

## SECTION 1 – MAJOR APPLICATIONS

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**Item: 1/01**  
**1 - 110 MILL FARM CLOSE, PINNER, HA5 P/2152/11**  
**3SS**

Ward: PINNER

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION P/2415/09 DATED 27/04/2010 TO AMEND (1) THE NUMBER OF 3 (THREE) BEDROOM, 4 (FOUR) BEDROOM, 5 (FIVE) BEDROOM AND 6 (SIX) BEDROOM SOCIAL RENTED UNITS OF ACCOMMODATION AND (2) THE DEFINITION OF WHEELCHAIR HOME STANDARD

**Applicant:** Catalyst Housing Group  
**Agent:** Pollard Thomas Edwards Architect  
**Case Officer:** Fergal O'Donnell  
**Statutory Expiry Date:** 19-SEP-11

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### RECOMMENDATION

**APPROVE** modification of the Section 106 Agreement dated 26 April 2010 as set out in this report subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) Amend the definition of Affordable Housing Units to reflect the changes to the bedroom size mix for the social rented units
- (ii) Amend the definition of Wheelchair Home Standard to accord with the Council's Accessible Homes SPD 2010
- (iii) The payment of the Council's reasonable legal fees incurred in the course of preparing the deed of variation

Authority to be given 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 approve this modification has been taken having regard to National Planning Policy, the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 which encourage the provision of mixed and balanced communities. The revised terms of the S106 Agreement would continue to ensure that development would achieve these aims whilst ensuring that development does not displace communities, thereby engendering and developing diverse communities, culture and identities and according with the principles of the Harrow Sustainable Community Strategy [March 2009].

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**MAIN CONSIDERATIONS AND POLICIES [National Planning Policy, The London Plan 2011 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance].**

**National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

**The London Plan [2011]**

3.1 – Ensuring Equal Life Chances for All

3.8 – Housing Choice

3.9 – Mixed and Balance Communities

7.2 – An Inclusive Environment

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

D4 – The Standard of Design and Layout

H7 – Dwelling Mix

C16 – Access to Buildings and Public Spaces

**Other Relevant Documents**

Supplementary Planning Document – Accessible Homes (2010)

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**MAIN CONSIDERATIONS AND POLICIES [National Planning Policy, The London Plan 2011 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]**

**1) Housing Mix and Wheelchair Homes**

(PPS1, PPS3; London Plan policies 3.1, 3.8, 3.9, 7.2; UDP policies D4, H7, C16)

**2) Consultation Responses**

**INFORMATION**

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

**a) Summary**

Statutory Return Type: Smallscale Major Dwellings

Council Interest: None

**b) Site Description**

- Mill Farm Close is located within a predominately residential area with a mix of housing types and styles, with access from Pinner Hill Road.
- The site, which is in the process of redevelopment, formerly comprised seven four-storey blocks containing 110 flats, surrounded by large open grassed areas with areas of lock-up garages at the site boundaries.
- Planning permission (P/2415/09) for the redevelopment of Mill Farm Close was granted on 24 April 2010 to provide 158 housing units, with a mix of dwellings and flats.

**c) Proposal Details**

- It is proposed to amend the wording of the S106 Agreement relating to mix of unit sizes for social rented units within the development (P/2415/09).
- The current agreement states that there are:  
*"No fewer than 82 social rented units made up of the following:*
  - 18 no 1 bedroom units
  - 30 no 2 bedroom units
  - 21 no 3 bedroom units
  - 9 no 4 bedroom units
  - 4 no 5 bedroom units"
- It is proposed to amend the wording of the agreement to state:  
*"No fewer than 82 social rented units made up of the following:*
  - 18 no 1 bedroom units
  - 30 no 2 bedroom units
  - 15 no 3 bedroom units
  - 15 no 4 bedroom units
  - 3 no 5 bedroom units
  - 1 no 6 bedroom unit"
- It is proposed to amend the definition of Wheelchair Home Standard in the Legal Agreement to reflect the adoption of a revised SPD on accessible homes, Supplementary Planning Document – Accessible Homes 2010.

**d) Relevant History**

P/2415/09	REDEVELOPMENT TO PROVIDE 158 RESIDENTIAL UNITS [FLATS AND HOUSES] ALTERATION TO MILL FARM CLOSE ACCESS ROAD CREATION OF COMMUNAL GREEN SPACE PLAY AREAS WITH PLAY EQUIPMENT ASSOCIATED LANDSCAPING PARKING AND REFUSE [REVISED DESCRIPTION]	GRANTED 24-APR-10
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**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Letter dated 22<sup>nd</sup> July summarised as follows:
- Amended unit sizes required to accommodate the needs of the existing on-site residents

**g) Consultations**

Housing Officer

Housing supports Catalyst's application to vary the S106 in terms of bed spaces

## **APPRAISAL**

### **1) Housing Mix and Wheelchair Homes**

The revised mix of dwellings is required to ensure that residents are not displaced during Phase 1 of the construction of development. PPS1, PPS3, The London Plan policies and UDP policies support the provision of a mix of dwelling type and size to ensure mixed and balanced communities are developed. The revised unit sizes would retain a mix of dwelling sizes, increasing provision of larger unit sizes, and the revised wording of the S106 Agreement is therefore supported by planning policy. The Council's Housing Officers have considered the revised unit sizes and consider that the amended wording would not result in housing displacement. The revised wording of the S106 Agreement is therefore considered to be acceptable.

The internal layouts of the units have been amended to accord with the updated and adopted Supplementary Planning Document – Accessible Homes (2010). The applicant has requested that the S106 Agreement is revised to reflect the changes and correct the definitions in the Legal Agreement.

### **2) Consultation Responses**

Housing Officers comments are addressed in the above section.

## **CONCLUSION**

Having regard to National Planning Policy, the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 which encourage the provision of mix of housing type in new residential developments, the proposed modification is considered to be consistent with current policy. The change to the definition of Wheelchair Home Standards and in the number of bedrooms within the units would engender a mixed and balance community and ensure that communities are not displaced. The revised terms of the S106 Agreement would therefore accord with current planning policy.

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**Item: 1/02**  
**BENTLEY PRIORY, THE COMMON, P/2217/11**  
**STANMORE, HA7**

Ward: STANMORE PARK  
VARIATION OF CONDITIONS 3 (BOUNDARY TREATMENT), 13 (SURFACE WATER DRAINAGE), 20 (MATERIALS) AND 24 (REMOVAL OF COMMUNICATIONS MASTS) OF PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO ALLOW APPROVAL OF DETAILS AFTER COMMENCEMENT OF DEVELOPMENT

**Applicant:** Barratt Homes North London  
**Case Officer:** Nicholas Ray  
**Statutory Expiry Date:** 15-NOV-11

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## **RECOMMENDATION**

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

## **REASON**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development  
PPG2 – Green Belts  
PPS3 – Housing  
PPS5 – Planning for the Historic Environment  
PPS25 – Development and Flood Risk

### **Draft National Planning Policy Framework 2011 (NPPF):**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

### **The London Plan 2011**

3.5 – Quality and Design of Housing Developments  
7.4 – Local Character  
7.6 – Architecture  
7.16 – Green Belt

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

EP11 – Control of Surface Water Run-Off

EP31 – Areas of Special Character

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D11 – Statutorily Listed Buildings

D18 – Historic Parks and Gardens

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## **MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Condition 3 – Boundary Treatments (3.5, 7.4, 7.6, D4, D5, D11, D18)
- 2) Condition 13 – Surface Water Drainage (PPS25, EP11)
- 3) Condition 20 – Materials (3.5, 7.4, 7.6, D4, D5, D11, D18)
- 4) Condition 24 – Communications Masts (D4)
- 5) Consultation Responses

## **INFORMATION**

This application is reported to Committee, as it proposes to vary conditions on a major development and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

### **a) Summary**

Statutory Return Type: 7. Smallscale Major Dwellings

Council Interest: None.

### **b) Site Description**

- The site has an area of 20.24 hectares and comprises part of Bentley Priory, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also the location of a Grade II\* listed building set within a Grade II listed historic park and garden, comprising a number of protected trees.
- A number of functional military buildings used to occupy the site, but these have since been demolished.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north.
- Development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
- To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).
- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).

- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II\* listed mansion house, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

**c) Proposal Details**

- The development has commenced on site in breach of a number of conditions that required details to be submitted and approved prior to commencement.
- As the site is being developed by both Barratt Homes and City and Country, some of the conditions are to be part discharged to reflect this. Some of the conditions are to be discharged on a phased basis, to reflect the phasing of the scheme.
- This application seeks to vary conditions 3, 13, 20 and 24 of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development.
- Condition 3 is applied for in relation to phase 1 and requires details of the positions, design, materials and type of boundary treatments to be submitted and approved.
- Condition 13 is applied for in relation to the whole development and requires details of surface water drainage works to be submitted and approved.
- Condition 20 is applied for in relation to the whole development and requires samples of materials to be used in the buildings and ground surfacing to be submitted.
- Condition 24 is applied for in relation to the whole development and requires details of a scheme for the removal of telecommunications masts and the reinstatement of the land to be submitted.

**d) Relevant History**

P/1452/08CFU & P/1453/08CFU	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (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.	GRANTED 16-SEP-10
P/1726/11	Change of use from defence establishment to provide 93 dwellings (C3 use class) with ancillary buildings, concierge building and entrance gates with associated car parking,	REPORTED ELSEWHERE ON THIS AGENDA

works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common and demolition of listed buildings (amendments to previous planning permission reference P/1452/08CFU dated 16/09/2010 comprising removal of energy centre, addition of single storey concierge building and security gates with new lay-by, additional 4 dwellings, additional garage to plot 2.1, additional parking spaces, re-siting of refuse/cycle stores and alterations to elevations of dwellings) (application site excludes mansion house and associated areas, as shown within the green line on drawing no.5516/001D)

P/1728/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the approved development, including: addition of single storey concierge building and security gates, additional single storey garage (plot 2.1), alterations to elevations of gatehouse dwelling (plot 2.1) and provision of lay-by on access road (replace approved plan nos 5229.s.006 rev a, 5229.1.001, 5229.2.001, 5229.2.10 and 5229.c.003 with drawing nos 5229.s.006 rev b, 5229.1.001 a, 5516/013, 5516/014, 5516/015, 5516/019a and 5516.024 a)	REPORTED ELSEWHERE ON THIS AGENDA
P/2201/11	Variation of conditions 6 (landscaping), 7 (levels), 8 (mobility scheme), 11 (refuse storage), 17 (bat mitigation strategy), 18 (eradication of japanese knotweed and control of rhododendron ponticum), 19 (nesting bird survey), 21 (archaeological investigation), 22 (archaeological recording) and 23 (elevational treatment) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA

**e) Pre-Application Discussion**

- N/A.

**f) Applicant Statement**

- None.



**g) Consultations:**

**Drainage Engineer:** The drainage details submitted are satisfactory.

**Environment Agency:** Awaiting response in relation to drainage details.

**Site Notice:** 26-AUG-11 Expiry: 16-SEP-11

- Major Development  
- Setting of Listed Building

**Advertisement:** 18-AUG-11 Expiry: 08-SEP-11

- Major Development  
- Setting of Listed Building

**Notifications:**

Sent: 75 Replies: 0 Expiry: 07-SEP-11

**Addresses Consulted:**

- *Common Road:* 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.
- *Priory Drive:* Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.
- *Priory Close:* Turf Hills, Woolmer House, Hazlenuts.
- *Tanglewood Close:* Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.
- *The Common:* 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.

**Summary of Response:**

- None received at time of writing report.

**APPRAISAL**

**1) Condition 3 – Boundary Treatments**

The details of boundary fencing for phase 1 of the development have been included on the submitted drawings. The proposed combination of standard close boarded fencing (1.83 metre height) and low level timber post and rail fencing (1.2 metre height) is considered to be appropriate and it is considered that Condition 3 can be discharged on the basis of these details. A condition is recommended to ensure that the development is carried out in accordance with these details.

**2) Condition 13 – Surface Water Drainage**

Full details of the proposed surface water drainage arrangement for the whole site has been submitted for consideration. The Council's Drainage Engineer considers these details to be acceptable and it is therefore considered that this condition can be discharged, subject to a condition requiring the development to be implemented in accordance with these details.

**3) Condition 20 – Materials**

Materials samples and details covering the majority of the development have been submitted for approval. These details cover all the main external building surfaces and ground surfacing, as set out below:

*External Walls*

The approved development comprises both yellow and red brick elements. Samples have been provided of Leicester Multi Cream Stock and Heritage Red Blend. These samples are considered to be acceptable and would result in an acceptable appearance for the development, in conjunction with the simple white mortar. They would also work well together on the buildings that incorporate both red and yellow brick elements. The cast Portland stone sample would also be acceptable for the stone elements of the designs.

*Windows and Doors*

The majority of windows in the scheme would be casements and a sample sheet has been provided detailing the Mumford and Wood windows proposed, including the natural timber finish, as would be the proposed doors and garage doors. These samples are considered to be acceptable and would be in accordance with the coloured elevations approved as part of the original permission. The white Mumford and Wood sash window, to be used in the gatehouse dwelling, would also be acceptable.

*Roof*

It is proposed to use a mixture of real slate and imitation slate throughout the scheme. The real slate would be used on the more prominent buildings, including the gatehouse dwelling at the front of the site and the gatehouse dwellings to Area 4, which are close to the Grade II\* listed mansion building. Imitation slate would be used on the buildings in the middle of the site. The sample submitted demonstrates that an acceptable finish can result from this product and this is considered to be acceptable in relation to the less prominent buildings on the site. The submitted standing seam bronze roof sample would be acceptable. The proposed black aluminium heritage rainwater goods would have the appearance of cast iron and would be acceptable.

*Ground Surfacing*

The proposed resin bonded surface treatment would be acceptable for use in the driveways in the development. The proposed Olde Priora (Bracken) permeable road paving would also result in an acceptable appearance.

In summary, the range of materials proposed are considered to be appropriate and would result in an acceptable appearance for the development, in line with the requirements of saved UDP policy D4.

**4) Condition 24 – Communications Masts**

This condition originally required details of the removal of the communication masts of the site and the landscape reinstatement to be submitted and approved prior to commencement. The two large boxer towers on the site were removed on the 14<sup>th</sup> June 2011, but no scheme was submitted. However, it is considered that details of landscape reinstatement can be required as part of the landscaping details required by Condition 6. On this basis, Condition 24 can be discharged.

**5) Consultation Responses**

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

- None.

**CONCLUSION**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions, as set out below, are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved.

**CONDITIONS**

1 The boundary treatments for phase 1 of the development shall be carried out in accordance with the details on approved plans 19728A/BENT/B1/7000 and 19728A/BENT/B14/7000 and shall thereafter be retained in that form.

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

2 The surface water drainage works shall be carried out in accordance with the approved drainage report (Structa Report (Ref: 2305) and accompanying drainage plans (2305-BENT-D2-7040 Rev P2, 2305-BENT-D2-7041 Rev P1, 2305-BENT-D2-7042 Rev P1, 2305-BENT-D2-7043 Rev P1, 2305-BENT-D2-7044 Rev P1, 2305-BENT-D2-7045 Rev P1, 2305-BENT-D2-7046 Rev P1, 2305-BENT-D2-7047 Rev P1, 2305-BENT-D2-7048 Rev P1, 2305-BENT-D2-7049 Rev P4, 2305-BENT-D2-7050 Rev P1, 2305-BENT-D2-7051 Rev P1, 2305-BENT-D2-7052 Rev P1, 2305-BENT-D2-7053 Rev P1, 2305-BENT-D2-7054 Rev P1, 2305-BENT-D2-7055 Rev P1, 2305-BENT-D2-7082 Rev P1, 2305-BENT-D2-7901 Rev D, 2305-BENT-D2-7902, 2305-BENT-D2-7903 Rev A). The scheme shall be maintained and managed in accordance with the approved details.

REASON: To ensure that adequate and sustainable drainage facilities are provided, to prevent any increased risk of flooding, in line with the requirements of saved UDP policy EP11.

3 The development shall be implemented in accordance with the following approved materials and shall thereafter be retained: Clague Materials Condition Information (Ref: 19728A: Revision E) Window Photos (Mumford and Wood Casement); Window Photos (Mumford and Wood Sash); Ibstock Leicester Multi Cream Stock Brick Sample; Ibstock Heritage Red Blend Brick Sample; Abbey Stone Products Cast Stone (Portland) Sample; White Mortar Sample; KME UK Bronze Roof (Tecu Oxid) Samples; Natural Slate Company (Fesco Blue Grey Slate) Sample; Marley Eternit (Rivendale – Imitation Slate) Sample; Alumasc Heritage Cast Aluminium Gutter and Downpipe Sample.

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

4 The permission hereby granted is supplemental to planning permission ref: P/1452/08CFU granted by the Council on the 16th September 2010. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

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

National Policy:

PPS1, PPG2, PPS3, PPS5, PPS25

London Plan (2011):

3.5, 7.4, 7.6, 7.16

Harrow Unitary Development Plan (2004):

EP11, EP31, D4, D5, D11, D18

Plan Nos: Structa Report (Ref: 2305); 2305-BENT-D2-7040 Rev P2; 2305-BENT-D2-7041 Rev P1; 2305-BENT-D2-7042 Rev P1; 2305-BENT-D2-7043 Rev P1; 2305-BENT-D2-7044 Rev P1; 2305-BENT-D2-7045 Rev P1; 2305-BENT-D2-7046 Rev P1; 2305-BENT-D2-7047 Rev P1; 2305-BENT-D2-7048 Rev P1; 2305-BENT-D2-7049 Rev P4; 2305-BENT-D2-7050 Rev P1; 2305-BENT-D2-7051 Rev P1; 2305-BENT-D2-7052 Rev P1; 2305-BENT-D2-7053 Rev P1; 2305-BENT-D2-7054 Rev P1; 2305-BENT-D2-7055 Rev P1; 2305-BENT-D2-7082 Rev P1; 2305-BENT-D2-7901 Rev D; 2305-BENT-D2-7902; 2305-BENT-D2-7903 Rev A; 19728A/BENT/B1/7000; 19728A/BENT/B14/7000; Clague Materials Condition Information (Ref: 19728A: Revision E) Window Photos (Mumford and Wood Casement); Window Photos (Mumford and Wood Sash); Ibstock Leicester Multi Cream Stock Brick Sample; Ibstock Heritage Red Blend Brick Sample; Abbey Stone Products Cast Stone (Portland) Sample; White Mortar Sample; KME UK Bronze Roof (Tecu Oxid) Samples; Natural Slate Company (Fesco Blue Grey Slate) Sample; Marley Eternit (Rivendale – Imitation Slate) Sample; Alumasc Heritage Cast Aluminium Gutter and Downpipe Sample

**BENTLEY PRIORY, THE COMMON, P/2201/11  
STANMORE, HA7**

Ward: STANMORE PARK

VARIATION OF CONDITIONS 6 (LANDSCAPING), 7 (LEVELS), 8 (MOBILITY SCHEME), 11 (REFUSE STORAGE), 17 (BAT MITIGATION STRATEGY), 18 (ERADICATION OF JAPANESE KNOTWEED AND CONTROL OF RHODODENDRON PONTICUM), 19 (NESTING BIRD SURVEY), 21 (ARCHAEOLOGICAL INVESTIGATION), 22 (ARCHAEOLOGICAL RECORDING) AND 23 (ELEVATIONAL TREATMENT) OF PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO ALLOW APPROVAL OF DETAILS AFTER COMMENCEMENT OF DEVELOPMENT

**Applicant:** Barratt Homes North London

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** 15-NOV-11

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## **RECOMMENDATION**

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

## **REASON**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPG2 – Green Belts

PPS3 – Housing

PPS5 – Planning for the Historic Environment

### **Draft National Planning Policy Framework 2011 (NPPF):**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

### **The London Plan 2011**

3.5 – Quality and Design of Housing Developments

7.2 – An Inclusive Environment

7.4 – Local Character

7.6 – Architecture

7.8 – Heritage Assets and Archaeology

- 7.16 – Green Belt
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

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

EP26 – Habitat Creation and Enhancement  
EP27 – Species Protection  
EP28 – Conserving and Enhancing Biodiversity  
EP31 – Areas of Special Character  
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  
D20, D21 & D22 – Sites of Archaeological Importance  
T6 – The Transport Impact of Development Proposals  
C16 – Access to Building and Public Spaces  
Supplementary Planning Document: Residential Design Guide (2010)  
Supplementary Planning Document: Accessible Homes (2010)

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**MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Condition 6 – Landscaping (D4, D9, D10, D18)
- 2) Condition 7 – Levels (7.4, D4, D5, D9, D18)
- 3) Condition 8 – Mobility Scheme (3.5, 7.2, C16, SPD)
- 4) Condition 11 – Refuse Storage (D4, T6)
- 5) Condition 17 – Bat Mitigation Strategy (7.19, EP26, EP27, EP28)
- 6) Condition 18 - Eradication of Japanese Knotweed and Control of Rhododendron Ponticum (7.19, EP26, EP27, EP28)
- 7) Condition 19 – Nesting Bird Survey (7.19, EP26, EP27, EP28)
- 8) Conditions 21 and 22 – Archaeological Investigation and Recording (7.8, D20, D21, D22)
- 9) Condition 23 – Elevational Treatment (D4, 3.5, 7.2, 7.6, C16, SPD)
- 10) Consultation Responses

**INFORMATION**

This application is reported to Committee, as it proposes to vary conditions on a major development and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

**a) Summary**

Statutory Return Type: 7. Smallscale Major Dwellings  
Council Interest: None.

**b) Site Description**

- The site has an area of 20.24 hectares and comprises part of Bentley Priory, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.

- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also the location of a Grade II\* listed building set within a Grade II listed historic park and garden, comprising a number of protected trees.
- A number of functional military buildings used to occupy the site, but these have since been demolished.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north.
- Development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
- To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).
- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).
- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II\* listed mansion house, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

**c) Proposal Details**

- The development has commenced on site in breach of a number of conditions that required details to be submitted and approved prior to commencement.
- As the site is being developed by both Barratt Homes and City and Country, some of the conditions are to be part discharged to reflect this. Some of the conditions are to be discharged on a phased basis, to reflect the phasing of the scheme.
- This application seeks to vary conditions 6, 7, 8, 11, 17, 18, 19, 21, 22 and 23 of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development.
- Condition 6 is applied for in relation to the whole site and requires details of hard and soft landscaping, as well as tree protection measures, to be submitted and approved. The proposal seeks to part discharge this condition in relation to tree protection measures only, with a full landscaping proposal to be submitted at a later stage.
- Condition 7 is applied for in relation to phase 1 of the development and requires details of the levels of the buildings, roads and footpaths in relation to the adjoining land to be submitted and approved.
- Condition 8 is applied for in relation to phase 1 of the development and requires details of a scheme indicating provision for people with mobility impairments to gain access to, and egress from, the buildings to be submitted.
- Condition 11 is applied for in relation to phase 1 of the development and requires details of a scheme for the storage of refuse and vehicular access thereto to be submitted.
- Condition 17 is applied for in relation to the whole development and requires details of a mitigation strategy for bats. A part discharge of this condition is requested, to enable EPS licences to be applied for.

- Condition 18 is applied for in relation to the whole development and requires details of a programme of eradication of Japanese Knotweed and control of Rhododendron Ponticum that has been identified on the site to be submitted.
- Condition 19 is applied for in relation to the whole development and requires details of nesting bird habitats to be submitted.
- Conditions 21 and 22 are applied for in relation to the whole development (excluding the Mansion and annex buildings) and requires details of a programme of archaeological investigation work and archaeological recording to be submitted.
- Condition 23 is applied for in relation to phase 1 of the development and requires details of revised elevational treatments for the dwellings to be submitted and approved.

**d) Relevant History**

P/1452/08CFU & P/1453/08CFU	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (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	GRANTED 16-SEP-10
P/1726/11	Change of use from defence establishment to provide 93 dwellings (C3 use class) with ancillary buildings, concierge building and entrance gates with associated car parking, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common and demolition of listed buildings (amendments to previous planning permission reference P/1452/08CFU dated 16/09/2010 comprising removal of energy centre, addition of single storey concierge building and security gates with new lay-by, additional 4 dwellings, additional garage to plot 2.1, additional parking spaces, re-siting of refuse/cycle stores and alterations to elevations of dwellings) (application site excludes mansion house and associated areas, as shown within the green line on drawing no.5516/001D)	REPORTED ELSEWHERE ON THIS AGENDA



P/1728/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the approved development, including: addition of single storey concierge building and security gates, additional single storey garage (plot 2.1), alterations to elevations of gatehouse dwelling (plot 2.1) and provision of lay-by on access road (replace approved plan nos 5229.s.006 rev a, 5229.1.001, 5229.2.001, 5229.2.10 and 5229.c.003 with drawing nos 5229.s.006 rev b, 5229.1.001 a, 5516/013, 5516/014, 5516/015, 5516/019a and 5516.024 a)	REPORTED ELSEWHERE ON THIS AGENDA
P/2217/11	Variation of conditions 3 (boundary treatment), 13 (surface water drainage), 20 (materials) and 24 (removal of communications masts) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA

**e) Pre-Application Discussion**

- N/A.

**f) Applicant Statement**

- None.

**g) Consultations:**

<b>Site Notice:</b> - Major Development - Setting of Listed Building	26-AUG-11	Expiry: 16-SEP-11
<b>Advertisement:</b> - Major Development - Setting of Listed Building	18-AUG-11	Expiry: 08-SEP-11
<b>Notifications:</b> Sent: 75	Replies: 0	Expiry: 07-SEP-11

**Addresses Consulted:**

- *Common Road:* 1-3 Hunton Cottages, 1&2 Birch Cottages, 1&2 Sussex Villas, Woodside, Cedar House, Heath End, Hollycroft, Rosedale Cottage, Myrtle Cottage, Lodge Priory Close, Tanglewood.
- *Priory Drive:* Ad Astra, Barlogan, Bentley Hyde, Dormers, Fidelio, Grammont, Green Verges, Grimsdyke Manor, Hamstede, Hornbeams, Kimbolton, Mallory, Priory Lodge, Red Roofs, Tudor Lodge, White House, Hunters Moon, Cedar Trees, Feering Croft, Pemberley, Bentley Priory Open Space.
- *Priory Close:* Turf Hills, Woolmer House, Hazlenuts.
- *Tanglewood Close:* Chestnut Cottage, Heath Lodge, Longcote, Tanglewood Cottage, 1-3 Tanglewood Lodge.
- *The Common:* 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.

**Summary of Response:**

- None received at time of writing report.

**APPRAISAL**

**1) Condition 6 – Landscaping**

This application seeks to part discharge Condition 6 insofar as it relates to tree protection measures. It is intended that the full hard and soft landscape proposals for the whole site be developed at a later stage and this is considered to be an acceptable approach. A condition is recommended requiring these landscaping details to be provided before the occupation of the first residential unit. Condition 15 of the original permission would be ratified by this variation and would remain in force, requiring the landscaping to be carried out in the first planting season after occupation of any phase. The submitted tree protection measures are considered to be acceptable. The Council's Tree Officer has attended the site regularly, all the necessary vegetation clearance has taken place and the tree protection fencing is in place on the site. It is therefore considered that Condition 6 can be discharged insofar as it relates to tree protection measures. A condition is imposed to ensure that the tree protection measures are retained on site in accordance with these details.

**2) Condition 7 – Levels**

Levels drawings have been submitted in relation to phase 1 of the scheme. The drawings do not propose significant changes to site levels on this part of the site and it is therefore considered that development in phase 1 of the development would be carried out at appropriate levels in relation to neighbouring land. A condition is imposed to ensure that the levels are implemented in accordance with these details.

**3) Condition 8 – Mobility Scheme**

The submitted levels drawings demonstrate that the footpaths within the scheme would be of acceptable gradients to allow persons with mobility impairments to move around phase 1 of the site. All dwellings would have level access thresholds to enable access without the need to negotiate steps. It is therefore considered that Condition 8 can be discharged.

**4) Condition 11 – Refuse Storage**

The submitted refuse storage drawings clearly indicate the position of refuse storage within phase 1 of the scheme and these locations are considered to be acceptable. The drawings also demonstrate that a refuse collection vehicle can adequately manoeuvre through this part of the site and it is therefore considered that this condition can be discharged. A condition is imposed to ensure that the development is carried out in accordance with these details.

**5) Condition 17 – Bat Mitigation Strategy**

A bat survey has been submitted and a European Protected Species (EPS) licence has been issued for the development. The Council's Biodiversity Officer considers this to be acceptable and it is therefore recommended that this condition be discharged.

**6) Condition 18 - Eradication of Japanese Knotweed and Control of Rhododendron Ponticum**

Two reports have been submitted in relation to these matters. The reports recommend a chemical treatment regime for the removal of the Knotweed and a physical removal and treatment process for the Rhododendron. The Council's Biodiversity Officer is in agreement with this approach and it is therefore considered that Condition 18 can be discharged. A condition is imposed to ensure that the development is carried out in accordance with these details.

**7) Condition 19 – Nesting Bird Survey**

This condition relates to the removal of bird habitats, namely scrub, trees and vegetation on the site. The majority of these works have been carried out on site under the supervision of the Council's Tree Officer and Biodiversity Officer and it is therefore considered that the submitted reports are acceptable and Condition 19 can be discharged.

**8) Condition 21 and 22 – Archaeological Investigation Recording**

A full archaeological evaluation has been submitted, as well as a written scheme for archaeological investigation. Extensive trenching has already taken place across the site pursuant to the recommendations of this scheme. English Heritage are satisfied with these reports and it is therefore considered that Conditions 21 and 22 can be discharged. A condition is imposed to ensure that the development is carried out in accordance with these details.

**9) Condition 23 – Elevational Treatment**

The intention of this condition is to allow minor amendments to the elevations of the approved dwellings if necessary, in order to comply with Lifetime Homes Standards. It is proposed to add a glazing canopy over the front doors of the crescent dwellings in phase 1 of the scheme, in order to provide a covered access. This would be a minor alteration to the design of the building and would be acceptable. It is therefore considered that Condition 23 can be discharged in respect of phase 1 of the development and a condition is imposed to ensure that the development is carried out in accordance with these details.

**10) Consultation Responses**

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

- None.

## **CONCLUSION**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions, as set out below, are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved.

## **CONDITIONS**

1 The tree protection measures shall be carried out on site in accordance with the following approved documents and thereafter retained until the development is completed: Arboricultural Report (BNL16877tr-amsA), Tree Report/Arboricultural Report (BNL16877sowA), Survey Plans (BNL16877-03BSheets 1-4).

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

2 No residential occupation of the development shall take place until there has been submitted to, and approved by, the local planning authority, a scheme of proposed hard and soft landscape works for the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, to enhance the appearance of the development and to safeguard the ecology and biodiversity of the area, in line with the requirements of saved UDP policies EP26, D4 and D9.

3 The site levels and finishes for phase 1 of the development shall be implemented on site in accordance with the following approved plans and thereafter retained: 2305-BENT-D2-7000 Rev P2, 2305-BENT-D2-7001 Rev P2, 2305-BENT-D2-7002 Rev P2, 2305-BENT-D2-7003 Rev P2, 2305-BENT-D2-7004 Rev P2, 2305-BENT-D2-7005 Rev P2, 2305-BENT-D2-7006 Rev P2, 2305-BENT-D2-7007 Rev P2, 2305-BENT-D2-7020 Rev P2, 2305-BENT-D2-7021 Rev P2, 2305-BENT-D2-7022 Rev P2, 2305-BENT-D2-7023 Rev P2, 2305-BENT-D2-7024 Rev P2, 2305-BENT-D2-7025 Rev P2, 2305-BENT-D2-7026 Rev P2 and 2305-BENT-D2-7027 Rev P2.

REASON: To ensure that the development is 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, to accord with the requirements of saved UDP policy EP11, D4, D5 and T6.

4 The refuse collection arrangements for phase 1 of the development shall be implemented on site in accordance with the approved drawing 19728A/BENT/P1/501/b and thereafter retained in that form.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, in line with the requirements of saved UDP policy D4.

5 The development shall be implemented on site in accordance with the methodology outlined in the approved Bat Mitigation Strategy (Ref: BNL16877bat.doc).

REASON: To safeguard protected species in line with the requirements of saved UDP policy EP27.

6 The eradication of Japanese Knotweed and control of *Rhododendron Ponticum* shall be carried out in accordance with the methodology in the approved reports (Refs: BNL16877JKMethod.doc and BNL16877RhodMethod.doc).

REASON: In the interest of nature conservation, in line with the requirements of saved UDP policy EP28.

7 The development shall be carried out in accordance with the approved archaeological assessments (Refs: CGMS Written Scheme of Investigation for an Archaeological Evaluation (November 2010), CGMS Written Scheme of Investigation for an Archaeological Building Recording Exercise (November 2010) and CGMS An Archaeological Evaluation (December 2010)).

REASON: To secure the provision of archaeological investigation and subsequent recording of the remains in the interests of national and local heritage and to ensure that the intrinsic archaeological interest in the historic buildings on the site is recorded and preserved, in line with the requirements of saved UDP policies D20, D21 and D22.

8 Phase 1 of the development shall be carried out in accordance with the revised elevational treatments on approved drawings 19728A/BENT/B14/502/b and 19728A/BENT/B1/500/B and shall thereafter be retained.

REASON: To ensure an acceptable design and compliance with Lifetime Homes Standards, in line with the requirements of saved UDP policy D4, policy 3.5 of The London Plan (2011) and Supplementary Planning Document: Accessible Homes (2010).

9 The permission hereby granted is supplemental to planning permission ref: P/1452/08CFU granted by the Council on the 16th September 2010. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The submitted details satisfactorily address the requirements of the conditions applied for. Conditions are imposed to require further details where necessary, or to ensure that the development is carried out in accordance with the details hereby approved. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

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

National Policy:

PPS1, PPG2, PPS3, PPS5

London Plan (2011):

3.5, 7.2, 7.4, 7.6, 7.8, 7.16, 7.19, 7.21

Harrow Unitary Development Plan (2004):

EP26, EP27, EP28, EP31, D4, D5, D9, D10, D18, D20, D21, D22, T6, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

## 2 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: 2305-BENT-D2-7000 Rev P2; 2305-BENT-D2-7001 Rev P2; 2305-BENT-D2-7002 Rev P2; 2305-BENT-D2-7003 Rev P2; 2305-BENT-D2-7004 Rev P2; 2305-BENT-D2-7005 Rev P2; 2305-BENT-D2-7006 Rev P2; 2305-BENT-D2-7007 Rev P2; 2305-BENT-D2-7020 Rev P2; 2305-BENT-D2-7021 Rev P2; 2305-BENT-D2-7022 Rev P2; 2305-BENT-D2-7023 Rev P2; 2305-BENT-D2-7024 Rev P2; 2305-BENT-D2-7025 Rev P2; 2305-BENT-D2-7026 Rev P2; 2305-BENT-D2-7027 Rev P2; 19728A/BENT/B14/502/b; 19728A/BENT/P1/501/b; 19728A/BENT/B1/500/B; CGMS Written Scheme of Investigation for an Archaeological Evaluation (November 2010); CGMS Written Scheme of Investigation for an Archaeological Building Recording Exercise (November 2010); CGMS An Archaeological Evaluation (December 2010); BNL16877JKMethod.doc; BNL16877RhodMethod.doc; BNL16877bat.doc; Arboricultural Report (BNL16877tr-amsA); Tree Report/Arboricultural Report (BNL16877sowA); Survey Plans (BNL16877-03BSheets 1-4).

**BENTLEY PRIORY, THE COMMON, P/1728/11  
STANMORE, HA7**

Ward: STANMORE PARK

VARIATION OF CONDITION 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION P/1452/08CFU DATED 16/09/2010 TO ALLOW MODIFICATIONS TO THE APPROVED DEVELOPMENT, INCLUDING: ADDITION OF SINGLE STOREY CONCIERGE/GARAGE BUILDING AND SECURITY GATES AND ALTERATIONS TO ELEVATIONS OF GATEHOUSE DWELLING (PLOT 2.1) (REPLACE APPROVED PLAN NOS 5229.S.006 REV A, 5229.1.001, 5229.2.001, 5229.2.10 AND 5229.C.003 WITH DRAWING NOS S0006 REV C, 5229.1.001 B, 5516/013, 5516/014A, 5516/019B AND 5516.024B)

**Applicant:** Barratt Homes North London

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** 14-SEP-11

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## **RECOMMENDATION**

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

## **REASON**

The amended proposal constitutes appropriate redevelopment of a major developed site in the Green Belt and the additional development proposed would not be detrimental the openness of the site. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions. The development therefore does not have any significant visual, transport, amenity or other impact that would warrant refusal of planning permission. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPG2 – Green Belts

PPS3 – Housing

PPS5 – Planning for the Historic Environment

### **Draft National Planning Policy Framework 2011 (NPPF):**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

## **The London Plan 2011**

- 3.5 – Quality and Design of Housing Developments
- 7.2 – An Inclusive Environment
- 7.4 – Local Character
- 7.6 – Architecture
- 7.8 – Heritage Assets and Archaeology
- 7.16 – Green Belt
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

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

- EP25 – Noise
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP28 – Conserving and Enhancing Biodiversity
- EP31 – Areas of Special Character
- EP32 – Green Belt – Acceptable Land Uses
- 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
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Building and Public Spaces
- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Bentley Priory Supplementary Planning Document (2007)

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## **MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of the Development (PPS1, PPS3, PPG2, 7.16, EP20, EP32, EP35)
- 2) Character and Appearance of the Green Belt and Area of Special Character (PPS1, PPG2, PPS3, 3.5, 7.4, 7.6, D4, D9, SPD)
- 3) Setting of the Listed Building and Historic Park and Garden (PPS5, 7.8, D11, D18)
- 4) Residential Amenity (EP25, D5, SPD)
- 5) Trees and New Development (7.21, D10)
- 6) Traffic and Parking (T6, T13)
- 7) Accessibility (3.5, 7.2, C16, SPD)
- 8) Ecology and Biodiversity (7.19, EP26, EP27, EP28)
- 9) S17 Crime & Disorder Act (D4, SPD)
- 10) Consultation Responses



## **INFORMATION**

This application is reported to Committee, as it proposes to vary conditions on a major development and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

### **a) Summary**

Statutory Return Type: 7. Smallscale Minor Dwellings

Council Interest: None.

### **b) Site Description**

- The site has an area of 20.24 hectares and comprises part of Bentley Priory, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also the location of a Grade II\* listed building set within a Grade II listed historic park and garden, comprising a number of protected trees.
- A number of functional military buildings used to occupy the site, but these have since been demolished.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north.
- Development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
- To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).
- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).
- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II\* listed mansion house, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

### **c) Proposal Details**

It is proposed to vary Condition 26 of P/1452/08CFU to make amendments to Area 2 of the approved development, as set out below:

- Addition of single storey concierge building 38 metres from the entrance from The Common, along with associated entrance gates.
- The concierge building would also incorporate an integral garage, which would be for the use of the occupants of plot 2.1 (the gatehouse dwelling).
- Re-location of the driveway to plot 2.1.
- Minor changes to the elevations of plot 2.1, comprising additional first floor windows to west elevation.

d)	<b>Relevant History</b> P/1452/08CFU & P/1453/08CFU	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (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	GRANTED 16-SEP-10
	P/1726/11	Change of use from defence establishment to provide 93 dwellings (C3 use class) with ancillary buildings, concierge building and entrance gates with associated car parking, works to landscape (including open space provision, boundary fencing and removal of trees) with improved means of access to the common and demolition of listed buildings (amendments to previous planning permission reference P/1452/08CFU dated 16/09/2010 comprising removal of energy centre, addition of single storey concierge/garage building and security gates, additional 4 dwellings, additional parking spaces, re-siting of refuse/cycle stores and alterations to elevations of dwellings) (application site excludes mansion house and associated areas, as shown within the green line on drawing no.5229/001G)	REPORTED ELSEWHERE ON THIS AGENDA
	P/2201/11	Variation of conditions 6 (landscaping), 7 (levels), 8 (mobility scheme), 11 (refuse storage), 17 (bat mitigation strategy), 18 (eradication of japanese knotweed and control of rhododendron ponticum), 19 (nesting bird survey), 21 (archaeological investigation), 22 (archaeological recording) and 23 (elevational treatment) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA

P/2217/11	Variation of conditions 3 (boundary treatment), 13 (surface water drainage), 20 (materials) and 24 (removal of communications masts) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA
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**e) Pre-Application Discussion**

- N/A.

**f) Applicant Statement**

- None.

**g) Consultations:**

**Highways Engineer:** No objection.

**Conservation Officer:** The amended proposals overcome previous concerns over design and layout.

**Landscape/Tree Officers:** The amended proposals overcome previous concerns over tree loss. No objection, subject to a condition requiring details of a method statement for the construction of the driveway to plot 2.1.

<b>Site Notice:</b>	22-JUL-11	Expiry: 12-AUG-11
- Major Development		
- Setting of Listed Building		

<b>Advertisement:</b>	07-JUL-11	Expiry: 28-JUL-11
- Major Development		
- Setting of Listed Building		

<b>Notifications:</b>		
Sent: 1503	Replies: 9 (including petition of 14 signatures in objection)	Expiry: 28-JUL-11

**Addresses Consulted:**

- Consultations carried out as per original application (ref P/1452/08CFU).

**Summary of Response:**

- Concerns relating to overdevelopment in the Stanmore area and increased population density;
- Volume of traffic in the area is intolerable and should not be allowed to increase;
- Congestion would increase on The Common as a result of use of entrance to the site – an additional access should be provided;

- Would affect local infrastructure and local amenities;
- Development has resulted in a drop in water pressure;
- Developers are seeking to increase the density on the site during the economic downturn;
- Objection to demolition of listed buildings;
- Gatehouse dwelling should not be two storey and increase in size would be unacceptable in terms of light and space;
- Concerns over increased noise and disturbance from additional residents on the site;
- Concerns over loss of trees and green space;
- Further footprint should not be permitted;
- Concerns that layby could result in disturbance;
- Concerns over flood risk from rainwater;
- Sheer scale and mass of development would be out of character with the area.

## APPRAISAL

### 1) Principle of the Development

Bentley Priory is a designated major developed site in the Green Belt, as set out in saved UDP policy EP35, and as such redevelopment is not necessarily inappropriate, subject to the criteria set out in Annex C of PPG2. Paragraph C4 states that redevelopment should:

- (a) have not greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) not exceed the height of the existing buildings; and
- (d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

This application proposes an additional building with entrance gates in Area 2 of the scheme, close to the main entrance from The Common. The table below sets out the existing built footprint, the approved footprint and the proposed additional footprint.

Scenario	Built Footprint (sqm)
Existing Buildings	12,640
Approved Scheme	12,135 (comprising 2,684 of City and Country land)
Proposed Concierge Building/Garage	54
<b>New Footprint</b>	<b>12,189</b>

The table demonstrates that the additional building proposed would result in the total built footprint on the site being below the existing footprint and the development, including the proposed amendments, would therefore not occupy a larger area of the site than the existing buildings. The additional single storey building would also not exceed the height of the existing buildings.

The revised proposals would therefore still constitute appropriate redevelopment of a major developed site in the Green Belt and would therefore accord with saved UDP policies EP32 and EP35, as well as Annex C of PPG2.

**2) Character and Appearance of the Green Belt and Area of Special Character**

The proposed single storey concierge building would be sited some 38 metres from the existing entrance to the site. Including the garage that would be attached to the rear (east) of the building, it would have a footprint of 52sqm. It is acknowledged that this part of the proposal would give rise to additional built development on this part of the site, which would be visible from The Common and the concerns of the GLA in this regard are noted. However, it is felt that amendments made to this part of proposal have overcome earlier concerns over site coverage in this area and would also ensure that the mature tree is retained. This building, with a maximum height of 4 metres, would be modest in scale and would be largely concealed by boundary hedging, the details of which would be agreed as part of the landscaping condition. The amended driveway location to plot 2.1 would also be an improvement on the consented scheme, as it would not impinge on the garden area of this dwelling and would enable improved hedge planting along the access road. On balance therefore, it is considered that this building would have an acceptable impact on openness. The concierge building would have a simple, classical design, befitting of its purpose and reflecting the style of other buildings in the development, including the nearby gatehouse dwelling. The design would therefore be in line with the spirit of Sir John Soane's take on classicism, which provides the basis for the design of the wider scheme.

The proposed entrance gates would, in conjunction with the concierge building, enable access to the site to be monitored, in the interests of security. In character and appearance terms, the principle of entrance gates is accepted here, given the existence of gates that previously served the military establishment and the history of the site as a stately home. The gates would also serve a practical purpose, providing a wayfinding function for visitors to the museum, as well as providing security to the occupiers of the dwellings on the site. The gates would be sited adjacent to the concierge building and would of an acceptable height, 2.1 metres to the top of the railings and 3.1 metres to the top of the highest gatepost. Like the concierge building, they would have an unfussy classical design, in keeping with the character of the scheme. The gates would have an acceptable impact on openness, as the railings would allow views through.

The proposed alterations to the west elevation of the gatehouse dwelling comprise the addition of first floor windows. These are minor alterations, which would not adversely affect the character and appearance of the area.

**3) Setting of the Listed Building and Historic Park and Garden**

The additional development proposed would be located close to where built development previously existed under the original approval. Whilst the area of buildings has increased as part of this proposal, as discussed above, the new building would not impinge on important views of the main Grade II\* listed mansion house or the Grade II listed Historic Park and Garden. The revised layout would therefore preserve the setting of these heritage assets, in accordance with the requirements of saved UDP policies D11, D18 and PPS5.

**4) Residential Amenity**

The proposed concierge building with integral garage would be modest in scale as discussed above. This single storey building would not result in unacceptable loss of outlook or overlooking to the occupiers of neighbouring residential properties. It is acknowledged that there could be additional activity and disturbance in this area as a result of the provision of the entrance gates. However, given the historic precedent and existence of gates in this location, it is considered that this additional activity would not be excessive.

Additional windows are proposed in the first floor west elevation of the gatehouse dwelling, facing the adjacent property at Heriots Wood. However, these windows would be sited some 17 metres from the side boundary of that property and would therefore not result in unacceptable overlooking of those occupiers.

**5) Trees and New Development**

The layout originally proposed as part of this application would have resulted in the loss of two mature trees. The development proposed in this area has subsequently been amended, following concerns raised by officers, and the reduction in the footprint of the concierge/garage building in this area and the removal of a layby proposed adjacent to the access road would ensure that there would be no additional tree loss resulting from the amendments proposed. It is therefore considered that the proposed development would have an acceptable impact on trees and the proposal would therefore comply with saved UDP policy D10.

**6) Traffic and Parking**

Adequate space would be provided before the gates for 'stacking' of vehicles to ensure that there would be no overspill onto The Common. The proposal would provide adequate parking provision for the gatehouse dwelling. The proposed amendments are therefore considered to be acceptable in parking and highway safety terms and as such there would be no conflict with saved UDP policy T13.

**7) Accessibility**

The proposed concierge building and gates would be fully accessible. The proposed amendments would therefore not affect the accessibility of the development and it is therefore considered that the proposal would comply with The London Plan policies 3.8 and 7.2, and would create an inclusive environment.

**8) Ecology and Biodiversity**

A number of the ecological considerations that were subject to conditions on the original approval have been satisfied and it is not envisaged that the amendments proposed as part of this application would give rise to additional concerns in this regard.

**9) S17 Crime & Disorder Act**

The proposed amendments to the scheme would not give rise to any additional concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

## 10) Consultation Responses

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

- Would affect local infrastructure and amenities: Thames Water have not objected to the development in terms of impact on sewage infrastructure. Contributions towards health and education provision in the Borough would be retained.
- Developers are seeking to increase the density on the site during the economic downturn: The development would still comply with Green Belt policy as appropriate redevelopment of a major developed site, as discussed above.
- Objection to demolition of listed buildings: The demolition of some of the curtilage listed buildings has already been approved under listed building consent reference P/1453/08CFU. No further demolitions are proposed.
- Gatehouse dwelling should not be two storey: The original approval (ref P./1452/08CFU) was for this to be a two storey building. It is not proposed to increase the size of this building, only to insert additional windows.
- Development has resulted in a drop in water pressure: This is not a material planning consideration. Thames Water have not objected to the development.
- Concerns that layby could result in disturbance: The layby has been removed from the proposal.
- Concerns over flood risk from rainwater: A condition was placed on the original permission requiring details of a surface water drainage system to be submitted and approved.

## CONCLUSION

In summary, the amended proposal constitutes appropriate redevelopment of a major developed site in the Green Belt and the additional development proposed would not be detrimental the openness of the site. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions, as set out below.

## CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: S0006 rev C; 5229.1.001B; 5516.024B; 5516/013; 5516/014A; 5516/019B. REASON: For the avoidance of doubt and in the interests of proper planning.

3 Development of the concierge/garage building and driveway to plot 2.1 shall not commence until a construction method statement detailing the method of construction of the driveway (a 'no-dig' geotextile construction) to plot 2.1 hereby permitted is submitted and approved by the local planning authority. The driveway shall be constructed in accordance with these details and thereafter retained.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

4 The permission hereby granted is supplemental to planning permission ref: P/1452/08CFU granted by the Council on the 16th September 2010. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect, including in relation to future phases of the development where applicable, unless as otherwise agreed in writing by the Council.

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

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The amended proposal constitutes appropriate redevelopment of a major developed site in the Green Belt and the additional development proposed would not be detrimental the openness of the site. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions. The development therefore does not have any significant visual, transport, amenity or other impact that would warrant refusal of planning permission. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

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

National Policy:

PPS1, PPG2, PPS3, PPS5

London Plan (2011):

3.5, 7.2, 7.4, 7.6, 7.8, 7.16, 7.19, 7.21

Harrow Unitary Development Plan (2004):

EP25, EP26, EP27, EP28, EP31, EP32, EP35, D4, D5, D9, D10, D11, D18, T6, T13, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Bentley Priory Supplementary Planning Document (2007)

### **2 COMPLIANCE WITH PLANNING CONDITIONS**

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

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

Plan Nos: S0006 rev C; 5229.1.001B; 5516.024B; 5516/013; 5516/014A; 5516/019B



**BENTLEY PRIORY, THE COMMON, P/1726/11  
STANMORE, HA7**

Ward STANMORE PARK

CHANGE OF USE FROM DEFENCE ESTABLISHMENT TO PROVIDE 93 DWELLINGS (C3 USE CLASS) WITH ANCILLARY BUILDINGS, CONCIERGE BUILDING AND ENTRANCE GATES WITH ASSOCIATED CAR PARKING, WORKS TO LANDSCAPE (INCLUDING OPEN SPACE PROVISION, BOUNDARY FENCING AND REMOVAL OF TREES) WITH IMPROVED MEANS OF ACCESS TO THE COMMON AND DEMOLITION OF LISTED BUILDINGS (AMENDMENTS TO PREVIOUS PLANNING PERMISSION REFERENCE P/1452/08CFU DATED 16/09/2010 COMPRISING REMOVAL OF ENERGY CENTRE, ADDITION OF SINGLE STOREY CONCIERGE/GARAGE BUILDING AND SECURITY GATES, ADDITIONAL 4 DWELLINGS, ADDITIONAL PARKING SPACES, RE-SITING OF REFUSE/CYCLE STORES AND ALTERATIONS TO ELEVATIONS OF DWELLINGS) (APPLICATION SITE EXCLUDES MANSION HOUSE AND ASSOCIATED AREAS, AS SHOWN WITHIN THE GREEN LINE ON DRAWING NO.5229/001G)

**Applicant:** Barratt Homes North London

**Agent:** GVA

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** 14-SEP-11

## RECOMMENDATION A

**GRANT** planning permission subject to conditions, referral to the GLA and the completion of a Section 106 agreement by 27<sup>th</sup> March 2012. 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 are set out below:

- i) **Museum Start-Up Contribution:** The developer to contribute £200,000 to the start-up costs of the Museum;
- ii) **Museum Endowment Trust Contribution:** The developer to covenant with the Council to set up an Endowment Trust and to contribute £3,000,000 to it to fund the maintenance and operating costs of the Museum;
- iii) **Landscape, Ecology and Woodland Management Plan:** The developer to submit a scheme of landscape improvements and a landscape, ecology and woodland management plan for a period of ten years to be implemented and maintained throughout the life of the development by the Council;
- iv) **Ecology Centre Contribution:** The developer to make a contribution of £100,000 towards the provision of an Ecology Centre in the Borough;
- v) **Museum Delivery:** The developer to ensure timely delivery of the museum facility, the requirement that it be practically completed before the occupation of not more than 40% of the residential properties;
- vi) **Access Road Improvement Contribution:** The developer to contribute £100,000 to the improvement of the access road to the site from The Common;

- vii) **Travel Plan:** The developer to prepare a Travel Plan and to implement and monitor the plan to encourage the use of sustainable modes of travel by future occupants of the residential development. Plan to be agreed in writing by the Council prior to the occupation of any residential unit;
- viii) **Education and Health Contribution:** The developer to contribute £100,000 towards improvements to education and health facilities in the locality;
- ix) **Construction Skills and Training:** The developer to provide a recruitment and training plan for a locally recruited construction and operation workforce;
- x) **Affordable Housing:** The developer to provide 20 off site affordable units, or a contribution of £1,038,835;
- xi) **SSSI Management Contribution:** A contribution by the developer of £50,000 to the management and maintenance of Bentley Priory Site of Special Scientific Interest;
- xii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 27<sup>th</sup> March 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure contributions towards the on site museum, ecology, highways, affordable housing and education and health, would fail to adequately mitigate the impact of the development, thereby being contrary to saved policies EP28, D11 and T6 of the Harrow Unitary Development Plan (2004) and policy 3.11 of The London Plan (2011).

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

PPS1 – Delivering Sustainable Development  
PPG2 – Green Belts  
PPS3 – Housing  
PPS5 – Planning for the Historic Environment  
PPS9 – Biodiversity and Geological Conservation  
PPG13 – Transport  
PPS25 – Development and Flood Risk

#### **Draft National Planning Policy Framework 2011 (NPPF):**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

#### **The London Plan 2011:**

3.5 – Quality and Design of Housing Developments  
3.8 – Housing Choice  
3.11 – Affordable Housing Targets

- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 5.2 – Minimising Carbon Dioxide Emissions
- 5.3 – Sustainable Design and Construction
- 5.6 – Decentralised Energy in Development Proposals
- 5.7 – Renewable Energy
- 6.3 – Assessing Effects of Development on Transport Capacity
- 6.13 – Parking
- 7.2 – An Inclusive Environment
- 7.4 – Local Character
- 7.6 – Architecture
- 7.8 – Heritage Assets and Archaeology
- 7.16 – Green Belt
- 7.19 – Biodiversity and Access to Nature
- 7.21 – Trees and Woodlands

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

- EP20 – Use of Previously Developed Land
- EP25 – Noise
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP28 – Conserving and Enhancing Biodiversity
- EP31 – Areas of Special Character
- EP32 – Green Belt – Acceptable Land Uses
- 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
- D11 – Statutorily Listed Buildings
- D18 – Historic Parks and Gardens
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces
- Supplementary Planning Document: Sustainable Building Design (2009)
- Supplementary Planning Document: Accessible Homes (2010)
- Supplementary Planning Document: Residential Design Guide (2010)
- Bentley Priory Supplementary Planning Document (2007)

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

- 1) Principle of the Development**  
PPS1, PPS3, PPG2, 7.16, EP20, EP32, EP35
- 2) Character and Appearance of the Green Belt and Area of Special Character**  
PPS1, PPG2, PPS3, 3.5, 7.4, 7.6, EP32, D4, D9, SPD
- 3) Setting of the Listed Building and Historic Park and Garden**  
PPS5, 7.8, D11, D18
- 4) Residential Amenity**  
EP25, D5, SPD

- 5) **Trees and New Development**  
7.21, D10
- 6) **Traffic and Parking**  
PPG13, 6.3, 6.13, T6, T13
- 7) **Accessible Homes**  
3.8, 7.2, C16, SPD
- 8) **Affordable Housing**  
PPS3, 3.11, 3.12
- 9) **Sustainability**  
5.2, 5.3, 5.6, 5.7, SPD
- 10) **Ecology and Biodiversity**  
PPS9, 7.19, EP26, EP27, EP28
- 11) **S17 Crime & Disorder Act**  
D4, SPD
- 12) **Amendments to S.106 Obligations**
- 13) **Consultation Responses**

## **INFORMATION**

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

### **a) Summary**

Statutory Return Type:	7. Smallscale Major Dwellings
Green Belt:	Yes
Listed Building:	Grade II*
Site Area:	20.24 hectares
Density:	4.6 dph gross
Lifetime Homes:	93
Car Parking	Provided and Justified: 2 spaces per dwelling
Council Interest:	None

### **b) Site Description**

- The site has an area of 20.24 hectares and comprises part of Bentley Priory, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also the location of a Grade II\* listed building set within a Grade II listed historic park and garden, comprising a number of protected trees.
- A number of functional military buildings used to occupy the site, but these have since been demolished.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north.
- Development in the immediate vicinity of the site generally comprises detached dwellings set in a sylvan landscape.
- To the south of the site is Bentley Priory Open Space, a designated Site of Special Scientific Interest (SSSI).

- Operational use of the site ceased in May 2008 and planning permission and listed building consent was subsequently granted for change of use from defence establishment to provide a museum/education facility and 103 dwellinghouses with associated energy centre, car parking, landscaping and demolition of listed buildings (refs P/1452/08CFU and P/1453/08CFU).
- The site as a whole is being developed by two separate developers and works have commenced on site pursuant to the above consents.
- City and Country Residential are carrying out the works to the Grade II\* listed mansion house, whilst Barratt Homes North London are carrying out the new build works on the remaining site (the green line on submitted drawing 5229/001G denotes the boundary between the Barratts and City and Country Land).

**c) Proposal Details**

This application proposes amendments to the existing approval on the site (refs P/1452/08CFU and P/1453/08CFU) for the Barratt's land only. These are outlined below under the areas denoted on submitted plan 5229/001G. The remaining development proposed would be identical to the existing approval.

Area 2

- Addition of single storey concierge building 38 metres from the entrance from The Common, along with associated entrance gates.
- The concierge building would also incorporate an integral garage, which would be for the use of the occupants of plot 2.1 (the gatehouse dwelling).
- Re-location of the driveway to plot 2.1.
- Minor changes to the elevations of plot 2.1, comprising additional first floor windows to west elevation.

Area 3 west

- Minor changes to side elevations of semi-detached dwellings comprising additional bathroom windows.

Area 3 east

- Addition of 2 dwellings to the western terrace, 1 to each end of the terrace, with alterations to the design of the terrace and alterations to southern terrace.
- 3 additional courtyard parking spaces.
- Relocation of refuse and cycle store.

Area 4

- Additional dwelling to the southern terrace and additional dwelling to the eastern terrace with alterations to the design of this terrace.
- Alterations to siting of terraces, gatehouse dwellings and courtyard parking in this area.
- 4 additional courtyard parking spaces.
- Re-siting of terraces and gatehouse dwellings.

**Revisions to Application Following Original Consultation**

- Garage in Area 2 combined with concierge building, resulting in reduced footprint.
- Layby originally proposed in Area 2 removed from proposal.
- Further information in the form of artists impressions submitted in relation to new buildings in Area 3 East.

- Removal of side balcony to plot 3.23.
- Amendments to layout of Area 4, including alterations to siting of gatehouse dwellings and southern and western terraces.
- Detailed Energy Strategy submitted.
- An additional contribution towards affordable housing of £38,835 is offered, to reflect the additional residential units proposed.

**d) Relevant History**

P/1452/08CFU & P/1453/08CFU	Change of use from defence establishment to provide a museum/education facility (D1 use class) 103 dwelling (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	GRANTED 16-SEP-10
P/1926/10 & P/1935/10	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	GRANTED 16-SEP-10
P/0104/11 & P/0105/11	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	GRANTED 20-JUL-10

P/1728/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 to allow modifications to the approved development, including: addition of single storey concierge/garage building and security gates and alterations to elevations of gatehouse dwelling (plot 2.1) (replace approved plan nos 5229.s.006 rev a, 5229.1.001, 5229.2.001, 5229.2.10 and 5229.c.003 with drawing nos s0006 rev c, 5229.1.001 b, 5516/013, 5516/014a, 5516/019b and 5516.024b)	REPORTED ELSEWHERE ON THIS AGENDA
P/1840/11	First floor extension to building 7 and conversion to 5 dwellinghouses; external alterations (amendments to planning permission P/1452/08CFU dated 16/09/2010 to provide 2 additional dwellinghouses, enlargement of first floor extension and amendments to external alterations)	CURRENT (RELATING TO CITY AND COUNTRY LAND)
P/1841/11	Part demolition and conversion of building 267 to 7 flats; external alterations to fenestration and insertion of rooflights (amendments to planning permission P/1452/08CFU dated 16/09/2010 to retain the building instead of replacing the building with 3 new dwellinghouses)	CURRENT (RELATING TO CITY AND COUNTRY LAND)
P/1842/11	Conversion of dining room block to 4 flats with basement parking; external alterations (amendments to planning permission P/1452/08CFU dated 16/09/2010 to provide 3 additional flats, addition of basement parking and amendments to external alterations)	CURRENT (RELATING TO CITY AND COUNTRY LAND)
P/2201/11	Variation of conditions 6 (landscaping), 7 (levels), 8 (mobility scheme), 11 (refuse storage), 17 (bat mitigation strategy), 18 (eradication of Japanese knotweed and control of rhododendron ponticum), 19 (nesting bird survey), 21 (archaeological investigation), 22 (archaeological recording) and 23 (elevational treatment) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA

P/2217/11	Variation of conditions 3 (boundary treatment), 13 (surface water drainage), 20 (materials) and 24 (removal of communications masts) of planning permission P/1452/08CFU dated 16/09/2010 to allow approval of details after commencement of development	REPORTED ELSEWHERE ON THIS AGENDA
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**e) Pre-Application Discussion (HA\2011\ENQ\00025)**

Area 2

- Concern over impact on openness on this part of the site from the introduction of a proposed concierge building and garage in an area that is supposed to be a reinstatement of the original wooded carriage drive.
- There are concerns that the concierge building would be over embellished in terms of design for a functional building.
- It needs to be explained how the proposed gates would function in terms of the mixed uses of the site.
- The garage would be overly large and would have an unacceptable design.

Area 3 west

- The additional windows appear to be acceptable in principle, subject to a condition requiring them to be obscure glazed and fixed closed below a height of 1.7 metres above finished floor level.

Area 3 east

- Concerns over the flat roofed design of the ends of the courtyard terrace, the bathroom fanlights and whether these additional units should sit forward of the rest of the terrace.

Area 4

- Concerns raised over the design of the revised proposals in this area.

General

- Increase in footprint would need to be justified in relation to the footprint parameters of the Major Developed Site.
- Concern over whether the additional development would impact on the landscaping for the scheme.
- Concern over tree removal, this would require justification.

**f) Applicant Statements**

- Design and Access Statement.
- Planning Statement.
- Transport Statement Addendum.
- Arboricultural Statement Addendum.
- Landscape Conservation Management Plan Addendum.
- Heritage Statement Addendum.
- Flood Risk and Drainage Assessment Addendum.
- Sustainable Design and Renewable Energy Strategy.



**g) Consultations:**

**Highways Engineer:** The net increase of 4 dwellings over the approved scheme would be insignificant in both traffic generation and parking terms. The parking provision of 2 spaces per dwelling exceeds the maximum UDP standards, which is appropriate in this location. A Travel Plan obligation should be retained in the legal agreement. In summary, the overall traffic generation from the proposed development is anticipated to be less than the activity that was generated when the site was in operational use. All pedestrian access would be via the existing access on The Common. Improvements to the access by the provision of a designated right turn lane into the site are proposed. All streets and courtyards within the site would be based on a clear, permeable and intuitive hierarchy, in compliance with best practice and would encourage sustainable transport modes. Cycle parking provision would be acceptable. The contribution to highway access works would need to be retained. The museum facility would not be prejudiced by the revised proposals.

**Landscape/Tree Officers:** Concerns initially raised in relation to the loss of two mature trees as a result of the additional garage to plot 2.1 and the proposed layby. The amended proposals overcome these concerns over tree loss, as the layby has been removed and the garage re-sited. No objection, subject to a condition requiring details of a method statement for the construction of the driveway to plot 2.1.

**Conservation Officer:** Concerns initially raised in relation to design, layout and impact on openness. The amended proposals overcome these concerns and no objections are raised to the revised design and layout.

**Environment Agency:** No objections, subject to conditions requiring details of surface water control measures and buffer zones along the ditches on site.

**Greater London Authority Stage 1 Response:** Development does not comply with the London Plan. Concerns relate to the revised layout and its resultant impact on Green Belt openness and the setting of the Grade II\* listed building and Historic Park and Garden. Inadequate detail has been provided in the submitted Energy Statement. The provision of four additional residential units requires that the contribution to affordable housing be re-assessed. If minded to approve, the application would need to be referred back to the Mayor under Stage 2.

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

**Thames Water:** No objection.

**Housing Officer:** Awaiting response.

**Site Notice:**

22-JUL-11

Expiry: 12-AUG-11

- Major Development
- Setting of Listed Building

**Advertisement:**

07-JUL-11

Expiry: 28-JUL-11

- Major Development
- Setting of Listed Building

**Notifications:**

Sent: 1503

Replies: 9  
(including petition  
of 14 signatures  
in objection)

Expiry: 28-JUL-11

**Addresses Consulted:**

Consultations carried out as per original application (ref P/1452/08CFU).

**Summary of Response:**

- Concerns relating to overdevelopment in the Stanmore area and increased population density;
- Volume of traffic in the area is intolerable and should not be allowed to increase;
- Congestion would increase on The Common as a result of use of entrance to the site – an additional access should be provided;
- Would affect local infrastructure and local amenities;
- Development has resulted in a drop in water pressure;
- Developers are seeking to increase the density on the site during the economic downturn;
- Objection to demolition of listed buildings;
- Gatehouse dwelling should not be two storey and increase in size would be unacceptable in terms of light and space;
- Concerns over Increased noise and disturbance from additional residents on the site;
- Concerns over loss of trees and green space;
- Further footprint should not be permitted;
- Concerns that layby could result in disturbance;
- Concerns over flood risk from rainwater;
- Sheer scale and mass of development would be out of character with the area.

**APPRAISAL**

**1) Principle of the Development**

Bentley Priory is a designated major developed site in the Green Belt, as set out in saved UDP policy EP35, and as such redevelopment is not necessarily inappropriate, subject to the criteria set out in Annex C of PPG2. Paragraph C4 states that redevelopment should:

- (e) have not greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (f) contribute to the achievement of the objectives for the use of land in Green Belts;
- (g) not exceed the height of the existing buildings; and
- (h) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

The principle of a residential development of this site has been accepted in the previous approval (ref P/1452/08CFU). This application proposes revisions to this approval as set out above in Section E of this report. These revisions relate only to the part of the site owned by Barratt Homes, with the remainder of the site being developed by City and Country Residential. The table below outlines a comparison of the overall built footprint of the existing site, the approved scheme and the revisions now proposed for the Barratts part of the site.

Scenario	Built Footprint (sqm)
Existing Buildings	12,640
Approved Scheme	9,451 (plus 2,684 on City and Country land)
Proposed Revised Scheme	9,915

As the above figures demonstrate, the revised footprint of 9,915sqm, in addition to the 2,684sqm to be provided on the City and Country part of the site, would result in a total revised footprint of 12,599sqm across the site. This would be below the existing built footprint of 12,640sqm (a figure agreed back in 2008) and the proposed development would therefore not occupy a larger area of the site than the existing buildings. The revised scheme would also not exceed the height of the existing buildings.

The revised proposals would therefore still constitute appropriate redevelopment of a major developed site in the Green Belt and would therefore accord with saved UDP policies EP32 and EP35, as well as Annex C of PPG2.

## 2) **Character and Appearance of the Green Belt and Area of Special Character**

The revised scheme introduces new built elements in Areas 2, 3 and 4. These elements would effectively result in the infilling of the developed areas approved under the extant permission. It is therefore necessary to consider the impact on openness that would result from the additional built development and this is considered below in respect of each of the proposed amendments.

### Area 2

The proposed single storey concierge building would be sited some 38 metres from the existing entrance to the site. Including the garage that would be attached to the rear (east) of the building, it would have a footprint of 52sqm. It is acknowledged that this part of the proposal would give rise to additional built development on this part of the site, which would be visible from The Common and the concerns of the GLA in this regard are noted. However, it is felt that amendments made to this part of proposal have overcome earlier concerns over site coverage in this area and would also ensure that the mature tree is retained. This building, with a maximum height of 4 metres, would be modest in scale and would be largely concealed by boundary hedging, the details of which would be agreed as part of the landscaping condition. The amended driveway location to plot 2.1 would also be an improvement on the consented scheme, as it would not impinge on the garden area of this dwelling and would enable improved hedge planting along the access road. On balance therefore, it is considered that this building would have an acceptable impact on openness.

The concierge building would have a simple, classical design, befitting of its purpose and reflecting the style of other buildings in the development, including the nearby gatehouse dwelling. The design would therefore be in line with the spirit of Sir John Soane's take on classicism, which provides the basis for the design of the wider scheme.

The proposed entrance gates would, in conjunction with the concierge building, enable access to the site to be monitored, in the interests of security. In character and appearance terms, the principle of entrance gates is accepted here, given the existence of gates that previously served the military establishment and the history of the site as a stately home. The gates would also serve a practical purpose, providing a wayfinding function for visitors to the museum, as well as providing security to the occupiers of the dwellings on the site. The gates would be sited adjacent to the concierge building and would of an acceptable height, 2.1 metres to the top of the railings and 3.1 metres to the top of the highest gatepost. Like the concierge building, they would have an unfussy classical design, in keeping with the character of the scheme. The gates would have an acceptable impact on openness, as the railings would allow views through.

The proposed alterations to the west elevation of the gatehouse dwelling comprise the addition of first floor windows. These are minor alterations, which would not adversely affect the character and appearance of the area.

#### Area 3 West

The proposed alterations to the side elevations of these semi-detached dwellings comprise the addition of upper floor bathroom windows. These are minor alterations, which would not adversely affect the character and appearance of this part of the scheme.

#### Area 3 East

It is proposed to add a new dwelling to each end of the western terrace of this part of the scheme and make changes to the elevations. The proposed dwellings would have a total footprint of 182 sqm and would result in the length of the terrace increasing by 6 metres at each end. It is acknowledged that these changes would result in the terrace exceeding the width of the central courtyard and this would, to an extent, close down views out of the courtyard to the open areas beyond. Concerns raised by officers in terms of the impact on openness in this area, particularly the relationship between plot 3.29 and 3.23 with a separation of 6 metres wall to wall, were echoed by the GLA in their response to the proposal. In response to this, the applicants have provided artists impressions of key views out of this area. On further consideration and in the light of the additional drawings provided, it is the opinion of officers that an acceptable relationship would result and that openness would not be impinged upon to an unacceptable degree. The separation distance would be similar to some of the previously approved layout in this area, notably between plots 3.25 and 3.26. On balance therefore, it is considered that the layout of these new dwellings would be acceptable in design terms and in relation to Green Belt policy.

Changes are also proposed to the external appearance of this terrace. The central parapet feature has been given greater emphasis and the additional dwellings would also be set forward of the main building lines, and would have pronounced parapet features and curved bays at the sides. The central parapet feature would form the centre point of the terrace in views from the east and the design approach adopted here is considered to be appropriate. The submitted Design and Access Statement states that 'the proposed additional accommodation at the ends of the building have been deliberately set forward of the main line of the building to provide visual 'bookends' to a long elevation'. This approach is considered to be acceptable, given the increase in the length of the terrace. The proposed curved bays would be in keeping with the simple classical design and would add visual interest. The amendments to these elevations are therefore considered to be acceptable. The minor external changes to plot 3.23, comprising the replacement of the first floor side balcony with a casement window, are also considered to be acceptable.

The 3 additional parking spaces proposed would increase the level of hardsurfacing in the courtyard area. However, it is considered that this would not impinge on the amount of planting in this area to an unacceptable degree and this amendment would therefore have an acceptable impact on the character and appearance of the area.

The bin store previously approved in this area would also be moved, in order to accommodate the additional dwelling to the north of the terrace. The relocation of this structure is not considered to be objectionable. Indeed greater separation would result between the store and the western terrace, as compared to the approved layout.

#### Area 4

It is proposed to add 2 dwellings to this area, one to the eastern terrace and one to the southern terrace. The buildings and courtyard in this area would also be re-sited to increase the feeling of space in this area. The additional dwelling to the southern terrace would increase the footprint of this row of dwellings by 74 sqm, whilst the additional dwelling to the eastern terrace would increase the footprint of this building by 153 sqm. It is considered that initial concerns raised with regard to the tight relationship of the buildings in this area have been overcome due to the re-siting of the buildings. Whilst the gatehouse dwellings would be 2 metres closer together, the separation distances of 6 metres between the gatehouse dwelling and the southern terrace and 5 metres between the southern terrace and the western terrace represent a significant improvement to openness. The proposed layout now better resembles the approved layout and is considered to be acceptable.

The revised design of the eastern terrace would retain the central parapet feature and recessed doorways. Curved bays would be added to the sides, in a similar style to the western terrace in Area 3. The simple classical design would be retained and these design changes are therefore considered to be acceptable.

The 4 additional parking spaces proposed would increase the level of hardsurfacing in the courtyard area. However, it is considered that this would not impinge on the amount of planting in this area to an unacceptable degree. The amended siting of the parking area has overcome concerns raised over the encroachment into the amenity areas of the gatehouse dwellings. This amendment would therefore have an acceptable impact on the character and appearance of the area.

In summary, it is considered that the revised proposals address concerns raised in respect of the initial submission relating to the openness of the site. The revised design and layout would have an acceptable impact on the openness of the site and the character and appearance of the scheme, and would comply with PPG2, saved UDP policies EP32 and D4. The proposed revisions would also accord with the principles set out in the adopted Bentley Priory Supplementary Planning Document.

### ***Refuse Storage***

The refuse storage arrangements would be as approved, with the exception of the amendments to the location of the bin store is Area 3. The bin storage areas would provide adequate capacity for the additional 4 dwellings on the site and the proposal would therefore be acceptable in this regard.

### **3) Setting of the Listed Building and Historic Park and Garden**

The additional buildings proposed would be located in areas where built development previously existed under the original approval. Whilst the area of buildings in those areas has increased as part of this proposal, as discussed above, the new buildings would not impinge on important views of the main Grade II\* listed mansion house. The revised layout would therefore preserve the setting of the listed building, in accordance with the requirements of saved UDP policy D11 and PPS5.

The amended arrangement of buildings would, to an extent, affect the openness and setting of the Grade II listed Historic Park and Garden, as discussed above. However, as discussed, the new buildings would be located in areas of the site where existing built development had been approved. The amended layout is considered to have an acceptable impact on the openness of the site and would not encroach into the important areas of the listed garden. It is considered that the additional information submitted in response to the concerns of the GLA over the relationship of the new buildings has demonstrated that an acceptable layout would result. It is therefore considered that the revised proposals comply with saved UDP policy D18 in this regard.

### **4) Residential Amenity**

#### **Area 2**

The proposed concierge building with integral garage would be modest in scale as discussed above. This single storey building would not result in unacceptable loss of outlook or overlooking to the occupiers of neighbouring residential properties. It is acknowledged that there could be additional activity and disturbance in this area as a result of the provision of the entrance gates.

However, given the historic precedent and existence of gates in this location, it is considered that this additional activity would not be excessive.

Additional windows are proposed in the first floor west elevation of the gatehouse dwelling, facing the adjacent property at Heriots Wood. However, these windows would be sited some 17 metres from the side boundary of that property and would therefore not result in unacceptable overlooking of those occupiers.

#### Area 3 West

The proposed upper floor flank wall windows in the crescent dwellings in this area would be acceptable in principle. A condition is recommended requiring these windows to be obscure glazed and fixed closed below a height of 1.7 metres above finished floor level, and it is considered that this would ensure an acceptable relationship between these dwellings in terms of overlooking.

#### Area 3 East

Initial concerns raised over the proximity of plots 3.23 and 3.29 have been overcome by way of the removal of the western side balcony to plot 3.23. An acceptable relationship would now result between these two units in terms of overlooking. Given that the primary windows to plot 3.23 are on the southern elevation, it is considered that the separation distance of 6 metres between the two buildings would be adequate to ensure that the living conditions of the occupiers of these dwellings are adequate. The main outlook for the occupiers of both of these properties would be to the south, over the walled garden, and it is considered that this would compensate for the proximity of the two buildings. The additional dwelling to the north of this terrace would bring the building closer to the semi-detached crescent dwellings to the north. However, the separation distances of 9 metres to the rear boundary and 18 metres to the rear walls would ensure an acceptable relationship for future occupiers, in terms of outlook and overlooking.

#### Area 4

Initial concerns raised over the relationship between the buildings in this area have been overcome as a result of the revised plans submitted. The revised arrangement would allow for separation distances of 6 metres between the corners of the gatehouse dwellings and the southern terrace and 5 metres between the corners of the southern terrace and the western terrace. The amended parking layout would not encroach into the rear amenity areas of the gatehouse dwellings.

In summary, it is considered that the layout of the proposed development would have an acceptable impact on the amenities of neighbouring residents and future occupiers of the development itself. The additional 4 dwellings proposed would not increase activity and disturbance arising from the development to an unacceptable degree. The proposal would therefore comply with saved UDP policy D5 in this regard.

#### ***Compliance with Space Standards***

All the proposed dwellings would comply with the internal space standards set out in the Council's Residential Design Guide SPD and the Interim London Housing Design Guide. The amount of external amenity space provided would be similar to that of the approved scheme and is therefore considered to be acceptable.

**5) Trees and New Development**

The layout of Area 2 originally proposed as part of this application would have resulted in the loss of two mature trees. The development proposed in this area has subsequently been amended, following concerns raised by officers, and the reduction in the footprint of the concierge/garage building in this area and the removal of a layby proposed adjacent to the access road would ensure that there would be no additional tree loss resulting from the amendments proposed. The Council's Tree Officer has requested that a method statement for the construction of the driveway to plot 2.1 be provided, as this could affect the root protection area of this tree. A condition is recommended in order to secure this. It is therefore considered that the proposed development would have an acceptable impact on trees and the proposal would therefore comply with saved UDP policy D10.

**6) Traffic and Parking**

The Council's Highways Engineer has been consulted on the application and considers that the proposed increase of 4 dwellings over the approved scheme would be insignificant in both traffic generation and parking terms. The parking provision of 2 spaces per dwelling exceeds the maximum UDP standards, which is appropriate in this location. The overall traffic generation from the proposed development is anticipated to be less than the activity that was generated when the site was in operational use. All pedestrian and vehicle access would be via the existing access on The Common as previously approved and the streets and courtyards within the development would be largely as approved in terms of highway considerations. Original S.106 obligations relating to highway improvements and the production of a travel plan are retained, as set out below. Adequate secure cycle parking provision would be proposed. The museum facility would not be prejudiced by the revised proposals. Indeed it is felt that a well managed concierge facility, such as the one proposed, could contribute positively to the function of the museum. Adequate space would be provided before the gates for 'stacking' of vehicles to ensure that there would be no overspill onto The Common. The proposed amendments are therefore considered to be acceptable in parking and highway safety terms and as such there would be no conflict with saved UDP policy T13.

**7) Accessible Homes**

Each of the dwellings proposed would comply with the Lifetime Homes Standards, as set out in the Council's Accessible Homes SPD. The majority of the proposed dwellings would also comply with the additional requirements of the Wheelchair Homes Standards. The concierge building and entrance gates would also be fully accessible. It is therefore considered that the proposal would comply with The London Plan policies 3.8 and 7.2, and would create an inclusive environment.

**8) Affordable Housing**

The existing approval on the site is subject to a £1 million contribution towards off site affordable housing provision. However, this application proposes an additional four residential units and it is considered reasonable that this contribution be reassessed in light of the uplift in private residential housing proposed. The GLA have also raised concerns in this regard. The applicant is proposing to provide an additional contribution of £38,835 to reflect the additional 4 units proposed.



This figure is derived from a calculation of the original £1,000,000 divided by the originally consented 103 dwellings, making a 'per unit' figure of £9,708.74. This is then multiplied by the additional 4 units to give the amended figure. It is considered that a full GLA toolkit re-assessment of the affordable housing contribution would not be necessary in these circumstances and the approach adopted is considered to be appropriate. The proposal is therefore considered to be in accordance with policy 3.11 of The London Plan 2011 and the additional contribution, to be secured through a s.106 obligation as set out above, is considered to be acceptable.

## 9) **Sustainability**

It is proposed to remove the originally approved on site energy centre from the scheme, owing to concerns over its efficiency, environmental and visual impact. It is now proposed to improve the built fabric of the buildings themselves, provide more energy efficient heating systems and utilise ground and air source heat pumps. This approach is considered to be acceptable in principle. Given these circumstances, the revised Energy Strategy is considered to be a particularly important part of the application. Concerns were raised by officers and the GLA in relation to the Energy Statement provided as part of the original submission of this application. The document was deficient in terms of details of modelling and commitment to energy efficiency measures, details of the nature of communal heating systems in the flats, information on proposed passive design features and figures on how renewable energy technologies would be integrated with the communal heating systems in terms of reduction in CO2 emissions.

In response to these concerns, the applicant has submitted a more detailed Energy Strategy. This provides full calculations, which model the energy efficiency measures put forward and adopts a precautionary approach by factoring in the additional units proposed on the City and Country part of the site (refs P/1840/11, P/1841/11 and P/1842/11, currently under consideration). Details of the proposed communal heating system and passive design features have also been provided, as well as a Code for Sustainable Homes pre-assessment, certifying compliance with Level 3 of the Code.

In summary, the revised Energy Strategy proposes the following passive design features:

- Use of BRE Green Guide rated materials wherever practical;
- Betterment in wall, glazing, roof and floor slab U values;
- Proposed improvement of air leakage rate;
- Improvement to 100% low energy lighting (from one in four);
- Balanced mechanical ventilation with heat recovery;
- Construction to be in accordance with accredited construction details to reduce heat loss associated with thermal bridges; and
- Efficient controls.

In addition to these features, it is proposed that the 32 new build flats in the scheme would be served by a communal heating system, the plant for which would be a combination of high efficiency gas boilers and air source heat pumps.

The 7 large detached dwellings in Areas 1 and 2 would have ground source heat pumps, whilst the remaining 54 dwellings would be provided with wood burning stoves.

Given the historic nature of the site, certain renewable energy technologies would not be appropriate. There is also limited scope for built fabric improvement to the Grade II\* listed mansion building, so the strategy seeks to offset this by providing additional improvements to the new build elements of the scheme. The calculations in the Energy Strategy demonstrate that there would be a 25.48% saving in CO2 emissions across the site as a whole (including the City and Country land), which would comply with policy 5.2 of The London Plan 2011. It is therefore considered that the revised detailed Energy Strategy overcomes concerns previously raised and the proposal is considered comply with the Council's SPD and London Plan policy on sustainable design and construction and renewable energy provision.

**10) Ecology and Biodiversity**

A number of the ecological considerations that were subject to conditions on the original approval have been satisfied and it is not envisaged that the amendments proposed as part of this application would give rise to additional concerns in this regard.

**11) S17 Crime & Disorder Act**

The proposed amendments to the scheme would not give rise to any additional concerns relating to secure by design considerations and the proposal is therefore considered to be acceptable in this regard.

**12) Amendments to S.106 Obligations**

To reflect the two developers that own this site and the fact that some of the obligations have been discharged, a number of amendments to the heads of terms are required. The terms relating to the museum business plan and museum improvement and refurbishment works apply to City and Country land and are therefore not required as part of the legal agreement pursuant to this application. The planning administration fee has been paid in relation to the original s.106 and is therefore not required again. All the other heads of terms would apply to Barratt's and would remain the same as the previous s.106, with the exception of the affordable housing contribution, which would be increased by £38,835 to reflect the uplift of 4 dwellings, as discussed above.

**13) Consultation Responses**

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

- Would affect local infrastructure and amenities: Thames Water have not objected to the development in terms of impact on sewage infrastructure. Contributions towards health and education provision in the Borough would be provided.
- Developers are seeking to increase the density on the site during the economic downturn: The revised proposal follows the decision to remove the previously approved Energy Centre, which is supported, and re-provide some of this footprint. The development would still comply with Green Belt policy as appropriate redevelopment of a major developed site, as discussed above.

- Objection to demolition of listed buildings: The demolition of some of the curtilage listed buildings has already been approved under listed building consent reference P/1453/08CFU. No further demolitions are proposed.
- Gatehouse dwelling should not be two storey: The original approval (ref P./1452/08CFU) was for this to be a two storey building. It is not proposed to increase the size of this building, only to insert additional windows.
- Development has resulted in a drop in water pressure: This is not a material planning consideration. Thames Water have not objected to the development.
- Concerns that layby could result in disturbance: The layby has been removed from the proposal.
- Concerns over flood risk from rainwater: A condition is recommended requiring details of a surface water drainage system to be submitted and approved.

## **CONCLUSION**

In summary, the revised proposal constitutes appropriate redevelopment of a major developed site in the Green Belt and the additional development proposed would not be detrimental the openness of the site. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below and S.106 obligations, as set out at the beginning of this report.

## **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: 5516/023; 5229/001G; 5229.S.005; 5229.1.001B; 5229.1.10; 5229.1.11; 5229.1.30; 5229.024B; 5229.2.002A; 5229.2.003A; 5516/013; 5516/014A; 5516/19B; 5229.2.20; 5229.2.21; 5229.2.30; 5229.2.31; 5229.2.40; 5229.2.41; 5229.2.50; 5229.2.51; 5229.2.52; 5516.025; 5516.026A; 5516.028; 5516/016; 5516/017; 5229.3.130A; 5229.3.131A; 5229.3.132; 5229.3.133; 5229.3.151; 5229.3.153A; 5516/20; 5516/21A; 5229.4.001C; 5229.027B; 5516/033B; 5516/018A; 5516/022; 5229.4.103A; 5516.029; 5516.030; 5516.031A; 5516.032A; 5229.G.001; 5229.7N.101; 5229.7N.102; 5529.G.011; 5229.G.012; 5229.G.013; 5229.G.014; 5229.G.015; 5516.034; 5529.G.100; 5229.G.200; 5229.G.300; 5229.G.400; 5229.G.401; Design and Access Statement (NA/5516 – June 2011 Revision D); Planning Statement; Transport Statement Addendum (Ref: E943-01A); Arboricultural Statement Addendum (Ref: BNL16877tr-amsA); Landscape Conservation Management Plan Addendum (Ref: BNL16877man.doc); Landscape Comparative Review (Ref: BNL16877alt-state.doc); Heritage Statement Addendum; Flood Risk and Drainage Assessment Addendum (Ref: E943-01A); Sustainable Design and Renewable Energy Strategy (Ref: 3397/3/4/SF Rev C).

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

3 The development shall be carried out in accordance with the Phasing Strategy approved under planning reference P/3453/10. Any variations to the approved Phasing Strategy must first be approved in writing by the local planning authority.

REASON: To ensure satisfactory implementation of the development in accordance with saved UDP policy D4.

4 The boundary treatments for phase 1 of the development shall be implemented in accordance with the details approved under planning reference P/2217/11 and shall thereafter be retained. No further phase of development shall commence 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 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 line with the requirements of saved UDP policies D4 and D5.

5 The access carriageway within phase 1 of the development hereby permitted shall be constructed to base course in accordance with specification and levels approved under planning reference P/2201/11, prior to first residential occupation of this phase. No further phase of development shall commence until the specification and levels of the access carriageway is submitted and approved in writing by the local planning authority. The carriageway and footways shall be completed before any building in that phase is occupied in accordance with the approved details and shall be thereafter retained.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic, in line with the requirements of saved UDP policy T6.

6 The tree protection measures shall be retained on site in accordance with the details approved under planning reference P/2201/11.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

7 No residential occupation of the development shall take place until there has been submitted to, and approved by, the local planning authority, a scheme of proposed hard and soft landscape works for the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, to enhance the appearance of the development and to safeguard the ecology and biodiversity of the area, in line with the requirements of saved UDP policies EP26, D4 and D9.

8 The site levels and ground surface finishes for phase 1 of the development shall be carried out in accordance with the details approved under planning reference P/2201/11, prior to first residential occupation of this phase. No further phase of development shall commence until the details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), as well as ground surface finishes and any other changes proposed in the levels of the site, have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be thereafter retained.

REASON: To ensure that the development is 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, to accord with the requirements of saved UDP policy EP11, D4, D5 and T6.

9 The development as detailed in the approved drawings shall be built to Lifetime Homes Standards and Wheelchair Standards and thereafter retained to those standards.

REASON: To ensure provisions of Lifetime/Home/Wheelchair Standard housing in accordance with policy 3.5 of the London Plan and the Council's Accessible Homes SPD.

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

REASON: To safeguard the character of the area and openness of the Green Belt by restricting the amount of coverage and size of dwelling in relation to the size of the plot, in line with the requirements of saved UDP policies EP32 and D4.

11 The refuse collection arrangements for phase 1 of the development shall be implemented on site in accordance with the details approved under planning reference P/2201/11 and thereafter retained in that form. No further phase of development shall commence until the details of the storage and disposal of refuse/waste and vehicular access thereto, have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be thereafter retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, in line with the requirements of saved UDP policy D4.

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

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

13 Development of any buildings hereby permitted within that phase shall not be commenced until surface water drainage works have been carried out in accordance with details to 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 must all 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) 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 and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in line requirements of PPS25 and saved UDP policy EP11.

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

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

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) in any phase, 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 on writing.

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

16 The development shall be carried out in accordance with the methodology outlined in the Bat Mitigation Strategy approved under planning reference P/2201/11.

REASON: To safeguard protected species in line with the requirements of saved UDP policy EP27.

17 The eradication of Japanese Knotweed and control of *Rhododendron Ponticum* shall be carried out in accordance with the methodology in the reports approved under planning reference P/2201/11.

REASON: In the interest of nature conservation, in line with the requirements of saved UDP policy EP28.

18 The development shall be implemented in accordance with the materials approved under planning reference P/2217/11 and shall thereafter be retained.

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

19 The development shall be carried out in accordance with the archaeological assessments approved under planning reference P/2201/11.

REASON: To secure the provision of archaeological investigation and subsequent recording of the remains in the interests of national and local heritage and to ensure that the intrinsic archaeological interest in the historic buildings on the site is recorded and preserved, in line with the requirements of saved UDP policies D20, D21 and D22.

20 Phase 1 of the development shall be carried out in accordance with the revised elevational treatments approved under planning reference P/2201/11 and shall thereafter be retained. No further phase of development shall commence until the details of revised elevational treatments for the proposed dwellings have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be thereafter retained.

REASON: To ensure an acceptable design and compliance with Lifetime Homes Standards, in line with the requirements of saved UDP policy D4, policy 3.5 of The London Plan (2011) and Supplementary Planning Document: Accessible Homes (2010).

21 Development of the concierge/garage building and driveway to plot 2.1 shall not commence until a construction method statement detailing the method of construction of the driveway (a 'no-dig' geotextile construction) to plot 2.1 hereby permitted is submitted and approved by the local planning authority. The driveway shall be constructed in accordance with these details and thereafter retained.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

22 The upper floor windows in the flank walls of the dwellings hereby approved at plots 3.01-3.12 inclusive, as shown on approved drawing numbers 5116.025 and 5229.026A shall:

(a) be of purpose-made obscure glass; and

(b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

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

23 Prior to the commencement of development a scheme for the provision and management of a five meter wide buffer zone alongside the ditches on site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (using only native species of local providence)
- details demonstrating how the buffer zone will be managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

REASON: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change, in line with the requirements of PPS9 and saved UDP policies EP26, EP27 and EP28.

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The revised proposal constitutes appropriate redevelopment of a major developed site in the Green Belt and the additional development proposed would not be detrimental the openness of the site. It is considered that the proposal complies with all relevant policies and the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions and S.106 obligations. The development therefore does not have any significant visual, transport, amenity or other impact that would warrant refusal of planning permission. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

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

National Policy: PPS1, PPS3, PPS4

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

Interim London Housing Design Guide (2010)

Interim Housing Supplementary Planning Guidance (2010)

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

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)



## 2 PARTY WALL ACT

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: 5516/023; 5229/001G; 5229.S.005; 5229.1.001B; 5229.1.10; 5229.1.11; 5229.1.30; 5229.024B; 5229.2.002A; 5229.2.003A; 5516/013; 5516/014A; 5516/19B; 5229.2.20; 5229.2.21; 5229.2.30; 5229.2.31; 5229.2.40; 5229.2.41; 5229.2.50; 5229.2.51; 5229.2.52; 5516.025; 5516.026A; 5516.028; 5516/016; 5516/017; 5229.3.130A; 5229.3.131A; 5229.3.132; 5229.3.133; 5229.3.151; 5229.3.153A; 5516/20; 5516/21A; 5229.4.001C; 5229.027B; 5516/033B; 5516/018A; 5516/022; 5229.4.103A; 5516.029; 5516.030; 5516.031A; 5516.032A; 5229.G.001; 5229.7N.101; 5229.7N.102; 5529.G.011; 5229.G.012; 5229.G.013; 5229.G.014; 5229.G.015; 5516.034; 5529.G.100; 5229.G.200; 5229.G.300; 5229.G.400; 5229.G.401; Design and Access Statement (NA/5516 – June 2011 Revision D); Planning Statement; Transport Statement Addendum (Ref: E943-01A); Arboricultural Statement Addendum (Ref: BNL16877tr-amsA); Landscape Conservation Management Plan Addendum (Ref: BNL16877man.doc); Landscape Comparative Review (Ref: BNL16877alt-state.doc); Heritage Statement Addendum; Flood Risk and Drainage Assessment Addendum (Ref: E943-01A); Sustainable Design and Renewable Energy Strategy (Ref: 3397/3/4/SF Rev C)

**HARROW BOROUGH FOOTBALL CLUB, P/1541/11**  
**EARLSMEAD, HARROW, HA2 8SS**

Ward: ROXETH

VARIATION OF CONDITION 14 ATTACHED TO PLANNING PERMISSION  
LBH/1408/6 DATED 14/08/1973 TO ALLOW FOOTBALL MATCHES AND EVENTS TO  
BE PLAYED SIX TIMES ON SUNDAYS OVER A 12 MONTH PERIOD

**Applicant:** Mr Keith Loddy

**Case Officer:** Andrew Ryley

**Statutory Expiry Date:** 28-SEP-11

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## **RECOMMENDATION**

**GRANT** permission for the variation of condition as described in the application. This variation of condition application would enable the use of the football pitch and floodlights for six Sundays a year, at a set time, for a temporary period of 12 months, as the main permission [Ref: LBH/1408/6] does not allow games to be played on Sundays in the afternoon. It is considered that these limited occurrences would not compromise the living conditions of occupiers of neighbouring residents in the longer term.

The decision to recommend GRANT of planning permission has been taken having regard to 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 Health, Wellbeing and Independence, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

### **National Planning Policy:**

National Planning Policy Framework (Draft Edition)

PPS1 – Delivering Sustainable Development

PPS17 – Planning for Open Space, Sport and Recreation

PPG24 – Planning and Noise

### **London Plan (2011):**

2.7 – Outer London: Economy

4.1 – Developing London's Economy

7.3 – Designing Out Crime

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D23 – Lighting

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EP25 – Noise

C16 – Access to Buildings and Public Spaces

**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Principle of Development (PPG17, D4, R4, R5)
- 2) Noise and Lighting (PPG24, D4, D5, D23)
- 3) Highways (T6, T13)
- 4) S17 Crime & Disorder Act (London Plan 7.3, UDP D4)
- 5) Consultation Responses

**INFORMATION**

This application is reported to committee as a variation to a condition of a major planning application falls outside the scheme of delegation.

**a) Summary**

Statutory Return Type: 12 Smallscale Major Other  
Council Interest: None

**b) Site Description**

- Harrow Borough Football Club is situated off Earlsmead and is bounded to the north-east and south by the rear gardens of two-storey residential properties in Earlsmead, Carlyon Avenue and Arundel Drive.
- To the west, the site is bounded by a school.
- The site is not covered by any specific land use designation in the Harrow UDP, and the site is not within a Conservation Area.
- The site has a Public Transport Accessibility Level of 2.

**c) Proposal Details**

- Proposal is a variation of condition 14 attached to planning permission LBH/1408/6 dated 14/08/1973 to allow football matches and events to be played six times on Sundays over a 12 month period.
- Games and events on Sundays to run between the following times 11.00 am to 6.30 pm.
- Events to consist of a charitable event like the Mayor of Harrow's charity football match with associated fund raising, charitable fundraisers, community based days such as a fete or firework display and junior or ladies football days, within the hours specified.

**d) Relevant History**

LBH/1408/6	ALTERATIONS AND ERECTION OF NEW STANDS AND TWO STORIED SOCIAL CLUB WITH CAR PARKING	GRANTED 30-JAN-73
LBH/44841/92	VARIATION OF CONDITION 4 OF PLANNING PERMISSION LBH/1408/6 TO ALLOW USE OF FOOTBALL PITCH ON SUNDAYS (REVISED)	GRANTED 18-AUG-92
WEST/269/93	VARIATION OF CONDITION 4 OF PLANNING PERMISSION LBH/1408/6 TO ALLOW 4 CHARITY FOOTBALL GAMES PER YEAR	GRANTED 08-SEP-93

WEST/831/ 98	VARIATION OF CONDITION 14 OF PLANNING PERMISSION LBH/1408/6 GRANTED ON 14/08/73 TO ALLOW USE OF THE PITCH BETWEEN 10.30HRS AND 12.30HRS ON SUNDAYS	GRANTED 13-JAN-99
P/1018/10	VARIATION OF CONDITION 14 ATTACHED TO PLANNING PERMISSION LBH/1408/6 DATED 14/08/1973 TO ALLOW A PRE-SEASON FIXTURE TO BE HELD ON SUNDAY 1ST AUGUST 2010 AGAINST BIRMINGHAM CITY FOOTBALL CLUB (KICK OFF 3PM).	GRANTED 15-JUN-10

## e) Consultations

**Environmental Health:** No objection.

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

**Sport England:** No objection, support application.

**Advertisement:** Major Development      Expiry: 05-AUG-11

**Notifications:**

Sent: 487      Replies: 2 objections      Expiry: 05-AUG-11

### Summary of responses:

- Complaints have already been made to Environmental Health re noise and disturbance.
- Car parking concerns;
- Disturbance of the peace;
- Noise and lighting levels.

## APPRAISAL

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this appeal. As such, the application has been assessed against the relevant adopted planning policy.

**1) Principle of Development**

Condition 14 of planning permission Ref: LBH/1408/6 dated 30 Jan 1973 states:

‘That the playing pitch and floodlights shall not be used between the hours of 11.59pm Saturdays and 6.30pm on Sundays or between 10.00pm and 08.00am on other nights, without the prior written permission in writing of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property.’

The main permission Ref: LBH/1408/6 does not allow use of the pitch on Sundays during this time without the agreement in writing of the Local Planning Authority. Temporary permissions have been granted in the past for games to be played on Sundays at other times, most recently when a pre-season friendly match against Birmingham FC was approved by the Planning Committee on 09/06/2010 (although it is noted that this game did not take place).

The application proposes that planning condition 14 of planning permission Ref: LBH/1408/6 is varied so that they are able to play matches on a Sunday. The applicant proposes a temporary variation for a period of 12 months, and no more than six games to be played. Although not set specifically set out in the application documents, it is apparent that, as with most community clubs of this type, that there are financial pressures etc, and that as a result there is a commercial requirement to plays some games on a Sunday – such as the opportunity to play Birmingham FC last year.

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

PPG17 encourages local planning authorities to “add to and enhance the range and quality of existing facilities.” Similarly, the London Plan (2011) is supportive of the provision of new and enhanced sports facilities, especially where they serve a local need. Saved policies R4 and R5 of the Harrow UDP (2004) recommend that the Council should seek further provision of outdoor sports facilities and intensive use pitches.

The proposed variation to condition 14 would enable use of the existing pitch for no more than six Sundays in the next 12 months and therefore the proposal would be consistent with the objectives of national policy and of the saved policies of Harrow Unitary Development Plan (2004). As such, the principle of the enhanced sports facilities in this location is considered acceptable in principle.

**2) Noise and Lighting**

Given the location of the club within a residential area and the proximity to residential properties, unrestricted sports activities could have a detrimental impact on the occupiers of these properties. Objections have been raised in relation to this matter.

The proposed fixtures and events would commence at no earlier than 11:00 and would finish by 18:30. It would not be at unsociable hours, and would be limited for six occurrences over the forthcoming period. It is noted that the Council's Environmental Health Officer raises no objection to the proposal. The proposal would be of a temporary nature, for a period of 12 months. It is considered that based on the number of games proposed to be played, and the hours at which they would be played, the application would not compromise the amenities of the occupiers of surrounding residential properties in the long term.

In coming to this conclusion, it is considered that weight should be attached to the temporary nature of the permission sought, which would enable the Council and local residents to monitor the proposal and to identify clearly any harmful effects that may arise during that period, which could be assessed should there be any application to extend the duration of the increased number of games. It is therefore considered that the proposal would not cause material harm to the living conditions of nearby residential occupiers, or conflict with Harrow Unitary Development Plan (2004) saved policies D4 and D5, which deals with neighbouring amenity and is of relevance to the issues in this case.

**3) Transport**

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 Council's Highways Engineer raises no objection to the proposal, noting the temporary consent proposed. The proposal is for a limited number of additional fixtures, with a low to moderate short term expected attendance and accordingly, it is considered that there will be no additional material impact on the surrounding public realm given the already established fixture scheduling in the extant condition.

**4) S17 Crime & Disorder Act**

The development does not have any material impact with respect to this legislation.

**5) Consultation Responses**

These are dealt with in the above report.

## **CONCLUSION**

This variation of condition application would enable the use of the football pitch and floodlights for six Sundays a year, at a set time, for a temporary period of 12 months, as the main permission (Ref: LBH/1408/6) does not allow games to be played on Sundays in the afternoon. It is considered that these limited occurrences would not compromise the living conditions of occupiers of neighbouring residents in the longer term.

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 This permission shall have the effect of varying condition numbered 16 on full planning permission reference LBH/1408/6 dated 14/08/1973 to:

‘That the playing pitch and floodlights shall not be used between the hours of 11.59pm Saturdays and 6.30pm, on no more than six Sundays for matches and events between the hours of 11:00am and 18:30pm (for a period of 12 months from the date of this planning permission) or between 10.00pm and 08.00am on other nights, without the prior written permission in writing of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property in accordance with policies D4 and EM25 of the Harrow Unitary Development Plan (2004).

2 The permission hereby granted is supplemental to planning permission Ref: LBH/1408/6 dated 30 January 1973. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

## **INFORMATIVES**

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

The decision to grant permission for the variation of the condition would enable the use of the football pitch and floodlights for six Sundays a year, at a set time, for a temporary period of 12 months, as the main permission [Ref: LBH/1408/6] does not allow games to be played on Sundays in the afternoon. It is considered that these limited occurrences would not compromise the living conditions of occupiers of neighbouring residents in the longer term.

The decision to recommend GRANT of planning permission has been taken having regard to National Planning Policy, policies within The London Plan, 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 Health, Wellbeing and Independence, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.



**National Planning Policy:**

National Planning Policy Framework (Draft Edition)

PPS1 – Delivering Sustainable Development

PPS17 – Planning for Open Space, Sport and Recreation

PPG24 – Planning and Noise

**London Plan (2011):**

2.7 – Outer London: Economy

4.1 – Developing London's Economy

7.3 – Designing Out Crime

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D23 – Lighting

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EP25 – Noise

C16 – Access to Buildings and Public Spaces

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**88 SANDYMOUNT AVENUE, STANMORE, P/1359/11**  
**HA7 4TY**

**Item: 2/01**

**Ward: CANONS**

**CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: ALTERATIONS TO ROOF TO FORM END GABLE AND REAR DORMER; INSERTION OF TWO ROOFLIGHTS IN FRONT ROOFSLOPE AND NEW WINDOW IN SIDE WALL**

**Applicant:** Mrs Anoli Bhatt  
**Case Officer** Olive Slattery  
**Statutory Expiry Date:** 31-08-11

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### RECOMMENDATION

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

#### Reason

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

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### MAIN CONSIDERATIONS

- 1) Compliance with Permitted Development Limitations

### INFORMATION

This application is reported to the Committee because the applicant is a Council employee.

**a) Summary**

Statutory Return Type 26: Other  
Council Interest: None

**b) Site Description**

- The property is sited on the western side of Sandymount Avenue
- It comprises a two-storey, semi-detached dwellinghouse which has been extended by way of a single storey side garage, a front porch, a rear conservatory
- The property is not located in a conservation area and is not a listed building.

**c) Proposal Details**

- The proposal is for alterations to the roof to form an end gable and a rear dormer.
- The proposal also entails the insertion of two rooflights in the front roofslope and one window at second floor level in the side wall.

- |    |  |                      |
|----|--|----------------------|
| d) | <b>Relevant History</b><br>LBH/9637      ERECTION OF DOMESTIC GARAGE AT SIDE<br>AND FRONT ENTRANCE PORCH | GRANTED<br>15-NOV-73 |
| e) | <b>Pre-Application Discussion</b>  |                      |
|    | <ul style="list-style-type: none"> <li>• None</li> </ul>   |                      |
| f) | <b>Applicant Statement</b>   |                      |
|    | <ul style="list-style-type: none"> <li>• None</li> </ul>   |                      |
| g) | <b>Consultations</b>   |                      |
|    | No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.  |                      |

## APPRAISAL

## 1) Compliance with Permitted Development Limitations

- Proposed Hip to End Gable and Rear Dormer:
- In relation to compliance with **Class B**, the proposed roof extensions are appraised as follows:
- B.1**
- a) The proposed roof extensions would not exceed the height of the highest part of the existing roof;
  - b) The proposed roof extensions would not extend beyond the plane of the existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;
  - c) The proposed hip to end gable would have a volume of 20.17867 cubic metres, whilst the proposed rear dormer would have a volume of 26.8755 cubic metres. The combined volume of the proposed roof extensions would be 47.05417 cubic metres, which would be within the 50 cubic metre allowance for a semi-detached dwellinghouse;
  - d) The proposal would not include the construction or provision of a veranda, a balcony or a raised platform, nor would it include the installation, alteration or replacement of a chimney, flue or soil and vent pipe;
  - e) The dwellinghouse is not on Article 1(5) land.

## B.2

- (a) Annotations on the proposed drawing indicates that the materials to be used in the external surfaces of the proposed extension shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) The proposed rear dormer would be set 0.3 m up the roofslope from the eaves of the original roof, thereby complying with this requirement;
- (c) Annotations on the proposed drawing indicates that the proposed first floor window in the new end gable/side elevation would be obscure-glazed and non-opening below 1.7 metres above internal finished floor level.

- **Proposed Front Rooflights:**

In relation to compliance with **Class C**, the proposed rooflights are appraised as follows:

**C.1**

(a) Annotations on the proposed drawing indicates that the proposed rooflights would be flush with the roof tiles and would not project more than 150mm beyond the plane of the original front roofslope;

(b) The proposed rooflights would not project above the highest part of the original roof;

(c) The proposal would not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, nor would it include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

**C.2**

a) + (b) Annotations on the proposed drawing indicates that the proposed second floor window in the new end gable/side elevation would be obscure-glazed and non-opening below 1.7 metres above internal finished floor level.

## **CONCLUSION**

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

## **DETAIL OF FORMAL DECISION NOTICE**

1 The proposed hip to end gable and rear dormer roof extensions would be within the tolerances of Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

2 The proposed rooflights would be within the tolerances of Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3 The proposal is therefore a lawful development.

## **INFORMATIVES**

1 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.

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

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

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on: <http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: [http://www.opsi.gov.uk/si/si2008/uksi\\_20082362\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1).

Plan Nos: PROPOSED PLANS & ELEVATIONS - 001, EXISTING PLANS & ELEVATIONS – 001, Site Plan

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**35 SITES AROUND STANMORE AND CANONS PARK**

**Item: 2/02**

**P/1298/11**

Ward BELMONT, CANONS &  
STANMORE PARK

VARIATION OF CONDITIONS 2, 6 & 8 ATTACHED TO PLANNING PERMISSION  
P/1689/10 DATED 30/11/2010 FOR:

'CONSTRUCTION OF POLE AND WIRE GATEWAYS AND SECTIONS OF  
GATES/FENCING TO FORM AN ERUV FOR STANMORE AND CANONS PARK  
(REVISED TO INCLUDE SITES COMPRISING HILLTOP  
WAY/FALLOWFIELD/AYLMER CLOSE/LITTLE COMMON, AND ABERCORN  
ROAD/BELMONT LANE/OAK TREE CLOSE/ACORN CLOSE/ GOLF  
CLOSE/COURTENS MEWS/WOLVERTON ROAD)'

TO AMEND TO THE LOCATION / SIZE / HEIGHT / MATERIALS OF THE POLE AND  
WIRE GATEWAYS AT THE FOLLOWING 4 SITES:

SITE 26 - PEDESTRIAN ACCESS TO GOLF CLUB CAR PARK FROM WOLVERTON  
ROAD

SITE 32 - CANONS PARK STATION WESTERN SIDE

SITE 34 - WHITCHURCH GARDENS

SITE 36 - MONTGOMERY ROAD / WHITCHURCH LANE

**Applicant:** Mr Nigel De Kere Silver

**Agent:** Mr Abraham Wahnon

**Case Officer:** Matthew Lawton

**Statutory Expiry Date:** 29-AUG-11

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## **RECOMMENDATION**

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

**REASON:** The proposed variation of the conditions would facilitate the creation of an  
Eruv in the Stanmore and Canons Park areas which would have an identified benefit  
to members of the local Jewish community and have no undue detrimental impacts  
upon the wider community or the character and appearance of the area.

The decision to **GRANT** planning permission has been taken having regard to the  
policies and proposals in The London Plan [2011] and the saved policies of Harrow's  
Unitary Development Plan [2004] set out below, 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 [April 2009] and any comments received in response  
to publicity and consultation, as outlined in the application report.

**Policies:**

The London Plan (2011):

7.4 – Local character

7.5 – Public Realm

7.16 – Green Belt

7.17 – Metropolitan Open Land

HUDP 2004:

S1 – The Form of Development and Pattern of Land Use

EP11 – Development within Floodplains

EP28 – Conserving and Enhancing Biodiversity

EP29 – Tree Masses and Spines

EP31 – Areas of special character

EP32 – Green belt acceptable land uses

EP41 – Green Belt Management Strategy

EP43 – Green belt and metropolitan open land fringes

EP46 – Green Chains

D4 – The standard of design and layout

D10 – Trees and new development

D11 – Statutorily listed buildings

D12 – Locally listed buildings

D14 – Conservation areas

D15 – Extensions and alterations in conservation areas

D16 – Conservation area priority

D18 – Historic parks and gardens

D29 – Street furniture

C2 – Provision of Social and Community Facilities

C10 – Community buildings and places of worship

C11 – Ethnic communities

T6 – The Transport Impacts of Development Proposals

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

Government Guidance:

PPS1 – Delivering Sustainable Development

PPS5 – Planning for the Historic Environment

Race Relations Act 1976

Harrow Council's Sustainable Community Strategy (2009)

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**MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

- 1) Amendments to the approved scheme P/1689/10 (3D.9, 3D.10, 4B.1 & EP11, EP28, EP31, EP32, EP43, C10, D4, D10, D11, D12, D14, D15, D16, D18, D29)
- 2) Ethnic and Community Development (C10, C11, Race Relations Act 1976)
- 3) Highway Safety (T6)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## **INFORMATION**

This application is being reported to the Planning Committee due to the planning history of the proposal and in accordance with proviso E of the Schedule of Delegation.

### **a) Summary**

Statutory Return Type: Minor development, all other  
Green Belt: Yes (sites: 2, 6, 7, 8, B8, 4001, 4002)  
Conservation Area: Little Common, Kerry Avenue, Canons Park Estate (sites: 2, 7, 8, B9, 4001, 4002)  
Site Area: 35 sites which form part of an 11km (approx) boundary.  
Council Interest: None

### **b) Site Description**

- **Site 26** – Pedestrian access to Golf Club car park from Wolverton Road

Edge of metropolitan open land, site of nature conservation importance and green chain, residential character.

- **Site 32** – Canons Park Station western side

Close to site of nature conservation importance, urban character, retail shops and tube station.

- **Site 34** – Whitchurch Gardens

Residential character mostly 2-storey semi-detached properties.

- **Site 36** – Montgomery Road / Whitchurch Lane

Residential character mostly 2-storey semi-detached properties.

### **c) Background and Proposal Details**

- Planning permission P/1689/10 was granted on 30<sup>th</sup> November 2010 for the works facilitating the creation of an Eruv around an 11km area covering Stanmore and Canons Park.
- The approved scheme comprised of works at 35 sites involving the construction pole and wire gateways and sections of gates and fencing.
- This current Section 73 application seeks to vary conditions 2, 6 & 8 of the approved scheme P/1689/10 to permit minor changes to the approved scheme in relation to the location/size/height /materials of the pole and wire gateways.
- This variation of the conditions entails the substitution of drawings and documents as scheduled in conditions 2, 6 & 8 of the planning permission P/1689/10 with revised drawings and documentation which include the minor changes proposed.
- Conditions 2, 6 & 8 of the scheme P/1689/10 state:
  - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
STAN\_Tolerences Sheet 1  
STAN\_Tolerences Sheet 2



Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6 dated 27/10/10

ERUV TP 6m Issue 006 Sheet 1  
ERUV TP 6m Issue 006 Sheet 2  
ERUV TP 6m Issue 006 Sheet 3

Arboricultural Implications Assessment, Preliminary Arboricultural Method Statement, Tree Protection Plan May 2010

STANMORE BIG MAP ST001\_001 Rev.013 - 27 October 2010

STAN 30 Rev.1

STAN\_003\_01 Revision 3

STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles

STAN22\_Materials and Colours Schedule\_New Application Rev.5

Site 1 TP 3 Rev.1  
Site 2 TP 4 Rev.2  
Site 7 TP 6b Rev.1  
Site 8 TP 7a Rev.1  
Site 16 TP 9 Rev.1  
Site 17 TP 10 Rev.1  
Site 18 TP 11 Rev.1  
Site 19 TP 12 Rev.1  
Site 20 TP 13 Rev.1  
Site 21 TP 14 Rev.1  
Site 22 TP 15 Rev.2  
Site 23-25 F6B, F6C Rev.2  
Site 26 TP 19D Rev.2  
Site 29 TP 21B Rev.1  
Site 30 TP 22 Rev.1  
Site 31 TP 23 Rev.2  
Sites 32 & 33 TP 24 & TP25 Rev.1  
Sites 34 & 35 TP 26 & F5 Rev.2  
Site 36 TP A41 Rev.1  
Site B8 TP A32 Rev.1  
Sites B9 & B10 TP A40 and TP A50 Rev.1  
Site 4001 TP 7c Rev.1  
Site 4002 TP 7b Rev.1  
Site 4003 TP 20b Rev.2  
Site 4004 TP 20c Rev.2

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

6 The works approved shall be carried out in accordance with the submitted document STAN22\_Materials and Colours and Colours Schedule\_New Application Rev.5, which details the finish and materials for the poles and fencing works to be carried out in each site, and the submitted document STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles, which includes details of the groundworks adjacent to statutory Listed Buildings and the siting of the poles a minimum of 100mm from these structures. The works shall be carried out in accordance with these approved details and shall thereafter be retained. REASON: To protect the special architectural or historic interest of the Listed Buildings, the character and appearance of the Conservation Areas and the streetscene at each site, in accordance with saved UDP policies D11, D14 and D15.

8 The poles used shall be 76mm in diameter as per the details in the submitted drawings ERUV TP 6m Issue 006 Sheet 1, ERUV TP 6m Issue 006 Sheet 2 and ERUV TP 6m Issue 006 Sheet 3 which supersede the drawings contained within the submitted site data packs, as detailed by the approved schedule Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6 dated 27/10/10.

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

- The proposed amendments to the approved scheme included in the revised drawings and documentation are:
  - **Site 26 – Pedestrian access to Golf Club car park from Wolverton Road**  
Replacement of approved 2 x 2.5m high wooden poles with 2 x 76mm wide by 4m high black metal poles with connecting thin wire.
  - **Site 32 – Canons Park Station western side**  
Relocation of 2 x 76mm wide by 6m high poles with connecting thin wire from their approved positions, approximately 6.7-7.9m northwards, the distance between the poles narrowing from approximately 8m to 5.5m.
  - **Site 34 – Whitchurch Gardens**  
Relocation of the western pole of the two 76mm wide by 6m high poles with connecting thin wire from its approved position, approximately 8m southwards, the distance between the two poles in this location widening as a result from approximately 15.4m to 17.3m.
  - **Site 36 – Montgomery Road / Whitchurch Lane**  
Relocation of 2 x 76mm wide by 6m high poles with connecting thin wire from their approved positions, approximately 13.6-21.7m southwards, the distance between the poles narrowing from approximately 14.2m to 12.2m.

- Conditions 2, 6 & 8 of P/1689/10 would be amended by this current application to read:
  - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
STAN\_Tolerences Sheet 1  
STAN\_Tolerences Sheet 2  
  
'Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6' dated 27/10/10  
  
ERUV TP 6m Issue 006 Sheet 1  
ERUV TP 6m Issue 006 Sheet 2  
ERUV TP 6m Issue 006 Sheet 3  
  
'Arboricultural Implications Assessment, Preliminary Arboricultural Method Statement, Tree Protection Plan' May 2010  
  
STANMORE BIG MAP ST001\_001 Rev.014 – 2 July 2011  
  
STAN 30 Rev.1  
  
STAN\_003\_01 Revision 3  
  
STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles  
  
STAN22\_Materials and Colours and Colours Schedule\_New Application Rev.6  
  
Site 1 TP 3 Rev.1  
Site 2 TP 4 Rev.2  
Site 7 TP 6b Rev.1  
Site 8 TP 7a Rev.1  
Site 16 TP 9 Rev.1  
Site 17 TP 10 Rev.1  
Site 18 TP 11 Rev.1  
Site 19 TP 12 Rev.1  
Site 20 TP 13 Rev.1  
Site 21 TP 14 Rev.1  
Site 22 TP 15 Rev.2  
Site 23-25 F6B, F6C Rev.2  
  
Site 26 TP 19D Rev.2  
*The following drawings supersede drawings ERUV TP 2.5M Issue 002 22 Feb 2009 Sheet 1 and ERUV TP 2.5M Issue 002 22 Feb 2009 Sheet 2 within the site data pack:*  
ERUV 0102 Issue 001 Sheet 1  
ERUV 0102 Issue 001 Sheet 2
- ERUV 0102 Issue 001 Sheet 3

*The following drawings supersede drawings STAN\_1233 Issue 003 19 Sept 2010 Sheet 1 and STAN\_1233 Issue 003 19 Sept 2010 Sheet 2 within the site data pack:*

STAN\_1233 Issue 004 11 Apr 2011 Sheet 1

STAN\_1233 Issue 004 11 Apr 2011 Sheet 2

Site 29 TP 21B Rev.1

Site 30 TP 22 Rev.1

Site 31 TP 23 Rev.2

Sites 32 & 33 TP 24 & TP25 Rev.1

*The following drawings supersede drawings STAN\_1201 Issue 001 20 Dec 2008 Sheet 1 and STAN\_1201 Issue 001 20 Dec 2008 Sheet 2 within the site data pack:*

STAN\_1201 Sheet 1 Issue 002 10 Apr 2011

STAN\_1201 Sheet 2 Issue 002 10 Apr 2011

Sites 34 & 35 TP 26 & F5 Rev.2

*The following drawings supersede drawings STAN\_1229 Issue 002 19 Sept 2010 Sheet 1 and STAN\_1229 Issue 002 19 Sept 2010 Sheet 2 within the site data pack:*

STAN\_1229 Issue 003 10 Apr 2011 Sheet 1

STAN\_1229 Issue 003 10 Apr 2011 Sheet 2

Site 36 TP A41 Rev.1

*The following drawings supersede drawings STAN\_1230 Issue 001 28 December 2008 Sheet 1 and STAN\_1230 Issue 001 28 December 2008 Sheet 2 within the site data pack:*

STAN\_1230 Issue 002 11 Apr 2011 Sheet 1

STAN\_1230 Issue 002 11 Apr 2011 Sheet 2

Site B8 TP A32 Rev.1

Sites B9 & B10 TP A40 and TP A50 Rev.1

Site 4001 TP 7c Rev.1

Site 4002 TP 7b Rev.1

Site 4003 TP 20b Rev.2

Site 4004 TP 20c Rev.2

Stanmore Eruv results of site visit\_Post AW reviews 10 Apr 2011\_PLanning Changes

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

6 The works approved shall be carried out in accordance with the submitted document STAN22\_Materials and Colours Schedule\_New Application Rev.6, which details the finish and materials for the poles and fencing works to be carried out in each site, and the submitted document STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles, which includes details of the groundworks adjacent to statutory Listed Buildings and the siting of the poles a minimum of 100mm from these structures. The works shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To protect the special architectural or historic interest of the Listed Buildings, the character and appearance of the Conservation Areas and the streetscene at each site, in accordance with saved UDP policies D11, D14 and D15.

8 The poles used shall be 76mm in diameter as per the details in the submitted drawings ERUV TP 6m Issue 006 Sheet 1, ERUV TP 6m Issue 006 Sheet 2, ERUV TP 6m Issue 006 Sheet 3, ERUV 0102 Issue 001 Sheet 1, ERUV 0102 Issue 001 Sheet 2 and ERUV 0102 Issue 001 Sheet 3 which supersede the drawings contained within the submitted site data packs, as detailed by the approved schedules Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6 dated 27/10/10 and Stanmore Eruv Revision Note STAN 51 Issue 2.

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

**d) Relevant History**

P/0405/09	Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park.	GRANTED 30-JUN-09
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P/1689/10	Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont lane/Oak Tree Close/Acorn Close/Golf close/Courtens Mews/Wolverton Road).	GRANTED 30-NOV-11
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**e) Pre-Application Discussion**

- No formal PAT or PAM advice was sought.

**f) Applicant Statement**

Justification/reasoning for the proposed changes to the approved scheme:

- **Site 26 – Pedestrian access to Golf Club car park from Wolverton Road**  
Wooden poles approved thought to be a vandalism risk. A concrete fence column appears to have been vandalised and smashed in this area. Change recommended by Harrow Highways, metal poles are less vulnerable to vandalism.

- **Site 32 – Canons Park Station western side**

Issue of London Underground ground. Move western pole to edge of stairs and eastern pole to differing building frontage (movement 3-5m).

- **Site 34 – Whitchurch Gardens**

The London Beth Din (LBD, supervising body) feel that the fence being used to make the connection is a building site fence and therefore would be vulnerable to being removed and losing the connection. The LBD would be happier if the western pole was moved 8m south. Sonia Court land to have 7m long fence (wooden panel fencing, 1m tall) added along side an existing brick wall running along the side of the front garden at 2 Whitchurch Gardens.

- **Site 36 – Montgomery Road / Whitchurch Lane**

The wall on the western side does not quite meet LBD need for at least 30cm in height and therefore needs to be built up. The pole approved on the eastern side is adjacent to a large Monkey Tree. The pole therefore needs to be moved south by 22m to be clear of this and in the next suitable location.

**g) Consultations:**

London Borough of Barnet: No objection.

English Heritage Archaeology: No response.

The Garden History Society: No response.

CAAC: No response.

Stanmore Society: No response.

London Underground: No response.

Canons Park Residents Association: No response.

Canons Park Estate Association: No response.

<b>Advertisement:</b>	Character of Conservation Area Setting of a Listed Building General Notification	Expiry: 11-AUG-011
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<b>Notifications:</b>		
Sent: 234	Replies: 2	Expiry: 04-AUG-10

<b>Site Notices:</b>	Character of Conservation Area Setting of a Listed Building General Notification	Expiry: 26-AUG-11
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## **Summary of Response:**

### Re: Site 26

The poles have been erected without the necessary permission being obtained. They should be removed immediately. Predictably there is also a change to the route of this eyesore of a construction. This is a totally unnecessary addition of street furniture and overhead cables to appease a tiny minority of the community to the detriment of the vast majority. The whole project should be rejected.

### Re: Site 34

The fence constructed between Sonia Court and No.2 Whitchurch Gardens blocks vision on driving out of the access way onto the highway and is therefore dangerous; The fence is an eyesore and blocks a very nice low wall; The proposal for the wire effectively omits Sonia Court from the Eruv.

## **APPRAISAL**

### **1) Amendments to the approved scheme P/1689/10**

At the time of site visits in early August 2011, pole and wire gateways had been installed at all four of the sites subject to this application. Of these, only the pole and wire gateway at Site 36 (Montgomery Road / Whitchurch Lane) is in the position approved as part of the application P/1689/10, the others have been sited in the locations / using the poles as detailed in this application. As set out in the Applicant Statement above, the relocation of one or both of the poles at sites 32, 34 and 36 and the replacement of the approved wooden poles with taller but thinner metal poles at Site 26 are justified for various reasons.

No objections to the variation of conditions to approve the amendments at the four sites subject to this application have been raised by the Council's Arboriculturalist, Conservation Officer (none of the sites subject to the changes proposed are located within or near to conservation areas) or the Council's Highways Engineer.

It is considered that the proposed amendments have no detrimental impact upon the character and appearance of the area in each site, the proposed relocation of poles resulting in a similar impact upon the streetscene to that of the approved scheme. The replacement of the wooden poles approved at Site 26 (Pedestrian access to Golf Club car park from Wolverton Road) are considered not to have resulted in a detrimental impact upon the character and appearance of this relatively secluded location, although the poles are 1.5m higher than those approved they are considerably narrower due to the use of metal instead of wooden poles, and due to the positioning of the poles in relation to adjacent trees and bushes, the taller but thinner poles are considered not to be intrusive in this location, and as stated by the Applicant the metal poles will be less susceptible to vandalism.

The revised location / size / height / materials of the pole and wire gateways at the four sites subject to this application to vary three of the conditions attached to the approved scheme P/1689/10 are considered not to have a detrimental impact upon the amenities of neighbouring residential occupiers. The revised pole locations at sites 32, 34 and 36 and the revised pole size, height and materials at site 26 are considered to have no greater impact upon residential amenity than the approved scheme and, given the relatively imperceptible appearance of the structures in the streetscene in comparison with other street furniture, it is considered that the proposed amendments are not detrimental to the residential amenities of neighbouring occupiers or the wider local population.

Overall the amendments to the approved details at these four sites which form part of the Eruv are considered to be minor and would not result in an adverse impact on their surroundings. The variation of conditions to facilitate these amendments are therefore considered to comply with policies 7.4, 7.5, 7.16 and 7.17 of the London Plan 2011 and saved policies EP31, EP32, EP43, D4, D10, D11, D12, D14, D15, D16, D18 and D29 of the Harrow Unitary Development Plan 2004.

## **2) Ethnic and Community Development**

Whilst recognising that the proposed Eruv has meaning only to members of the Jewish community, this report considers the visual impact of the structures on the localities within which the proposed structures are to be sited. These impacts need to be considered in the context of adopted development plan policy and any other material planning considerations, and a balanced view then reached. A key material consideration is that the principle of the Eruv was established by the planning permissions granted in 2009 and 2010. Subject to the general duty imposed under section 71(1) of the Race Relations Act 1976, the Council is required to consider whether the material and information at its disposal raises the need to consider the impact of the pending development on different racial groups. In light of the requirement of section 71, it is considered that the proposed development would, despite being primarily of benefit to the Jewish community, have no undue detrimental impacts upon the needs of different racial groups locally or elsewhere.

In principle, the proposed variation of conditions is considered to be consistent with saved policies C10 and C11 of the HUDP 2004 together with the strategic visions and objectives of Harrow's Sustainable Community Strategy (March 2009).

## **3) Highway Safety**

It is considered that the proposed variation of conditions to facilitate the construction of the proposed Eruv would result in a development which would not impede on the free flow of highway traffic and pedestrian movement or significantly increase highway activity. Where development works are to be located on the public highway, the applicant will need to gain permission under the Highways Act from the local highways authority.



**4) S17 Crime & Disorder Act**

It is considered that the proposed variation of conditions to facilitate the construction of the proposed Eruv would not result in an increase in crime or adversely affect security in and around the development sites.

**5) Consultation Responses:**

Apart from the points addressed above, other issues raised were:

Re: Site 26

*Predictably there is also a change to the route of this eyesore of a construction –*  
There is no change from the approved siting at Site 26.

Re: Site 34

*The fence constructed between Sonia Court 2 and No.2 Whitchurch Gardens blocks vision on driving out of the access way onto the highway and is therefore dangerous; The fence is an eyesore and blocks a very nice low wall –* The fence adjacent to Sonia Court is outside of the scope of this application to vary conditions, however this would be likely to be permitted development.

*The proposal for the wire effectively omits Sonia Court from the Eruv –* The decision regarding the route of the Eruv lies with the Applicant. It is not the Council's place to determine which areas should be included within the Eruv.

**CONCLUSION**

The proposed variation of conditions to amend the location/size/height/materials of the pole and wire gateways at four sites would facilitate the creation of an Eruv in the Stanmore and Canons Park areas which would have an identified benefit to members of the local Jewish community and have no undue detrimental impacts upon the wider community or the character and appearance of the area.

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, the proposal is considered to be acceptable and the application is therefore recommended for approval subject to the following conditions:

**CONDITIONS:**

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

STAN\_Tolerences Sheet 1

STAN\_Tolerences Sheet 2

'Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6' dated 27/10/10

ERUV TP 6m Issue 006 Sheet 1

ERUV TP 6m Issue 006 Sheet 2

ERUV TP 6m Issue 006 Sheet 3

'Arboricultural Implications Assessment, Preliminary Arboricultural Method Statement, Tree Protection Plan' May 2010

STANMORE BIG MAP ST001\_001 Rev.014 – 2 July 2011

STAN 30 Rev.1

STAN\_003\_01 Revision 3

STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles

STAN22\_Materials and Colours and Colours Schedule\_New Application Rev.6

Site 1 TP 3 Rev.1

Site 2 TP 4 Rev.2

Site 7 TP 6b Rev.1

Site 8 TP 7a Rev.1

Site 16 TP 9 Rev.1

Site 17 TP 10 Rev.1

Site 18 TP 11 Rev.1

Site 19 TP 12 Rev.1

Site 20 TP 13 Rev.1

Site 21 TP 14 Rev.1

Site 22 TP 15 Rev.2

Site 23-25 F6B, F6C Rev.2

Site 26 TP 19D Rev.2

*The following drawings supersede drawings ERUV TP 2.5M Issue 002 22 Feb 2009*

*Sheet 1 and ERUV TP 2.5M Issue 002 22 Feb 2009 Sheet 2 within the site data pack:*

ERUV 0102 Issue 001 Sheet 1

ERUV 0102 Issue 001 Sheet 2

ERUV 0102 Issue 001 Sheet 3

*The following drawings supersede drawings STAN\_1233 Issue 003 19 Sept 2010*

*Sheet 1 and STAN\_1233 Issue 003 19 Sept 2010 Sheet 2 within the site data pack:*

STAN\_1233 Issue 004 11 Apr 2011 Sheet 1

STAN\_1233 Issue 004 11 Apr 2011 Sheet 2

Site 29 TP 21B Rev.1

Site 30 TP 22 Rev.1

Site 31 TP 23 Rev.2

Sites 32 & 33 TP 24 & TP25 Rev.1

*The following drawings supersede drawings STAN\_1201 Issue 001 20 Dec 2008*

*Sheet 1 and STAN\_1201 Issue 001 20 Dec 2008 Sheet 2 within the site data pack:*

STAN\_1201 Sheet 1 Issue 002 10 Apr 2011

STAN\_1201 Sheet 2 Issue 002 10 Apr 2011

Sites 34 & 35 TP 26 & F5 Rev.2

*The following drawings supersede drawings STAN\_1229 Issue 002 19 Sept 2010 Sheet 1 and STAN\_1229 Issue 002 19 Sept 2010 Sheet 2 within the site data pack:*

STAN\_1229 Issue 003 10 Apr 2011 Sheet 1  
STAN\_1229 Issue 003 10 Apr 2011 Sheet 2

Site 36 TP A41 Rev.1

*The following drawings supersede drawings STAN\_1230 Issue 001 28 December 2008 Sheet 1 and STAN\_1230 Issue 001 28 December 2008 Sheet 2 within the site data pack:*

STAN\_1230 Issue 002 11 Apr 2011 Sheet 1  
STAN\_1230 Issue 002 11 Apr 2011 Sheet 2

Site B8 TP A32 Rev.1

Sites B9 & B10 TP A40 and TP A50 Rev.1

Site 4001 TP 7c Rev.1

Site 4002 TP 7b Rev.1

Site 4003 TP 20b Rev.2

Site 4004 TP 20c Rev.2

Stanmore Eruv results of site visit\_Post AW reviews 10 Apr 2011\_PLanning Changes

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

2 The works approved shall be carried out in accordance with the submitted document STAN22\_Materials and Colours Schedule\_New Application Rev.6, which details the finish and materials for the poles and fencing works to be carried out in each site, and the submitted document STAN\_041 Issue 1: Method Statement for Proposed Installation of Eruv Poles, which includes details of the groundworks adjacent to statutory Listed Buildings and the siting of the poles a minimum of 100mm from these structures. The works shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To protect the special architectural or historic interest of the Listed Buildings, the character and appearance of the Conservation Areas and the streetscene at each site, in accordance with saved UDP policies D11, D14 and D15.

3 The poles used shall be 76mm in diameter as per the details in the submitted drawings ERUV TP 6m Issue 006 Sheet 1, ERUV TP 6m Issue 006 Sheet 2, ERUV TP 6m Issue 006 Sheet 3, ERUV 0102 Issue 001 Sheet 1, ERUV 0102 Issue 001 Sheet 2 and ERUV 0102 Issue 001 Sheet 3 which supersede the drawings contained within the submitted site data packs, as detailed by the approved schedules Amendment to all referenced drawings ERUV TP 6M Issue 4 updated to ERUV TP 6M Issue 6 dated 27/10/10 and Stanmore Eruv Revision Note STAN 51 Issue 2.

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

4 The permission hereby granted is supplemental to planning permission Ref. P/1689/10 dated 30<sup>th</sup> November 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/1689/10 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/1689/10.

**INFORMATIVES:**

**1 INFORMATIVE:**

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:

**Policies:**

The London Plan 2011:

7.16 – Green Belt

7.17 – Metropolitan Open Land

7.4 – Local character

7.5 – Public Realm

HUDP 2004:

S1 – The Form of Development and Pattern of Land Use

EP11 – Development within Floodplains

EP28 – Conserving and Enhancing Biodiversity

EP29 – Tree Masses and Spines

EP31 – Areas of special character

EP32 – Green belt acceptable land uses

EP41 – Green Belt Management Strategy

EP43 – Green belt and metropolitan open land fringes

EP46 – Green Chains

D4 – The standard of design and layout

D10 – Trees and new development

D11 – Statutorily listed buildings

D12 – Locally listed buildings

D14 – Conservation areas

D15 – Extensions and alterations in conservation areas

D16 – Conservation area priority

D18 – Historic parks and gardens

D29 – Street furniture

C2 – Provision of Social and Community Facilities

C10 – Community buildings and places of worship

C11 – Ethnic communities

T6 – The Transport Impacts of Development Proposals

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

Government Guidance:

PPS1 – Delivering Sustainable Development

PPS5 – Planning for the Historic Environment

Race Relations Act 1976

Harrow Council's Sustainable Community Strategy [2009]

**2 INFORMATIVE:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**3 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 (ie 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.)

**2 INFORMATIVE:**

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

**3 INFORMATIVE:**

The applicant should note that no part of the development hereby permitted shall be begun on highway land until written permission is obtained from the relevant Highways Authority.

REASON: To ensure that the development is carried out in accordance with the Highways Act and to the satisfaction of the Highway Authority.

**4 INFORMATIVE:**

This planning permission does not include works shown on any approved plans which are located outside the London Borough of Harrow. Planning permission for these works should be sought from the relevant London Borough prior to the commencement of works on any affected sites.

Plan Nos: Stanmore Eruv results of site visit\_Post AW reviews 10 Apr 2011\_PLanning Changes

Stanmore Eruv Revision Note STAN 51 Issue 2

STAN22\_Materials and Colours and Colours Schedule\_New Application Rev.6

STANMORE BIG MAP ST001\_001 Rev.014 – 2 July 2011

Site 26

STAN\_1233 Issue 004 11 Apr 2011 Sheet 1

STAN\_1233 Issue 004 11 Apr 2011 Sheet 2

ERUV 0102 Issue 001 Sheet 1

ERUV 0102 Issue 001 Sheet 2

ERUV 0102 Issue 001 Sheet 3

Site 32

STAN\_1201 Sheet 1 Issue 002 10 Apr 2011

STAN\_1201 Sheet 2 Issue 002 10 Apr 2011

Site 34

STAN\_1229 Issue 003 10 Apr 2011 Sheet 1

STAN\_1229 Issue 003 10 Apr 2011 Sheet 2

Site 36

STAN\_1230 Issue 002 11 Apr 2011 Sheet 1

STAN\_1230 Issue 002 11 Apr 2011 Sheet 2

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**CANNON FARM BARN & COMMERCIAL PREMISES, HEREFORD GARDENS, PINNER, HA5 5JR**

**Item: 2/03  
P/1033/11**

**Ward: PINNER SOUTH**

RESTORATION AND EXTENSION OF LISTED BARN AND CHANGE OF USE FROM LIGHT INDUSTRIAL/STORAGE (B1) TO A MONTESSORI SCHOOL (USE CLASS D1); DEMOLITION OF EXISTING COMMERCIAL/ WORKSHOP/ STORAGE BUILDINGS AND ERECTION OF NEW SINGLE STOREY BUILDING; PARKING AND ASSOCIATED WORKS; FRONT BOUNDARY TREATMENT

**Applicant:** Mrs Janani  
**Agent:** Ibbett Mosely Surveyors Llp  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 14-JUL-11

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**CANNON FARM BARN & COMMERCIAL PREMISES, HEREFORD GARDENS, PINNER, HA5 5JR**

**Item: 2/04  
P/1247/11**

**Ward: PINNER SOUTH**

LISTED BUILDING CONSENT: RESTORATION AND SINGLE STOREY EXTENSION WITH PITCHED ROOF TO THE LISTED BARN STRUCTURE INCLUDING EXTERNAL AND INTERNAL ALTERATIONS SUCH AS REPLACEMENT OF PAINTED HORIZONTAL WEATHERBOARDING WITH WEATHERBOARDING TO MATCH THAT REMOVED AND EXTERNAL INSULATION, REPLACEMENT OF PRE-EXISTING CONCRETE TILES WITH CLAY TILES; INSTALLATION OF HARDWOOD VERTICALLY DOUBLE GLAZED APPERTURES CREATED BEYOND PRINCIPLE BARN STRUCTURE AND INSTALLATION OF DOORS; PLASTERBOARD AND SKIM INFLL BETWEEN EXPOSED STRUCTURAL FRAME; NEW RAINWATER PIPES (AMENDED DRAWINGS RECEIVED)

**Applicant:** Mrs Janani  
**Agent:** Ibbett Mosely Surveyors Llp  
**Case Officer:** Lucy Haile  
**Statutory Expiry Date:** | 15-JUL-11

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## **RECOMMENDATION**

**GRANT** permission and listed building consent subject to the conditions set out in this report.

## **REASON**

The proposed development would help secure the future of the Grade II Listed barn by providing a new use for the building and the adjacent works would preserve the setting of the Grade II Listed barn. The proposals would preserve the character of the area and would not unduly affect the amenities of neighbours or highway safety. The decision to recommend **GRANT** of planning permission and Listed Building Consent has been taken having regard to the policies and proposals in The London Plan [2011] 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 25: Development and Flood Risk (2010)

Planning Policy Guidance 13: Transport (2006)

Draft National Planning Framework (2011) - Draft National Planning Policy Framework 2011 (NPPF): The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

**The London Plan:**

3.18 Education facilities

5.3 Sustainable design and construction

5.12 Flood risk management

5.13 Sustainable drainage

6.3 Assessing effects of development on transport capacity

6.13 Parking

7.2 An inclusive environment

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

**Harrow Unitary Development Plan 2004:**

D4 The Standard of Design and Layout

D5 Residential Amenity

D11 Statutorily Listed Buildings

EP12 Control of Surface Water Runoff

EM25 Food, Drink and Late Night Uses

T6 The Transport Impact of Development Proposals

T13 Parking Standards

C7 New Educational Facilities

C16 Access to Buildings and Public Spaces

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

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

Sustainable Community Strategy [Mar 09]

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**MAIN CONSIDERATIONS AND POLICIES (London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Change of Use and Character and appearance/Setting of the Listed Building (PPS5; London Plan 7.8; UDP: D11, D13)
- 2) Character and Appearance of the Area (London Plan (7.4 and 7.6; UDP: D4)
- 3) Residential Amenity (London Plan 7.4, UDP: D5)
- 4) Refuse/Recycling Storage (London Plan 7.4; UDP: D4)
- 5) Sustainable Building Design (PPS1; London Plan: 5.3, UDP: D4)
- 6) Accessibility (C16, SPD)



- 7) Parking, Highway Safety and Transport Impact (London Plan: 6.3, 6.13, UDP: T6, T13, T15)
- 8) Drainage (London Plan 5.12, 5.13; EP12)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

## **INFORMATION**

This application is reported to Committee as a petition has been received objecting to the proposal. The determination of the proposal is therefore outside delegated powers.

### **a) Summary**

Statutory Return Type: 18: Minor development and 23 Extensions/alterations to the listed building

Council Interest: N/A

### **b) Site Description**

- Plot is on the southern side of the entrance to Hereford Gardens.
- Subject site is a disused storage and building yard with barn which is a statutorily Listed Building, a two storey office building adjacent to the northern side boundary and single storey buildings along the rear boundary.
- The timber framed barn is Grade II listed with the following list description: '17<sup>th</sup> Century, three bays, narrow central bay, jowled posts, queen strut trusses, curved braces, some renewed timber, weatherboarded with a tiled roof.'
- The Grade II Listed Barn is on the 'at risk' register of English Heritage.
- The listed barn has recently been repaired but remains unused.
- Hereford Gardens is occupied by bungalows.
- Properties to the east (numbers 33 to 35 Hereford Gardens) are sited at a 90 degree angle to the application site.
- The flank wall of the office building is sited on the boundary shared with these properties.
- To the west is a service road that provides access to the Pinner Arms and three storey buildings along Cannon Lane with commercial uses on the ground floor and residential above.
- To the rear is the Pinner Arms.
- Opposite the site at number 6 Hereford Gardens is a bungalow which has been extended in the form of a roof extension and a single storey side extension.

### **c) Proposal Details**

- Change of use from light industrial/storage (B1) to a Montessori nursery school (use class D1).
- Demolition of existing commercial/workshop/storage buildings.
- Proposed single storey building, which would wrap around the south east boundary of the site to the south western boundary of the site. It would consist of toilets, kitchen and a play area/classroom. Part of the structure would have a crown roof and part of it would have a dual pitched roof. The proposed play area/classroom would have a height at the top of the dual pitched roof of 5.94m and a height at the eaves of 2.45m and the crown roof would have a maximum height of 4.22m and a height at the eaves of 2.97m.

- Restore the barn to provide a hall/play area/classroom as part of the nursery.
- The facility would accommodate approximately 30 children but in any event not more than 40 children.
- 6 members of staff would be at the premises at any one time.
- The proposed Montessori School (Pre-School) would operate from 7am until 6pm Mondays to Fridays and 8am until 6pm on Saturdays.
- Insert rear windows and rooflights to the rear of the barn.
- Thermally insulate the barn.
- Provide a single storey rear extension to the barn with a pitched roof with a height of 3.188m at the eaves and 5.77m at the top of the roof to provide a lobby, two WCs (including one disabled access one) and a kitchen for the nursery use.
- Proposed front boundary wall. This would have a maximum height at the top of the coping stone of 2.16m and a height of the proposed decorative iron railings of 1.94m.
- Provision of 4 parking spaces.

**d) Revisions to Current Application**

- Removal of proposed windows to the front of the Listed Barn and reduction in the number of windows to the rear of the barn.

**e) Relevant History**

WEST/106/95/LBC	LISTED BUILDING CONSENT: DEMOLITION OF STORAGE AREA AND ANCILLARY OFFICES; RELOCATION, REFURBISHMENT & REPAIR OF BARN	GRANTED 16-MAY-96
WEST/105/95/FUL	RELOCATION & REFURBISHMENT OF BARN WITH LINKED 2 STOREY REAR EXTENSION INCORPORATING GROUND FLOOR PARKING SPACES	DEEMED REFUSAL 05-JAN-99
WEST/269/00/LBC	LISTED BUILDING CONSENT: TIMBER FRAME, ALTERATION AND REPAIR WORK, PARTIAL UNDERPINNING & REPLACEMENT OF WEATHERBOARDING	GRANTED 17-MAY-00
WEST/293/99/FUL	PART CHANGE OF USE: BUILDERS YARD WITH ANCILLARY OFFICES (SUI GENERIS) TO LIGHT INDUSTRIAL USE (CLASS B1) AND SINGLE STOREY SIDE EXTENSION TO WORKSHOP	GRANTED 14-JUN-99

WEST/269/00/LBC	LISTED BUILDING CONSENT: TIMBER FRAME, ALTERATION AND REPAIR WORK, PARTIAL UNDERPINNING & REPLACEMENT OF WEATHERBOARDING	GRANTED 17-MAY-00
P/1880/06DLB	LISTED BUILDING CONSENT: EXTERNAL AND INTERNAL REPAIRS AND ALTERATIONS TO STABILISE STRUCTURE	GRANTED 25-AUG-06
P/1771/09	LISTED BUILDING CONSENT: CONVERSION OF LISTED BARN FROM STORAGE (CLASS B1) TO DWELLING HOUSE (CLASS C3). RESTORATION AND EXTENSION OF LISTED BUILDING TO PROVIDE THREE BEDROOM 2- STOREY DWELLING HOUSE, WITH ADDITIONAL OPENINGS WITHIN THE HISTORIC BARN AT FRONT AND REAR, AS WELL AS REAR FACING ROOF LIGHTS AND NEW TILED ROOF	REFUSED 5-OCT-09

**Reasons for Refusal:**

- 1) Insufficient information has been submitted to enable an adequate assessment of the proposed restoration and change of use of the listed barn.
- 2) The proposal by reason of the disproportionate and bulky nature of the extension and the number of window openings would not preserve the character of the listed building or the architectural or historic interest which it possesses, contrary to policy D11 of the Harrow Unitary Development Plan

P/1773/09	RESTORATION AND EXTENSION OF LISTED BARN AND CHANGE OF USE FROM LIGHT INDUSTRIAL/STORAGE (SUI GENERIS) TO A DWELLINGHOUSE (USE CLASS C3); DEMOLITION OF EXISTING COMMERCIAL/WORKSHOP/STOR AGE BUILDINGS AND ERECTION OF PAIR OF SEMI-DETACHED THREE STOREY DWELLINGHOUSE	REFUSED 05-OCT-09
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# **Reasons for Refusal:**

- 1) The proposed pair of semi-detached dwellinghouses by reason of excessive height, bulk and rearward projection, prominent siting and incongruous design would have an unsatisfactory relationship with the surrounding buildings and would appear unduly obtrusive and overbearing in the street scene, to the detriment of the character and appearance of the area and the setting of the adjacent Listed Building and the amenities of the potential future occupiers of the barn contrary to policy 4B.1 of the London Plan, policies D4, D5 and D11 of the Harrow Unitary Development Plan (2004), Supplementary Planning Guidance - Designing New Development (2003) and Supplementary Planning Guidance: Extensions - A Householders Guide (2008).
- 2) The proposed extension to the Listed Building, by reason of its first floor flank windows would enable direct views into the rear garden of the adjacent proposed dwellinghouse which would be out of keeping with the general standard of privacy in the locality and would result in an unreasonable loss of privacy to the future occupiers contrary to policy D5 of the Harrow Unitary Development Plan (2004), Supplementary Planning Guidance - Designing New Development (2003) and Supplementary Planning Guidance: Extensions - A Householders Guide (2008).
- 3) The proposed extensions and alterations to the barn, by reason of excessive bulk and rearward projection, incongruous design and fenestration would fail to preserve the character, architectural or historic interest of the Listed Building contrary to policy D11 of the UDP (2004).
- 4) The proposed new dwellinghouses and conversion of the barn, by reason of their non-compliance with the Lifetime Home Standards would provide substandard accommodation to the detriment of the amenities of future occupiers of the site contrary to policy 3A.5 of the London Plan, policy C16 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Documents: Accessible Homes (2006).

P/0057/10	DEVELOPMENT DESCRIPTION: LISTED BUILDING CONSENT: CONVERSION OF LISTED BARN FROM LIGHT INDUSTRIAL/STORAGE (SUI GENERIS) TO DWELLING HOUSE (CLASS C3). RESTORATION AND EXTENSION OF LISTED BUILDING TO PROVIDE THREE BEDROOM 2- STOREY DWELLING HOUSE WITH ADDITIONAL OPENINGS	APPLICATION NOT YET DECIDED
P/0165/10	RESTORATION AND EXTENSION OF LISTED BARN AND CHANGE OF USE FROM LIGHT INDUSTRIAL/STORAGE (SUI GENERIS) TO A DWELLINGHOUSE (USE CLASS C3); DEMOLITION OF EXISTING	APPLICATION NOT YET DECIDED

COMMERCIAL/WORKSHOP/  
STORAGE BUILDINGS AND  
ERECTION OF PAIR OF SEMI-  
DETACHED THREE STOREY  
DWELLINGHOUSE

**f) Pre Application Advice**

- A pre-application advice meeting was held for 'Revised alternative use for existing site for redevelopment as a Montessori School purposes and associated ancillary usage'.
- The conclusion from this meeting was:
- The proposals are considered to be unacceptable in the context of the relevant policies.
- The applicant has failed to demonstrate how material considerations justify a departure from development plan policies, or how they overcome the policy presumption against your development.
- It is noted that the principle to change the use of the site from B1 offices to a D1 nursery is not objected to, however the information provided and the key issues identified in the assessment above, any application submission is therefore unlikely to be viewed favourably.

**g) Applicant's Statement**

- Overall Development
- The overall redevelopment will not be subject to significant increase and would not be located significantly closer to the existing heritage asset than is currently apparent.
- The limited on site vehicular parking for staff and other users would be as far away from the historic asset as possible.
- The front boundary wall would be reduced in height to enhance the public's visual access to the exterior of the restored barn, to enhance its prominence as a heritage asset. The visitor parking would be used for pick up and drop off only.
- The current level and extent of hardstanding is to be maintained.
- No landscaping is proposed.
- The new single storey accommodation and will be appropriate for the proposed use.
- Development would be sympathetic to the nature, setting and previous diverse use.
- The provision of a modern mechanical air extraction from the toilet and kitchen facilities will be accommodated via a ducted system discharging unobtrusively through ventilated ridge tiles atop the roof. This would not affect the character of the area or neighbouring amenity.
- Refuse storage will be accommodated via the existing front elevation secure enclosure adjacent to the two storey building to be retained. The parking area would be permeable.
- The proposal to redevelop the store/workshop accommodation would form a more aesthetic and subservient appearance to the barn structure.

h) **Consultations**

Internal Consultees

- **Landscaping Officer:** Conditions recommended.
- **Highways Engineer:** 2 drop off/pick up points are being proposed on-site with the provision of 2 further spaces for staff. In quantum terms these provisions are acceptable. It is however unlikely that the former would be used for this purpose and it is more likely to be used by visitors to the establishment on a longer term basis.

With regard to the level of activity, it is stated that there would be no peak activity throughout the day so the impact would in effect be diluted as compared to the existing use. It would however be useful to have an itinerary of events to demonstrate this spread of use.

If, as anticipated, it is indeed demonstrated that the use is spread throughout the day, the 30 child attendance rate would be acceptable and unlikely to be of detriment to the public realm.

The Travel Plan is considered to be acceptable.

- **Drainage Engineer:** Conditions recommended
- **Environmental Health:** No objection

External Consultees

- **Pinner Local History Society:** This society's chief concern about this application is that the attachment of a wing to the roof and wall of the old barn may place an undue strain upon the old fabric, which the applicant says has already begun to displace since the restoration of a year or so ago. Is there any way of avoiding this risk?
- **English Heritage:** No Objection
- **The Pinner Association:** No response received.
- **The Council for British Archaeology:**

First Notification:

'Following a site visit the Committee isolated two main issues - the impact on the listed Barn and on its setting. The current proposal aims to add a wing at the middle of the rear plus the insertion of new openings (windows), which would invalidate the Barn's historic origins. After further considerable discussion the Committee concluded that whilst it recognised that the present position was far from ideal, an opportunity to improve - rather than continue - an unsatisfactory situation was being lost.

The Committee reluctantly concluded that although they seldom made firm recommendations, the scheme should be refused and an Architect with knowledge of historic buildings should be introduced to provide a more sympathetic and sensitive proposal'.

### Second Notification

'This Committee acts on behalf of the Council for British Archaeology in respect of Listed Buildings and Applications within the Greater London area. The Committee discussed the above case at its meeting on Tuesday, 23 August 2011 and made the following observations:

This item was originally discussed on 25 July 2011 and our comments remain. Nevertheless, there is further supporting information but no clear idea of a set of application drawings as most documents appear to have been superseded'.

### **Advertisement:**

Advertisement: Setting of Listed Building Expiry: 01-SEP-11

Extensions/alterations to a Listed Building Expiry: 01-SEP-11

Site Notice: Setting of Listed Building Expiry: 05-SEP-11

Extensions/alterations to a Listed Building Expiry: 05-SEP-11

### **Notifications**

#### 1<sup>st</sup> Notification:

Sent	Replies	Expiry: 30-JUNE-11
35	101 (2 letters of support, 12 letters of objection and petition of 87 signatures objecting).	

#### 2<sup>nd</sup> Notification:

Sent	Replies	Expiry: 25-AUG-11
35	One petition containing 7 signatures	

The following bodies were consulted and any responses were due by the 18th August, 2011 but no responses have been received:

- Victorian Society
- Georgian Society
- Society for the Protection of Ancient Buildings
- Twentieth Century Society
- Ancient Monuments Society
- The Pinner Association, Pinner South
- Hatch End Association

### **Addresses consulted:**

31, 32, 33, 34, 35 Hereford Gardens

The Pinner Arms Public House, Whittington Way

32, 32A, 34, 36, 38, 42, 44, 44A, 46, 48, 48A, 50, 52, 50A, 54, 56, 56A, 58, 60, 60A  
Cannon Lane

6, 7, 8, 9, 21, 22, 23, 24, 25 Hereford Gardens

**Summary of Response:**

**Parking and Highway Safety**

- Traffic and highway safety – young children, elderly people and dogs are at risk when accessing or leaving the park as many cars do not reduce their speed in Hereford Gardens.
- Parking in Hereford Gardens is already at a premium – any day the road is fully parked.
- The parking shown on the plans would not be adequate.
- The road is already over crowded and the proposed nursery would cause inconvenience to residents as they move in and out of Hereford Gardens.
- Difficulty for emergency services to obtain access when road is full of cars.
- Harrow Council already has considerable difficulty in making weekly refuse collections due to the parking of vehicles using the road. This and other services should be taken into account.
- The pavements are continually being broken up by cars parked partially over the pavement.

**Neighbouring Amenity**

- The height of the proposal is higher than the surrounding buildings. This would impact on the privacy of neighbouring properties and would affect the outlook for these residents.
- Noise and disturbance to residents.
- The opening hours would cause undue disturbance to residents. In particular on Saturdays and disturb residents early in the morning and throughout the day.
- Parents' evenings would cause undue disturbance and overcrowding.

**Character of the Barn and that of the Area**

- The removal of the brick walls and replacement with metal railings would visually obtrusive.
- There are few peaceful roads left and a nursery would not fit well within the area. It would ruin the character of the area.
- Loss of amenity and character of Hereford Gardens.
- The site has historic value which would be severely eroded.
- Barn is believed to be the last surviving building of the Canons Farm medieval manor'
- Barn's historic value would be totally eroded by extending/altering it adding windows etc to become part of a Children's day nursery storage other uses.
- Alterations would ensure that the barn could not be returned to its former state at any later stage.
- Risk that young children running around (even well behaved) would put the barn at risk.
- Most of the residents in Hereford Gardens are retired and it is a pleasant peaceful haven. The only access is from Cannon Lane.
- Neighbour does not want to be overlooked by a building site. Plywood should be erected on taking the adjoining wall down to a height of 2m.



### **Antisocial Behaviour**

- The neighbours have had to contend with drugs, graffiti and other antisocial behaviour. Some incidents still occur in the late evenings when the Council is closed and the police are busy.
- Over the last 30 plus years, the existing high front boundary wall has provided residents with protection from burglary and antisocial behaviour by restricting illegal access to the site.
- Privacy and security loss due to the reduction in the height of the wall which could attract anti social behaviour of people crossing the site and accessing gardens bordering the site via the buildings shown on the plan.

### **Miscellaneous**

- Potential health risk from asbestos in the concrete roofs to be removed. Who will be responsible for later asbestos induced cancer? The applicant should write to residents stating that they would pay all medical bills that may arise.
- The proposal could cause property damage to the neighbouring foundations, garage and shed. It is unfair that these problems would have to be addressed by me and not the Council.
- When the garages are destroyed there would be rubble and debris which would litter neighbouring garden.
- Foundation would affect neighbouring trees. Neighbour wants reassurance they won't be affected.
- Pollution.
- The owners could let the premises out in the evening for other occupations e.g. Classes.
- Pinner needs its space for small businesses whereas there are 30+ nurseries in Harrow- 2 just four minutes walk away from the Barn.
- The proposal should be refused.

## **APPRAISAL**

### **1) Principle of the Proposed Change of Use and the Character and Appearance and Setting of the Listed Building**

Converting a listed barn to a nursery use is not an ideal option for the Listed barn since the best option to retain historic integrity is to keep such buildings in their original use or related low-key usage. However, in this instance this change of use is acceptable in principle, since the building has remained on English Heritage's 'at risk' register for several years as it has not been possible to find an alternative use, and the best option for securing the future of a historic building is keeping it in active use. The proposed use of the barn would be linked in with the wider use of the site as a nursery. This therefore complies with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.4, which states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping', and PPS5 policy HE9.1 which states 'There should be a presumption in favour of the conservation of designated heritage assets'.

It also complies with PPS5 policy HE9.4 which states that 'Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should: (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. In addition, it would comply with Harrow UDP policy D11 to only permit alterations that preserve the character of the listed building and any features of architectural or historic interest which it possesses.

Comments from neighbours noted that 'there is a risk that young children running around would put the barn at risk.' However, as discussed in this report, the use of the barn for a nursery will put a compatible use into this building which is listed on the at risk register.

#### Details of the proposed change of use and refurbishment

To retain the original character of a Listed barn it is important to keep the number of openings for windows and doors to a minimum. This retains the characteristic uncluttered faces of the barn. The Council For British Archaeology objected to the proposal as originally submitted on the 'the insertion of new openings (windows). . . would invalidate the Barn's historic origins'. Plans that have now been superseded at that stage proposed eight new window openings, including two large new windows at the front. Similarly, two neighbours objected on similar grounds.

However, as currently proposed by the revised plans, this conversion would reuse the existing door opening rather than creating any new openings in the front. A substantial inner timber frame lining would be provided off the original opening which the infilling external doors would be hung. To ensure this is appropriately designed a suitable condition is recommended. Also, the overall number of window openings proposed has been substantially reduced to just 4 and all would be on the rear elevation. Those windows now proposed on the rear elevation are also a third narrower than previously proposed. Now there would only be two rooflights and two elongated windows on the rear elevation. Therefore the overall integrity of the barn would be maintained. Also, these windows would not interfere with the existing fabric or result in loss of structural frame members, since the glazed areas are coordinated to fall between them, with the windows or conservation lights forming part of the externally applied reinstated building fabric, beyond the principle timber building frame. Therefore these alterations would be reversible. To ensure this is the case a suitable condition is recommended. Also, to ensure the details of the proposed windows and door are of a high enough quality for the listed building a suitable condition is recommended. This condition would also ensure that the two conservation rooflights proposed would be flush with the roofline to again ensure they would be as unobtrusive as possible. Therefore, the proposed windows and doors required for the new use could be accommodated whilst retaining historic character and integrity and therefore would preserve the character and setting of the Listed Building and so comply with PPS5 policies HE7.4 and HE9.1 and saved Harrow UDP policy D11.

Two neighbours have commented that the barns 'historic value would be totally eroded by ...altering it ...to become part of a Children's day nursery storage other uses. Furthermore, the alterations which are proposed would ensure that the barn could not be returned to its former state at any later stage'. Certainly changes are required to ensure the change of use could occur. The alterations that are required to accommodate the change of use are each assessed below against the need to preserve the special interest of the Listed Building.

Insulation would be required for the new use. Plans have been provided of this which show the relationship between the principal barn structure, proposed insulation and cladding. This shows the new cladding would be balanced on the head of the dwarf wall to minimise load. Importantly, internally the barn/frame structure would remain exposed to view. Insulation would be vapour permeable which is important to ensure damp does not develop in the barn. Insulation would be external which would be the least intrusive. External weatherboarding would replicate that originally lost to reinstate the character of the barn again and ensure weatherproofing. To ensure the finish was of a high quality and appropriate in terms of colour and its lasting nature, a suitable condition is recommended.

New cast iron guttering and down pipes are proposed on rafter brackets with the finite down pipe locations. These would be important to the ongoing maintenance of the listed barn. The details of these and their locations would be important to ensure the listed barn is preserved or enhanced and therefore a suitable condition is recommended.

To allow the new use to operate, the new internal services would be as un-intrusive as possible since internal services throughout the barn to be installed via conduits on the surface or concealed within the modern materials of the reinstated dwarf walling. Also there would be minimal surface fixed cabling in conduits and surface mounted fittings would be permitted to the exposed internal timber frame. The current concrete floor would be excavated and removed and the interior floor would be reinstated with an appropriate solid floor structure within which it will be possible to incorporate an appropriate insulation and under floor heating. The under floor heating would be of an electric under floor heating system which presents no risk of water damage.

Therefore, the details of the proposed change of use could be accommodated whilst retaining historic character and integrity of the barn, and therefore would preserve the character and setting of the Listed Building and so comply with PPS5 policies HE7.4 and HE9.1 and saved Harrow UDP policy D11.

#### Extension

The Council for British Archaeology commented that: 'The current proposal aims to add a wing at the middle of the rear...which would invalidate the Barn's historic origins'. Two neighbours also commented that 'its historic value would be totally eroded by extending... it'. The acceptability of the proposed extension in terms of the need to preserve the special interest of the listed building in accordance with PPS5 and saved Harrow UDP policy D11 is assessed below.

The extension would be reasonably small scale at single storey height with a pitched roof and would require only a relatively small opening in the barn. The fabric of the barn being shown on the plans as being removed to accommodate this extension is relatively modern. According to the supporting statement there would be 'negligible load transfer and lateral pressure ..as a consequence of the new rear addition pitched roof erection against and abutting the rear elevation of the repaired and realigned timber barn structure'. It would fit in well in terms of appearance as it would have the same roof covering as the main barn and timber windows and doors. To ensure all external finishes are of a high quality and appropriate in terms of the character of the Listed Building a suitable condition is recommended.

The addition would help ensure fewer alterations are required to the barn, since it would accommodate all service installations apart from those essential for the barn to minimise impact of such installations. The application states that an air extraction would be required, but could be provided via a ducted system discharging unobtrusively through ventilated ridge tiles. No plans have been provided of this. This is likely to require a separate application for Listed Building Consent and therefore a relevant informative is included. The application states that the entirety of the restored barn will be provided with fire and intruder detection and alarm systems as well as suitable and sufficient emergency lighting. These are likely to require a separate application for Listed Building Consent and therefore a relevant informative is included.

### **Setting of the Listed Barn**

In terms of the impact of surrounding development on the setting of the listed building, the relevant policies are National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and saved Harrow UDP policy D11.

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

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

Policy HE10.1 states 'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.' Policy HE10.2 states 'Local planning authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of a heritage asset. Taking such opportunities should be seen as a public benefit and part of the process of placeshaping'.

The proposals would preserve the remaining open space around the barn. As long as materials are conditioned to ensure they are of a high quality, the surrounding extensions would preserve the setting of the listed barn. There is a proposed barrier near the Listed Building. This would not be fixed to it and therefore does not require Listed Building Consent (a relevant informative is included to this effect) but is considered in this report as it requires planning permission. This would need to be a lightweight structure to minimise impact upon the setting of the listed building. Therefore a relevant condition is included requesting details of this.

The revised front boundary treatment would open up views to the Listed barn slightly and yet still provide protection in the same way that the current boundary does. It would be important that details of the decorative iron railings to the front boundary treatment as well as brickwork bond and type to this wall are provided to ensure it preserves the setting of the Listed barn. Therefore a suitable condition is recommended. Subject to conditions, the proposal would preserve the setting of the listed barn and therefore comply with the above policies.

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

London Plan policy 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals.

London Plan policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment.

London Plan Policy 7.6B states that all development proposals should; be of the highest architectural quality, which complements the local architectural character and is of an appropriate proportion composition, scale and orientation. Development should not be harmful to amenities, should incorporate best practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

The proposed new buildings are single storey. As such, it is considered that they would be subservient to the existing office building on the site and would not be unduly obtrusive. They would be in keeping with the single storey nature of the surrounding bungalows. As such it is considered that the new buildings would be in keeping with the character of the area and would as such be considered to be acceptable.

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

Details of the materials to be used in the proposed new buildings, boundary treatment and extension of the listed barn to be approved by the LPA would ensure that the appearance of the proposals are acceptable. A condition is therefore recommended in relation to the submission of details and samples.

The proposed new building would be single storey as such it would not be unduly bulky and would maintain the character and appearance of the area.

It is therefore considered that the proposals would meet London Plan policies 7.4B and 7.6B and saved policy D4 of the HUDP (2004) and would not have an undue impact on the character and appearance of the site or the area. In addition, it is considered that the proposal maximises the potential of the site and respects London's built heritage and is in accordance with London Plan Policies 7.4B and 7.6B.

### **3) Residential Amenity**

The property is surrounded by residential sites on the east and south eastern boundaries, all of which have their rear gardens backing onto the subject site.

The Pinner Arms pub borders the site to the south and there are shops with flats to the east of the site.

The dwellinghouses at 31 and 32 would be located a minimum of 8m away from the proposed single storey buildings. This separation distance is considered to be acceptable to mitigate any undue impact in terms of loss of light or outlook onto these neighbouring dwellinghouses.

It is considered that the proposed single storey wrap around extension would not have an adverse effect on neighbouring amenity in terms of overlooking, overshadowing or loss of light on the adjacent sites.

Conditions to control hours of use, the maximum number of students on the site and staff numbers in relation to the use are recommended in order to protect the amenities of the neighbouring residential occupiers.

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

It is suggested that the opening hours of the nursery be conditioned. Subject to this, it is considered that the proposal would not cause unreasonable disturbance to the occupiers of the residential properties adjacent to the site, as people would be dispersing at reasonable (social) hours. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. As such the opening hours of 07.00 to 18.00 hours on Monday to Fridays and 0800 to 1800 on Saturdays would be adequate to mitigate the impact of disturbance to a reasonable degree. The applicant has requested the hours of 0700 to 1800 on a Saturday, however, it was considered that 0800 rather than 0700 start time on Saturdays would be more suitable in order to reduce disturbance to neighbouring properties.

Therefore it is considered that, subject to this suggested conditions, the proposal would not cause unreasonable disturbance to the occupiers of the neighbouring residential sites, as people would be dispersing at reasonable (social) hours.

There are two separate external secure recreational areas proposed on the site. As a condition has been recommended restricting the hours of use of the proposal, there would be no unreasonable impact on the neighbouring sites.

In addition, a condition has been recommended restricting the use of the property to D1 Non Residential Education and Training Centre to ensure that in the future, the site is not used for a non-compatible and unacceptable D1 use.

As such, it is considered that the proposal would not unduly impact upon neighbouring amenity and would comply with London Plan policy 7.4B and saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

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

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

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

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

#### **5) Sustainable Design**

London Plan policy 5.3 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.

#### **6) Accessibility**

The new pedestrian entrance and new footpath would be of sufficient widths to comply with the Harrow Council SPD 'Access for All' (2006) and saved policy C16 of the Unitary Development Plan (2004). The SPD: Access for All stipulates certain requirements to ensure that the needs of children, disabled, visually impaired and elderly people are addressed.

Saved policies C16 and D4 of the HUDP (2004) states that development proposals should be adequately designed to accommodate the needs of all users and all buildings should be fully accessible to all users (paragraph 4.18 of the HUDP).

The proposal is considered to be compliant with the SPD: Access for All and is therefore considered to be acceptable from an accessibility perspective.

**7) Parking, Highway Safety and Transport Impact**

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

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

The applicant has provided a travel plan within the Design and Access statement, which among other things encourages sustainable transport options in order to help reduce the requirement for car use.

With regard to the level of activity, it is stated that there would be no peak activity throughout the day so the impact would in effect be diluted, which is considered to be acceptable.

The fact that the car parks may be used throughout the day rather than solely for pick up and drop off is considered to not be an issue.

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

**8) Drainage**

The Council's Drainage Engineer has recommended conditions relating to the disposal of surface water and the retention/storage of surface water. Subject to these conditions, the proposal would not have a detrimental impact on flooding and would comply with PPS25 and saved policy EP12 of the Harrow UDP (2004).

**9) S17 Crime & Disorder Act**

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

**10) Consultation Responses**

- Traffic and highway safety and parking has been assessed in the report.
- Every application is assessed on its merits. Whether there are enough nurseries elsewhere in Harrow is not a material planning consideration.
- Neighbours amenity and disturbance has been assessed in the report above.
- Antisocial behaviour is a matter for the police, not one for the LPA.
- Asbestos removal and the potential associated health risk is not a material planning concern.
- The impact on the listed building has been assessed in the report above.
- The bulk/height of the building has been assessed in the report above.
- Loss of outlook/privacy has been assessed in the report above.
- The impact of the proposal on the character and appearance of the area has been assessed in the report above.



- It has been recommended that the hours of operation are conditioned in this application to reasonable hours to ensure that there would be no undue impact on neighbouring amenity.
- Neighbouring property damage and rubbish and pollution as a result of construction is a civil matter and not one which the LPA will get involved in.
- The LPA cannot require the applicants to put up fences during construction. This is a civil matter.
- Damage to trees is a civil matter and not one which the LPA will get involved in. There are no TPO's on or near the site.

## **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 - P/1033/11**

1 The development and 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 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 front boundary treatment.

b: the materials for the proposed wrap around single storey 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 saved policy D4 of the Harrow Unitary Development Plan (2004).

3 The site shall be used for the purposes specified in the application (non residential education and training centre) and for no other purpose, including any other purpose in Class 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 amenity of the neighbouring residential occupiers thereby according with saved policies D5 and EP25 of the Harrow Unitary Development Plan 2004.

4 The use hereby permitted shall only be used for teaching of students between the following times:-

07:00 hours to 18.00 hours Monday to Friday

08.00 hours to 18:00 hours on Saturdays

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 the occupiers of the other offices within the building and the neighbouring residential occupiers in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

5 The use hereby permitted shall only be open to staff between the following times:-

07:00 hours to 18:00 hours Monday to Friday

07:00 hours to 18:00 hours on Saturdays

and at no time on Sundays or Bank Holidays

REASON: To safeguard the amenities of neighbouring occupiers of the offices and adjacent residential occupiers in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

6 The number of students within the premises shall not exceed 40 at any time and the number of staff within the premises shall not exceed 10 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 adjacent residential occupiers is kept to a minimum to comply with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

7 No primary cooking of unprepared food shall be carried out on the premises. Only reheated or cold food that has been prepared elsewhere shall be served on the premises.

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

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

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

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

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

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

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

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

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

12 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, London Plan Policy 5.3 and saved policy D4 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 details of the front boundary treatment and the balustrades within the site.

REASON: To ensure that the proposal would have no undue impact on neighbouring amenity in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

14 The development hereby permitted shall be carried out in accordance with the following approved plans: 0920-PL01; 0920-PL02 Rev A; 0920-PL03 Rev A; 0920-PL04 Rev A; 0920-PL05 Rev A; 0920-PL06 Rev A; 0920-PL07; Design and Access and Planning Statement; Heritage Statement

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

## INFORMATIVES

### 1 INFORMATIVE:

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

The proposed development would help secure the future of the Grade II Listed barn by providing a new use for the building and the adjacent works would preserve the setting of the Grade II Listed barn. The proposals would preserve the character of the area and would not affect the amenities of neighbours or highway safety. The decision to recommend **GRANT** of planning permission and Listed Building Consent has been taken having regard to the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004] (listed below), and to all relevant material considerations:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

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

Planning Policy Guidance 13: Transport (2006)

The London Plan (2011):

3.18 Education facilities

5.3 Sustainable design and construction

5.12 Flood risk management

5.13 Sustainable drainage

6.3 Assessing effects of development on transport capacity

6.13 Parking

7.2 An inclusive environment

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

Harrow Unitary Development Plan 2004: D4, D5, D11, EP12, EM25, C7, C16, T6, T13

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

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

Sustainable Community Strategy [Mar 09]

## 2 INFORMATIVE:

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

## 3 INFORMATIVE:

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

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

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

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

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

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

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

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

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

**4 INFORMATIVE:**

The applicant is advised that this permission does not extend to any mechanical air extraction from the toilet or kitchen facilities. A separate planning permission will be required for these extraction systems.

**5 INFORMATIVE:** The applicant is advised that this permission does not extend to any advertisements. Advertisement consent may be required.

Plan Nos: 0920-PL01; 0920-PL02 Rev A; 0920-PL03 Rev A; 0920-PL04 Rev A; 0920-PL05 Rev A; 0920-PL06 Rev A; 0920-PL07; Design and Access and Planning Statement; Heritage Statement

**CONDITIONS : P/1247/11**

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:

0920-PL01; PL02 REV A; PL03 REV A; 04 REV A; 05 REV A; 06 REV A; PL07; DESIGN AND ACCESS STATEMENT; HERITAGE STATEMENT; APPENDIX B BRIEF PHOTOGRAPHIC SCHEDULE OF HISTORIC ASSET (PAGES 1-9); ; Email from agent received 19<sup>th</sup> August, 2011

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

3 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 barn in accordance with Planning Policy Statement 5 policies HE7.4, HE9.1 and saved Harrow UDP policy D11.

4 The proposed windows and conservation rooflights to the barn shall not require the removal of any historic fabric or structure of the existing barn.

REASON: To protect the special architectural or historic interest of the listed barn in accordance with Planning Policy Statement 5 policies HE7.4, HE9.1 and saved Harrow UDP policy D11.

5 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) external plumbing and pipework and rainwater downpipes and guttering
- b) decorative/protective finish to the weatherboarding.
- c) windows and conservation rooflights
- d) materials and finishes to the barn extension
- d) infilling the existing front door opening
- f) fire and intruder detection and alarm systems and emergency lighting.

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

REASON: To protect the special architectural or historic interest of the listed barn in accordance with Planning Policy Statement 5 policies HE7.4, HE9.1 and saved Harrow UDP policy D11.

6 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 barn in accordance with Planning Policy Statement 5 policies HE7.4, HE9.1 and saved Harrow UDP policy D11.

7 Notwithstanding the detail shown in plan 0920-PL02 REV A; PL03 REV A and PL07, the boundary treatment running north to south from the south-west corner of the barn and east to west from the north-west corner of the barn shall not be fixed to or touching the Listed barn at any point.

REASON: To protect the special architectural or historic interest of the listed barn in accordance with Planning Policy Statement 5 policies HE7.4, HE9.1 and saved Harrow UDP policy D11.

## **INFORMATIVES**

### **1 COMPLIANCE WITH PLANNING CONDITIONS**

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

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

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

**2 SUMMARY OF REASONS FOR GRANT OF LISTED BUILDING CONSENT:** The decision to grant listed building consent has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:PPS5 – Planning for the Historic Environment  
Harrow Unitary Development Plan:  
D11 – Statutorily Listed Buildings

3 The fire and intruder detection and alarm systems and emergency lighting and air extraction system has not been considered as part of this application since no plans or details have been provided. They are likely to require a separate application for Listed Building prior to any works being conducted.

4 The proposed balustrades running west to east from near the north-west corner of the barn and north to south from near the south-west corner of the barn as shown in plan 0920-PL02 REV A and PL07 have not been considered as part of this Listed Building Consent application since they would not be fixed to or touching the Listed barn building at any point. If they were then a separate Listed Building Consent application is likely to be required.

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**55 PALMERSTON ROAD HARROW, HA3 7RR**

**Item: 2/05**

**P/1709/11**

Ward: MARLBOROUGH

CHANGE OF USE OF OFFICES (CLASS B1) TO EDUCATION FACILITY (CLASS D1)  
FOR A PERIOD OF FIVE YEARS (RETROSPECTIVE APPLICATION)

**Applicant:** Mr B Makinde

**Agent:** Scott Planning Associates Ltd

**Case Officer:** Andrew Ryley

**Statutory Expiry Date:** 19-AUG-11

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## **RECOMMENDATION**

GRANT temporary permission for the development described in the application and submitted plans, subject to conditions. The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations, as outlined in the application report. The proposed temporary change of use would allow the building to be kept in use, where otherwise it would likely remain vacant, without causing harm to the long-term viability of Wealdstone Preferred Industrial Location.

### **National Planning Policy:**

National Planning Policy Framework (Draft Edition)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

### **The London Plan (2011):**

2.7 – Outer London: Economy

2.17 – Strategic Industrial Locations

4.1 – Developing London's Economy

4.2 – Offices

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

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

SEM1 – Development of the Borough's Regeneration Strategy

SEM2 – Hierarchy of Town Centres

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

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

EM24 – Town centre Environment

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces



**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance))**

- 1) Principle of Development (PPS1, PPS4, London Plan 2.7, 2.17, 4.1, 4.2, SEM1, SEM2, EM14, EM24, C7, C16, SPD)
- 2) Character and Appearance of the Area (London Plan policies 7.4B and 7.6B, saved UDP policies D4 and D9, SPD)
- 3) Residential Amenity (PPS1; saved UDP policies D4 and D5)
- 4) Parking and Traffic (saved UDP policies T6 and T13)
- 5) Accessibility (London Plan policy 7.2, saved UDP policy C16, SPD)
- 6) S17 Crime & Disorder Act (London Plan policy 7.3, saved UDP policy D4)
- 7) Consultation Responses

**INFORMATION**

This application is reported to committee as the level of floorspace exceeds the threshold (400 sqm) for the change of use on non-residential floorspace set out in paragraph 6 of the Scheme of Delegation

**a) Summary**

Statutory Return Type: 20 – Change of use  
Council Interest: None

**b) Site Description**

- Application site accommodates a stand alone three storey building on the south of Palmerston Road.
- The building is a circa 1960s typical office development, set over three floors. The ground floor includes undercroft car parking spaces.
- The building is currently being used as an educational establishment by the Middlesex College of Law; signs have been erected on the outside of the building denoting this. Inside the building, the first and second floors are being used as a mix of classrooms and support offices (reception etc).
- The application site lies within the Palmerston Road / Oxford Road Business, Industrial and Warehousing Area, which is part of the Wealdstone Preferred Industrial Location as set out in the Councils Unitary Development Plan (2004).
- Wealdstone Preferred Industrial Location is one of the Preferred Industrial Locations under the Strategic Industrial Locations within The London Plan. (2011).
- Wealdstone District Centre lies to the west of the application site, which contains Harrow and Wealdstone Station.

**c) Proposal Details**

- Application is for the retrospective change of use of offices (Class B1) to an educational establishment (Class D1).
- No external changes are proposed.

**Revisions to Previous Application:**

Following the previous decision (P/3169/10) the following amendments have been made:

- No changes have been made to the scheme itself, but a further detailed planning justification for the development has been submitted, along with a commercial report on the viability of an office occupier in current market conditions.

**d) Relevant History**

LBH/22083	CHANGE OF USE OF PART OF GROUND FLOOR AND BASEMENT FROM SHOWROOMS AND STORAGE TO OFFICES	GRANTED 16-SEP-82
P/528/03/C FU	USE OF BUILDING FOR EDUCATIONAL PURPOSES WITH ANCILLARY OFFICES AND SUPPORT ACCOMMODATION (CLASS D1)	WITHDRAWN 10-JUL-03
P/3169/10	CHANGE OF USE OF OFFICES (CLASS B1) TO EDUCATION FACILITY (CLASS D1) (RETROSPECTIVE APPLICATION)	REFUSED 24-JAN-11

**Reason(s) for Refusal:**

1. The proposed change of use is unacceptable in principle and would result in the provision of an inappropriate use and the loss of office space (Class B1) from a designated employment site within the Strategic Industrial Location/Wealdstone Preferred Industrial Location (Palmerston Road / Oxford Road) as designated in the London Plan (2008) and the Harrow Unitary Development Plan (2004) and would be contrary to the aims and objectives of policies 2A.10 and 3B.4 of the London Plan (2008) and saved policy EM14 of the Harrow Unitary Development Plan (2004), which aims to resist the loss of such land and buildings in London and the Borough.

**e) Consultations:**

**Planning Policy:** No objection, comments that the case for continued use of the premises for educational purposes has now been made and therefore that there is no objection in policy terms.

Policy EC11 of PPS4 (2009) broadly reflects saved policy EM14 of the Harrow Unitary Development Plan (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.

**Advertisement:** Departure from the Development Plan Expiry: 27-SEP-11

**Notifications:**

Sent: 16

Replies: 0

Expiry: 17-AUG-11

**Summary of responses:**

N/A

**APPRAISAL**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this appeal. As such, the application has been assessed against the relevant adopted planning policy.

**1) Principle of Development**

This is a retrospective application for the change of use from offices (falling within Use Class B1) to an educational establishment (Use Class D1). It is noted that the proposed change of use to Class D1 has already occurred and that the application is retrospective. The planning history indicates that in 2003 an application for the change of use from offices to Class D1 was submitted, but withdrawn prior to its determination. A review of the file indicates that the reason the application was withdrawn was because of contractual issues with the landlord. However, notwithstanding this, the site is currently in use as an educational facility ran by the Middlesex College of Law. It is unclear when the Class D1 use commenced.

Policy 2.17 of The London Plan (2011) sets out Strategic Industrial Locations (SIL) within the city, differentiating these between Preferred Industrial Locations (PIL) and Industrial Business Parks (IBP). The London Plan (2011) sets out that PILs are “particularly suitable for general industrial, light industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities.” (paragraph 2.79). The Harrow Unitary Development Plan (2004) states that these sites are of London and Borough significance and will be equally protected from loss to other uses.

The site falls within Wealdstone PIL, and therefore is subject to policy 2.17B of The London Plan (2011). This policy sets out that planning permission should not be granted in such areas unless one of the following criteria is met:

- a they fall within the broad industrial type activities outlined in paragraph 2.79; or*
- b they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document;*
- or*
- c the proposal is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors; or*

*d the proposal is for small scale 'walk to' services for industrial occupiers such as workplace crèches or cafes.*

The site is an established business location within the Palmerston Road / Oxford Road designated Business, Industrial and Warehousing Area as shown within the Harrow Unitary Development Plan (2004). Saved policy EM14 of the Harrow Unitary Development Plan (2004) states that the Council will resist the loss of land and buildings from Class B1, B2 or B8 uses to other uses outside this use within designated Industrial, Business and Warehousing Areas.

As set out above, the application proposes the change of use from Class B1 to Class D1. As such, the application is a departure from the Development Plan (and has been advertised accordingly), which consists of The London Plan (2011) and the Harrow Unitary Development Plan (2004). On this basis, a previous application for the change of use was refused planning permission in January 2011.

Following the previous refusal of retrospective planning permission, the applicant has undertaken a detailed analysis of the planning justification to support the D1 use for this building. The documents submitted with this application include a report by Chamberlain Commercial – a commercial property consultant based in Pinner – which sets out the marketing undertaken with respect to the B1 use of the building, a report by the applicant, the Middlesex College of Law, which sets out a profile of the College, what courses it offers etc, and a detailed Planning Statement.

Given that the application is considered to be a departure from the Development Plan, it is important to note that section 38(6) of the Planning and Compulsory Purchase Act 2004 states "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." So the key question here is what, if any, material considerations would outweigh the Development Plan presumption against the application.

The applicant's statement highlights the continuing high levels of vacancy in Harrow's office stock, the limited impact upon local employment compared to previous low employment yield of the premises (although this is based on under-occupation), that the college is having a positive effect on the economy and that the site had been vacant for a period of less than 2 years.

A period of less than two years' vacancy prior to the applicant's occupation would not normally be accepted, as shorter periods are a normal part of market activity and 'churn'. The Council's Planning Policy team has also stated that the benefits to the local economy are limited given the low level of direct employment and that the courses offered do not address local basic educational/skills gaps, but instead provide higher level courses in the specialist area of accountancy (and related business matters).

The educational use of the premises does not fall within the London Plan (2011) description of activities that are appropriate in preferred industrial locations.

During the course of the application, the previous iteration of The London Plan has been replaced with an updated version. Also, the Government has published the draft National Planning Policy Framework (NPPF) for consultation on 25 July 2011. At the Council's invitation, the applicant has submitted a further statement on how these two documents inform the consideration of the application.

The draft NPPF contains a number of references to the presumption in favour of sustainable development ('the presumption'), and the need to support economic growth, as outlined previously in the Written Ministerial Statement '*Planning for Growth*'. The 'presumption' highlights the Government's aim to ensure those involved in the planning process are 'proactive and driven by a search for opportunities ... rather than barriers'. Delivering sustainable development means that the planning system has an active economic role to play in planning for prosperity, and significant weight should be placed on the need to support economic growth (paragraphs 10 & 14).

The draft NPPF states that where LPA's policies are out of date they should grant permission. The applicant notes that the Harrow Unitary Development Plan was first adopted in 2004 (amended 2007) and although it is in the process of being replaced any replacement plan will not be adopted until next year at the earliest. In this context, LPAs are encouraged to produce or review plans so they can respond flexibly to changing circumstances. The oversupply of offices in Harrow and the need to look at alternative or mixed uses for the less attractive office buildings is one such changing situation. Given the early stages of the draft NPPF, whilst the points made are noted, it is considered that the weight that can be afforded to them are limited at this time.

In relation to The London Plan (2011), the applicant highlights that within the document there is a recognition that a growing and ever changing economy will have to be planned for (para.1.17), with growing demand for education (para.1.18). The projected jobs growth is lower than earlier versions of The London Plan (para.1.22), thus giving more weight to the need to foster job creation in those sectors, such as education, where growth might be expected to take place (para.1.24). The applicant highlights that there is a recognition also that employment in London is skewed towards occupations needing a higher level of skills and qualifications given the nature of the sectors in which London specialises (para.1.28). In addition to physical infrastructure, a growing and increasingly diverse population will create demand for more social infrastructure, including schools, colleges and universities (para.1.40).

It is considered that in this case, there is a balance to be struck between maintaining an adequate supply of employment land in the Borough, offset against the increased demand for educational premises and raising skills. It is an indisputable fact that there is a surplus of office stock in the Borough and as a 1960s or 1970s building – designed for single-occupier use – is exactly the sort of stock that does not meet the needs of Harrow's present day local office market.

PPS4s wider than traditional description of economic development, and Ministerial statements which press the importance of supporting sustainable economic development wherever possible. The Council's Planning Policy team has stated that they are persuaded that as it is a stand alone purpose-built block it would only be suitable for office use (in terms of the B classes); offices are not included in the description of appropriate uses; indeed the London Plan strategy for outer London is the consolidation of local office markets into town centre locations.

London Plan (2011) policy 2.17 also seeks to resist any proposal that would compromise the integrity or effectiveness of strategic industrial locations. Having accepted all of the above regarding the suitability of the building for its intended use and the wider context of surplus local supply, then it is apparent that the educational use is preferable to other uses (such as residential), which would prejudice legitimate industrial type activities on neighbouring sites. However, given the prevailing concern over the longer term viability of Wealdstone as an industrial area, and that the use of this building may conflict with that use, it is considered appropriate to impose a temporary planning permission for a period of five years. The rationale for this is that it would allow the Council to develop its longer term strategy for this area (in accordance with The London Plan policy 2.17), and should this necessitate the use of the building for another purpose, or result in other industrial land uses making the use of this building as an educational establishment unviable, then the temporary planning permission would not be renewed at that time. Should this be the case, it would also allow the applicant sufficient time to find suitable alternative premises.

As such, it is considered that the retrospective change of use for D1 purposes would not cause harm to the limited availability of designated B1, B2 and B8 sites within the Borough, and would be acceptable in the context of London Plan (2011) policies 2.7, 2.17, 4.1 and 4.2 and saved policy EM14 of the Harrow Unitary Development Plan (2004), subject to a planning condition that limits the use for a period of five years.

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

No external work is planned as part of the proposed application. In this respect there would be no visual effect on the character and amenity of the area. In regard to the above, it is considered that the proposed use would comply with saved policy D4 of the Harrow Unitary Development Plan (2004).

**3) Residential Amenity**

The proposed use is located in a designated industrial area that can be expected to generate a certain level of noise in relation to the uses being currently undertaken. It is considered that the change of use to a Class D1 use in the property would not materially increase the noise levels within the area. It would therefore not be of detriment to the surrounding residential properties when considered in conjunction with the other surrounding industrial uses.

**4) Parking and Traffic**

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 Council's Highway Engineer has raised no objection to the development and therefore the application is considered acceptable.

The site is in a town centre location, with high accessibility by public transport. Furthermore, the area is subject to vigorous on-street parking control. It is therefore considered that the proposal would not have a detrimental impact on highway safety and would not result in significant on-street parking problems.

**5) S17 Crime & Disorder Act**

Is considered that the proposal would not have any impact with respect to this legislation.

**6) Consultation Responses**

N/A.

**CONCLUSION**

The decision to grant temporary permission has been taken on the basis that the proposed development would lead to the regeneration of this site and make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall, and the variation of planning condition 16 of this permission would not have a detrimental impact on this.

The application is therefore recommended for grant, subject to the following conditions:

**CONDITIONS**

1 The Class D1 educational use hereby permitted shall be discontinued within five years of the date of this permission, and the building shall return to a Class B1 office use.

REASON: To reflect the particular circumstances of the application and protect the wider industrial location of the area in accordance with The London Plan (2011) policy 2.17 and saved policy EM14 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the amenities of neighbouring residential properties, in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

3 PLANLIST ... TEN10/09/01/04 Rev A, TEN10/09/01/05 Rev A, TEN10/09/01/07 Rev A, Site Plan, Chamberlain Commercial report, Middlesex College of Law report, Planning Statement, Supplementary Planning Statement (dated 16/08/2011).

## **INFORMATIVES**

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

The decision to GRANT temporary permission for the development described in the application and submitted plans, subject to conditions. The decision to GRANT permission has been taken having regard to National Planning Policy, the policies and proposals in the London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations, as outlined in the application report. The proposed temporary change of use would allow the building to be kept in use, where otherwise it would likely remain vacant, without causing harm to the long-term viability of Wealdstone Preferred Industrial Location.

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

National Planning Policy Framework (Draft Edition)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

#### **The London Plan (2011):**

2.7 – Outer London: Economy

2.17 – Strategic Industrial Locations

4.1 – Developing London's Economy

4.2 – Offices

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

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

SEM1 – Development of the Borough's Regeneration Strategy

SEM2 – Hierarchy of Town Centres

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

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

EM24 – Town centre Environment

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Plan Nos: TEN10/09/01/04 Rev A, TEN10/09/01/05 Rev A, TEN10/09/01/07 Rev A, Site Plan, Chamberlain Commercial report, Middlesex College of Law report, Planning Statement, Supplementary Planning Statement (dated 16/08/2011).



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**38-45 MILMAN CLOSE, PINNER, HA5 3LF**

**Item: 2/06**

**P/1331/11**

**Ward: PINNER**

**REPLACEMENT DOORS, WINDOWS AND BALCONIES (RETROSPECTIVE APPLICATION)**

**Applicant:** Harrow Council

**Agent:** Ridge And Partners

**Case Officer:** Andy Parker

**Statutory Expiry Date:** 01-AUG-11

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application

The decision to recommend grant of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2011), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. The external alterations are considered to preserve the setting of the Waxwell Lane Conservation Area and are not considered to be detrimental to the character and appearance of nos.38-45, or the adjoining block of flats nos. 46-51 Millman Close. The external alterations would not be detrimental to the amenities of nearby residents and the overall improvement works to this block of flats have created a more inclusive environment both for occupiers and for visitors to this block of flats.

### **National Policy Guidance**

Planning Policy Statement 5 Planning For The Historic Environment policies HE7.4 and HE10

London Plan (2011)

Policies 3.5B, 7.4B, 7.6Bd and 7.6Bh

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

D4 The Standard of Design and Layout

D5 New Residential Development-Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D14 Conservation Areas

C16 Access to Buildings and Public Spaces

### **Supplementary Planning Documents:**

Residential Design Guide (2010)

Accessible Homes (2010)

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1)** Character and appearance of the area (London Plan Policy policies 7.4B and 7.6B, D4, D14, Harrow Residential Design Guide (2010))
- 2)** Residential Amenity (D5)

- 3) Accessibility (London Plan Policy policies 3.5B and 7.6B (h); saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2010) in the London Plan (2011), and adopted Supplementary Planning Document: Accessible Homes (2010).
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## **INFORMATION**

This application is reported to committee as the proposal involves minor development on Council owned land up to and including 100m<sup>2</sup> of floorspace of land owned by the Council. This therefore falls outside category 6 of the Council's scheme of delegation.

### **a) Summary**

Statutory Return Type: (E)13 Minor Dwellings  
Site Area 530m<sup>2</sup>  
Floor Area 500m<sup>2</sup>  
Council Interest: YES

### **b) Site Description**

- This application concerns a two storey block of flats nos. 38-45 Milman Close located on the north-eastern end of Milman Close, a residential cul-de-sac.
- The application site comprises a block of flats. This block is attached to another block to the east nos.46-53 Milman Close.
- Nos. 38-45 Milman Close have 2, two storey front projections with the entrance doors to the flats being located in the front elevation.
- The entrance doors have stepped entrances.
- Between the front elevation of nos. 38-45 and the cul-de-sac is a grassed area and a footpath which serves the flats.
- To the east of nos.38-45 are 2, three storey blocks, nos.1-25 and nos. 26-37 Elm Park Road.
- To the south-west of the site is a row of communal garages and the rear gardens of nos. 22 and 24 Elm Park Road.
- To the south-east of the site is Little Common which is designated as Open Space in the Harrow Unitary Development Plan (2004).
- Nos. 38-45 Milman Close are situated approximately 17m from the long rear gardens of nos. 24 and 22 Elm Park Road which are located within Waxwell Lane Conservation Area.

### **c) Proposal Details**

- The proposal seeks retrospective planning permission to replace the existing windows and doors. The existing painted windows and doors have become rotten and they have been replaced with PVC-U windows and balcony doorsets and powder coated aluminium framed entrance doorsets
- The styles of the windows and the doors have been slightly altered to enable easy cleaning and operation.

- The window frames and balcony doorsets are white to match the existing windows at nos.46-51. The new communal entrance doors have white frames and the door sash is a RAL 6005 Dark Green colour to both sides.
- Amended plans have been received which now correctly show that the doors open outwards; that the kitchen windows first floor have wider frames; the rear elevation on the plans now correctly refer to rear of nos. 38-45 Milman Close.
- The alterations to the existing pavement which include a marginal increase (a maximum of 230mm) in the gradient of the footpath do not need planning permission for works carried out by the local highway authority on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway under Part 13 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Revisions to Previous Application:**

- The previous application proposed alterations to two linked blocks of flats nos. 38-53 Milman Close. This current application proposes to make alteration to one block of flats nos.38-45 Milman Close.
- The relocation of the existing entrance doors and access ramps do not form part of this current application.

**d) Relevant History**

HAR/11405/F- 8	Flats (Outline) Granted	GRANTED 08-JAN-63
LBH/974-	Erect 16 Old Peoples Flats-	GRANTED 04-MAY-64
HAR/11405/H-	Erect 12 Dwellings For Old People- 31	GRANTED DEC-64
LBH/974/1	Erect 16 Old People's Flats	GRANTED 27-SEP-66
P/3256/10	Replacement doors, windows and balconies, relocation of entrance doors to side elevations and new access ramp to entrances	REFUSED 31-JAN-11

**Reason for Refusal**

The proposed relocation of the existing entrance doors and proposed access ramps, would give rise to the perceived overlooking, disturbance and loss of privacy to the occupiers of the adjacent ground floor flats, to the detriment of the amenities of the occupiers of these flats, contrary to saved Policy D5 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- The proposal seeks to replace the existing windows and doors. The existing painted windows and doors have become rotten and they have been replaced with PVC-U windows and balcony doorsets and powder coated aluminium framed entrance doorsets.
- Then majority of the windows in the surrounding area have been replaced with PVC-U double glazed windows.

**g) Consultations**

The Pinner Association: No response.

Conservation Area Advisory Panel: No response.

Comments in respect of the previous application:

There are no objections as it would look in keeping with the design of the building, as long as it is all implemented together, otherwise ad hoc implementation would look very poor.

**Advertisement:** Site Notice Expiry 12-JUL-11

Press Advertisement Expiry: 07-JUL-11

**Notifications:**

Sent: 37 Replies: 1 Expiry: 09-MAY-11

**Addresses consulted**

Walton, 22, Elm Park Road;  
32, 33, 34, 35, 36, 37, 38 39,40, 41, 42, 43, 44, 44, 45, 46, 47, 48, 49, 50, 51,  
52, 53, Milman Close;  
Garages Rear of Milman Close;  
Dental Surgery, 24 Elm Park Road;  
Rosenheath 24A Elm Park Road,  
Flat nos. 1,2,3,4,5,6,7,8, 9 Ashburton Court Elm Park Road  
Entrance between 10 and 12 Elm Park Road

**Summary of Responses:**

- (i) Objects to works being undertaken prior to the granting of planning permission;
- (ii) The application form incorrectly states that works have been completed but the ramps and handrails have not been installed;
- (iii) The plans incorrectly show that the doors open inwards. They open outwards;
- (iv) The plans show that the windows on the ground and first floor are identical. However the kitchen windows on the first floor have wider frames;
- (v) The rear elevation on the plans actually refers to no.46-51 Milman Close and not 38-45 Milman close.
- (vi) The style of the proposed windows have significantly changed. They are not in the style of surrounding windows and the size of the windows are small by comparison;

- (vii) The Conservation Officer commented on the previous application that an ad hoc implementation would appear poor;
- (viii) Prior to the installation of the windows the gardens to the rear of the premises could access the rear garden via the living room windows. These windows also formed a useful alternative fire exit. Now access to the rear garden is only possible via an external side access and the high balconies which have been installed are a fire hazard;
- (ix) It is not clear from the submitted drawings how the proposed ramps would integrate with the existing pathways. It appears that a step would be required from the ramp to the footpath. The outward doors make wheelchair access impossible;
- (x) A delayed action controlled door is a fire risk and is a security concern;
- (xi) The paving works undertaken by the Highway Agency are being carried out without planning permission;
- (xii) Milman Close is neither a new build, conversion, or a change of use and there is no current Council Policy which requires the implementation of wheelchair access to existing homes;
- (xiii) It is not possible to meet Lifetime Homes standards in Milman Close as the current internal door widths are inadequate and is not therefore suitable for future wheelchair access;
- (xiv) This application should be rejected in order to avoid wasteful work of ramps and doors.

## **APPRAISAL**

### **1) Character and appearance of the area**

Policy HE7.4 of Planning Policy Statement 5 Planning For The Historic Environment policies

Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable

Policy HE10.1 of Planning Policy Statement 5 Planning For The Historic Environment policies states: -

When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

London Plan policy 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals.

London Plan policy 7.4B.1 states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment.

London Plan Policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation. Development should not be harmful to amenities, should incorporate best practice for climate change, provide high quality indoor and outdoor spaces, be adaptable to different activities and land uses and meet the principles of inclusive design.

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

The Waxwell Lane Conservation Area Appraisal and Management Strategy (CAAMS) notes that "areas immediately surrounding the conservation area have suffered from replacement plastic windows".

However, in this case nos. 38-45 Milman Close are situated approximately 17m from the long rear gardens of nos. 24 and 22 Elm Park Road which are located within Waxwell Lane Conservation Area. The area immediately surrounding this part of the conservation area is therefore surrounded by greenery rather than any immediate properties within the conservation area.

It is noted in the letter of objection received that comments in respect of the previous application have been attributed to the Council's Conservation officer. However, these comments were in fact made by the Conservation Area Advisory Panel (CAAP). The Council's Conservation Officer raised no objection to the previous application, or to this current application.

With regard to the comments made by the CAAP, whilst the replacement doors, windows and balconies do not extend to the adjoining block, nos. 46-51 Milman Close, as proposed under the previous application, the works which have been undertaken relate to the to the ground floor, first floor, front and rear elevation of the block of nos. 38-45 Milman Close. It is therefore considered that the alterations to this block have not been carried out in either a piecemeal, or an ad hoc manner and the more contemporary design of the new windows in block nos. 38-45 is not considered to be out of keeping with nos. 46-51.

The development is therefore considered to preserve the setting of Waxwell Lane Conservation Area.

The alterations to the front and rear elevations of nos. 38-45 Milman Close are clearly visible from Milman Close and Little Common open space respectively.

The siting, number and overall scale of the new windows and doorsets have not altered. However, the contemporary style of the PVC-U windows, balcony doorsets and powder coated aluminium framed entrance doorsets have changed the overall design and appearance of the front and rear elevations the windows. The previous windows in doorsets were in a poor state of repair and the proposed contemporary design of the new windows, doorsets and balconies to nos. 38-45 are not considered to be out of keeping with the adjoining block no.46-51 Milman Close to the detriment of the overall appearance of the adjoining block of flats.

It is noted that the letter of objection refers to the fact that the first floor windows have wider frames than the ground floor windows. This difference is due to the fact that the top floor kitchen windows have double pivots and are made of two separate frames butted up together. This difference has now been reflected in the revised drawings and it is considered that the proposed differences to the design of the proposed ground and first floor windows have not considered to significantly alter, or adversely affect the overall appearance of these flats.

The proposal is not therefore considered to be detrimental to the visual amenities of the street scene, or the character and appearance of the public open space.

The proposal would therefore comply with PPS5 policies HE7.4 and HE10, saved policies D4 and D14 of the Harrow UDP and the Council's adopted Supplementary Planning Document: Residential Design Guide 2010).

**2) Residential Amenity**

The previous application proposed access ramps and involved the relocation of the entrance doors to the west facing flank elevations of the two storey projections to the flats. This revised entrance would have been sited adjacent to the ground floor bathroom windows of the flats. Whilst these windows were either obscured glazed, or had net curtains, it was considered that the relocation of the entrance door and the elevated position of the proposed ramp close to these bathroom windows could have given rise to the perceived overlooking and loss of privacy to the ground floor occupants of the flats, to the detriment of the residential amenities of the occupiers of these flats. In addition, it was considered that the proposal would have concentrated all of the activity into and out of the block of flats directly in front of the adjacent flats which would have a harmful effect with regard to disturbance.

With regard to the current application, the proposed access ramps and relocation of entrance doors to side elevations no longer forms part of this current application. The alterations which have been undertaken to the existing pavement part of the which involve minor alterations to the layout and the gradient of the existing footpath do not require planning permission and are not therefore the subject of this current application. The reason for refusal of the previous application has therefore been satisfactorily addressed and the proposal is therefore considered to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

**3) Access to Buildings**

A revised and updated Accessible Homes SPD was adopted by the Council on the 18 March 2010 which supplemented the saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and is in line with the London Plan Policy 3A.5 and the Mayor's supplementary planning guidance 'Accessible London: achieving an inclusive environment', which requires the Council to apply the relevant Lifetime Standards to all residential development in the Borough. There are 16 Lifetime Homes standards.

The aim of Policy 7.6B (h) of the London Plan is to create an inclusive environments and this respect, as part of the overall improvement works to this block of flats the aim has been to improve accessibility. These works have created a more an inclusive environment both for the occupants and for the visitors to this block of flats. Whilst it is accepted the existing building may not be fully compliant with Lifetime Homes Standards, the works which have been undertaken are in compliance with BS8 300 and have improved facilities, not only for wheel chair users, but also for other people with restricted mobility.

As part of highway improvement works which have been undertaken, the footpath layout has been altered and the height of the footpath has been raised by a maximum of 230mm. These works have enabled the provision of a level threshold to the entrance door. Therefore no access ramp is required

The objector has commented that the outward opening doors would make wheelchair access impossible. However, the alterations to the layout of the footpath have enabled the provision of landing areas for wheelchairs which are located to the side of the entrance doors to the flats. These landing areas enable the wheelchairs to be positioned so that the entrance doors can be opened without the entrance doors being obstructed.

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

The proposal is therefore considered to comply with saved policy C16 of the HUDP and the SPD Access for All (2006).

**4) S17 Crime & Disorder Act**

It is noted in the letter of objection received that the delay in the closing of the powered security door may prejudice security. It is understood that the previous doorsets were fixed and the works which have been undertaken have been in accordance with advice from the Council's Health and Safety officer and are not considered to be a fire risk. Whilst there may be some delay in the closing of the door, this delay is not considered to severely prejudice health and safety to the extent that it would outweigh the other benefits of this scheme or have a significant impact in relation to the Crime & Disorder Act.



**5) Consultation Responses**

(i) Planning permission can be granted retrospectively; Points (ii), (iii), (iv) and (v) have been addressed through the submission of revised drawings; Points (vi), (vii), (viii), (ix), (x), (xi) have been addressed in the main body of the report.

**CONCLUSION**

The external alterations are considered to preserve the setting of the Waxwell Lane Conservation Area and are not considered to be detrimental to the character and appearance of nos.38-45, or the adjoining block of flats nos. 46-51 Milman Close. The external alterations would not be detrimental to the amenities of nearby residents and the overall improvement works to this block of flats have created a more inclusive environment both for occupiers and for visitors to this block of flats. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following condition and informative.

**GRANT** permission for the development described in the application and submitted plans, subject to the following condition(s):

1 The development hereby permitted shall thereafter be retained in accordance with the following approved plans: 100888\_P01 REV A; 100888\_P02 REV A; 100888\_P03RREV C; 100888\_P03 REV C; 100888\_P04 REV E

**INFORMATIVES**

**1 INFORMATIVE: REASON FOR PERMISSION**

The external alterations are considered to preserve the setting of the Waxwell Lane Conservation Area and are not considered to be detrimental to the character and appearance of nos.38-45, or the adjoining block of flats nos. 46-51 Milman Close. The external alterations would not be detrimental to the amenities of nearby residents and the overall improvement works to this block of flats have created a more inclusive environment both for occupiers and for visitors to this block of flats.

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

**National Policy Guidance**

Planning Policy Statement 5 Planning For The Historic Environment policies HE7.4 and HE10

London Plan (2011)

Policies 3.5B, 7.4B, 7.6B and 7.6B (h)

**Harrow Unitary Development Plan:**

D4 The Standard of Design and Layout

D5 New Residential Development-Amenity Space and Privacy

D14 Conservation Areas

C16 Access to Buildings and Public Spaces

**Supplementary Planning Documents:**

Residential Design Guide (2010)

Accessible Homes (2010)

### **SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

None.

### **SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.