

SECTION 1 – MAJOR APPLICATIONS

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 79 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

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)

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.

The application was deferred from the previous Planning Committee on the 15th June 2011 to allow for wider consultation take place.

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 79 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 79.

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. Also concerned that the application for a hotel is genuine, and not a backdoor consent for a hostel.

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), and further notification of properties on the 14/06/2011

Sent: 111 Replies: 4 objection Expiry: 23-SEP-10
Expiry: 05-JUL-11

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 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. The bins would be taken through the site to the High Street frontage for collection and returned after collection. This arrangement is something that would be an issue for the management of the site.

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

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 CO₂ 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 CO₂ 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.

Comments in relation to the use of the site as a hostel instead of a hotel are noted. Should planning permission be granted, this would give the new building a C1 Class under the Town and Country Planning (Use Classes) Order 1987 (as amended). This would allow any use within Class C1. However, a hostel – whether it be a youth hostel or other sort – are classified as Sui Generis, and therefore would need planning permission in their own right. As such, this planning consent would not allow for a hostel on the site, and a further application to the Council would be required.

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 CO₂ emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

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

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 not be occupied or used until the forecourt parking space shown on the approved plans has been made available for use. The space shall be allocated and retained for use by people with disabilities only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with saved policy C16 of the Harrow Unitary Development Plan (2004).

14 Prior to the first use of the building, details of any external lighting of the building shall be submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in strict accordance with the approved details.

REASON: To protect neighbouring occupiers in accordance with Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class A in Parts 24 and 25 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority.

REASON: To safeguard the character of the locality in accordance with Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

16 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 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.

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

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.

Item: 1/02
1-26, 28 & 30 DOUGLAS CLOSE, P/1397/11
STANMORE, HA7 3SP

Ward: STANMORE PARK

VARIATION OF CONDITION 21 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION P/1794/10 DATED 08/10/2010 FOR 'REDEVELOPMENT TO PROVIDE 53 FLATS IN FIVE x FOUR STOREY BLOCKS (22 AFFORDABLE), 26 X 2 STOREY DWELLINGHOUSES (14 AFFORDABLE), INCLUDING 6 HOUSES WITH ACCOMMODATION IN ROOFSpace; PROVISION OF 80 PARKING SPACES; 79 CYCLE SPACES; LANDSCAPING' TO ALLOW MODIFICATIONS TO THE EXTERNAL APPEARANCE AND INTERNAL LAYOUT OF THE APPROVED DEVELOPMENT INCLUDING MINOR ALTERATIONS TO THE EXTERNAL DIMENSIONS, DOORS AND WINDOWS OF THE HOUSES AND FLATS; MINOR ALTERATIONS TO THE HOUSES BY ENLARGING DORMERS AND RELOCATING SINGLE STOREY ELEMENTS, CYCLE AND REFUSE STORAGE AND ENTRANCES; MINOR ALTERATIONS TO THE MAIN ENTRANCES AND ROOF DESIGN OF THE FLAT BLOCKS; REVISED HOUSING TENURE PLAN

Applicant: Notting Hill Home Ownership Ltd
Agent: Rolfe Judd Planning
Case Officer: Matthew Lawton
Statutory Expiry Date: 24-AUG-11

RECOMMENDATION

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

REASON

The proposed variation of the condition would allow for a development which would meet the necessary requirements in order to secure the allocated funding for affordable housing which would enable the successful regeneration of Douglas Close and the implementation of the previously approved scheme. The proposal as amended would deliver a mix of flats and houses and address the specific housing needs of the area, in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.9 and Harrow UDP Policies EP20 and H7.

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

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2008 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

National Planning Policy:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPS25 Development and Flood Risk

The London Plan [2008]:

3A.1 Increasing London's supply of housing
3A.2 Borough housing targets
3A.3 Maximising the potential of sites
3A.5 Housing choice
3A.6 Quality of new housing provision
3D.13 Children and Young Peoples Play and Informal Recreation Strategies
3A.15 Loss of housing and affordable housing
3A.8 Definition of affordable housing
3A.9 Affordable housing targets
3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes.
3A.11 Affordable housing thresholds
3D.15 Trees and woodland
4A.1 Tackling climate change
4A.3 Sustainable Design and Construction
4A.4 Energy assessment
4A.7 Renewable energy
4A.21 Waste strategic policy and targets
4B.1 Design principles for a compact city
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection
6A.4 Priorities in planning obligations
6A.5 Planning obligations

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

S1 The Form of Development and Pattern of Land Use
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings
EP25 Noise
EP29 Tree Masses and Spines
D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
D9 Streetside Greenness and Forecourt Greenery
D10 Trees and New Development
H7 Dwelling Mix
T6 The Transport Impact of Development Proposals
T11 Cycle and Motor Cycle Parking in Public Spaces
T13 Parking Standards
C16 Access to Buildings and Public Spaces

Supplementary Planning Document Sustainable Building Design [May 2009]
Supplementary Planning Document Accessible Homes [March 2010]
Supplementary Planning Document Access for All [April 2006]

Harrow Council's Sustainable Community Strategy [April 2009]
Harrow Council's Play Strategy [2007-2012]
GLA Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation [2008]
London Housing Design Guide: Interim Edition [2010]

- 1) **Amendments to the approved scheme P/1794/10**
The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.8, 3A.9, 3A.10, 3A.11, 3A.15, 3D.15, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1, 4B.5.
London Borough of Harrow UDP 2004: EP25, D4, D5, D10, T6, T13.
- 2) **S17 Crime & Disorder Act**
London Borough of Harrow UDP 2004: D4
- 3) **Consultation Responses**

INFORMATION

This application is reported to the Planning Committee as it falls outside the thresholds set by schedule 14 of the Scheme of Delegation because it is for a variation of a condition attached to a planning permission for redevelopment to provide 53 flats and 26 dwellinghouses.

a) Summary

Statutory Return Type:	Smallscale Major Dwellings
Site Area:	1.37 ha
Density	173 HRH [Compliant with The London Plan Density Matrix of between 150-250 HRH]
Car Parking:	Provided: 80 [1.01 spaces per unit]
Lifetime Homes	100%

Council Interest: None.

b) Site Description

- Douglas Close is situated in Stanmore south of Uxbridge Road, adjacent to the junction with The Chase to the west and it is accessed from Elliot Road to the south.
- The site previously contained 28 vacant two storey semi-detached and terraced former Ministry of Defence houses.
- The surrounding area has a residential character, a number of blocks of two and three storey flats lining the north side of Uxbridge Road along with detached and semi-detached Houses on the south side.
- Elliot Road is characterised by smaller two storey semi-detached houses.
- There are a number of mature trees which screen the site from Uxbridge Road and The Chase which, since the approval of the application P/1794/10, have been made the subject of a Tree Preservation Order.
- The site is set at a lower level than the carriageway and pavement of Uxbridge Road to the north.
- A fence separates the site from Uxbridge Road.
- There are two community buildings close to the entrance of the site at the junction of Elliot Road and Douglas Close.
- There is no through vehicular access in Douglas Close.
- Immediately to the east of the site is the recently redeveloped Stanmore Park estate which contains a mixture of residential development of a variety of designs and types including blocks of flats and terraced, semi-detached, and detached houses.
- The site is within 600 metres of Stanmore District Centre which lies to the east, and approximately 1.5 kilometres from Stanmore Underground Station which also lies to the east beyond the District Centre.
- There are a number of bus stops along Uxbridge Road which serve routes to Harrow, Stanmore, Edgware and South Harrow.
- A footpath runs along the site's eastern boundary between Douglas Close and Stanmore Park.
- There is a culvert running through the western side of the site.
- The north-western corner of the site is in Flood Zone 3a, the rest of the northern half of the site being in Flood Zone 2.

c) Background and Proposal Details

- Planning permission P/1794/10 was granted on 8th October 2010 for the redevelopment of the Douglas Close estate through the demolition of 28 residential units and replacement with 79 residential units.
- The approved scheme comprises:
 - 20 x one-bed flats
 - 33 x two-bed flats
 - 13 x two-bed houses
 - 7 x three-bed houses
 - 4 x four-bed houses
 - 2 x five-bed houses
- The approved scheme would provide 36 units as affordable housing [23 as social rented and 13 as shared ownership].

- The one and two bedroom apartments would be divided between five four storey, pavilion-style blocks (blocks 'A' to 'E').
- All the houses approved would be semi-detached.
- This current Section 73 application seeks to vary Condition 21 of the approved scheme P/1794/10 to permit minor changes to the proposed flats and houses.
- This variation of condition entails the substitution of drawings as scheduled on condition 21 of the planning permission P/1794/10 with revised drawings which include the minor changes proposed.
- Condition 21 of P/1794/10 states:
 - 21 The development hereby permitted shall be carried out in accordance with the following approved plans:
PL001, 002, 003, 004, 005, 006 Rev.A, 007 Rev.A, 008, 009 Rev.A, 010 Rev.A, 011 Rev.A, 012 Rev.B, 013 Rev.A, 014 Rev.A, 015 Rev.A, 016 Rev.A, 017 Rev.A, 018 Rev.A, 019 Rev.B, 020 Rev.A, 021 Rev.A, 022 Rev.A, 023 Rev.A, 024 Rev.A, 032; 'Proposed Site Layout 3' 150_SIT_000_draft; Letter from SLR to Environment Agency dated 18th August 2010; Explanatory Planning Statement July 2010; Bat Survey Report 18th June 2010; Design & Access Statement June 2010; Air Quality Assessment June 2010; Energy Strategy June 2010; Noise Assessment 14th June 2010; Code for Sustainable Homes Preliminary Assessment Report June 2010; Transport Assessment June 2010; Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231; Sustainability Statement June 2010; PPS25 Flood Risk Assessment June 2010 Ref. 402.2883.00003; Memorandum from URS Biological Search data for Douglas Close
- The proposed amendments to the approved scheme included in the revised drawings are:
 - Roof pitch to flat blocks reduced and material amended to standing seam metal.
 - External wall thicknesses increased by approximately 100mm.
 - Increase in width of the houses by 300mm in addition to the general 100mm increase in the thickness of the walls.
 - Bay windows to the corners of the flat blocks have been slightly amended to rationalise them and provide more rectangular rooms.
 - Raking windows to gables in the flat blocks have been modified to introduce a transom at ceiling level.
 - Top floor of flats increased in depth from entrance elevation to rear by approximately 700mm.
 - Gas meter housings indicated to either side of flat main entrances.
 - Dormers to the type 3 and 4 houses have increased in width by 1.2m.
 - Type 3 houses have been amended to have the main entrance in the gable elevation.
 - Refuse and cycle stores have been relocated to be sited 3-5m back from the front line of the houses, as opposed to 1.5m back from the front line of the houses as approved.
 - Cleaners/gardeners store added to blocks B and D by subdividing the cycle store in each block and adding an external door in place of a window.

- Two x 2 bedroom/3 person wheelchair flats substituted for two x 1 bedroom/2 person wheelchair flats, one in each of the blocks A and E.
 - Type 4 houses first floor front bedrooms have been divided into two single bedrooms, resulting in two 6 rather than 5 bedroom houses.
 - A revised Tenure Plan 698/P/460/C has been submitted to replace the approved Tenure Plan to reflect an adjustment in the affordable homes provision in line with the funding received from the Homes & Communities Agency (HCA) and the cascade mechanism approved as part of the legal agreement tied to the planning permission P/1794/10. HCA funding was secured for a total of 33 affordable housing units (21 Social Rented units and 12 Intermediate Housing units).
- Condition 21 of P/1794/10 would be amended by this current application to read:

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

PL001, 002, 003, 004, 005, 1698/P/460 Rev.C, 1698/P/450 Rev.A, 008, 009 Rev.A, 010 Rev.A, 011 Rev.A, 012 Rev.B, 013 Rev.A, 1698/P/HO1 Rev.A, 1698/P/HO2 Rev.A, 1698/P/HO3 Rev.A, 1698/P/HO4 Rev.A, 1698/P/HO5 Rev.A, 1698/P/A10 Rev.A, 1698/P/A150 Rev. A, 1698/P/B10 Rev.A, 1698/P/B150 Rev.A, 1698/P/C10 Rev.A, 1698/P/C150 Rev.A, 1698/P/D10 Rev.A, 1698/P/D150 Rev.A, 1698/P/E10 Rev.A, 1698/P/E150 Rev.A, 023 Rev.A, 024 Rev.A, 032; 'Proposed Site Layout 3' 150_SIT_000_draft; Letter from SLR to Environment Agency dated 18th August 2010; Explanatory Planning Statement July 2010; Bat Survey Report 18th June 2010; Design & Access Statement June 2010; Air Quality Assessment June 2010; Energy Strategy June 2010; Noise Assessment 14th June 2010; Code for Sustainable Homes Preliminary Assessment Report June 2010; Transport Assessment June 2010; Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231; Sustainability Statement June 2010; PPS25 Flood Risk Assessment June 2010 Ref. 402.2883.00003; Memorandum from URS 'Biological Search data fro Douglas Close'; 'May 2011 S73 Application – Amendments to Scheme'; Letter from Rolfe Judd dated 24th May 2011.

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

d) Relevant History

P/1794/10	Redevelopment to provide 53 flats in five x four storey blocks (22 affordable), 26 x 2 storey dwellinghouses (14 affordable), including 6 houses with accommodation in roofspace; Provision of 80 parking spaces; 79 cycle spaces; Landscaping.	GRANTED 08-OCT-10
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Item 1/02 : P/1397/11 continued/...

P/3284/10	Details pursuant to condition 25 (construction method statement) attached to planning permission P/1794/10 dated 08/10/2010 for 'Redevelopment to provide 53 flats in five x four storey blocks (22 affordable), 26 x 2 storey dwellinghouses (14 affordable), including 6 houses with accommodation in roofspace; Provision of 80 parking spaces; 79 cycle spaces; Landscaping'.	APPROVED 02-FEB-11
P/0147/11	Variation of condition 21 (approved plans) attached to planning permission P/1794/10 dated 08/10/2010 for 'Redevelopment to provide 53 flats in five x four storey blocks (22 affordable), 26 x 2 storey dwellinghouses (14 affordable), including 6 houses with accommodation in roofspace; Provision of 80 parking spaces; 79 cycle spaces; Landscaping' to allow modifications to the external appearance and internal layout of the approved development including a revised housing tenure plan.	WITHDRAWN 17-JUN-11
P/0426/11	Details pursuant to conditions 3 (boundary treatment), 4 (tree protection plan & arboricultural method statement), 5 (landscaping), 9 (levels), 10 (materials), 22 (privacy screens), 24 (glazing) attached to planning permission P/1794/10 dated 08/10/2010 for 'Redevelopment to provide 53 flats in five x four storey blocks (22 affordable), 26 x 2 storey dwellinghouses (14 affordable), including 6 houses with accommodation in roofspace; Provision of 80 parking spaces; 79 cycle spaces; Landscaping'.	CURRENT APPLICATION

e) Pre-Application Discussion

- Planning Advice Team submission, April 2009 for a scheme to retain 13 properties and provide 52 new flats and 15 new houses.
- Pre Application Meeting, May 2009 for a scheme to retain 13 properties and provide 52 new flats and 19 new houses.
- Planning Advice Team submission, September 2009 for a scheme for 71 new dwellings (52 flats, 19 houses).
- Pre Application Meeting, October 2009 for a scheme for 83 mixed tenure new dwellings (53 flats, 31 houses).
- Further meetings with Officers took place in spring/summer 2010 based on amendments to the October 2009 scheme which led to the submission of the application P/1794/10.

- Meeting held between Officers, Applicant, Agent, Architect and an Officer from the Council's Housing department relating to the application P/0147/11. Detailed negotiations were held regarding the changes proposed to the approved scheme P/1794/10 and it was agreed that this application should be withdrawn and this new application submitted with revised amendments.

f) Applicant Statement

- It is imperative that the changes are agreed as soon as possible in order to ensure that the development can be implemented at the earliest possible date in order to meet grant funding requirements.
- Following the most recent meeting with officer the Architects have made a number of changes to the scheme to incorporate Officers' comments and suggestions.
- This minor amendments application entails the substitution of drawings as scheduled on condition 21 of the planning permission with revised drawings which include the minor changes proposed.
- The proposed changes do not involve any amendments to the boundary of the site or any changes to the approved 'red line' boundary
- The following schedule highlights the proposed minor amendments which are shown on the submitted drawings:

NO.	AMENDMENT TO THE CONSENTED SCHEME	JUSTIFICATION FOR THE AMENDMENT
1	Roof pitch to flat blocks reduced and material amended to standing seam metal.	The roof pitch and material have been amended for three reasons: 1. To allow slates to be used as consented scheme these need to be laid at a minimum pitch of 20 degrees. The consented scheme has a roof pitch of 17 degrees. 2. To prevent the top floor flats having raking low level ceilings at the perimeter the eaves have been raised slightly which further reduces the roof pitch to 15 degrees. 3. To maintain the ridge height as the consented scheme and increase the eaves height requires a different roofing material to be used.
2	External wall thicknesses increased by c.100mm.	The walls have increased in width by c.100mm to ensure compliance with thermal performance requirements necessary to achieve Code Level 4. Increasing insulation in this way is the most robust long term solution to reduce the carbon footprint of the development. It will also reduce the energy bills for middle and lower income families.

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|----------|---|--|
| 3 | Increase in width of the houses. | The houses have been increased in width by c. 300mm + item 2 (though this is not visible from the street due to projecting brick piers.). This increase in width was to ensure compliance with HQI room areas and furniture layouts and therefore comply with HCA funding requirements. |
| 4 | Bay windows to corners of flat blocks amended slightly. | These have been rationalised to provide more rectangular rooms which would then comply with HQI furniture layouts and HCA funding requirements. In general the random sizing, fenestration and positioning of the bay windows has been maintained. |
| 5 | Raking windows to gables in the flat blocks have been modified to introduce a transom at ceiling level. | The consented scheme shows windows with a single pane of glass spanning across the ceiling line within the flats. This is impractical. The transom allows an opaque pane of glass to be used above ceiling level and clear glass below. |
| 6 | Top floor of flats increased in depth from entrance elevation to rear by c. 700mm. | The requirement to comply with Lifetime Homes is conditioned in the planning consent (condition 2) and is also a requirement of achieving Code for Sustainable Homes level 4 (condition 26). The new Lifetime Homes requirements now demand a minimum 750mm either side of the bed in the main bedroom. Achieving Lifetime Homes and Code Level 4 are an HCA funding requirement. This together with the need to introduce a lobby to the top floor plan has led to the increase in depth at this level. |
| 7 | Gas meter housings indicated to either side of flat main entrances. | These are required to install gas meters and prevent a series of ground mounted meter boxes that would restrict the extent of private defensible gardens to the ground floor flats. |
| 8 | Dormers to the type 3 + 4 houses have increased in width. | The increase in width is to allow a greater area of the bedrooms to be accessible and over 1500mm in height. Otherwise the rooms would be compromised and only be capable of being single bedrooms rather than twin bedrooms as indicated on the consented plans. Once again this is an HCA funding requirement.
Our client is keen to maximise the bedspaces in these houses as they are likely to be the last 'social rent' family houses in the Borough for some considerable time. |

- | | | |
|----|--|---|
| 9 | Type 3 houses have been amended to have the main entrance in the gable elevation. | This change allows a large family kitchen diner to be created at the front of the house which is far more suitable for large family living than having a living/diner and a separate kitchen. It also allows a single location to be used for the staircase thereby rationalising the plan. |
| 10 | Refuse and cycle stores have been indicated to the rear of the properties rather than towards the front. | This allows the refuse stores to be less obtrusive and not clash with the side entrance to the modified type 3 houses. |
| 11 | Cleaners/gardeners store added to blocks B + D. | This allows gardening equipment for the extensive soft landscaping to be stored on site together with cleaners equipment for cleaning common parts of the flat blocks. |
| 12 | 2 no. 2B/3P wheelchair flats substituted for 1B/2P wheelchair flats, one in each of blocks A + E. | Allows more families to be accommodated. See also point 10 above. |
| 13 | Type 4 house first floor front bedroom divided into two single bedrooms. | Gives more flexible living for larger families. See also point 10 above. |
-
- In addition to the changes above we append a revised Tenure Plan 698/P/460/C as submitted to the Council on 9th March 2011. The affordable units subject to the S106 identified on the plan reflect the amendment to the tenure discussed with the Council's legal department in January 2011.
 - We consider these changes are minor material amendments to the planning permission. As noted in the recent CLG Guidance document Greater Flexibility for Planning Permissions (October 2010) a minor material amendment is one:
"...whose scale and nature results in a development which is not substantially different from the one which has been approved."
 - We consider the changes are insubstantial and that the nature and scale of development remains unchanged and thus these amendments can be dealt with by the submission of a substitution of drawings through an application under Section 73 of the 1990 Act to vary condition 21.

g) Consultations [External]

- *Environment Agency* – No comments to make.
- *Crime Prevention Design Advisor* – No response.
- *Thames Water* – Suggested Waste and Surface Water Drainage informatives.
- *The Bentley Way Association* – No response.
- *The Stanmore Society* – No response.

Advertisement: Major Development

Notifications:

Sent: 503

Replies: 2

Expiry: 22-JUN-11

Summary of Responses:

- Too much traffic on Douglas Close and within Stanmore Park, this will lead to more congestion and chaos.

APPRAISAL

1) Amendments to the approved scheme P/1794/10

As detailed in the above 'Applicant Statement' section of this report, the changes proposed to the approved scheme as part of this application to substitute some of the approved drawings with revised and additional drawings has been justified largely on the grounds of practicality and to meet the requirements set down by the Homes and Communities Agency (HCA) in order to receive the funding which the developers have already been allocated. In order to meet the strict deadlines set out by the HCA, the Council's planning and housing teams have been working with the developers and their architects and agents to minimise the impact of any of the proposed amendments to the approved scheme and ensure that they would not have a detrimental impact upon its quality, the character and appearance of the area and residential amenity. As part of this process an earlier application to vary the same condition was withdrawn following detailed discussions between all parties and this current application is therefore seen to achieve the aim of the developer to receive the allocated funding and therefore ensure the provision of affordable housing whilst resulting in the least possible amendments to approved scheme and therefore maintaining its design quality and ensuring it would have no greater impact upon the character and appearance of the area and residential amenity.

In terms of the five blocks of flats, the roof pitches have been reduced and material amended to standing seam metal in place of synthetic slate. The increase in roof pitch from 17 to 15 degrees necessitates a marginal 500mm increase in the height of the eaves of the blocks of flats but significantly the ridge height remains the same as approved and therefore the maximum height of the buildings would remain unchanged.

Also at top floor level of the blocks of flats, they have been increased in depth from the front to rear by approximately 700mm and rationalised in terms of their design to ensure full compliance with adopted Lifetime Homes standards and also achieve Code for Sustainable Homes Level 4, both of which are necessary in order to achieve HCA funding and both of which were subject to conditions on the approved scheme. Raking windows to gables in the blocks of flats have also been modified to introduce a transom at ceiling level to allow opaque as opposed to clear glass to be used above ceiling level to improve the external appearance of the finished development. As the proposed changes at top floor level would be relatively minor in the context of the development and any impact contained over the buildings, it is considered that these proposed changes at roof level would not have a detrimental impact upon the quality of the approved scheme, the character and appearance of the area or residential amenity.

Bay windows to the corners of the flat blocks are proposed to be amended slightly from their approved form in order to rationalise their size and appearance and provide more rectangular rooms to comply with Housing Quality Indicator (HQI) furniture layouts and meet HCA funding requirements. The front entrances to the blocks of flats have also been amended, their width increasing by approximately 1.5m to incorporate gas meter housings on either side of the main entrances to the blocks of flats in order to avoid the need for externally mounted gas meters which would both be detrimental to the design quality of the development and restrict the amount of private defensible space around the ground floor flats. The increase in the width of these entrances is considered not to detract from the design of the buildings and would not have a detrimental impact upon the character and appearance of the area or residential amenity.

The proposed cycle stores in blocks B and D have been subdivided to provide additional cleaners/gardeners stores. To facilitate these service functions, an external door would be added in a flank wall of each block in place of an approved full length window in order to provide external access to these stores. This minor change to one flank wall in each of these blocks is considered not have a detrimental impact upon the character and appearance of the area or residential amenity.

External wall thicknesses across the proposed development have be increased by approximately 100mm as part of the amended drawings in order to ensure compliance with the thermal performance requirements of Code Level 4. This has resulted in an imperceptible increase in the overall width and depth of the blocks of flats when other changes such as those to the bay windows on the front corners are taken into account. Given the marginal nature of the increase in size of the buildings as a result of this proposed change and, when considered against the benefits of achieving full Code Level 4 compliance, it is considered that the small increases in building footprint proposed can be justified.

In addition to the 100mm increase in external wall thickness, the houses have also be increased in width by 300mm in order to ensure that the internal room sizes meet HQI standards and therefore HCA funding requirements.

Due to the approved design of the houses, however, with projecting brick piers at the front and rear, this additional 300mm increase in width would be largely imperceptible in the streetscene of the development and would ensure that the overall width of the houses would not also increase by this additional amount. The additional increase in width would therefore not have a detrimental impact upon the character and appearance of the approved development or wider area.

The approved front and rear dormers to the type 3 and 4 houses are proposed to be increased in width by 1.2m, although the amount of glazing would not increase to the same extent. This proposed change would increase the usable internal areas of the rooms they serve and ensure that the twin bedrooms consented could be provided in order to meet the HCA funding requirement. As the glazing in the dormers would not increase by a corresponding amount and the dormers would remain separate features in the roofslopes of the properties it is considered that this minor increase in size would not have a detrimental impact upon the residential amenities of neighbouring occupiers or the character and appearance of the area or development.

The main entrances to the type 3 houses have been moved from the front to the gable elevations in order to rationalise the internal layouts of these properties and provide a more suitable standard of accommodation. Given the open spaces between the semi-detached properties and overall design of the development it is considered that this proposed change would not be detrimental to the amenities or security of future residents or the character and appearance of the area and scheme.

The refuse and cycle stores attached to each of the semi-detached properties have been repositioned to be sited between 3-5m back from the front line of the houses, as opposed to generally 1.5m back from the front line of the houses as approved. This proposed change will reduce the appearance of these stores in the streetscene and increase the openness of the appearance of the spaces between the properties at the front whilst not detrimentally reducing open space at the rear. This would also facilitate the relocation of the entrances to the type 3 houses to the side as discussed above.

Internally, the first floor front bedrooms in the two type 4 houses would be subdivided into two single bedrooms, resulting in the provision of two 6 bedroom rather than 5 bedroom houses. Similarly the proposed 2 x 1 bedroom/2 person wheelchair flats in blocks A and E have been modified to provide 2 x 2 bedroom/3 person wheelchair flats in each of these blocks to allow more and larger families to inhabit these units. These proposed changes are supported by the Council's Housing department and are not considered to detrimentally increase the density of the scheme and so would be in accordance with levels recommended by Policy 3A.3 and Table 3A.2 of the London Plan 2008.

In terms of the provision of affordable housing, as has been discussed, the importance of this element of the scheme and the ability to obtain the allocated HCA funding is the reason driving most of the amendments proposed as part of this current application.

The legal agreement which accompanied the approved scheme allowed for a cascade provision depending on the level of funding allocated and, following a submission which the Council's Housing department agreed to which secured for a total of 33 affordable housing units (21 Social Rented units and 12 Intermediate Housing units), a revised Tenure Plan has been submitted to replace the Tenure Plan submitted with the approved scheme which represented the maximum possible provision of affordable housing. The location of the Intermediate Housing flats has also been moved from Block E to Block B but there is no objection to this and it is considered that this change will not detrimentally impact upon the scheme of neighbouring occupiers. Accordingly, the proposal is considered to comply with policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11 of the London Plan 2008 and Policy H7 of Harrow's UDP 2004.

Given the above detailed considerations, the benefits that would result from secured HCA funding to facilitate affordable housing provision as a result of the proposed alterations and the lack of material harm arising from these changes, the variation of condition is considered to be appropriate. The resulting development would be in keeping with the character and appearance of the area and would have no additional detrimental impact upon the amenity of future or neighbouring occupiers. Accordingly, the scale, layout and design of the amended proposal would comply with Policy 4B.1 of The London Plan 2008 and saved Policies D4 and D5 of Harrow's UDP 2004.

2) S17 Crime & Disorder Act 1998

A condition attached to the approved scheme requires details relating to the security of the development to be submitted before the occupation of the development in order ensure the acceptability of the development in this regard.

3) Consultation Responses

- *Thames Water* – Waste and surface water drainage conditions and informatives were attached to the original planning permission P/1794/10 and therefore remain valid.

Neighbour Responses

- *Too much traffic on Douglas Close and within Stanmore Park, this will lead to more congestion and chaos* – The proposed amendments as part of this current application are not considered to significantly alter the traffic impact of the approved scheme and therefore the development as proposed to be amended by this application is considered to be equally acceptable in this regard.

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

CONCLUSION

The proposed variation of condition to secure alterations to the buildings to allow modifications to the external appearance and internal layout of the approved development including minor alterations to the external dimensions, doors and windows of the houses and flats; minor alterations to the houses by enlarging dormers and relocating single storey elements, cycle and refuse storage and entrances; minor alterations to the main entrances and roof design of the flat blocks; revised housing tenure plan, would result in no harm to character and appearance of the area and the amenities of future and neighbouring residents, would provide improvements with regard to the security of the scheme and the internal access arrangements for occupiers of the units and would enable necessary affordable housing to be delivered

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

CONDITIONS

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

PL001, 002, 003, 004, 005, 1698/P/460 Rev.C, 1698/P/450 Rev.A, 008, 009 Rev.A, 010 Rev.A, 011 Rev.A, 012 Rev.B, 013 Rev.A, 1698/P/HO1 Rev.A, 1698/P/HO2 Rev.A, 1698/P/HO3 Rev.A, 1698/P/HO4 Rev.A, 1698/P/HO5 Rev.A, 1698/P/A10 Rev.A, 1698/P/A150 Rev. A, 1698/P/B10 Rev.A, 1698/P/B150 Rev.A, 1698/P/C10 Rev.A, 1698/P/C150 Rev.A, 1698/P/D10 Rev.A, 1698/P/D150 Rev.A, 1698/P/E10 Rev.A, 1698/P/E150 Rev.A, 023 Rev.A, 024 Rev.A, 032; 'Proposed Site Layout 3' 150_SIT_000_draft; Letter from SLR to Environment Agency dated 18th August 2010; Explanatory Planning Statement July 2010; Bat Survey Report 18th June 2010; Design & Access Statement June 2010; Air Quality Assessment June 2010; Energy Strategy June 2010; Noise Assessment 14th June 2010; Code for Sustainable Homes Preliminary Assessment Report June 2010; Transport Assessment June 2010; Douglas Close Travel Plan, June 2010, Final, Issue No.3, 49359231; Sustainability Statement June 2010; PPS25 Flood Risk Assessment June 2010 Ref. 402.2883.00003; Memorandum from URS 'Biological Search data fro Douglas Close'; 'May 2011 S73 Application – Amendments to Scheme'; Letter from Rolfe Judd dated 24th May 2011.

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

2 The permission hereby granted is supplemental to planning permission Ref. P/1794/10 dated 8th October 2010 and any amendments to this permission granted by the London Borough of Harrow. Save as modified by this permission, the terms and conditions of the original permission Ref. P/1794/10 are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

REASON: To ensure full compliance with planning permission Ref. P/1794/10.

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposed variation of the condition would allow for a development which would meet the necessary requirements in order to secure the allocated funding for affordable housing which would enable the successful regeneration of Douglas Close and the implementation of the previously approved scheme. The proposal as amended would deliver a mix of flats and houses and address the specific housing needs of the area, in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.8, 3A.9 and Harrow UDP Policies EP20 and H7.

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

The London Plan [2008]:

- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 3D.13 Children and Young Peoples Play and Informal Recreation Strategies
- 3A.15 Loss of housing and affordable housing
- 3A.8 Definition of affordable housing
- 3A.9 Affordable housing targets
- 3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes.
- 3A.11 Affordable housing thresholds
- 3D.15 Trees and woodland
- 4A.1 Tackling climate change
- 4A.3 Sustainable Design and Construction
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection
- 6A.4 Priorities in planning obligations
- 6A.5 Planning obligations

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

- S1 The Form of Development and Pattern of Land Use
- EP20 Use of Previously-Developed Land
- EP21 Vacant and Disused Land and Buildings
- EP25 Noise

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

Supplementary Planning Document Sustainable Building Design [May 2009]
Supplementary Planning Document Accessible Homes [March 2010]
Supplementary Planning Document Access for All [April 2006]

2 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.

Plan Nos: 1698/P/460 Rev.C, 1698/P/450 Rev.A, 1698/P/HO1 Rev.A,
1698/P/HO2 Rev.A, 1698/P/HO3 Rev.A, 1698/P/HO4 Rev.A,
1698/P/HO5 Rev.A, 1698/P/A10 Rev.A, 1698/P/A150 Rev. A,
1698/P/B10 Rev.A, 1698/P/B150 Rev.A, 1698/P/C10 Rev.A,
1698/P/C150 Rev.A, 1698/P/D150 Rev.A, 1698/P/D10 Rev.A,
1698/P/E10 Rev.A, 1698/P/E150 Rev.A, 'May 2011 S73 Application –
Amendments to Scheme'; Letter from Rolfe Judd dated 24th May 2011.

NURSING STANDARD HOUSE, 17-19 P/1356/11
PETERBOROUGH ROAD, HARROW, HA1 2AX

Ward: GREENHILL

EXTENSION OF TIME TO PLANNING PERMISSION P/2631/08 DATED 07/10/2008 FOR 'ADDITION OF TWO NEW FLOORS WITH MANSARD ROOF EXTENSION AND FRONT, SIDE AND REAR DORMERS ON TOP FLOOR AND FIVE STOREY REAR EXTENSION TO PROVIDE 700 SQM OF ADDITIONAL FLOOR SPACE, EXTERNAL ALTERATIONS INCLUDING NEW WINDOWS'.

Agent: Alliance Planning
Applicant: Paragon Clothing Ltd
Case Officer: Sushila Bhandari
Statutory Expiry Date: 17-JUL-11

RECOMMENDATION: Grant permission for this development described in the application and submitted plans, subject to conditions.

REASON

The decision to recommend **GRANT** to extend the time of the original planning permission P/2631/08 has been taken having regard to national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. There has been no material change in circumstances on the site, or a significant change in the character and appearance of the area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the area and the residential amenities of the nearby occupiers. Subject to the imposition of a similar condition as previously attached, the proposed development is considered to be acceptable

National Policy Guidance

PPS 4: Planning for Sustainable Economic Growth (2009)

The London Plan (2008)

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

Harrow Unitary Development Plan (2004):

- D4 The Standard of Design and Layout
- D7 Design in Retail Areas and Town Centres
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards
- EM15 Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas

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

- 1) Principle of Development and Character and Appearance of the Area (PPS 4; London Plan: 4B.1, 4B.8; UDP: D4, D7, EM15)
- 2) Residential Amenity (D4)
- 3) Transport Impacts (T6, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to committee as it proposes more than 400sqm of non-residential floor space and there falls outside schedule 4 of the scheme of delegation.

a) Summary

Statutory Return Type:	Minor Offices	
Site Area:	793m ²	
Car Parking	Standard	4
	Justified	20
	Provided	19
Council Interest:	None	

b) Site Description

- Four-storey, flat roofed office building set back approximately 4m from rear of footway on Peterborough Road
- Access to parking area at rear is via a no-through road (Carnegie Road) on southern flank
- To the south is a four/five storey office building
- To the north is a four-storey office building
- There are three-storey properties on the opposite side of Peterborough Road. These have commercial uses at ground floor with office and residential uses on the upper floor
- Premises is within Harrow Metropolitan Centre

c) Proposal Details

- Planning permission was granted on 7th October 2008 (P/2631/08) for 'addition of two new floors with mansard roof extension and front, side and rear dormers on top floor and five storey rear extension to provide 700 sqm of additional floor space, external alterations including new windows'
- This application seeks to extend the implementation of this permission, which expires on the 7th October 2011.
- The development proposal approved under P/2631/08, comprised the following works:
 - Ground to fourth floor rear extension, 8.26m deep, with fourth mansard floor over extended building
 - Two storey extension with a Mansard roof extension finished in Eternite slate with a series of lead clad dormer windows to provide a six storey building which would add 6m to overall height of building

- Mansard roof would be have three dormer-style windows on the front (Peterborough Road) elevation, two on the rear elevation, 9 on the side (southern) elevation and 9 on the northern elevation, together with three windows by the service area. The windows in the remainder of the proposed extensions would have top hung windows
- Ground floor of rear extension would have an undercroft to accommodate four parking bays.

Revisions to Previous Application:

- n/a

d) Relevant History

LBH/6621/8	Erection of 4 storey building comprising 9999 sq. Ft. Office accommodation with provision of access road and parking area (outline)	GRANTED 17-JAN-77
LBH/6621/9	Erection of 4 storey office block with provision of access road and parking spaces (details pursuant to outline permission dated 17th January 1977.	GRANTED 02-JUN-77
LBH/6621/10	Provision of entrance canopy and reception area to office	GRANTED 09-MAR-78
LBH/6621/12	Retention of 4 storey building comprising 10,419 sq ft of office accommodation and provision of access road and parking area	GRANTED 09-NOV-78
P/3235/04/COU	Outline: rear extension at ground to 3rd floor level and additional floor at fourth floor level	GRANTED 23-FEB-05
P/0065/07/DFU	Fourth floor roof extension to provide 187sq.m. of additional office (B1) floorspace	INVALID
P/0364/08/DFU	Rear extension at ground to third floor level and additional floor at fourth floor level to provide additional office (class b1) floorspace	GRANTED 19-JUN-08
P/1352/08/DDP	Details pursuant to condition 2 (materials) attached to planning permission P/0364/08/CFU dated 19-03-08 for rear extension at ground floor to third floor level and additional fourth floor level to provide additional office (class B1) floorspace	APPROVED 02-JUN-08
P/2782/08	Rear extension at ground to third floor level and additional floor at fourth floor level to provide additional office (Class B1) floorspace	GRANTED 03-OCT-08

P/2631/08	Addition of two new floors with mansard roof extension and front, side and rear dormers on top floor and five storey rear extension to provide 700 sqm of additional floor space, external alterations including new windows.	GRANTED 07-OCT-08
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e) Pre-Application Discussion

- N/A

f) Applicant Statement

- The original application was supported by a Design and Access Statement, which is summarised as below:
 - Application site is within Harrow Town Centre with associated facilities and transport links
 - Extension and new floor is designed to be sympathetic to immediate surroundings and to make a positive contribution to the area
 - Scale, bulk and form would match 21-27 Peterborough Road and would not visually dominate other buildings
 - Access to upper floors would be via stairs and lift. Development would conform to Part M
 - 80% of floor space would have natural light

g) Consultations

Highways Engineer:

This extension of time application does not raise any specific concerns as the suitability of the proposal was examined and accepted at the 2631/08 application stage.

My original comments therefore remain unchanged.

London Underground:

No Objections

Advertisement: None

Expiry: n/a

Notifications:

Sent: 31

Replies: 0

Expiry: 24-JUN-11

Summary of Responses: n/a

APPRAISAL

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

This application is for a new planning permission to replace an extant permission in order to extend the time limit for implementation. The main consideration in this case is to assess any changes in policy since the grant of the original planning permission, which is addressed in the appraisal below.

In approving the initial application (P/2631/08) the local planning authority (LPA) considered that the proposed development would have no adverse impact upon the character and appearance of the area and it was therefore considered to be acceptable in relation to the policy at the time. The principle of the bulk, size and scale of the proposed development has already been established in the previous planning permission detailed above.

The policies used for assessing the standard of design and layout at the time were policies 4B.1 and 4B.8 of The London Plan (2008) and policy D4 of the Harrow UDP. These policies are still relevant in this current application.

There has been no material change in circumstances on the site, or a significant change in the character and appearance of the area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the area. Having regard to the current policies and guidance, and subject to the imposition of a similar condition as previously attached, the proposed development is considered to be acceptable and in accordance with the objectives set out under policies 4B.1 and 4B.8 of The London Plan and saved policy D4 of the Harrow UDP.

2) Residential Amenity

In approving the previous development, the impact of the proposal on the residential amenities of the occupiers living opposite and at the rear of the application site, in terms of overshadowing, outlook and overlooking was considered to be acceptable. There have been no changes of circumstances at the neighbouring sites in the intervening period, to warrant a different view on the impact of the development on the amenities of the neighbouring occupiers and as such the current scheme is considered to be acceptable.

3) Transport Impacts

Although the proposal would result in a two-thirds increase in floor space at the site, it would also result in the loss of one car parking space. However, the proposed parking provision of 19 spaces would still be in excess of the requirements of current parking restraint policies in the UDP. There have been no changes in policy or site circumstances that would justify a refusal in this case.

Given the proximity of the site to transport facilities, the level of car parking provision is considered acceptable and it is considered that the proposal would not give rise to additional parking demand in the surrounding controlled parking zone.

4) S17 Crime & Disorder Act

The proposal would not have any impact with respect to this legislation.

5) Consultation Responses

All responses addressed in the above appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following 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 extension hereby permitted shall be constructed from the following materials:

Hanson Hollins Russet brick

Marley Eternit Blue/Black Rivendale roof tiles

Reason: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

Site Plan; 7115-21-P0; 7115-22-P0; 7115-23-P0; 7115-24-P2; 7115-25-P0; 7115 -26- PO; 7115-27-PO; Design and Access Statement

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

INFORMATIVES

1 INFORMATIVE:

The decision to grant to extend the time of the original planning permission P/2631/08 has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. There has been no material change in circumstances on the site, or a significant change in the character and appearance of the area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the area and the residential amenities of the nearby occupiers. Subject to the imposition of a similar condition as previously attached, the proposed development is considered to be acceptable

National Policy Guidance

PPS 4: Planning for Sustainable Economic Growth (2009)

The London Plan (2008)

4B.1 Design principles for a compact city

4B.8 Respect local context and communities

Harrow Unitary Development Plan (2004):

D4 The Standard of Design and Layout

D7 Design in Retail Areas and Town Centres

T6 The Transport Impact of Development Proposals

T13 Parking Standards

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

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

4 Flank Windows

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

5 Thames Water Utilities 1

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel: 08459 200800

Plan Nos. Site Plan; 7115-21-P0; 7115-22-P0; 7115-23-P0; 7115-24-P2; 7115-25-P0; 7115 -26- PO; 7115-27-PO; Design and Access Statement

SHERBOURNE HOUSE AND BRIGADE HOUSE, P/1128/11
NORTHOLT ROAD, SOUTH HARROW, HA2 0LH

Ward: HARROW ON THE HILL

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

Agent: Scott Planning Associates Ltd
Applicant: Mr R Tait and Mr S Pankaj
Case Officer: Sushila Bhandari
Statutory Expiry Date: 12-AUG-11

RECOMMENDATION:

Grant permission for this 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 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 adjacent Roxeth Hill Conservation Area

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
EP25 - Noise
C7 – New Education Facilities
C16 – Access to Buildings and Public Spaces
T6 – The Transport Impact of Development Proposals

T13 - Parking Standards

Adopted Supplementary Planning Documents

Supplementary Planning Document – Access for All [2006]

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

Appendix 4: Roxeth Hill Conservation Area Study [2008]

Appendix 4: Roxeth Hill Management Study [2008]

Other Relevant Documents

Annual Monitoring Report [2009 - 2010]

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

- 1) Change of Use of Buildings in Business Use – Outside Designated Areas and the Provision of New Educational Facilities (PPS4, London Plan: 3B.1, 3B.2; UDP: SEM1, EM15, C7)
- 2) Impact of Development on Roxeth Hill Conservation Area (PPS5, D4, D14, SPD – Harrow on the Hill Conservation Areas)
- 3) Residential Amenity (EP25)
- 4) Access to Buildings (SPD, C16)
- 5) Parking and Highway Safety (London Plan: 3C.22; UDP: T6, T13)
- 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 400m² of floorspace and therefore falls outside of Category 6 of the Scheme of Delegation.

a) Summary

Statutory Return Type: Change of Use

Conservation Area: Adjacent to Roxeth Hill

Council Interest: None

b) Site Description

- The application site comprises two detached office buildings located on the eastern side of Northolt Road.
- Sherbourne House is a four storey building fronting Northolt Road. According to the applicant's supporting statement, the ground floor, part of the rear section of the first floor and the third floor are occupied. The second floor and part of the first floor are unoccupied at present.
- Brigade House is a three storey building which is accessed from Brigade Close. All floors within this building are occupied.
- There is an existing carpark located between the two buildings and which is also accessed from Brigade Close.
- To the south of the site, No 29 Northolt Road is a 3 storey detached residential development comprising flats. To the rear of this site is a large carpark accessed from Brigade Close.

- To the north of Sherbourne House and fronting Northolt Road is a new residential development under construction, comprising of a four storey detached building. This used to be known as the Timber Carriage Public House.
- To the north of Brigade House is a detached two storey property, with a habitable roof space flatted development.
- Directly opposite Sherbourne House, Nos.50 to 54 Northolt Road is a recently constructed 3/ 5 storey block of flats. Adjacent to this site at No.56 is Scanmoor House, which has recently been converted from an office block (use class B1) to a hotel (use class C1).
- This section of Northolt Road is characterised by a mixture of residential and commercial developments. Office buildings located on the opposite side of the application site are located within a designated business use area. The application site is located outside this designation.

c) Proposal Details

- The proposal is for the change of use of all floors within Sherbourne House and Brigade House from office (use class B1) to education and training (use class D1).
- The proposed ground floor layout of Sherbourne House would comprise an exam room, a reception area, a meeting room and two offices. The first floor would comprise 5 teaching rooms. The second floor would comprise a staff room and staff facilities, a library, a common room, two teaching rooms and two labs. The third floor would comprise 4 teaching rooms and a lab. Each of the floors would be serviced by a lift and would have WC facilities located on each floor.
- The proposed ground floor layout of Brigade House would comprise three teaching rooms, WC facilities and a stationery and photocopying room. The first floor would comprise 3 teaching rooms. The third floor would also comprise 3 teaching rooms and WC facilities. There is no lift serving this building.
- The proposal seeks to retain the existing 23 parking spaces (including 2 disabled spaces) for staff parking and will incorporate space for storing 30 cycle spaces.
- The proposed change of use seeks to employ 25 full time staff and 50 part time staff.
- The applicant is seeking have the premises open from 08.00 hours to 19.00 hours on Monday to Friday, and from 08.00 hours to 18.00 hours on Saturday

Revisions to Previous Application:

Following the previous decision (P/2004/10) the following amendments have been made:

- The applicant has now submitted a marketing report to support the application and has also has provided full details of the end user of the proposed educational establishment.

d) Relevant History

P/2004/10	CHANGE OF USE FROM OFFICE TO EDUCATION AND TRAINING (CLASS B1 TO D1)	REFUSED 01-NOV-10
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Reason for Refusal

1. The proposal would result in the loss of a purpose built office use (B1) and in the absence of evidence for the justification of such loss would be contrary to the objectives of PPS 4: Planning for Sustainable Economic Growth (2009) and saved policy EM15 of the Harrow Unitary Development Plan (2004), which aims to retain such uses in the borough.

P/2008/10	CHANGE OF USE FROM OFFICE TO MEDICAL AND HEALTH SERVICES (CLASS B1 TO D1)	REFUSED 01-NOV-10
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Reason for Refusal

1. The proposal would result in the loss of a purpose built office use (B1) and in the absence of evidence for the justification of such loss would be contrary to the objectives of PPS 4: Planning for Sustainable Economic Growth (2009) and saved policy EM15 of the Harrow Unitary Development Plan (2004), which aims to retain such uses in the borough.

e) Pre-Application Discussion

- None

f) Applicant Statement

- This application is supported by a Planning Statement, which is summarised below:
 - The proposed loss of office floorspace does not conflict with any adopted planning policies, as either Central Government, London-wide or local Borough level. These considerations include:
 - The current high vacancy level within the buildings
 - The length of time there has not been full occupancy
 - The unsuccessful marketing attempts for many years
 - The unsuitability of the premises by comparison with modern office requirements
 - The non-viability of re-use of the buildings for offices, and
 - The benefits to the local economy from the proposed use by the Regent Group.
 - The proposal will not result in harm to the local economy – it is believed that there will be many benefits to the local economy resulting from the occupation of the buildings by the Regent Group of Colleges.
 - The benefits of allowing the proposal and granting permission clearly outweigh any perceived harm from the loss of the office floorspace, and the balance lies in favour of granting planning permission.
 - The applicants are confident that there is no ‘reasonable probability’ that a refusal of this application would secure the Council’s preferred use of the buildings for offices, or indeed any other B2 or B8 business use.

- This application is also supported with a Transport Assessment, which is summarised below:
 - It is proposed that the Regent College will provide higher education (16+) at the site.
 - The expected number of full and part time students is 450, and the expected number of full and part time staff is 75 in total. Total number of students expected to be on site on an average day is 100, although this may vary marginally.
 - Previous application for the change of use was refused in November last year, however this was not on transport or highways grounds which were deemed to be acceptable.
 - Sherbourne/ Brigade House has a PTAL of 4, which is a medium to high level of accessibility.
 - South Harrow Station is located just 0.5km from the site and is part of the Piccadilly underground line. There are approximately 12 services in the peak hour. Rail services are also accessible 1.5km from the site from the Harrow on the Hill Station via a 15 minute walk or a short bus ride. Chiltern main line services and Metropolitan underground line, provide peak hour services of approximately 9 main line services and 10 underground services per hour.
 - There are 9 peak hour bus services that can be accessed within a 640m walk threshold of Sherbourne House at Northolt Road. The nearest bus stops are located approximately 50m south of the site on Northolt Road.
 - The main shopping area is located approximately 400m southwards of the site along Northolt Road. Waitrose and other warehouse style outlets are within 200m.
 - It is proposed that 23 car parking spaces will be retained in the car park, including 2 disabled spaces.
 - An area within the under-croft of Sherbourne House is to be made available for secure storage of up to 30 cycles, which is in line with Harrow's cycle parking standards.
 - The college has made good progress at the existing college site with the STP. Students will not be permitted to park at the site as per the existing college arrangements, and staff will be required permission to do so.
 - A new STP based on the current document should be prepared for the new school prior to occupation and it is recommended that the school take a pro-active approach in promoting car sharing for staff in addition to reviewing current initiatives to promote all sustainable modes of travel.
 - The change of use from B1 offices to D1 higher education is likely to result in no perceptible change in the number of car trips to and from the facility in the peak hours of travel, and therefore no highway mitigation measures are required to support the application for the change of use. It is likely that the demand for public transport in the local area will increase as a result of the proposals, increasing revenue and therefore viability of the services.

- The proposed change of use will not have a detrimental impact on transport capacity or highway safety.
- The applicant has also provided a 41 page Supplementary Marketing Report to support this change of use application.

g) Consultations

CAAC:

No Objections

Highways Engineer:

The site is within walking distance of nine peak operation bus routes, and located approximately 600m south of South Harrow Station. This results in a PTAL 2 rating for the site indicating an average level of public transport accessibility. However it is considered that the site is an appropriate location for an educational use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

There are currently 23 car parking spaces, which will remain unchanged through the development. It is proposed that a Travel Plan would be adopted following occupation of the site. The requirement for the Travel Plan, which would complement and be appropriate for this proposed change of use, would be secured by way of planning condition.

30 secure cycle spaces will be provided which conforms to The London Plan standard.

The submitted Transport Statement has concluded that the site's accessibility and proximity to local services results in a satisfactory location for a college facility. In respect of highway capacity and safety, the low level of car trips associated with the proposed D1 education use would be imperceptible, and in any event significantly lower than a B1 re-use. Furthermore, any trip movements would be spread throughout the day with teaching classes proposed from 9am to 7pm on a weekday and 8am to 6pm on a Saturday. As such, it is considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

Advertisement: Character of Conservation Area Expiry: 09-JUN-11
Major Development

Notifications:

Sent: 56 Replies: 0 Expiry: 06-JUN-11

Neighbours Consulted:

Flats 1 to 10, 29 Northolt Road

14, 16 Ashbourne Abenue

The Broadway, 2ANortholt Road

Roxeth House, Shaftesbury Avenue

27, 27A, 29 Northolt Road

Brigade House, Brigade Close

Community Hall Adjacent to 29 Northolt Road

Service Station, 50-54 Northolt Road
The Timber Carriage Pub, Northolt Road
Sherbourne House, 23-25 Northolt Road (all floors)
Cricket Ground rear of Brigade Hall
Brigade Hall, Brigade Close,
Scanmoor House, 56 Northolt Road
Abbotts Court, Ashbourne Avenue
1 to 12 Abbots Court, Ashbourne Avenue
Flats 1 and 2 Roxeth House, Shaftesbury Avenue
Flats, 1 to 25 Osbury Court, 52 Northolt Road

Summary of Responses: n/a

APPRAISAL

1) Change of Use of Buildings in Business Use – Outside Designated Areas and the Provision of New Educational Facilities

The site is in an established business location outside a designated Industrial and Business Use Area as designated within the Harrow Unitary Development Plan (2004). The applicant is seeking to change the use of the existing site from use class B1 (offices) to use class D1 (educational/ training). This application follows on from a previous application ref: P/2004/10, which was refused for the reason stated above.

Saved policy EM15 of the Harrow UDP generally resists the loss of land and buildings from B use classes. The reasoned justification is to safeguard the limited amount of land Harrow has available for B class uses and development. On this basis, the change of use to non-B class is not usually appropriate. EM15 also refers to the need for sufficient provision of other sites for B class uses, and the most recent AMR 2010 highlights that there is currently a 13.72% office vacancy rate across the borough, suggesting there is sufficient B1 floor space in the borough. At the time of the previous application the office vacancy rate was 11.64% (2009), and therefore it is clear that more office space is gradually becoming vacant.

Saved policy EM15 also requires applicants to demonstrate that there will be no unacceptable harm to the local economy; that the site has been extensively marketed for B class uses; has been vacant for a considerable length of time, and access to the site by public transport is poor. This policy goes on to state that where a site is wholly or substantially in active operation, then a proposal for a change of use for a non B1, B2 or B8 use is likely to be refused. In the event that a site is no longer suitable for a wholly B1, B2, or B8 use that a feasibility of a mixed use could be investigated. It is clear that the principle behind saved policy EM15 is to retain such sites for employment generating uses.

In light of the current economic climate, Planning Policy Statement 4 on Sustainable Economic Growth has been introduced which requires the Local Planning Authority to apply a more flexible approach in assessing applications that would allow for employment opportunities, but not necessarily fitting into one of the class B uses.

Paragraph 4 of the PPS states, “economic development includes development within the B Use Classes, public and community uses and main town centre uses”. The policies of PPS4 are also to apply to other development, which achieves at least one of the following objectives:

1. provides employment opportunities;
2. generates wealth; or
3. produces or generates and economic output or product

PPS4 policy EC10.2(e) requires the impact on local employment to be taken into consideration. Policy EC11 of PPS4 (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 C7 of the HUDP (2004) states that the Council will seek to ensure that appropriate educational facilities are provided subject to three criteria; that there is a need for new education facilities in the area; accessibility levels of the site and availability of a safe-setting down and picking-up area.

In assessing the proposal against the requirements of saved policy EM15 and PPS 4, Brigade House is currently fully occupied and Sherbourne House is approximately 50 percent occupied. The applicant has stated in their supporting letter that the current parts of the office buildings that are occupied will become vacant at the end of July 2011. In this current application, the applicant has provided marketing data to support that the vacant floor space has been marketed over 6 years. The marketing report also provides a break down of the different office suites and when they were last occupied. The Council’s own Available Business Premises Register also confirms that the vacant floor space has been marketed through David Wilson since 2008. Whilst it is noted that parts of the building is currently occupied, (which are due to vacated at the end of the month) it is considered that the supporting marketing evidence provided along with the list of other office spaces available across the borough, would on balance satisfy criterion a, c and d of saved policy EM15 of the Harrow UDP (2004).

In this current application, the applicant has provided information on the end user of the proposed use, this being Regent College, who are currently based in Rayners Lane District Centre. The proposed educational establishment will be aimed for age 16+ students. The supporting Regent Group report also states that the facilities will also welcome overseas students. It is anticipated that the proposed use would generate employment for 25 full time positions and 50 part time positions, which would be an improvement to the current 14 full time staff employed at the site. It is considered that the change of use from mixed B1 to D1 would on balance be acceptable as the proposed use would still retain employment use within the building. Furthermore, as the college would primarily be aimed at a mixture of local and overseas students above the age of 16, this would encourage students to visit/ use other nearby commercial premises within the district shopping centre which in turn would be beneficial to the local economy.

On this basis, the proposed change of use would satisfy criterion b of saved policy EM15 as there would be no unacceptable harm to the local economy.

Criterion E) and G) of saved policy EM15 are not applicable in this case, as the existing B1 use had negligible harm on nearby residents and the proposed use is not likely to have any adverse impact on local residents. Likewise, the servicing of the existing premises can be done from the service road at the rear. The application site is accessible by public transport and therefore criterion F) of saved policy EM15 is not applicable in this case, although access to transport would satisfy the requirements of saved policy C7 of the Harrow UDP. As the proposed college would be primarily aimed at students of age 16+ it is unlikely the proposal would not give rise to any conflict with regards to criterion C) of saved policy C7 which require the availability of safe setting-down and picking-up points.

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 higher/ 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. 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.

In conclusion, it is considered that the proposed change of use would not pose any adverse impact upon the local economy and would retain 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 education only, to ensure that some form of employment is retained on this site.

2) Impact of Development on Roxeth Hill Conservation Area

No external work is planned as part of this application. In this respect there would be no visual effect on the character and amenity of the area. The application site is also located within the setting of the Roxeth Hill Conservation Area. This proposal would preserve the setting of this adjacent 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 Roxeth Hill Conservation Area Appraisal and Management Strategy.

3) Residential Amenity

Sherbourne House is located on the frontage of Northolt Road, which is a main borough distributor road and therefore a high level of traffic noise already exists. Brigade House is located in the rear part of the site, which is shielded by the traffic noise to some degree by the buildings fronting Northolt Road. There is existing residential development surrounding the site.

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.

4) Access to Buildings

Sherbourne House has level threshold entry and the floors within this building are served by a lift. Whilst Brigade House has a stepped entrance and does not have a lift. The applicant is not proposing any external alterations to the building. Having regard to the fact that part of the site would be accessible, it is considered that the proposed change of use would not give rise to any conflict with the objectives of saved policy C16 of the Harrow UDP and the Council's SPD.

5) Parking and Highway Safety

Saved policies T6 and T13 of the Harrow Unitary Development Plan (2004) state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems.

The application site is located just outside of South Harrow District centre. However, the site is within walking distance of South Harrow underground and bus services, and therefore has a high accessibility to public transport. The proposal would retain 23 parking spaces (including 2 disabled spaces). Furthermore, the area is subject to vigorous on-street parking control. The supporting Transport Statement confirms that the most students are most likely to use public transport. The Council's Highways' Engineer has requested that a detailed Travel Plan be secured by condition.

6) S17 Crime & Disorder Act

The proposed change of use would have no impact with respect to this legislation.

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:

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 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 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 education facility hereby permitted shall only be used for the following times:-

08.00 hours to 19.00 hours Monday to Friday for Students

07.30 hours to 20.00 hours Monday to Friday for Teachers

08.00 hours to 18.00 hours on Saturdays for Students

07.30 hours to 19:00 hours on Saturdays for Teachers

and at no time on Sundays or Bank Holidays

REASON: To ensure that the hours of teaching are within reasonable hours in order safeguard the amenity of neighbouring residents in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

4 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).

5 The use of the premises hereby permitted shall not commence until a travel plan has been submitted to, and approved in writing by the Local Planning Authority. The use shall not be commenced until the details of the travel plan have been implemented in accordance with the approved details and thereafter retained.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with saved policy D4 and T13 of the Harrow Unitary Development Plan (2004).

6 The number of students within the premises shall not exceed 450 at any time and the number of staff within the premises shall not exceed 75 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 EP25 of the Harrow Unitary Development Plan (2004).

7 The use hereby permitted shall be carried out in accordance with the following approved plans:

4; 5; 6 Transport Statement; Regent Group Report: Sherbourne House; Planning Statement; Letter dated 26th April 2011 from David Wilson Property Consultants; Supplementary Marketing Report; Letter dated 20th May 2011 from Scott Plan Associates Ltd; Letter dated 3rd June 2011 from Scott Plan Associates Ltd:

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

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to **GRANT** 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 adjacent Roxeth Hill Conservation Area

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

EP25 Noise

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Adopted Supplementary Planning Documents

Supplementary Planning Document – Access for All [2006]

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

Appendix 4: Roxeth Hill Conservation Area Study [2008]

Appendix 4: Roxeth Hill Management Study [2008]

Other Relevant Documents

Annual Monitoring Report [2009 - 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 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. 4; 5; 6 Transport Statement; Regent Group Report: Sherbourne House; Planning Statement; Letter dated 26th April 2011 from David Wilson Property Consultants; Supplementary Marketing Report; Letter dated 20th May 2011 from Scott Plan Associates Ltd; Letter dated 3rd June 2011 from Scott Plan Associates Ltd:

**THE PRINCESS ALEXANDRA HOME, COMMON P/1100/11
ROAD, STANMORE, HA7 3JE**

Ward: EDGWARE

EXTENSION OF TIME TO OUTLINE PERMISSION (ACCESS AND LAYOUT)
P/3206/08 DATED 16/03/2009 FOR 'REPLACEMENT NURSING & CARE HOME WITH
ASSOCIATED DAY CENTRE'

Applicant: Jewish Care
Agent: Mrs Hanna Pletts c/o Savills
Case Officer Olive Slattery
Statutory Expiry Date: | 14-JUL-11

RECOMMENDATION

GRANT planning permission subject to conditions and the completion of a deed of variation to link the original S106 agreement to this replacement planning permission within six months of the date of the Committee decision on this application, and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the S106 agreement and to agree any minor amendments to the conditions or the legal agreement.

Reason

Full consideration has been given to any changes in adopted policy, site circumstances or other material considerations since the original outline approval. There are no identified physical changes on the site or the site surroundings since the grant of the original outline consent. There are no material implications as a result of the relevant policy changes, which are outlined above. This report concludes that the proposed redevelopment is still supported by the current National policies and the policies of The London Plan (2008) and the Harrow Unitary Development Plan (2004). The proposal is therefore recommended for grant, subject to the following deed of variation to the existing legal agreement and to conditions:

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Guidance 2: Green Belt (1995)
Planning Policy Guidance 13: Transport (2010)
Planning Policy Statement 25 – Development and Flood Risk (2010)

The London Plan (2008)

3A.5 - Housing choice
3A.20 – Health Objectives
3C.22 – Improving Conditions for Cycling
3D.9 – Green Belt
4A.3 – Sustainable Design and Construction
4A.7 – Renewable Energy
4A.16 – Water Supplies and Resources
4B.1 - Design Principles for a Compact City
4B.5 – Creating an Inclusive Environment
4B.6 – Safety, Security and Fire Prevention and Protection

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

- S1 – The Form of Development and Pattern of Land Use
- C2 – Provision of Social and Community Facilities
- C11 – Ethnic Communities
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- D10 – Trees and New Development
- D18 – Historic Parks and Gardens
- EP25 – Noise
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP28 – Conserving and Enhancing Biodiversity
- EP29 – Tree Masses and Spines
- EP30 – Tree Preservation Orders and New Planting
- EP31 – Areas of Special Character
- EP32 – Acceptable Land Uses
- EP34 – Extension to Buildings in the Green Belt
- H13 – Sheltered Accommodation
- H14 – Residential Institutions
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

Supplementary Planning Document - Sustainable Building Design (2009)

Supplementary Planning Document – Access For All (2006)

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

- 1) Character and Appearance of the Area, the Green Belt and the Area of Special Character Area
- 2) Provision of Residential and Community Institutions
- 3) Ecology / Trees / Flood Risk
- 4) Access, Traffic and Transport
- 5) Residential Amenity
- 6) Sustainability / Renewable Energy
- 7) S17 Crime & Disorder Act
- 8) Consultation Responses

INFORMATION

This application is being reported to Committee as the proposal is a major application involving a site which is 6.15 ha in area and the subject of a S.106 agreement, and therefore falls outside category 4 of the Scheme of Delegation.

a) Summary

Statutory Return Type:	E(12): Small scale Major Development
Site Area	6.75 ha
Council Interest:	None

b) Site Description

- The application site is located on the eastern side of Common Road, which is a London Distributor Road, A409.
- The application site is located in the Green Belt and in the Harrow Weald Ridge Area of Special Character.
- The site is occupied by a number of detached outbuildings and a sprawling building which is primarily two-storey in form. This building is in use as a Nursing and Residential Care Home.
- The site is well wooded. There is a pond towards the southern site boundary and a substantial open garden at the rear of the building.
- Access to the site is gained from Common Road. This serves one-way vehicle circulation on the site.
- The site currently facilitates 74 off-street car parking spaces.
- Glenthorn Cottage and the Proposal Site 23, which is Council owned land used in association with Bentley Priory Open Space are located at the north of the site.
- 'The Old Barn' is a residential property on large grounds situated to the south of the application site.
- The rear boundary of the site abuts Bentley Priory Open Space.

c) Proposal Details

- Permission is sought to extend the time limit for the implementation of planning permission P/3206/08. This is an outline approval, granted on the 16th March 2009, with the layout and the means of access determined.
- In order to carry out the proposed development, the demolition of the existing building and outbuildings is required.
- It is proposed to replace the main building with a three-storey building which would provide a new Nursing and Residential Care Home, with a day care centre.
- The proposed building would be sited in a similar position as the existing building on site. The proposed building would be sited within the overall width of the existing building on site.
- The existing access to the site and the provision of 74 parking spaces would remain unchanged as a result of this proposal.
- Public access is offered into part of the site which intrudes into Bentley Priory Open Space

d) Relevant History

P/2979/03/COU	OUTLINE: REDEVELOPMENT TO PROVIDE REPLACEMENT NURSING AND CARE HOME WITH DAY CARE CENTRE	GRANTED 26-JAN-06
P/3206/08	OUTLINE: REPLACEMENT NURSING & CARE HOME WITH ASSOCIATED DAY CENTRE	GRANTED 16-MAR-09

f) Pre-Application Discussion

- None

g) Applicant Statement

- As part of the application documents, under Planning Reference P/3206/08, the applicant submitted Design and Access Statement.
- The applicant has submitted a statement as part of the current application documents, which concludes that there have been no fundamental changes to the policy approach since the original planning application was granted in March 2009.

h) Consultations:

- The Greater London Authority (GLA) - The application does not raise any additional strategic issues and no additional comments will be made. No Stage 2 Referral will be necessary
- Biodiversity Officer - No objections, subject to conditions
- Highway Engineer – No objections
- Drainage Engineer - No objections, subject to conditions
- Environment Agency – Awaiting Final Comments
- Landscape Architect - No objections subject to conditions

Site Notice:

Major Development Posted: 14-JUN-11 Expiry Date: 12-JUL-11

Advertisement:

Major Development Posted: 12-MAY-11 Expiry Date: 09-JUN-11

Notifications:

Sent: 5 Replies: 0 Expiry: 02-JUN-11

Neighbours Consulted:

- Glenthorn Lodge
- Kiln Nursery
- The Kiln House
- Glenthorn Cottage
- The Old Barn

Summary of Response: None received

APPRAISAL

Applications to extend the time limit for implementing planning permission were brought into force on 01/10/09 within the legislative context of the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009. The measure was introduced to allow planning permission to remain alive longer to allow implementation of granted schemes as economic conditions improve. No primary legislation has been altered and as such all such legislation which applies to ordinary planning applications, apply to extension of time limits.

When the planning application (P3206/08) was considered in 2009, it was found to be acceptable in terms of its impact on the Green Belt and it was considered that the proposed development would not adversely affect the character and appearance of the area or the amenities of neighbouring occupiers.

Furthermore, it was considered that the associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual, transport, ecological or other impacts that would warrant refusal of planning permission.

- *Relevant changes in National and Local planning policies:*

Since the previous planning application was approved, Planning Policy Statement 25 – Development and Flood Risk (2010) has been adopted. This replaced Planning Policy Guidance 25 – Development and Flood Risk (2006). Planning Policy Guidance 13 – Transport (2010) has also been adopted since the previous planning approval and this replaced Planning Policy Guidance 13 – Transport (2006). The implications of these changes to national planning policy is addressed in detail in the below appraisal. In all other respects, the status of the site within the context of national planning policy has not changed

Since the previous planning application was approved, there has been no changes to the saved policies of the Harrow Unitary Development Plan (2004). As such, the planning policies which were considered as part of planning reference P/3206/08 remain relevant in the assessment of this current proposal to extend the time limit for the implementation of planning permission P/3206/08.

- *Relevant changes in material considerations*

There have been no physical changes on the site or to the site surroundings since the grant of the original outline consent.

1) Character and Appearance of the Area, the Green Belt and the Area of Special Character Area

The application site is located in the Green Belt. The footprint and floor area of the existing building are 2,156 m² and 3,512 m² respectively. The current proposal seeks a footprint of 2,842 m² and a floor area of 11,728 m² which would represent an increase of 32% and 234% respectively. In approving the initial planning application (P/3206/08), the Council considered that the large site 'would remain substantially open and underdeveloped' and it was concluded that the proposed development would provide 'an opportunity for a high quality new building which would potentially benefit the character of the Green Belt'. Accordingly the proposed increase in the footprint and floor area was considered to be acceptable.

The provisions of Green Belt policy have not changed since the grant of the original planning permission, with Planning Policy Guidance 2: Green Belt (1995) still relevant and saved UDP policies EP31, EP32 and EP34 still forming part of the development plan. Policy 3D.9 of The London Plan (2008) remains relevant and this also re-iterates the spirit of PPG2. As such, there have been no material changes in policy circumstances on site, or in the surrounding area that would warrant a revised evaluation on the effect of the proposal on the Green Belt. In this regard, the proposed development is therefore considered to be acceptable in relation to current Green Belt policies.

When considering the original planning application, P/3206/08, the principal policy for assessing the standard of design and layout was UDP policy D4, and this policy still applies. In addition to this, policy 4B.1 of The London Plan (2008) sets out a number of design principles for developments to adhere to, and it is considered that the principle of this policy is broadly in line with saved policy D4 of the HUDP (2004). With respect to the character and appearance of the area, there have been no material changes in policy circumstances on the site, or in the surrounding area that would warrant a revised evaluation on the effect of the proposal on the character and appearance of the area.

The application site is located in the Harrow Weald Ridge Area of Special Character. Accordingly, the original proposal was assessed against saved UDP policy EP31 in relation to the impact of the proposal on this Area of Special Character and was considered acceptable in this regard. This policy still applies and there has been no change in site circumstances that would warrant a revised evaluation on the effect of the proposal on the Harrow Weald Ridge Area of Special Character. Accordingly, it is considered that the proposal would not result in any damage to any of the architectural, historic or structural features which contribute to the Area of Special Character.

2) Provision of Residential and Community Institutions

Policy 3A.18 of The London Plan (2008) supports the protection and enhancement of social infrastructure and community facilities. Following on from this, saved UDP policy C2 encourages the retention of existing community facilities and the provision of new ones. Accordingly, and as per the original outline approval, the redevelopment of the site is supported by The London Plan (2008) and saved UDP policies.

3) Ecology / Trees / Flood Risk

The application site is in a designated Area of Nature Conservation Importance. As part of the application documents, under Planning Reference P/3206/08, the applicant submitted an 'Ecological Impact Assessment', which forms part of the documents under consideration. When considering the original planning application, P/3206/08, saved policies EP26, EP27, and EP28 of the HUDP were relevant as these pertain to species protection, habitat creation and enhancement and the conservation and enhancement of biodiversity. These policies still apply. The subject planning application was referred to the Council's Biodiversity Officer who has advised that there are no concerns on biodiversity grounds, subject to appropriate conditions.

The application site is subject to a Tree Preservation Order No.10 (A1). Subject to the imposition of appropriate conditions, the Council's Tree Officer raises no objection to the proposed access and layout of the replacement Nursing and Care Home, in relation to the protection of trees on the site. The previously imposed conditions relating to tree protection are carried over to this recommendation and this is considered to satisfy saved UDP policy D10 of the HUDP (2004).

Since the application was previously granted, Planning Policy Statement (PPS) 25: Development and Flood Risk has been updated, and the Council has approved a Borough-wide Strategic Flood Risk Assessment (SFRA). The subject planning application was referred to The Environment Agency who advised that their original objection to the proposal under Planning Reference P/3206/08 remains, as a satisfactory Flood Risk Assessment (FRA) to fully address flood risk has not been submitted as part of the application documents. The subject planning application was also referred to the Council's Drainage Department who have advised that any drainage concerns can be addressed through the use of appropriate planning conditions. At the time of writing this report, the Environment Agency are considering these suggested planning conditions and the removal of their objection.

4) Access, Traffic and Transport

Since the application was previously granted, Planning Policy Guidance 13: Transport (2010) has been adopted. This updated document deletes the requirement for Councils to set maximum car parking limits for Class C3 residential development but the remainder of PPG 13 remains unchanged. As such the changes to PPG 13 have no material impact upon the assessment of this Extension of Time application.

As part of the application documents, under Planning Reference P/3206/08, the applicant submitted a 'Framework Travel Plan' and a 'Transport Plan'. In approving this proposal initially, it was considered that the increased level of vehicle movements as a result of the proposal would be low. It was also considered that the proposed level of parking provision (74) would be appropriate and, subject to an appropriate condition, the existing access would satisfactorily serve the proposed development. The proposal was therefore considered to be acceptable in terms of traffic movements, parking and access arrangements.

In relation to this Extension of Time application, it is considered that there has been no significant material change in parking requirements or traffic movements, since the previous approval, nor has there been a change in circumstances in relation to the visibility from the vehicular access to the site. The Highways Engineer has advised that there are no objections to the proposal on highways grounds. The proposed extension of time would therefore be acceptable in this regard.

5) Residential Amenity

Saved policies EP25 and D5 of the Harrow Unitary Development Plan (2004), which were referred to in the approval of the initial permission, still form part of the development plan and form the basis for the assessment of amenity impact in relation to new residential developments.

In approving the previous development, the impact of the proposal on the occupiers of existing neighbouring properties was considered to be acceptable, given the thick belts of woodland which separate neighbouring properties from the proposed building. This situation remains unchanged. Since the previous planning approval, there have been no additional residential developments close to the site. Accordingly, there have been no material changes in policy circumstances on the site, or in the surrounding area that would warrant a revised evaluation on the effect of the proposal on residential amenity.

6) Sustainability

Policies 4A.3, 4A.7 and 4A.16 of The London Plan (2008) were taken into consideration in approving the previous development. Policy 4A.3 of The London Plan encourages developments to use less energy by adopting the highest standards of sustainable design and construction. Policy 4A.7 requires that 20% of carbon dioxide emissions are off set by on site renewables, where this is feasible and Policy 4A.16 seeks to protect and conserve water supplies and water resources in order to secure London's water needs in a sustainable manner. Accordingly, two conditions were attached to the original planning approval, P/3206/08 to ensure compliance with these policies. These policies still form part of The London Plan (2008) and thus, planning conditions, similar to those of the previous planning approval, are suggested.

Since the original grant of planning permission in March 2009, the Council adopted the Supplementary Planning Document: Sustainable Building Design in May 2009. This SPD sets out the requirements for ensuring that developments are sustainable. It is considered that the above-mentioned conditions would adequately address the requirements of this SPD. Subject to these conditions, it is considered that the development would be consistent with the current policies and guidance relating to sustainability and renewable energy.

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. These policies were in place at the time of the assessment of the previous application and remain relevant to the current planning application.

Similar to the previous planning approval, a condition is recommended to request details relating to the security of the development to be submitted before the occupation of the development.

8) Consultation Responses

- None received.

CONCLUSION

Full consideration has been given in the above appraisal to any changes in adopted policy, site circumstances or other material considerations since the original outline approval. There are no identified physical changes on the site or the site surroundings since the grant of the original outline consent. There are no material implications as a result of the relevant policy changes, which are outlined above. This report concludes that the proposed redevelopment is still supported by the current National policies and the policies of The London Plan (2008) and the Harrow Unitary Development Plan (2004). The proposed extension of time application is therefore considered to be acceptable as there are no policy changes or other material considerations that would warrant the proposal now being viewed unfavourably. The proposal is therefore recommended for grant, subject to the following deed of variation to the existing legal agreement and to conditions:

VARIATION TO THE LEGAL AGREEMENT

The wording of the existing legal agreement be varied so that it is linked to the replacement planning permission (ref: P/1100/11).

CONDITIONS:

1 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990.

2 Approval of the details shown below (the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

- (a) scale
- (b) appearance
- (c) landscaping

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

- (a) the building
- (b) the ground surfacing
- (c) the boundary treatment

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

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

4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1331/1, 1331/2 Rev. A, 1331/6, 1331/8 Rev. D, 1331/12 Rev. A, 1331/13, 1331/14, 1331/20 Rev. A, Design and Access Statement, Planning Support Statement, Framework Travel Plan, Transport Statement, Flood Risk Assessment, Landscape Impact Report, Arboricultural Survey, Arboricultural Assessment, Ecological Impact Assessment

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

5 The number of bedspaces available shall not exceed 122.

REASON: In the interests of highway safety, in accordance with saved policy T6 of the Harrow Unitary Development Plan (2004).

6 The number of persons cared for, at any one time in the day care centre, shall not exceed 60.

REASON: In the interests of highway safety, in accordance with saved policy T6 of the Harrow Unitary Development Plan (2004).

7 Prior to the commencement of the development hereby permitted, details that show how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the agreed details and shall therefore be retained.

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

8 The development hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with policy 4B.5 of The London Plan (2008) and saved policies C16 and D4 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until details of a scheme to provide 7 car parking spaces have been submitted to and approved in writing by the Local Planning Authority. Such spaces shall be provided and designed to BS 8300 specifications to enable it / them to be used by people with mobility impairments, and the space(s) shall be marked out accordingly. The development shall not be occupied or used until the spaces have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure suitable parking provision for people with disabilities in accordance with policy 4B.5 of The London Plan (2008) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004).

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:

a: before the use hereby permitted is commenced

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

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

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

(a) the frontage.

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 accordance with saved policies D5 and T6 of the Harrow Unitary Development Plan (2004).

12 The development hereby permitted shall not be constructed above ground level dpc 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 accordance with saved policy T6 of the Harrow Unitary Development Plan (2004).

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

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

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

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works, in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

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

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

16 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 accordance with saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

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

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

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the character and appearance of the area or the enjoyment by neighbouring occupiers of their properties, in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

19 The development hereby permitted shall not be commenced until a Flood Risk Assessment (FRA) and flood mitigation measures are submitted to and approved in writing by Harrow Drainage Section. The development is subject to a limitation on a discharge to 5 l/s/ha. The development shall be carried out in accordance with these details and shall thereafter be retained.

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

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

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

21 The development of any buildings hereby permitted shall not be commenced until details for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs) in accordance with the principles of sustainable drainage systems set out in Appendix E of PPG25, and the results of the assessment shall be provided to the Local Planning Authority with the details. Where a SuDs scheme is to be implemented, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- b) specify the responsibilities of each party for the implementation of the SuDs scheme, together with a timetable for that implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

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

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

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

23 The development hereby permitted shall not commence beyond ground level damp proof course until details of sustainable water use measures including, but not limited to, rain water harvesting, low flow taps, dual flush toilets and low flow shower heads to be installed in each of the extra care units and ancillary facilities units have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To reduce overall water consumption from the development and to ensure a sustainable form of development, in accordance with policy 4A.16 of The London Plan (2008).

24 The development hereby permitted shall not commence until a scheme for reducing carbon dioxide emissions from the development by 20% from on-site renewable energy sources (which can include sources of decentralised energy) has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

REASON: To ensure a sustainable form of development, in accordance with policies 4A.3 and 4A.7 of The London Plan (2008).

25 Any trees felled as part of this development shall be replaced with another tree. If the tree felled is native, a tree of the same species shall be planted. If it is not a native species, it shall be replaced with a native species.

REASON: To preserve the natural character of the area and to mitigate for loss of habitat, in accordance with saved policies D4, EP26, EP27 and EP 28 of the Harrow Unitary Development Plan (2008).

26 Notwithstanding the submitted plans, trees T762 and T763 (Macedonia Pines) shall be retained.

REASON: To maintain the amenity of the location and because the removal of these preserved trees is not necessary to enable the development, in accordance with saved policy D4 of the Harrow Unitary Development Plan (2008).

27 The development hereby permitted shall not be occupied or brought into use until details of on site cycle parking provision have been submitted to and approved in writing by the local planning authority. The cycle parking shall be implemented in accordance with the approved details and thereafter be retained.

REASON: To ensure adequate provision of cycle spaces, in accordance with policy 3C.22 of The London Plan (2008).

28 The parameters of the building hereby permitted shall in respect of its width and length be that shown in plan No. 1331/13 and the building shall have a flat roof not exceeding 155.28m AOD in height.

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

29 The development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, a comprehensive biodiversity survey for the entire site. In the event that protected species are found on site, a comprehensive mitigation report shall also be submitted, and approved in writing by the local planning authority. The development shall be carried out in compliance with the approved details, and shall thereafter be retained.

REASON : To safeguard the ecology and biodiversity of the area in accordance with saved UDP policy EP28 of the Harrow Unitary Development Plan (2008).

INFORMATIVES:

1 Full consideration has been given to any changes in adopted policy, site circumstances or other material considerations since the original outline approval. There are no identified physical changes on the site or the site surroundings since the grant of the original outline consent. There are no material implications as a result of the relevant policy changes, which are outlined above. This report concludes that the proposed redevelopment is still supported by the current National policies and the policies of The London Plan (2008) and the Harrow Unitary Development Plan (2004). The decision to grant permission has been taken having regard to National planning policies and 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:

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance 2: Green Belt (1995)

Planning Policy Guidance 13: Transport (2010)

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

The London Plan (2008)

3A.5 - Housing choice

3A.20 – Health Objectives

3C.22 -

3D.9 – Green Belt

4A.3 – Sustainable Design and Construction

4A.7 – Renewable Energy

4A.16 – Water Supplies and Resources

4B.1 - Design Principles for a Compact City

4B.5 – Creating an Inclusive Environment

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

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

S1 – The Form of Development and Pattern of Land Use

C2 – Provision of Social and Community Facilities

C11 – Ethnic Communities

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D18 – Historic Parks and Gardens

EP25 – Noise

EP26 – Habitat Creation and Enhancement

EP27 – Species Protection

EP28 – Conserving and Enhancing Biodiversity

EP29 – Tree Masses and Spines

EP30 – Tree Preservation Orders and New Planting

EP31 – Areas of Special Character

EP32 – Acceptable Land Uses

EP34 – Extension to Buildings in the Green Belt

H13 – Sheltered Accommodation

H14 – Residential Institutions

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document - Sustainable Building Design (2009)

Supplementary Planning Document – Access For All (2006)

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

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

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

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

6 All building materials shall be stored within the site.

Plan Nos: 1331/1, 1331/2 Rev. A, 1331/6, 1331/8 Rev. D, 1331/12 Rev. A, 1331/13, 1331/14, 1331/20 Rev. A, Design and Access Statement, Planning Support Statement, Framework Travel Plan, Transport Statement, Flood Risk Assessment, Landscape Impact Report, Arboricultural Survey, Arboricultural Assessment, Ecological Impact Assessment

Item: 1/06

**FORMER CASE IS ALTERED PUBLIC HOUSE, P/1426/11
74 HIGH STREET, WEALDSTONE, HA3 7AF**

Ward: MARLBOROUGH

REDEVELOPMENT TO PROVIDE THREE-TO-SIX-STOREY BLOCK OF 31 FLATS
675SQM OF A1 RETAIL FLOOR SPACE AND CYCLE PARKING [RESIDENT PERMIT
RESTRICTED] (REVISIONS TO APPROVED SCHEME P/2241/09 DATED 18/11/2010)

Applicant: Fruition Properties
Agent: Dalton Warner Davis
Case Officer: Fergal O'Donnell
Statutory Expiry Date: 30-AUG-11

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by the 29th August 2011. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms have been agreed and would cover the following matters:

- i) **Affordable Housing Provision:** The developer to submit to the Council's Housing Enabling Team for its approval an updated financial viability appraisal [i.e. the most up to date development costs and anticipated sales value of the residential units] on the occupation of 80% of the residential units hereby permitted. If required, the developer to pay for the Council to have an independent review of the viability assumptions made in the financial appraisal submitted by the developer. In the event that the viability appraisal submitted by the developer [or the Council's independent review of the appraisal] shows a surplus residual land value, the developer to pay 50% of the surplus value to the Council as a contribution towards the provision of affordable housing in the borough;
- ii) **Resident Permit Restricted:** All residents and users of the development shall be ineligible for resident parking permits;
- iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- iv) **Planning Administration Fee:** Payment of **£500** administration fee for the monitoring of and compliance with this agreement.

REASON

The proposed development would contribute to the development of the site within this District Centre through the regeneration of this prominent vacant site and the introduction of quality housing and ground floor A1 use in accordance with London Plan policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6 and Harrow UDP Policies EP20, EM11 and H7.

The proposal would result in a modern, contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for existing and future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be appropriately and the development would not have an adverse impact on the Setting of the Listing Building adjacent to the site.

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 29th August 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement which could potentially secure appropriate affordable housing to meet the Council's housing needs, would fail to adequately mitigate the impact of the development, thereby being contrary to policy 3A.9 of the London Plan (2008).

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises the London Plan 2008 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

National Planning Policy

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

The London Plan [2008]:

3A.1 Increasing London's supply of housing
3A.2 Borough housing targets
3A.3 Maximising the potential of sites
3A.5 Housing choice
3A.6 Quality of new housing provision
4A.1 Tackling climate change
4A.4 Energy assessment
4A.7 Renewable energy
4A.21 Waste strategic policy and targets
4B.1 Design principles for a compact city
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection

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

SEM2 Hierarchy of Town Centres
EM7 Redevelopment of Retail Premises
EM16 Change of Use of Shops – Primary Shopping Frontages
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings
EP25 Noise
D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
D7 Design in Retail Areas and Town Centres
D9 Streetside Greenness and Forecourt Greenery
D10 Trees and New Development
D11 Statutory Listed Buildings
D29 Street Furniture
D30 Public Art and Design
EM11 Regeneration Areas
EM24 Town Centre Environment
H7 Dwelling Mix
T6 The Transport Impact of Development Proposals
T13 Parking Standards

Other Relevant Guidance:

Supplementary Planning Document: Sustainable Building Design [May 2009]
Supplementary Planning Document: Accessible Homes [Mar 2010]
Supplementary Planning Document: Access for All [Apr 2006]
Supplementary Planning Document: Residential Design Guide [Dec 2010]
Harrow's Sustainable Community Strategy [Apr 09]

- 1) **Principle of Development and Land Use**
London Plan policies 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1; UDP policy D4
- 2) **Design and Character of the Area**
London Plan policies 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1; UDP policy D4
- 3) **Residential Amenity**
UDP policies EP25, D4, D5
- 4) **Housing Provision and Density**
London Plan policies 3A.1, 3A.2, 3A.3, 3A.5
- 5) **Parking and Highway Safety**
UDP policies T6, T13
- 6) **Accessible Homes**
London Plan policies 3A.5, 4B.5; UDP policies D4, C16; Supplementary Planning Document: Accessible Homes [2010]; Supplementary Planning Document: Access For All [2006].
- 7) **Retail Policy**
UDP policies SEM2, EM7, EM16
- 8) **Flood Risk Assessment**
PPS25, UDP policy EP11
- 9) **S17 Crime & Disorder Act**
UDP policy D4
- 10) **Consultation Responses**

INFORMATION

This application is reported to Planning Committee as it is a major application recommended for approval and therefore falls outside the Schedules 2 and 4 of the scheme of delegation.

a) **Summary**

Statutory Return Type:	Smallscale Major Dwellings
Site Area:	1197m ²
Density	259 dwellings per hectare 677 habitable rooms per hectare [81 Habitable Rooms]
Car Parking:	0
Lifetime Homes	31 (all units)
Wheelchair Standards	3
Council Interest:	None

b) **Site Description**

- Existing two-storey building with habitable roof space, formerly known as The Case is Altered Public House.
- Rectangular site bounded by High Street to the west and George Gange Way to the east.
- Building frontage off High Street set back from main shopping parade with hard surfaced forecourt to the front.
- Site is within Wealdstone District Centre.
- Former Case is Altered Public House is identified in Harrow's UDP [2004] as part of a Primary Shopping Frontage.
- To the south of the site is Boots retail unit.
- To the north of the site is the two--storey Wealdstone Police Station, a Grade II Listed Building.
- Harrow and Wealdstone Train and Underground Station is situated approximately 300m away.
- George Gange Way is a designated London Distributor Road and acts as a by-pass around the District Centre.

c) **Proposal Details**

- The application seeks planning permission for 31 residential flats and commercial use on the ground floor contained within a three-to-six storey building.
- The building would be four storeys in height facing onto High Street, reducing to three storeys at the middle section of the site and rising to six storeys facing onto George Gange Way.
- The commercial of the premises would be confined to planning Use Class A1 and would occupy 675m² of floor space on the ground floor and the basement. 491m² of this space would be provided on the ground floor.
- Two residential units would be located on the ground floor with the remainder on the floors above.
- The residential units would comprise: 12no. x one-bed flats; 19no. x two-bed flats

- The site would have a secured internal accessway running along the northern side of the site, providing access from the High Street to George Gange Way.
- Bins storage would be provided in internal areas adjacent to this accessway.
- 39 cycle storage spaces would be provided internally
- **Revisions to previous application (P/2241/09):**
- Reduction in the number of residential units from 33 to 31.
- The two residential units, and the associated courtyard external amenity space would be removed from the ground floor
- The space removed from residential use on the ground floor would be taken up by additional retail space, increasing the provision of retail space within the development from 447m² to 675m² (487m² net tradable floor space)
- No other external or internal changes to the development are proposed

d) Relevant History

P/2241/09	REDEVELOPMENT TO PROVIDE 3-6 STOREY BLOCK OF FLATS, 447 SQ METRES OF RETAIL FLOORSPACE AND CYCLE PARKING (RESIDENT PERMIT PERMITTED)	GRANTED 18-NOV-11
P/1673/08	REDEVELOPMENT TO PROVIDE 24 FLATS IN 3 SEPARATE BLOCKS RANGING BETWEEN 4 AND 6 STOREYS IN HEIGHT; 352 SQUARE OF RETAIL FLOOR SPACE [USE CLASS A1] AT GROUND FLOOR LEVEL [RESIDENT PERMIT RESTRICTED]	REFUSED 02-OCT-08 APPEAL DISMISSED 11-MAY-09

Reasons for Refusal:

1. The proposal represents an over intensive use of the site by reason of poor design, excessive mass and bulk and would appear to be visually obtrusive in the street scene, thereby not making a positive contribution to the overall built environment, contrary to HUDP policy D4 and PPS 3.
2. The block fronting on to the High Street would adversely affect the character of the Grade II Listed Building next door by reason of poor design and scale, contrary to HUDP policy D4 and D11.
3. The proposed development fails to fully comply with lifetime homes and wheelchair access because there is no provision for disabled parking to the detriment of the residential amenity of the future occupiers, contrary to Accessible Homes SPD, HUDP policy D4 and 3A.5 of the London Plan.

The Inspector dismissed the appeal on the basis of the following;

The height and bulk of the flat roofed element on the frontage would sit uncomfortably alongside the police station, especially in views from the South. This would be exacerbated by the uneven building line which means that the building and the over sailing balconies would project slightly forward of the listed building.

The proposal would be detrimental to the street scene and the listed building. The Inspector did not consider that the lack of disabled parking provision would warrant refusal of the application.

e) Pre-Application Discussion

Pre-application comments dated 17 August 2009 confirmed the agreement in principle that the revised scheme was a significant improvement on the previous-refused proposal. Pre-application discussions with the Council have been favourable toward the redevelopment of the site for mixed retail and residential development.

Planning permission was granted for an almost identical development, P/2241/09, on 18 November 2011

f) Consultations [On the Basis of Approved Scheme Ref: P/2241/09]

At the time of writing this report, and with the exception of neighbour responses, no other consultation responses have been received. Notwithstanding this, the proposal is almost identical to a similar to the 33-unit scheme granted planning permission on 18 November 2011 in terms of the principle of development and the nature of uses proposed. Accordingly, the comments would be similar to the 33-unit approved scheme [P/2241/09] and are taken for this application [P/1462/11] to reflect the comments made in the previous application [P/2241/09]. The comments of the Environment Agency and Thames Water are given in respect of planning application P/1462/11.

Environment Agency

No objection subject to conditions

English Heritage (comments taken from previous application P/2241/09)

No objection.

Thames Water

No objection – see Informative attached to recommendation

Environmental Health (comments taken from previous application P/2241/09)

Deconstruction/Construction:

Details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimised.

A Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition Method Statement.

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

Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects, based on the Department of Environmental Services' Code of Deconstruction and Construction Practice, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.

REASON: To protect the amenities of nearby residents and commercial occupiers from on site works.

Noise:

1) No vehicle connected with the works to arrive on site before 08:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays unless agreed otherwise in writing by the local planning authority.

2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

3) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control:

1) All waste arising from any ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No fires to be lit on site at any time.

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

4) All building materials shall be stored within the site.

Sound Insulation:

1. A test of compliance should be carried out in accordance with BS EN ISP 140-4 1998 "Field measurements of airborne sound insulation between rooms" all test results should be rated in accordance with SB EN ISO 717-1: 1997 "Rating of sound insulation in buildings and of building elements. Part 1 Airborne sound insulation"

2. A test of compliance should be carried out in accordance with BS EN ISP 140-7 1998 "Field measurements of impact sound insulation of floors" all test results should be rated in accordance with SB EN ISO 717-2: 1997 "Rating of sound insulation in buildings and of building elements. Part 2 impact sound insulation"

The certificate of compliance should be submitted to the planning authority for approval before the development is occupied.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

Landscape Architect (comments taken from previous application P/2241/09)

Unacceptable landscaping / amenity space provision. Note Japanese Knotweed on-site and should not be allowed to spread. It should be regarded as controlled waste and has to be disposed of at licensed sites. It requires assessment and proposal as to how the weed would be dealt with.

Drainage Services (comments taken from previous application P/2241/09)

The proposals include development in close proximity to a tributary of The Wealdstone Brook. This will prejudice flood defence interests and adversely affect the character of the watercourse, and restrict necessary access to the watercourse for maintenance.

Land Drainage Act 1991 Byelaw 10

No Obstructions within 5 Metres of the Edge of the Watercourse.

No person shall, without the previous consent of the Council shall erect any building or structure whether temporary or permanent or plant any tree, tree shrub, willow or other similar growth within 5 metres of the landward toe of the bank where there is an embankment or wall within 5 metres of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 5 metres of the enclosing structure.

The proposed development is shown to be built within the flood plain of the Wealdstone Brook and lies within an area of land liable to flood as shown on maps held by the Environment Agency. The construction may be at risk of flooding, and may increase the risk of flooding elsewhere. The applicant should ensure that the structure is designed to mitigate the effects of any possible flooding on site or elsewhere. The applicant's attention should be drawn to Planning Policy Statement 25: Development and Flood Risk (PPS25) as a reference for flood risk development.

Conditions if recommended for GRANT:

The development should not be permitted until flood mitigation measures and / or a Flood Risk Assessment [FRA] that form part of the proposals are included and submitted to and approved by the EA and LPA.

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

REASON: To ensure that adequate drainage facilities are provided.

2) Design and Character of the Area

PPS1 states that development should respond to their local context and create or reinforce local distinctiveness. Planning Policy Statement 3 advises that design in residential development should be *'Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.'*

Explanatory paragraph 4.10 of Policy D4 of Harrow's UDP 2004 states that, *'New development should contribute to the creation of a positive identity for the area through the quality of building layout and design and should take account of the character and landscape of the locality.'*

Explanatory paragraph 4.11 of Policy D4 in Harrow's UDP 2004 states that *'All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street.'*

It is considered the proposal would represent an effective development of a brownfield site and would introduce active frontages to both High Street and George Gange Way, improving the urban pattern of the surrounding area. Simultaneously, the proposal would be sympathetic to the character and appearance of the neighbouring Grade II Listed Building [Wealdstone Police Station]. The character of the surrounding area comprises a mixture of uses and architectural types within the retail shopping parade of the Wealdstone District Centre, residential blocks of flats on George Gange Way and the Police Station. It is considered that the design of the proposal would complement the key make up of the surrounding areas and would represent a good design approach to address the mixed character of the surrounding area.

The alterations to the scheme previously granted planning permission relate to the internal alterations only and these alterations would not have an impact on physical appearance of the building or the character of the area.

The proposed development would represent a contemporary design and an appropriate use of this brownfield site while maintaining the character and setting of the neighbouring listed building. Accordingly, the scale, layout and design of the proposal would comply with Policies 4B.1 and 4B.4 of the London Plan 2008; Policies D4 and D5 of Harrow's UDP 2004, and Harrow's Supplementary Planning Document – Residential Design Guide (2010)

3) Residential Amenity

The amenity of neighbouring occupiers has been considered for a development of identical physical scale and similar intensity of use previously and has been found to be acceptable subject to conditions. Given the relatively modest alterations proposed to the intensity of the use of the site, no objection is raised to the impact of the development of the neighbouring occupiers.

In respect of the amenities of the future occupiers of the dwellings, the Council has adopted Supplementary Planning Document – Residential Design Guide (2010) since the previous grant of development. The adopted SPD most notably has adopted internal space standards. Some of the units proposed would now fall marginally short of the minimum standards. However, in consideration of the extant permission which could still be implemented, it is considered that a minor deficiency in terms of internal floor areas would not have an undue impact on the amenity of the future occupiers of the building. The development now proposed would not alter external amenity for the residential properties. The space provided and the quality of this space has been previously considered and no objection was previously found. As there would be no alterations in terms of the amenity space now provided to that previously granted, no objection is raised in terms of the amenity of the future occupiers of the property. The stacking of rooms within each unit is considered well designed and outlook from habitable rooms would be adequate.

The scheme would therefore accord with saved policy D5 of the UDP.

4) Housing Provision and Density

The proposal would represent 31 units to Harrow's housing stock, which would make a positive contribution in meeting annual housing targets for the Borough. This aspect of the development is therefore supported. The scheme would provide:

- 12no. x one-bed flats;
- 19no. x two-bed flats;
- Ground floor retail [A1] use.

As part of a mixed-use development, the proposal would result in a density of 677 habitable rooms per hectare, based on a site area of 1,197m² and 81 habitable rooms. The density levels are within those recommended by Policy 3A.2 and Table 3A.3 of the London Plan 2008. The site is within the District Centre in a highly accessible location and higher density developments are considered appropriate in such locations. The mix of units within the development would provide an appropriate provision of housing for a Town Centre location and would accord with saved policy H7 of the UDP.

The applicant has submitted a Three Dragons Toolkit to demonstrate that affordable housing provision as part of this proposal is not financially viable. Housing's analysis of the submitted Toolkit indicate that a cascade mechanism be part of any s106 legal agreement to govern the provision of such housing should economic circumstances change. Though the provision of affordable housing would not be financially viable at the current time, the use of a cascade system will ensure that should economic conditions change in the interim, affordable housing may be in future be on provided on site. The use of the cascade system provides the only viable method of potentially delivering any affordable housing on site whilst providing economic development and regeneration of the site.

Accordingly, the proposal is considered to comply with policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.9, 3A.10, 3A.11 of the London Plan 2008 and saved policy H7 of Harrow's UDP 2004.

5) Parking and Highway Safety

The proposed development would represent a car-free scheme. The applicant proposes cycle storage to accommodate 39 cycles. Given the site's location to a wide range of public transport links and with a PTAL rating of 5 (taken from the TfL website), it is considered that a car-free scheme is appropriate in this location. To ensure the development does not result in an increase in on-street parking in the immediate vicinity future occupants will be ineligible to apply for resident parking permits.

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

6) Accessible Homes

Saved policies D4 and C16 of the HUDP (2004) require all new development proposals to be adequately designed to accommodate the needs of all users. The Council has recently adopted a Supplementary Planning Document: Accessible Homes (2010) which elaborates further on the need for new residential development to accommodate the needs of all users. The London Plan policies 3A.5 and 4B.5 also recognise the need for development to provide for all users.

The proposed development is considered to comply with the Council's adopted SPD which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case all 31 units are to meet the Lifetime Homes Standards, furthermore 3 of the units would be built to meet the Wheelchair Homes Standards meeting Harrow UDP 2004 and London Plan 2008 policy requirements. Whilst the scheme is car-free, parking bays are available in the High Street and could be used by 'Blue Badge' holders.

The retail unit shall also be constructed to provide level access to accommodate the needs of disabled customers and / or employees. Conditions are attached to ensure the development would be built to the standards outline in the submitted Design and Access Statement.

Accordingly, the proposed development is considered to comply with policies 3A.5 and 4B.5 of the London Plan 2008, saved policies D4 and C16 of the UDP and Harrow's SPDs on Accessible Homes [Mar 10] and Access For All [Apr 06].

7) Retail Policy

The application site lies within the district centre of Wealdstone, hence retail development is supported and encouraged in accordance with Policy EM7 of the Harrow UDP 2004. It is not recommended given the location of the application site that any restrictions are proposed on the type of A1 goods sold from the proposed store. This development will have an active shop frontage on to the high street in this currently dominant area of the main shopping street in this district centre.

8) Flood Risk Assessment

The applicant has submitted a Flood Risk Assessment [FRA] with this application. The Environment Agency has commented on the application and recommended conditions in lien with those previously attached to the grant of planning permission P/2241/09.

9) S17 Crime & Disorder Act 1998

The proposed design and layout offers adequate natural surveillance. Policy D4 of Harrow's UDP 2004 advises crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan 2008 seeks to ensure that developments should address security issues and provide safe and secure environments.

There are no details of lighting levels, car park security or door and window security. A condition is recommended to request that these details are submitted prior to first occupation of any part of the development.

10) Consultation Responses

Environmental Health

Comments recommended as conditions and informatives to any planning permission.

Landscape Architect

Amenity provision is considered satisfactory for a high-density residential development within the town centre. A landscaping condition is recommended to secure some form of landscaping on-site.

Drainage Services

Comments recommended as conditions to any planning permission.

Neighbouring Responses

Large number of residential scheme over the last 10 years in Wealdstone have not had parking provision; not enough provision for residential parking in the locality

The Council's Traffic and Highways Officer has considered the development and given the high level of public transport accessibility of the site and the high level of provision of amenities locally, the non-provision of parking on the site can be accepted. The accompanying s106 obligation states that no occupiers of the development would be eligible for parking permits. On this basis and considering the size of the units, it is unlikely that the units would be attractive to those who require parking provision.

CONCLUSION

The proposal would represent a satisfactory form of development, which would respect the character of the neighbouring area and is not considered to detract from the character or appearance of the adjacent listed building. The proposed design and scale and separation distances to existing nearby residential dwellings have been specifically considered. In consideration of the existing situation on-site in vacant form, the applicant's willingness to develop the site would benefit the local economy. It is considered this proposal is acceptable in planning policy terms.

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for **GRANT** subject to no objection from the Environment Agency, the following conditions and completion of the legal agreement.

CONDITIONS

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

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

2 Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before any part of the building is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be permanently retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy D4 of Harrow's UDP 2004.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policy D4 and D5 of Harrow's UDP 2004.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the occupation of any part of the building. Any 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 policy D4 and D5 of Harrow's UDP 2004.

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with policy D4 of Harrow's UDP 2004.

6 Prior to commencement of development hereby permitted, details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be permanently retained.

REASON: To safeguard the appearance of the locality, to ensure that quality of design is maintained in accordance with policy D4 of Harrow's UDP 2004.

7 The development hereby permitted shall not be occupied until a scheme for the storage and disposal of refuse / waste has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with policy D4 of Harrow's UDP 2004.

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

REASON: To ensure that adequate drainage facilities are provided in accordance with policy D4 of Harrow's UDP 2004.

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

REASON: To ensure that adequate drainage facilities are provided in accordance with policy D4 of Harrow's UDP 2004.

10 The development of any buildings hereby permitted shall commence until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with policy D4 of Harrow's UDP 2004.

11 The development hereby permitted shall not commence until details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 20% or such percentage which is feasible from on-site renewable energy generation and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7 and policy D4 of Harrow's UDP 2004.

12 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.

13 The development hereby permitted shall not be occupied or used until all the works detailed in the application, with the exception of the retail unit fit out, have been completed in accordance with the consent unless otherwise agreed in writing with the Local Planning Authority.

REASON: To preserve the historic interest of the adjacent listed building and to ensure a satisfactory form of development in accordance with policy D11 of Harrow's UDP 2004.

14 The residential units hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards and provide 3 units to be built to Wheelchair Homes Standards, and thereafter retained to those standards.

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

15 Prior to commencement of development, details of obscured glazing for all of the balconies shall be submitted to and approved in writing by the local planning authority. Such details as approved shall be implemented prior to occupation of any of the flats or the commercial unit and thereafter permanently retained.

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

16 Prior to commencement of development, the site shall be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey shall be submitted to the local planning authority. The survey must also note any Knotweed adjoining the site. Full details of a scheme for its eradication and / or control shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work on-site, and the approved scheme shall be implemented prior to first occupation of any part of the building.

REASON: To ensure the species would not affect the development of the proposal in accordance with policy D4 of Harrow's UDP 2004.

17 The development hereby permitted shall provide an integrated cable system for all of the units for satellite TV and broadband facilities without the requirement for any satellite dishes or antennae.

REASON: To prevent visual intrusion and in the interest of residential amenity in accordance with policy D4 of Harrow's UDP 2004.

18 Satellite dishes, antennae or other communications equipment are not permitted on any part of building hereby approved.

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

19 Details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimised in accordance with policy T6 of Harrow's UDP 2004.

20 A Demolition Method Statement shall be submitted to and approved in writing by the local planning authority prior to any demolition taking place on the site and the demolition of the buildings and structures on the site shall be carried out in accordance with the approved Demolition Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with policy T6 of Harrow's UDP 2004.

21 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects, based on the Department of Environmental Services' Code of Deconstruction and Construction Practice, has been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved scheme.

REASON: To protect the amenities of nearby residents and commercial occupiers from on-site works in accordance with policy EP25 of Harrow's UDP 2004.

22 A test of compliance should be carried out in accordance with BS EN ISP 140-4 1998 "Field measurements of airborne sound insulation between rooms" all test results should be rated in accordance with SB EN ISO 717-1: 1997 "Rating of sound insulation in buildings and of building elements. Part 1 Airborne sound insulation". A test of compliance should be carried out in accordance with BS EN ISP 140-7 1998 "Field measurements of impact sound insulation of floors" all test results should be rated in accordance with SB EN ISO 717-2: 1997 "Rating of sound insulation in buildings and of building elements. Part 2 impact sound insulation". The certificate of compliance shall be submitted to the local planning authority for approval prior to first occupation of any part of the development.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents in accordance with policy EP25 of Harrow's UDP 2004.

23 The retail unit shall be constructed to provide level access to accommodate the needs of disabled customers and / or employees.

REASON: To ensure access for all in accordance with Harrow's Access for All SPD.

24 The development hereby permitted shall not commence beyond ground level damp proof course until details of under sink waste disposal units to be installed in each of the 31 units have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To reduce overall food waste collection from the residential element and to ensure a sustainable form of development in accordance with policy D4 of Harrow's UDP 2004.

25 The development hereby permitted shall not commence beyond ground level damp proof course until details of sustainable water use measures including, but not limited to, rain water harvesting, low flow taps, dual flush toilets and low flow shower heads to be installed in each of the 31 units have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To reduce overall water consumption from the development, to ensure a sustainable form of development and to comply with policy 4A.16 of the London Plan 2008.

26 The development hereby permitted shall be carried out in accordance with the following approved plans: LA-001; LA-002; LA-100; LA-101; LA-102; LA-103; LA-104; LA-105; LA-106; LA-107; LA-200; LA-201; LA-250; LA-251; LA-252; LA-253; LA-254; LA-300; LA-SH-1; SD10235; D1.11; D1.12; Design and Access Statement; Letter dated 27 May 2011; Flood Risk Assessment; Planning Statement dated September 2009; Accommodation Schedule; Topographical Survey; Heritage 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 Policy, the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

National Planning Policy

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

The London Plan [2008]:

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing provision

- 4A.1 Tackling climate change
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

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

- SEM2 Hierarchy of Town Centres
- EM7 Redevelopment of Retail Premises
- EM16 Change of Use of Shops – Primary Shopping Frontages
- EP20 Use of Previously-Developed Land
- EP21 Vacant and Disused Land and Buildings
- EP25 Noise
- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D7 Design in Retail Areas and Town Centres
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- D11 Statutory Listed Buildings
- D29 Street Furniture
- D30 Public Art and Design
- H7 Dwelling Mix
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards

Other Relevant Guidance:

- Supplementary Planning Document: Sustainable Building Design [May 2009]
- Supplementary Planning Document: Accessible Homes [Mar 2010]
- Supplementary Planning Document: Access for All [Apr 2006]
- Supplementary Planning Document: Residential Design Guide [Dec 2010]
- Harrow's Sustainable Community Strategy [Apr 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

4 INFORMATIVE

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

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

5 INFORMATIVE

In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

6 INFORMATIVE

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.

7 INFORMATIVE

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

8 INFORMATIVE

The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

9 INFORMATIVE

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

10 INFORMATIVE

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

11 INFORMATIVE

No fires to be lit on site at any time.

12 INFORMATIVE

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

13. INFORMATIVE

All building materials shall be stored within the site.

14 INFORMATIVE

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water Comments

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

Plan Nos: LA-001; LA-002; LA-100; LA-101; LA-102; LA-103; LA-104; LA105; LA-106; LA-107; LA-200; LA-201; LA-250; LA-251; LA-252; LA-253; LA-254; LA-300; LA-SH-1; SD10235; D1.11; D1.12; Design and Access Statement; Letter dated 27 May 2011; Flood Risk Assessment; Planning Statement dated September 2009; Accommodation Schedule; Topographical Survey; Heritage Statement

P/0104/11

LISTED BUILDING CONSENT: PROPOSED INTERNAL ALTERATIONS TO THE LAYOUT WITHIN THE MAIN MANSION HOUSE FOR THE FORMATION OF RESIDENTIAL UNITS WITH ASSOCIATED NEW WINDOW OPENINGS, OPENING UP OF CURRENTLY BLIND WINDOWS AND A NEW GLAZED ENCLOSED WALKWAY

P/0105/11

PROPOSAL: VARIATION OF CONDITION 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 FOR 'CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE A MUSEUM/EDUCATION FACILITY (D1 USE CLASS), 103 DWELLINGS (C3 CLASS) WITH ASSOCIATED CAR PARKING, ANCILLARY SERVICE/ACCOMMODATION, ENERGY CENTRE, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON, AND INCLUDING ALTERATIONS AND PARTIAL DEMOLITION OF THE MANSION HOUSE, ALTERATIONS AND EXTENSION OF BUILDING 7. RELOCATION OF ENTRANCE TO THE WALLED GARDEN AND DEMOLITION OF OTHER LISTED BUILDINGS` TO ALLOW MODIFICATIONS TO THE EXTERNAL APPEARANCE AND INTERNAL LAYOUT OF THE APPROVED DEVELOPMENT WHICH RESULT IN THE CREATION OF TWO ADDITIONAL RESIDENTIAL UNITS WITHIN THE MAIN MANSION HOUSE BUILDING

AGENT: Mr Martin Dunseath – Purcell Miller Tritton LLP

APPLICANT: Mr Simon Vernon-Harcourt

CASE OFFICERS: P/0104/11 – Lucy Haile

P/0105/11 – Matthew Lawton

STATUTORY EXPIRY DATES: P/0104/11 – 26-APR-11

P/0105/11 – 31-MAY-11

RECOMMENDATION A

P/0104/11

GRANT Listed Building Consent for the development described in the application and submitted plans, subject to the conditions to the suggested conditions.

P/0105/11

GRANT permission for the variation of the condition, as described in the application and submitted plans and documentation, subject to the completion of a deed of variation to link the original S106 agreement to this additional planning permission within six months of the date of the Committee decision on this application, and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the S106 agreement and to agree any minor amendments to the conditions or the legal agreement.

REASON

The decision to grant planning permission and listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building to flats and therefore contributing to the long term preservation of the listed building.

The recommendation to **GRANT** permission for the variation of the condition, subject to the completion of a deed of variation to the existing legal agreement, has been taken having regard to Government guidance contained within Circular Guidance 11/95: The Use of Planning Conditions, guidance contained within PPS1, the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], listed below which encourage a high standard of design in all developments, and to all relevant material considerations, including comments received in response to publicity and consultation.

RECOMMENDATION B

P/0105/11

That if a Section 106 Agreement is not completed within six months of 13 July 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a deed of variation to the existing legal agreement, would fail to secure the future of the Grade II* Listed Mansion building, and the museum proposed therein, thereby being contrary to Planning Policy Statement 5: Planning for the Historic Environment, saved policy EP35 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Document: Future Use and Development of Bentley Priory (September 2007).

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2008 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

National Planning Policy:

PPS1 Delivering Sustainable Development
PPG2 Greenbelts
PPS3 Housing
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS25 Development and Flood Risk

London Plan 2008:

2A.1 Sustainability Criteria
2A.2 The Spatial strategy for Development
2A.9 The Suburbs: Supporting Sustainable Communities
3A.1 Increasing London's supply of housing
3A.2 Borough housing targets
3A.5 Housing choice
3A.9 Affordable housing targets
3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
3A.24 Education facilities
3A.25 Higher and further education
3C.1 Integrating transport and development
3C.19 Local transport and public realm enhancements
3D.9 Green Belt
3D.13 Children and Young People's Play and informal recreation strategies
3D.14 Biodiversity and nature conservation
3D.15 Trees and woodland
4A.4 Energy assessment
4A.7 Renewable Energy
4A.11 Living Roofs and Walls
4A.14 Sustainable drainage
4A.18 Water and sewerage infrastructure
4B.1 Design principles for a compact city
4B.2 Promoting world-class architecture and design
4B.3 Enhancing the quality of the public realm
4B.11 London's built heritage
4B.12 Heritage conservation
4B.13 Historic conservation-led regeneration
Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)

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

S1 The Form of Development and Pattern of Land Use
EP15 Water Conservation
EP20 Use of Previously-Developed Land
EP21 Vacant and Disused Land and Buildings

EP26 Habitat Creation and Enhancement
EP27 Species Protection
EP28 Conserving and Enhancing Biodiversity
EP31 Areas of Special Character
EP35 Major Developed Sites in the Green Belt
D4 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
D18 Historic Parks and Gardens
D31 Views and Landmarks
T6 The Transport Impact of Development Proposals
T13 Parking Standards
C17 Access to Leisure, Recreation, Community and Retail Facilities
Proposals Map and Proposal Sites Schedule (PS 23 Glenthorne, Common Road)
Supplementary Planning Document: Access for All (April 2006)
Supplementary Planning Document: Accessible Homes (March 2010)
Supplementary Planning Document: Future Use and Development of Bentley Priory (September 2007)

- 1) Variation of condition – Amendments to the approved scheme P/1452/08CFU
- 2) Listed Building Consent – Character and Appearance of the Listed Building, Historic Park and Garden and Green Belt
- 3) S17 Crime & Disorder Act
- 4) Consultation Responses

INFORMATION

The application P/0104/11 is reported to the Planning Committee as it falls outside the thresholds set by schedule 10 of the Scheme of Delegation as the building is grade II* listed. The application P/0105/11 is reported to the Planning Committee as it falls outside the thresholds set by schedule 14 of the Scheme of Delegation because it is for a variation of a condition attached to a planning permission for major development.

a) Summary

Statutory Return Type: 12
Listed Building Grade II*
Council Interest: None

b) Site Description

- Bentley Priory is a 22.9 hectare site at the northern edge of the borough. It is in the heart of the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character. It separates the urban areas of Stanmore in the south and Bushey Heath to the north
- The site has historic interest as the former home of RAF Fighter Command centre and is also the location of a Grade II* Listed Building that is set in Grade II historic park and garden. Operational use of the site ceased in May 2008.

- The list description for the grade II* listed mansion house reads: 'By Sir John Soane, 1789-90. Enlargement by Robert Smirke 1810-18. Entrance lobby, long drawing room and circular boudoir are probably the only parts by Soane in anything like their original condition. The external facades are quite changed by iron balconies and other C19 additions. Some fragments of older work remain. The house was, for the last year and a half of her life, the home of the Dowager Queen Adelaide, who died here in 1849. It was also the home of the Marquesses of Abercorn and Lord Aberdeen in C19. Gutted by fire 1979. Of historical interest as the headquarters of Fighter Command during the Battle of Britain and until 1968. (DRUETT, W W "Stanmore and Harrow Weald Through the Ages" 1938 pages 130 to 137; IREMONGER, Lucille "Lord Aberdeen" 1978 pages 25 and 26).'
- The existing building evolved from a modest 18th century country house that was extended dramatically by the architect Sir John Soane in the 1780's as a mansion house for the 1st Marquis of Abercorn
- The site subsequently was in use as a Hotel and a Girls School before the RAF acquired it in 1926. It was the headquarters of Fighter Command from 1936 to 1968 and was where Lord Dowding conducted the RAF defence in the Battle of Britain in 1940. It then became an administrative and training centre. Operational use ceased in May 2008.
- Listed Building Consent and Planning Permission was recently granted for internal and external alterations to the grade II* listed mansion house to allow its conversion to flats and a museum to enable its reuse and ongoing conservation (our references P/1452/08/CFU/DT2 and P/1453/08/CLB/DT2), as well as the provision of additional housing through development elsewhere on the site.

c) Background and Proposal Details

- At its meeting of 23 July 2008 the Strategic Planning Committee resolved to grant planning permission for the change of use from defence establishment to provide a museum/educational facility (D1 use class), 103 dwellings (C3 class) with associated parking, ancillary service accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees), with improved means of access to the common, and including alterations and partial demolition of the mansion house, alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings.
- This resolution was subject to conditions, referral to the Greater London Authority (GLA) and the Government Office for London (GOL), the resolution of the objection from the Environment Agency, and the completion of a s.106 agreement.
- The Strategic Planning Committee also resolved to grant Listed Building consent for the above works.
- Work took place on the drafting of the s.106 agreement, and at its meeting of 15 September 2010 the Planning Committee reiterated its resolve to grant planning permission and listed building consent, having considered changes to the heads of terms of the legal agreement and changes to policy and site circumstances that had arisen during the two year period since the applications had last been considered.

- The legal agreement was subsequently completed and planning permission was issued on 16 September 2010 followed by listed building consent on 22 September 2010.
- The current Section 73 application P/0105/11 seeks to vary Condition 26 of the approved scheme P/1452/08CFU to permit minor changes to development.
- This variation of condition entails the substitution of drawings as scheduled on condition 21 of the planning permission P/1794/10 with revised drawings which include the minor changes proposed.
- Condition 26 of P/1452/08/CFU states:
26 The development hereby permitted shall be carried out in accordance with the following approved plans:
5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001 2.002
2.003 2.10 2.20 2.21 2.30 2.31 2.4 2.50 2.51 3.001 3.002 3.05
3.10 3.11 3.130 3.131 4.001 rev A 4.002 4.100 4.101 4.102 4.103
4.104 4.200 4.201 4.202 4.011 4.012 7N.101 7N.102 267.102 7.101
7.102 7.103 G001 G002 G.012 G.013 G.014 G.015 G.016 G.400
G.401 C.001 C.002 C.003 C.004 C.005 C.006 C.007 C.008 C.009
C.010 C.011 C.012 C.013 C.014 C.015 C.016 C.017 C.018 rev B
C.019 C.020 110 111 112 113 114 1210 121 122 123 130 140
141 142 143 144 145 210 211 212 213 214 220 221 222 223
230.
Planning Statement, Statement of Community Engagement, Design and Access Statement, Environmental Statement, Sustainability Statement, Energy Statement, Arboricultural Statement, Conservation Management Plan, Landscape Conservation Management Plan, Surface Water Flood Risk Assessment
REASON: For the avoidance of doubt and in the interests of proper planning.
- The proposed amendments to the approved schemes for planning permission and listed building consent involve internal alterations to the layout within the main mansion house for the formation of additional residential units which would increase in number from 7 to 9, with the main alterations to the approved scheme being namely:
 - Internally at basement floor level: reconfiguring the general proposed layout, removal of modern wall linings and utilising existing door opening.
 - Internally at ground floor level: additional partitions to subdivide one proposed unit into two proposed units on the ground floor, reconfiguring the orientation of a proposed lift, removal of modern wall linings, modification of a proposed structural wall.
- Internally at first floor level: reconfiguring the general proposed layout and partitions, formation of a new door opening to the west wall facing the existing central internal dome, subdivision of one proposed unit into two, formation of new unit entry doors to the two new units, a new dividing wall and new doors, installation of a new stair and an ensuite to the clock tower, lift and wall configuration amended and new staircase.

- Externally at first floor level a glazed covered walkway near the existing central dome rather than a single glazed cover over the central domed area.
- Internally at second floor level: reconfiguring the general proposed layout and partitions and formation of a new door opening.
- Associated new window openings at first and second floor levels on the east elevation entailing the opening up of currently blind windows and enlarging one of them to match the other adjacent ones.
- A new glazed enclosed walkway externally in the open square courtyard area around a domed roof to the ground floor, at first and second floor levels between the west and east elevation walls, and the omission of previously proposed dome cover over the whole of the existing central domed area.
- As a result of the planning application P/0105/11, condition 26 of P/1452/08/CFU would be amended by this current application to read:

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

*5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001
2.002 2.003 2.10 2.20 2.21 2.30 2.31 2.4 2.50 2.51 3.001
3.002 3.05 3.10 3.11 3.130 3.131 4.001 rev A 4.002 4.100
4.101 4.102 4.103 4.104 4.200 4.201 4.202 4.011 4.012
7N.101 7N.102 267.102 7.101 7.102 7.103 G001 G002 G.012
G.013 G.014 G.015 G.016 G.400 G.401 C.001 C.002 C.003
C.004 C.005 C.006 C.007 C.008 C.009 C.010 C.011 C.012
C.013 C.014 C.015 C.016 C.017 C.018 rev B C.019 C.020
110 111 112 113 114 1210 121 122 123 130 140 141 142
143 144 145 214 220 222 223 230; 200 REV. C; 201 REV. C;
202 REV. C; 203 REV. C; 204 REV. A; 205 REV. A; 100; Planning
Statement, Statement of Community Engagement, Design and
Access Statement, Environmental Statement, Sustainability
Statement, Energy Statement, Arboricultural Statement,
Conservation Management Plan, Landscape Conservation
Management Plan, Surface Water Flood Risk Assessment; Purcell
Miller Tritton LLP Design and Access Statement Rev. B; Purcell
Miller Tritton LLP Heritage Statement Rev. B*

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

d) Relevant History

P/1452/08/CFU & P/1453/08/CLB	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwellinghouses (C3) with associated car parking, ancillary staff accommodation, energy centre, works to landscape (including open space provision, boundary fencing and removal of trees) with improvised means of access to the common, and including alterations and partial demolition of the mansion house,	GRANT 16-SEP-10
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alterations and extension of building 7. Relocation of entrance to the walled garden and demolition of other listed buildings (applications for planning permission and listed building consent).

P/1926/10	Demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; All above ground structures to be retained.	GRANT 16-SEP-10
P/1935/10	Listed building consent: demolition of underground bunker to dismantle all below ground structures (building 85/86) including interim ceilings, floor slabs and walls; All above ground structures to be retained.	GRANT 16-SEP-10
P/2292/10	Modify section 106 agreement to planning permission EAST/63/97/CRD dated 14/08/1997 to allow development on the southern part of the site.	APPROVE 22-SEP-10

e) Pre-Application Discussion

Meeting held between Officers, Applicant, Agent, Architect and representatives of English Heritage on site on 29 November 2010 to discuss proposed amendments to the approved scheme, including those which form these current applications.

f) Applicant Statement

- The purpose of the application is limited to alterations proposed to the proposed residential units within the mansion.
- The proposed alterations are minor.
- The reason for the proposed changes is the applicant's prior experience of the need to attract good purchasers in order to contribute to the long term preservation of the building.
- It is proposed to increase the number of residential units from 7 units (consented scheme) to 9 units, to provide a better range of units that the applicant feels will be more attractive to the open market.
- The additional units are accommodated within the same floorspace as the units in the consented scheme, which has been achieved by simply revising the internal arrangements as opposed to increasing the footprint of the building.
- The extent of demolition, primarily relating to removal of internal partitions, is essentially equivalent to that which has already received consent.
- It is proposed to open up the two existing blind windows on the East Elevation and incorporate painted timber sash windows to match existing window exactly.
- In terms of access, there are no changes to the general principles included in the Design and Access statement submitted previously for the consented scheme.

- The residential lift that served Unit 3 in the consented scheme (and which will now serve Unit 5 and 6 in the proposed scheme) is retained, albeit that the general arrangement has been adjusted to suit the revised proposals.
-
- Given the very limited nature of the revised proposals subject to this application it is felt that the revised proposals have no adverse impact on the Heritage Asset, on the basis that the revised proposals are in essence very similar to those which have already received planning and listed building consent.
- The consented scheme proposed to incorporate a glazed roof infill to enclose the dome. However, this is omitted from the current scheme as it is felt it is not necessary or sensitive.

g) Consultations

The following bodies were consulted but no responses have been received:

Council for British Archaeology

The Victorian Society

The Bentley Priory Battle of Britain Trust

Society for the Protection of Ancient Buildings

Ancient Monuments Society

Twentieth Century Society

Stanmore Society

Harrow Hill Trust

Hatch End Association

The Pinner Association

Natural England

The Garden History Society

Crime Prevention Design Advisor

English Heritage – This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

The Georgian Group – No objections or comments regarding the proposed amendments to the extant scheme.

Hertsmere Borough Council – Raise no objections.

Friends of Bentley Priory Nature Reserve – Concerns raised about impact on watercourses and nature reserve, concern about impact on Muntjac Deer.

Conservation Area Advisory Committee – No comments.

Environment Agency – No comments to make.

Greater London Authority – Does not raise any new strategic planning issues. The modifications remain internal of the previously approved building footprint and therefore there will be no further impact on the surrounding green belt. The Mayor of London does not need to be consulted further on this application and your Council may proceed to determine the application without further reference to the GLA.

Thames Water – Does not affect Thames Water and as such have no observations to make.

Site notice: Extensions/alterations of a listed building Expiry: 01-JUN-11

Variation of condition attached to a major scheme Expiry: 20-MAY-11

Addresses Consulted:

Common Road:

Cedar House, Heath End, Hollycroft, Rosedale Cottage, Sussex Villas, Birch Cottages, Tanglewood, Woodside, 1-3 Hunton Cottages, 1 & 2 Birch Cottages, 1 & 2 Sussex Villas, Myrtle Cottage, Lodge Priory Close, Farmland At Tq1593nw, Hunton Cottages

Priory Drive:

Bentley Priory Open Space, Feering Croft, Pemberley, Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Tiles, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Garden Building Adjacent To Ad Astra, Cedar Trees

Priory Close:

Turf Hills, Woolmer House, Hazelnuts, Rima

The Common:

Entrance Adjacent To Glenthorn Cottage, Heriots, Birchmoor, Broad Oaks, Cedars Lodge, Commonwood, Foresters, Gada, Grosvenor House, Heriots Wood, Highcroft, Little Manor, Rustington, The Cedars, Three Chimneys, Bentley Manor, The Chestnuts, Weatheroak, Woodland Opposite Myrtle Cottage, Entrance Adjacent To Glenthorn Cottage

Tanglewood Close:

Tanglewood Lodge, 1-3 Tanglewood Lodge, Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage.

Valencia Road:

Red Roofs (9).

Others:

14 Winscombe Way; Lianda, Hill Close; 6 Thorndyke Court, Westfield Park; 2 Wakehams Hill

Advertisement: Major Development

Notifications:

P/0104/11 Sent: 76 Replies: 0 Expiry: 01-MAR-11

P/0105/11 Sent: 75 Replies: 0 Expiry: 07-APR-11

Summary of Responses: N/A.

APPRAISAL

- 1) **Variation of condition – Amendments to the approved scheme P/1452/08CFU**
Proposed internal and external alterations - PPS5 and Saved Harrow UDP policy D11

As detailed in the above 'Applicant Statement' section of this report, the changes proposed to the approved scheme as part of this application to substitute some of the approved drawings with revised and additional drawings has been justified on the grounds that the internal alterations and additional two units would provide a better range of units that the applicant feels will be more attractive to the open market and therefore attract suitable purchasers which would contribute to the long term preservation of the listed building.

The proposed variation to the approved scheme involves internal alterations to the layout within the main mansion house for the formation of additional residential units which would increase in number from 7 to 9. The internal layouts of the residential units on the each of the floors would be reconfigured to make better use of the space available and provide better designed, higher quality living space within the constraints of this listed building. The reconfigured layout on the lower ground floor would result in an approved three bedroom duplex unit split over the lower ground floor and ground floor being split to provide a self contained unit two bedroom unit on each floor, accounting for one of the two additional units the proposed amendments to the approved scheme would result in and a total of one additional bedroom.

At first floor level the proposed layout would be reconfigured to provide an additional one bedroom unit at the western end of the building, accounting for the second of the two additional units proposed and a second additional bedroom overall. External alterations would also result in the formation of a new door opening to the west wall facing the existing central internal dome, and at first floor level a glazed covered walkway adjacent to the existing central dome is proposed at first and second floor levels between the west and east elevation walls as opposed to the approved single glazed dome cover over the domed area. New window openings are also proposed at first and second floor levels on the east elevation entailing the opening up of currently blind windows and enlarging one of these to match the others adjacent.

Given that only two additional units are proposed and that these would be contained within the approved footprint of the development and require only minor external alterations it is considered that the proposed amendments to the scheme would not have any additionally detrimental impacts upon the Green Belt, Area of Special Character or the quality of the approved development. The proposed changes would have no detrimental impacts upon the amenities of future occupiers of the scheme and would not detrimentally reduce its accessibility versus the approved scheme.

Whilst it is acknowledged that the constraints of this listed building make achieving full compliance with London Plan internal space standards and Lifetime Homes standards more difficult, it is considered that the revised layouts proposed make practical use of the available space whilst respecting the existing historic features. The impact upon neighbouring residential occupiers outside of the site would be negligible given the extent of the proposed amendments, which would result in an increase of a total of two additional bedrooms, versus the scale of the approved development and the location of the new units within this large site.

Given the above detailed considerations, the benefits that would result from the increased attractiveness of the proposed development on the open market in the current economic climate which would facilitate the long term future of the listed mansion house building and associated museum as a result of the proposed alterations and the lack of material harm arising from these changes, the variation of condition is considered to be appropriate. The resulting development would be in keeping with the character and appearance of the area and would have no additional detrimental impact upon the amenity of future or neighbouring occupiers. Accordingly, the scale, layout and design of the amended proposal would comply with Policy 4B.1 of The London Plan 2008, saved Policies D4, D5 and EP35 of Harrow's UDP 2004 and the Supplementary Planning Document: Future Use and Development of Bentley Priory (September 2007).

2) Listed Building Consent – Character and Appearance of the Listed Building, Historic Park and Garden and Green Belt (PPG2, PPS5, D4, D11, D18, EP31, EP32, EP35)

In assessing the acceptability of the proposed alterations, the need to take account of: the special significance of the grade II* Listed Building, the desirability of sustaining and enhancing its significance, the presumption in favour of its conservation and the need to only permit alterations that preserve its character and features of interest, needs to be taken account by having particular regard to national planning policy contained within PPS5 relating to heritage assets and saved Harrow UDP policy D11.

Saved Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. HE7.4 states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'.

PPS5 policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'.

The proposed internal alterations would be largely similar to those which were approved under application references P/1452/08/CFU/DT2 and P/1453/08/CLB/DT2. The differences would be: a revised general internal layout including a number of additional or relocated partitions, new door openings, revised orientation of a proposed lift, removal of modern wall linings and modification of a proposed structural wall. Due to the location of the proposed internal alterations outside of the historic core where the proposed museum will be sited, combined with their relatively minor nature, it is considered that these alterations would preserve the special interest of the listed building and its features of historic interest and therefore comply with PPS5 policies HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11. To ensure this was the case in the previous application where new partitions were proposed a relevant condition was included to ensure that these are scribed around the existing ornamental mouldings. This condition is recommended again. To ensure that the additional residents would not be detrimental to the ongoing future maintenance of the property a suitable condition is recommended. To ensure the demolition work hereby proposed is carried out in an appropriate manor a suitable condition is recommended to ensure only hand tools are used.

Similarly, the proposed external alterations are minor since these would only entail opening up existing blind windows on the east elevation, a new glazed linked walkway on an enclosed inner courtyard area and the omission of the originally proposed dome cover to the internal courtyard. To ensure that the new windows would match the existing adjacent windows a suitable condition is suggested. Also, again to ensure the demolition work hereby proposed is carried out in an appropriate manor a suitable condition is recommended to ensure only hand tools are used. The design of the glazed link walkway that is currently proposed at first and second floor levels between the west and east elevation walls is of a sufficient quality to complement the character of the Listed mansion house, for example, notably it would be symmetrical in keeping with the classical style. It would be constructed of good quality materials as it would be both laminated glazing and white painted metal. To ensure the metal parts are painted white a suitable condition is recommended. To ensure all proposed works are carried out and finished so that they would not damage historic fabric and finishes are appropriate, suitable conditions are recommended. It is therefore considered that all internal and external alterations would be relatively minor and would preserve the special interest of the listed building and its features of historic interest and therefore comply with PPS5 policies HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

In recognition of this the Georgian Group responded that they have no objections or comments regarding the proposed amendments to the extant scheme.

3) S17 Crime & Disorder Act

The proposed amendments to the approved scheme are considered not to alter the acceptability of the development in this regard or have any additional unduly detrimental impact.

4) Consultation Responses

Friends of Bentley Priory Nature Reserve – Concerns raised about impact on watercourses and nature reserve, concern about impact on Muntjac Deer.

Muntjac Deer are not a protected species, being listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and therefore are officially considered an invasive species. It is therefore considered that there are no grounds to request protection measures in this regard and the variation of condition proposed would have no additional impacts in this regard. The Council's Drainage Department have confirmed that the proposed amendments to the approved scheme should not adversely affect an underground water route or the nature reserve. It is therefore considered that the proposals would not adversely affect the adjacent SSSI in this respect.

Accordingly, the representations set out above have been addressed and are considered not to outweigh the benefits that the approved scheme as proposed to be amended would have.

CONCLUSION

P/0104/11

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

P/0105/11

The proposed variation of condition to secure alterations to the approved scheme would help secure the future of the Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building to flats and therefore contributing to the long term preservation of the listed building and would result in no harm to character and appearance of the area and the amenities of future and neighbouring residents,

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations including comments received in response to publicity and consultation, as set out above, this application is recommended for **GRANT**, subject to the completion of a deed of variation to link the original S106 agreement to this additional planning permission within six months of the date of the Committee decision on this application, and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the S106 agreement and to agree any minor amendments to the conditions or the legal agreement.

**P/0104/11
CONDITIONS**

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

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

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

100; 102; 103; 104; 105; 106; 200 REV. C; 201 REV. C; 202 REV. C; 203 REV. C; 204 REV. A; 205 REV. A; PURCELL MILLER TRITTON LLP DESIGN AND ACCESS STATEMENT REV. B; PURCELL MILLER TRITTON LLP HERITAGE STATEMENT REV. B

3 Detailed drawings, specifications, or samples of materials as appropriate in respect of the following shall be agreed in writing by the local planning authority before the relevant part of the work is begun:

a) Detailed drawings that include sectional plans for the sash windows at first and second floor levels of the Mansion House.

REASON: To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

4 All new partitions shall be scribed around the existing ornamental mouldings.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

5 Details of a plan for the future maintenance of the buildings, including the museum, must be agreed prior to the first resident moving in. This should be submitted to and approved by the Local Authority, in consultation with English Heritage.

REASON: To protect the special architectural or historic interest of the listed building and its setting in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

6 Demolition work shall be carried out by hand tools or by tools held in the hand, other than power-driven tools.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

7 If previously unknown evidence is discovered about historic character which would be affected by the works hereby granted, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be approved in writing by the local planning authority before any of the permitted works are begun.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

8 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

9 Suitable precautions shall be taken to secure and protect interior features against accidental loss or damage during the building work hereby granted, and no such features may be disturbed or removed, temporarily or permanently, except as indicated on the approved drawings or with the prior approval in writing of the local planning authority.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

10 The metal on the glazed enclosed walkway shall be painted white and maintained thereafter.

REASON : To protect the special architectural or historic interest of the listed building in line with the requirements of Harrow UDP policy D11 and PPS5 policy HE7.2, HE7.4 and HE9.1.

INFORMATIVES

1 This application refers only to those proposed changes that differ from the approved Listed Building Consent (application reference P/1453/08/CLB). Therefore, the conditions attached to the original Listed Building Consent approval still stand and need to be cleared in accordance with the wording of these conditions.

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 COMPLIANCE WITH PLANNING CONDITIONS

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

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

4 SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building to flats and therefore contributing to the long term preservation of the listed building.

PPS5 – Planning for the Historic Environment

Harrow Unitary Development Plan:
D11 – Statutorily Listed Buildings

P/0105/11

CONDITIONS

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

5229/ S003 S005 S006/rev A 1.001 1.10 1.11 1.30 2.001 2.002 2.003 2.10 2.20 2.21 2.30 2.31 2.4 2.50 2.51 3.001 3.002 3.05 3.10 3.11 3.130 3.131 4.001 rev A 4.002 4.100 4.101 4.102 4.103 4.104 4.200 4.201 4.202 4.011 4.012 7N.101 7N.102 267.102 7.101 7.102 7.103 G001 G002 G.012 G.013 G.014 G.015 G.016 G.400 G.401 C.001 C.002 C.003 C.004 C.005 C.006 C.007 C.008 C.009 C.010 C.011 C.012 C.013 C.014 C.015 C.016 C.017 C.018 rev B C.019 C.020 110 111 112 113 114 1210 121 122 123 130 140 141 142 143 144 145 214 220 222 223 230; 200 REV. C; 201 REV. C; 202 REV. C; 203 REV. C; 204 REV. A; 205 REV. A; 100; Planning Statement, Statement of Community Engagement, Design and Access Statement, Environmental Statement, Sustainability Statement, Energy Statement, Arboricultural Statement, Conservation Management Plan, Landscape Conservation Management Plan, Surface Water Flood Risk Assessment; Purcell Miller Tritton LLP Design and Access Statement Rev. B; Purcell Miller Tritton LLP Heritage Statement Rev. B

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

2 The permission hereby granted is supplemental to planning permission Ref. P/1452/08CFU dated 16 September 2010 and any amendments to this permission granted by the London Borough of Harrow. Save as modified by this permission, the terms and conditions of the original permission Ref. P/1452/08CFU are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

REASON: To ensure full compliance with planning permission Ref. P/1452/08CFU.

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposed variation of condition to secure alterations to the approved scheme would help secure the future of the Grade II* Listed Mansion building, and the museum proposed therein, by ensuring the feasibility of the proposed conversion of part of the Mansion building to flats and therefore contributing to the long term preservation of the listed building and would result in no harm to character and appearance of the area and the amenities of future and neighbouring residents,

The recommendation to **GRANT** permission for the variation of the condition, subject to the completion of a deed of variation to the existing legal agreement, has been taken having regard to Government guidance contained within Circular Guidance 11/95: The Use of Planning Conditions, guidance contained within PPS1, the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], listed below which encourage a high standard of design in all developments, and to all relevant material considerations, including comments received in response to publicity and consultation.

National Planning Policy:

PPS1 Delivering Sustainable Development
PPG2 Greenbelts
PPS3 Housing
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS25 Development and Flood Risk

London Plan 2008:

2A.1 Sustainability Criteria
2A.2 The Spatial strategy for Development
2A.9 The Suburbs: Supporting Sustainable Communities
3A.1 Increasing London's supply of housing
3A.2 Borough housing targets
3A.5 Housing choice
3A.9 Affordable housing targets
3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
3A.24 Education facilities
3A.25 Higher and further education
3C.1 Integrating transport and development
3C.19 Local transport and public realm enhancements
3D.9 Green Belt
3D.13 Children and Young People's Play and informal recreation strategies
3D.14 Biodiversity and nature conservation
3D.15 Trees and woodland
4A.4 Energy assessment
4A.7 Renewable Energy
4A.11 Living Roofs and Walls
4A.14 Sustainable drainage
4A.18 Water and sewerage infrastructure
4B.1 Design principles for a compact city

4B.2 Promoting world-class architecture and design

4B.3 Enhancing the quality of the public realm

4B.11 London's built heritage

4B.12 Heritage conservation

4B.13 Historic conservation-led regeneration

Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)

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

S1 The Form of Development and Pattern of Land Use

EP15 Water Conservation

EP20 Use of Previously-Developed Land

EP21 Vacant and Disused Land and Buildings

EP26 Habitat Creation and Enhancement

EP27 Species Protection

EP28 Conserving and Enhancing Biodiversity

EP31 Areas of Special Character

EP35 Major Developed Sites in the Green Belt

D4 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

D18 Historic Parks and Gardens

D31 Views and Landmarks

T6 The Transport Impact of Development Proposals

T13 Parking Standards

C17 Access to Leisure, Recreation, Community and Retail Facilities

Proposals Map and Proposal Sites Schedule (PS 23 Glenthorne, Common Road)

Supplementary Planning Document: Access for All (April 2006)

Supplementary Planning Document: Accessible Homes (March 2010)

Supplementary Planning Document: Future Use and Development of Bentley Priory (September 2007)

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.

Plan Nos: 100; 102; 103; 104; 105; 106; 200 REV. C; 201 REV. C; 202 REV. C; 203 REV. C; 204 REV. A; 205 REV. A; PURCELL MILLER TRITTON LLP DESIGN AND ACCESS STATEMENT REV. B; PURCELL MILLER TRITTON LLP HERITAGE STATEMENT REV. B

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01
STANMORE COLLEGE, ELM PARK, P/0981/11
STANMORE, HA7 4BQ

Ward: STANMORE PARK
RETENTION OF TWO STOREY TEMPORARY CLASSROOM BUILDING (18 MONTHS)

Applicant: Mr Tristan Shanahan (Stanmore College)
Statutory Expiry Date: 03-JUN-11

RECOMMENDATION

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

REASON

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the continued provision of further education at the college. Given that the proposal is for a temporary permission, the visual appearance can be accepted on a short term basis in this location and the proposal would not unduly impact on the amenities of local residents or highway safety.

The London Plan 2008:

3A.24 – Education Facilities

London Borough of Harrow Unitary Development Plan 2004

D4 – Standard of Design and Layout

D10 – Trees and New Development

C7 - New Education Facilities

C16 – Access to Buildings and Public Spaces

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document: Access For All (2006)

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

- 1) Principle of Development (C7)
- 2) Education Policy (C7, 3A.24)
- 3) Character and Appearance of the Area (D4)
- 4) Residential Amenity (D4, C7, EP25)
- 5) Traffic and Parking (T6, T13)
- 6) Accessibility (C16, SPD)
- 7) Trees and New Development (D10)
- 8) S17 Crime & Disorder Act (D4)

9) Consultation Responses

INFORMATION

This application is reported to Committee as it relates to development of more than 400m² of non-residential floorspace and therefore falls outside Category 4 of the Scheme of Delegation.

a) Summary

Statutory Return Type: 18. Minor Development

Floorspace: 600m²

Council Interest: None

b) Site Description

- Site comprises Stanmore College, a further education establishment comprised of two to three storey buildings, located on the west side of Elm Park.
- A two storey temporary building known as the Spruce Building is located between the main three storey building and the boundary of the site with Elm Park, to which this application relates.
- This building was granted planning permission on the 21st April 2010, for a temporary period of 18 months (ref P/2338/09).
- The adjacent site boundary along Elm Park comprises a low brick wall and railings and there is a row of trees located between the boundary and the Spruce Building, although these are not protected.
- To the north of the Spruce Building is the main entrance gate to the college.
- The northern boundary of this part of the site bounds the side boundaries of the residential properties on the west side of Elm Park.
- To the east of the site, on the opposite side of Elm Park, are residential properties on Elm Park and Bernays Close.

c) Proposal Details

- Retention of existing temporary classroom (Spruce Building) for a further 18 months from the end date of the previous temporary permission.
- The building is located between 5.0 metres and 5.5 metres from the boundary with Elm Park and has a width of between 7.2 metres and 10 metres, with a staggered appearance.
- The building has a height of 7.0 metres and has timber cladding to the northern and southern sections.
- External staircases and a lift provide access to the first floor.
- The building provides essential teaching and administration facilities for the college and it is important that this space is retained.
- The college have yet to formally identify an appropriate permanent replacement for this building and a further temporary period is therefore required. A further application for a permanent building is expected in due course.

d) Relevant History

P/622/04/CFU	Removal of 3 temporary buildings and replacement with single temporary building to provide 5 teaching rooms	GRANTED 24-MAY-04
P/1659/08	Outline: Redevelopment to provide new two to four storey building along with indoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities	GRANTED 24-AUG-09
P/2338/09	Retention of ground floor temporary classroom building with addition of first floor classroom temporary extension (18 months)	GRANTED 21-APR-10

e) Pre-Application Discussion

- None.

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Highways Engineer: No objection.

Tree Officer: No objection.

Notifications:

Sent: 38

Replies: 0

Expiry: 01-JUN-11

Addresses Consulted:

- 14-40 (even) Ridgeway Court, The Ridgeway
- 1-7 (odd) The Ridgeway
- 1 & 2 Bernays Close
- 73-87A (odd) Elm Park
- 78-86 (even) Elm Park
- 14, 15 & 16 Manor House, Old Church Lane
- Stanmore Society
- Elm Park Residents Association

Summary of Response:

None received.

APPRAISAL

1) Principle of Development

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

Detailed consideration of these and other policy requirements and material considerations is undertaken in the sections below. In summary, the retention of the temporary classroom building and its proposed extension is considered to be acceptable in principle, as the building would continue to provide temporary classroom space required by the college, as well as administrative office space. A further 18 month period would enable the applicant to submit an application for a permanent and more visually appropriate solution to the accommodation needs of the college.

2) Education Policy

As discussed above, the proposed retention and extension of this temporary building is proposed in order to accommodate classroom and administrative space at a time when the long term redevelopment of the site is uncertain. Given that the classroom and office space is existing, it is considered that the number of pupils and staff are unlikely to increase as a result of the proposal. It is therefore considered that the proposal would comply with the criteria set out in saved UDP policy C7.

3) Character and Appearance of the Area

The building is sited 5.0 metres from the Elm Park frontage at its closest point and is constructed of grey panels and timber cladding. The original approval was for a temporary period of 18 months and, on this basis, the appearance of the building was considered to be acceptable. The applicant has not as yet submitted an application for a permanent building on this part of the site. On balance and given the clear need for the college to retain this accommodation, a further temporary period of 18 months is recommended. Given the temporary nature of the development, the impact on the character and appearance of the area is considered to be acceptable. The development therefore complies with saved UDP policy D4 in this regard. However, it is considered that a further temporary period beyond that recommended in this report could not be supported and a permanent solution to the accommodation needs of the college is currently being sought.

4) Residential Amenity

The building is sited some 20 metres from the side boundary with the nearest residential property to the north, No.86 Elm Park and the front boundaries of the properties on the opposite side of Elm Park would be 17 metres from the building.

It is considered that the 20 metre separation distance between the building and the boundary with the neighbouring properties to the north results in an acceptable relationship with these properties and does not result in undue overshadowing or overbearing impact. The external staircase at the north of the building is enclosed and there are no windows at first floor level facing these properties. The building does not therefore result in unacceptable overlooking of these properties.

The 17 metre separation distance between the front of the building and the front boundaries of the residential properties opposite is also considered to be adequate. The windows do not result in unreasonable overlooking of any areas of private amenity space or habitable room windows. In summary, the building has an acceptable amenity impact.

5) Traffic and Parking

As discussed above, the retention of the building is unlikely to result in an increase in the number of pupils studying at the college and an increase in staff members would also be unlikely to occur. The building has not resulted in the loss of parking space and it is therefore considered that no undue traffic and parking impacts would occur with its retention for another 18 months.

6) Accessibility

Disabled access ramps are currently provided to the ground floor classrooms and a DDA compliant lift provides access the first floor administrative offices. It is noted that an accessible toilet is not provided within the building. However, the main college building, with accessible facilities is located close to the building and, given the temporary nature of the proposal, this is considered acceptable. The proposal would therefore comply with saved UDP policy C16 and the SPD.

7) Trees and New Development

No trees were removed to accommodate the building, although some were cut back and may need to be cut back again to accommodate the building for an additional temporary period. These trees are not protected, although they do form an important visual amenity feature along this frontage. The submitted tree report is considered to be satisfactory and the modest cutting back of the trees would not harm their long term health. The proposal is therefore considered to be acceptable on tree grounds.

8) S17 Crime & Disorder Act

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

9) Consultation Responses

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

- None.

CONCLUSION

In summary, for all the reasons considered above, the proposal is considered to comply with the relevant policies listed. The proposal is considered to comply with the relevant education policies and would contribute to the Vision of the Council in terms of the provision of educational facilities, by enabling the continued provision of further education at the college. Given the temporary nature of the development, there would be no undue impact on the amenities of local residents, highway safety or the character and appearance of the area. In conclusion, weighing up the development plan policies and proposals, and other material considerations, as set out above this application is recommended for grant, subject to the following conditions:

CONDITIONS

1 The development hereby permitted shall be removed and the land restored to its former condition on or before 30th April 2013.

REASON: To reflect the particular circumstances of this proposal and to safeguard the character and appearance of the area, in line with saved UDP policy D4.

2 The development hereby permitted shall be retained in accordance with the following approved plans and documents: SBP1/11; SLP1/11; 0907/01 Rev B; 0907/05; 1080-01 Rev G; 1080-10 Rev F; Design and Access Statement; Arboricultural Report (BA2514.2); Email From Applicant (Dated 01-JUN-11)

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

3 The development hereby permitted shall be for college use only, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent an over-intensive use of the site, in line with the requirements of saved UDP policy C7.

INFORMATIVES

1 RELEVANT POLICIES

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the continued provision of further education at the college. Given that the proposal is for a temporary permission, the visual appearance can be accepted on a short term basis in this location and the proposal would not unduly impact on the amenities of local residents or highway safety.

London Plan (2008):

3A.24

Harrow Unitary Development Plan (2004):

D4, D10, C7, C16, EP25, T6 and T13

Supplementary Planning Document: Access For All (2006)

Plan Nos: SBP1/11; SLP1/11; 0907/01 Rev B; 0907/05; 1080-01 Rev G; 1080-10 Rev F; Design and Access Statement; Arboricultural Report (BA2514.2); Email From Applicant (Dated 01-JUN-11)

Item: 2/02

**LAND ADJACENT TO COMPASS HOUSE, P/0381/11
PYNNALES CLOSE, STANMORE, HA7 4AF**

Ward: STANMORE PARK

DETACHED SINGLE/THREE STOREY BUILDING WITH PARKING FOR USE AS OFFICES/CLASS D1 USE (CLASSES B1/D1); BIN/CYCLE STORAGE; LANDSCAPING; ACCESS FROM CHURCH ROAD/STANMORE HILL

Applicant: Mr Rolly Ltd
Agent: Mrs Rebekah Jubb - Bell Cornwell
Case Officer: Matthew Lawton
Statutory Expiry Date: 04-MAY-11

RECOMMENDATION

Grant planning permission for the development described in the application and submitted plans and documents, subject to the conditions contained within this report.

REASON: The proposal would result in a new, contemporary building for office/restricted D1 use within the designated Stanmore District Centre, which would enhance the vitality and viability of this centre.

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], and to all relevant material considerations, as the proposed development would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers and the character and appearance of the area.

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

The following policies are considered relevant:

The London Plan [2008]

- 4A.3 Sustainable Design and Construction
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

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

- S1 The Form of Development and Pattern of Land Use
- C2 Provision of Social and Community Facilities
- C10 Community Buildings and Places of Worship
- C17 Access to Leisure, Recreation, Community and Retail Facilities

D4 The Standard of Design and Layout
D7 Design in Retail Areas and Town Centres
D10 Trees and New Development

EM4 New Office Development

EP20 Use of Previously-Developed Land
EP25 Noise
EP29 Tree Masses and Spines
EP32 Acceptable Land Uses

T6 The Transport Impacts of Development Proposals
T11 Cycle and Motor Cycle Parking in Public Spaces
T13 Parking Standards
T15 Servicing of New Developments

Supplementary Planning Document Residential Design Guide [2010]
Supplementary Planning Document Access For All [2006]
Supplementary Planning Document Sustainable Building Design [May 2009]

In addition to the Development Plan policies, the following documents are also considered relevant:

PPS 1 Delivering Sustainable Development [2006]
PPG 13 Transport [2001]
PPS 25 Development and Flood Risk [2010]

Harrow Council's Sustainable Community Strategy [2009]

- 1) **Principle of Development and Land Use**
The London Plan 2008: 4B.1
London Borough of Harrow UDP 2004: D4, EM4
- 2) **Scale, Design and Character of the Area**
The London Plan 2008: 4A.4, 4A.7, 4A.21, 4B.1
London Borough of Harrow UDP 2004: D4, D7, D10
- 3) **Impact Upon Neighbouring Amenity**
London Borough of Harrow UDP 2004: EP25, C10
D5
- 4) **Parking and Highway Safety**
London Borough of Harrow UDP 2004: T6, T13
- 5) **Accessibility**
The London Plan 2008: 3A.5, 4B.5
- 6) **Other Matters**
- 7) **S17 Crime & Disorder Act**
London Borough of Harrow UDP 2004: D4

8) Consultation Responses

INFORMATION

This application is being reported to the Planning Committee due to its planning history which has included a number of similar proposals which were determined by the committee.

a) Summary

Statutory Return Type: Minor Offices
Site Area: 0.04 ha
Council Interest: None

b) Site Description

- Site is on the north side of Church Road within Stanmore District Centre, 13m to the rear of the 'Spice Rack' Public House/restaurant (formerly a Post office).
- Northern boundary runs alongside Elms Lawn Tennis Club.
- Land is used as a car park serving the offices of Compass House, a detached three storey building that is adjacent to it.
- The nearest residential buildings to the site are at Green Lawns and Green Trees, two x two and three storey blocks of flats on Pynacles Close, some 50m to the east of the site.
- Ground levels rise up from Church Road to the application site, the adjacent tennis courts to the north being at a ground level approximately 1m higher.

c) Proposal Details

- Detached three storey building sited at the rear of 35 Church Road and adjacent to Compass House on an area of land currently used for parking.
- The proposed building would have an irregular footprint and would be a maximum of 19.3m wide x 12m deep (at its western end, reducing to 9m deep at its eastern end) at ground floor level.
- The proposed building would be approximately 9m high.
- It is proposed to extend the planted area adjacent to the tennis courts to the north of the site, a 0.7-1.15m wide extension to this 1m high walled planted area.
- The first and second floors would be set in by a maximum of 5.4m and a minimum of 0.7m from the site's northern boundary, the northern elevation containing three shallow 1m deep projecting elements finished with header textured brickwork.
- Parking for two cars, bin and cycle storage and entrance would be located on the ground floor of the building along with a small office.
- Two floors for the proposed office/Class D1 use would be located on the first and second floors.
- There would be a Juliet balcony at first floor level on the eastern elevation, with shallow balconies on the southern elevation at first and second floor levels and on the western and eastern elevations at second floor level.
- Vehicular access to the ground floor parking, cycle and refuse storage areas would be via a service road leading off Church Road, whereas pedestrian access would be from Pynacles Close.

- Green roofs are proposed over the single storey element on the northern side of the building and the main three storey section of the building.

Revisions to Previous Application:

Following the previous decision P/2323/08/DFU the following amendments have been made:

- The building has been pulled away from the site's northern boundary with the adjacent tennis courts by up to 1.4 m, a planted bed has been introduced to extend the planted area adjacent to the tennis courts.
- The building has also been pulled away from the eastern and western site boundaries, the building reducing in width by a minimum of 1.7m.
- The northern elevation has been redesigned to break up the expanse of the elevation above ground floor level, north facing glazing has been removed and brickwork design detail has been added.
- One less parking space is provided internally.
- A small office has been introduced on the ground floor of the building in place of a previously proposed larger reception area.
- The building has been pulled away from the site's southern boundary by a minimum of 1m.
- The building would be 9m high, a reduction of 0.5m compared to the previously refused scheme.
- Green roofs are proposed at ground and second floor levels.
- Brickwork design details and glazing are proposed in place of glass blocks and timber detailing.
- Glazing has been introduced on the southern elevation.
- Shallow balconies have been introduced on certain elevations.

d) Relevant History

P/0032/07/CFU	Detached 4-storey building with parking on ground floor, and 6 flats on upper floors, 4 wind turbines and garden on roof, access from Pynnacles Close.	REFUSED 06-MAR-07 APPEAL DISMISSED 28-JAN-08
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Reasons for Refusal:

1. The proposed development, by reason of its backland location, excessive size and bulk, and inadequate space about the building, would be incongruous, cramped, visually obtrusive and overbearing, give rise to overdevelopment of the site and detract from the established pattern of development in the area and the character of the locality to the detriment of the character and appearance of the area and the visual amenity of near by residential occupiers, contrary to policies SH1, SD1, D4 and D5 of the Harrow Unitary Development Plan (2004)
2. The proposed development, by reason of excessive size and bulk, and prominent siting in relation to the northerly site boundary, would be unduly obtrusive and overbearing and harmful to the setting and visual amenity of adjacent tennis courts, contrary to policies SD1, D4 and EP47 of the Harrow Unitary Development Plan (2004)

3. The proposed development, by reason of backland location and poor outlook, would provide unsatisfactory residential accommodation for the future occupiers of the flats, contrary to policies SD1, D4 and D5 of the Harrow Unitary Development Plan (2004).
4. The proposed development, by reason of unsatisfactory design and inappropriate location, would give rise to fear, by future occupiers of the flats, about security and safety, to the detriment of the amenities of those occupiers, contrary to the requirements of Policy D4 of the Harrow Unitary Development Plan (2004).

P/1587/07/CFU	Detached 4 storey building with parking, bin storage and entrance on ground floor and three floors of offices (Class B1) on upper floors, access from Pynnales Close.	REFUSED 06-SEP-07 APPEAL DISMISSED 28-JAN-08
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Reasons for Refusal:

1. The proposed development, by reason of its backland location, excessive size and bulk and inadequate space around the building, would be incongruous, cramped, visually obtrusive and overbearing, give rise to overdevelopment of the site and detract from the established pattern of development in the area, contrary to policies SH1, SD1, D4 and D5 of the Harrow Unitary Development Plan (2004).
2. The proposed development, by reason of excessive size and bulk and prominent siting in relation to the northern site boundary, would be unduly obtrusive and overbearing and harmful to the setting and visual amenity of the adjacent tennis courts, contrary to policies SD1, D4 and E47 of the Harrow Unitary Development Plan (2004).
3. The proposed development, by reason of unsatisfactory design and inappropriate location, would give rise to fear, by future users of the building, of crime and disorder contrary to the requirements of Policy D4 of the Harrow Unitary Development Plan (2004).
4. The proposed development would result in an over provision of off street car parking spaces contrary to the maximum standard set out in Policy T13 of the Harrow Unitary Development Plan (2004).

P/0912/08/DFU	Detached 3 storey building with parking, bin storage and entrance on ground floor, and 2 floors of offices (Class B1) on upper floors, access from Pynnales Close.	REFUSED 30-APR-08
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Reason for Refusal:

1. The proposed development, by reason of excessive size, bulk, inadequate space around the building and prominent siting in relation to the northern site boundary, would be incongruous, cramped, visually obtrusive and overbearing, give rise to overdevelopment of the site, and detract from the established pattern of development in the area to the detriment of the character and appearance of the locality and the setting and visual amenity of the adjacent tennis courts, contrary to policies D4, D7 and EP47 of the Harrow Unitary Development Plan (2004).

P/2323/08DFU	Detached 3 storey building with parking, bin/cycle storage and entrance on ground floor, and 2 floors of offices (Class B1) on upper floors, access from Church Road.	REFUSED 21-NOV-08 APPEAL DISMISSED 27-MAR-09
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Reason for Refusal:

1. The proposed development, by reason of its backland location, size and mass would be incongruous, visually obtrusive and overbearing and would give rise to overdevelopment of the site and detract from the established pattern of development in the area, contrary to policies D4 and D5 of the HUDP.
2. The proposed development, by reason of its backland location, would give rise to inaccessible refuse storage and servicing arrangements, thereby resulting in an unworkable situation in respect of refuse collection and overall servicing of the development to the detriment of the amenities within the locality and the development itself and the safety of the vehicular access of service vehicles onto Church Road and within the access roads, contrary to HUDP policies D4 and T15.

P/2765/09	Detached single/3 storey building including accommodation in roof with parking, bin/cycles storage, conference room and entrance on ground floor, and 2 floors of offices (class b1) on upper floors, access from Church Road/Stanmore Hill.	WITHDRAWN 15-FEB-2011
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e) Pre-Application Discussion

There were discussions following the refused scheme P/2323/08/DFU and the submission of the subsequently withdrawn scheme P/2765/09 to reduce the scale of the development and address concerns raised in relation to the screening and design of the proposed building and its impact upon the character and appearance of the area. The Design & Access Statement submitted with this application explains the design rationale and how this has been adapted as a result of the relevant appeal decisions and pre-application discussions which took place.

f) Applicant Statement

Design and Access Statement submitted:

- Site is surplus to parking requirements of Compass House, redundant brownfield site.
- Poor quality architecture surrounds the site, no particular style.
- Development will promote and sustain the health of the town centre by improving the vitality and viability.
- Building is materially smaller than the adjacent Compass House and at a lower land level than the adjacent tennis courts.
- Previous objections raised by Inspectors at appeal have been fully addressed.

Transport Statement submitted:

- No significant issues relating to access, trip generation or parking would result from the proposed scheme.

g) Consultations

Pynnacles Close Residents Association – Object to size, height and scale; Design not consistent with surrounding residential area; Excessive noise and disturbance from traffic and parking; Detrimental impact upon the amenity and character of the area; Potential loss of light, overshadowing and overlooking of neighbouring buildings and trees.

Ray Court Residents Association – Quality of life being eroded; Already noise pollution from offices, bars and restaurants until late; Ample offices to let in Stanmore; Lack of parking space in Stanmore, this would increase problems in already congested area; Access road from Ray Gardens is very narrow; Three storey building would be detrimental to the character, setting and amenities of neighbouring properties.

Stanmore Society – No response.

Notifications:

Sent	Replies	Expiry
132	4	13-JUN-11

Summary of Responses:

- Additional vehicles will exacerbate the already difficult traffic and parking situation.
- The building will block a much used pedestrian route and create a visual obstruction to the tennis court.
- Property values will reduce along with the exclusivity of the road; A safety problem will result from increased activity when children are dropped off for tennis lesson; Additional commercial property will ruin Pynnacles Close.
- Construction traffic will block the pedestrian route between Pynnacles Close and Stanmore Hill.
- Visual obstruction and loss of light to adjacent tennis courts.
- Design is inconsistent with residential property in the area.
- Size, height and scale contrary to regulations.
- Excessive noise and disturbance from traffic and parking.

APPRAISAL

1) Principle of Development and Land Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises the London Plan 2008 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

Policy EM4 of Harrow's UDP has regard to major new office development, which it considers should be located in Harrow Metropolitan centre and South Harrow. This proposal is considered not, however, to represent major new office development due to its scale, and the principle of commercial development in this location has not been ruled out by recent appeal decisions.

Policy C2 of Harrow's UDP has regard to the retention of existing and promotion of new community facilities based upon satisfactory compliance with public transport accessibility; proximity to client groups; availability / suitability of alternative premises; and suitability of premises for other related uses. While this application proposes the potential for use of the proposed building by Class B1 or D1 uses, it is considered that more intensive D1 uses would be unsuitable in this location and therefore a condition is suggested to restrict D1 uses to those considered acceptable in terms of their intensity and therefore impact on the surrounding area. The uses within D1 considered to be acceptable include the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner, as a crèche, day nursery or day centre, for the display of works of art (otherwise than for sale or hire), as a museum, or as a public library or public reading room. It is considered that D1 uses including non-residential education and training centres, places of worship, religious instruction and church halls could potentially involve an intensity of use of the site which would be detrimental to both the character and appearance of the area and the amenity of neighbouring occupiers. These are therefore omitted from the condition and are considered not to be acceptable uses in the absence of the detail that proposals for such uses would require in order to fully assess their impact.

Harrow Council's Sustainable Community Strategy (2009) promotes better cohesion and a greater focus on communities working together within its diverse population. It is considered that the proposed D1 use of the building (subject to the suggested restrictive condition) is consistent with this aim and therefore that the principle of a replacement building would support this aim.

The principle of the development and use of the site within Stanmore District Centre is therefore considered acceptable, in accordance with the relevant policies of the Council's UDP, subject to the detailed considerations below.

2) Scale, Design and Character of the Area

Planning Policy Statement 1 (PPS1) states that development should respond to their local context and create or reinforce local distinctiveness. Paragraph 33 of PPS1 states, *'Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development'* and that *'good design is indivisible from good planning'*. Paragraph 34 of PPS1 states, *'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'*

The positive impact of the proposal on this site would contribute as a significant business/community facility to this part of the Borough.

Reasoned justification paragraph 4.10 of Policy D4 of Harrow's UDP states that, *'New development should contribute to the creation of a positive identity for the area through the quality of building layout and design and should take account of the character and landscape of the locality'*. Reasoned justification paragraph 4.11 of Policy D4 in Harrow's UDP states that *'All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street'*.

In terms of the impact of the development on the character and appearance of the area the most recent appeal decision relating to this site stated that the previously proposed building would appear overbearing and unduly dominant in its context with long, high façade to the tennis courts and would not be significantly screened by the trees on the common boundary with this adjacent site and therefore detract from their setting, and that a similar façade on the southern boundary would appear obtrusive in views from the south. The applicant has sought to address these objections by significantly amending the proposal as listed in detail above. In particular the design of the proposed building has been reduced in height by 0.5m, pulled away from both the northern and southern site boundaries and also the northern and southern flanks have been articulated with breaks in the previously long flank walls and brickwork design detailing in order to lessen the impact of the building's primary elevations. The revisions made to the previously refused scheme P/2323/08DFU are considered to address the objections raised by the Inspector in the associated appeal decision and this revised proposal is therefore considered to be acceptable in terms of the character and appearance of the area.

Previously, Inspectors determining appeals on this site have had no objection to the proposed use or the construction of a modern building on the site. In this context, the proposed design of the building as considered to be acceptable, the contemporary building proposed would make a positive contribution to the character and appearance of the area and is acceptable on scale and design grounds for the reasons given above.

3) Impact on Neighbouring Amenity

The Inspectors' appeal decisions on previous applications on this site concluded that the previously proposed schemes would be overbearing from adjoining properties and would therefore be detrimental to amenity in this regard. The most recent appeal decision, relating to application P/2323/08, whilst still considering the proposed development to be overbearing from adjoining properties, did not reference policy D5 relating to neighbouring amenity which the Council had in its reason for refusal. The Inspector acknowledged that the scheme P/2323/08 would result in less harm than those which had been proposed previously, and similarly this current proposal is considered, in the light of the Inspector's most recent comments, to have overcome the objection that the proposed building would be overbearing from adjoining properties. As has been set out above, the building in the current application has been reduced in scale and additional screening is proposed to screen it from the adjacent tennis courts.

It is therefore considered that the scale and bulk of the proposed building has been reduced to a point where its impacts upon this adjacent recreational facility would be acceptable. The proposed building, due to its siting at the rear of a commercial parade, would be some distance from the nearest residential properties.

Glazing in the northern elevation would, in this revised scheme, be contained within the flank walls of the shallow projecting features on this section to ensure no direct overlooking towards the north and adjacent tennis courts. Brick design features and screening would also break up the bulk of this elevation and soften the appearance of the building which has been set away from the adjacent tennis courts on upper floors, and also reduced in height. It is considered that glazing in the southern elevation, along with shallow balconies on this and both the western and eastern elevations would not result in detrimental overlooking or loss of privacy at neighbouring residential properties due to the distances involved and the siting of the building. The size of the proposed balconies and use of the proposed building will ensure that the use of these balconies will not result in activities which would be unduly detrimental to the amenities of neighbouring residential occupiers.

It is therefore considered that the development would not have unduly detrimental impacts upon the occupiers of neighbouring properties for the reasons discussed above, and that, overall, the redevelopment of this back land site would improve the quality of the local environment.

A condition on the hours of use is recommended to be attached to any planning consent to ensure the operation of the proposed development would respect the amenities of occupiers of the nearby residential properties in terms of noise. It is also suggested that a condition relating to noise audible at the boundary of the site is imposed to ensure that the use of the building has no detrimental impact upon the amenities of neighbouring occupiers in this regards.

No details of external lighting or floodlighting have been proposed. However, any such proposal would potentially have an impact upon neighbouring occupiers. Accordingly, the acceptability of any external / flood lighting could be adequately addressed by the imposition of a suitable condition as part of any planning permission or the requirement to submit a separate planning application if the external / flood lighting would constitute a development requiring planning permission.

Accordingly, the proposal is considered to be acceptable for the reasons stated above.

4) Parking and Highway Safety

The Inspectors' appeal decisions on an earlier scheme on this site P/1587/07/CFU was in disagreement with the Council's previous reason for refusal which had argued that there would have been an over provision of off-street parking spaces in the scheme where six spaces were proposed. This has now been reduced to two (including one wheelchair accessible space). The Inspector's appeal decision on this earlier application states that they consider the location to be sustainable as it is within the town centre and close to public transport. Although that appeal decision accepted six spaces, it is considered that the reduction to two spaces as part of this current scheme is acceptable given that there was no objection to the three spaces proposed in the most recently refused scheme P/2323/08/DFU by the Council or Inspector. The Council's Highways Engineer previously noted the net loss of parking spaces serving Compass House as a result of the proposed redevelopment of the site, but also considered this to be acceptable given the sustainable location and has not raised any other objections on traffic or parking grounds. The proposed vehicular access is considered to be workable, the small number of parking spaces proposed not significantly increasing the use of this access road from Church Road.

It is acknowledged that should the building be used for D1 purposes, this would be likely to result in more traffic movements than a B1 use. A condition is therefore suggested requiring a Traffic Plan to be submitted to ensure the acceptability of the future use of the proposed building in this regard.

Parking provision for cycles would also be located within the building.

5) Accessibility

The design of the scheme has been considered in respect of access for all users. The proposed building seeks to accommodate the widest range of people with a variety of needs and has been designed with regard to the Council's 'Access for All' SPD. The proposed development is shown to be accessible to all, including provision for a parking space for persons with disabilities, lift access to all floors and accessible WCs. The proposed scheme is therefore considered to be acceptable in this regard.

**6) Other Matters
Sustainability**

The new building would incorporate green roofs, an identified drainage and biodiversity feature as supported by the Council's adopted SPD 'Sustainable Building Design' (2009).

Landscaping

Details of proposed hard and soft landscaping and tree protection and planting within the site are subject to suggested planning conditions.

Refuse storage and servicing arrangements

The most recently refused application P/2323/08 contained a reason for refusal relating to inaccessible refuse storage and servicing arrangements. These issues were considered in detail by the Inspector in the subsequent appeal decision, who concluded that the refuse and servicing arrangements proposed were neither impractical nor harmful to highway safety. As these details have been carried forward to this latest application, it is therefore considered that this current proposal is acceptable in this regard. As proposed, the refuse collection and servicing of the building would be carried out via the adjacent service road leading off Church Road and as such would not involve vehicular access via Pynacles Close.

7) S17 Crime & Disorder Act 1998

The proposed design and layout would offer natural surveillance. Policy D4 of Harrow's UDP advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan seek to ensure that developments should address security issues and provide safe and secure environments.

The Inspectors' appeal decisions, particularly in relation to the application no. P/0032/07/CFU, discounted the Council's previous concerns in regard to safety and security, stating that any concerns relating to an acceptable scheme could be addressed by the implementation of a planning condition. Residential accommodation is no longer proposed on the site. However, a condition is recommended to request that details of safety and security measures are submitted prior to first occupation of the development to ensure that this application would not have any detrimental impacts upon community safety.

8) Consultation Responses

- *The building will block a much used pedestrian route; Additional commercial property will ruin Pynacles Close; Loss of light to adjacent tennis courts; Potential loss of light, overshadowing and overlooking of neighbouring buildings and trees; Excessive noise and disturbance from traffic and parking; Ample offices to let in Stanmore; Lack of parking space in Stanmore, this would increase problems in already congested area; Quality of life being eroded; Already noise pollution from offices, bars and restaurants until late –* In light of the Inspectors' comments in the relevant appeal decisions, the proposed development and its associated impacts in terms of noise, disturbance, activity, traffic and parking and the nature of the uses proposed are considered to be acceptable subject to the suggested conditions.

- *Property values will reduce along with the exclusivity of the road; Construction traffic will block the pedestrian route between Pynnacles Close and Stanmore Hill* – these are considered not to be material planning considerations with reference to this application.
- All other issues addressed in Appraisal.

Accordingly, the representations set out in this report have been addressed and are considered not to outweigh the benefits that the proposed development would bring to the District Centre and the future users of the proposed office/community building.

CONCLUSION

The proposal would result in a new, contemporary building for office/ restricted D1 use within the designated Stanmore District Centre, which would enhance the vitality and viability of this centre.

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

CONDITIONS

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

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

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

a: the building

b: the ground surfacing

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

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

3 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works (including details of the proposed green roofs) 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 (to include native species), plant sizes and proposed numbers / densities.

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

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

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

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement, in accordance with saved UDP policies D4 and C10.

6 Prior to first occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website:

<http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. All main entrance door sets to the building 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.

7 Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the buildings are occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with saved UDP policies D4 and C10.

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

C35199/00D/001 Rev.1; 1495/2000 Rev.E; 1495/3000 Rev.C; 1495/3001 Rev.C; 1495/3002 Rev.C; 1495/3003 Rev.C; 1495/3004 Rev.C; 1495/3005 Rev.C; 'Compass House Visualisations' (2 sheets); Design and Access Statement

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

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained to ensure that the necessary construction and design criteria for the development proposals follow approved conditions.

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

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

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

11 The development hereby permitted shall not be occupied until surface water attenuation and storage works have been submitted to, and approved in writing by the local planning authority. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

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

12 The building and use hereby permitted shall not operate outside the following times:-

a: 08:00 hours to 20:00 hours, Monday to Friday inclusive;

b: 08:00 hours to 20:00 hours on Saturdays; and

c: 10:00 hours to 18:00 hours on Sundays and Bank Holidays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policies C10 and EP25.

13 Prior to commencement of development, details of any external lighting including floodlighting and hours of operation of such lighting shall be submitted to and approved in writing by the local planning authority. Such details as approved shall be implemented prior to first occupation of the building and thereafter permanently retained. Any proposal for external lighting including floodlighting thereafter [upon completion and first occupation of the development] shall be subject to the relevant Regulations, details which will be submitted to and agreed in writing by the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved UDP policy C10.

14 The premises shall be used only B1 use or for the following D1 uses:

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room

and for no other purpose including any other purpose in Classes B1 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

REASON: To safeguard the amenities of neighbouring residents, in accordance with saved UDP policy C10.

15 Details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that the obstruction of the local highway network by construction vehicles is minimised, in accordance with saved UDP policy T6.

16 A Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site and the demolition and construction of the buildings and structures on the site shall be carried out in accordance with the approved Method Statement.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network, in accordance with saved UDP policies T6, C10 and EP25.

17 All construction works and ancillary operations [including deliveries and other commercial vehicles to and from the site] which are audible at the boundary of noise sensitive premises, shall only take place on-site between the hours of 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on Saturday , and at no time during Sundays and Bank Holidays (except in the case of an emergency) unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of adjacent noise sensitive properties, in accordance with saved UDP policies C10 and EP25.

18 The level of noise from the site during demolition and construction shall not exceed 65dB as measured from the boundary of the site between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday. The contractor is to keep a daily log and allow access to the Local Planning Authority.

REASON: To protect the amenities of adjacent residential and commercial properties, in accordance with saved UDP policies C10 and EP25.

19 Any noise emitted from the development is to be inaudible at the boundary of any residential properties where the occupiers are likely to be affected by noise.

REASON: To protect the amenities of adjacent residential and commercial properties, in accordance with saved UDP policies C10 and EP25.

20 The process of, preparation, implementation and future monitoring of a Travel Plan should be agreed in writing by the Local Planning Authority prior to first occupation of the development.

REASON: To mitigate the impact of the development on the surrounding road network, in accordance with saved UDP Policy T6.

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

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plans shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

23 Before any part of the development hereby permitted commences details of a mitigation strategy for the following protected species that have been identified in and around the site shall be submitted to and approved in writing by the Local Planning Authority: Bats.

REASON: In the interest of nature conservation.

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposal would result in a new, contemporary building for office/D1 use within the designated Stanmore District Centre, which would enhance the vitality and viability of this centre. The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

The London Plan [2008]

3A.5

4A.3 Sustainable Design and Construction

4A.4 Energy assessment

4A.7 Renewable energy

4A.21 Waste strategic policy and targets

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

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

S1 The Form of Development and Pattern of Land Use

C2 Provision of Social and Community Facilities

C10 Community Buildings and Places of Worship

C17 Access to Leisure, Recreation, Community and Retail Facilities

D4 The Standard of Design and Layout

D7 Design in Retail Areas and Town Centres

D10 Trees and New Development

EM4 New Office Development

EP20 Use of Previously-Developed Land

EP25 Noise

EP29 Tree Masses and Spines

EP32 Acceptable Land Uses

T6 The Transport Impacts of Development Proposals

T11 Cycle and Motor Cycle Parking in Public Spaces

T13 Parking Standards

T15 Servicing of New Developments

Supplementary Planning Document Residential Design Guide [2010]

Supplementary Planning Document Access For All [2006]

Supplementary Planning Document Sustainable Building Design [May 2009]

In addition to the Development Plan policies, the following documents are also considered relevant:

PPS 1 Delivering Sustainable Development [2006]

PPG 13 Transport [2001]

PPS 25 Development and Flood Risk [2010]

Harrow Council's Sustainable Community Strategy [2009]

2 CONSIDERATE CONTRACTORS CODE OF PRACTICE:

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

3 CONSTRUCTION MANAGEMENT REGULATIONS:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities.

Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

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

4 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

5 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.

6 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.

7 INFORMATIVE

The applicant should contact Thames Water Utilities Limited (ph: 0845 850 2777) and Harrow Drainage Section (ph: 020 8424 1586) in relation to the attached condition no's 9, 10 and 11.

Item 2/02 : P/0381/11 continued/...

Plan Nos: C35199/00D/001 Rev.1; 1495/2000 Rev.E; 1495/3000 Rev.C; 1495/3001 Rev.C; 1495/3002 Rev.C; 1495/3003 Rev.C; 1495/3004 Rev.C; 1495/3005 Rev.C; 'Compass House Visualisations' (2 sheets); Design and Access Statement

10A HARROW VIEW, HARROW, HA1 1RG

Item: 2/03

P/1187/11

Ward: HEADSTONE SOUTH

REAR DORMER

Applicant: Mr H Johal

Case officer: Ciaran Regan

Statutory expiry date: | 21-JUN-11

RECOMMENDATION

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

Reason: - The decision to grant permission has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, the saved Policies of the Harrow Unitary Development Plan (2004) set out below, relevant Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The proposed development is considered 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)

The London Plan

3A.4 - Efficient Use of Stock

3A.6 – Quality of New Housing Provision

4B.1 - Design Principles for a Compact City

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Document – Residential Design Guide (2010)

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

- 1) Character and Appearance of the Area (4B.1, D4, D9, SPD – Residential Design Guide)
- 2) Residential Amenity (D5, SPD – Residential Design Guide)
- 3) S17 Crime & Disorder Act (4B.1, 4B.6, D4, SPG – Design)
- 4) Consultation Responses

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	21: Householder Development
Council Interest	None

b) Site Description

- The application site located on the west side of Harrow View and is occupied by a semi-detached dwelling that has been converted into two self-contained flats.
- The building has a pitched-roof at the front with a rearward projecting pitched roof which is hipped at the end.
- Planning permission was granted for the conversion of the dwellinghouse into two self-contained flats on 22 June 1965.
- Following this the ground-floor flat was extended at the rear with a 2.6 metre deep single-storey, flat-roofed extension which provided a kitchen. This extension was built without planning permission (that would have been required as the extension was built following the conversion of the dwelling into two flats and as a flat does not enjoy any permitted development rights).
- Following this, and again without planning permission, a further single-storey rear extension was added to the rear of the kitchen to provide a conservatory. This extension was 4.25 metres deep, bringing the total length of unauthorised extensions to the ground-floor flat to 6.85 metres. Following a complaint in 2007, an enforcement investigation was initiated culminating in the issue of an enforcement notice requiring the demolition of the unauthorised conservatory extension. Compliance with the enforcement notice was achieved on 3 May 2011 following its substantial demolition.
- The enforcement investigation, which was principally concerned with the later unauthorised conservatory extension, established that the earlier kitchen extension had existed for at least 4 years and is now immune from enforcement action.
- The adjoining semi-detached dwelling at No. 8 has not had any roof alterations.
- Further to the south on the same side of Harrow View, No. 6 has constructed flat-roofed side and rear dormers following the grant of a certificate of lawful proposed development (WEST/794/99/CLP).
- Adjacent to the site on the north side No. 12 has constructed a flat-roofed rear dormer under permitted development. No application for a certificate of lawful development (proposed or existing) has ever been submitted for the dormer and there is no obligation to do so.
- The site is not in a Conservation Area

c) Proposal Details

- The proposal is for a flat-roofed rear dormer to facilitate a bedroom with ensuite shower-room within the roof space as part of a loft conversion.
- The dormer would be 4.06 metres wide, 2.36 metres high and 2.8 metres deep.
- It would be set down below the main roof ridge by 0.5 metres and be set in from the north flank gable wall by 0.75 metres and set in from the shared party boundary with the adjoining semi by 0.75 metres.
- It would have a single rear facing window serving the proposed bedroom.
- The proposed materials would match the existing building using matching brick, tile hanging for the dormer sides and a white UPVC-framed window.

d) Revisions to previous application

N/A

e) Relevant Planning and Enforcement History

LBH/145	CONVERSION OF HOUSE INTO TWO SELF-CONTAINED FLATS	GRANTED 22-JUN-65
LBH/16657	ERECTION OF DOMESTIC GARAGE IN REAR GARDEN	GRANTED 14-OCT-80
ENF/0447/07/P	WITHOUT PLANNING PERMISSION, THE UNAUTHORISED ERECTION OF A SINGLE STOREY EXTENSION APPROXIMATELY 4.25M DEEP ATTACHED TO AN EXISTING REAR EXTENSION TO THE GROUND FLOOR FLAT	ENF. NOTICE ISSUED 26-JAN-09 DATE OF COMPLIANCE 03-MAY-11
P/0407/09	RETENTION OF SINGLE STOREY REAR EXTENSION (CONSERVATORY) TO GROUND FLOOR FLAT	REFUSED 28-APR-09

Reason(s) for Refusal:

1. The rear extension, by reason of excessive rearward projection, is unduly obtrusive and overbearing, and is detrimental to the visual and residential amenities of the occupiers of the adjacent properties at 8 and 12 Harrow View, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders Guide (2008).
2. The rear extension, by reason of siting and proximity of flank windows, gives rise to unacceptable overlooking and loss of privacy on the adjoining property at 12 Harrow View, and is detrimental to the residential amenities of the occupiers of this property contrary to Policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions: A Householders Guide (2008).

f) Pre-Application Discussion

- None

g) Applicant Statement

- None

h) Consultations:

Headstone Residents Association:

No response.

Notifications:

Harrow View: No. 6, 8, 10 and 12

Hindes Road: No. 101 and 101A

Sent: 6

Replies:

Expiry: 09-JUN-10

1 letter of objection and 1 petition of objection with seven signatures has been received

Summary of objections:

1. The flat has been used as a rental property with frequent changes in tenants. We have continuously suffered from noise and disturbance for years.
2. The landlord has not lived in the property and has not been considerate of our concerns. Given that I am trying to raise a young family, having additional tenants in the flat will cause us additional inconveniences.
3. The additional unit within the same property will directly impact my property.
4. This development will also impact the value of my property
5. The development will overshadow my property.
6. Lack of privacy
7. Parking issues: There is already limited space at the front of the flats.

Petition - Grounds of objection:

1. This is a rental property, the landlord does not live here.
2. Adding an additional unit would increase the nuisance caused by noise and late night parties.
3. Rental / commercialisation of the local area.

APPRAISAL

1) Character and Appearance of the Area

Detailed guidance on roof alterations (including rear dormers) is set out within the Council's adopted Supplementary Planning Document – *Residential Design Guide* (2010) at paragraphs 6.66 - 6.74.

Rear dormers are expected to achieve visual containment, i.e., to be proportionate in scale and fit comfortably within the available roof area. They should not overlap or wrap around the roof hips, and should not rise above the roof ridge. The SPD suggests that visual containment can be achieved by ensuring that the dormer is set-in at least 500mm from a shared (party) boundary with an attached house, set-in at least 1000mm from a gable end (if relevant) and set-back at least 1000mm from the roof eaves (as measured externally along the roof slope). A diagram on page 49 of the SPD illustrates this advice.

Additionally, the SPD also advises that where there is a rearward projecting pitched roof the rear roof extension (or dormer) must leave a minimum of 500mm from the adjacent valley between the main and return roof slopes. Where possible, and subject to the requirements of the Building Regulations, further visual containment may be achieved by setting the top of the rear roof extension (or dormer) down from the ridge (500mm recommended).

With regard to the last of these points the proposed rear dormer would indeed be set down below the main roof ridge by 500mm and is therefore entirely obscured from views along Harrow View. It would also be set in from the north flank gable wall by 750mm (250mm less than the 1000mm required by the SPD) and set in from the shared party boundary with the adjoining semi by 750mm (250mm more than the 500mm required by the SPD). It is therefore does not meet the requirements of the SPD with regard to the set-in distance from the gable wall but exceeds the minimum recommended set-in distance from the shared party boundary with No. 8 Harrow View. The dormer would also only be set back from the roof eaves by 500mm rather than the 1000mm set back distance that the SPD advocates.

The dormer would also cut across the valley gutter where the rear slope of the main roof and the rearward projecting pitched roof meet. This is another deviation from the guidance in the SPD which recommends that a gap of at least 500mm should be left between the nearest part of the dormer and the valley gutter.

However, the discrepancies between the guidelines in the SPD and the proposal, in terms of its siting, scale and design are only one consideration. The proposal also has to be assessed in the context of the character and appearance of the area and ultimately a judgment made as to whether the degree of harm caused to local visual amenity would be sufficiently significant to warrant its refusal.

There are two large rear dormers in the immediate vicinity of the proposal. To the south No. 6 has constructed flat-roofed side and rear dormers following the grant of a certificate of lawful proposed development (WEST/794/99/CLP). In addition, the adjacent property on the north side, No. 12, has constructed a flat-roofed rear dormer under permitted development (though no application for a certificate of lawful development (proposed or existing) has ever been submitted. However, there is no obligation to do so). Because both of these existing dormers have been built as permitted development, neither has therefore been subject to the relevant saved policies of the Harrow UDP (2004), notably policies D4 and D5 and including the Supplementary Planning Document '*Residential Design Guide*' (2010) and a cursory assessment has determined that neither would comply.

In many respects the proposal is significantly less harmful than either of the existing dormers to either side by reason of its smaller scale and, in comparison to the existing dormer at No. 6, the fact that it would be a single rear dormer and not a conjoined side and rear dormer that wraps around an outside hip.

With regard to the petition's ground of objection that that the proposal would increase the rental / commercialisation of the area, it is noted that whether this flat is occupied by a tenant or is occupied by its owner is not a planning issue. It is also not accepted that there is any evidence of the predominance of any form of tenure over another in the area nor that any predominance of one form of tenure over another can be construed to imply a de facto change in the character and appearance of the area.

The context of the proposal is therefore that the character and appearance of the area is one of disproportionately large and poorly designed side and rear dormers. In this context the harm that the proposal would cause to the character and appearance of the area is not considered to be unduly significant to the extent that a refusal would be justified. On balance, taking into account the extent to which the proposed rear dormer does align with the guidance in the SPD and the context of the existing character and appearance of the immediate area it is considered that it falls just above the threshold of acceptability and is generally in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

2) Residential Amenity

The comments received in response to the statutory neighbour notifications are concerned in the main with residential amenity issues. The current occupant of the flat below appears to refer to the creation of an 'additional unit', However, the proposed floor plans demonstrate that this is clearly not the case. The proposed rear dormer would serve an additional bedroom with an ensuite shower/WC and would be an enlargement of the existing 1 bedroom first-floor flat and not another self-contained flat.

It is also considered that any additional noise and disturbance, caused to the occupants of the ground-floor flat, arising from the enlargement of the first-floor flat and the potential thereby created for it to be inhabited by a larger family or group of persons, is not considered likely to be unduly significant given the size of the enlargement in relation to the size of the existing flat and the fact that the additional floor space is located (within the roof space) at second floor level.

The proposed rear dormer, having only a single window in its rear elevation, would not result in any unduly significant overlooking of any of the neighbouring properties.

By reason of its size and location within the roof it is also considered that the proposal would not result in any unduly significant loss of daylight or sunlight to any of the neighbouring properties including the ground-floor flat at 10b Harrow View.

3) S17 Crime & Disorder Act

It is considered that the proposal would not have an impact with respect to this legislation.

4) Consultation Responses

It is considered that the comments related to the character of the area and the appearance and design of the rear dormer have been addressed in the text of the report.

Issues of privacy, noise and disturbance have been discussed above.

As the appraisal above has explained, it is considered that the objections raised to the scheme would not be sufficient to justify refusal in this instance.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals and all other material considerations including the petition and letter of objections received, this application is recommended for grant, subject to the following conditions:

CONDITIONS

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

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

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

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with saved policy D4 of the Harrow Unitary Development Plan (2004).

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows shall be installed in the side elevations of the development hereby permitted without the prior permission in writing of the local planning authority.

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

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

10HAR001; 10HAR002; 10HAR003; Location Plan (Scale 1:500); Location Plan (Scale 1:1250)

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 within PPS1, and PPS3, the London Plan (2008), the saved Policies of the Harrow Unitary Development Plan (2004) set out below, relevant Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The proposed development is considered 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. Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Document – Residential Design Guide (2010)

2 CONSIDERATE CONTRACTORS CODE OF PRACTICE

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

Item 2/03 : P/1187/11 continued/...

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

Plan Nos: 10HAR001; 10HAR002; 10HAR003; Location Plan (Scale 1:500);
Location Plan (Scale 1:1250)

531 - 533 PINNER ROAD, HARROW, HA2 6EH **Item: 2/04**
P/0711/11
Ward: HEADSTONE NORTH
CHANGE OF USE OF GROUND FLOOR FROM A SHOP TO A RESTAURANT (CLASS A1 TO A3); EXTRACT FLUE TO REAR ELEVATION; EXTERNAL ALTERATIONS

Applicant: Mr Dipesh Shah
Agent: Mr Naren Kotak
Case Officer: Ciaran Regan
Statutory Expiry Date: 27-MAY-2011

RECOMMENDATION

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

REASON

The decision to recommend **GRANT** of planning permission has been taken having regard to national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comments received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexibly designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal should be allowed, in this instance, to outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

National Planning Policy:

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

Planning Policy Guidance 24: Planning and Noise (1994)

The London Plan:

3D.2 – Town Centre Development

3D.3 – Maintaining and improving retail facilities

4B.1 – Design Principles for a Compact City

4B.8 – Respect local context and communities

Harrow Unitary Development Plan 2004:

SEM2 Hierarchy of Town Centres

D4 The Standard of Design and Layout

D5 Residential Amenity

EP25 Noise

EM17 Change of Use of Shops – Secondary Shopping Frontages

EM24 Town Centre Environment

EM25 Food, Drink and Late Night Uses

- T6 The Transport Impact of Development Proposals
T13 Parking Standards
C16 Access to Buildings and Public Spaces
Supplementary Planning Document – ‘Access for All’ (2006)

MAIN CONSIDERATIONS AND POLICIES

(The London Plan (2008), saved policies of the Harrow UDP (2004) and any other relevant guidance.)

- 1) Town Centre Environment and Change of Use (PPS4, SEM2, EM17, EM24)
- 2) Amenity and Change of Use (PPG24, D5, EM25, EP25)
- 3) Character and Appearance of the Area (D4)
- 4) Traffic, Parking and Servicing (T16, T13)
- 5) Accessibility (C16, SPD)
- 6) S17 Crime and Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

This application is reported to Committee as the proposal is considered to be a Departure from the Harrow Unitary Development Plan (2004) and it therefore falls outside category 19 of the Scheme of Delegation.

a) Summary

Statutory Return Type	20 - Change of Use
Council Interest	None

b) Site Description

- The application site is located on the west side of Pinner Road (a London Distributor Road) within a shopping parade that is designated Secondary Shopping Frontage. The three-storey terraced building in which the shopping parade is located has standard sized units but some businesses spread across two or more of these.
- Adjoining the subject premises on the south side is a single unit pizza takeaway (A5), followed by a single unit café (A3), followed by a triple unit shop (Hoopers Carpets) (A1). Adjoining the subject premises on the north side is a single unit Chinese food takeaway (A5), followed by a single unit car audio shop (A1), followed by a large detached food supermarket (A1) (VB & Sons Cash & Carry) on the site of the old Safeways store.
- The lawful use of the ground floor of the building is A1 (retail) currently occupied by a convenience store advertised as ‘Fine Quality Food Store’. Residential flats occupy the upper floors of the property.
- A triangular-shaped shared parking and servicing area serves the site and its neighbouring premises.
- Access to the residential flats above is from a first-floor balcony and external stairwell at the rear of the building.

c) Proposal Details

- The change of use of the ground floor from a shop (A1) to a restaurant (A3) including the installation of an extract flue on the rear elevation and external alterations.

d) Revisions to previous application

- N/A

e) Relevant Planning and Enforcement History

HAR/11627	INSTALLATION OF SHOP FRONT	GRANTED 11-APR-56
P/69/05/DFU	ALTERATIONS AND CONVERSION OF FIRST AND SECOND FLOOR FLAT TO TWO SELF-CONTAINED FLATS	GRANTED 02-MAR-05
P/600/03/DFU	CONVERSION OF FLAT AT FIRST AND SECOND FLOORS TO TWO SELF- CONTAINED FLATS.	REFUSED 06-FEB-04

Reason(s) for Refusal:

1. The layout of the proposed first floor flat would be unsatisfactory to enable the proper function of the dwelling and the vertical arrangement of rooms within the building would fail to secure satisfactory living conditions for future occupiers.

P/2186/04/DFU	ALTERATIONS AND CONVERSION OF FIRST AND SECOND FLOOR FLAT TO TWO SELF CONTAINED FLATS	REFUSED 21-DEC-04
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Reason(s) for Refusal:

1. The layout of the proposed 1st floor flat would be unsatisfactory to enable the proper functioning of the dwelling.

f) Pre-Application Discussion

- None

g) Applicant's Statement

- The site has access to a shared rear yard for loading and unloading as well as refuse collection thereby not disturbing the free flow of traffic along Pinner Road
- There is no 40-50 seating vegetarian restaurant in the vicinity.
- We have also allowed for a means of escape in case of fire.
- The restaurant would have 7 full-time and 6 part-time employees.
- The proposed extract flue will be at the rear elevation and will terminate at least 1m above the roof eaves.
- The proposal contains a wheelchair-accessible WC.
- It is not anticipated the restaurant will cause any nuisance to anyone from noise, smells and ours of business because of the predominantly commercial character of this part of Pinner Road.

h) Consultations

Economic Development/Planning Policy:

This application presents an unusual position in policy terms given the present circumstances of the North Harrow District Centre. The Council would like to attract businesses back into the area as there are high vacancy rates at present. With that in mind, and to attract inward investment, Policy are willing on this occasion to be more flexible to the criteria listed in Policy EM17, which is of particular relevance to this proposal for a change of use from Class A1 to A3.

The status of the frontage is also a material consideration where a Secondary Shopping Frontage is in this instance (due to the high level of vacancy rates in the District) considered to be more flexible to the loss of Class A1 units than to those within Primary Shopping Frontages. However, each planning application received thereafter for the loss of a Class A1 unit in this District will still be assessed on policies contained within the Development Plan and on a site-by-site basis along with an overall consideration to the level of vacancy rates in the District at the time of receipt.

Policy raises no objection to this proposal having regard to the above comments. This does not mean future proposals for the loss of Class A1 units would be acceptable on such economic grounds unless they conform to policies within the Development Plan in the first instance. Only after assessment of proposals on policy grounds shall other material considerations apply.

Environmental Health:

It is noted that one of the original means of escape from the building at the rear of 531 Pinner Road, has been blocked up and the proposal does not address this. This would have an adverse effect in the event of a fire at the location. Constant access must also be available to the refuse bins at the back, where the rear door has been bricked up. The proposal is considered acceptable subject to the imposition of conditions to address noise levels arising from extraction equipment and to control any other ambient noise in connection with the operation of the business.

Highways Engineer:

There are no specific concerns with regard to this change of use from A1 to A3 given the reasonably sustainable location together with the on and off street pay and display parking facilities available, coupled with other stringent parking controls.

Headstone Residents Association:

No comments.

Advertisement – Departure from the Harrow Unitary Development Plan (2004):

Site Notice

Expiry: 01-JUL-11

Notifications:

Sent: 24

Replies: 1

Expiry: 04-MAY-11

Addresses consulted:

Pinner Road: No.s 424, 426, 428, 527A, 529A, 531A, 533A, 535A, 537A, 539A, 527, 529, 531-535, 535, 537, Garages to the rear of 519 to 537, 527B, 529B, 531B, 533B, 537B, Second Floor Flat - 529A, Second Floor Flat - 533A, Second Floor Flat - 537A

Summary of objections:

- Having another restaurant will not help the street get busier.
- It will only make it harder for the existing restaurants and takeaways to survive.

- It will also affect the environment because people always throw their finished food containers and wrappers on the street.
- The street needs more variety of shops rather than more restaurants and takeaways.

APPRAISAL

1) Town Centre Environment and Change of Use (PPS4, SEM2, EM17, EM24)

It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth (2009). Policy EC13 of PPS4 requires local planning authorities to take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use.

Policy SEM2 sets out the hierarchy of centres within the Borough and commits the Council to monitoring, promoting and sustaining their vitality and viability. However, it also acknowledges that the position of a centre in the hierarchy may change over time according to the relative health of its retail and other town centre functions.

Policy EM24 commits the Council to improving the environment of town centres by (inter alia) conducting regular health checks, producing guidance on the design and layout of schemes and encouraging initiatives to stimulate the evening economy (where this is compatible with the amenity of residents and other town centre occupiers).

The proposal seeks the change of use of the ground floor of No.s 531-533 Pinner Road from a shop (A1) to a restaurant (A3). The site is located within the designated Secondary Shopping Frontage of North Harrow District Centre and so the relevant saved policy of the Harrow UDP (2004) relating to the change of use of shops is Policy EM17.

Policy EM17 allows the change of use from a shop to another use providing that (a) the use is appropriate to a town centre, (b) will be primarily for the benefit of visiting members of the public, (c) the use requires an accessible location, (d) the length of non-A1 frontage within the designated Secondary Shopping Frontage does not exceed more 50% of the total, (e) that the premises can be adequately serviced without causing harm to highway safety and convenience, (f) a window display or other frontage appropriate to the shopping area is maintained and (g) a harmful concentration of non-retail uses is not created or added to. Addressing each of these criteria in turn;

- a) The change of use to a restaurant (A3) would provide a use that is directly related to a shopping trip and supports the retail function of the centre. This is because many people stop to eat out during the course of their shopping trips.
- b) A restaurant is considered to meet this criteria

- c) The site is in an accessible location on Pinner Road close to North Harrow Underground Station. A designated cycle path runs immediately outside the premises. A bus-stop (for southern routes) is sited immediately opposite the premises and stops for other bus routes are located within a short walking distance.
- d) The proposed change of use would not result in more than 50% of the existing frontage (within the designated Secondary Shopping Frontage) being in non-retail use. The existing length of secondary shopping frontage in non-A1 retail use expressed as a percentage of the total is 46.62%. The proposed change of use (whose frontage represents an addition of 1.53%) would result in this increasing to 48.15%. Accordingly, 51.85 % of the secondary shopping frontage would continue to be in (Class A1) retail use. The table below sets out the existing situation.

North Harrow	Total No. of Units	%-age of units	Non-A1 units Length of Frontage (m)	%-age of Frontage
Designated Primary Frontage	11	26.83%	81.00	27.26%
<i>Designated Secondary Frontage</i>	27	48.21%	176.80	46.62%
Combined Frontage	38	39.18%	257.80	38.11%
All Units (includes non-designated frontages)	40	39.22%	268.80	38.19%

- e) An off-street shared servicing area exists at the rear of the premises which would avoid the need for delivery/service vehicles to load and unload from the highway and the obstruction to the free flow of traffic that this could cause. (See the Highway Engineer's comments below.)
- f) A restaurant is considered to meet this criteria.
- g) The proposal would result in a concentration (three or more) of non-retail uses. Looking westwards facing the 'shop'-fronts and going from south to north the proposed change of use would result in a run of 4 consecutive non-A1 units (A1, A3, A5, A3, A5, A1). It is this concentration of non-A1 units that must be balanced against the weight attributed to the local employment and regenerative benefits of the proposal in the context of the need to ensure the future viability of North Harrow District Centre. This is expanded on below.

The Council's Economic Development /Planning Policy Team (as per the above consultation response) states that the Council's aim is to try to attract businesses back into North Harrow District Centre as there are high vacancy rates at present. This situation was identified as part of the Council's Local Economic Assessment for 2010/11 (see Figure 14: 'Vacancy Rates in District Centres', page 56). The Council's consultation draft Core Strategy also acknowledges and seeks to address the issue of the Centre's continuing high vacancy rate and general economic underperformance as one of the objectives of Policy 8 (Rayners Lane and North Harrow) is to, '*Reduce the vacant retail frontage in North Harrow district centre and consider a range of interventions to rejuvenate the centre.*'

Paragraph 8.9 of the consultation draft Core Strategy also states,

'In recognising North Harrow District Centre's role as wider than retail, the use of alternate employment generating uses that are suitable to a town centre in this location may be considered appropriate. Changes to the retail frontage designation are recommended and will be examined in the Site Allocations DPD to ensure this centre's continued viability.'

It is noted that there is no restaurant of comparable size in the immediate vicinity of the proposal. It is also noted that the applicant has identified a need for 7 full-time and 6 part-time employees. However, it is considered that limited weight should be attached to this as it is considered excessive (or at least optimistic) for a restaurant of this size and much will inevitably depend on the level of business generated.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (which has superseded Section 54A of the Town and Country Planning Act 1990) requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. This recommendation to approve has therefore sought to balance the need for compliance with the Development Plan with the due consideration of a specific set of circumstances which are considered to amount to important material considerations. The current acute need for investment and regeneration in North Harrow District Centre and the precise layout, scale and nature of the proposed restaurant operation are therefore considered to be valid material considerations that have been weighed against the extent to which the proposal would comply with key Harrow UDP (2004) saved policy EM17 (particularly the fact that over 50% of the Secondary Shopping Frontage would continue to be in A1 use) and the extent to which the proposal (subject to the recommended conditions) would otherwise comply with other relevant policies of the Development Plan. It should also be noted that this recommendation to allow this change of use from A1 to A3 would not establish a harmful precedent as compliance with the Development Plan still remains the first and foremost consideration and any future applications for the change of use of an A1 unit would be assessed on their individual merit and the prevailing circumstances at that time.

In conclusion, the proposal complies with all aspects of saved policy EM17 except the fact that it would create a concentration of non-A1 units in this part of the designated Secondary Shopping Frontage.

However, the site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexible designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal should be allowed, in this instance, to outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

2) Amenity and Change of Use

Residential Amenity

Consideration must be given to the impact the proposal might have on the living conditions of the occupiers of flats above ground floor level in this parade and adjacent to the site.

Policy EM25 seeks to ensure that proposals for food and drink and late night uses do not have a harmful impact on residential amenity and in assessing applications regard will be had to the location of the premises and the proximity of residential property. Further to this, EM25 states that disturbance is likely to be greater if there is a concentration of such uses and the Council will have regard to this possibility.

On this point, although a concentration of non-A1 units has been identified in the assessment of the proposal against saved policy EM17, three out of the four consecutive non-A1 units that would be created are small single fronted units. It is also noted that the existing café 'Fantastic Café' (A3) specialises in breakfasts and lunches and as such operates during daytime hours. However, the hours of operation are not currently controlled by condition and so this could change if a new tenant were to take over the premises in the future.

Given the location within a busy district centre, close to the junction of Pinner Road and Station Road and North Harrow Underground Station, it is considered that the occupiers of the flats above this parade and those of the dwellinghouses close to the site and on the opposite side of Pinner Road already experience a relatively high level of background noise. It is therefore considered that the occupiers of the residential flats on the upper floors of the parade would not be unduly affected in terms of noise and disturbance as a result of the proposed use, in terms of the likely level and nature of activity associated. If the proposal were otherwise considered acceptable, conditions could be imposed to (a) restrict the hours of operation, (b) to ensure that any noise emanating from extraction equipment would remain within acceptable levels and (c) to control any other ambient noise that may arise in connection with the operation of the business. With regard to the second of these, the Council's Environmental Health Team has not objected to the proposal subject to a condition which requires the independent acoustic testing of the extraction equipment and the submission of a report to be approved by the Council prior to its use, in the interests of the amenities of neighbouring occupiers.

Hours of Use

HUDP Policy EP25 commits the Council to minimise noise and disturbance, through, amongst other things, controlling times of operation. As the site is located within the North Harrow District Centre, a relatively high level of activity is expected when compared to the level of activity anticipated in a purely residential area.

With regard to opening hours, the hours applied for are: Mon-Fri: 10.30 – 23:00, Sat: 10.30 – 23:00 and Sunday and Bank Holidays: 7.30 – 22.30. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. The hours proposed are considered acceptable but can also be secured by an appropriate condition which is suggested.

Mitigation of noise, heat and smells

Extraction equipment and an associated flue are proposed to mitigate the impact of noise, heat and smells emanating from the cooking activities associated with a restaurant. The top of the proposed flue at the rear of the property would project above the level of the eaves by 1.25 metres. This would be well above the highest openable windows (the roofspace has not been converted into habitable use and so there are no roof lights that could otherwise have been near the end of the flue) and so any fumes would be extracted away from the first and second floor flats. An associated extraction fan attached to the rear wall by mounting brackets is indicated to not exceed 35Db. The Council's Environmental Health Team has no objections to the flue and fan, subject to a number of conditions. In light of this, and noting its size and siting on the rear elevation, it is concluded that the flue would not be unduly detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers and is therefore considered to be in accordance with Policy EM25 of the saved Harrow UDP (2004).

Refuse storage

Details of refuse storage for the development has been provided. The bins would be located within the rear service yard, similar to the other commercial units in this parade. A 1000 litre commercial refuse bin is shown sited adjacent to the rear elevation of the premises. This is considered adequate refuse storage for a restaurant of this size. An additional 1000 litre bin could also be accommodated if necessary beside the single indicated bin without obstructing either a fire exit or the area available for the servicing of this and the other adjacent commercial premises. The business owner would be obliged to apply for a trade waste licence / contract with the Council for the collection of this waste. This is considered to be acceptable and in accordance with saved policy D4 of the UDP.

Means of Escape

The issue of the existing blocked up means of escape at the rear of the unit (originally for No. 531) has been addressed through the provision of amended plans. The amended plans now indicate that this would be reinstated as a means of escape, notwithstanding the other existing means of escape (originally for No. 533) that would also be retained. It is also considered appropriate to impose a condition to require the works associated with the reinstatement of the means of escape to be completed prior to the first use of the premises as a restaurant.

3) Character and Appearance of the Area

There is no other development proposed other than the change of use and the associated external flue at the rear. The top of the proposed flue at the rear of the property would sit 1.75 metres below the roof ridge over the rear gable and project above the level of the eaves by 1.25 metres. As with adjacent commercial properties the flue would be positioned off the rear wall close to its outer edge where it meets the side wall and so would be sited as far as practically possible from the rear windows of the flats on the first and second floors. This would minimise its visual intrusion to these occupiers, i.e., it would not significantly restrict the current outlook available from these rear windows. It would not be visible from public vantage points along Pinner Road or to the occupants of the semi-detached dwellings along the opposite side of Pinner Road. Because of its height and that of the building it may have limited visibility to certain viewpoints from the south.

However, it would be seen in the context of the similar existing flues of the same height and scale to the rear of the adjacent premises, of which there are at least three, and such extract ducts are common features at the rear of restaurant and takeaway uses and so, given its commercial, District Centre location, it is considered that the proposed flue would have an acceptable visual appearance.

4) Traffic, Parking and Servicing

Traffic

Having particular regard to the fact that the site is located in an accessible location with good public transport facilities and that there is a public car park sited in close proximity to the application site, it is considered that the proposed use would be acceptable in traffic terms and is in accordance with saved policies T6 and T13 of the saved Harrow UDP (2004). The subject planning application was referred to the Highways Engineer, who has no objections.

Parking and Servicing

It is considered that the proposed use could be adequately serviced from the rear without causing undue harm to neighbouring amenity. However, if necessary a condition could be imposed to restrict the hours of deliveries. Given the site's high level of accessibility to a range of public transport modes it is considered unlikely that the use would generate significant levels of car trips. However, notwithstanding this, there is an adequate level of car parking in the local area to serve the proposed use (but not so much as to dissuade the use of public transport). The Council's Traffic and Parking Engineer has raised no objections in this regard.

5) Accessibility

The floor plan of the restaurant indicates that the threshold will provide level access and egress from the street. The applicant's design and access statement states that the proposal will provide a wheelchair-accessible WC. The floor area dimensions of the proposed male and female WCs have been measured from the proposed ground floor plan and referenced against the Council's adopted SPD 'Access for All'. Both would exceed the required 1.5m minimum width but both would just fall short of the required 2.2m required minimum depth by 70mm (7cm). However, it is clear that there is sufficient space available within the proposed lobby to enable the partitions for the WCs to be relocated to meet the 2.2m depth without impacting upon the accessibility of the lobby itself. An informative drawing the applicant's attention to this issue is suggested. The proposal is therefore considered to be in accordance with the requirements of the Council's adopted 'Access for All' SPD (2006).

6) S17 Crime & Disorder Act

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

7) Consultation Responses

It is considered that the comments related to the principle of the change of use have been addressed within the report.

The issue of littering is not a subject that can be considered nor is it considered appropriate to try to control it by the use of a condition(s) on a planning permission.

However, an appropriate informative has been suggested in order to encourage the installation of an appropriate bin and the keeping clean of the public highway immediately outside the premises.

As the appraisal above has explained, it is considered that the objections raised to the scheme would not be sufficient to justify refusal in this instance.

CONCLUSION

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

CONDITIONS

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

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

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

a: 10.30 hours to 23.00 hours, Monday to Saturday inclusive,

b: 10.00 hours to 22.30 hours on Sundays and Public Holidays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

3 The refuse bins shall be stored at all times (other than on collection days) in the area shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate standards of hygiene and refuse/waste collection and storage without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents.

5 The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation. Following installation but before the new plant comes into operation additional measurements of noise from the plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

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

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

REASON: To ensure the use does not cause harm to neighbouring residential occupiers with regard to amplified sound in accordance with saved policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: 6081.01 Rev. A; 6081.02 Rev. B; 6081.03; 6081.04 Rev. A; Design and Access Statement, dated 21 March 2011 and Acoustic Report, dated 23 March 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 planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexible designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal should be allowed, in this instance, to outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

National Policy Guidance:

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance 24: Planning and Noise

The London Plan:

3D.2 – Town Centre Development

3D.3 – Maintaining and improving retail facilities

4B.1 – Design Principles for a Compact City

4B.8 – Respect local context and communities

Harrow Unitary Development Plan 2004 (Saved Policies):

SEM2 Hierarchy of Town Centres
D4 The Standard of Design and Layout
D5 Residential Amenity
EP25 Noise
EM17 Change of Use of Shops – Secondary Shopping Frontages
EM24 Town Centre Environment
EM25 Food, Drink and Late Night Uses
T6 The Transport Impact of Development Proposals
C16 Access to Buildings and Public Spaces
Supplementary Planning Document: 'Access for All' (2006)

2 CONSIDERATE CONTRACTORS CODE OF PRACTICE

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations (including those associated with the fitting out of the interior of the premises) and in particular the limitations on hours of working.

3 ACCESSIBLE CUSTOMER WC'S

The applicant is advised that the dimensions of the proposed WCs, as shown on the approved drawing ref. 6081.02 Rev.B, do not meet the standards set out within the Council's Supplementary Planning Document: Access for All (2006) (see pages 30-31) in that the depth of the proposed WC's should be at least 2.2 metres deep. However, the required standard can be achieved by re-positioning the front partitions at least 100mm further forward from where they have been indicated on this plan. The applicant is advised to continue to refer to this document for guidance on the recommended internal layout for (disabled) accessible WCs.

4 ADVERTISEMENT AND SHOPFRONT ALTERATION CONSENT REQUIRED

The applicant is advised that this planning permission only permits the change of use of the premises from a shop (A1) to a restaurant (A3). It does not over-ride the need to apply for Advertisement Consent for any proposed signage associated with the new business and the need to apply for Full Planning Permission for any proposed alterations to the 'shop front' of the premises.

5 COLLECTION AND DISPOSAL OF TRADE WASTE

The applicant is advised that the business owner is obliged to apply to Harrow Council for a trade waste licence / contract for the collection of waste generated by the use hereby permitted. For further information please contact the Council's Waste Management Team on 020 8901 2600 or email waste@harrow.gov.uk .

6 LITTER BINS OUTSIDE A3 PREMISES

The applicant is requested to liaise with the Council's Highways Enforcement Section with regard to the provision of a litter bin, or appropriate alternative, outside the premises. The applicant is asked to ensure that this is emptied at regular intervals and that the Public Highway outside the premises is kept litter-free.

Plan Nos: 6081.01 Rev. A; 6081.02 Rev. B; 6081.03; 6081.04 Rev. A; Acoustic Report, dated 23 March 2011; Design and Access Statement, dated 21 March 2011

60 EXETER ROAD, RAYNERS LANE, HA2 P/1263/11
9PL

Ward: RAYNERS LANE

CONVERSION OF DWELLING INTO TWO FLATS: PROVISION OF TWO PARKING SPACES: REFUSE: LANDSCAPING AND ALTERATIONS TO FRONT PORCH (RETROSPECTIVE APPLICATION).

Applicant: Mr R P Khakharia

Agent: DB Planners

Case officer Ian Hyde

Statutory Expiry Date: | 21-JUL-11

RECOMMENDATION

GRANT permission for the development described in the application subject to conditions.

REASON: The decision to **GRANT** permission for the conversion of dwelling into two flats, provision of two parking spaces, refuse, landscaping and alterations to front porch has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, and the saved policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The development is considered acceptable and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

The London Plan:

3A.1 Increasing London's supply of housing

3A.2 Borough Housing Targets

3A.5 Housing Choice

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 New Residential Development – Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

C16 Access to Buildings and Public Spaces

H0 Maintenance and Improvement of Housing Stock

T13 Parking Standards

EP25 – Noise

Supplementary Planning Documents

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

PPG24 Planning and Noise (1994)

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

- 1) Character and Appearance of the Area and Residential Amenity (London Plan 4B.1, UDP D4, D5, SPD;)
- 2) Conversion of Building to Flats (D4, D5, D9, C16, T13, SPD, London Plan 3A.5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee at the request of a nominated Member.

a) Summary

Statutory Return Type:	Minor dwellings	
Car Parking	Standard	2.4
	Justified	2
	Provided	2
Lifetime Homes:	2	
Wheelchair Standards:	None	
Council Interest:	None	
Statutory Return Type:	Minor dwellings	
Car Parking	Standard	

b) Site Description

- Two storey pitched roof dwelling located on the eastern side of Exeter Road.
- The area is predominantly suburban residential and the site is surrounded by similar residential properties.
- The site has a substantial rear garden with a depth of some 20m.
- Works to the site have converted the dwelling into two no. two bedroom flats, a porch has been erected on the front elevation and the rear garden subdivided.
- Two parking spaces are provided in the front garden
- At the time of site visit, onstreet parking appeared to be available but somewhat restricted.

c) Proposal Details

- Retention of the existing conversion into two flats and associated alterations (as described within the description).

d) Revisions to the previous applications

- The application seeks retention of the development and conversion works implemented on the site, the application is similar to that submitted previously (for retention of the development), however is now supported by a noise assessment carried out between nos 58 and 60 by Sitesound Ltd.

e) Relevant History

P/1007/10	Conversion of existing dwelling into two self contained flats; provision of two parking spaces; refuse; landscaping; alterations to front porch	REFUSED AND DISMISSED AT APPEAL 22-OCT-10
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Reasons for Refusal:

1. The proposed development by reason of unsatisfactory overall floor areas, room sizes and layout, and failure to demonstrate compliance with the Lifetime Homes standards in the ground floor flat would result in a cramped and substandard form of accommodation to the detriment of the amenities of future occupiers of the site contrary to policy 3A.5 of the London Plan (2008), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Document: Accessible Homes (2010).
2. The positioning of bedroom windows for the ground floor flat, directly in front of the parking area and adjacent to the entrance to the building, would result in a poor standard of occupation for ground floor occupiers by way of headlight glare, disturbance and a general lack of privacy from residents and visitors entering and exiting the upper floor flat. As such the development would be contrary to saved policy D4 of the Harrow Unitary Development Plan (2004).
3. The proposed development, by virtue of its failure to demonstrate that the location of a shower room adjacent to the party wall with a neighbouring unit, would not result in detriment to the amenities of the amenities of neighbouring occupiers, would be contrary to saved Policy D4 of the Harrow Unitary Development (2004).
4. The proposed replacement window within the front elevation of the existing garage, by virtue of the height of the window in relation to existing fenestration within the frontage, would result in a poor quality alteration which would not reflect the rhythm of the dwelling and which would be detrimental to the visual amenity of the area. As such the development would be contrary to saved policy D4 of the Adopted Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance "Extensions: A householders Guide."

P/3550/11	RETROSPECTIVE APPLICATION FOR CONVERSION OF DWELLING INTO TWO FLATS: PROVISION OF TWO PARKING SPACES: REFUSE: LANDSCAPING AND ALTERATIONS TO FRONT PORCH.	REFUSED 10-FEB-11
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Reason for Refusal:

1. The application has failed to demonstrate that there are adequate measures to mitigate noise and disturbance between the living room of no. 58 Exeter Road and the adjacent bedroom of flat 1 on the ground floor and between the living room of flat 2 on the first floor and the adjacent bedroom of no. 58 Exeter Road. The conversion of the dwelling into two flats therefore fails to demonstrate compliance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

f) Pre-Application Discussion

- None.

g) Applicant Statement

The Statement states that the plans submitted with the application were as constructed and as reviewed by the Inspector and Officer on 28 Sept 2010 under appeal APP/M5450/A/10/2132227.

The statement notes that the Inspector in the above appeal upheld on all grounds with the exception of the issue of noise protection between no.s 58 and 60 Exeter Road and that an assessment between no.s 58 and 60 has been provided. The statement further notes that the assessment shows compliance with building regulations, as well as having a wall of 9" thickness which is equivalent to that expected in new applications.

The Statement addresses the various points of design and quality of the scheme, and concludes that the development provides a more efficient use of a building to satisfy the varied housing mix demand in the local area whilst respecting the character of the streetscene. It is contended by the applicants that the development provides individual occupants with a good living environment with access to onsite amenity and parking provisions suitable to meet the needs of the unit sizes and would be in accordance with local and national planning guidance, PPS1, PPS3 and PPG13.

h) Consultations:

Highways Officer:

In scale terms the use intensity is comparable to the current single dwelling use so there are no concerns with this aspect. The provision of 2 spaces is acceptable (one for lifetime homes) owing to the below average public transport accessibility levels.

With regard to the balance of frontage amenity & parking provision this would need to be addressed.

Widening of the crossing should not exceed the max allowable of 3.6m as this will comfortably service 2 parking spaces. An informative to this effect is recommended to be attached to the consent notice.

Building Regulations:

Alterations contained within the Building Regulations application were not required to consider the quality of the sound insulation between no.s 58 and 60 Exeter Road as a change of use had not occurred.

Notifications:

Sent to 15 neighbouring occupiers at the following addresses:
2 Dunster Way
36A,47, 52, 54, 56, 58, 62, 64,
66. 110 Exeter Road
59,61,63 Lynton Road

1 letter of objection

Expiry: 08-JUN-11

Summary of Response:

Concern over bin storage, noise and disturbance and that conversion into flats is out of character with the surrounding area.

APPRAISAL

General Information (Appeal Decision)

The current application is submitted based on the outcome of Appeal reference APP/M5450/A/10/2132227 at the above site which was dismissed at appeal on the 22nd of October 2010.

In his decision, the Inspector upheld the appeal on all grounds except with regard to reason three of the refusal which related to the failure of the applicants to demonstrate that the conversion would protect the amenities of neighbouring occupiers. This appeal decision assessed the completed development (which had been constructed in the interval between planning submission and the appeal site visit).

The Inspector, in paragraph 25 of the Appeal decision suggested that he had no evidence that compliance with the requirements (of Building Regulations) would be sufficient so as to protect the living conditions of the occupiers of no. 58. This is important given, the first floor level provides a living room adjacent to the party wall with no. 58. In addition to this the layout of no.60 is such that disturbance could also potentially be a problem for the occupiers of the ground floor flat due to the placement of a bedroom on this party wall. The Inspector then referred (in paragraph 26) to an appeal decision at 174 Exeter Road (APP/M5450/A/09/2094107), where for a similar proposal the inspector concluded (with regard to noise disturbance to neighbours) that *“Without adequate insulation this could lead to undue noise and disturbance to the occupiers of no 176. However, in the absence of evidence regarding the structure of the building and what works may be practical and effective, it is not certain that satisfactory mitigation measures could be secured by planning condition.”* The Inspector then suggested that he considered similar circumstances applied at no. 60 and that he did not consider that a condition requiring further information would be appropriate. He continued in paragraph 28 that noise could be a problem and that there was no evidence to conclude that the problems identified could be avoided.

Based on these considerations, the inspector concluded in paragraph 29 of his decision that the appeal should fail. Therefore, the critical consideration is whether the applicant has demonstrated that the amenities of the neighbours at no. 58 and the occupiers of the ground flat will be protected.

The inspector concluded in paragraph 29 of his decision, that the information provided was insufficient to satisfy him that the conditions onsite and the measures undertaken as part of the development would be sufficient to protect the amenities of the neighbouring occupiers.

It is noted in this respect that saved Policy EP25 of the adopted Unitary Development Plan (2004) requires consideration of such matters with regard to potentially noise generating uses.

As such, and given that the development under consideration reflects the development considered by the inspector, the application turns on the quality of the information provided within the current application, and whether this is sufficient to support the claim that the amenities of neighbouring occupiers and those of the occupiers of the flats created as a result of the development will be protected from disturbance arising from the conversion.

Nonetheless, for completeness, other matters relating to the development will also be considered below.

1) Character and Appearance of the Area and Residential Amenity

London Plan policy 4B.1 seeks to ensure that new development promotes high quality inclusive design, creates or enhances the public realm and respect local context, history, built heritage, character and communities. Saved policy D4 of the Harrow UDP follows on from the principles set out under London Plan policy 4B.1 and seeks a high standard of design and layout in all developments proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design. Developments should have regard to scale and character of surrounding environment and should be appropriate in relation to other building in the street, and respect massing, composition, proportion and materials of the surrounding townscape, and attention should be paid to the urban 'grain' of the area in terms of building form and patterns of development (paragraph 4.11). Roof designs that create visual interest will be encouraged provided they do not detract from the character of the area.

Saved policy D4 of the Harrow UDP (2004) states that new development should take into account the character and landscape of the locality (paragraph 4.10) and that developments should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street (paragraph 4.11). The development does not seek to make significant alterations to the exterior of the building, with the exception of the erection of a porch.

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and conversions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30th September to 28th October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15th December 2010. This guidance acknowledges the impact that extensions to properties can have significant impacts and that these should be sensitive to the situation in which they find themselves. The guidance also recognises that front extensions have the greatest potential impact on the character and visual amenity of the streetscene. It notes that residential buildings in Harrow generally have a clear building line and that small front porches may be permitted in certain circumstances if they are sympathetic to the dwelling and the surrounding area.

The porch is separated from the main front bay and is similar to those existing on the other parts of the street. The porch is considered to be sympathetic to development within the surrounding streetscene and the scale and proportions of the dwelling and is therefore considered to be consistent with the intentions of saved Policy D4 of the Harrow UDP and the provisions of the Residential Design Guide. Furthermore, the external alterations to the building were considered under appeal APP/M5450/A/10/2132227 (the appeal) and were found by the Inspector to be acceptable. Given that no alteration to the porch from that existing is proposed, the development is considered to be acceptable in this respect.

2) Conversion of Building to Flats

As stated above, saved policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals. Saved policy D5 of the Harrow UDP seeks to ensure that new residential development provides amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, is a usable amenity area for the occupiers of the development and is a visual amenity. The Council, subsequent to the appeal on this site has adopted the document Supplementary Planning Document "Residential Design Guide" (2010) which sets out in Paragraph 5.11 that the minimum space standards for new homes set out in the London Plan will be applied. When considering what is an appropriate standard of accommodation and quality of design the Council is mindful of the Housing Quality Indicators (HQI) with reference to the Interim London Housing Design Guide (2009). Whilst noting that a departure from the industry standard HQI does not justify refusal in itself, it does highlight a shortfall in relation to PPS1, PPS3, London Plan policies and saved Harrow UDP policies. Each aspect of the conversion in the context of saved policies D4 and D5, Supplementary Planning Document "Residential Design Guide" (2010) and the Interim London Housing Design Guide is addressed accordingly below.

Circulation and layout

In terms of the overall gross internal area (GIA) of the ground floor flat at 58sqm, the proposal is shown to be below the GIA set out in the Interim Design Guide (61sqm) for a 2 bed three person unit. Notwithstanding this, the layout of the development onsite was sufficient to convince the Inspector within the appeal that the development was appropriate for its use. The Inspector concluded (in paragraph 13 of his decision) that the layout of the ground floor flat has not resulted in a cramped and substandard form of accommodation which would be detrimental to the amenities of future occupiers. The inspector concluded that the development would therefore not conflict with the Development Plan or the SPD.

With regard to the amenities of the occupiers of this unit, both bedrooms are provided with the primary windows serving bedrooms on their front elevation. Whilst for a dwelling the separation from the road would be sufficient to restrict overlooking, a conversion into flats would mean that headlight glare, overlooking and disturbance, from residents of the upper floor unit entering and exiting the site, this poor layout would be exacerbated by the proximity of the main front entrance to the bedroom windows of the ground floor flat.

This point formed a reason for refusal in the previous decision by the Council, however it was acknowledged that a condition requiring parking to be reserved for the ground floor occupiers would resolve this issue. In paragraphs 16 to 20 of his decision, the Inspector did not agree however that disturbance caused by activities associated with the upper floor occupiers would cause harm to the ground floor occupiers and concluded that such activities would not result in an unacceptably poor standard of accommodation for future occupiers. He concluded that there would be no conflict with the UDP.

It is noted that there are secondary windows on the side elevation of the building serving bedroom 1 and the dining room of the ground floor flat. These would be overlooked by the residents of the upper floor unit whilst accessing the rear garden, however given that these are secondary, were the application to be acceptable in other respects a condition requiring this to be retained in obscure glazing is recommended to be attached.

The second bedroom of this 2 bedroom flat appears to be capable of accommodating a double bed, although once associated furniture was introduced this would be difficult, it is therefore considered that this would be likely to be used as a single bedroom. The floor areas for individual rooms are somewhat below the standard expected for such a unit, however the flow of space and open plan nature of the flat would be considered to result in a development which would be appropriate for its intended purpose and was not found to be harmful by the Inspector in his consideration of the development.

Stacking

The layout of the units shows similar rooms stacked over similar rooms to avoid any unreasonable disturbance and activity transmission between both flats, this is confirmed by the building regulations approval for the conversion.

Relationship with Neighbouring Occupiers

As discussed above, the inspector in Sections 22 to 28 of the appeal decision expressed concern about the noise protection for neighbouring occupiers and a need to demonstrate that the development would prevent harm to these occupiers in compliance with saved Policy D4 of the Harrow Unitary Development Plan. Whilst not considered by the Inspector, it is considered that saved Policy EP25 of the Harrow Unitary Development Plan (2004) which seeks to ensure that development minimises noise, vibration and disturbance to be minimised could be relevant here.

The current application has provided a noise assessment from Sitesound Consultants which measured distances between no. 58 and no. 60 and specifically the living room at no. 58 and bedroom one for "Flat A" and the kitchen/living room within "Flat B" and bedroom 2 at no. 58. The results of this assessment suggest that the development would exceed the requirements of Building Regulations for noise insulation between units in a conversion scheme (43 dB DnTw+Ctr) as specified within Section O of Approved Document E (2003) and that the measurements exceed the required insulation levels by between 3 and 6db in relation to the two neighbouring units.

Given that the development complies with and exceeds Building Regulations requirements, it is considered that the scheme has demonstrated that adequate measures to mitigate noise and disturbance between the living room of no. 58 Exeter Road and the adjacent bedroom of flat 1 on the ground floor and between the occupiers of the flats at no. 60 and the residential occupiers at no. 58 has been provided.

Access to Amenity Space

Policy D5 of the UDP does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided. Paragraph 5.15 and 5.16 of the Sustainable Design SPD also refers to the need for good quality rear garden space. In this case the surrounding area is characterised by large rear gardens. The development has sub-divided the gardens to provide a rear amenity space for each flat. The ground floor flat has a private garden area of approximately 64m² and the first floor flat has an area of approximately 105m². The provision of garden space is considered to be adequate for the use and size of dwellings. Based on these factors, it is considered that the amenity space is adequate for the future occupiers of the development and to the objectives set out under saved policy D5 of the Harrow UDP.

Landscape Treatment/ Refuse and Recycling Storage

Paragraph 4.21 of policy D4, recognises the contribution front gardens can make to the character of an area and the locality. Paragraph 5.8 of the SPD provides guidance as to the expected positioning and quality of refuse storage. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in policy D9. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene.

Policy D4 also refers to the storage of refuse and waste and state that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. The proposal seeks to retain the existing front garden which is characterised by mixture of soft and hard landscape treatments. The principle of this is considered acceptable.

The proposal shows that 6 no. bins would be located in the rear garden. The bins serving the upper floor unit are some distance from the dwelling, however these could be relocated if required so that they were closer to the highway (whilst still behind the building). The number of binstores provided and the amount of room available for their placement would be considered to comply with policy D4 of the Harrow UDP.

Correspondence received as part of the application process suggests that tenants of the development are storing bins in the front garden of the property. A condition has been recommended requiring bins to be returned to their designated location at times other than on collection days.

Impact on Neighbouring Amenity

Notwithstanding the comments above in relation to noise and disturbance internally between properties, it is acknowledged that conversion has the potential to increase residential activity on the site, expressed through comings and goings to the property. However, given the modest size of the flats, it is considered that this proposal has not been detrimental to the amenity of neighbouring occupiers. It is noted that the applicants have retained a single entrance door and has made no other external alterations to the dwelling except for a porch. Given that the parking requirements (as defined within The Harrow UDP) are similar to the dwelling existing and that the intensity of use is similar, it is considered that there are not any significant impacts on the character of the area or amenity of neighbouring occupiers in this respect.

Traffic and Parking

It is noted that the Inspector considered that noise and disturbance from first floor associated vehicles could cause harm to the amenities of the ground floor units, if they were to arrive or depart at unusual times. As such it is recommended that a condition be added to ensure that parking is reserved for the occupiers of the ground floor flat.

There has been no objection raised to the development by Highways officers , paragraph 5.4 of the SPD suggests that parking for only one vehicle will be accommodated at ground floor level, this would generally mean that the occupants of one unit would be required to park onstreet. Exeter Road is unrestricted and there appeared, at the time of site visit, to be no issue with parking on the highway. It is considered that the provision of potentially two spaces (subject to the crossing being widened) provides sufficient parking for the site and would not result in significant harm for the amenities of neighbouring occupiers or significant congestion onstreet.

3) S17 Crime & Disorder Act

The application has not proposed alterations to the building which would result in any significant increase in crime or risk of crime, as such the development is considered to be acceptable.

4) Consultation Responses:

The objection received during the course of this application in relation to noise arising from the development, has been addressed within the foregoing text.

CONCLUSION

Therefore for all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the sealing of a legal agreement and the following conditions:

CONDITIONS

1 The development hereby permitted shall be retained in accordance with the following approved plans: 60/01; 60/02; 60/03; 60/04; 60/05; 60/06; Site Plan; Location Plan; Planning Statement; Sitesound Insulation test;

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

2 Except on collection days, the refuse bins shall be stored in the positions shown on drawing 60/01.

REASON: In the interests of the amenities of neighbouring occupiers and the visual amenity of the street scene, and in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2004.

3 All planting, seeding or turfing comprised in the approved details of landscaping shall be completed within one year following the date of approval of this application. 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 pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004).

4 The parking spaces provided in the front garden area of the site, shall be used only by the occupants of the ground floor flat and their visitors.

REASON: In order to prevent unreasonable noise and disturbance arising from the activities of upper floor occupiers as a result of the proximity of ground floor habitable rooms to the parking spaces, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004)

INFORMATIVES

1 The decision to **GRANT** permission for the conversion of the dwelling into two flats, provision of two parking spaces, refuse, landscaping and alterations to front porch has been taken having regard to the policies and proposals within PPS1, and PPS3, and the saved policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The development is considered acceptable and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

The London Plan:

3A.1 Increasing London's supply of housing

3A.2 Borough Housing Targets

3A.5 Housing Choice

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 New Residential Development – Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

C16 Access to Buildings and Public Spaces

H0 Maintenance and Improvement of Housing Stock

T13 Parking Standards

EP25 – Noise

Supplementary Planning Documents

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

PPG24 Planning and Noise (1994)

Supplementary Planning Document 'Residential Design Guide' (2010)

Supplementary Planning Document 'Accessible Homes' (2010)

2 The applicant is advised that the provision of a widened access would require a separate application to the Council and that any extension should not exceed 3.6m.

Plan Nos: 60/01; 60/02; 60/03; 60/04; 60/05 60/06; 60/07; 10A014/PL02 A; Location Plan; Sitesound Noise Assessment; KR Associates (UK) Noise Assessment; Planning Statement;

**GARAGES REAR OF CHESTER COURT, P/1238/11
SHEEPCOTE ROAD, HARROW, HA1 2LJ**

Ward: GREENHILL

DEMOLITION OF EXISTING GARAGES PROPOSED THREE 2 BEDROOM MEWS
TYPE HOUSES WITH 8 CAR PARK SPACES (REVISIONS TO PLANNING
PERMISSION P/0200/07/CFU ALLOWED ON APPEAL REF
APP/M5450/A/07/2053472 DATED 18 DECEMBER 2007) (RESIDENT PERMIT
RESTRICTED)

Applicant: Haynes (Holdings) Company Ltd
Agent: Barker Parry Town Planning Ltd
Case Officer: Gerard Livett
Statutory Expiry Date: 28-JUL-11

RECOMMENDATION

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

REASON:

The decision to GRANT planning permission has been taken as the proposal would provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)
Planning Policy Statement 3 – Housing (2010)
Planning Policy Guidance 13 – Transport (2011)
Planning Policy Statement 25 – Development and Flood Risk (2010)

London Plan:

3A.1 – Increasing London's supply of housing
3A.2 – Borough housing targets
3A.3 – Maximising the potential of sites
3A.4 – Efficient use of stock
3A.5 – Housing choice
3A.6 – Quality of new housing provision
4B.1 – Design principles for a compact city
4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout
D5 – Residential Amenity
D9 – Streetside Greenness and Forecourt Greenery
D10 – Trees and New Development
T6 – The Transport Impact of Development Proposals

T13 – Parking Standards
C16 – Access to Buildings and Public Spaces
EP12 – Control of Surface Water Run-off

Supplementary Planning Document, Accessible Homes (2010)
Supplementary Planning Document, Residential Design Guide (2010)
Harrow Strategic Flood Risk Assessment (2009)

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

- 1) Principle of Development
- 2) Character and Appearance of the Area (PPS1, 4B.1, 4B.8, D4, D9, D10)
- 3) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPDs)
- 4) Parking and Highway Safety (T6, T13)
- 5) Housing Provision (3A.1, 3A.2, 3A.3, 3A.4, 3A.6)
- 6) Control of Surface Water Run-off (PPS25, SFRA, EP12)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is referred to the planning committee as the development is for three dwellinghouses and exceeds the limit of category 2 of the Scheme of Delegation.

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area	1627 m ²
Density:	105 dph (including existing flats in Chester Court)
Lifetime Homes	3
Wheelchair Homes	0
Council Interest:	Access road through site (leading to Kensington Heights) is adopted public highway but is not in Council ownership

b) Site Description

- Chester Court is a 4-storey block of flats located on the north side of Sheepcote Road.
- To the rear of Chester Court there are two blocks each of of 7 flat-roofed garages.
- Vehicle access to the garages from Sheepcote Road is via a service road between Chester Court and flats at Shepherds Court. This service road also serves flats at Kensington Heights, Tempsford Court and other buildings to the rear. In the case of Kensington Heights, the service road passes across the application site behind the Chester Court garages.

c) Proposal Details

- Demolition of existing garages and construction of three 1.5 storey mews type houses with accommodation in roofslope
- The three houses would each have two front dormers and walled gardens

- The terrace would be 20.7m long, 8.6m wide and a maximum of 7m high
- Each house would have a living room / kitchen on the ground floor and two bedrooms and a bathroom on the first floor
- Two of the houses would share a 3m forward projection containing an entrance lobby and cloakroom
- The third house would not have this entrance style, but would have a larger footprint
- The three houses would each have a dedicated parking space in a block at the southeast side of the terrace
- The proposal includes details of a revised access road layout (compared to the approved scheme) and six parking spaces for the flats in Chester Court
- The proposal includes a refuse storage area at the rear of the site for the mews houses, and two refuse storage enclosures, each 1.5m high, 3.3m long and 1.4m deep at the front of the site either side of the access road from Sheepcote Road

Revisions to previous applications:

Following the previous grant of planning permission (reference P/0200/07/CFU allowed on appeal), the following amendments have been made:

- Access road alignment to remain as existing
- Eight parking spaces omitted from northeast periphery of site

d) Relevant History

LBH/2129/1	ERECTION - 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (OUTLINE)	GRANTED 09-OCT-67
LBH/2129/4	ERECTION 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (IN COMPLIANCE WITH CONDITIONS 1,1A,1B,2,4,5,6,7,8 9, AND 10 OF PLANNING CONSENT 3/10/67)	GRANTED 12-AUG-68
WEST/45102/92/FUL	APPLICATION UNDER REG.4 OF THE TOWN & COUNTRY PLANNING GEN. REGS. 1976: EXTENSION TO EXISTING SERVICE ROAD	GRANTED 19-AUG-92
P/1129/03/CFU	DEMOLITION OF LOCK-UP GARAGES & REDEVELOPMENT TO PROVIDE 4 TWO STOREY HOUSES.	REFUSED 02-OCT-03
P/2255/04/CFU	REDEVELOPMENT TO PROVIDE DETACHED TWO STOREY BLOCK OF 4 HOUSES WITH REPLACEMENT PARKING SPACES	REFUSED 31-JAN-05 APPEAL DISMISSED 24-APR-06

P/2708/05/DFU	THIRD FLOOR EXTENSION TO BOTH SIDES AND CONVERSION FROM ONE TO TWO SELF-CONTAINED FLATS (RESIDENT PERMIT RESTRICTED) (Flat 13, CHESTER COURT)	GRANTED 10-JAN-06
P/0200/07/CFU	DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF THREE 2 BEDROOM MEWS TYPE HOUSES WITH 14 CAR PARK SPACES.	REFUSED 10-APR-07 APPEAL ALLOWED 18-DEC-07
P/3466/07/DFU	CONSTRUCTION OF THREE, TWO-BEDROOM MEWS TYPE HOUSES AT REAR OF EXISTING BLOCK, WITH 17 CAR PARKING SPACES AND REFUSE/WASTE STORAGES; DEMOLITION OF EXISTING GARAGES	REFUSED 22-FEB-08

Reason for Refusal:

The proposed refuse storage, by reason of its unsatisfactory siting and design, would be visually obtrusive and detrimental to the character and appearance of the area and the visual amenities of residential occupiers and would thereby fail to comply with policy D4 of the Harrow Unitary Development Plan (2004) and the objectives of the Council's Code of Practice for storage and collection of refuse.

P/3897/08	DETAILS PURSUANT TO CONDITIONS 2 (MATERIALS), 3 (LANDSCAPING) AND 5 (REFUSE STORAGE) ATTACHED TO PLANNING PERMISSION P/0200/07/CFU ALLOWED ON APPEAL (PINS REF: APP/M5450/A/07/2053472) DATED 18-DEC-2007 FOR DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE TWO-BEDROOM MEWS TYPE HOUSES	APPROVED 10-FEB-09
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e) Pre-Application Discussion

- None

f) Applicant Statement

- Proposal would redevelop unused and semi-derelict garages
- Building is identical to that allowed on appeal
- Proposal is required as access road has been adopted, and this scheme would keep existing alignment

g) Consultations

Waste Management Policy Officer: No response received

Drainage Engineers: Conditions required to control surface water run-off in accordance with guidance from the Harrow Strategic Flood Risk Assessment

Highways Engineer: This application has been brought about in order to avoid the realignment of the rear service road which is an adopted public highway. Such realignment would necessitate 'stopping up' processes which the applicant wishes to avoid.

The proposal for 3 two bedroom mews houses would provide 3 parking spaces which is within the Council's UDP and London Plan standards. Facilitation of these dwellings would involve the demolition of the existing garages affiliated to Chester Court which have been demonstrated to be unused by residents. On this premise their loss is considered acceptable and unlikely to be of measurable detriment to current flat occupiers.

The proposal would facilitate the 14 existing Chester Court Flats with 6 parking spaces as compared to the 14 spaces proposed as part of the previous application. This potential reduction has been highlighted by one residential occupier however it is noted that if Chester Court were to be redeveloped at this time, it would be accepted that under current parking restraint policies, the site would be as 'car free' as possible given the high sustainability of the location in terms of public transport connections.

This then justifies a lower overall provision as is proposed.

The arrangement of spaces 1 and 2 is not ideal as their independent operation is questionable. However it would be anticipated that an internal site management regime would allow for the adequate operation of this provision. Notwithstanding this fact, together with the non-use of the garages for their intended purpose, the reduced quantum of spaces (an average ratio of less than 0.5 per unit) for Chester Court is considered acceptable as is the principle of the service road remaining in place.

Emergency vehicle, Refuse and cycle provisions are as for the previous permission hence they are considered acceptable.

Notifications:

Sent : 133

Replies : 1

Expiry: 05-JUL-11

Neighbours consulted:

Nightingale Court, Shepcote Road: All flats (1-39)

Kensington Heights, Shepcote Road: All flats (1-38)

Chester Court, Shepcote Road: All flats (1-14)

Shepherd's Court, Shepcote Road (1-28)

Northwick Park Road: 23, 23A, 25, 27, 29, 31, 33

Summary of Responses:

- Proposal would result in a loss of available on street parking which will impact on local residents. A reduction in limited existing spaces would cause real problems

APPRAISAL

1) Principle of Development

The principle of the demolition of the existing garages on the site and the construction of three mews-type houses has been established through planning permission P/0200/07/CFU which was allowed on appeal, and the subsequent approval of details.

Since the appeal was allowed in December 2007, the Council has adopted two Supplementary Planning Documents: one on accessible homes and the Residential Design Guide. The other significant policy change since the appeal was allowed is that the Draft Replacement London Plan has been published and significant progress towards adoption has been made, with the Inspector's report into the examination in public having been published in May 2011. The Draft Replacement London Plan contains space standards for new developments that are reflected in the Council's adopted SPD, Residential Design Guide.

The current proposal includes modifications to the access road layout and a reduction in the number of proposed parking spaces.

None of the changes in the policy background or the proposal are considered sufficient to reach a different conclusion regarding the acceptability of the proposal, in principle.

2) Character and Appearance of the Area

In dismissing an appeal in 2006, the Inspector considered that the development of four mews type houses would not have a significant adverse effect on the character and appearance of the area. This view was supported by the Inspector in allowing the second appeal in 2007.

Details of the external materials of the scheme allowed on appeal were subsequently approved, and those details have been included in the application form and submitted drawings. A condition requiring these details to be implemented, rather than a pre-commencement condition, is therefore attached.

Details of the landscaping are also included and are also considered satisfactory, and therefore an implementation and maintenance condition is considered sufficient.

The proposed refuse storage areas at the front of the site are considered acceptable and have previously been approved.

Given the compact and restricted nature of the site and proposal, a condition restricting permitted development rights is considered appropriate to avoid any further development on the site without the prior approval of the local planning authority. This approach was supported by the Inspector at the successful appeal.

3) Residential Amenity, including Lifetime Homes

Concerns that had been raised by residents of Chester Court on the previous schemes with regards to overlooking from the new houses were considered not to be significant given the change in levels of approximately 2m between the existing flats and the new mews houses and the separation of 6.4m between the rear of Chester Court and the rear walls of the proposed houses.

The room sizes of the three houses is as follows:

Living room / Kitchen / Dining Room: 33 sq.m. (two houses); 37 Sq.m. (third house)

Bedroom One: 14 sq.m. (two houses); 20 sq.m. (third house)

Bedroom Two: 8 sq.m. (all houses).

These room sizes, and the internal layouts, are considered acceptable and would broadly comply with the requirements of the Interim Housing Design Guide and the requirements of Lifetime Homes Standards.

The amenity space for the houses would be limited (approximately 30 sq.m.) and would be at the front of the houses and screened by 2m high walls. However, given the town centre location, the type of accommodation and the Inspector's comments in allowing the appeal, the amenity space is considered sufficient to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

4) Parking and Highway Safety

The significant change with the application scheme compared to that allowed in appeal is the reduction in the total number of parking spaces for Chester Court and the mews houses as a whole. The scheme allowed on appeal would have had 14 parking spaces for Chester Court and three for the proposed houses, as opposed to the six spaces proposed for Chester Court and three for the proposed houses. This represents a reduction on eight parking spaces for the whole site.

This would allow for the retention of the current alignment of the service road, which has been adopted since the previous scheme was allowed on appeal, and avoid any necessity for a 'stopping up' procedure.

The current alignment of the service road is considered acceptable in terms of access for emergency and refuse vehicles.

Although the 2011 revision to PPG 13: Transport, removes national maximum standards for new residential development, the parking restraint policies of the London Plan and the Harrow Unitary Development Plan remain.

Observational analysis by the Inspectors and the Council's Highways Engineers indicate that the current parking spaces are under used, and that the level of parking provision proposed (a total of nine spaces) would be sufficient.

There would be no loss of parking provision as a result of the demolition of the garages as they are vacant and have not been used for parking for several years. Their semi-derelict condition also suggests that they are not suitable for parking.

The provision of parking spaces, both for the proposed houses and the existing flats are within adopted development plan standards and accord to a policy emphasis to making development in sustainable locations such as this as car free as practicable.

To prevent the loss of any of the parking spaces, a condition requiring these to be used only in connection with Chester Court and the development proposed is recommended.

Subject to a further condition preventing the occupiers of the development from being able to obtain permits for the surrounding controlled parking zone, the proposal is considered acceptable on transport and highway safety grounds.

5) Housing

The proposal represents an additional 3 units to Harrow's housing stock, which would make a positive contribution to the borough.

6) Control of Surface Water Run-off

Since the previous proposal was allowed on appeal, the Council has adopted a Strategic Flood Risk Assessment (SFRA), which aims to control the level of surface water run-off in the Borough. The SFRA supports the aims of saved policy EP12 of the Harrow Unitary Development Plan and national Planning Policy Statement 25 – Development and Flood Risk.

Following consultation with the Council's Drainage Engineers, it is considered appropriate that conditions regarding surface water drainage and surface water storage and attenuation be recommended to prevent surface water run-off from the site.

7) S17 Crime & Disorder Act

The applicant has indicated that the proposal would comply with the principles and practices of Safer Places and Secured by Design.

The existing garages present opportunities for crime in the form of graffiti and criminal damage. The proposed houses would introduce active frontages with natural surveillance and could reduce opportunities for crime and disorder in this part of Chester Court.

8) Consultation Responses

- Proposal would result in a loss of available on street parking which will impact on local residents. A reduction in limited existing spaces would cause real problems – this matter has been addressed in the Parking and Highway Safety section of the appraisal

CONCLUSION

The proposal would provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, the residential amenities of neighbouring occupiers or on parking or highway safety.

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

CONDITIONS

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

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

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

Location Plan; Site Plan; 03/578/32; 03/578/34; 03/578/36; 03/578/37; 03/578/38; 03/578/39; Design, Access and Planning Statement; Planting Schedule

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

3 The external materials of the development hereby approved shall be as detailed in the application form, accompanying drawings and Design and Access Statement.

REASON: To ensure a satisfactory form of development and to safeguard the character and appearance of the development and the area, as required by saved policy D4 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, as required by saved policies D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and 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 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 parking space and to safeguard the amenity of neighbouring residents, as required by saved policies D4 and D5 of the Harrow Unitary Development Plan (2004)

6 The proposed parking spaces shall only be used for the parking of vehicles in connection with Chester Court and the development hereby permitted and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To safeguard the provision of parking spaces and to minimise parking stress in the area, as required by saved policies D4, T6 and T13 of the Harrow Unitary Development Plan (2004).

7 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses the landscaping and sustainability requirements of saved policies T13, D4 and D9 of the Harrow Unitary Development Plan (2004).

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

The works for the disposal of surface water shall be installed in accordance with the approved details prior to the completion of the development hereby permitted and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25, and to comply with saved policy EP12 of the Harrow Unitary Development Plan (2004).

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

The surface water storage and attenuation works shall be installed in accordance with the approved details prior to the completion of the development hereby permitted and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25, and to comply with saved policy EP12 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 INFORMATIVE

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to GRANT planning permission has been taken as the proposal would provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

Planning Policy Guidance 13 – Transport (2011)

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

London Plan:

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

3A.2 – Borough housing targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient use of stock

3A.5 – Housing choice

3A.6 – Quality of new housing provision

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

EP12 – Control of Surface Water Run-off

Supplementary Planning Document, Accessible Homes (2010)

Supplementary Planning Document, Residential Design Guide (2010)

Harrow Strategic Flood Risk Assessment (2009)

2 INFORMATIVE

THE PARTY WALL ETC. ACT 1996

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE

CONSIDERATE CONTRACTOR CODE OF CONDUCT

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

4 INFORMATIVE

DRAINAGE CONDITIONS

The applicant is advised to contact the Council's Drainage Section on 020 8424 1583 to discuss the necessary construction and design criteria to comply with the drainage conditions.

Plan Nos: Location Plan; Site Plan; 03/578/32; 03/578/34; 03/578/36; 03/578/37; 03/578/38; 03/578/39; Design, Access and Planning Statement; Planting Schedule

10 RICKMANSWORTH ROAD, PINNER, HA5 P/0541/11
3TG

Ward: PINNER

SINGLE STOREY FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER; ALTERATIONS TO ROOF TO FORM REAR DORMER AND EXTENSION TO EXISTING FRONT DORMER

Applicant: Mr Sam Thompson
Agent: Chess Architecture
Case officer Ian Hyde
Statutory Expiry Date: | 16-JUN-11

RECOMMENDATION

Recommendation A:

Grant permission for the development subject to the signing of a s106 legal agreement within 6 months and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the s106 legal agreement and to agree any minor amendments to the conditions or the legal agreement. The Legal Agreement would contain an undertaking to ensure that Planning Permission reference P/2699/10 dated 30/11/2011 would not be implemented in conjunction with the consent under consideration, the heads of terms would require the following:

1. To only Implement either Planning Permission Ref: P/0541/11 or Planning Permission Ref:P/2699/10
2. To notify the Council in writing of the date of Implementation of either of the Planning Permissions together with confirmation of which of the two planning permissions has been Implemented
3. In the event that the first Planning Permission is Implemented, not to Implement, cause or permit Implementation of any part or parts of the second Planning Permission
4. In the event that the second Planning Permission is Implemented not to Implement cause or permit Implementation of any part or parts of the first Planning Permission
5. The payment of the Council's reasonable costs associated with preparing the agreement.

REASON:

The decision to **GRANT** permission for a single storey front extension, single storey side to rear extension including extension of roof over, alterations to form rear dormer and extension to existing front dormer has been taken having regard to all relevant material considerations, including the potential for the development to fail to respect the character of the area and the amenities of the neighbouring occupiers. All matters have been considered with regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below. Regard has also been had as outlined in the application report:

London Plan 2008:

4B.1, Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 Standard of Design and Layout,

D5 New Residential Development – Amenity Space and Privacy,

Supplementary Planning Document:

“Residential Design Guide” (2010).

Recommendation B:

That if the Section 106 Agreement is not completed within 6 months of 13th July 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

1 The proposed roof level alterations, in conjunction with the alterations approved under reference P/2699/10 approved 30/11/2010, would result in an unacceptably large, and unduly obtrusive development which would be to the detriment of the character of the original dwelling and the area, and the visual amenities of neighbouring occupiers contrary to policies D4 and D5 of the Harrow Unitary Development Plan and Supplementary Planning Document: Residential Design Guide (2010).

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

- 1) Design & Character of Area (D4, D5, of the UDP, SPD)
- 2) Residential Amenity (D4, SPD)
- 3) Section 17 Crime and Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee as it involves the creation of a legal agreement in order to ensure that the previously approved decision P/2699/10 dated 30/11/2010 would not be implemented.

a) Summary

Statutory Return Type: Minor

Council Interest: None

b) Site Description

- 10 Rickmansworth Road is one of a pair of distinctive hipped roof bungalows (Nos 10 and 16) which flank a private access (the access) leading to an additional two bungalows at No.s 12 and 14 Rickmansworth Road to the rear.
- To the south of the site, across Rickmansworth Road is the Starling Public House.

- The bungalow style is characterised by the provision of pitched roofs, projecting front bays and in the case of no. 16 and the site, attached flat roof side garages on common boundaries with the access to rear.
- The property has been previously extended through the provision of a front dormer window, whilst no. 16 is un-extended.
- No. 16 appears to have been provided with a widened front bay window at some time in the past.
- Notwithstanding the 4 dwellings referred to above, the predominant character of dwellings in this area is interwar period semi detached pairs and no.s 10-16 provide some relief and a sense of openness against the general two storey skyline in the area.

c) Proposal Details

- The application proposes to provide an infill extension to the side of the existing dwelling replacing the existing garage and projecting behind its current rear elevation to a depth of 4.83m (to match the original rear projection) and the introduction of a hipped roof with gable end to rear over the resultant development (the outrigger).
- The development further proposes the installation of a rear dormer window on the north eastern facing roofslope. This extension would have a maximum width of 5.6m, and would intersect with the proposed rear roof projection. This extension would also retain a distance of some 1000mm at its closest point from the rear and side hip junction. Two windows would be proposed within the rear elevation of this roofslope.
- Widening the front dormer by 2.75m from 5.6m to 8.35m.
- Extending the width of the front bay window to an overall width of 5.6m.

d) Revisions to the previous applications

- There have been a number of applications on this site, primarily involving alterations to the placement and size of dormer windows on side and rear roofslopes.
- With regard to application P/2699/10, the side dormer window previously proposed, has now been removed and replaced by a rear dormer window.

e) Relevant History

LBH/12146	ERECTION OF SINGLE STOREY EXTENSION TO REAR OF BUNGALOW	GRANTED 22-SEP-76
P/1053/10	SINGLE STOREY FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER; ALTERATIONS TO ROOF TO FORM TWO SIDE DORMERS AND ONE REAR DORMER: EXTENSION TO EXISTING FRONT DORMER.	REFUSED 25-JUN-10

Reason for Refusal:

The proposed development, by virtue of the excessive width of the front and side dormer windows, in conjunction with their proximity to respective side, rear and front roof junctions, and in conjunction with the corner location of the site would result in a poor quality alteration which would fail to respect the massing and scale of the original dwelling or the established character of roof forms in the area, as such the development would be contrary to saved Policy D4 of the Harrow Unitary Development Plan 2004 and the provisions of Supplementary Planning Guidance Extensions: *A Householders Guide* 2008.

P/1800/10	SINGLE STOREY REAR FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER ALTERATIONS TO ROOF TO FORM TWO SIDE DORMERS AND ONE REAR DORMER EXTENSION TO FRONT TO FRONT DORMER WINDOW.	REFUSED 01-SEP-10
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Reason for Refusal:

The proposed side dormer window within the roof of the proposed extension would result in a poor quality alteration which would fail to respect the massing and scale of the original dwelling or the established character of roof forms in the area and whose impact would be exacerbated by the exposed nature of its location. As such the development would be contrary to saved Policy D4 of the Harrow Unitary Development Plan 2004 and the provisions of Supplementary Planning Guidance Extensions: *A Householders Guide* 2008.

P/2699/10	SINGLE STOREY FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER; ALTERATIONS TO ROOF TO FORM SIDE DORMER; EXTENSION TO EXISTING FRONT DORMER.	GRANTED 30-NOV-10
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P/3508/10	SINGLE STOREY FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER; ALTERATIONS TO ROOF TO FORM SIDE TO REAR DORMER AND EXTENSION TO EXISTING FRONT DORMER.	REFUSED 16-FEB-11
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Reason for Refusal:

The proposed rear dormer window, by reason of its design, bulk, proximity to the rear roof hipped end and intersection with the proposed side dormer window and in conjunction with the other proposed extensions to the dwelling, would result in overly dominant extensions to the roof of the bungalow which would fail to respect the scale, shape and massing of the original dwelling and which would be detrimental to the appearance of the dwellinghouse and the character of the area, contrary to saved Policy D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Document: *Residential Design Guide* (2010).

P/3509/10	SINGLE STOREY FRONT EXTENSION; SINGLE STOREY SIDE TO REAR EXTENSION INCLUDING EXTENSION OF ROOF OVER; ALTERATIONS TO ROOF TO FORM SIDE TO REAR DORMER AND EXTENSION TO EXISTING FRONT DORMER AND INCREASE OF RIDGE HEIGHT OF ROOF	REFUSED 16-FEB-11
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Reason for Refusal:

The proposed raising of the roof and installation of the side to rear dormer window, by reason of their design, bulk and massing, would result in overly dominant extensions to the roof of the bungalow which would fail to respect the scale, shape and massing of the original dwelling, which would be detrimental to the appearance of the dwellinghouse and the character of the area, contrary to saved Policy D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Document: Residential Design Guide (2010).

f) Pre-Application Discussion

- None.

g) Applicant Statement

- None

h) Consultations:

Pinner Association: No response

English Heritage: No Response

Notifications:

Sent to 6 Neighbouring No Response
occupiers
No.s 3, 5, 8, 12, 14 and 16
Rickmansworth Road.

Expiry: 08-JUN-11

Summary of Response:

None

APPRAISAL

1) Context Scale and Character

London Plan policy 4B.1 seeks to ensure that new development promotes high quality inclusive design, creates or enhances the public realm and respect local context, history, built heritage, character and communities. Saved policy D4 of the Harrow UDP follows on from the principles set out under London Plan policy 4B.1 and seeks a high standard of design and layout in all developments proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design.

Developments should have regard to scale and character of surrounding environment and should be appropriate in relation to other building in the street, and respect massing, composition, proportion and materials of the surrounding townscape, and attention should be paid to the urban 'grain' of the area in terms of building form and patterns of development (paragraph 4.11). Roof designs that create visual interest will be encouraged provided they do not detract from the character of the area.

Policy D4 of the Harrow UDP requires a high standard of design for all proposals whilst Supplementary Planning Guidance "Extensions: A householders Guide" provides advice as to the size of extensions expected within development sites.

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and conversions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30th September to 28th October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15th December 2010. This guidance acknowledges the impact that extensions to properties can have significant impacts and that these should be sensitive to the situation in which they find themselves. The guidance also recognises that roof alterations may significantly alter the appearance of a building. Roof alterations and dormer windows should complement the original street character and not dominate buildings or impair their proportions or character.

The application proposes several roof level alterations which are enabled through a single storey side extension. These would be built over land currently occupied by the side garage and to the rear of this. A pitched roof and crown would be provided over the extension which would also widen the main front roof of the dwelling.

As described below, it is considered that the proposed development would address the reasons for refusal contained within previous applications on this site and that the proposed development can be supported.

With regard to the roof level alterations, the proposal seeks to extend the existing dormer window to front and to introduce a rear dormer

Harrow Council Adopted Guidance within paragraph 6.68 suggests that alterations involving the installation of dormers should retain a clearly visible section around the sides of a dormer (including the upper corners) in order to visually contain it within the roof.

Supplementary Guidance suggests that a separation of 1m should be retained from any non-party wall roof edge (in order to minimise impacts), the side dormer now respects this separation requirement and would be set away by the requisite distance.

It is noted that the northern point of the extended front dormer window would be within 1m of the roof edge, however given that this situation exists currently and that the proposed roof alteration would actually increase the separation of the dormer from the northern roof boundary this alteration is considered to be, on balance, a positive step. Additionally as the alterations would provide a more balanced appearance for the front elevation (with the dormer centralised within the roof slopes), it is considered that a departure from Guidance can be supported in this instance.

The rear projection proposed within the application and its pitched and gable ended roof would result in a significant extension to the property. This would be visible from the highway, however the extension would be in keeping with the scale and character of the existing building and the increased side and rear projection is not considered to overly dominate it.

With regard to the provision of roof lights on the western side elevation of the building, given that the windows would be introduced at the equivalent of first floor level and would not interrupt the shape of the roof of the structure, they would not be considered to be overly dominant within the street scene and in this instance can be supported.

The development proposes a dormer window on the rear elevation of the building which would retain a 1m separation from the gable wall. The extension would be screened by the main roof slope of the building and would not be visible from the highway. Whilst it would link into the new side roofslope, this relationship would not be obvious nor unacceptably out of character with the area.

It is noted that application P/2699/10 approved a similar development (but with side dormer instead of rear) and that this consent is extant. It would therefore be possible for the applicants, if the current application was approved to implement both consents. which would represent an overly intensive development within the roofslope and be consequently detrimental to the scale of the dwelling and the character of the area. In order to prevent such a situation occurring, and to avoid any implementation of both consents, it is recommended that the applicant be required to sign a Section 106 agreement which would undertake to not construct the previously approved consent in conjunction with the development under consideration. This undertaking would avoid the risk of an overdeveloped roof and protect the amenities of the neighbouring occupiers and the character of the area.

Therefore, subject to conditions and the signing of a legal agreement as described above, this aspect of the development is aspect of the application is therefore considered to be acceptable.

With regard to the extension of the front bay window, the increase in width would be in proportion with the main frontage of the building as extended. It is not considered that this in itself would over-dominate the dwelling, materially change its proportions, nor would it be out of character with the neighbouring bungalow (no. 16) which has previously been similarly extended. As such, on balance, this element of the scheme can be supported.

Given the above considerations, the proposed development is considered to be appropriate to the scale and massing of the original dwelling and the visual amenity of the streetscene and as such it can be supported.

2) Neighbouring Amenity

With regard to impacts of overshadowing on No. 16 to the west, this would historically have been provided with a protected window in its side elevation however as this neighbouring dwelling has been extended to the side any such window has been lost.

In relation to overlooking from the loft room roof light's on this neighbouring property, these windows would offer the potential of overlooking of the rear garden of the neighbouring property. In order to address any harm arising from such overlooking, the development will be conditioned to be non opening and obscure glazed.

The proposed rear dormer window would have windows facing towards the rear garden. Whilst these would face towards the neighbouring properties to rear (No.s 12 and 14 Rickmansworth Road), a 15m separation from the rear boundary would be retained, thus adequately protecting the amenities of these neighbours. These impacts would be further mitigated as the proposed windows would only be at the equivalent of first floor level and would be facing the front windows of the neighbouring property. Given these considerations it is considered that the development would not result in unacceptable harm to the amenities of neighbouring occupiers.

3) S17 Crime & Disorder Act

The proposed alterations are not considered to result in an increase in crime or the fear of crime. As such the development would be considered to be acceptable in this respect.

4) S17 Crime & Disorder Act

It is considered that the proposed design of the development would not lead to an increase in perceived or actual threat of crime.

5) Consultation Responses:

No responses were received during the course of this application.

CONCLUSION

The decision to grant permission for a single storey front extension, single storey side to rear extension including extension of roof over, alterations to form rear dormer and extension to existing front dormer has been taken having regard to all relevant material considerations, including the potential for the development to fail to respect the character of the area and the amenities of the neighbouring occupiers.

Therefore for all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the sealing of a legal agreement and the following conditions:

CONDITIONS

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

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

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

REASON: To safeguard the appearance of the locality and in pursuance of saved Policies D4 of the Harrow Unitary Development Plan (2004).

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the south eastern flankwall and gable end of the dwelling, as extended, without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and in pursuance of saved Policy D5 of the Harrow Unitary Development Plan 2004.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: 2196/01; 2196/02; 2196/07 Rev.A.

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

INFORMATIVES:

1 The decision to **GRANT** permission for a single storey front extension, single storey side to rear extension including extension of roof over, alterations to form rear dormer and extension to existing front dormer has been taken having regard to all relevant material considerations, and the potential for the development to fail to respect the character of the area and the amenities of the neighbouring occupiers. All matters have been considered with regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan set out below. Regard has also been had as outlined in the application report:

London Plan 2008:

4B.1, Design Principles for a Compact City

Harrow Unitary Development Plan:

D4 Standard of Design and Layout,

D5 New Residential Development – Amenity Space and Privacy,

Supplementary Planning Document:

“Residential Design Guide” (2010)

Plan Nos: 2196/01; 2196/02; 2196/07 Rev.A.

SCHOOL BUILDING, LEAF SCHOOL, GROVE HILL, HARROW, HA1 3HE **Item: 2/08**
P/0911/11

Ward: HARROW ON THE HILL

SINGLE AND TWO STOREY BUILDING ADJACENT TO LEAF SCHOOLS TO FORM NEW BUILDING FOR ART DEPARTMENT; HARDSURFACING; NEW 2.1M HIGH WELD MESH FENCE AND PEDESTRIAN GATE

Applicant: The Keepers & Governors of Harrow School

Agent: Kenneth W Reed & Associates

Case Officer: Sarah MacAvoy

Statutory Expiry Date: 28-JUN-11

RECOMMENDATION

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

REASON

The proposals would not detract from the setting of the adjacent Listed Building or the character of the Conservation Area or unduly affect the amenities of neighbours. 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)

The London Plan:

3A.18 Protection and enhancement of social infrastructure and community facilities

3A.24 Education 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

3D.14 - Biodiversity and nature conservation

Harrow Unitary Development Plan 2004:

D4 The Standard of Design and Layout

D5 Residential Amenity

D10 Trees and New Development

D11 Statutorily Listed Buildings

D12 Locally Listed Buildings

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas
D20 Sites of Archaeological Importance
D21 Sites of Archaeological Importance
D22 Sites of Archaeological Importance
EP12 Control of Surface Water Runoff
EP27 Species Protection
EP28 Conserving and Enhancing Biodiversity
EP31 Areas of Special Character
T6 The Transport Impact of Development Proposals
T13 Parking Standards
C7 New Educational Facilities
C16 Access to Buildings and Public Spaces

Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).
Supplementary Planning Document: Access for All (2006))
Supplementary Planning Document Sustainable Building Design (2009). Harrow's Sustainable Community Strategy [Mar 09]

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

- 1) Character and Appearance of the Conservation Area, Area of Special Character and Archaeological Priority Area (PPS5, London Plan: 4B.1, UDP: D4, D5, D11, D12, D14, D15, EP31, D20, D21, D22, Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).
- 2) Residential Amenity (D5)
- 3) Impact on Trees (D10)
- 4) Biodiversity (PPS 9, London Plan Policy: 3D.14, UDP: EP 27 and EP28)
- 5) Surface Water Runoff (EP12)
- 6) Accessibility (London Plan Policy 3A.5, SPD, C16)
- 7) Highway Safety (T6, T13)
- 8) Recycling/Refuse Storage (D4)
- 9) Sustainable Building Design (PPS1, London Plan: 4A.3, Supplementary Planning Document Sustainable Building Design (2009))
- 10) S17 Crime & Disorder Act (D4)
- 11) Consultation Responses

INFORMATION

This application is reported to Committee as the site area of the site exceeds 0.1ha. Therefore, this application is outside category 4 of the scheme of delegation.

a) Summary

Statutory Return Type:	18 – Minor Development
Conservation Area	Harrow School
Council Interest:	None
Area of Special Character:	Harrow on the Hill
Archaeological Priority Area	Harrow on the Hill

Listed Status

'The Copse' is Locally Listed.
'Leaf Schools', 'Grove Hill' and 'The Grove', Grove Hill are Statutorily Listed

b) Site Description

- The subject site is located on the north western side of Grove Hill and is part of Harrow School.
- The site is located in the Harrow School Conservation Area.
- The site is located in an Archaeological Priority Area.
- The site is located in the Harrow on the Hill Area of Special Character.
- Vehicle access via Grove Hill.
- Established trees and hedges along the site boundaries.
- The plot is surrounded by a number of statutorily listed buildings.
- Leaf Schools is located adjacent (to the south) to the proposal and is a grade II listed building.
- The Grove (grade II listed building) is located to the west of the site.
- The Copse is a Locally Listed Building and is located to the north east of the site.

c) Proposal Details

- To construct a single and two storey building adjacent of Leaf School to form a new building for the art department. The building would be used partly as a classroom, partly as a studio and partly as an exhibition space.
- The proposed building would have a flat roof with a maximum height of 8.9m.
- The footprint of the new building would be 194 square metres.
- Approximately 460 square metres of hard surfacing is proposed to form a new driveway, retaining wall and ramp and between the Leaf School and the proposed building to form a sculpture garden.
- New weld mesh fence is proposed which would be 2.1m in height and would run along the north eastern boundary of the site. A pedestrian gate is proposed along this fence adjacent to the south eastern most point of the proposed building.
- The proposal would involve the removal of several trees and hedges.
- Landscaping is proposed including 5 semi mature cypress trees and two new hedges.

d) Pre-application Discussion

- Confirmed that the previous planning application, P/2116/10, was refused on conservation based policies.
- The reduction in scale of the proposed building was welcomed and it is considered that this would relate far better to its proposed siting within the Conservation Area and its setting in relation to the Listed Buildings.
- To compensate for the loss of trees and the grassed area, which are important to the character of the Conservation Area, and to address one of the reasons for refusal on the previous scheme, it was requested that more landscaping/trees is proposed. These could be placed to the rear of the proposed new building.

- So, that the proposed courtyard area becomes a feature as the applicant intends, it was suggested that the area behind Leaf Schools that is already hardsurfaced is landscaped. This would not mean increasing the area of hardsurfacing, but improve the area that is already hardsurfaced. This would mean that upon walking through Leaf Schools to the new building, the new courtyard area would be linked in further with the existing Leaf Schools Art Building. This would have the effect of making the whole area a courtyard to ensure the use of both buildings can be carried out to the best effect.
- It was considered important that the building blends into its surroundings rather than appearing overly stark and harsh in its setting, although it is appreciated that a striking modern design is intended. Green walls are recommended. To ensure that the scheme fits in with its setting though it is considered that the detailing of the concrete elevations would need to be treated very carefully. In terms of materials, the use of Corten Steel is suggested rather than copper which could have too harsh an appearance. This has the appearance of rust. Visuals and a revised model are encouraged for the revised scheme so that how it fits in with its setting is clear.
- In terms of addressing the siting of this building within an Archaeological Priority Area it was recommended that the applicant contact Kim Stabler of English Heritage who advises on such matters before any Planning Application is submitted. The Design and Access statement would need to comply with the Historic Environment Policy HE6.

e) Relevant History

P/2116/10	SINGLE AND TWO STOREY BUILDING ADJACENT TO LEAF SCHOOL TO FORM NEW BUILDING FOR ART DEPARTMENT; HARDSURFACING; NEW POST AND WIRE FENCING (1.2M).	REFUSED 13-OCT-10
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Reasons for Refusal:

1. The proposal by reason of unacceptable design, siting, scale, massing and loss of greenery would fail to preserve or enhance the character or appearance of the Harrow School Conservation Area and would be detrimental to the setting of 'Leaf Schools' which is a Grade II statutory listed building, contrary to PPS 5, London Plan policy 4B.1, saved policies D4, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. Insufficient information has been provided in order to determine the impact of the proposal on the Archaeological Priority Area, contrary to saved policies D20, D21 and D22 of the Harrow Unitary Development Plan (2004).

f) Revisions to Previous Scheme

- The height of the building has been reduced by approximately 1.4m from and the footprint of the proposal has been reduced from 218 square metres to 194 square metres in the current application.
- Landscaping has been proposed in the current scheme.

- More hardsurfacing (an additional 100 square metres approx.) is proposed in the current scheme.

g) Applicant's Statement

- The next phase of the development programme at Harrow School is to create a purpose built sculpture building as good facilities are lacking for this subject. Once built, the art school will be complete and contained in relatively close proximity to itself and its counterpart, the craft design and technology building. The temporary and poor accommodation which houses sculpture will be tidied up.
- Art is taught in the main listed art school on Grove Hill and in the adjacent listed Leaf Schools. New facilities for art should, therefore be located in close proximity.
- The proposed location for the new building would be on the garden space between leaf schools and the rear of the boarding house 'The grove'. This garden space is not used and is surrounded by buildings and trees making it invisible to the public and an ideal location for a new building.
- The site cannot be seen from public roads and its use is entirely appropriate for the location.
- We do not accept that the building would be detrimental to the setting of Leaf Schools which is listed for its historical references to Sheridan Stables and the low level original brickwork on the front elevation, but we have now moved the building and lowered its height so there is a greater gap and it is subservient.
- We consider a condition could be added to any consent in relation to archaeology and this has now been ratified by English Heritage.
- It is recognised that the site is tight and has significant constraints for building works; however, there are no opportunities for new access roads or alternative locations. The site will form part of a key academic department and as such should be a suitable site for educational accommodation.
- Its isolated nature suggests that its potential style relates to its use rather than its surroundings, especially as there are no predominant architectural examples to follow.
- The building will take its shape from the space available and the height constraints of the adjacent Leaf Schools building.
- In terms of designing the building it will be important to maintain teaching and learning in the existing Leaf Schools building during the construction phase. The building is therefore a stand alone complex.
- The building would sit at an angle to Leaf Schools determined by the orientation of the driveway to the rear of the Grove.
- There is also a requirement to maintain a pedestrian link to the craft design and technology building on the adjacent site.
- We recognise that the previous scheme was refused and we have evaluated the reasons for refusal. In terms of siting we have moved the new building away from Leaf Schools in an attempt to satisfy the conservation officer.
- The Leaf Schools will remain intact.
- We have reduced the footprint, floor area and height for the new proposals. The floor area is some 70% of the previous area and the height has also been considerably reduced to line with the crank of the mansard roof of leaf schools rather than the ridge.

- The sculpture studio would be located on the ground floor and the painting studio on the first floor.
- The new building would be no higher than the existing roof of leaf Schools but architecturally it will be in contrast to reflect the nature of the subject being taught.
- The building will be part classroom, part studio and part exhibition space.
- The school community and public will be encouraged to visit.
- The new building has no significant impact on the historic, archaeological, architectural or artistic interest of the adjacent buildings or the C.A. i.e. The historic assets remain preserved and intact.
- Landscaping to replace trees to be removed.
- There is no requirement for car parking, but a disabled access space can be created on the forecourt or in the driveway or at the rear of The Grove.
- Deliveries can be accommodated by stopping on the driveway and turning is available behind The Grove.
- The building will be accessible for a disabled person.
- The building will be of a sustainable nature and as such will be insulated and airtight. The building would have a sedum roof.
- Concrete and Cor-ten steel will be used. The main concrete will express the contemporary form of the new building and the Cor-ten will merge with the trees and landscape on both the north and west sides.

g) Consultations

- **Bio Diversity Officer:** As long as the mitigation and enhancement measures proposed in the Thomson Ecology report (Oct 2010) are followed (as indicated in the D&A Statement, March 2011) the proposed development will comply with relevant legislation and planning policy (i.e. protected species and biodiversity).
- **Conservation Area Advisory Committee:** The idea of a sculpture school is a good idea and this would be near the art school. The proposed building should be adapted to suit the use of the building, and if the building was not too large for the existing space it would be agreeable. It does not appear as though it has been reduced a great deal. It states it would not be seen from public views but some of it would be. We are unsure how well the proposed polished concrete weathers.
- **Harrow on the Hill Trust:** No response received
- **Highways Engineer:** No Objections plus the hardstanding should be permeable in line with CLG standards and secured via condition.
- **Landscape Officer:** No Objections
- **Drainage Engineer:** Conditions recommended in relation to surface water attenuation, storage and disposal and sewage disposal.
- **English Heritage:** “The site is situated in an area where archaeological remains may be anticipated. It lies to the north of the Leaf School building, the Grade 2 listed 18th/19th century stable buildings associated with The Grove. The first edition Ordnance Survey maps show that there are other outbuildings in the area, and there have also been areas of historic landscaping and terracing which may be affected by the development proposals.

- There is also a known medieval settlement on the Hill, which may have extended in part into this area. I do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological interest should be reserved by attaching a condition to any consent granted under this application in accordance with local policies and Policy HE12.3 of PPS 5”.
- **Tree Officer:** “On the basis of the information provided and the submitted tree report, I cannot see any sig. tree issues with the proposal. The Arb report is comprehensive and the recommendations therein should be followed, should the application be recommended for grant”.

Advertisement:

Character of Conservation Area and Setting of Listed Building – Expiry: 23-JUN-11

Site Notice – Expiry: 8/6/11

Notifications

Sent

Replies

Expiry: 17-JUN-11

19

0

Addresses consulted:

Flats 1-4 The Foss and the Foss, Grove Hill

1-4 Peterborough House and Peterborough House, Grove Hill

33 Grove Hill

Grove Hill House, The Copse, Gayton House, The Foss Annexe, Grove Hill House Annexe, Craft and Technology Centre Adjacent to Harrow School The Copse, The Grove, Rendalls Grove Hill

Summary of Response:

- N/A

APPRAISAL

1) Character and Appearance of the Conservation Area / Impact on Locally and Statutory Listed Building / Area of Special Character

PPS5 policy HE7.4 states ‘Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets’ and HE9.1 which states ‘There should be a presumption in favour of the conservation of designated heritage assets’. It is also required to comply with Harrow UDP policy D15 and Harrow on the Hill Conservation Areas SPD (part of appendix 4) – the Harrow School Conservation Area Appraisal and Management Strategy states that ‘The character of the conservation area is intrinsically linked to the use of the area by Harrow School. The vitality brought by the number of boys using it, the quality of the buildings and the School’s commitment to properly maintaining them and the character of the area are dependent on the School being in the conservation area. The School will need to improve and move forward with it facilities for pupils’.

Saved policy D4 of the Harrow Unitary Development Plan (2004) requires high standards of design in all new development. The policy requires that the design of new development be considered in the context of its site and surroundings and have regard to the scale and character of the surrounding environment.

The property is located within the Harrow School Conservation Area. Any development within this area should seek to preserve or enhance its character or appearance, as required by saved policies D14 and D15 of the UDP.

The Harrow School Conservation area contains some of the most well known buildings in Harrow. Large, dramatic school buildings fill the C.A. and are essential elements to its character. The topography and quality of the buildings combine to make this area particularly striking. The surrounding of the C.A by open land creates a feeling of separateness from the rest of urban London and uninterrupted views across Harrow and into London. The greenery provides a leafy feel that breaks up the streetscene.

The adjacent Leaf Schools building (grade II listed) is two storeys in height. There is mature vegetation along the north eastern site boundary with 'The Copse'. The site slopes from 'The Grove' down to the subject site with a driveway running from 'The Grove' through the archway in the middle of Leaf Schools.

It is considered that the proposal would not unduly impact on the Harrow School Conservation Area and the setting of Harrow Leaf Schools (grade II listed building).

The siting of the building is considered to be acceptable. According to the CAAMS this site is located within the 'Peterborough Road and Grove Hill Character Area (Transitional Zone) – This is a transitional zone in the sense that it marks a change from Harrow Town Centre to the core School area. The buildings are still large and impressive but are set further apart within gardens and set back from the roads. This gives a sense of a lower density of development. The proposal would be set back from the road and would be subservient to Leaf Schools (grade II listed).

In the current proposal the new building has been reduced in height by 1.4m and the footprint has been reduced from 218 square metres to 194 square metres since the previous refusal. The proposed building would be a minimum of 2m lower than Leaf Schools. It is considered that the current proposal would relate to the setting of the adjacent Listed Building by providing sufficient space around it. It would be set a minimum of 3.7m away from Leaf Schools. This would maintain a suitable separation distance between the two buildings. The revised proposal for the courtyard and landscaping would ensure that it would not have a detrimental impact on the Harrow School Conservation Area and the setting of Harrow Leaf Schools (grade II listed building).

The CAAMS states an asset of the area is the 'outstanding quality of architecture' and states that in order to comply with the guidance within the CAAMS: 'All new development should aspire to a quality of design that is related to its context and which may be valued in the future. In order to be in line with the existing urban grain, it should provide variety, yet also complement surroundings'. It also states that 'any development should be sympathetic...to the character of the area'. The modern design of the proposal is considered to be acceptable since this would provide a good juxtaposition against the traditional character of surrounding development. The design is similar to that which was previously proposed but additional justification has been provided for this.

The greenery provides a good setting to the listed former stables and makes an important contribution to the character of the Conservation Area. The proposal would result in the loss of trees, a hedge and a grassed area. However, additional landscaping has been proposed as part of the proposal. As such, there would be not undue loss of greenery as a result of the proposal.

It is considered that the proposal would not be detrimental to the setting of the nearby locally listed building on the site.

The proposed hardsurfacing to form a new driveway, retaining wall, sculpture garden and ramp would, subject to approval of details preserve the character and appearance of the setting of the adjacent Listed Building and the Conservation Area.

The welded mesh fence would preserve the character of the Harrow School Conservation Area.

An Archaeological Statement was not provided by the Applicant. However, English Heritage have commented on the application. They have recommended a condition on any planning permission requiring a written scheme of archaeological investigation to be submitted to and approved by the LPA prior to commencement of works.

Therefore, the reasons for refusal of the previous scheme (P/2116/10) are considered to be overcome by the proposal.

In summary, it is considered the proposed new school building would comply with Planning Policy Statement 5, London Plan: 4B.1 and would preserve or enhance the character and appearance of the Harrow School Conservation Area and the setting of the adjacent Listed Building and Locally Listed Building. As such, it would be in accordance with policies D4, D11, D12,D14, D15, EP31, D20, D21 and D22 of the UDP (2004), and the Harrow School Appraisal and Management Study (2008).

2) Residential Amenity

As the site is located within the vicinity of Harrow School, it is considered that there would be no residential sites that would unduly impacted by the proposal and as such the proposal would be in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

3) Impact on Trees

Six trees and two hedges would be removed as a result of the proposal. These would be replaced by five semi-mature cypress trees and two hedges as a part of the proposal. The Tree Officer has not objected to the proposal. Therefore, the planting of the new trees is considered to sufficiently mitigate the loss of trees in order to preserve the character and appearance of the conservation area.

4) Biodiversity

It is considered that the Thomson Ecology Desk Study and Phase 1 Habitat Survey is acceptable. The Council's Biodiversity Officer has not objected to the proposal as long as the mitigation and enhancement measures proposed in the Thomson Ecology report (Oct 2010) are followed (as indicated in the D&A Statement, March 2011). A condition has been recommended.

Subject to this condition, the proposal is therefore in line with PPS9, Policy 3D.14 of the London Plan and saved policies EP27 and EP28 of the Harrow Unitary Development Plan (2004).

5) Surface Water Runoff

The Council's Drainage Engineer has recommended conditions in relation to surface water attenuation, storage and disposal and sewage disposal to ensure that the proposal would not have a detrimental impact on flooding. Therefore, subject to conditions the proposal would comply with saved policy EP12 of the UDP.

6) Accessibility

The SPD: Access for All stipulates certain requirements for access to buildings to ensure that the needs of children, disabled, visually impaired and elderly people are addressed. The access to the site is level with the pavement. The proposed school building is considered to be compliant with the SPD: Access For All. Therefore, it is considered to be acceptable from an accessibility perspective and compliant with London Plan 4B.5 and saved policies D4 and C16 of the HUDP (2004).

7) Parking and Highway Safety

No new car parking spaces are proposed. However, more hardstanding is proposed to provide access to the new building. The proposal would not unduly impact on highway safety due to the existence of a hardstanding adjacent to Leaf Schools. The proposed hardstanding is an extension of this existing hardstanding/accessway. It is considered that the proposal would be compliant with saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

8) 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 unduly increase as a result of the proposal. As such the current arrangements in place would suffice as a result of this 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).

9) Sustainable Building 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. Insufficient details have been provided as to how the proposal will achieve sustainable design, however, details of this have been requested as a condition, which is recommended.

10) S17 Crime & Disorder Act

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

11) Consultation Responses

- N/A

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 building

b: the hardsurfacing

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

REASON: To safeguard the appearance of the setting of the adjacent Listed Building and the Conservation Area in accordance with saved policies D4, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).

3 The development shall not be occupied until a method statement for future maintenance and cleaning of the facing materials of the building hereby permitted, to include details of rainwater goods and maintenance thereof, have been submitted to, and approved in writing by, the local planning authority.

Maintenance of the building shall be carried out in accordance with the approved details thereafter.

REASON: To ensure that the external surfaces of the building, in particular the polished concrete and steel remains clear and well maintained in order to safeguard the appearance of the setting of the adjacent Listed Building and the Conservation Area in accordance with saved policies D4, D14 and D14 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall not be occupied until works for the disposal of surface water and sewage and details of 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 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).

6 The recommendations and ecological enhancements contained within page's 23 and 24 of the Thomson Ecology Desk Study and Phase 1 Habitat Survey shall be carried out and adhered to.

REASON: To ensure that the proposal would preserve and enhance biodiversity on the site in accordance with PPS25 and EP27 and EP28 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall not be occupied until details of bird boxes and bat boxes including their location on mature trees and the new building on the site have been submitted to, and approved in writing by, the local planning authority:

The bird and bat 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).

8 The development hereby permitted shall not be occupied until the applicant has demonstrated that the development will achieve the appropriate level: BREEAM (good) Standards. To this end, the applicant is required to provide certification and other details to be submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

REASON: To ensure that the proposed development is sustainable, as required by PPS1 and saved policy D4 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until a written scheme of archaeological investigation and a programme of archaeological work (in the form of an archaeological project design in accordance with English Heritage Guidelines) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed in accordance with the approved details.

REASON: To ensure that the proposed development would not unduly impact on the archaeological priority area in accordance with policy HE12.3 of PPS5 and saved policies D20, D21 and D22 of the Harrow Unitary Development Plan (2004).

10 The recommendations contained within page's 5 to 9 of the Roy Finch Associates Ltd. Arboricultural Quality & Impact Assessment shall be carried out and adhered to throughout the duration of the construction of the development hereby approved.

REASON: To ensure that the proposal would have no unreasonable impact on trees on the site in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted shall be carried out in accordance with the following approved plans: 1560 296 Revision C; 1560 297 Revision A; 1560 298 Revision B; 1560 299 Revision C; 1560 500 Revision C; 1560 501 Revision A; 1560 502 Revision D; 1560 503 Revision D; 1560 504 Revision D; 1560 505 Revision A; 1560 299 Revision C; 1560 510 Revision A; Design and Access and Heritage Statement, Thomson Ecology Desk Study and Phase 1 Habitat Survey; Roy Finch Associates Ltd Arboricultural Quality & Impact Assessment; Photos

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 proposals would not detract from the setting of the adjacent Listed Building or the character of the Conservation Area or unduly affect the amenities of neighbours. 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)

The London Plan:

3A.18 Protection and enhancement of social infrastructure and community facilities

3A.24 Education 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

3D.14 - Biodiversity and nature conservation

Harrow Unitary Development Plan 2004:

D4 The Standard of Design and Layout
D5 Residential Amenity
D10 Trees and New Development
D11 Statutorily Listed Buildings
D12 Locally Listed Buildings
D14 Conservation Areas
D15 Extensions and Alterations in Conservation Areas
D20 Sites of Archaeological Importance
D21 Sites of Archaeological Importance
D22 Sites of Archaeological Importance
EP12 Control of Surface Water Runoff
EP27 Species Protection
EP28 Conserving and Enhancing Biodiversity
EP31 Areas of Special Character
T6 The Transport Impact of Development Proposals
T13 Parking Standards
C7 New Educational Facilities
C16 Access to Buildings and Public Spaces

Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).
Supplementary Planning Document: Access for All (2006))
Supplementary Planning Document Sustainable Building Design (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

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.

5 INFORMATIVE: In relation to condition 10 above, should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.

Plan Nos: 1560 296 Revision C; 1560 297 Revision A; 1560 298 Revision B; 1560 299 Revision C; 1560 500 Revision C; 1560 501 Revision A; 1560 502 Revision D; 1560 503 Revision D; 1560 504 Revision D; 1560 505 Revision A; 1560 299 Revision C; 1560 510 Revision A; Design and Access and Heritage Statement, Thomson Ecology Desk Study and Phase 1 Habitat Survey; Roy Finch Associates Ltd Arboricultural Quality & Impact Assessment; Photos

Item: 2/09

180-182 PINNER ROAD, HARROW, HA1 4JP P/0293/11

Ward: HEADSTONE SOUTH

ERECTION OF SINGLE STOREY REAR EXTENSION TO 182 PINNER ROAD, FIRST FLOOR REAR EXTENSION AT NO 180 PINNER ROAD AND CONVERSION OF FIRST FLOOR AND LOFT AT NO 180 PINNER ROAD INTO TWO SELF CONTAINED FLATS.

Applicant: Mr Dinesh Koria

Agent: P R Architecture Ltd

Case Officer: Ian Hyde

Statutory Expiry Date: | 31-MAR-11

RECOMMENDATION

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

REASON:

The proposed conversion of a first and second floor flat and first floor rear extension at 180 Pinner Road into two units, and the erection of single storey rear extension to no. 182 Pinner Road, would result in an appropriate standard of accommodation for potential occupiers and no unacceptable harm for the amenities of neighbouring occupiers or the surrounding area.

The decision to grant permission has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, the Policies of the London Plan (2008) and the saved Policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Guidance, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report.

PPS1 – Sustainable Development (2005)

PPS3 – Housing (2010)

PPG13 – Transport (2001)

London Plan 2008:

3A.5 Housing Choice,

4B.5 Creating and Inclusive Environment;

Harrow Unitary Development Plan:

D4 Standard of Design and Layout,

D5 New Residential Development – Amenity Space and Privacy,

T6, Traffic Impact of Development Proposals

T13 Parking Standards

SPD Residential Design Guide (2010)

SPD – Accessible Homes (2010)

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

- 1) Principle of Development and Character of the Area (London Plan 3A.5, 4B.1, D4, D5, SPD)
- 2) Residential Amenity (London Plan 3A.5, D4, D5, SPD)
- 3) Parking/Highways Considerations (T6, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to the Committee as it was the subject of a watching brief by a nominated Member and was previously recommended for refusal. Following the removal of the watching brief and the receipt of amended plans, the recommendation changed to a grant.

a) Summary

Statutory Return Type	Minor Dwellings
Council Interest	None

b) Site Description

- The site comprises 180 and 182 Pinner Road. The site is rectangular, with its long axes oriented north to south.
- A three storey commercial terrace traverses the front half of both sites. The ground floor of both sites contain retail uses. The upper levels of no. 182 contain a maisonette. The upper levels of no. 180 contain a three bedroom maisonette.
- No. 180 is at a slightly higher (some 300mm) elevation than no. 182.
- A single storey extension has been added to the rear of no. 182. This extension covers almost all of the rear two thirds of the site with the exception of an alleyway between this extension and no. 180. The extension on no. 182 contains a store and additional floor space for the ground floor retail use.
- A single storey extension has also been added to the rear of no. 180. This extension covers the rear two-thirds of the site and contains a glazier business. An external stairwell onto the flat roof provides access to the first and second floor flat.
- A service road to the rear of the site provides vehicular access to the retail units on-site and within the neighbouring sites.
- Aside from the commercial terrace fronting Pinner Road, this area is predominantly residential, containing a mix of semi-detached and terrace properties.

c) Proposal Details

180 Pinner Road

- The applicant proposes conversion of the existing three bedroom maisonette into a one bedroom flat at first floor and a studio within the loft.
- A flat roofed rear extension at first floor level would facilitate an entrance and study for the loft unit.

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- Both flats would be accessed via the rear staircase to the flat roof and through the new first floor extension.
- The first floor extension would be located on the existing flat roof over the single storey rear extension.
- This extension would be 3.0 m deep, have a height of 2.64m as measured from the surface of the existing flat roof, having an overall height of 6.25m.

182 Pinner Road

- The applicant proposes erection of a rear extension to cover the alleyway between the existing extension and no. 180 with dimensions of 2.65m wide by 4.83m deep to bring it into line with the extension at the deepest part of this site.
- This extension would infill the existing alleyway down the side of the building and would have a flat roof.
- A 4.83 m deep by 1.47 m wide gap, between the proposed extension and existing extension would be retained to provide access to an existing roller door in the rear elevation.
- The proposed extension would provide storage space for the retail use on no 182 and the workshop on no. 180.

d) **Revisions to previous application**

- Pitched roof at first floor/roof level altered to flat roof design and depth reduced by 300mm to 3m. Internal arrangements redesigned to omit toilet for first floor unit.
- Rear dormer window not altered
- Loft flat reduced from 1 bed to studio.
- No amenity space provided over ground floor element of no. 180.

e) **Relevant History**

180 Pinner Road

WEST/786/97/FUL

Replacement single storey rear extension with external stairs and guard rail and new doorway on rear elevation at first floor level

GRANTED
27-JAN-98

182 Pinner Road

LBH/20936

Single storey rear extension to shop

GRANTED
19-APR-82

Combined Site

P/11113/10

Single Storey Rear Extension To Existing Shop At 182 Pinner Road; First Floor Rear Extension Alterations To Roof At Rear To Form New Dormer And Conversion Of First And Second Floor Levels Into Two Self Contained Flats At 180 Pinner Road

REFUSED
06-JUL-10

Reasons for Refusal:

1. The proposed rear extension, by reason of excessive bulk and rearward projection, would be unduly obtrusive, result in loss of light and overshadowing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property at 182a Pinner Road, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
2. The proposed second floor (roof space) flat, by reason of insufficient floor area and its location within the roofspace, would result in cramped living conditions for occupiers, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004).
3. The proposed rear dormer, by reason of its excessive size and location in the roof plane, would be visually obtrusive, to the detriment of the character of this building, contrary to saved Policy D4 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
4. The proposed rear balcony would allow overlooking of the rear gardens of the adjoining properties and result in an unreasonable loss of privacy to the occupiers of the adjoining sites, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

f) Applicant Statement

- A Planning Statement was submitted as part of the application which stated the following:
 - Appropriate stacking provided, with separate entrances
 - Extensions will match existing storage
 - No landscaping proposed
 - Pinner Road provides many local shops within walking distance.
 - Pinner Road provides convenient access to transport links.
 - Inclusive design provides comfortable and generous access for stairs with 900mm width.
 - Bin stores provided on terrace, CCTV to be provided to rear
 - Landscaping provided to define pedestrian movement both into and around perimeter, these would be firm and non slip.
 - Low energy lighting used to facilitate easy access and egress, complimenting existing provision.

g) Consultations:

Drainage Unit: Recommended attachment of standard three conditions.

Highways Engineer: As this is a conversion from an existing 3 bedroom flat to a one bed and a single studio flat, the net impact in potential parking /traffic generation terms is negligible. Therefore on balance there is no objection to the proposal.

Secure cycle parking (1 space per unit) should be provided.

Notifications:

Sent: 25 (1st consultation)

Replies:
1 Neighbouring occupier
in objection

Expiry: 03-MAR-11

Sent 25 (2nd consultation)

Replies: 1 objection

Expiry: 01-JUL-11

Properties consulted:

Flat 2 and 2a Rutland Road

1, 1A, 3 Bedford Road

170A, 170B; 174, 174A, 176,

176A, 178; 178A; 178B, 180,

182, 182A; 184, 184A; 211,

213, 215, 217, 219, 434 Pinner

Road.

Summary of objections:

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

Concerns raised over building dust noise and disturbance during construction would be more appropriately dealt with under other legislation if permission were approved.

APPRAISAL

1) Principle of Development and Character of the Area

Policy 4B.1 of the London Plan (2008) seeks to ensure that development should maximise the potential of sites, respect local context, history, built heritage, character and communities. Saved policy D4 of the HUDP (2004) states that buildings should take into account the character and landscape of the locality and any landscape features of the site and area. Furthermore, buildings should be designed to complement their surroundings and should have a satisfactory relationship with adjoining buildings.

180 Pinner Road

The applicant proposes the construction of a first floor extension over part of the existing single storey roof as part of the conversion. The proposed first floor extension would be constructed from the same materials as the existing building. It would feature a flat roof.

Whilst on the boundary with no. 182, the proposed first floor rear extension would be located approximately 2.85 m from the side boundary with no. 178, and would have its highest point approximately at the height of the eaves of the building. The size of the development and its relationship with the main building, in conjunction with the existing single storey rear extensions on the row are considered sufficient to result in a development which would be in keeping with the scale and character of the building and the area.

182 Pinner Road

The applicant proposes a single storey rear extension to infill the gap on the boundary between no.s 180 and 182. Similar extensions have been carried out on the other buildings within this terrace and an extension of this depth is not therefore out of character, nor would it appear overly dominant. Furthermore, the proposed extension would have a flat roof and be clad in the same materials as the existing extension, thereby integrating with it. This extension's location within an existing access at rear also means that it appears subservient to the original building. Accordingly, it would not have an undue negative effect on the appearance of the existing building and is considered consistent with saved Policy D4 of the UDP.

2) Amenity

The Council SPD on Residential Design sets out space standards for flats and new housing. The standards in the SPD follows 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 Interim London Housing Design Guide 2010 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, in this respect, it is considered that an the ILHDG provides important space indicators which are relevant to the determination of this planning application.

Circulation and Layout

Stacking

It is considered that the proposed flats would be acceptable in terms of vertical stacking, as similar room uses would be placed above and below one another.

Room sizes

The proposed overall gross internal area (GIA) of the first floor flat is some 54m². This is consistent with the 50m² minimum for a one bedroom two person flat set out in the Design Guide. In addition, the kitchen/living size of the proposed ground first floor flat would meet the 23 m² minimum space standard stipulated in the Design Guide in that the kitchen/living area would have a floor area of 23.50 m².

The Design Guide stipulates a minimum size for a double bedroom of 12.8 m², whereas the bedroom for the first floor flat would be 10.03 m². However, there is adequate circulation space, and a store. On balance, the area of the first floor flat is therefore considered appropriate.

The proposed overall gross internal area (GIA) of the loft flat is 37.4m² as shown on plans (plus a small additional amount at first floor), whilst a side section has been shown (with a maximum height of 2.55m), no front section has been provided to show the total usable space within the loft. It is noted that the dormers would provide some additional space, however this is limited in terms of the total area of the unit.

The former Draft Design Guide was assessed by examination in public between 28th June - 8th December 2010 and the Panel's Report was completed in March 2011. This then became the Interim Design Guide. In relation to Table 3.3 which sets out minimum dwelling space standards for a range of dwelling types, the Inspector supported the retention of these standards in the plan but recommended the following modifications:

- (a) that throughout Table 3.3 the words "number of occupants", "persons" and the abbreviation "p" be substituted with the word "bedspaces".
- (b) the word "minimum" be replaced with "indicative".
- (c) that an additional row be added to the top of Table 3.3 to provide for 1 bedroom/studio units with an indicative floorspace of 37sq m.

Whilst these recommendations have not yet been incorporated into the plan, the recommendations are useful in the consideration of this application.

The Council's Residential Design SPD, under paragraph 5.14 acknowledges that the use of the attic space, where there is sufficient headroom/ circulation and means of natural/ light/ outlook, can usefully provide additional bedroom space as part of a split level flat. It is noted that the SPD goes on to state that a self contained flat solely accommodated within the roof space rarely provides sufficient circulation space, light, and outlook for its occupiers, however each case must be assessed on its own merits.

It is acknowledged that the kitchen area and main living space of the proposed roof level flat would be served by dormer windows which would provide light and outlook, as well as additional head height. Given that the floor area would approximate the recommended studio floor areas as suggested in the London Housing Design Guide review, and that it would also benefit from having two dormer windows, where most loft units would be provided with one, this would suggest that the proposed space may be appropriate in this instance. In further support of the scheme, the unit would be designed for a single occupant and careful placement of furniture (within areas of compromised head room) could maximise the use of space. Given these considerations, it is considered that the placement of a unit of accommodation within the loft would not result in an unacceptably poor standard of accommodation for prospective occupiers. As such, the proposal would be considered to result in development which would be consistent with saved policy D4 of the UDP, PPS1 and PPS3.

Impact on Neighbouring Amenity

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and conversions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30th September to 28th October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15th December 2010. This guidance acknowledges the impact that extensions to properties can have significant impacts and that these should be sensitive to the situation in which they find themselves.

Whilst the proposed extension to no. 180 is located at first floor level, given that there are no residential occupiers at ground floor, nor amenity space associated with such occupiers, the relationship between the first floor extension and adjoining occupiers is considered to be more similar to a ground floor extension than a traditional first floor arrangement. In light of the specific situation in this case, it is considered that Paragraph 6.59 of the SPD is relevant. Paragraph 6.59 suggests that for terraced properties, an extension of 3m in depth is generally appropriate. In this instance the extension is 3m in depth.

The proposed first floor rear extension would be located approximately 2.85 m from the side boundary with no. 178. As such, there are not considered to be any detrimental impacts arising from the development with respect to the amenities of this neighbouring occupier.

With regards to the impacts of the first floor extension on no. 182, the development would be located on the common boundary between the two properties. A window is located on the rear elevation of no. 182 and is close to the side boundary with the proposed extension. Additionally, this neighbour is some 300mm lower than the site. Notwithstanding this relationship, investigation of the first floor window, shows that this in fact serves a landing/hallway and is not therefore protected. As such, it is concluded that, on balance, the proposed first floor rear extension to no. 180 would not result in significant harm to the amenities of these neighbouring occupiers.

In light of these considerations, this element of the development is considered to be acceptable in this respect.

182 Pinner Road

The applicant proposes a single storey rear extension to infill the space between the existing single storey rear extension and the common boundary with no. 180. Similar extensions have been carried out on the other buildings within this terrace and its depth would be no greater than on neighbouring properties. Furthermore, the proposed extension would have a flat roof and would be clad in the same materials as the existing extension, therefore it would not appear visually obtrusive.

No habitable room windows exist in the side elevation of no.180 and it would be set back 4.60 m from the nearest residential property boundary to the north (the side boundary of no. 1 Bedford Road). Accordingly, the proposed single storey rear infill extension would not have an undue adverse effect on residential amenity for these neighbouring occupiers and is therefore considered consistent with saved Policy D4 and D5 of the HUDP.

Amenity Space

Saved policy D5, paragraph 4.28 of the Harrow UDP states that new residential development should provide sufficient usable amenity space for residents.

As noted, the applicant proposes use of the existing roof top as amenity space. However, the use of this terrace in this manner was specifically restricted by condition 5 of planning permission WEST/786/97/FUL, to safeguard the amenity of neighbouring residents to the rear from overlooking. No outdoor amenity space is proposed within the development and, given the sizes of units proposed, which would be smaller than existing, it is considered that the failure to provide outdoor amenity space would not, on balance, be sufficient to justify refusal of the scheme. Notwithstanding this, the prevention of the roof of no. 180 from being used as an amenity space, would also result in the protection of the privacy of occupiers on Bedford Road and also those of the those neighbouring on Pinner Road. It is recommended that the consent be conditioned to prevent use of the roof of the ground floor rear extensions of both 180 and 182 as amenity space so as to prevent any such use and to protect the amenities of neighbouring occupiers.

3) Parking/Highways Considerations

The applicant proposes no additional parking for the proposed flat conversion. However, the proposed flat would likely have a similar intensity of occupation to the existing three bedroom maisonette. With a PTAL rating of 3, this site is also relatively well served by public transport. No objection to the proposal has been raised by the Highways Engineer and given that the development under consideration results in two small units, it is not considered to cause significant harm. Accordingly, no on-site parking is considered necessary and the proposal is considered consistent with saved Policy T13 of the HUDP.

Cycle parking has been proposed for two cycles adjacent to the rear elevation of the first floor flat at no. 180. This is considered sufficient to satisfy requirements in this respect.

4) Affordable Housing

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

As a conversion of an existing property, paragraph 1.2 of the Council's Accessible Homes SPD (2010) notes that a degree of flexibility and pragmatism will be required when seeking to achieve the accessibility requirements, particularly for flats above ground level, but this does not mean that the standards should not be applied. This approach is emphasised by London Plan Policy 4B.5 which requires that all future development meet 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. The design of a whole range of buildings, including flats, are a fundamental part of achieving this objective.

Within the SPD, internal doors are expected to attain minimum widths in compliance with Lifetime Homes criteria. The internal entrances to the proposed flats show a clear width of 800mm for access into the units which complies with Guidance, internal door widths are similarly in compliance with Lifetime Homes standards.

Whilst the width of the stair to loft level is some 850mm along most of its width, and is therefore below the 900mm clear width suggested within the Guidance, it is noted that the ability to provide a compliant internal staircase is fundamentally compromised given that the party wall intrudes into the staircase at its base, reducing the clear width to 800mm. Given this specific situation and the fact that the development is a conversion of an existing structure, the development is considered to be acceptable in this instance.

Given the design of the building and the fact that it is an internal conversion, it is considered that the proposed development has demonstrated, as far as is practical, compliance with Lifetime Homes standards.

7) S17 Crime & Disorder Act

The units on this parade as existing are provided with access through the rear alleyway. Whilst this is not an ideal situation, the new development would not significantly intensify the use of the access beyond that existing, and as such, the development is considered to be acceptable in this respect.

It is noted that the applicant intends to introduce mitigation measures to provide security to the site. It is recommended that a condition be added to the consent to require details of any lighting systems so as to ensure that no disturbance occurs to neighbouring occupiers as a result of their installation.

8) Consultation Responses

It is considered, as stated above, that the development is not out of character with the area have an inappropriate appearance nor result in loss of light or outlook.

The intensity of use would not be practically greater than existing and traffic impacts would likewise not be appreciably greater.

Concerns raised over building dust noise and disturbance during construction would be more appropriately dealt with under other legislation.

Given these considerations, it is considered that the issues raised by the objector have been satisfactorily addressed and that these do not result in grounds for the refusal of the application.

With regard to Drainage Conditions, in this instance the amount of development at ground level, in conjunction with that already existing onsite is considered to be insignificant. Given the specific situation onsite, it is not therefore considered necessary to attach the standard drainage conditions in this instance.

CONCLUSION

The proposed conversion of a first and second floor flat and first floor rear extension at 180 Pinner Road into two units, and the erection of single storey rear extension to no. 182 Pinner Road, would result in an appropriate standard of accommodation for potential occupiers and no unacceptable harm for the amenities of neighbouring occupiers or the surrounding area.

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

CONDITIONS

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

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

2 The development shall be carried out in accordance with the following approved plans:

01 A; 02F; Site Plan; Location Plan; Design and Access Statement.

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

3 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing buildings

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

4 The roof areas of the single storey rear extensions at nos 180 and 182 Pinner Road shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To prevent the overlooking and loss of privacy for neighbouring occupiers, in pursuance of saved Policies D4 and D5 of the Harrow Unitary Development Plan 2004.

5 Prior to commencement of works onsite, details of all external security lighting systems, including locations, types and direction of light spill shall be submitted to and approved by the local planning authority.

REASON: In order to preserve the amenities of neighbouring occupiers in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2004.

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposed conversion of a first and second floor flat and first floor rear extension at 180 Pinner Road into two units, and the erection of single storey rear extension to no. 182 Pinner Road, would result in an appropriate standard of accommodation for potential occupiers and no unacceptable harm for the amenities of neighbouring occupiers or the surrounding area.

The decision to grant permission has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, the Policies of the London Plan (2008) and the saved Policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Guidance, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report.

Item 2/09 : P/0293/11 continued/...

PPS1 – Sustainable Development (2005)

PPS3 – Housing (2010)

PPG13 – Transport (2001)

London Plan 2008:

3A.5 Housing Choice,

4B.5 Creating and Inclusive Environment;

Harrow Unitary Development Plan:

D4 Standard of Design and Layout,

D5 New Residential Development – Amenity Space and Privacy,

T6, Traffic Impact of Development Proposals

T13 Parking Standards

SPD Residential Design Guide (2010)

SPD – Accessible Homes (2010).

2 CONSIDERATE CONTRACTORS CODE OF PRACTICE

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

3 PARTY WALL ACT

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

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 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: 01A; 02F; Site Plan; Location Plan; Design and Access Statement.

SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

UNIT 3, RUISLIP RETAIL PARK, VICTORIA ROAD, RUISLIP
Item: 4/01
P/1625/11

WARD ADJOINING BOROUGH

CONSULTATION FROM A NEIGHBOURING BOROUGH: VARIATION OF CONDITION 6, (TO REMOVE RESTRICTIONS ON THE SALES OF GOODS), OF PERMISSION REF. 43510/APP/2010/1979 DATED 10/02/2011: CONSTRUCTION OF A 1,810M² MEZZANINE WITHIN UNIT 3, RUISLIP RETAIL PARK

Applicant: London Borough of Hillingdon
Case Officer: Fergal O'Donnell
Statutory Expiry Date: 05-JUL-11

RECOMMENDATION

INFORM London Borough of Hillingdon that Harrow Council raises **NO OBJECTION** to this application.

REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, as it is considered that the variation to the condition would have a negligible impact on vehicular traffic in the locality and would not unduly impact on the residents of the London Borough of Harrow.

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

National Planning Policy:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 13: Transport (2001)

The London Plan [2008]:

3A.3 – Maximising the potential of sites
3B.1 – Developing London's economy
3B.11 – Improving employment opportunities for Londoners
3C.2 – Matching development to transport capacity
3C.23 – Parking strategy
3D.1 – Supporting Town Centres
3D.3 – Maintaining and improving retail facilities
4B.1 – Design principles for a compact city
4B.5 – Creating an inclusive environment

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

- S1 – The Form of Development and Pattern of Land Use
- D4 – The Standard of Design and Layout
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- T14 – Public Car Parking
- T15 – Servicing of New Developments

Other Relevant Documents

Harrow's Sustainable Community Strategy [Mar 09]

INFORMATION

This application is reported to Committee as the proposal relates to a consultation from a neighbouring authority. The proposal relates to a major development and is therefore falls outside of the Scheme of Delegation.

a) Summary

Statutory Return Type: Consultation by adjoining borough
Site Area: 0.19ha
Council Interest: Adjoining Borough

b) Site Description

- Two storey bulk retail unit (one of five) located to the south west of the junction of Victoria Road, Field End Road and Eastcote Lane.
- The borough boundary with London Borough of Harrow runs down the centreline of Field End Road.
- A car park lies between the building and Victoria Road to the north which, according to the planning and retail assessment accompanying the application suggests 304 parking spaces.

c) Proposal Details

The application seeks to vary condition 6 of planning permission 43510/APP/2010/1979 granted on 10 February 2011, which allowed for the "construction of a 1,810m² mezzanine within Unit 3, Ruislip Retail Park". In line with a similar condition attached to the original grant of permission for the retail unit within which the mezzanine would be constructed, condition 6 of this planning permission restricted the goods that could be sold on the premises as follows:

"The premises shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motor cycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance, stationery, jewellery, toys, luggage, sports goods and fancy goods."

A concurrent application (Harrow Council ref: P/1630/11; Hillingdon Council ref: 43510/APP/2011/1344) seeks to vary the type of the goods which can lawfully be sold at the unit and the purpose of this application is to ensure that goods that could be sold within Unit 3 (if the variation of 43510/APP/2011/1344 is approved) also apply to the mezzanine which would be constructed within the unit.

It suggested that the condition is varied as follows in this respect:

“The sale of goods from the premises shall be in accordance with condition 11 of planning permission 43510/APP/2000/2485 and any subsequent amendment.”

d) Consultations:

Highways Engineer: No objection

APPRAISAL

1) Impact on the London Borough of Harrow

The variation of the condition would allow for a mezzanine granted planning permission in February 2011, which would have an area of 1,810m² and would be constructed within the existing retail unit, to sell goods in association with the goods proposed to be sold under the variation of condition 11 of planning application 43510/APP/2000/2485. No change of use from the existing retail use is proposed and it is considered that the variation to allow the proposed increase in floor area to be used in association with the retail goods to be sold elsewhere in the unit is not significant in the context of the total site area and the proposed development would not therefore result in any material harm to the London Borough of Harrow beyond that existing.

Harrow Council's Highways Engineer has assessed the proposal and confirmed that there would not be any harm caused to the London Borough of Harrow from the proposed development.

2) S17 Crime & Disorder Act 1998

The proposed development is not considered to result in an increase in crime or loss of safety within the London Borough of Harrow.

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that **NO OBJECTION** be made, as it is considered that the variation to the condition would have a negligible impact on vehicular traffic in the locality and would not unduly impact on the residents of the London Borough of Harrow.

**UNIT 3, RUISLIP RETAIL PARK, P/1630/11
VICTORIA ROAD, RUISLIP**

WARD ADJOINING BOROUGH

CONSULTATION FROM A NEIGHBOURING AUTHORITY: VARIATION OF CONDITION 11, (TO REMOVE RESTRICTIONS ON SALES OF FANCY GOODS) PLANNING PERMISSION REF. 43510/APP/2000/2485 DATED 14/03/2003: REFURBISHMENT OF EXISTING RETAIL UNITS, WITH NEW CLADDING ON ALL ELEVATIONS, NEW COVER WALKWAY ON NORTHERN FRONTAGE (FACING VICTORIA ROAD) AND CHANGES TO SERVICE ARRANGEMENT, CAR PARKING WITH ENHANCED FRONTAGE LANDSCAPING, INCORPORATING DISUSED SERVICE ROAD

Applicant: London Borough of Hillingdon
Case Officer: Fergal O'Donnell
Statutory Expiry Date: 05-JUL-11

RECOMMENDATION

INFORM London Borough of Hillingdon that Harrow Council raises **NO OBJECTION** to this application.

REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, as it is considered that the variation to the condition would have a negligible impact on vehicular traffic in the locality and would not unduly impact on the residents of the London Borough of Harrow.

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

National Planning Policy:

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Planning Policy Guidance 13: Transport (2001)

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3C.2 – Matching development to transport capacity
3C.23 – Parking strategy
3D.1 – Supporting Town Centres
3D.3 – Maintaining and improving retail facilities
4B.1 – Design principles for a compact city
4B.5 – Creating an inclusive environment

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

- S1 – The Form of Development and Pattern of Land Use
- D4 – The Standard of Design and Layout
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- T14 – Public Car Parking
- T15 – Servicing of New Developments

Other Relevant Documents

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INFORMATION

This application is reported to Committee as the proposal relates to a consultation from a neighbouring authority. The proposal relates to a major development and is therefore falls outside of the Scheme of Delegation.

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- The borough boundary with London Borough of Harrow runs down the centre line of Field End Road.
- A car park lies between the building and Victoria Road to the north which, according to the planning and retail assessment accompanying the application suggests 304 parking spaces.

c) Proposal Details and Background

Planning permission was granted on appeal for the "erection of two single storey retail buildings" on 01 August 1986. The Inspector, in allowing the appeal did not include a condition restricting the type of goods to be sold from the units. However, on 26 September 1986, the applicants on this application entered into an agreement under Section 52 of the former Act with the LB Hillingdon which stipulated:

"the site shall not be used for the retail sale of food (other than refreshments intended for consumption on the site by customers), clothing, footwear and accessories (other than clothing footwear and accessories intended for use in connection with building or DIY activities) cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines, books (other than those relating to DIY and car maintenance manuals), and stationery, jewellery, toys, luggage, sport and fancy goods" (part 7(Clause1) of the Section 52 Agreement)."

Part 7 (Clause 2) of the Section 52 Agreement goes on to state that if at any time after the date hereof any planning permission is granted for any of the uses prohibited by Clause 1 it is agreed that such planning permission shall vary Clause 1 so that the prohibition of that use contained in the agreement shall cease to have effect.

On 14 March 2003, planning permission (ref: 43510/APP/2000/2485) was granted for the refurbishment of the retail units on the site. Condition 11 of this planning permission, which was attached to accord with the existing restrictions on the site, stated:

“The premises shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motorcycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage, sports goods and fancy goods”.

This application proposes to vary condition 11 of application 43510/APP/2000/2485 to state:

“The premises shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motorcycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage and sports goods.”

The variation of condition 11 of planning application 43510/APP/2000/2485, would allow the occupier of the units to sell additional “fancy goods” on the site. The variation of the planning permission would mean the Section 52 Agreement entered into in September 1986 would cease to have effect.

The applicant has provided a definition of “fancy goods” which are considered to be chiefly “ornamental goods” such as glassware, tableware and household utensils, furniture and furnishings, carpets and other floor coverings.

d) Consultations:

Highways Engineer : No objection

APPRAISAL

1) Impact on the London Borough of Harrow

It is considered that allowing additional uses onsite would have a negligible material impact on the residents of the London Borough of Harrow over those already existing and no undue harm would therefore arise. Given these considerations, the application is considered to be acceptable in this respect.

Harrow's Highways Engineer is satisfied that the proposal in transport terms, would not impact on Harrow Borough.

2) S17 Crime & Disorder Act 1998

The proposed development is not considered to result in an increase in crime or loss of safety within the London Borough of Harrow.

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that **NO OBJECTION** be made, as it is considered that the variation to the condition would have a negligible impact on vehicular traffic in the locality and would not unduly impact on the residents of the London Borough of Harrow.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.