays (2 staff, 2 disabled) and 2 cycle storage areas; existing entrance/exit points retained.

**c) Proposal Details**

- The proposal seeks to change the use of the second floor of the existing building from a class B1 (office) to use class D1 (medical).
- No changes are proposed to the external elevations. The change of use only affects the internal floor space (approx. 111m<sup>2</sup>).
- The applicant intends to open a healthcare centre in complementary therapies.
- The building would have three full time consultants and two part time administration staff.
- There would be a maximum of five patients at any one time.

**Revisions to Previous Application:**

- n/a

**d) Relevant History**

LBH/24788	FIRE ESCAPE STAIRCASE TO REAR	GRANTED 30-JAN-84
WEST/429/00/LA3	OUTLINE: PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSIONS AND EXTERNAL ALTERATIONS INCLUDING THE PROVISION OF NEW WINDOWS AND USE AS MUSEUM WITH ANCILLARY FACILITIES	GRANTED 24-JUL-00
P/2412/06/CFU	PARTIAL DEMOLITION AND PART SINGLE AND PART TWO STOREY EXTENSION ON SOUTH SIDE TO PROVIDE CAFE, EXHIBITION AND FUNCTION ROOMS, NEW PITCHED ROOF INCORPORATING DORMERS OVER THE BUILDING TO PROVIDE OFFICE ACCOMMODATION AT LOFT LEVEL AND EXTERNAL ALTERATIONS	GRANTED 03-NOV-06

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- The West house is governed by the West House and Heath Robinson Trust.
- The Trust is being funded by donations and has limited funds.
- The redevelopment of West House incurred a large expenditure and the proposed renovations to the second floor have not been completed.
- The second floor has been vacant for over a year and there has been very little interest and there are many vacant offices in the area.
- The renovation is key to the future of West House as it would provide a continuous revenue stream.
- The proposal would involve the relocation of an established practice in the area and would have no impact on existing businesses.
- The proposal would create more employment in the area.
- The proposed scheme would comply with current regulations regarding access.

**g) Consultations**

The Pinner Association: No response.

Highway Engineers: There are no specific concerns with regard to the principle of the change of use. The office B1 use will generate more vehicle trips during peak morning and evening activities as compared to the D1 proposal. The locality is well covered by parking controls which promote sustainable travel modes and in the event of car borne use the car park can be used for the D1 use. In summary no objection.

**Advertisement:** Not applicable

Expiry: Not applicable

**Notifications:**

Sent: 7

Replies: 0

Expiry: 09-MAY-11

**Addresses consulted**

West Lodge School, West End Lane, Pinner

Pinner Memorial Park, Chapel Lane, Pinner

67 West End Lane, Pinner

69 West End Lane, Pinner

Pinner Recreation Ground, West End Lane, Pinner

77 West End Lane, Pinner

79 West End Lane, Pinner

Summary of Responses: n/a

**APPRAISAL**

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

This applicant is seeking full planning permission to use the entire second floor as a medical facility (Use Class D1).

Saved policy EM15 of the Harrow UDP states that the loss of land or buildings from business, general industrial or warehouse use (use classes B1, B2 and B8) to other uses outside these classes will be resisted, unless it can be demonstrated that the site is no longer suitable for employment use. Applications for proposals to change the use from B class categories to other uses, must demonstrate how the proposal satisfies criteria a) to g) of saved policy EM15.

Policy EC11 of Planning Policy Statement 4 on Planning For Sustainable Economic Growth (2009) broadly reflects saved policy EM15 of the Harrow UDP (2004) in requiring planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

Saved policy C8 of the Harrow UDP states that the Council will seek to ensure that there are sufficient appropriate health care facilities to cater for the needs of the community subject to four criteria. That there would be no adverse impact on the amenities of neighbouring residents; the premises are well served by public transport; there would be no loss of a satisfactory residential unit and the proposal provides appropriate levels of car parking appropriate to the use of the existing building.

The main thrust of PPS4 and saved policy EM15 of the Harrow UDP is to ensure that there are sufficient levels of employment land/ use retained within the borough. Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough which shows an increase almost every year in the past ten years in the amount of vacant office floor space (currently at 19.02%) despite the decreasing overall provision of office floor space.

It is therefore considered that sufficient remaining provision is available within other sites and premises within the borough for B1 use. As such the proposal is considered to satisfy criterion A of saved policy EM15.

From the design and access statement submitted with this application, it is clear that the proposed use would employ two part time administrative staff and some level of office function will be retained to support the medical facility (Use Class D1). It is considered that the change of use from B1 to a medical facility would on balance be acceptable as the proposed use would still retain employment use within the building. Furthermore, it is considered that the proposed use could encourage patients of the medical facility to make linked visits to the café on the ground floor,. It is therefore considered that there will therefore be no harm to the local economy resulting from the loss of the B1 offices. As such, the proposal is considered to satisfy criterion B of saved policy EM15.

The information supplied confirms that the premises have been actively marketed on websites and have been unoccupied for over a year. As such the proposal is considered to satisfy criterion C and D of saved policy EM15.

It is considered that the level of activity associated with the proposed medical use would not be significantly different from the authorised use of the second floor as B1 offices. The building is situated on a standalone plot and taking into consideration the degree of separation from other residential properties in the surrounding area the proposal would have a negligible impact on nearby residents. The proposal would satisfy the requirements of criterion E of saved policy EM15 and criterion A of saved policy C8.

The application site is situated approximately 400-500m from public transport bus routes and Pinner underground station and has a PTAL score of 2. Whilst the PTAL score is therefore low, the proposed occupier of the medical centre currently already runs a smaller centre in the locality which serves an existing local catchment area. As such, it is considered that West House, which would still be located within walking distance of a range of public transport options would satisfy the requirements of saved policies C8 criterion B and EM15 criterion F of the Harrow UDP. The servicing of the existing premises can be done from the street.

It is considered that the proposed change of use would not pose any adverse impact upon the local economy and would retain an employment at the building and therefore it would comply with the main objectives of saved policy EM15 of the Harrow UDP and PPS 4. For the reasons set out above, this application is recommended for grant, subject to a condition restricting the D1 use to medical only, to ensure that some form employment is retained on this site.

## **2) Residential Amenity**

The existing use of the second floor is class B1, the proposed change of use to a medical facility solely would not result in any adverse impact on neighbouring residential amenity over and above that which already exists. In view of this, it is considered that the proposed change of use would not lead to any significant harm upon nearby residential amenity.



A condition attached to planning application ref: P/2412/06 restricts the hours of use of the premises so that it is not be open to customers outside the following times:-

- (a) 08.00 hours to 23.00hours, Sundays to Thursdays inclusive,
  - (b) 08.00 hours to 24.00 hours (midnight) on Fridays and Saturdays,
- without the prior written permission of the Local Planning Authority.

The proposed hours of operation of the premises from Monday to Friday 8:00am to 20:00, Sat 8:00 -18:00; Sunday 10-16:00 are therefore considered to be acceptable.

**3) Access to Buildings**

The application site forms part of the second floor of the existing building. No external works are proposed to the building and therefore the access arrangement would remain the same as existing. Internally the first and second floors are served by a lift and there is a level threshold entrance to the building. Toilets for persons with disabilities are provided at ground and first floor level. Two disabled parking spaces have been provided and door widths are considered to be adequate. The proposal is therefore considered to comply with Policy 4B.5 of the London Plan and saved policy C16 of the HUDP and the SPD Access for All (2006).

**4) Parking**

With regard to the current use of the building, the UDP parking standards make no provision for assembly and leisure uses but do provide for a maximum of 1 space per 200-300m<sup>2</sup> net site area in respect of Class B1 offices.

It was considered in respect of the previous application to provide café, exhibition function rooms and office accommodation (Class B1) at loft level and external alterations that, in view of the proximity of the site to Pinner District Centre and the undesirability of increasing the amount of parking provision within this designated open space and nature conservation site, the provision of 23 parking spaces was considered to be acceptable.

In respect of the proposed use of the second floor as a medical facility, the UDP parking standards provide for a maximum of 1 space per 300-600m<sup>2</sup> net site area. As such, there would be no requirement for additional parking to be provided.

The Council's Highways Engineer has raised no specific concerns with regard to the principle of the change of use, as the office B1 use would be likely to generate more vehicle trips during peak morning and evening activities as compared to the proposed medical facility and would therefore be more likely to give rise to congestion at these times. The locality is also well covered by parking controls which promotes sustainable travel modes and in the event of car borne use the car park can be used for the D1 use.

Access to and from the car park would remain as per the existing arrangements via West End Lane and it is not anticipated that the proposal would pose an unacceptable risk to the free flow and safety of highway users on West End Lane.

It is considered that the proposal would not unduly impact upon highway safety and would be in accordance with the objectives set out under saved policy T13 of the Harrow UDP and the Council's Highways Engineer has not raised an objection to the application.

**5) S17 Crime & Disorder Act**

It is considered that the proposed change of use would not result in an increase in the risk of crime to the site.

**6) Consultation Responses**

None

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, it is considered that the proposed use of the second floor as a medical facility would not have an adverse impact on the local economy, and subject to safeguarding condition would not be detrimental to the amenities of nearby residents. This application is recommended for grant, subject to the following conditions.

**CONDITIONS**

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

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

2 The second floor of the premises shall only be used for the purpose specified in the application (D1 medical facility) and for no other purpose, including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To ensure that employment use is retained on this site to meet the objectives of Policy EC11 of Planning Policy Statement 4 on Planning For Sustainable Economic Growth (2009) and saved policy EM15 of the Harrow Unitary Development Plan (2004).

3 The medical facility hereby permitted shall only be used for the following times:-

8:00 hours to 20:00 hours Monday to Friday

8:00 hours to 18:00 hours Saturday

10:00 hours to 16:00 hours Sunday

REASON: To ensure that the hours of use of the medical centre are within reasonable hours in order safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

4 The use hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 08/990/05; Design and Access Statement; supporting documents

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

#### **London Plan**

4B.1 and 4B.5

HUDP 2004 Polices: EM15, EP25, T13, C7 and C16

Supplementary Planning Document: Access for All (2006))

URS London Borough of Harrow Employment Land Study 2006.

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

The applicant is reminded of the duties set out in the Equal Opportunities Act 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. 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.

Plan Nos: Site Plan; 08/990/05; Design and Access Statement; marketing documents

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**MCDONALD'S RESTAURANT,  
SHAFTESBURY CIRCLE, HA2 OAE**

**Item: 2/08  
P/0971/11**

Ward **HARROW ON THE HILL**

DEMOLITION OF THE EXISTING SINGLE STOREY BUILDING ADJACENT TO RESTAURANT; ALTERATIONS TO THE LAYOUT OF EXISTING RESTAURANT TO CREATE A NEW DRIVE THRU LANE & COVERED AREA, ALTERATIONS AND EXTENSION TO EXISTING CAR PARK, LANDSCAPING AND OUTDOOR SEATING; NEW DRIVE THRU BOOTHS, CLOSURE OF EXISTING VEHICULAR ACCESS ON SHAFTESBURY AVENUE; EXTERNAL ALTERATIONS

**Applicant:** McDonald's Restaurant Ltd  
**Agent:** Mr Matthew Carpenter  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 02-JUN-11

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## **RECOMMENDATION**

**GRANT** permission subject to the conditions set out in this report.

## **REASON**

The proposals would not detract from the character of the area or unduly affect the amenities of neighbours or highway safety. The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004] (listed below), and to all relevant material considerations.

### **National Policy Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 25: Development and Flood Risk (2010)  
Planning Policy Guidance 13: Transport (2006)

### **The London Plan:**

4A.3 Sustainable Design and Construction  
4B.1 Design principles for a compact city  
4B.5 Creating an Inclusive Environment

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

D4 The Standard of Design and Layout  
D5 Residential Amenity  
D10 Trees and New Development  
EP12 Control of Surface Water Runoff  
EM25 Food, Drink and Late Night Uses  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C16 Access to Buildings and Public Spaces

Supplementary Planning Document: 'Access for All' (2006)

Supplementary Planning Document: 'Sustainable Building Design' (2009).

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

- 1) Highway Safety and parking (T6, T13)
- 2) Amenity (D5)
- 3) Character and Appearance of the Area (London Plan 4B.1, 4A.1, UDP: D4);
- 4) Refuse/Recycling Storage (D4)
- 5) Sustainable Building Design (D4, London Plan: 4A.3)
- 6) Accessibility (C16, SPD)
- 7) Surface Water Runoff (EP12)
- 8) Impact on Trees (D10)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

**INFORMATION**

This application is reported to Committee as the application site exceeds 0.1 of a hectare and therefore the determination of this application is outside the threshold of the scheme of Delegation.

**a) Summary**

Statutory Return Type: 18: Minor development  
Council Interest: N/A

**b) Site Description**

- North side of Shaftesbury Circle between Shaftesbury Avenue to the west and Porlock Avenue to the east.
- Occupied by mainly 2 storey building with single storey rear and side extensions.
- Carpark for 36 vehicles on western side of building and for 11 vehicles on eastern side of building accessed separately from service road which is outside the main roundabout. 8 additional spaces in chevron form in front of building directly accessed from service road.
- Electricity substation adjacent to north eastern boundary.
- Whitmore High School abuts northern boundary.
- Block of flats adjoining the site to the west known as Kelvin Court.
- 3 storey block of flats on opposite side of Porlock Avenue.
- There is a TPO Oak tree on the site.

**c) Proposal Details**

- Demolition of single storey building on eastern side of main building.
- Provision of road around rear of building to create 'drive thru' facilities.
- 'Drive thru' lane would accommodate a 12 vehicle queue, traffic would run in clockwise direction.
- Provision of 2 small single storey extensions to eastern flank of main building to provide drive thru order booths. The booth closest to the front of the building would have a height of 3.35m, a width of 3.53m and a depth of 2.62.
- The booth closest to the rear of the building would have a width of 4.42m, a height of 3.28m and a depth of 2.8m.
- Provision of an ordering unit and canopy at the order point of the 'drive thru'. This would have a height of 3m, a width of 2.39m and a depth of 3.5m.

- Extension to car parks to provide 50 parking spaces (including 2 disabled spaces).
- Seating in front of McDonalds restaurant. The following seating is proposed: six round tables which seat 4 people, four square tables which seat 4 people and five 2 person seats are proposed. The proposed new outdoor seating would therefore accommodate up to 50 people.
- A new fence/barrier is proposed around the seating area. It would have a height of 1.1m and a height at the top of the galvanised lamp head of 2.27m.
- Closure of the existing vehicular access on Shaftesbury Avenue in the western most part of the car park to the west of the site.
- Landscaping including planting 4 trees to the east of the proposed drive thru and 2 trees to the west of the drive thru.
- The exterior of the building will be refurbished. Repairs to the façade and roof are proposed.

d) **Revisions to Current Application**

- N/A

e) **Relevant History**

WEST/525/02/FUL	Provision of additional hard surfacing in the form of a 'drive through' lane, single storey side extension to provide 'drive through' booths, and log retaining wall with associated fencing.	REFUSED 17-MAR-03
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**Reasons for Refusal**

- The application, inasmuch as it relates solely to the provision of a 'drive-thru' facility and ancillary works, would be contrary to Government Advice as set out in PPG13 and the provisions of the Revised Deposit UDP in that it facilitates and encourages the use of the car to the exclusion of other modes of transport.
- At peak times the proposed loss of on-site parking is likely to result in queuing into the public highway, additional on-street parking in the locality and conflict between "eat in" customers and "drive through" customers accessing and leaving the site to the detriment of local highway conditions and safety.
- The extra traffic generated as a result of the proposal would be detrimental to the amenities of local residents and pupils attending Whitmore High School.

WEST/383/99/FUL	Demolition of part of existing single storey, alterations to building and alterations to car parking and landscaping.	REFUSED 25-OCT-99
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### Reasons for Refusal

- The proposal would facilitate an increase in the use of the premises, especially by car-borne customers, leading to increased noise and traffic congestion which would be detrimental to the amenity of local residents and highway safety. In addition, the locations of the entrance and existing would cause detrimental impact on the free flow of vehicular traffic on the mains road and result in highway safety hazards.
- The proposal would lead to an increase in vehicular traffic in the heart of a residential area, to the detriment of residential amenity and contrary to the objectives of national and local planning policy and to the Council's duties under the Road Traffic Reduction Act.
- The proposed access road, particularly at its egress into Porlock Avenue adjacent to a bus stop, would be prejudicial to the safety of pedestrians in Porlock Avenue, including pupils travelling to and from Whitmore School and the pupils gathering daily at the bus stop.
- The proposed access road and car parking layout would bring vehicular traffic unacceptably close to those parts of the Whitmore School buildings which house the music and drama departments, causing noise pollution which would be detrimental to the amenity of the school and its ability to provide musical and dramatic education to its pupils.
- The proposed access would require the installation of waiting restrictions in Shaftesbury Avenue further reducing the availability of on-street parking for residents.

WEST/455/99/FUL	Demolition of part of existing single storey, alterations to building and alterations to car parking and landscaping (Duplicate)	REFUSED 25-OCT-99
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### Reasons for Refusal

- The proposal would facilitate an increase in the use of the premises, especially by car-borne customers, leading to increased noise and traffic congestion which would be detrimental to the amenity of local residents and highway safety. In addition, the locations of the entrance and existing would cause detrimental impact on the free flow of vehicular traffic on the mains road and result in highway safety hazards.
- The proposal would lead to an increase in vehicular traffic in the heart of a residential area, to the detriment of residential amenity and contrary to the objectives of national and local planning policy and to the Council's duties under the Road Traffic Reduction Act.
- The proposed access road, particularly at its egress into Porlock Avenue adjacent to a bus stop, would be prejudicial to the safety of pedestrians in Porlock Avenue, including pupils travelling to and from Whitmore School and the pupils gathering daily at the bus stop.
- The proposed access road and car parking layout would bring vehicular traffic unacceptably close to those parts of the Whitmore School buildings which house the music and drama departments, causing noise pollution which would be detrimental to the amenity of the school and its ability to provide musical and dramatic education to its pupils.

- The proposed access would require the installation of waiting restrictions in Shaftesbury Avenue further reducing the availability of on-street parking for residents.

**f) Applicant's Statement**

- The proposals comprise the removal of adjoining vacant building, formation of a drive thru lane and minor alterations to the existing restaurant.
- A new one way system has been proposed around the site which will vastly improve vehicle and pedestrian safety.
- Consultation was undertaken with approximately 200 residents.
- Access to the restaurant for pedestrians and vehicles has been improved.

**g) Consultations**

- **Tree Officer:** "The main constraint is the TPO'd Oak at the rear of the site. This could be affected by the new hard surfacing proposed at the rear, as currently it is surrounded by a grassed area which will have provided the tree with fairly favourable rooting conditions. Under the new proposals, the tree will be hemmed in on all sides by hardstanding, which could have a detrimental effect". The Council's Tree Officer has recommended conditions relating to a an Arboricultural Report & Method Statement in relation to installation of new hard surfacing within RPA (root protection area) of trees being retained and a Tree Protection Plan.
- **Landscaping Officer:** Conditions recommended.
- **Highways Engineer:** The design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity. The improvement to the pedestrian environment by the removal of the echelon parking bays currently on the site frontage is welcomed thereby positively contributing to the acceptability of the drive thru proposal. Detailed considerations are included within the appraisal below.
- **Drainage Engineer:** Conditions recommended
- **Environmental Health:** No objection to the application and the applicant's noise report as long as operations are not taken beyond 23:00.

**Advertisement:**

**Notifications**

Sent  
22

Replies  
3

Expiry: 25-MAY-11

**Addresses consulted:**

1-6 Kelvin Court, Shaftesbury Avenue  
Whitmore High School and Substation adjacent to Whitmore High School, Porlock Avenue  
17, 17B, 17C and 19 Porlock Avenue



9, 9A Shaftesbury Parade, Shaftesbury Avenue  
11, 12, 14, 15, 16, 17 Shaftesbury Circle.  
121, 122, 123, 124 Shaftesbury Avenue

**Summary of Response:**

- Safety risk to students and members of the public.
- Any increase in vehicular traffic on the McDonald's site should be accompanied by the provision of safe marked crossings on and off the site.
- The location and content of any signs should take into consideration that there is a high school with students from the age of 11 upwards adjacent to the McDonald's site.
- Creation of litter
- Odour created from cooking and waste.
- Noise and disturbance to local residents through unsociable opening hours.
- Traffic pollution.
- It is irresponsible to serve children with junk food.
- Light pollution.
- Loss of outlook from flats in Kelvin Court adjacent to the restaurant if the advert hoardings are large.
- Loss of privacy.
- The McDonald's restaurant already attracts anti social and criminal behaviour. The drive thru will exacerbate these problems.
- Access and egress of these premises.
- Access onto Porlock Avenue is a potential road safety hazard.
- The bus stop towards Whitmore High School in Porlock Avenue affects visibility.

**APPRAISAL**

**1) Highway Safety and Parking**

Saved policy T6 of the UDP (2004) requires the transport impact of development proposals to be assessed. It requires schemes to be accompanied with a Transport Assessment.

Save policy T13 of the UDP (2004) requires car parking to be assessed.

It is noted that there is planning history on this site relating to the introduction of a 'drive thru'. These applications were refused. However, in this application, a through assessment of the parking and highway safety implications of the proposal has been carried out. It is considered that a refusal on highway safety grounds cannot be justified.

The key considerations in this application are in relation to the impact of the proposed drive thru on highway safety and the loss of onsite car parking. These considerations have been assessed in the report below.

### Highway Safety

A London database of trip generation for different land uses (TRAVL) has a number of surveys of 'drive-thru' sites (including several McDonalds) elsewhere in London and it is possible to compare these figures with the predictions made by the applicant's consultant. However site specific circumstances vary considerably from region to region therefore a more relevant comparative survey of a local McDonalds 'drive thru' franchise has been undertaken by the applicant to serve as a comparison with the application site's existing 'drive to' and proposed 'drive thru' operation.

Their comparative surveys of the existing drive thru McDonalds, located on the borough boundary with Barnet in Stonegrove (A5), Edgware confirm that an overall increase of 10 -12 % can be expected when comparing 'drive to' and 'drive thru' restaurants. It is therefore considered that a figure of 15% is reasonable for the purpose of this assessment (to allow for a worst case scenario).

When applying this percentage factor this would result in an additional 26 vehicles entering and leaving the site at the Friday peak operational period of 5.45pm to 6.45pm and an extra 33 vehicles at the Saturday peak of 1pm to 2pm. The period most relevant and sensitive to this application is the time school children disperse from Whitmore School in Porlock Avenue, between 3.15pm to 4.15pm on weekdays. During this period of highest weekday footfall across the site frontage during any one hour, approximately 24 additional vehicles in total would be entering and leaving the site. This would mean that 1 additional vehicle would be leaving or entering the site approximately every 3 minutes. This level of increased intensity can be considered de minimis in the overall context of current site operations and traffic flow conditions on Shaftesbury Circle.

The slip road junctions onto Porlock Avenue and Shaftesbury Avenue have been surveyed and analysed and are considered to have sufficient ample spare capacity for this small percentage increase in flows.

To enable the drive thru facility the two existing access points into both the existing car parks will be retained and enhanced to provide a separate site entrance and egress. The slip road in front of the site physically connecting Shaftesbury Avenue and Porlock Avenue is a two-way road with a 'point' no entry prohibition at it's junction with Porlock Avenue.

This prohibition was introduced on safety grounds to prevent all vehicles turning from Porlock Avenue into the slip road thereby substantially reducing two way traffic movement within the slip road which is permitted. This measure inherently creates a safer environment for pedestrians and other vehicles using the slip road by virtue of reducing potential vehicular and pedestrian conflict.

However vehicles leaving the restaurant have an unrestricted choice in that they can travel in either direction along the slip road and use the most appropriate egress onto Shaftesbury Circle to suit their next destination.

There are no recorded personal injury accidents along the slip road or at its junctions with Porlock Avenue and Shaftesbury Avenue for the last three years of recorded accident data (2007 to 2010) which can be attributed to the workings of the current arrangement. Hence there are no alterations proposed to the public highway access points serving the site.

The closure of a vehicular access point on Shaftesbury Avenue relates to a redundant access which is permanently closed off with concrete bollards and serves as a pedestrian access only. Its formal 'closure' will allow for a suitable boundary treatment to be applied along the length of the site boundary with Shaftesbury Avenue adjacent to the far western part of the car park.

The bus stop in Porlock Avenue adjacent to the site serves the 114, 140 and 640 bus routes. It is accepted that a stationary bus does partially fall within the visibility splay envelope for right turners emerging from the slip road onto Porlock Avenue however this occurs for a relatively short duration only when a bus is present. At all other times visibility is unimpeded. The relevant visibility standards are prescribed by Manual for Streets (MfS) best practice guidance published by the Department for Transport in 2007. With a stationary bus within the bus stop, the sight visibility splay for a vehicle emerging from the slip road and turning right toward the roundabout conforms to MfS standards. This means that the inter-visibility distance between vehicles is within acceptable nationally recognised safety limits and is therefore considered to be appropriate.

The size of queue that could be accommodated in the drive through lane would be approximately 12 vehicles before it backs up to the car park area. It would take a queue of more than 16 vehicles for the line to extend to Shaftesbury Circle itself. The survey undertaken by the applicant at the drive thru McDonalds in Edgware has been used as a comparison to assess likely queuing demand for this site. Their results show queues on a Saturday (being the busiest day of the week), averaging 11 cars and briefly rising to a maximum of 15 cars. It is therefore considered that the application site has sufficient space to accommodate the 'stacking' of vehicles within the site without overflow onto the public highway.

In order to enhance and make the pedestrian environment safer, the existing echelon parking bays on the site frontage will be removed and replaced with a raised pedestrian/customer area. Also, raised platforms at the pedestrian crossing points over the vehicle entry and exit from the site have been proposed.

The accident record within a 100m radius of Shaftesbury Circle from 2007-2010 indicates that there have been 9 personal injury accidents over that period within that radius. None of these accidents occurred in proximity of the site frontage or at the slip road connection with Shaftesbury Avenue with the exception of one accident at the Shaftesbury Circle/Porlock Avenue junction in the vicinity of the Porlock Avenue end of the slip road. This accident involved "a pedestrian playing on the highway" and can therefore be discounted as an anomaly that cannot be attributed to any vehicular or pedestrian activity associated with McDonalds or the existing traffic management measures in place.

The issue of pedestrian congestion on the footway at the adjacent bus stop is a regular occurrence at school dispersal times. This results in some pedestrian overspill into the site itself which abuts the affected footway and, in safety terms, is preferable to overspill onto the lay-by and carriageway. To date this has not caused any safety issues and in reality allows for additional 'pedestrian standing capacity' for bus passengers. The applicant has highlighted this point and does not have an objection to this short term pedestrian overflow onto their site.

A framework Staff Travel Plan (TP) has been submitted. Under TFL guidance and in relation to the scale of the proposal and level of staffing there is a reduced requirement to provide an "Enterprise Scale" TP rather than a standard TP which consists of producing a travel plan statement. A finalised version would be secured by an appropriate planning condition which has been suggested.

### Car Parking

The number of on-site parking spaces would be reduced from 55 to 50 spaces. The predicted peak parking demand for the proposal would be a maximum of 20 cars on a Friday and up to 30 cars on a Saturday, which in both cases is less than the proposed reduced provision. These estimates are based on the survey conducted at the comparable Edgware site.

Observations made at the South Harrow site confirm that current peak parking demand occurs between 1pm and 2pm on Saturday when approximately 40 of the existing 55 spaces available were occupied. Although the applicant's predicted parking demand is lower than that observed, an allowance must be made for customers currently buying takeaways who would use the drive thru provision thereby reducing overall parking demand. This would render the proposed parking provision of 50 spaces sufficient for all times of the week thereby avoiding untoward on-street parking displacement.

8 pedal cycle spaces are proposed together with 3 motorcycle bays. Both provisions satisfy Council and London Plan standards.

Therefore, it is considered that there would be no undue detrimental impact on parking or the free flow or safety of the adjacent highway as a result of the proposal. The Council's Highway Officer has not objected to the proposal as such the proposal is considered to comply with saved policies T6 and T13 of the UDP (2004).

## **2) Neighbouring Amenity**

Saved policy EP25 of the UDP commits the Council to minimise noise and disturbance, through, amongst other things, controlling times of operation. Policy EM25 seeks to ensure that proposals for food and drink and late night uses do not have a harmful impact on residential amenity and in assessing applications regard will be had to the location of the premises and the proximity of residential property.

The nearest residential premises is the block of flats at Kelvin Court which adjoins the site. The proposed drive thru would be located adjacent to an area of car parking on the site.

However, as discussed in the highway safety section of the report below, it has been predicated at peak times the introduction of the drive thru would mean that approximately 1 additional vehicle would be leaving or entering the site approximately every 3 minutes. Therefore, it is considered that the proposed drive thru would not unduly increase the intensity of the use of the site and therefore would not have an undue impact on residential amenity.

The ordering unit would be located approximately 30m from the boundary with the closest residential sites at Kelvin Court and 13m (approx.) from Whitmore High School. This separation distance is considered to be sufficient to mitigate any disturbance on these neighbouring sites.

It is considered that the proposals would not have an adverse effect on neighbouring amenity in terms of overlooking, overshadowing or loss of light.

The Council's Environmental Health Officer has not objected to the application in terms of noise.

It is suggested that the opening hours of the 'drive thru' facility be conditioned. Subject to this, it is considered that the proposal would not cause unreasonable disturbance to the occupiers of the residential flats adjacent to Kelvin Court, as people would be dispersing at reasonable (social) hours. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. As such the opening hours of 07.00 to 21.00 hours on Monday to Sundays and Bank Holidays, would be adequate to mitigate the impact of disturbance to a reasonable degree.

It is noted that part of Whitmore High School's objection to the proposal relates to the location of the proposal next to a school. However, it is considered that as the McDonald's already exists on the site, the restaurant in terms of the selling of fast food would not be any more accessible on the site to children than it currently is.

There were objections from neighbouring parties relating to odour. However, the McDonald's restaurant already exists. Therefore, the proposals for a drive thru would not significantly increase the existence of cooking smells on and around the site.

As such, it is considered that the proposal would not unduly impact upon neighbouring amenity and would comply with saved policies D5, EP25 and EM25 of the Harrow Unitary Development Plan (2004).

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

Policy 4B.1 of the London Plan seeks to maximise the potential of sites but also seeks to ensure new development respects the local context and character. Policy D4 of the Harrow UDP (2004) requires a high standard of design in all development proposals. Paragraph 4.10 of this policy states that buildings should be designed to complement their surroundings or provide a distinct character of their own. Paragraph 4.11 states that new development should have regard to the scale of surrounding environment and should be appropriate in relation to buildings in the street.

The proposed hardsurfacing, 'drive thru' booths, 'drive thru' ordering unit, drive thru access and outdoor seating and associated barriers are considered to be in-keeping with the surrounding area. It is considered that the proposals would have regard to the scale of the surrounding built environment as they would be subordinate to the existing McDonald's building and would therefore not be overbearing or unduly bulky.

An additional area of hardsurfacing of approximately 380 square metres to the rear of the site is proposed.

The proposed repairs to the façade and roof would not unduly impact on the character of the building or that of the area.

A condition has been recommended requiring a landscaping plan to be submitted to and approved by the LPA prior to commencement of works. This is required because the information on the plans which shows landscaping is insufficient in terms of detailing plant species, sizes etc. This will allow the proposals to be softened by landscaping. As such the proposal would not have an undue impact on the character of the area.

Details of the materials to be used in the proposed canopy for the ordering unit for the drive thru have not been submitted therefore a condition requiring materials to be used in the construction of the booths to be approved by the LPA would ensure that the appearance of the booths are acceptable.

The proposed new booths would be constructed in brick to match the existing building and as such would blend in with the surrounding environment.

The use of the forecourt for the siting of tables and chairs in connection with the use of the site as a restaurant is considered to be acceptable.

It is therefore considered that the proposals would meet policy D4 of the HUDP (2004) and would not have an undue impact on the character and appearance of the site or the area. In addition, it is considered that the proposal maximises the potential of the site and respects London's built heritage and is in accordance with London Plan Policy 4B.1.

#### **4) Refuse/Recycling Storage**

Policy D4 of the Harrow Unitary Development Plan requires that provision of refuse storage is to be made.

The proposal does not involve a new refuse storage. The existing refuse storage at the rear of the site is considered to be acceptable.

The proposal would not unduly impact on the visual amenity of the immediately surrounding area and would be in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

**5) Sustainable Design**

London Plan policy 4A.1 and saved policy D4 of the Harrow UDP seeks to ensure that new development proposals takes into account climate change. These policies promote design which has regard to energy efficiency and minimises emissions of carbon design. A supplementary planning document 'Sustainable Building Design' (2009) has been adopted by the LPA. As no new buildings or extensions other than new drive thru booths, the proposal is considered to have no significant impact on sustainability.

**6) Accessibility**

The new pedestrian entrance and new footpath would be of sufficient widths to comply with the Harrow Council SPD 'Access for All' (2008) and saved policy C16 of the Unitary Development Plan (2004). The SPD: Access for All stipulates certain requirements to ensure that the needs of children, disabled, visually impaired and elderly people are addressed. The SPD: Access for All recommends a clear corridor between tables and chairs of 1m leading to the entrance door. The proposal is considered to be compliant with the SPD: Access for All and is therefore considered to be acceptable from an accessibility perspective.

**7) Surface Water Runoff**

A condition has been recommended requiring that the hardsurfacing be permeable. The Council's Drainage Engineer has recommended conditions relating to the disposal of surface water and the retention/storage of surface water. Therefore, the proposal would not have a detrimental impact on flooding and would comply with PPS25 and saved policy EP12 of the Harrow UDP (2004).

**8) Impact on Trees**

There is a TPO Oak tree at the rear of the site. The Council's tree officer is concerned that this could be affected by the new hard surfacing proposed at the rear of the site as it is currently surrounded by a grassed area which will have provided the tree with fairly favourable rooting conditions. Under the new proposals, the tree will be hemmed in on all sides by hardstanding which could have a detrimental effect on the TPO tree. As such, the Council's tree officer has not objected to the proposal and has recommended conditions relating to a an Arboricultural Report & Method Statement in relation to installation of new hard surfacing within RPA (root protection area) of trees being retained and a Tree Protection Plan.

Subject to these recommended conditions, it is considered that there would be no undue impact on the TPO tree and as such, the proposal would comply with saved policy D10 of the UDP (2004).

**9) S17 Crime & Disorder Act**

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

**10) Consultation Responses**

- Increase in vehicular traffic and the safety of the proposal in terms of highway safety has been assessed in the report above.
- Litter would not significantly increase as a result of the proposal as McDonald's is already in existence and in use on the site.

- Loss of outlook and the impact on neighbouring amenity has been assessed in the report above.
- The opening hours have been conditioned in this application to ensure sociable opening hours.
- The McDonald's already exists on the site as such the restaurant in terms of the selling of "junk food" would not be any more accessible on the site than it currently is.
- Anti social behaviour is a matter for the Police, rather than one for the LPA as it is not a material planning matter as it falls under other legislation.

## **CONCLUSION**

Having regard to the development plan, the proposals are considered to be consistent with policy concerning the development and subject to the planning conditions proposed, Approval is accordingly recommended.

## **CONDITIONS**

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

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

2 The development hereby permitted shall not 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 drive thru canopies.

b: the tables, chairs, barriers and associated lights around the seating area

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

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

3 The proposed drive thru booths hereby permitted shall be constructed in brick to match the existing building as shown on approved plan number 4499\_1005\_04 Rev B.

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

4 The proposed repairs to the façade and roof hereby permitted shall be constructed in materials to match the existing.

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

5 The development hereby permitted shall not commence until there has been submitted to, and approved by the local planning authority:

(i) An Arboricultural Report to BS 5837 & Method Statement in relation to installation of new hard surfacing within the RPA (root protection area) of the TPO Oak Tree which is located in the northern corner of the site adjacent to the boundary with the electricity substation.



(ii) Tree Protection Plan giving details of specification and location of protective fencing, and of any other measures to be taken for the protection of the Oak Tree from damage before or during course of development.

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

REASON: To ensure that the tree near the proposed works would not be unduly affected by the proposals in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

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 for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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

8 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in accordance with PPS25 and EP12 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until there has been submitted to, and approved by the local planning authority: An Enterprise Scale Travel Plan involving a travel plan statement. The development shall be implemented and operated in accordance with the approved details.

REASON: To ensure that the proposal would have an acceptable impact on the highway safety in accordance with saved policy T6 and T13 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under saved policies EP12 of the Harrow Unitary Development Plan 2004.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

12 The drive thru hereby permitted shall not be open to customers outside the following times:-

- a. 07.00 hours to 21.00 hours, Monday to Saturday inclusive,
  - b. 08.00 hours to 21.00 hours on Sundays and Bank Holidays
- without the prior written permission of the local planning authority.

REASON: To ensure that proposal would have a minimum impact on neighbouring amenity in accordance with saved policy D5 of the Harrow UDP (2004).

13 The development shall not be used or occupied until the existing vehicular access on Shaftesbury Avenue is closed and the highway reinstated in accordance with details to be first submitted to, and approved by, the local planning authority. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with saved policy T13 of the Harrow Unitary Plan (2004).

14 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement prepared by Planware Ltd and AEW dated April 2011, Planning Statement prepared by Planware Ltd dated April 2011, Traffic Analysis Report prepared by ADL Traffic Engineering Ltd, dated March 2011, Traffic Analysis Report May 2002, Travel Plan March 2011, Noise Report prepared by Loven Acoustics dated 17<sup>th</sup> March 2011, 4499\_1005\_01 Rev A, 4499\_1005\_02, 4499\_1005\_03, 4499\_1005\_04 Rev B, 4499\_1005\_05, 4499\_1005\_10, 4499\_1005\_15 and canopy over drive thru order booths elevations

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

## INFORMATIVES

### 1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:  
The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:  
Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 25: Development and Flood Risk (2010)  
Planning Policy Guidance 13: Transport (2006)

The London Plan: 4A.3; 4B.1, 4B.5

Harrow Unitary Development Plan 2004: D4, D5, D10, EP12, EM25, C16, T6, T13

Supplementary Planning Document: 'Access for All' (2006)

Supplementary Planning Document: 'Sustainable Building Design' (2009).

### 2 INFORMATIVE:

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

### 3 INFORMATIVE:

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

4 INFORMATIVE:

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

You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

Beginning development in breach of a planning condition will invalidate your planning permission.

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

Plan Nos: Design and Access Statement prepared by Planware Ltd and AEW dated April 2011, Planning Statement prepared by Planware Ltd dated April 2011, Traffic Analysis Report prepared by ADL Traffic Engineering Ltd, dated March 2011, Traffic Analysis Report May 2002, Travel Plan March 2011, Noise Report prepared by Loven Acoustics dated 17<sup>th</sup> March 2011, 4499\_1005\_01 Rev A, 4499\_1005\_02, 4499\_1005\_03, 4499\_1005\_04 Rev B, 4499\_1005\_05, 4499\_1005\_10, 4499\_1005\_15 and canopy over drive thru order booths elevations

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**HARROW TOWN SPORTS CLUB, 258 RAYNERS LANE, HARROW, HA2 9TY**

**Item: 2/09**

**P/0784/11**

**Ward: RAYNERS LANE**

EXTENSION OF THE EXISTING CAR PARK (ACCESS FROM RAYNERS LANE); TWO X 4.5M FLOODLIGHT COLUMNS; NEW 2M HIGH FENCING TO BOUNDARY OF CAR PARK

**Applicant:** Michael Nye Design  
**Agent:** Michael Nye Design  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 06-JUN-11

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## **RECOMMENDATION**

The proposals would not detract from the character of the area or unduly affect the amenities of neighbours, the character of the area, biodiversity/trees or carparking. The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004] (listed below), and to all relevant material considerations.

### **National Policy Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 5: Planning for the Historic Environment (2010)  
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)  
Planning Policy Guidance 24: Noise (1994)  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

### **The London Plan:**

3A.18 Protection and enhancement of social infrastructure and community facilities  
4A.1 Tackling Climate Change  
4A.3 Sustainable Design and Construction  
4B.1 Design principles for a compact city  
4B.5 Creating an Inclusive Environment

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

D4 The Standard of Design and Layout  
D5 Residential Amenity  
D10 Trees and New Development  
EP12 Control of Surface Water Runoff  
D14 Conservation Areas  
D15 Extensions and Alterations in Conservation Areas  
D23 Lighting  
EP26 Habitat Creation and Enhancement  
EP27 Species Protection  
EP28 Conserving and Enhancing Biodiversity  
EP47 Open Space  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C16 Access to Buildings and Public Spaces

Pinner Conservation Areas SPD – Appendix 11 – the Rayners Lane Conservation Area Appraisal and Management Strategy (2009)  
Harrow's Sustainable Community Strategy [Mar 09]

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

- 1) Principle of Development (London Plan Policy 3A.18, 3A.24, 3D.10)
- 2) Character and Appearance of the Area, the adjacent Conservation Area (PPS1, PPS 5 policies: HE7.2, HE7.4 and HE10, PPG24, London Plan 4B.1, 3D.10, 4A.1, UDP: D4, D14, D15); Amenity (D5);
- 3) Refuse/Recycling Storage (D4)
- 4) Sustainable Building Design (D4, London Plan: 4A.1, 4A.3)
- 5) Highway Safety (T6, T13)
- 6) Surface Water Runoff (EP12)
- 7) Impact on the Trees and Biodiversity (PPS9, D10, EP27)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

**INFORMATION**

This application is reported to Committee as the proposed development site area exceeds 0.1 Ha and therefore the determination of this application falls outside the scheme of delegation.

**a) Summary**

Statutory Return Type: 18: Minor development

Council Interest: None

Conservation Area The site is adjacent to the Rayners Lane Conservation Area.

**b) Site Description**

- The Harrow Town Sports Club is on a corner site. It is located on Rayners Lane and contains a sports ground and tennis club.
- The site is located adjacent to the Rayners Lane Conservation Area (across the road).

**c) Proposal Details**

- Additional hardsurfacing with an area of 378 square metres is proposed to the rear of the existing carpark.
- Erection of two floodlights columns, 4.5m in total height, to the perimeter of the existing sports field adjacent to the existing carpark. Two floodlights each containing 70W sodium lights would be located on each column. They would match the existing floodlighting columns to which they would be constructed adjacent to.
- A 2m high palisade fence is proposed which would separate the proposed new carparking area from the existing playing field.
- A gate is proposed in the new fence at the rear of the car park.

### Revisions to Current Application

- Consistent details of the proposed lighting in the D & A and the plans was requested and subsequently submitted.

#### d) Relevant History

HAR/12398	Residential Development	REFUSED 20-DEC-56
HAR/2698	Convert air raid shelter part club premises	GRANTED 03-FEB-50
HAR/2698/B	Alterations add. Pavillion	GRANTED 11-NOV-58
HAR/8995	Erect Scout Hut	REFUSED 02-APR-54
HAR/8995/A	Erect Hut Scout Group	GRANTED 29-OCT-54
LBH/1969/W	Single Storey Extension to Club House	GRANTED 01-JUL-81
LBH/42181	Single Storey Front Extensions to Provide Ancillary Office and Storage Space and Provision of New Front Entrance assistant.	GRANTED 01-FEB-91
LBH/4404	Reconstruction of Existing Cricket Pavilion and Erection of Squash and Related Facilities (Outline)	GRANTED 28-AUG-69
LBH/4404/1	Erection of Single Storey Storage Building	GRANTED 12-JUN-72
LBH/4404/2	Erection of Single Storey Building to Provide Changing Facilities	GRANTED 24-OCT-73
LBH/4404/3	Erection of Single Storey Timber Building for Changing Facilities	GRANTED 16-JAN-76
WEST/186/93/FUL	Floodlighting of 2 Existing Tennis Courts Additional Floodlit Tennis Court and Pedestrian Access	GRANTED 21-DEC-93

#### e) Applicant's Statement

- Extension to the existing carpark
- This development will have no adverse impact on the local surroundings other than those that already existing in the car park and sports club.
- The car park will be lit using twin 70W floodlights mounted onto 4.5M high posts to match existing.
- The access into the car park will be as existing, and the level of illumination from the floodlights will also be the same.
- The new lighting will be controlled on a time-clock to be switched off at nightfall to time as agreed for the existing car park lighting.

#### f) Consultations

- **CAAC:** "As long as no trees are being cut down, there are no objections. As many trees as possible should be retained".
- **Sport England:** No Response received

- **Tree Officer:** “There are no TPOs on the site but the trees along the boundary of the car park could be affected by the proposed new car parking spaces. Can they provide a method statement for installation of new hardsurfacing/ new boundary fencing, in relation to the on-site trees”.
- **Drainage Engineer:** Conditions recommended.
- **Biodiversity Officer:** The site is not adjacent to any (statutory or non-statutory) protected sites. I do not think there will be any roosting bats on site. However, there is the possibility that bats will forage at the sites's edges. Thus, as a precaution, any floodlighting should be cowled and downward facing with little horizontal spillage - sodium lamps (high or low pressure) are a little more 'bat-friendly' than halogen or mercury lamps. This is also an opportunity to get a few bird nesting boxes installed. These should be tailored for house sparrow and starling which are UK and London Biodiversity Action Plan species, both have been recorded near to the site and will be able to cope with nearby roads, and housing. These, should be erected and positioned appropriately, on mature trees to the south of the site”.
- **Lighting Engineer:** “No design calculations or details have been provided for the above, including horizontal overspill isolux contours, in the Design & Access Statement or Drawings 101-CP/102-CP. It would appear that the existing floodlights incorporate 70w Son-E (High Pressure Sodium) lamps mounted on 5m approximate lighting column in a twin configuration. This would be a reasonable combination of floodlight and column mounting height for the task”.
- **Highways Engineer:** “Although the proposal is encouraging the use of the private car borne travel to and from the site it is accepted that the additional parking provision will reduce potential impact on the adjacent highways thereby helping to protect residential amenity. The additional traffic generated by the proposal will be insignificant in terms of existing base line traffic flows in this locality. Access provisions are considered acceptable for the level of proposed use. The new hard surfacing to be permeable to relevant CLG standards and conditioned accordingly. In summary there are no specific concerns with the proposal”.

**Advertisement:**

Site Notice: Character of  
the Conservation Area

Expiry: 02-JUNE-11

**Notifications**

Sent  
197

Replies  
0

03-JUNE-2011

**Addresses consulted:**

1-32 Macmillan Court, Rayners Lane  
274, 256, 277, 279, 281, 283, 285, 287, 289, 291, Rayners Lane  
1-22 Stockton House, Rayners Lane  
412A, 414A, unit rear of 114, 416, 416A, 418, 418A, 420, 420A, 420B, car park to  
rear of 420 – 438, substation to rear of 404, 422, 422A, 422B, 424A, 424B, 426A,



426B, 428B, 404, 406 408, 404A, 408, 408A, 410, 410A, 412-414, 426A, 404A, 408A, 410A, 426B, 428A, 428, 428B, 430, 430A, 430B, 430B, 432, 432A, 432B, 434, 434A, 434B, 436, 436A, 436B, 438, 438A, 438B, 424-426, Tesco Express, 454A, 454B, 456A, 456B, 458A, 458B, 462A, 462B, 458, 460, Flat A 460, Flat B 460, Basement 460, 472, 464, 470, 454, 456, Zoroastrian Centre, Alexandra Avenue

The Turret 295 Rayners Lane

1, 3, 5, 9, 11, 15, 17, 19, 19A, 21, 23, 25 Fairview Crescent

### **Summary of Response:**

- N/A

## **APPRAISAL**

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

Saved policies R4 and R5 of the Harrow UDP (2004) recommend that the Council should seek further provision of outdoor sports facilities and intensive use pitches. Also, the site is allocated in the Unitary Development Plan (2004) under saved policy EP47 as open space. This policy sets out that small scale ancillary facilities to support a sites primary use as open or recreational space will normally be acceptable. The application is to extend an existing car parking facility. Whilst the proposal would result in the loss of some grassed space, it is considered that this would not be to the detriment of the primary use of the land as it is a relatively small scale alteration. It is considered that the proposals would not prejudice the current or future use of the playing fields at Harrow Town Sports Club.

The fencing and lighting proposed would be located adjacent to the boundary with the carpark and as such would not impact on the open space.

As such, the principle of the proposals in this location is considered acceptable.

### **2) Character and Appearance of the Area, the adjacent Conservation Areas; Residential Amenity**

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

The site is located adjacent to the Rayners Lane Conservation area. When viewed in the immediate locality, the proposed floodlights would be apparent, but it is considered that they would not look out of place given the existing floodlights and their location next to the carpark and sportsfield. Furthermore, they are relatively small scale at 4.5m tall. The Council's Conservation Officer has not objected to the proposal. It is considered that the proposals would not unduly impact on the character and appearance of the adjacent Conservation Area. Which satisfies criteria A, B and C of policy D23.

As set out above, there is a presumption in favour of enhanced sports facilities such as the ones proposed, but should the impacts that arise from such improvements be significantly adverse to local residential amenity, then this harm may outweigh the benefits of the sports facilities. In relation to potential impacts from development that may be 'noisy', Planning Policy Guidance (PPG) Note 24: Planning and Noise (1994) sets out the following:

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

In terms of the harm that may result from the proposed development, this could be broken down into two broad categories. Firstly, the impact of the floodlights in terms of light spill and pollution (criteria D of policy D23), to both the immediate surrounding residential properties and to the wider area. Secondly, whether as a result of the proposed floodlights, the level of activity taking place at different hours would result in undue noise and disturbance to residential amenity (criteria F of policy D23).

The drawings submitted by the applicant indicate 70 Watt Sodium Lamps. No luminance calculations have been provided. However, as the proposed lights would match the existing lights on the site, they would not have an undue impact on the character of the area or residential amenity. A condition has been recommended restricting the hours of use of the floodlights between 07.00 and 22.00hrs.

The Councils Lighting Engineer has not objected to the application in relation to this issue, it is considered that, on balance, the application would be acceptable in terms of criteria D of saved Policy D23 of the Harrow Unitary Development Plan (2004).

No increase in hours of operation have been applied for in the current application. Therefore, there would not be additional noise and disturbance to the immediate adjacent occupiers which would satisfy criteria F of policy D23.

As such, it is considered that the application would comply with saved policy D23 of the Harrow Unitary Development Plan (2004).

### **3) Refuse/Recycling Storage**

Policy D4 of the Harrow Unitary Development Plan requires that provision of refuse storage is to be made.

It is considered that the requirement for refuse storage would be not be increased as a result of the proposal.

Therefore, the proposal would not unduly impact on the visual amenity of the immediately surrounding area and would be in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

**4) Highway safety**

It is considered that there would be no detrimental impact on the free flow or safety of the adjacent highway as a result of the proposal. The proposed car park extension is considered to be acceptable and the Council's Highway Officer has not objected to the proposal. The proposal complies with saved policies T6 and T13 of the UDP (2004).

**5) Surface Water Runoff**

The Council's Drainage Engineer has recommended conditions to ensure that the proposal would not have a detrimental impact on flooding. Furthermore, a condition to require permeable surfacing, will avoid any additional impacts upon local drainage surrounding the site access. Therefore, the proposal would comply with saved policy EP12 of the UDP subject to these conditions.

**6) Impact on Trees and Biodiversity**

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) and its supporting Good Practice Guidance highlight that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment. Furthermore criteria E of policy D23 requires the LPA to consider the impact of floodlights on wildlife.

The site is not adjacent to any (statutory or non-statutory) protected sites. The Council's Biodiversity Officer is satisfied that there aren't any roosting bats on site. However, there is the possibility that bats will forage at the sites's edges.

The lights would match the existing floodlights to the carpark. They would be sodium lights (70W) which would be downward facing. This would mitigate any undue impact on any bat populations in the vicinity of the site.

A condition has been placed on this application, requiring a minimum of 3 house sparrow and starling bird nesting boxes in the mature trees to the south of the site. This condition would help ensure biodiversity is enhanced in the area in accordance with saved policies EP26, EP28 and D23 of the UDP (2004)

There are no TPOs on the site but the trees along the boundary of the car park could be affected by the proposed new car parking spaces. A condition has been recommended requiring a method statement for installation of new hardsurfacing/ new boundary fencing, in relation to the on-site trees to ensure that the proposals would not unduly impact upon these trees. Subject to this condition being placed on any permission, the Council's Tree Officer has not objected to the proposal.

**7) S17 Crime & Disorder Act**

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

**8) Consultation Responses**

- N/A

**CONCLUSION**

Having regard to the development plan, the objection received and the comments made as a result of consultations, the proposed hardsurfacing, floodlights and new fence considered to be consistent with policy concerning the development and subject to the planning conditions proposed, would preserve the character and appearance of the conservation area and would not give rise to harm to the interests of sport in the borough or the amenities of nearby residents. Approval is accordingly recommended.

**CONDITIONS**

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

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

2 The fence hereby permitted shall be a metal palisade fence painted dark green to match existing as shown on drawing number 102-CP submitted with the application and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and the adjacent conservation area in accordance with saved policies D4 and D14 of the Harrow Unitary Development Plan (2004).

3 The floodlights hereby permitted shall match the existing floodlights on the site as shown on drawing number 101-CP Rev C submitted with the application and shall thereafter be retained.

REASON: To ensure that lighting would have a minimum impact on neighbouring amenity in accordance with saved policy D5 of the Harrow UDP (2004).

4 The floodlighting hereby permitted shall only be used on any day between the hours of 30 minutes before sunset until 2200 hours without the prior written permission of the local planning authority.

REASON: In order to ensure that neighbouring residential amenities are protected in accordance with saved policy D23 of the Harrow UDP (2004).

5 The development of any hardsurfacing hereby permitted shall not be commenced until works for the disposal of surface water and surface water attenuation/storage works have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under saved policies EP12 of the Harrow Unitary Development.

5 Before the development hereby permitted is brought into use provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

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

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

6 The development hereby permitted shall not commence until details of bird boxes for house sparrows and starlings (a minimum of three boxes are required) including their location on mature trees to the south of the site have been submitted to, and approved in writing by, the local planning authority:

The bird boxes shall be installed on site in accordance with the approved details and shall thereafter be retained.

REASON: To protect the biodiversity of the area in accordance with saved policy EP26, EP27 and EP28 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall not commence until there has been submitted to, and approved by the local planning authority:

(i) An Arboricultural Method Statement in relation to the installation of the new hard surfacing and fencing in relation to the existing trees on the site.

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

REASON: To ensure that the trees near the proposed works would not be unduly affected by the proposals in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

8 The development hereby permitted shall be carried out in accordance with the following approved plans: 101-CP Rev C; 102-CP; Tree Report; Design and Access Statement

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

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

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

PPG24: Noise (1994)

The London Plan: 3A.18; 3A.24; 3D.10; 4A.1; 4A.3; 4B.1, 4B.5

Harrow Unitary Development Plan 2004: D4, D5, D10, D12, D14, D15, EP12, D23, T6, T13, EP47, EP26, EP27 and EP28

Pinner Conservation Areas SPD – Appendix 11 – the Rayners Lane Conservation Area Appraisal and Management Strategy (2009)  
Harrow's Sustainable Community Strategy [Mar 09]

**2 INFORMATIVE:**

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

**3 INFORMATIVE:**

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

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

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

You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

Beginning development in breach of a planning condition will invalidate your planning permission.

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

Plan Nos: 101-CP Rev C; 102-CP; Tree Report; Design and Access Statement

### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.



## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.