

SECTION 1 – MAJOR APPLICATIONS

BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH **Item: 1/01**
P/1840/11

Ward: STANMORE PARK

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)

Applicant: City & Country Homes Ltd

Agent: Harvey S Fairbrass

Case Officer: Nicholas Ray

Statutory Expiry Date: | 07-SEP-11

BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH **Item: 1/02**
P/1909/11

Ward: STANMORE PARK

LISTED BUILDING CONSENT: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS AND ADDITION OF FIRST FLOOR TO BUILDING 7 TO PROVIDE 5 HOUSES (2 ADDITIONAL UNITS TO PLANS APPROVED BY P/1452/08/CFU)

Applicant: City & Country Homes Ltd

Agent: Harvey S Fairbrass

Case Officer: Lucy Haile

Statutory Expiry Date: | 02-SEP-11

RECOMMENDATIONS

GRANT planning permission and listed building consent 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 to the openness of the site or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 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)

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, EP32, EP35)
- 2) Character and Appearance of the Green Belt, Historic Park and Garden and Area of Special Character (PPS1, PPG2, PPS3, PPS5, 3.5, 7.4, 7.6, 7.8, EP31, EP32, D4, D9, D18, SPD)
- 3) Impact on the Listed Building (PPS5, 7.8, D11)
- 4) Residential Amenity (EP25, D5, SPD)
- 5) Trees and New Development (7.21, D10)
- 6) Traffic and Parking (T6, T13)
- 7) Affordable Housing (3.11, 3.12)
- 8) Accessibility (3.5, 7.2, C16, SPD)
- 9) Ecology and Biodiversity (7.19, EP26, EP27, EP28)
- 10) S17 Crime & Disorder Act (D4, SPD)
- 11) Amendments to Planning Conditions and S.106 Obligations
- 12) Consultation Responses

INFORMATION

These applications are reported to Committee, as they propose amendments to a major development and concerns a Grade II* listed building and therefore falls outside the thresholds in Categories 10 and 14 of the Councils' Scheme of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 13. Minor Dwellings and 23. Listed Building Consents
Council Interest: None

b) Site Description

- The site comprises Building 7, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Building 7 is of single storey red brick construction and is located to the west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- The building dates to the early 19th century and it complements the setting of the mansion house design which was always intended as a focal point due to its appearance as a garden building.
- Much of the interior of this building remains including plasterwork detailing and including cornicing which adds to its architectural interest and authenticity.
- 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.
- The mansion building has both high architectural and historic significance, incorporating designs by Sir John Soane and Robert Smirke.

- 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 were 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).
- This planning permission gives consent for Building 7 to be converted to 3 dwellinghouses, with the additional of a subservient first floor.
- 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 and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

c) Proposal Details

This application proposes amendments to the consented scheme (ref P/1452/08CFU) relating to Building 7, comprising:

- Conversion to 5 dwellinghouses is now proposed, instead of the consented 3, with resultant internal alterations.
- Four of these dwellinghouses would have 3 bedrooms, whilst one would have 1 bedroom.
- Enlargement of depth of first floor extension by 700mm.
- Additional external alterations including additional entrance doors to north and east elevation, incorporating access stairs.
- Amended internal layout, resulting in more original built fabric being retained.

Revisions to Proposals

- First floor extension has been reduced to be 700mm deeper than the original approval, whereas the initial proposal was to increase the width by 1 metre.
- Unit 5 in the scheme reduced from 2 bedrooms to 1 bedroom.

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.	GRANTED 16-SEP-10
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Relocation of entrance to the walled garden and demolition of other listed buildings.

P/0104/11 & P/0105/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 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-11
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)	GRANTED 27-SEP-11 (SUBJECT TO LEGAL AGREEMENT AND GLA REFERRAL)
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)	GRANTED 27-SEP-11

e) Pre-Application Discussion

- N/A.

f) Applicant Statement

- **Planning, Design and Access Statement:** The application proposes a more efficient layout than the approved scheme and would retain more original features. The proposals accord with PPG2 and would not adversely affect the historic park and garden, and the parking provision would be adequate.
- **Heritage Statement:** It is felt that the revised proposals have no adverse impact on the heritage asset. It is also felt that the proposed reconfiguration of the interior of Building 7, which seeks to retain the existing decorative features that would have been removed with the consented scheme, results in a positive impact.

g) Consultations:

Highways Engineer: The minor amendment to increase the permitted number of units by two dwellings does not raise any new concerns or objections in the context of the overall redevelopment. When viewing all three applications (P/1840/11, P/1841/11 and P/1842/11) together, the overall impact would still remain de-minimis in traffic activity and parking terms, therefore no objection.

Conservation Officer: The proposals, as amended during the course of this application, would preserve the character of the listed building.

English Heritage: Revised plans received overcome previous concerns relating to the size of the first floor extension, as the width has been reduced. Direction to grant listed building consent received.

Biodiversity Officer: The proposed alterations do not impact on any of the buildings known to host bat roosts or other protected species, therefore no objection.

Greater London Authority: Awaiting response.

Site Notices:	16-AUG-11	Expiry: 05-SEP-11
- Major Development		
- Setting of Listed Building		
- Extensions / Alterations to Listed Building		

Advertisements:	11-AUG-11	Expiry: 01-SEP-11
- Major Development		
- Setting of Listed Building		
- Extensions / Alterations to Listed Building		

Notifications:		
Sent: 75	Replies: 0	Expiry: 30-AUG-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.

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 no 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 minor amendments to the original consent, comprising the addition of two dwellings within the converted Building 7, enlargement of the first floor extension and external alterations. The proposal would not result in an increase in the footprint of the building, or an increase in height beyond the original approval. The revised proposals, in the context of the overall development of the site, 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, Historic Park and Garden and Area of Special Character

The proposed increase in depth of the first floor extension to this building by 700mm would not significantly affect the appearance of the development. The first floor would still be visually subservient, which is considered important, and the height would not be increased compared to the approval. The design and materials of the extension would be as approved, comprising metal standing seam roof covering with timber/glass panels and timber casement windows.

Given the minor nature of the amendments to the external alterations proposed to this building, it is considered that the revised proposals would have an acceptable impact on the openness of the Green Belt and the setting of the Historic Park and Garden and Harrow Weald Ridge Area of Special Character. The proposal would therefore accord with the requirements of saved UDP policies EP32, D4 and D18 in this regard.

Refuse Storage

It is noted that the two additional units would result in an increase in the number of refuse bins required by the development. The original permission was subject to a condition requiring details of refuse storage arrangements to be provided. It is considered that an appropriately designed, convenient facility could be provided and the existing condition can be relied upon to provide this facility.

3) Impact on the Listed Building

Impact on Architectural and Historic Significance

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. PPS5 policy HE7.4 states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'. The relatively high architectural quality of this garden building's design and materials, as well as its historic interest, helps to preserve the character and setting of the principal grade II* listed Bentley Priory. It helps maintain the historic integrity of the site. Similarly, the relatively small scale and low height of Building 7 helps preserve the setting of the Listed mansion house by helping ensure it is a secondary, ancillary element.

Compared to the previously approved scheme, the proposed external alterations would increase the bulk of the proposed first floor roof extension. The proposed plans have been amended during the course of this application to address English Heritage's initial consultation objection that the scale of the first floor extension was too great, in order to ensure this extension: would be no wider to the west and east than previously approved; would be only marginally closer to the north elevation (by 0.2m); and would only go 0.5m closer to the south elevation. This ensures the additional volume proposed is marginal so this element would not appear cramped within the balustrade, and will still appear set back from the west, south and east elevations as in the extant scheme to maintain a sense of separation of the historic building and the new first floor. This proposal would therefore preserve the historic and architectural interest of this curtilage listed building and this part of the historic part and garden. So, it complies with National PPS5 policy HE7.2, HE7.4 and HE9.1 which states 'There should be a presumption in favour of the conservation of designated heritage assets'. It similarly therefore complies with saved Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

Compared to the approved scheme there would also be proposed alterations to the fenestration. An additional door would be added to the north elevation albeit within an existing window opening. To some extent this would upset the balance of doors on this elevation, as was outlined within the initial consultation response by English Heritage. However, a site visit showed that it is difficult to appreciate all parts of this elevation at once which limits any harm caused by this alteration. Also, within the existing approved scheme a new window would be added on the north elevation to match the other existing original windows on this elevation. The window that is to be removed here could be reused within that opening. A suitable condition is therefore recommended. English Heritage later raised no objection to this proposed elevation when directing the granting of the Listed Building Consent within their later consultation response of 19th September, 2011.

A double glass door opening would be provided on the east elevation at high level, rather than a narrow window. This fenestration would therefore no longer match the window on the west elevation as in the approved scheme. However, both would not be seen at the same time. The west elevation would be partially obscured since it would face Building 267. This doorway would also be recessed making it even harder to appreciate from ground floor level. On the east elevation at ground floor level it is also proposed to install an external stairway with railings and a new doorway. However, this part of the building has already been altered in the past. Therefore it would give rise to little additional loss of historic fabric. Also, again this would be facing Building 267 which is quite close and therefore would be difficult to appreciate in views in relation to the principal Grade II* listed building. Indeed, English Heritage stated in their initial consultation response that 'Door and steps proposed to the east elevation are considered acceptable as this is not a principal elevation and will require alterations and making good following the loss of the link building in any case'. Therefore, this aspect of the proposal would preserve the character and fabric of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

It would be very important that all materials and details are of a suitably high quality to blend in with the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11 therefore suitable conditions relating to these are recommended.

Internal alterations would retain more historic fabric and layout than contained within the initial approved scheme. English Heritage therefore confirmed that this aspect of the proposal is welcomed and would preserve the character of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

Public Benefits

The proposals would detract slightly from the symmetry of the original north elevation. On balance though these would still preserve the architectural interest of this elevation. Nevertheless, PPS5 policy HE9.4 states that 'Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss'. The public benefits of this proposal would outweigh any harm caused. This is because this scheme would serve to provide two extra units within this part of the Listed Building therefore providing a greater range of units for the open market, thereby allowing more purchasers to be attracted to occupy this element of the building. This would therefore help to ensure that the proposed development would help secure the future of the Grade II* Listed Mansion building, and the museum proposed within it, by ensuring the feasibility of the proposed conversion of part of the Mansion building to residential development. This would contribute to the long term preservation of the listed building and this part of the Historic Park and Garden and therefore comply with PPS5 policy HE9.4, as well as HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11 and D18.

4) Residential Amenity

Building 7 is sited some 200 metres from the nearest neighbouring residential properties, so no undue impact would occur to neighbouring occupiers. As discussed, the first floor extension would not be significantly larger than the existing approval and the additional external alterations proposed would also not unduly impact on the amenities of future occupiers of neighbouring buildings within the development, including the amended proposals for the Building 267, to the east of this building (considered on this agenda under planning reference P/1841/11).

The five dwellinghouses proposed as part of this application would provide acceptable living accommodation for future occupiers, with all the units complying with the minimum standards set out in the Council's Residential Design Guide SPD. The outlook from these units would be acceptable, particularly to the south over the walled garden. External amenity space would consist of first floor balconies on top of the existing building roof, as per the approved arrangement. It is therefore considered that the living conditions of future occupiers would be adequate, in accordance with the Council's adopted SPD and saved UDP policy D5.

5) Trees and New Development

The proposed minor amendments to the approved proposals for Building 7 would not result in any additional impact on trees and the proposal would therefore be acceptable in this regard.

6) Traffic and Parking

The Council's Highways Engineer considers that the impact of the two additional units proposed would not be objectionable in the context of the redevelopment of the site and the amendments previously permitted. The parking provision would be acceptable and would still not exceed 2 spaces per dwelling, including the 20 spaces proposed in the basement of the Dining Room Block (considered on this agenda under planning reference P/1842/11).

It is therefore considered that the proposed additional dwellings, in the context of the existing approval and ongoing redevelopment of the site, would not be objectionable in traffic generation and parking terms.

When all three proposals considered on this agenda (refs P/1840/11, P/1841/11 and P/1842/11) are combined, the overall impact would still be negligible in traffic activity and parking terms.

7) Affordable Housing

The existing S.106 agreement relating to the original permission makes it clear that the owner of the mansion building is not responsible for payment of the agreed contribution to off site affordable housing provision. Despite the uplift in the number of residential units on this part of the site, it is considered unnecessary to revisit the affordable housing contribution as part of this proposal.

8) Accessibility

The dwellings in the proposed conversion would be similarly accessible to the previously approved arrangement. Given the levels changes and the historic nature of the building, it is considered that the proposed dwellings would comply with Lifetime Homes standards as far as practicable and the proposal would therefore comply with policies 3.5 and 7.2 of The London Plan (2011), saved UDP policy C16 and the Council's adopted Accessible Homes SPD.

9) Ecology and Biodiversity

A bat survey has been carried out in relation to all buildings across the site. Building 7 has not been identified as having bat roosts and no objection is raised by the Council's Biodiversity Officer in respect of this proposal. As discussed above, the proposed extension and external alterations would not be significantly different to the approved scheme and therefore it is not envisaged that any additional harm would occur to the adjacent SSSI to the south.

10) 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.

11) Amendments to Planning Conditions and S.106 Obligations

As this planning application proposes amendments to the existing consent (ref P/1452/08CFU) in the context of an overall redevelopment of the site, the original conditions relating to landscaping, bin storage facilities, levels, drainage, trees, biodiversity and archaeology can still be relied upon in respect of the works to Building 7. It is considered necessary to impose a condition removing permitted development rights, for the avoidance of doubt.

As City and Country are implementing the existing consent, the S.106 obligations will also be triggered and it is therefore not necessary to enter into a new legal agreement, given that there is no change to any of the obligations.

12) Consultation Responses

All responses addressed within the appraisal section.

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 or the setting or special interest of the listed building. 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

P/1840/11

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: 100(6); 140; 141; 270 Rev A; 271 Rev A; 272 Rev A; 273; Planning, Design and Access Statement; Heritage Statement

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

3 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, openness of the Green Belt and special interest of the listed building 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, D4 and D11.

P/1909/11

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: DESIGN AND ACCESS STATEMENT; 270 REV A; 271 REV A; 272 REV A

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

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

- a) Rainwater goods
- b) railings,
- c) windows,
- d) doors
- e) stairway
- f) and gates
- g) the first floor extension.

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 building in line with the requirements of PPS5 policy HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

4 The original window to be removed from the south elevation shall be reused and retained thereafter to infill the new window opening on the proposed north elevation shown on plan 272 REV A.

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

INFORMATIVES

P/1840/11

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 to the openness of the site or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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.

P/1909/11

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would preserve the architectural and historic interest of the curtilage listed Building 7. The following policies are relevant to this decision:

National Policy:

PPS5

Harrow Unitary Development Plan (2004):

D11

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.

Plan Nos: 100(6); 140; 141; 270 Rev A; 271 Rev A; 272 Rev A; 273; Planning, Design and Access Statement; Heritage Statement

BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH **Item: 1/03**
P/1841/11

Ward: STANMORE PARK

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)

Applicant: City & Country Homes Ltd
Agent: Harvey S Fairbrass
Case Officer: Nicholas Ray
Statutory Expiry Date: | 07-SEP-11

BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH **Item: 1/04**
P/1061/11

Ward: STANMORE PARK

LISTED BUILDING CONSENT: REMOVAL OF PARTS OF THE CURTILAGE LISTED BUILDING ABUTTING THE ORANGERY AND MAIN BENTLEY PRIORY BUILDING AND ASSOCIATED MAKING GOOD. EXTERNAL ALTERATIONS INCLUDING MODIFICATIONS TO EXISTING WINDOW OPENINGS AND INTERNAL ALTERATIONS

Applicant: City & Country Homes Ltd
Agent: Purcell Miller Tritton
Case Officer: Lucy Haile
Statutory Expiry Date: | 29-JUL-11

RECOMMENDATIONS

GRANT planning permission and listed building consent 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 to the openness of the site or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 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)

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, EP32, EP35)
- 2) Character and Appearance of the Green Belt, Historic Park and Garden and Area of Special Character (PPS1, PPG2, PPS3, PPS5, 3.5, 7.4, 7.6, 7.8, EP32, D4, D9, D18, SPD)
- 3) Impact on the Listed Building (PPS5, 7.8, D11)
- 4) Residential Amenity (EP25, D5, SPD)
- 5) Trees and New Development (7.21, D10)
- 6) Traffic and Parking (T6, T13)
- 7) Affordable Housing (3.11, 3.12)
- 8) Accessibility (3.5, 7.2, C16, SPD)
- 9) Ecology and Biodiversity (7.19, EP26, EP27, EP28)
- 10) S17 Crime & Disorder Act (D4, SPD)
- 11) Amendments to Planning Conditions and S.106 Obligations
- 12) Consultation Responses

INFORMATION

These applications are reported to Committee, as they propose amendments to a major development and concerns a Grade II* listed building and therefore falls outside the thresholds in Categories 10 and 14 of the Councils' Scheme of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 13. Minor Dwellings and 23. Listed Building Consents
Council Interest: None.

b) Site Description

- The site comprises Building 267, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- Building 267 is an attractive three storey early 20th century building and is located to the west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- 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.
- The mansion building has both high architectural and historic significance, incorporating designs by Sir John Soane and Robert Smirke.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north and 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).
- This planning permission gives consent for Building 267 to be demolished and replaced with a three storey terrace of 3 dwellings.
- 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 and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

c) Proposal Details

This application proposes amendments to the consented scheme (ref P/1452/08CFU) relating to Building 267, comprising:

- Conversion to 7 flats is now proposed, instead of the consented scheme, which gave permission for the buildings replacement with 3 new dwellinghouses.
- Each of the flats would have 3 bedrooms and would be accessed from a communal entrance door on north elevation, leading from the courtyard area.
- Demolition of two link sections, one on either side, which currently link the building to the main Grade II* listed mansion house and Building 7.
- External alterations to fenestration, including lowering the window cills on the south elevation to form French doors, addition of metal Juliet balconies, replacement of metal windows with timber, insertion of rooflights and rationalisation of windows.

Revisions to Proposals

- A minor amendment has been made to the proposed elevations, to ensure that a stone balustrade at ground floor level is retained.

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
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P/0104/11 & P/0105/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 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-11
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)	GRANTED 27-SEP-11 (SUBJECT TO LEGAL AGREEMENT AND GLA REFERRAL)
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)	GRANTED 27-SEP-11

e) Pre-Application Discussion (Ref HA\2011\ENQ\00019)

- The general principle of the retention and subdivision of this building is accepted, providing that associated issues including the impact upon the Listed Building and parking are adequately addressed.
- Given that permission was granted for the demolition of this building it is considered that the residential units proposed within this building should be compliant with Lifetime Homes standards, and that any internal alterations necessary to are likely to be justifiable on this basis.

- The vertical arrangement of rooms is an important issue to consider when converting an existing building and it considered that there are stacking issues between the units proposed on the first and second floors of the building.
- The proposals to retain most of this building are welcomed as this is far more sustainable in line with the principles contained within PPS5 policy HE1. Proposed demolition of the annexes either side is accepted since these do not make a great architectural contribution to the building.
- There is some concern about the proposed accommodation in the roofspace due to the rooflights this introduces as these bring clutter that will be visible in key views towards the Grade II* listed building.
- The ground floor windows openings on the south elevation would be lengthened to create doorways. This would be acceptable in principle. But details of all the new windows and doors that are proposed (in scaled drawings to a scale of 1:10) would be required to ensure that they are of a high quality that fitted in with those already present on the building in terms of proportions and materials. The principle of Juliet balconies on the south elevation is accepted although this would be subject more details being to assess their design.

f) Applicant Statement

- **Planning, Design and Access Statement:** The retention of the building, even though it is of 20th century origin, can only aid the historical integrity and continuity of the site as a whole, and its appreciation as an evolving group of buildings. Lifetime Homes standards compliance would be achieved. The proposals accord with PPG2 and would not adversely affect the historic park and garden, and the parking provision would be adequate.
- **Heritage Statement:** It is felt that the revised proposals have no adverse impact on the heritage asset. Furthermore it is felt that the proposed rationalisation and modifications of the facades of Building 267, along with careful removal of the 1950's link additions that abut the main Priory building and Building 7, will result in an architectural uniformity that will enhance the presentation of the building itself and the area in general.

g) Consultations:

Highways Engineer: The proposed building retention in lieu of a new build replacement to create 4 additional units does not raise any new issues relating to this minor change to the proposal. When viewing all three applications (P/1840/11, P/1841/11 and P/1842/11) together, the overall impact would still remain de-minimis in traffic activity and parking terms, therefore no objection.

Conservation Officer: The proposal to retain the curtilage Listed Building and amend its design to accommodate residential accommodation would present sustainable development and preserve the character and interest of the curtilage Listed Building and the setting of the adjacent grade II* listed Bentley Priory and the character of the registered Park and Garden.

Environment Agency: No comments.

Biodiversity Officer: No objection, the proposals would not impact on bat roosts.

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

Council for British Archaeology: No objections to the alterations although it felt the roof lights should be of a conservation type with a central mullion. The retention and conversion of the existing building was otherwise welcomed.

Greater London Authority: Awaiting response.

Site Notices: 16-AUG-11 Expiry: 05-SEP-11

- Major Development
- Setting of Listed Building
- Extensions / Alterations to Listed Building

Advertisements: 18-AUG-11 Expiry: 07-SEP-11

- Major Development
- Setting of Listed Building
- Extensions / Alterations to Listed Building

Notifications:

Sent: 75 Replies: 0 Expiry: 30-AUG-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.

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 no 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).

This application proposes amendments to the approved scheme (ref P/1452/08CFU), to retain the existing Building 267 and convert it to flats, instead of replacing it with a terrace of dwellings. As the building to be retained has a footprint 80sqm larger than the terrace of dwellings originally consented, this has implications for the footprint calculations for the wider site, as set out in the table below (all figures are site wide):

Scenario	Built Footprint (sqm)
Existing Buildings	12,640
Approved Scheme (ref P/1452/08CFU)	12,135
Barratt's Revised Scheme (ref P/1726/11)	12,599
<i>Barratt's Revised Scheme and current City and Country Amendments</i>	12,679

As the above figures demonstrate, the proposal to retain Building 267, rather than replace it with a smaller terrace of dwellings, would result in the approved built development on the wider site exceeding the original building footprint by 39sqm (taking into account the increase in footprint elsewhere on the site). This amendment would therefore mean that the overall redevelopment of the site would not strictly comply with Annex C of PPG2, which requires proposed buildings not to occupy a larger area of the site than existing buildings.

However, this increase is considered not to be significant in the context of the overall development and there would be no encroachment of building development into open areas of the site, as the building would be converted. The building is within the limits of the major developed site. Also, it is considered that the proposal to convert the existing building would be preferable to replacement, on sustainability grounds in relation to PPS5 policy HE1 and in relation to the general presumption in favour of the retention of as much historic built fabric as possible.

The revised proposals, in the context of the overall development of the site, would therefore accord with the principles of saved UDP policies EP32 and EP35, as well as PPG2 and PPS5, and represent an acceptable departure from the criteria set out in Annex C of PPG2 in this instance.

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

As discussed, the proposal would entail the conversion of Building 267, so there would be no undue impact on openness on this part of the site or encroachment into the principal area of the listed Historic Park and Garden, to the south of the building. The demolition of the link blocks that currently connect the building to the mansion to the east and Building 7 to the west would ensure that the building is viewed as a separate entity and would improve its appearance. The proposed alterations to the fenestration and addition of Juliet balconies to the south elevation, reflecting similar features of the main Grade II* listed mansion building, would give the building a more domestic appearance, in keeping with the scheme within which it would sit. It is therefore considered that the revised proposals would have an acceptable impact on the openness of the Green Belt and the setting of the Historic Park and Garden and Harrow Weald Ridge Area of Special Character. The proposal would therefore accord with the requirements of saved UDP policies EP32, D4 and D18 in this regard.

Refuse Storage

It is noted that the four additional units would result in an increase in the number of refuse bins required by the development. The original permission was subject to a condition requiring details of refuse storage arrangements to be provided. It is considered that an appropriately designed, convenient facility could be provided and that the existing condition can be relied upon to provide this facility.

3) Impact on the Listed Building

The proposal is to amend the approved scheme for building 267 under listed building consent (ref P/1453/08CLB) and planning permission references (ref P/1452/08CFU). The acceptability of the proposed works must be assessed against the need to preserve historic and architectural significance of the curtilage listed building and the setting of the Grade II* listed Bentley Priory, having particular regard to national planning policy contained within PPS5 relating to heritage assets and saved Harrow UDP policy D11.

The proposal would now retain building 267 rather than demolish it. This would provide for more sustainable development in accordance with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE1 which states, 'keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.'

Building 267 is an early 20th century building that forms part of the history of the Bentley Priory site and its architectural design relates well as a secondary element to the principal Grade II* listed building.

Therefore the proposal to retain it also complies with the national conservation policies HE7.2, HE7.4 and HE9.1. 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'. HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'. Similarly, it would comply with local conservation policies relating to listed buildings, namely saved Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

The proposal is to remove parts of the curtilage listed building abutting the orangery and the main Bentley Priory building. These are of no special interest. Removal would also improve views through to the parts of the listed building that are of special interest. Their removal would therefore preserve and enhance the special interest of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

Internal alterations are also proposed. Since Listed Building Consent was recently granted for the demolition of Building 267 under Listed Building Consent reference: P/1453/08CLB it is considered that any internal alterations proposed as part of this application could not be considered to be detrimental to the special interest of this listed building. These proposals would preserve the character and appearance of the curtilage listed building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

The existing windows are of no special interest and therefore the proposal to replace them would preserve the special interest of the listed building. However, it would be important to ensure that the replacements were of a suitable high quality to blend in with this curtilage listed building and the setting of the adjacent principal listed building and therefore a relevant condition is recommended.

The proposal to lower the existing window cills to the ground and first floors resulting in French doors with fanlights above to each existing window opening and to otherwise rationalise and modify existing window/door openings to unify and articulate the facades would be in keeping with the facade. Metal juliet balconies at first floor level are proposed in conjunction with the french doors. This would be in keeping in principle. It would be important to ensure that the design and materials are of a suitable quality to complement the curtilage listed building and the setting of the Grade II* listed building and therefore a suitable condition is recommended.

Conservation rooflights are proposed. These would need to be flush with the roofline to ensure they were as subtle as possible. The Council for British Archaeology 'responded that the roof lights should be of a conservation type with a central mullion' and therefore a suitable condition is recommended to ensure that the proposal would preserve the special character of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

In summary, the proposal to retain the curtilage Listed Building and amend its design to accommodate residential accommodation would present sustainable development and preserve the character and interest of the curtilage Listed Building and the setting of the adjacent grade II* listed Bentley Priory and the character of the registered Park and Garden. This is in accordance with PPS5 policy HE1, HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

4) Residential Amenity

Building 267 is sited some 200 metres from the nearest neighbouring residential properties, so no undue impact would occur to neighbouring occupiers. The retention of this building, with a similar siting to the previously approved replacement building, would also not unduly impact on the amenities of future occupiers of neighbouring buildings within the development, including the amended proposals for the Building 7, to the west of this building (considered on this agenda under planning reference P/1840/11).

The seven flats proposed as part of this application would provide acceptable living accommodation for future occupiers, with all the units comfortably complying with the minimum standards set out in the Council's Residential Design Guide SPD. The outlook from these units would be excellent, particularly to the south over the walled garden. There would be no private external amenity space provided. However, given the exceptional location within high quality landscaped gardens, this is considered to be acceptable. It is therefore considered that the living conditions of future occupiers would be adequate, in accordance with the Council's adopted SPD and saved UDP policy D5.

5) Trees and New Development

The proposed minor amendments to the approved proposals for Building 267 would not result in any additional impact on trees and the proposal would therefore be acceptable in this regard.

6) Traffic and Parking

The Council's Highways Engineer considers that the impact of the four additional units proposed would not be objectionable in the context of the redevelopment of the site and the amendments previously permitted. The parking provision would be acceptable and would still not exceed 2 spaces per dwelling, including the 20 spaces proposed in the basement of the Dining Room Block (considered on this agenda under planning reference P/1842/11). It is therefore considered that the proposed additional dwellings, in the context of the existing approval and ongoing redevelopment of the site, would not be objectionable in traffic generation and parking terms.

When all three proposals considered on this agenda (refs P/1840/11, P/1841/11 and P/1842/11) are combined, the overall impact would still be negligible in traffic activity and parking terms.

7) Affordable Housing

The existing S.106 agreement relating to the original permission makes it clear that the owner of the mansion building is not responsible for payment of the agreed contribution to off site affordable housing provision. Despite the uplift in the number of residential units on this part of the site, it is considered unnecessary to revisit the affordable housing contribution as part of this proposal.

8) Accessibility

Level access would be provided to the communal entrance door and a lift would provide access between the ground and second floors. Six of the seven flats would comply with the Lifetime Homes standards. The seventh flat would be split over two floors, partly occupying the roofspace. However, a void would be provided between the kitchen/diner on the second floor and the living room in the roofspace, so a platform lift could be provided in future to make this flat accessible. The generous size of the accommodation proposed would ensure adequate circulation space within the flats and the proposal would therefore comply with policies 3.5 and 7.2 of The London Plan (2011), saved UDP policy C16 and the Council's adopted Accessible Homes SPD.

9) Ecology and Biodiversity

A bat survey has been carried out in relation to all buildings across the site. Building 267 has not been identified as having bat roosts and no objection is raised by the Council's Biodiversity Officer in respect of this proposal. As discussed above, the proposed conversion and external alterations would not result in built development encroaching on the open space to the south and therefore it is not envisaged that any additional harm would occur to the adjacent SSSI to the south, as compared to the original approval.

10) 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.

11) Amendments to Planning Conditions and S.106 Obligations

As this planning application proposes amendments to the existing consent (ref P/1452/08CFU) in the context of an overall redevelopment of the site, the original conditions relating to landscaping, bin storage facilities, levels, drainage, trees, biodiversity and archaeology can still be relied upon in respect of the works to Building 267.

As City and Country are implementing the existing consent, the S.106 obligations will also be triggered and it is therefore not necessary to enter into a new legal agreement, given that there is no change to any of the obligations.

12) Consultation Responses

All responses addressed within the appraisal section.

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 or the setting or special interest of the listed building. 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

P/1841/11

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: 100(5); 120 Rev A; 121 Rev A; 122 Rev A; 124 Rev A; 125 Rev A; 210; 211; 212; 213; 214 Rev A; Planning, Design and Access Statement; Heritage Statement

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

P/1061/11

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: DESIGN AND ACCESS STATEMENT; 100(2);120 REV A;121 REV A; 122 REV A; 124 REV A; 125 REV A; 210; 211; 212; 213; 214 REV A; HERITAGE STATEMENT

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

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

- a) rainwater goods
- b) balconies
- c) windows
- d) doors
- e) conservation rooflights

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 building in line with the requirements of PPS5 policy HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

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

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

INFORMATIVES

P/1841/11

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 to the openness of the site or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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.

P/1061/11

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would preserve the architectural and historic interest of the curtilage listed Building 267. The following policies are relevant to this decision:

National Policy:

PPS5

Harrow Unitary Development Plan (2004):

D11

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.

Plan Nos: 100(5); 120 Rev A; 121 Rev A; 122 Rev A; 124 Rev A; 125 Rev A; 210; 211; 212; 213; 214 Rev A; Planning, Design and Access Statement; Heritage Statement

Item: 1/05

**BENTLEY PRIORY, THE COMMON, P/1842/11
STANMORE, HA7 3HH**

Ward: STANMORE PARK

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)

Applicant: City & Country Homes Ltd

Agent: Harvey S Fairbrass

Case Officer: Nicholas Ray

Statutory Expiry Date: | 07-SEP-11

Item: 1/06

**BENTLEY PRIORY, THE COMMON, P/1059/11
STANMORE, HA7 3HH**

Ward: STANMORE PARK

LISTED BUILDING CONSENT: AMENDMENT OF INTERNAL ARRANGEMENTS AND
FENESTRATION TO THE DINING ROOM BLOCK WHICH WILL RESULT IN
MODIFICATIONS TO THE PROPOSALS COVERED BY THE EXISTING CONSENT
(OUR REF: P/1453/08)

Applicant: City & Country Homes Ltd

Agent: Purcell Miller Tritton

Case Officer: Lucy Haile

Statutory Expiry Date: | 29-JUL-11

RECOMMENDATIONS

GRANT planning permission and listed building consent 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 or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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

3.11 – Affordable Housing Targets

3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

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)

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, EP32, EP35)
- 2) Character and Appearance of the Green Belt, Historic Park and Garden and Area of Special Character (PPS1, PPG2, PPS3, PPS5, 3.5, 7.4, 7.6, 7.8, EP32, D4, D9, D18, SPD)

- 3) Impact on the Listed Building (PPS5, 7.8, D11)
- 4) Residential Amenity (EP25, D5, SPD)
- 5) Trees and New Development (7.21, D10)
- 6) Traffic and Parking (T6, T13)
- 7) Affordable Housing (3.11, 3.12)
- 8) Accessibility (3.5, 7.2, C16, SPD)
- 9) Ecology and Biodiversity (7.19, EP26, EP27, EP28)
- 10) S17 Crime & Disorder Act (D4, SPD)
- 11) Amendments to Planning Conditions and S.106 Obligations
- 12) Consultation Responses

INFORMATION

These applications are reported to Committee, as they propose amendments to a major development and concerns a Grade II* listed building and therefore falls outside the thresholds in Categories 10 and 14 of the Councils' Scheme of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 13. Minor Dwellings and 23. Listed Building Consents
Council Interest: None.

b) Site Description

- The site comprises the Dining Room Block, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- The Dining Room Block is single storey and is connected to the north west of the main mansion building. It is listed by virtue of its attachment to the main Grade II* listed mansion building.
- The Dining Room Block is of moderate historical and architectural significance compared to the main mansion building, but is within the setting of the main north elevation of the mansion, being visible in key views of the Grade II* listed building.
- Bentley Priory has historic interest as the former home of the RAF Fighter Command centre and is also set within a Grade II listed historic park and garden, comprising a number of protected trees.
- The mansion building has both high architectural and historic significance, incorporating designs by Sir John Soane and Robert Smirke.
- The site lies between the urban areas of Stanmore in the south and Bushey Heath to the north and 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).
- This planning permission gives consent for the Dining Room Block to be converted to 1 flat.

- 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 and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

c) Proposal Details

This application proposes amendments to the consented scheme (ref P/1452/08CFU) relating to the Dining Room Block, comprising:

- Conversion to 4 duplex flats is now proposed (facilitated by the introduction of an additional floor within the structure), instead of the consented scheme, which gave permission for conversion to 1 flat.
- Each of the flats would have 2 bedrooms, two would be accessed from a communal entrance door on north elevation, whilst the other two would have separate entrances from the courtyard area to the south.
- It is also proposed to convert the basement into a car park, comprising 20 spaces, instead of the consented scheme where this area was to contain a small garage, plant rooms and storage.
- External alterations to entrances including addition of new entrance door and nine windows set over two floors to north elevation.
- External alterations to south and west elevations to re-organise fenestration, add a new stairway to the ground floor entrance doors and amended vehicle access door at basement level, with louvered vents to west elevation to serve the basement car park.

Revisions to Proposals

- First floor windows reduced in size to line up with windows on east elevation and blind windows added.
- Juliet balconies and classical porch features removed.
- Boundary wall and hedging re-introduced.

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
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P/0104/11 & P/0105/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 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-11
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)	GRANTED 27-SEP-11 (SUBJECT TO LEGAL AGREEMENT AND GLA REFERRAL)
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)	GRANTED 27-SEP-11

e) Pre-Application Discussion (Ref HA\2011\ENQ\00019)

- The general principle of the subdivision of this building is accepted, providing that associated issues including the impact upon the listed building and parking are adequately addressed.

- Comparing the currently proposed plans with the approved plans, the proposed building would, however, now have an additional floor and a pitched roof rather than a flat roof concealed behind a parapet. The flat roof at the height shown in the approved scheme would help make the proposed building more subservient and subtle as an addition, which is considered to be important given the sensitive location near the main Grade II* listed entrance block. Given the site's history a flat roof would also be more appropriate as it helps to give an appearance of this part of the front of the building as a garden wall, rather than indicating there is a building behind.
- The proposed residential units in this location should be compliant with Lifetime Homes standards as far as is practicable given the constraints associated with this Listed Building.
- The top of the proposed first floor windows on the north elevation should continue to be in line with the top of the adjacent window on the curve to the east in order to retain the visual flow between the two parts. The screening to the front of the north elevation, as shown in the approved plans, should also be retained in any revised proposal to help limit the impact of the proposed openings here in views on the approach towards the main entrance block. There is now a main entrance doorway proposed to give access to unit one, with quite a grand, classical porch. There was not a main entrance doorway proposed here in the approved scheme. It is considered that since this would form part of the very important views towards the main entrance block to Bentley Priory, a main entrance doorway on this elevation should be avoided.
- The proposed parking underneath should not have an impact on the character and appearance of the listed building with the exception of the opening to it and therefore this is considered acceptable in conservation terms.

f) Applicant Statement

- **Planning, Design and Access Statement:** The proposals would not impact on the conversion works to the museum. The use of the basement area for car parking is an elegant solution to the problem of providing parking for the residential units. The principle of the conversion of this building is accepted and the revised layout would only result in minor external changes, which would be screened by landscaping. The proposals accord with PPG2 and would not adversely affect the historic park and garden, and the parking provision would be adequate.
- **Heritage Statement.**

g) Consultations:

Highways Engineer: The proposed 3 unit addition with parking modification is to accepted standards. The proposed will not materially affect the redevelopment of the whole site in parking or use intensity impact terms. When viewing all three applications (P/1840/11, P/1841/11 and P/1842/11) together, the overall impact would still remain de-minimis in traffic activity and parking terms, therefore no objection.

Conservation Officer:

Biodiversity Officer: No objection, the proposals would not impact on bat roosts.

English Heritage: The amended plans received overcome previous concerns raised over the 'over-domestication' and excessive fenestration. The following condition should be attached to any approval of this application in addition to any other conditions that Council is minded to impose: 'Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details. A. details of internal shutters to windows in the north elevation of the dining room block' The Council is directed not to approve the matters of detail without first submitting these to and obtaining the approval in writing of English Heritage'.

Council for British Archaeology: Expressed deep concern that the proposed alterations were not in keeping with the heritage asset and would have a detrimental impact. The regular fenestration gives a distinctly urban residential feel, inappropriate to this ancillary block.

Greater London Authority: Awaiting response.

Site Notices: 16-AUG-11 Expiry: 05-SEP-11
- Major Development
- Setting of Listed Building
- Extensions / Alterations to Listed Building

Advertisements: 18-AUG-11 Expiry: 07-SEP-11
- Major Development
- Setting of Listed Building
- Extensions / Alterations to Listed Building

Notifications:
Sent: 75 Replies: 0 Expiry: 30-AUG-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.

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:

- (i) have no 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;
- (j) contribute to the achievement of the objectives for the use of land in Green Belts;
- (k) not exceed the height of the existing buildings; and
- (l) 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 minor amendments to the original consent, comprising the addition of three flats within the converted Dining Room Block and external alterations. The proposal would not result in an increase in the footprint of the building, or an increase in height. The revised proposals, in the context of the overall development of the site, 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, Historic Park and Garden and Area of Special Character

As discussed, the proposal would entail the conversion the Dining Room Block, so there would be no undue impact on openness on this part of the site or encroachment into the principal area of the listed Historic Park and Garden. Concerns were originally raised by English Heritage that the proposed window and door arrangement, which would be different to the consented scheme owing to the desire to accommodate two floors within the building, would over-domesticate this wing of the building. Revised plans have been received which show the previously proposed Juliet balconies and porch features removed, as well as the reduction in size of the upper floor windows and addition of blind windows. The proposed alterations to the fenestration would now be much more understated and more in keeping with the historical association of the Dining Room Block as a functional ancillary wing to the main mansion house. It is also noted that the boundary wall and hedge originally approved to the north and west of the building has been re-introduced and this would provide some screening. It is therefore considered that the revised proposals would have an acceptable impact on the openness of the Green Belt and the setting of the Historic Park and Garden and Harrow Weald Ridge Area of Special Character. The proposal would therefore accord with the requirements of saved UDP policies EP32, D4 and D18 in this regard.

Refuse Storage

It is noted that the four additional units would result in an increase in the number of refuse bins required by the development. The original permission was subject to a condition requiring details of refuse storage arrangements to be provided. It is considered that an appropriately designed, convenient facility could be provided and the existing condition can be relied upon to provide this facility.

3) Impact on the Listed Building

Impact on Architectural and Historic Significance

National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policy HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. PPS5 policy HE7.4 states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'. PPS5 policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'.

Saved Harrow Unitary Development Plan (adopted July 2004) policy D11 states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'. Saved Harrow Unitary Development Plan (adopted July 2004) policy D18 states the Council will resist development proposals which would adversely affect the character or appearance or the setting of the parks and gardens of special historic interest'.

The relatively austere institutional character of the former Dining Room Block helps to preserve the character of the Grade II* listed Bentley Priory building and this part of the registered Historic Park and Garden since it helps ensure that the main entrance block remains the focal point. Compared to the previously approved scheme, the current proposed external alterations do somewhat alter the institutional character of the dining room block due to the domestic character of the design that is being introduced. This is due to the more symmetrical and formal layout of the fenestration and the increased amount of openings compared to the approved scheme. Nevertheless, amendments were made to the plans initially proposed as part of this scheme in order to address consultation responses from English Heritage and the Council for British Archaeology, and conditions have been recommended to ensure that the proposal would, on balance, preserve the character and appearance of the Listed Building in line with national Planning Policy statement 5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11, as outlined below.

The plans initially submitted with this application sought to provide the maisonettes by altering the north elevation via the addition of a new doorway and nine windows set over two floors. English Heritage objected to these initial plans on 5th August, 2011 since they would 'domesticate what is currently a relatively austere institutional building that relates well to the Grade II* listed mansion house'.

Also, these proposed windows were considered to 'fail to observe an architectural hierarchy and not relate to the windows on the curved element of the building'. English Heritage similarly objected to the proposed windows on the west and south elevations since they were considered excessive, and did not observe a hierarchy or introduce a blind window in the centre of this elevation to break up the uniformity of the design. Similarly, the Council for British Archaeology objected to the initial proposed plans on 03/08/2011 since 'the committee expressed deep concern that the proposed alterations were not in keeping with the heritage asset and would have a detrimental impact. The regular fenestration gives a distinctly urban residential feel, inappropriate to this ancillary block'

Proposals were therefore revised to address these consultation responses so that it is closer in design to the previously approved scheme. Compared with the plans initially submitted as part of this application, it presents a simpler and more austere conversion, dressing down and simplifying the proposed domestic character of the former Dining Room Block to relate it far better as a secondary element to the main entrance block. This is because, on the north elevation, the number of apparent proposed windows has been minimised as a blind window have been added at first floor level and the plans have been amended to clarify that a wall and hedge would be in place in conjunction with these proposed alterations to conceal the proposed ground floor front door and windows. These windows would otherwise add to the domestic feel of the elevation and be very visible in conjunction with the main facade of the Grade II* Listed mansion house. Also, without this proposed wall and hedge which wraps around the front garden (on the east, west and north sides), the proposed front residential garden and would be very apparent, particularly if garden equipment was installed. Likewise the front car parking would be too. So the hedge would help conceal the domestic character and lessen the formality of what could otherwise be quite a formal residential entrance. It is important that a wall is installed and a hedge is planted and maintained in conjunction with the proposed changes to the former Dining Room Block, in order to preserve the setting of the Listed Building and therefore a relevant condition is recommended.

A porch canopy which was initially proposed for the front door on the north elevation was also removed from proposals which helps to ensure that this element retains the austere, institutional character of the former Dining Room Block. The proposed first floor windows have also been slightly lowered so that they relate better with those on the curved part of the listed building. The first floor windows to the maisonettes on the north elevation could create a very domestic appearance if internal shutters were not conditioned. Therefore a suitable condition is recommended in line with English Heritage's recommended condition.

On the south elevation, porches were initially proposed as part of this application over the entrance doors, These have been removed from the proposal to simplify plans and the upper level windows have been reduced in size to give a hierarchy of windows as requested by English Heritage. On the west elevation the Juliet balconies have been omitted and blind window reveals added to the central bay again to simplify plans. To help conceal the proposed new louvered vents on the basement openings on the west elevation a hedge is also proposed, partly wrapping back around the south elevation.

This helps lessen the impact of the proposed windows which would otherwise serve to domesticate the appearance of the property. Again this lessens the domestic feel of the proposals helping to retain the austere institutional simplicity of the listed Building. To ensure that this is installed and is of a height and detail to be effective a relevant condition is recommended.

It would be very important that all materials and details are of a suitably high quality to blend in with the remainder of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11 and therefore suitable conditions relating to these are recommended. For example, this includes all railings, windows, doors (including entrance door to the basement), rainwater goods and gates.

The proposed internal alterations include the additional subdivision of the former dining room block. This would preserve special interest. As stated by English Heritage, the additional car parking would preserve the character and appearance of the Listed Building in accordance with PPS5 policy HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

Justification for the Proposal (Public Benefits)

The above proposals would slightly alter the current relatively austere institutional character of the former dining room block that helps to preserve the character and appearance of the Listed Building as it will introduce a slightly more domestic character than the previous approved scheme. Nevertheless, PPS5 policy HE9.4 states that 'Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should: (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss'. The public benefits of this proposal would outweigh any harm caused. This is because, as outlined by the supporting Design and Access Statement, this scheme would serve to provide four maisonettes within this part of the listed building, rather than one large residential unit therefore providing for a better range of units that would be more attractive on the open market thereby allowing purchasers to be attracted to occupy this element of the building. This would therefore help to ensure that the proposed development would help secure the future of the Grade II* listed mansion building, and the museum proposed within it, by ensuring the feasibility of the proposed conversion of part of the mansion building to residential development. This would contribute to the long term preservation of the listed building and would therefore comply with PPS5 policy HE9.4, as well as HE7.2, HE7.4, HE9.1 and saved Harrow UDP policy D11.

4) Residential Amenity

The Dining Room Block is sited some 170 metres from the nearest neighbouring residential properties, so no undue impact would occur to neighbouring occupiers.

The alterations to the doors and windows proposed would also not unduly impact on the amenities of future occupiers of neighbouring buildings within the development, including the amended proposals for the Building 267, to the south of this building (considered on this agenda under planning reference P/1841/11).

The four flats proposed as part of this application would provide acceptable living accommodation for future occupiers, with all the units comfortably complying with the minimum standards set out in the Council's Residential Design Guide SPD. The outlook from these units would be adequate. There would be no private external amenity space provided. However, given the exceptional location within high quality landscaped gardens, this is considered to be acceptable. It is therefore considered that the living conditions of future occupiers would be adequate, in accordance with the Council's adopted SPD and saved UDP policy D5.

5) Trees and New Development

The proposed minor amendments to the approved proposals for Building 267 would not result in any additional impact on trees and the proposal would therefore be acceptable in this regard.

6) Traffic and Parking

The Council's Highways Engineer considers that the impact of the three additional units proposed would not be objectionable in the context of the redevelopment of the site and the amendments previously permitted. The parking provision would be acceptable and would still not exceed 2 spaces per dwelling, including the 20 spaces proposed in the basement of the Dining Room Block. It is therefore considered that the proposed additional dwellings, in the context of the existing approval and ongoing redevelopment of the site, would not be objectionable in traffic generation and parking terms.

When all three proposals considered on this agenda (refs P/1840/11, P/1841/11 and P/1842/11) are combined, the overall impact would still be negligible in traffic activity and parking terms.

7) Affordable Housing

The existing S.106 agreement relating to the original permission makes it clear that the owner of the mansion building is not responsible for payment of the agreed contribution to off site affordable housing provision. Despite the uplift in the number of residential units on this part of the site, it is considered unnecessary to revisit the affordable housing contribution as part of this proposal.

8) Accessibility

The dwellings in the proposed conversion would be similarly accessible to the previously approved arrangement. Given the levels changes and the historic nature of the building, it is considered that the proposed dwellings would comply with Lifetime Homes standards as far as practicable and the proposal would therefore comply with policies 3.5 and 7.2 of The London Plan (2011), saved UDP policy C16 and the Council's adopted Accessible Homes SPD.

9) Ecology and Biodiversity

A bat survey has been carried out in relation to all buildings across the site. The Dining Room Block has not been identified as having bat roosts and no objection is raised by the Council's Biodiversity Officer in respect of this proposal. As discussed above, the proposed conversion and external alterations would not result in built development encroaching on the open space to the south and therefore it is not envisaged that any additional harm would occur to the adjacent SSSI to the south, as compared to the original approval.

10) 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.

11) Amendments to Planning Conditions and S.106 Obligations

As this planning application proposes amendments to the existing consent (ref P/1452/08CFU) in the context of an overall redevelopment of the site, the original conditions relating to landscaping, bin storage facilities, levels, drainage, trees, biodiversity and archaeology can still be relied upon in respect of the works to the Dining Room Block. A specific condition is imposed relating to the provision of the boundary wall and hedging. It is considered necessary to impose a condition removing permitted development rights, for the avoidance of doubt.

As City and Country are implementing the existing consent, the S.106 obligations will also be triggered and it is therefore not necessary to enter into a new legal agreement, given that there is no change to any of the obligations.

12) Consultation Responses

All responses addressed within the appraisal section.

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 or the setting or special interest of the listed building. 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

P/1842/11

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: 100(5); 120 Rev A; 121 Rev A; 122 Rev A; 124 Rev A; 125 Rev A; 210; 211; 212; 213; 214 Rev A; Planning, Design and Access Statement; Heritage Statement

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

3 Details of the proposed wall and hedge shown on the approved plans on the east, west, south and north elevations around the former dining room block and the front residential garden, and around the proposed disabled car parking in front of the north elevation of the former dining block shall be provided for approval by the Council, in consultation with English Heritage, and installed and maintained thereafter in accordance with the approved plans, prior to the occupation of this part of the Listed Building.

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

4 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, openness of the Green Belt and special interest of the listed building 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, D4 and D11.

P/1059/11

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: DESIGN AND ACCESS STATEMENT; 220 REV A; 221 REV B; 222 REV B; 223 REV C; 224 REV C;

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

3 Details of internal shutters that are to be installed to the north elevation windows shall be provided to the Council for approval, in consultation with English Heritage, and installed and retained thereafter in accordance with the approved details, prior to the occupation of the former dining room block.

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

4 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) rainwater goods
- b) railings,
- c) windows,
- d) doors (including vehicular entrance doors)
- e) and gates.

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 building.

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

REASON: To protect the special architectural or historic interest of the listed building.

INFORMATIVES

P/1842/11

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 or the special interest of the listed building. 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 proposed development would preserve the architectural and historic interest of the listed building. 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.

P/1059/11

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would preserve the architectural and historic interest of the curtilage listed Dining Room Block. The following policies are relevant to this decision:

National Policy:

PPS5

Harrow Unitary Development Plan (2004):

D11

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.

Plan Nos: 100(4); 102; 103; 220 Rev A; 221 Rev B; 222 Rev B; 223 Rev C; 224 Rev C; 273; Planning, Design and Access Statement; Heritage Statement

BENTLEY PRIORY, THE COMMON, STANMORE, HA7 3HH

Item: 1/07

P/1946/11

Ward: STANMORE PARK

LISTED BUILDING CONSENT: PROPOSED INTERNAL ALTERATIONS COMPRISING ALTERATIONS TO THE LAYOUT WITHIN THE MAIN MANSION HOUSE FOR THE FORMATION OF RESIDENTIAL UNITS

Agent: Harvey S. Fairbrass
Applicant: Mr Richard Winsborough
Case Officer: Lucy Haile
Statutory Expiry Date: | 09-SEP-11

RECOMMENDATION

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

REASON

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

National Planning Policy:

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.

London Borough of Harrow Unitary Development Plan 2004

D11 – Statutorily Listed Buildings

Bentley Priory Supplementary Planning Document (2007)

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

- 1) Impact on the Listed Building (PPS5 and D11)
- 2) Consultation responses

INFORMATION

This application is reported to Committee, as they propose amendments to a major development and concern a Grade II* listed building and therefore falls outside the thresholds within category 5 and 10 of the Council's Scheme of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 23 – Listed Building Consent
Listed Building II*
Council Interest: None

b) Site Description

- The site comprises the principal grade II* listed Bentley Priory mansion house, which is part of the former RAF Bentley Priory complex, a major developed site in the Green Belt and a landmark feature in the Harrow Weald Ridge Area of Special Character.
- The site has historic interest as the former home of RAF Fighter Command centre and is also set in Grade II historic park and garden. Operational use of the site ceased in May 2008.
- The list description for the grade II* listed mansion house reads:
- 'By Sir John Soane, 1789-90. Enlargement by Robert Smirke 1810-18. Entrance lobby, long drawing room and circular boudoir are probably the only parts by Soane in anything like their original condition. The external facades are quite changed by iron balconies and other C19 additions. Some fragments of older work remain. The house was, for the last year and a half of her life, the home of the Dowager Queen Adelaide, who died here in 1849. It was also the home of the Marquesses of Abercorn and Lord Aberdeen in C19. Gutted by fire 1979. Of historical interest as the headquarters of Fighter Command during the Battle of Britain and until 1968. (DRUETT, W W "Stanmore and Harrow Weald Through the Ages" 1938 pages 130 to 137; IREMONGER, Lucille "Lord Aberdeen" 1978 pages 25 and 26).'
- The existing building has great architectural and historic interest particularly for its association with the Battle of Britain and as it features work by Soane.
- It was the headquarters of Fighter Command from 1936 to 1968 and was where Lord Dowding conducted the RAF defence in the Battle of Britain in 1940. It then became an administrative and training centre.
- Operational use of the site ceased in May 2008 and Listed Building Consent and Planning Permission 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 (references P/1452/08CFU and P/1453/08CFU).
- This approval was subsequently amended under the recently approved application for Planning Permission (reference: P/0105/11) and Listed Building Consent (reference: P/0104/11) which amended the internal layout to the grade II* listed Bentley Priory resulting in some external alterations as well.
- 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 and surrounding land, whilst Barratt Homes North London are carrying out the new build works on the remaining site.

c) Proposal Details

- Amend the proposed residential layout within the grade II* listed Bentley Priory as approved under Listed Building Consent application reference P/0104/11 and Planning Permission reference P/0105/11 affecting the approved proposals for the external elevations (since the external alterations are no longer proposed) and amending the proposed internal layout.

Revisions to Previous Application:

This application proposes amendments to the consented scheme (ref P/0104/11 and P/0105/11 relating to internal alterations to the principal grade II* listed Bentley Priory mansion house, comprising:

- Amending the approved layout so that the existing two blind reveals on the east elevation will no longer need to be modified as previously proposed to incorporate timber sash windows.
- Amending the general arrangement of unit 1 in the lower ground floor and omitting the glazed residential lobby and reposition the lift in the residents' entrance hall.
- Amending the approved layout for the proposed unit 2 on the ground floor plan via relocation of new partitions and repositioning the lift adjacent to unit 2 slightly.
- Amending the approved layout to the first floor via minor modifications to unit 4 and retaining existing link to unit 4, minor modifications to internal arrangements of unit 5 including incorporation of ensuite and reconfiguring WC, minor modification of ensuite in clock tower in to the bedroom space and minor adjustment to lift lobby arrangement and amend unit 8 by reconfiguring internal arrangement by omitting previously consented walkway and reposition previously consented lift.
- Amend approved layout to the second floor via minor modifications to approved internal general arrangement by relocating new partitions and omitting the terrace, steel grate walkway and new fire escape stair lobby to west of unit 7.
- Minor internal modifications to the approved second floor plan unit 7 by reconfiguring en-suite/bathroom locations and revised kitchen/dining/living arrangement to unit 7 and existing link to unit 7 retained/modified.
- Amending the approved layout to unit 8 on the second floor as a result of omission of the previously consented external glazed walkway to the central dome since the circulation has been brought internally into the building and the creation of bedroom and bathroom accommodation within the existing roof space but with no changes to the volume of the external envelope.

d) Relevant History

P/1452/08 CFU & P/1453/08 CFU	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/0104/11 & P/0105/11	Variation of condition 26 (approved plans) attached to planning permission P/1452/08CFU dated 16/09/2010 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-11
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).	GRANTED 27-SEP-11 (SUBJECT TO LEGAL AGREEMENT AND GLA REFERRAL)
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)	GRANTED 27-SEP-11

e) Pre-Application Discussion

None.

f) Applicant Statement

- Application only concerns minor alterations to residential units within the main mansion that have already received Listed Building Consent and Planning Permission.
- Do not relate to the museum elements.
- The amount of demolition is essentially equivalent to that which has already received consent and it is therefore felt that there is no adverse impact on the Heritage Asset.
- Proposals are very similar to those which have already received consent under planning permission and Listed Building Consent references P/0104/11 and P/0105/11 respectively.
- Proposal to cause less intervention by bringing circulation to the inside of the building and omit the proposal (already consented) to fully enclose the central dome space with a glazed roof and replacement with a glazed external walkway instead.
- Omit the terrace, grated walkway, fire escape lobby enclosure and associated infilling/formation of a new parapet wall in between the 2 existing chimneys to the west of residential unit 7 on the second floor as it has been confirmed with Harrow Building Consent that this is not a requirement from a means of escape point of view. This will also have a positive impact on the Heritage Asset,

g) Consultations

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

Advertisement: 18-AUG-11 Expiry: 07-SEP-11
- Extensions /
Alterations to Listed
Building

The following groups were consulted. No responses have been received to date:
Ancient Monuments Society
The Georgian Group
The Council for British Archaeology
Stanmore Society

Site Notices: 16-AUG-11 Expiry: 05-SEP-11
- Extensions /
Alterations to Listed
Building

Notifications:
Sent 75 Replies 0 Expiry:

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.

APPRAISAL

1) Character and appearance of the Listed Building

The proposal is to amend the approved scheme for the principal grade II* listed Bentley Priory under Listed Building Consent reference P/1453/08CLB and Planning Permission reference P/1452/08CFU, and subsequently amended under Listed Building Consent reference P/0104/11 and Planning Permission reference P/0105/1. This is to alter the consented internal arrangement of the residential units to be installed within the mansion. The acceptability of the proposed works must be assessed against the need to preserve historic and architectural significance of the grade II* listed Bentley Priory, having particular regard to national planning policy contained within PPS5 relating to heritage assets and saved Harrow UDP policy D11.

The proposed amendments to the internal layout will mean that the existing blind reveals on the east elevation can remain in place rather than being altered to sash windows. This will retain more historic character and fabric and therefore would preserve the special interest of the listed building. Therefore the proposal to retain them complies with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1. 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'. HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'. Similarly, it would comply with local conservation policies relating to listed buildings, namely saved Harrow Unitary Development Plan (adopted July 2004) policy D11 which states:

'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

The proposal would amend the internal layout at lower ground, ground, first and second floor levels. The proposed alterations are either very minor or would involve less intervention in historic fabric. They would therefore preserve the character and appearance of the Listed Building in accordance with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

At second floor level it is no longer proposed install the approved proposed terrace, steel grate walkway and new fire escape stair lobby to west of unit 7 since there is no longer a requirement for these features. It is also proposed to omit the previously consented glazed external walkway by ensuring the circulation can occur internally. Both omissions would be an enhancement to the scheme since they entail less physical alteration to the grade II* Listed Building. Otherwise the amendments to the proposed internal layout are relatively minor, including alterations to proposed layout of stud partitions. To ensure the finishing of all works is of an appropriate high standard though a suitable condition is recommended. Therefore, in summary, the proposed alterations to the recently consented amended scheme under Listed Building Consent reference P/0104/11 and Planning Permission P/0105/1 would preserve the character and appearance of the Listed Building in accordance with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

2) Consultation Responses

English Heritage stated that the application may be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

CONCLUSION

In summary, the amended proposal would preserve the special interest of the listed building. 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

P/1946/11

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: DESIGN AND ACCESS AND HERITAGE STATEMENT; 100 (7); 102; 103; 104; 105; 106; 205 REV B; 245; 246; 247; 248

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 building in line with the requirements of PPS5 policy HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The amended proposal constitutes appropriate alterations to a Listed Building. 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 detrimental impact on the Listed Building that would warrant refusal of Listed Building Consent. 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: PPS5

Harrow Unitary Development Plan (2004): D11

Bentley Priory Supplementary Planning Document (2007)

2 This application refers only to the internal alterations further to the approved Listed Building Consent P/0104/11 and therefore does not refer to those proposed external alterations indicated by plan 205 REV B other than the proposal to retain the blind reveals.

3 COMPLIANCE WITH PLANNING CONDITIONS IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

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

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

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

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

**FORMER GOVERNMENT OFFICES, P/1731/11
HONEYPOT LANE, STANMORE, HA7
1BB**

Ward: CANONS

VARIATION OF CONDITION 1 ATTACHED TO PLANNING PERMISSION P/1450/08CFU DATED 21/07/2008 TO ENABLE THE TEMPORARY HARDSTANDING TO REMAIN IN PLACE FOR A FURTHER 3 YEARS

Applicant: St Edward Homes
Agent: Turley Associates
Case Officer: Nicholas Ray
Statutory Expiry Date: | 08-NOV-11

RECOMMENDATION

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

REASON

The hardstanding serves as the main construction access to the site and is important in ensuring that disturbance to neighbouring residential occupiers and highway safety is minimised. The requested additional temporary period of 3 years is considered to be acceptable, to ensure the continued provision of this important construction access in the interests of the amenities of the locality. The development is therefore found to be consistent with government guidance 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

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.

London Borough of Harrow Unitary Development Plan 2004

EP25 – Noise

D4 – Standard of Design and Layout

T6 – The Transport Impact of Development Proposals

T15 – Servicing of New Development

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

- 1) Principle of the Development (PPS1, D4)
- 2) Character and Appearance of the Area (D4)
- 3) Residential Amenity (EP25, T15)
- 4) Highway Safety (T6, T15)
- 5) S17 Crime & Disorder Act (D4)
- 6) 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 within Category 14 of the Council's Scheme of Delegation for the determination of new development.

a) Summary

Statutory Return Type: 1. Largescale Major Dwellings
Council Interest: None.

b) Site Description

- The site is located in the south east corner of the Former Government Offices Site on Honeypot Lane, which is in the process of being redeveloped for housing and business space.
- The hardstanding that is the subject of this application was constructed pursuant to planning permission P/1450/08CFU and has an area of 4600sqm.
- Adjacent to the hardstanding to the east is the Jubilee Line railway, whilst to the south are the industrial units on Parr Road.
- The hardstanding lies some 100 metres from the boundaries of the nearest neighbouring residential properties to the north, on Whitchurch Lane.
- Vehicle access is from Parr Road, through the front of the adjacent warehouse occupied by Lynch Ltd.
- The hardstanding was originally proposed in a 'quid pro quo' arrangement, whereby the applicants provide hardstanding for Lynch Ltd to use for storage of plant, in exchange for access to the development site through their property.

c) Proposal Details

- Condition 1 of planning permission P/1450/08CFU required the hardstanding to be removed within 3 years of this consent.
- As construction work is still in progress on the site, the hardstanding is still required and this permission seeks a further 3 year temporary period.

d) Relevant History

P/2317/06/CFU	Redevelopment to provide 798 residential units (including 40.2% affordable housing) 959 sq m class A1/A2/A3/A4/A5/D1 & D2 floorspace; 7927 sq m of class B1(a),(b),(c) floorspace including a business incubator centre; creation of a new access onto	REFUSED 10-JAN-07 APPEAL ALLOWED 12-NOV-07
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Whitchurch Lane; associated flood alleviation, landscaping, car parking and highway works

P/1450/08CFU	Construction of temporary hardstanding for storage of plant	GRANTED 21-JUL-08
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e) Pre-Application Discussion

- N/A.

f) Applicant Statement

- None.

g) Consultations:

Highways Engineer: No objection.
Transport for London: No comment.

Site Notice: - Major Development	26-AUG-11	Expiry: 16-SEP-11
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Advertisement: - Major Development	18-AUG-11	Expiry: 08-SEP-11
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Notifications: Sent: 34	Replies: 0	Expiry: 07-SEP-11
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Addresses Consulted:

- 248-286 (even) Whitchurch Lane;
- 2-7 (conc) Parr Road;
- Units 1-8, Honeypot Business Centre, Parr Road.

Summary of Response:

- None received.

APPRAISAL

1) Principle of the Development

The principle of the temporary hardstanding is accepted, given that permission was granted in July 2008. As well as providing plant storage space for the adjacent industrial occupier, the hardstanding enables construction vehicles to gain access to the Former Government Offices development site from Parr Road, thereby reducing the amount of construction traffic close to residential areas, such as Whitchurch Lane to the north. The additional temporary period of 3 years is proposed because the development is still in progress. Later phases of the development would be constructed in place of the hardstanding. This hardstanding is considered to be an important feature of the ongoing redevelopment of this site and the principle of the proposed additional temporary period is considered to be acceptable.

2) Character and Appearance of the Area

As discussed above, the principle of the hardstanding is accepted. Whilst the hardstanding and associated plant storage has a negative impact on the character and appearance of the area, it has benefits for neighbouring amenity. On balance, given the benefits of the hardstanding, the location within an existing construction site and the fact that the development would only be retained for a temporary period, the short term impact on the character and appearance of the area can be accepted.

3) Residential Amenity

As discussed above, the hardstanding serves an important amenity function, enabling construction traffic to access the development site from the industrial area in Parr Road. The continued provision of the hardstanding for a further temporary period would therefore be beneficial to the amenities of neighbouring residential occupiers.

4) Highway Safety

The hardstanding enables construction traffic to access the development site from Parr Road, as discussed. This is a benefit to highway safety, as it would reduce the number of heavy vehicles travelling along residential streets in the locality. The Council's Highways Engineer raises no objections to the continued temporary period and the proposed variation is therefore considered to be acceptable in this regard.

5) 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.

6) Consultation Responses

All responses addressed within the appraisal section.

CONCLUSION

In summary, the hardstanding is considered to be an important temporary feature of this development, which contributes to the reduction in disturbance to neighbouring residential occupiers and improving highway safety, by enabling construction vehicles to access the site from an appropriate location. A further temporary period of 3 years is therefore recommended.

CONDITIONS

1 The development hereby permitted shall be removed and the land restored to its former condition on or before 11th October 2014.

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

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The hardstanding serves as the main construction access to the site and is important in ensuring that disturbance to neighbouring residential occupiers and highway safety is minimised. The requested additional temporary period of 3 years is considered to be acceptable, to ensure the continued provision of this important construction access in the interests of the amenities of the locality. The development is therefore found to be consistent with government guidance 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

Harrow Unitary Development Plan (2004):

EP25, D4, T6, T15

Plan Nos: BERL1033-1

**RAYNERS HOTEL, 23 VILLAGE WAY EAST, P/1018/11
HARROW, HA2 7LX**

Ward: RAYNERS LANE

OUTLINE APPLICATION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, SERVICING AREA AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 801m² RETAIL (USE CLASS A1) FLOORSPACE AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (28 X 1 BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1[C] (EDUCATION).

Applicant: Cycle Screen Ltd
Agent: Preston Bennett Planning
Case Officer: Ian Hyde
Statutory Expiry Date: | 28-JUL-11

RECOMMENDATION A

GRANT permission for the development subject to the signing of a S106 legal agreement by 11th April 2012 and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the s106 legal agreement and to agree any minor amendments to the conditions or the legal agreement. The Legal Agreement would cover the following matters:

- 1) A commitment not to occupy more than 20 residential units before completion of the works to the Listed Building.
- 2) Preparation of a strategy for onsite construction related training.
- 3) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- 4) Planning Administration Fee: Payment an applicable administration fee for the monitoring of and compliance with this agreement.

REASON

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building on site, whilst providing a level of accommodation and a mix of uses for prospective occupiers and additional retail space to the benefit of the District Centre and educational facilities without resulting in unacceptable harm.

National Planning Policy:

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.

PPS1 – Delivering Sustainable Development (2005)
PPS3 – Housing (2011)
PPS4 – Planning for Sustainable Economic Growth (2009)
PPS5 – Planning For the Historic Environment (2010)
PPG13 – Transport (2011)
PPS22 – Renewable Energy (2004)
PPS24 – Planning and Noise (1994)
PPS25 – Development and Flood Risk (2010)

The London Plan 2011:

2.15 Town centres
3.1 Ensuring equal life chances for all
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
3.12 Negotiating affordable housing on individual private residential and mixed use schemes
3.13 Affordable housing threshold
3.18 Education facilities
4.7 Retail and town centre development
5.1 Climate Change Mitigation
5.2 Minimizing carbon dioxide emissions
5.3 Sustainable design and construction
5.7 Renewable Energy
5.9 Overheating and cooling
5.15 Water use and supplies
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.3 Assessing effects of Development on Transport Capacity
6.10 Walking
6.12 Road Network Capacity
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local Character
7.5 Public realm
7.6 Architecture
7.9 Heritage led regeneration
7.15 Reducing noise and enhancing soundscapes
7.19 Biodiversity and access to nature
7.21 Trees and woodland
8.2 Planning Obligations

Interim London Housing Design Guide – (2010)

London Borough of Harrow Unitary Development Plan 2004

S1 – The Form of Development and Pattern of Landuse
EP20 – Use of Previously Developed Land
EP22 – Contaminated Land
EP25 – Noise
C7 - New Education Facilities
C16 – Access to Buildings and Public Spaces
C17 – Access to Leisure, Recreation, Community and Retail Facilities
D4 – The Standard of Design and Layout
D5 – New Residential Development – Amenity Space and Privacy
D7 – Design in Retail Areas and Town Centres
D11 – Statutorily Listed Buildings
D23 – Lighting, including Floodlighting
H7 – Dwelling Mix
EM24 – Town Centre Environment
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
T15 – Servicing of New Developments

Harrow Council Supplementary Planning Guidance:

Supplementary Planning Document: Residential Design Guide (2010)
Supplementary Planning Document: Sustainable Building Design (2009)
Supplementary Planning Document: Accessible Homes (2006)
Supplementary Planning Document: Access For All (2006)
Supplementary Planning Guidance: Designing New Development (2003)

RECOMMENDATION B:

That if the Section 106 Agreement is not completed by 11th April 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

- 1) The failure to secure a legal agreement would fail secure the refurbishment regeneration of the Listed Building and would therefore be contrary to Policies HE7.4, HE9, HE10 and HE11 of PPS 5 (2010), London Plan (2011) Policy 7.9 and saved Policy D11 of the Harrow Unitary Development Plan (2004).

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

- 1) Principle of Enabling Development (PPS1, PPS5 Policy HE11, London Plan 7.9b, UDP D11, EP20)
- 2) Character and Appearance of the Area (PPS1; London Plan; 7.4a,b,c,d,e, 7.5b, 7.6b, UDP D4)
- 3) Residential Amenity (PPS1, PPS3, London Plan 3.4a, 3.5b, 3.8b, 3.12a, , UDP D4, D5, D23, H7, EP25, ILHDG, Harrow Residential Design SPD)
- 4) Employment Retail Policy and Education (PPS4, London Plan 2.15c, 3.18c,4.7b, UDP, EM24, C7)
- 5) Traffic and Parking (London Plan 6.3a, 6.10b, 6.13c,d, UDP, T6, T13)

- 6) Sustainability (PPS1, PPS3, 5.1a,b,c,d,e, 5.3b,c, 5.9 b,c UDP D4, Sustainable Design SPD)
- 7) Affordable housing (London Plan 3.8b, 3.12a, 3.13a, UDP H7)
- 8) Accessibility and Accessible Homes (London Plan, 7.2c, 7.6b, UDP C16, SPDs:Access)
- 9) S17 Crime & Disorder Act (London Plan 7.3b, UDP D4)
- 10) Consultation Responses
- 11) Conclusion

INFORMATION

This application is reported to Planning Committee as it is a major application recommended for approval and relates to more than two residential units and therefore falls outside of category 2 of the Council's Scheme of Delegation.

a) Summary

Statutory Return Type:	Major Development
Town Centre Location	Yes
Listed Building	Rayners Hotel (Grade II)
Conservation Area	No
Site Area	0.32ha
Units	28
Units per hectare	87
Lifetime Homes:	All
Council Interest:	None

b) Site Description

- Application site is located on a triangular spur of land situated to the south west of the junction of Village Way East (running east/west) and Imperial Drive (north east/south west). Opposite the intersection of these two roads are flats within Imperial Court.
- The land is designated as being within the Rayners Lane District Centre, however is not within a designated shopping frontage.
- In the eastern parts of the site sits the Grade II Listed Rayners Hotel, a disused public house dating from c. 1937 which is currently on English Heritage's Buildings at Risk Register. Rayners Hotel is a two-storey brick built public house built by Truman's brewery to the design of Eedle & Myers. The building occupies a prominent plot on the corner of Imperial Drive and Village Way East and is particularly noted for its virtually unaltered Art Deco and neo-Georgian internal and external features.
- The western part of the site is currently vacant and appears to have been historically used as a carpark.
- To the south west of the site is Talbot House, a three storey (when viewed from Imperial Drive) building of neutral design
- Land levels between the Imperial Drive and the site are substantially higher at the south western part of the site (at over 3m) towards the road junction in the east the levels equalise two sets of stairs lead from Imperial Drive to the site

- To the immediate west of the public house and north of the carpark are terraced two storey commercial units at ground floor level with flats above. An access to the site runs between nos 9 and 11 Village Way whilst two more accesses are located to the north of the public house.
- To the north east of the site is a block of residential units whilst to the east and south east are an ambulance depot, school and more flats.
- To the south west is a four storey commercial building known as Talbot House

c) Proposal Details

- The proposal seeks permission for an enabling development which would allow the refurbishment and the bringing back into use the Grade 2 Listed Public House on the site. In order to enable this use to occur, the applicants have proposed the following development.

New Development

- The application proposes a 5 storey (plus basement) mixed use development with a footprint of 1281sqm and a maximum total height of 16.7m at its south western point (“the carpark building”).
- At lower ground level, a secured parking garage, which would infill the space to rear of the building would provide 24 parking spaces for cars and 4 for motorcycles as well as areas for bicycles. An additional 172sqm space would be provided for ancillary space associated with the retail use and space for a delivery bay and refuse storage.
- At upper ground floor level (and including the area above the car park) an area of 804sqm would be provided for retail (Use Class A1) with incidental storage space to rear. This unit would be provided with its primary elevation and entrance onto Imperial Drive, entrances to the upper level flats would also be provided from this elevation onto Imperial Drive at this level.
- At first through to fourth floors, residential accommodation for 28 one bedroom units would be provided. All units would be private tenure and all but two would be single aspect. Unit sizes range from 50.6 sqm to 62.5sqm.
- The building would be of contemporary style, utilising panelling systems and “drawer” style balconies on the primary elevation. The building would reduce in height towards the north east, terminating in a glazed stair tower adjacent to the listed building.

Listed Building

- With respect to proposed alterations to the listed building, an additional D1(c) use would be added to the existing uses onsite in order to provide educational uses. Internal alterations to the building are covered via a concurrent listed building application (P/1017/11)
- The use would be restricted to between 8am and 9pm Monday to Friday (with an additional hour for staff shutdown and cleaning) and 8am to 6pm on Saturday and Sunday (with one hour for cleaning and shutdown)
- Numbers of pupils would be proposed to be 450 total But the applicants have confirmed a willingness to accept 300 pupils onsite at any one time.

Access

- With respect to access provisions, a ransom strip to the rear of 19 Village Way prevents access between the “carpark building” and the listed building itself. Given this scenario, lorries servicing the retail use would utilise a hammerhead turn through the site, whilst refuse vehicles associated with the public house would use the two entrances to the north of the listed building.

d) Relevant History

P/1017/11	LISTED BUILDING CONSENT: PROPOSED EXTERNAL AND INTERNAL ALTERATIONS INCLUDING: DEMOLITIONS (INCLUDING RETROSPECTIVE REMOVAL OF SNUG SCREENS AND PROPOSED REMOVAL OF INTERNAL LOBBIES); PROPOSED INSTALLATION OF NEW PARTITIONS (INCLUDING INFILLING OF BAR OPENINGS) AND FLOOR MOUNTED WALLS; REMOVAL OF SIGNS; REPAIRS TO WOODEN PANELLING; INSTALLATION OF DISABLED ACCESS; REDECORATION; NEW BOLLARDS; REFURBISHED AND NEW ELECTRICS; CEILING REPAIRS; NEW LIGHTING; REPLACEMENT FLOOR COVERINGS; REFURBISHMENT OF HEATING SYSTEM (INCLUDING NEW RADIATORS); NEW LOCKING SYSTEM TO DOORS; REPAIR OF WINDOWS; INSTALLATION OF CCTV AND SECURITY DETECTION; INSTALLATION OF FIRE ESCAPE SIGNAGE; PROPOSED NEW EXTERNAL SIGNAGE AND BOUNDARY TREATMENT ALTERATIONS.	UNDER CONSIDERATION
P/1083/11	OUTLINE PERMISSION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 448m2 OF MIXED USE FLOORSPACE (A1/A2/A3/A5/B1/D1) AND 3 RESIDENTIAL UNITS (1 X BED) AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (1 X BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1.	UNDER CONSIDERATION

EAST/1155/ 02/FUL	CHANGE OF USE: OFFICES TO RESIDENTIAL (CLASS B1 TO C3) TO PROVIDE FOUR FLATS ON FIRST & SECOND FLOORS	REFUSED 15-APR-03
WEST/615/ 95/FUL	CONSTRUCTION OF PERGOLA, PAVED PATIO WITH PLANTERS AND INSTALLATION OF SPEED RAMPS	GRANTED 13-DEC-95
WEST/45/9 5/FUL	USE OF PUBLIC HOUSE CAR PARK AS RETAIL MARKET ON TUESDAYS (45 STALLS)	REFUSED 04-APR-95

Reason for Refusal:

Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the adjoining highway and the amenity of neighbouring residents.

e) Pre-Application Discussion

- Significant discussion of the site was undertaken starting in February of 2008.
- The principle of enabling development has been established through these consultations

f) Applicant Statement

In support of their application, the applicants have submitted a large number of supporting documents. These include the following:

- Planning Statement.
- Design and Access Statement.
- Daylight, Sunlight and Shade Report.
- Desktop environmental study
- Viability data

The documents provide independent surveys providing confirmation of the daylight and sunlight which the residential units will be expected to receive as well as a desktop assessment showing that contamination onsite would not be significant.

The submitted documents note that the development fails to provide affordable housing provision and comment on the lack of dwelling mix and sustainability provisions, but seek to demonstrate that the commercial viability of the regeneration of the Public House would mean that such provisions are not possible. In support of this contention, the application has provided independently verified viability data. This information suggests that the scheme would generate a lower than generally expected profit for the developer and the application suggests that this demonstrates that the scheme is the minimum that could secure the regeneration of the public house, whilst providing a commercially viable scheme of appropriate quality.

g) Consultations:

Drainage Unit: No objection subject to conditions.

Transportation Engineers: Having, reviewed the submitted details and given that the listed building consent has been reduced to D1(c) the Highways Engineers have been satisfied of the quality of the scheme.

In relation to the large retail unit, the traffic assessment submitted within the application has demonstrated that the proposal would allow adequate servicing of the site which would not be significantly detrimental to the free flow of traffic or conditions of highway safety.

The scheme is therefore considered to be acceptable.

CAAC: No objection

English Heritage:

Concerned about visibility of Public House from surrounding highways. Stepping down would safeguard views and protect the listed building.

Generally support the design, but would suggest that all materials should be of a high quality and conditions applied to require samples of the cladding system and other materials proposed, including those on the north elevations which would be visible from key viewing corridors.

Request additional landscaping as part of approvals.

Policy

Presumption that the Public House should be retained in current form but other uses within the development acceptable in principle.

Identified shortcomings in terms of sustainability, mix, affordability and expressed concerns over possible vacant frontages.

Notifications:

Sent: 216

Replies:
6 in objection, 2 in support

Expiry: 01-JUN-11

Sent: 216

Expiry: 06-OCT-11

Addresses Consulted:

1,2, 2A,3,3C,4-6 5,6A,7,7A,8,8A,9,9A,10-18 (even), 10A, 11, 11A, 12A, 13, 13A, 14A, 15, 15A, 16A, 17-19, 17A, R/O 19, 19A, 18A, 20A, 21, 22, 22A, 26, 26A

Village Way East

167, 204, 226, 228, 230, 232-234, 236, 238, 240, Talbot House, Ambulance Depot, Library, Monarchs Court, f.1-8 Kingston House, 1, 1a, 1b, 2, 2a, 2b, 3, 3a, 3b, 4, 4a, 4b Imperial Court, **Imperial Drive**

348, 350, 352, 354, 356, 358, 360, 362, 364, 368, 370, 372, 374, 376 378, 380, 382, 384, 386, 388, 390, 392, 394, 396A, 396B, 400, 404, 408, 412-418, 420-422, 424, 426A, 426B, 430, 432 Village Inn, Flat 1-6Heidrich House, **Rayners Lane**

Advertisement (Major Case and affecting a listed building): 11-MAY-11 Expiry: 01-JUN-11

Site Notice (Major Case and affecting a listed building): 21/-MAY-11 Expiry: 11-JUN-11

Summary of Response:

Concern over the impacts of approval on the public house and the viability of additional shopping and impacts on surrounding units. Concerns over noise, the height, loss of views, lack of variety of units, impacts on traffic and servicing associated with the scheme and strain on local services (including schools).

Concerns over quality of design and the density proposed.

Comments also related to concerns over vermin, impacts on property prices and legal access rights which fall outside of planning control and can be addressed outside of the planning process.

Supporting comments considered that the development would be a visual improvement to the area and improve viability and expressed interest in the potential of education facilities on the site.

APPRAISAL

1) Principle of Enabling Development and viability

The development would seek to provide a mixed use development within an existing car park on the site whilst providing, as a substitute for concessions usually associated with development (such as affordable housing), the regeneration of the Grade 2 Listed Public House (the listed building).

Policy HE11 of PPS5 requires proposals to demonstrate that they are necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner and that the level of development is the minimum necessary to secure the future conservation of the heritage asset whilst minimising harm to other public interests.

Policy HE11 also states that 'local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan'

Policy HE7.4 states 'local planning authorities should take into account: 'the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place shaping' and HE10 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'. Policy HE9 which states that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

PPS 5 is supported by Policy 7.9b, of the London Plan which suggests that *...the heritage significance [of an asset] is both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use...*

Saved Policy D11 of the Harrow UDP, seeks to ensure the protection of the borough's stock of Listed Buildings and in particular Part D of the Policy encourages the maintenance and restoration of Listed Buildings.

The applicants have provided within their application a set of viability data which has been peer reviewed by an independent professional company and includes a "3 Dragons Toolkit Appraisal" of the scheme. This was assessed by the Council's Housing Officers, who have confirmed that the regeneration of the public house is marginal in terms of viability as submitted and that further compliance would result in a scheme which could not be implemented.

Whilst officers are satisfied that the proposal is in accordance with Policy HE11 in the respect that it represents the minimum necessary to regenerate the public house and remain viable, an assessment must also be made in terms of the costs associated with the necessary departure from the development plan in order to secure the regeneration of the listed building. These matters are discussed in detail within the sections below.

2) Character and Appearance of the Area

Form of Development

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed sites. Annex B of PPS3 states that '*previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land*'. This is echoed within saved Policy EP20 of the Harrow Unitary Development Plan. As the site currently comprises a public house and formed car park, it is considered to be previously developed land and compliant with the intentions of these policies. The provision of additional development on this site is therefore considered acceptable in principle.

Saved UDP policy D4 states that *'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape, and that attention should be paid to the urban "grain" of the area in terms of building form and patterns of development'*. It goes on to state that *'where a particular built form contributes significantly to local character (for example, frontage widths, and plot sizes, building height, massing or spaces between buildings) it should be respected in all development'*. Policy D7 states that *'the design and layout of buildings and public spaces should contribute to the attractiveness of the town centre in which they are located. Buildings should create interest and maintain a scale complementary to the town centre'*. It goes on to state that *'on prominent sites, there is the opportunity to create a landmark through the development of distinctive buildings that are focal points, yet compatible with their surroundings'*.

In terms of the quality of the land, a Sitecheck assessment for likely contamination has been undertaken by the applicants, this has confirmed that there is unlikely to be contamination on the site.

The carpark building would provide a contemporary structure of 5 storeys above Imperial Drive which would be constructed in an "L" shape with its primary frontage facing Imperial Drive and the return abutting Talbot House. Its height and form would respond to land levels by reducing in height towards the north east and the listed building on the junction

The design of the building would be contemporary, utilising flat roofs and contemporary modular panelling. It would feature vertically emphasised glazed stairtowers at each end of the Imperial Drive frontage. This design provides bookends to the development which differentiate it from surrounding buildings and which, especially towards the north east, would represent an acknowledgement of the relationship with the listed building which seeks to ensure that the setting of the listed structure is not dominated by the new building.

The public house is located a reasonable distance away from the Rayners Lane conservation area to the south, and the character of the wider area is varied, with buildings fronting this part of Imperial Drive having a coarser urban grain than the surrounding residential development. At present the setting of the Listed Building complements the significance of the heritage asset since it allows good views through to the building and sufficient breathing space to allow the understanding of the entirety of the building as a public house when viewed from principal vantage points, particularly views from the north along Imperial Drive and the street scene of Imperial Drive itself. It is considered that the glazed part nearest the Listed Building is important since this helps to retain the breathing space, as does the stepped nature of the building. The design and siting would therefore largely safeguard such views and preserve the setting of the listed building in accordance with relevant policies.

The application is for outline consent to determine access, appearance, layout and scale of the proposed development. The applicant has provided additional information regarding the design of the building proposed including a suggestion to provide greater articulation of the mass through balconies, glazed stair towers and various cladding materials which would help complement the setting of the Listed Building. It would provide greater interest to this elevation and lessen the impact of the scale and mass of this building on the listed public house and is therefore considered to be acceptable.

The building to the southwest (Talbot House), is a nondescript commercial building which sits directly adjacent to the site boundary at a slightly higher ground level than the car park. It is noted that Talbot House has permission for an additional floor of residential accommodation on its roof (approved under App. P/1565/11 on 16/10/2008) but that this has not been implemented. Whilst the carpark building would therefore be some 4.5m higher than the existing Talbot House, it would be considered to not overly dominate the neighbouring building.

It is noted that Talbot House has side elevation windows which would be obstructed as part of the development, and that recent case law has established that development should not unacceptably obstruct light and outlook. In this case, the applicant has indicated that they have a right to require the windows to be removed (as part of their title deeds). However notwithstanding this, Talbot House appears to be open plan and the area served by the windows would also be served by windows in the front and rear elevations. As such, this building would not be unacceptably harmed as a result of the development.

In terms of the materials used, the building would be built using cladding panel systems and brickwork on the elevations and the detailed design would utilise "drawer style" balconies with open sides and solid front panels on the Imperial Drive frontage, The building would be further relieved by the use of a protruding fascia over the ground floor retail unit which would define and differentiate the ground floor from the residential above. The use of a ground floor level projection would also allow landscaping at first floor level which would soften the appearance of the building.

The design of the building is simple and clean, however it could easily be diluted through the provision of ancillary equipment such as flues, poorly placed rainwater goods and particularly satellite equipment. Given this concern, it is considered that conditions requiring details of such matters be submitted to and approved by the local planning authority would be appropriate.

The design to the rear of the site (views from the north) would utilise similar materials and treatments to that facing Imperial Drive but would be primarily visible only from rear elevations of properties on Village Way and internally within the site. Given these relationships, it is considered that this would be acceptable. Subject therefore to consideration of further details (including samples) to confirm the quality of the scheme, in this respect the development is considered to be acceptable.

With regard to the setting of the buildings, the applicants have elected to reserve details of the landscaping proposed within the site. Notwithstanding this, the application proposes the alteration of the existing steps from Imperial Drive into the site.

The existing steps from Imperial Drive appear cramped and narrow. The application proposes to create a new entrance from Imperial Drive, directly adjacent to the stairtower which would be significantly wider and more open than existing. The replacement stairs would be a significant improvement to the site and would make it more welcoming for users of the Listed Building, whatever its use. It is considered that this is a significant positive element within the scheme and is supported. Whilst it is acknowledged that landscaping has been withheld as part of this application, the area adjacent to the entrance steps is considered to have the potential to be a high quality entrance feature to the site (and especially the function room) and would enhance the setting and visibility of the listed building.

3) Residential Amenity

Room Size and Layout

Paragraph 10 of PPS3 outlines the Government's strategic housing policy objectives and states the following:

The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

– To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.

Paragraph 10 of PPS3 outlines the Government's strategic housing policy objectives and states that this policy objective should be implemented through the planning system to achieve *High quality housing that is well-designed and built to a high standard.*

Paragraph 12 of PPS3 states that good design is fundamental to the development of high quality housing and London Plan policy 3.5 and saved policy D4 of the Harrow Unitary Development Plan (2004) recommend that all development proposals should have a high standard of design and layout.

Policy 3.2 of the London Plan (2011) requires that minimum floor space standards are provided within a residential development and these are contained within table 3.3 of the document and require two person, single bedroom units to provide at least 50 sqm of floor space, which all units exceed.

In view of paragraph 18 of PPS3 and the above policies, when considering what is an appropriate standard of accommodation and quality of design, the Council is mindful of the Housing Quality Indicators and emerging guidance, the Interim London Housing Design Guide (ILHDG) (2010). The interim edition of the LHDG has been revised following public consultation on the draft LHDG in 2009 and the findings of a cost and delivery impact analysis. The London Plan sets out a desire to produce a Housing SPG in the future based upon the ILHDG.

The internal and external space standards within the ILHDG provide useful reference points for new residential development. The unit sizes specified within the ILHDG also match those contained within the Council's adopted Residential Design SPD.

In terms of the standards of the ILHDG, a 1 bed, two person unit would be expected to provide 23sqm of combined kitchen/living and dining room space and 12.8sqm of bedroom area. The smallest unit (50.6sqm), taken as an example, would provide 24.4sqm and 13.05sqm respectively, thereby complying with these requirements and indicating an acceptable standard of accommodation for future occupiers in this respect.

In terms of accessibility, the application has suggested that it would provide all units to Lifetime Homes standards. Submitted plans confirm this, providing lifts, level entrances and open plan easy access layouts.

Given these considerations, the development is considered to be consistent with London Plan Policies 3.8b, 7.2c and 7.6b, saved UDP policy C16, as well as the Harrow Supplementary Planning Document: Accessible Homes (2006). A condition is recommended to be attached to any permission ensuring compliance with Lifetime Homes Standards and to ensure that at least 10% of units are wheelchair accessible.

Outlook

As regards outlook, all units within the scheme, with the exception of units 8 and 17 would be single aspect. Most units would be provided with a good level of outlook and daylight and would be considered to be acceptable. However those close to the "elbow" of the scheme, especially numbers 4 and 13, would suffer from shading from being at low level and flanked on two sides by the building. The outlook for these flats would be reduced by the projecting element containing units 8 and 17.

On balance however, given the fact that the submitted lighting assessment has indicated appropriate levels of light, this compromised layout would not be considered to be so sufficient as to justify refusal of the entire scheme.

Amenity Space

Saved policy D5 of the Harrow Unitary Plan (2004) requires that all residential development proposals should provide private amenity space that is adequate to protect the privacy and amenities of occupiers of surrounding buildings as a usable amenity area for the occupiers of the development and as a visual amenity. The proposed development would provide amenity space for 14 of the units. The site is not located within an area identified as being within a Local Park Deficiency Area within the UDP, (that is being more than 400m from the entrance to a local park) and the single bed units would be likely to attract single occupants or couples. It is therefore considered that this, in conjunction with the provision of some private amenity space for half of the units, results in the scheme being considered to be, on balance, acceptable.

Noise and Disturbance

In respect of noise and disturbance, units would be stacked in a complimentary way which would result in no unacceptable stacking issues. In addition, whilst there would be an adjacent retail use with attendant servicing, this would primarily occur from Village Way and would utilise the covered parking and servicing areas which would minimise impacts. Noise transmission would be further minimised through the requirements of the Building Regulations process...

Notwithstanding this, it is recommended that a condition be attached to the consent which would require a servicing plan to be submitted and approved before first use of the retail operation, in order to protect the amenities of residential occupiers within the development from the effects of vehicles manoeuvring into and out of the site.

4) Employment, Retail Policy and Education

Retail provision

The application provides some 801sqm of floor space at the upper ground floor level which would be utilised as a single retail unit. The provision of such use is supported within Policy 2.15 of the London Plan which suggests that proposals should assist in growth of the Town Centre and also within London Plan Policy 4.7C further suggests that decisions on retail and town centre development should consider scale and in particular the size, role and function of the catchment .

This in turn is also supported under saved Policy EM24 of the UDP which suggests that the Council will seek to improve town centres by encouraging locally generated enhancement initiatives. Policy Officers have assessed the proposals and consider that the provision of retail in this location would be acceptable.

Whilst objectors have expressed concern regarding the viability of a large retail operation in this location, the viability data submitted within the application would suggest that it would not be implemented without first attracting a leaseholder/buyer. This in turn would prevent the creation of ground floor dead frontage.

Given the foregoing considerations, the provision of a 801sqm retail unit would be considered to be an appropriate use within the District Centre.

Educational Use:

The Listed Building on the site is currently provided with uses related to the Public House comprising Restaurant, Public House and ancillary function space and residential uses (within the upper floor). The application seeks to provide an additional educational use on the site.

The site has an existing use which allows use as a Public House and associated function room for up to 300 people, this could generate late night noise and disturbance to surrounding neighbours without the need for planning permission.

Policy 3.18 of the London Plan suggests, within part c, that proposals which enhance education and skills provision will be supported and that this would include new build, or change of use to existing facilities, this is echoed within saved Policy C7 of the UDP which expresses a similar intention.

The provision of additional educational establishments within the area are clearly supported by policy, and it is considered that the principle of such use would be consistent with these aims. Pupil numbers have been suggested to be limited to 450 pupils however this is greater than the 300 currently authorised under the entertainment licence previously issued by the Council. Discussions with the applicants have confirmed that they would agree to a limit of 300 pupils onsite at any time, and it is recommended that a condition be attached to this effect.

In terms of opening hours, as stated above, the public house could currently operate well into the evening (midnight every day except for an 11pm limit on Sunday). Whilst an education use would propose slightly different effects, it is unlikely that any such use, with a limitation on pupil numbers would result in any greater impact than could be expected from a Public House. Given the parking controls in the area and the public transport accessibility level of the site, it is not expected that impacts from traffic associated with any education use would be significantly over that which could be considered to occur as existing.

Notwithstanding this, given that the specific nature of any subsequent education use is unknown at this point, a restriction of hours in which teaching on site could occur. (8am -9pm weekdays and 8 till 6pm on weekends) as proposed by the applicants would be considered to be appropriate and necessary.

Impact of use on Listed Building

With regard to the Listed status of the Public House, the applicants have submitted a significant amount of marketing data which suggests that they have not been successful in marketing the listed building as a public house. They have therefore proposed an additional use of the building, (as described above) whilst retaining the existing use as a public house.

Policy HE9.4, as part of PPS5, suggests that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, authorities should:

Firstly weigh the public benefit of the proposal which, in this case would be the provision of additional educational facilities and a wider range of uses of the building which would make it more attractive for regeneration and therefore more viable over the long term and,

Secondly they should recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. In this case, the building is on the at risk register and has been demonstrated to be difficult to occupy in its current state. There is little harm involved in the proposal itself as the original use would be retained and any physical alterations proposed within a tenant or purchaser taking up the property, would be addressed via the Listed Building procedure.

Given these considerations, it is considered that the expansion of authorised uses within the listed building, would adequately preserve the character of the building, would assist in its preservation and regeneration and would be therefore consistent with PPS5, London Plan, and the Unitary Development.

5) Traffic, Parking and Pedestrian Movement

The application has provided a thorough traffic assessment in support of the application and this has been reviewed by the Council's traffic engineers who have considered that the access arrangements would be appropriate for the nature of the use.

Following discussion, the servicing access from Village Way (for vehicles serving the A1 retail element), it has been concluded that the servicing access from Village Way would be of an appropriate size and layout to allow appropriate manoeuvring for service and refuse vehicles.

Additionally, the parking arrangements are considered to be appropriate for visits by private motor vehicles and for staff parking associated with the retail unit. Officers have noted the high PTAL rating of the site (Level 4). As such, it is considered that this site would appropriate to be provided with residents permit restriction. To ensure that parking restraint is fully applied to this location the development would be made 'resident permit restricted' in order to deter private car ownership affiliated to the site.

6) Sustainability

Sustainability provision is a significant consideration within major development schemes which, is enshrined within PPS1, is a component of PPS3 and is the focus of Chapter 5 of the London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan and the adopted Harrow Sustainable Building Design SPD (2009).

Policy 5.2A of the new London Plan (2011) requires a 25% improvement on the Building Regulations Standards which would equate to Code for Sustainable Homes Level 4. Part B of Policy 5.3 of the London Plan states:

Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

The applicants have stated within their application, that the provision of sustainability provisions beyond those contained within the Building Regulations Standards, would make the scheme not feasible. This is borne out by the independent assessment of the viability data and the profit figures indicated as a result of the scheme. Notwithstanding this statement, the applicants have confirmed that the proposed cladding systems to be used would provide 10% improvements on the Building Regulations U-Value requirements for the external wall construction (the heat transfer rates). Whilst not totally addressing this issue this demonstrates that the application does, where possible make concessions to sustainability.

Whilst there is a shortcoming within the scheme as a result of the failure to provide sustainability provisions, given that the development relates to an enabling development for the purposes of the protection and regeneration of a listed building, and considering the assessment criteria of policy HE9.1 of the London Plan, it is considered that, the lack of sustainability provision, in isolation, would be outweighed by the benefit of the regeneration of the listed structure and that, in this respect the development is acceptable.

7) Affordable Housing and Mix:

London Plan Policy 3.8b requires a range of housing choices to be provided, taking into account the needs of the community, whilst Policy 3.12a specifically states *“that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes,”* and that this should have regard to current and future requirements for affordable housing at local and regional levels, to link with the requirements of Policies 3.8, 3.10 and 3.11a and the need to encourage, not restrain development, the need to promote mixed and balanced communities, the size and type of affordable needed in particular circumstances and the specific circumstances of the site.

The proposed development proposes no affordable housing on site, and suggests that the enabling of the Listed Building on site make the provision of such contributions impossible. The viability documentation provided within the application and peer reviewed by Council Officers confirms that this is an accurate statement.

Given the benefit obtained through the refurbishment of the listed building and the data submitted it is considered that in terms of the requirements of policy 3.12a of the UDP, that there is no capacity within the development for affordable housing and that were such a provision to be insisted upon, that the scheme would become non viable.

With regard to unit mix, the scheme proposes only single bedroom units, which the application claims are the only mix which would make this development viable. The lack of mix is contrary to the provisions of the above policies which seek to provide a variety of unit sizes within large developments.

Notwithstanding this, it is noted that, in mitigation, the development is located in an area of high public transport accessibility and in an urban, town centre location where smaller units are likely to be more in demand. Given that London Plan Policies 3.4 and 3.5 require development to be optimised to their location. It is considered that, in this instance on balance, it is considered that the failure to provide a mix of units would be acceptable in this instance.

8) S17 Crime & Disorder Act

The proposed development would provide a route through the site to the rear of the public house, between Village Way and Imperial Drive, however the increase in pedestrians associated with such an access would be such that there would be natural surveillance at most times, in addition to this, lighting has been proposed around the building which would reduce shadows and improve the safety of the area. This area would also be overlooked from windows within the carpark.

Notwithstanding this, the primary access to the building would be from Imperial Drive which is well overlooked from the streetscene and from residential units. It is further noted that the retail activity is likely to further increase the passive surveillance of the frontage.

With regard to the parking garage, and service areas, these would be controlled via entrance shutters when not in use and are considered to be sufficiently secure for their role, The height of the parking area extension would effectively be two storeys in height above the car park and it is considered that this would provide appropriate protection for residents of the units within the development.

In terms of the Imperial Drive frontage, the development proposal seeks to widen the existing access steps to the east of the building so as to increase the overlooking of the public house and to increase the permeability of the site. This is considered to be a significant improvement over the existing application.

Given all of these considerations, the development would be considered to be consistent with London Plan Policy 7.3b, and saved UDP Policy D4.

9) **Consultation Responses**

Consultation responses are dealt with as follows:

With regard to expressed concern over the impacts of approval on the public house the development would retain the authorised uses. Any alterations to the fabric of the listed building would be preserved through the listed status of the building and the requirement for approval of alterations which has been discussed previously.

In relation to the viability of the shopping centre, the proposed development would be located within a District Centre. The proposed development would produce a large scale retail unit which would be to the benefit of the vitality of the area, and would enable the regeneration of the listed building. In this respect there are clear benefits in approving scheme.

In relation to impacts on views and the size of the building, the proposed development would (as discussed above) provide a scale and size which would be appropriate to the area. In light of this the development is considered to be acceptable.

Concerns in relation to the impacts of traffic and parking have been considered within the main application and have been considered by and supported by Harrow Council Highways Engineers. Given the location of the site and the nature of the use proposed, the development is considered to be acceptable.

The objections raised against the scheme are not considered to be such that they would justify the refusal of the scheme in this instance and support is therefore recommended.

CONCLUSION

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building on site, whilst providing a level of accommodation and a mix of uses for prospective occupiers and additional retail space to the benefit of the District Centre and educational facilities which would be beneficial to the amenities of future occupants and the surrounding area without resulting in unacceptable harm.

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

1570 90; 100J; 101J; 102F; 103E; 104E; 105E; 107E; 108F; 115; 116; 120A; Transport Statement; BVP Daylight and Sunlight Report. Sitecheck Environmental Report; Design and Access Statement

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

3 The development hereby permitted shall not proceed above ground level 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: all materials and finishes to be used in the construction of the site to include:

- Samples of bricks, cladding systems, renders and any other external materials
- Details of rainwater goods
- Details of all balconies and external areas, including sectional drawings

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

REASON: To safeguard the appearance of the locality and the amenities of neighbouring occupiers in accordance with Policy 7.6b of the London Plan and saved Policy D4 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall not commence until details of a service strategy for:

- a: the storage and disposal of refuse/waste
- b: vehicular access thereto
- c: collection and times and days

have been submitted to and approved by the local planning authority. The development to be completed in accordance with the approved drawings and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

5 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the layout and secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

6 The number of pupils associated with any education use on the site shall not exceed 300 at any one time.

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

7 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the number and security measures for the parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

8 Any educational use taking place within the Listed Building shall only occur during the following hours:

Mon – Friday: 8am to 9pm

Saturday and Sunday: 8am – 6pm

REASON: In order to respect the amenities of neighbouring residential occupiers are respected, pursuant to saved Policies D4, EP25 and T6 of the Harrow Unitary Development Plan 2004.

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

The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Storage of plant and materials used in constructing the development
- d. Wheel washing facilities
- e. Measures to control the emission of dust and dirt during construction
- f. A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in pursuance of saved Policy EP25 of the Harrow Unitary Development Plan 2004..

10 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, with not less than 10% of total units being to wheelchair standards. The development shall be thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with London Plan (2011) Policies 3.8b, 7.2c and 7.6b, saved Unitary Development Plan (2004) policy C16, as well as the Harrow Supplementary Planning Document: Accessible Homes (2006).

11 The development hereby approved 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 by, the local planning authority. The development shall be carried out in accordance with such details and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and Policy D4 of the Harrow Unitary Development Plan (2004).

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

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS25 and PPS 25 Practice Guide.

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

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

14 Notwithstanding the details hereby approved, no ventilation, extraction systems or associated ducting shall be introduced into the exterior elevations of the building without the prior written permission from the local planning authority.

REASON: To ensure an appropriate standard of development which provides a high quality visual appearance for the area, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004).

15 Prior to commencement of works onsite, additional details of a strategy for the provision of communal facilities for television reception (eg. Aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority. Such details to include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building on site, whilst providing a level of accommodation and a mix of uses for prospective occupiers and additional retail space to the benefit of the District Centre and educational facilities without resulting in unacceptable harm.

Draft National Planning Policy Framework 2011 (NPPF):

National Planning Policy:

PPS1 – Delivering Sustainable Development (2005)
PPS3 – Housing (2011)
PPS4 – Planning for Sustainable Economic Growth (2009)
PPS5 – Planning For the Historic Environment (2010)
PPG13 – Transport (2011)
PPS22 – Renewable Energy (2004)
PPS24 – Planning and Noise (1994)
PPS25 – Development and Flood Risk (2010)

The London Plan 2011:

2.15 Town centres
3.1 Ensuring equal life chances for all
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
3.12 Negotiating affordable housing on individual private residential and mixed use schemes
3.13 Affordable housing threshold
3.18 Education facilities
4.7 Retail and town centre development
5.1 Climate Change Mitigation
5.2 Minimizing carbon dioxide emissions
5.3 Sustainable design and construction
5.7 Renewable Energy
5.9 Overheating and cooling
5.15 Water use and supplies
5.12 Flood Risk Management
5.13 Sustainable Drainage
6.3 Assessing effects of Development on Transport Capacity
6.10 Walking
6.12 Road Network Capacity
6.13 Parking
7.1 Building London's Neighbourhoods and Communities
7.2 An inclusive environment
7.3 Designing out crime

- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.9 Heritage led regeneration
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations

Interim London Housing Design Guide – (2010)

London Borough of Harrow Unitary Development Plan 2004

- S1 – The Form of Development and Pattern of Landuse
- EP20 – Use of Previously Developed Land
- EP22 – Contaminated Land
- EP25 – Noise
- C7 - New Education Facilities
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities.
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D7 – Design in Retail Areas and Town Centres
- D11 – Statutorily Listed Buildings
- D23 – Lighting, including Floodlighting
- H7 – Dwelling Mix
- EM24 – Town Centre Environment
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- T15 – Servicing of New Developments

Harrow Council Supplementary Planning Guidance:

- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Sustainable Building Design (2009)
- Supplementary Planning Document: Accessible Homes (2006)
- Supplementary Planning Document: Access For All (2006)
- Supplementary Planning Guidance: Designing New Development (2003)

Plan Nos: 1570 90; 100J; 101J; 102F; 103E; 104E; 105E; 107E; 108F; 115; 116; 120A; Transport Statement; BVP Daylight and Sunlight Report. Sitecheck Environmental Report; Design and Access Statement

**RAYNERS HOTEL, 23 VILLAGE WAY P/1083/11
EAST, HARROW, HA2 7LX**

Ward: RAYNERS LANE

OUTLINE APPLICATION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 448m² OF MIXED USE FLOORSFACE (A1/A2/A3/A5/B1/D1) AND 3 RESIDENTIAL UNITS (1 X STUDIO, 1 X 1 BED AND 1 X 2 BED) AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (1 X STUDIO, 1 X 2 BED AND 26 X 1 BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1[c] (EDUCATION).

Applicant: Cycle Screen Ltd
Agent: Preston Bennett Planning
Case Officer: Ian Hyde
Statutory Expiry Date: | 28-JUL-11

RECOMMENDATION A

GRANT permission for the development subject to the signing of a S106 legal agreement by 11th April 2012 and for authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the s106 legal agreement and to agree any minor amendments to the conditions or the legal agreement. The Legal Agreement would cover the following matters:

- 1) A commitment not to occupy more than 20 residential units before completion of the works to the Listed Building.
- 2) Preparation of a strategy for onsite construction related training.
- 3) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- 4) Planning Administration Fee: Payment an applicable administration fee for the monitoring of and compliance with this agreement.

REASON

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building on site, whilst providing an appropriate quality of accommodation and a mix of uses for prospective occupiers, whilst also providing additional suitable facilities in support of the district centre location, without resulting in unacceptable harm.

National Planning Policy:

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.

PPS1 – Delivering Sustainable Development (2005)

PPS3 – Housing (2011)

PPS4 – Planning for Sustainable Economic Growth (2009)

PPS5 – Planning For the Historic Environment (2010)

PPG13 – Transport (2011)

PPS22 – Renewable Energy (2004)

PPS24 – Planning and Noise (1994)

PPS25 – Development and Flood Risk (2010)

The London Plan 2011:

2.15 Town centres

3.1 Ensuring equal life chances for all

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.12 Negotiating affordable housing on individual private residential and mixed use schemes

3.13 Affordable housing threshold

3.18 Education facilities

4.7 Retail and town centre development

5.1 Climate Change Mitigation

5.2 Minimizing carbon dioxide emissions

5.3 Sustainable design and construction

5.7 Renewable Energy

5.9 Overheating and cooling

5.15 Water use and supplies

5.12 Flood Risk Management

5.13 Sustainable Drainage

6.3 Assessing effects of Development on Transport Capacity

6.10 Walking

6.12 Road Network Capacity

6.13 Parking

7.1 Building London's Neighbourhoods and Communities

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local Character

7.5 Public realm

7.6 Architecture

7.9 Heritage led regeneration

7.15 Reducing noise and enhancing soundscapes

- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations

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- S1 – The Form of Development and Pattern of Landuse
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- C7 - New Education Facilities
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities.
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D7 – Design in Retail Areas and Town Centres
- D11 – Statutorily Listed Buildings
- D23 – Lighting, including Floodlighting
- H7 – Dwelling Mix
- EM24 – Town Centre Environment
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- T15 – Servicing of New Developments

Harrow Council Supplementary Planning Guidance:

- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Sustainable Building Design (2009)
- Supplementary Planning Document: Accessible Homes (2006)
- Supplementary Planning Document: Access For All (2006)
- Supplementary Planning Guidance: Designing New Development (2003)

RECOMMENDATION B:

That if the Section 106 Agreement is not completed by 11th April 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

- 1) The failure to secure a legal agreement would fail secure the refurbishment regeneration of the Listed Building and would therefore be contrary to Policies HE7.4, HE9, HE10 and HE11 of PPS 5 (2010), London Plan (2011) Policy 7.9 and saved Policy D11 of the Harrow Unitary Development Plan (2004).

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

- 1) Principle of Enabling Development (PPS1, PPS5 Policy HE11, London Plan 7.9b, UDP D11, EP20)
- 2) Character and Appearance of the Area (PPS1; London Plan; 7.4a,b,c,d,e, 7.5b, 7.6b, UDP D4)

- 3) Residential Amenity (PPS1, PPS3, London Plan 3.4a, 3.5b, 3.8b, 3.12a, , UDP D4, D5, D23, H7, EP25, ILHDG, Harrow Residential Design SPD)
- 4) Employment Retail Policy and Education (PPS4, London Plan 2.15c, 3.18c,4.7b, UDP, EM24, C7)
- 5) Traffic and Parking (London Plan 6.3a, 6.10b, 6.13c,d, UDP, T6, T13)
- 6) Sustainability (PPS1, PPS3, 5.1a,b,c,d,e, 5.3b,c, 5.9 b,c UDP D4, Sustainable Design SPD)
- 7) Affordable housing (London Plan 3.8b, 3.12a, 3.13a, UDP H7)
- 8) Accessibility and Accessible Homes (London Plan, 7.2c, 7.6b, UDP C16, SPDs:Access)
- 9) S17 Crime & Disorder Act (London Plan 7.3b, UDP D4)
- 10) Consultation Responses
- 11) Conclusion

INFORMATION

This application is reported to Planning Committee as it is a major application recommended for approval and relates to more than two residential units and therefore falls outside of category 2 of the Council's Scheme of Delegation.

a) Summary

Statutory Return Type:	Major Development
Town Centre Location	Yes
Listed Building	Rayners Hotel (Grade II)
Conservation Area	No
Site Area	0.32ha
Units	31
Units per hectare	97
Lifetime Homes:	All
Council Interest:	None

b) Site Description

- Application site is located on a triangular spur of land situated to the south west of the junction of Village Way East (running east/west) and Imperial Drive (north east/south west). Opposite the intersection of these two roads are flats within Imperial Court.
- The land is designated as being within the Rayners Lane District Centre, however is not within a designated shopping frontage.
- In the eastern parts of the site sits the Grade II Listed Rayners Hotel, a disused public house dating from c. 1937 which is currently on English Heritage's Buildings at Risk Register. Rayners Hotel is a two-storey brick built public house built by Truman's brewery to the design of Eedle & Myers. The building occupies a prominent plot on the corner of Imperial Drive and Village Way East and is particularly noted for its virtually unaltered Art Deco and neo-Georgian internal and external features.
- The western part of the site is currently vacant and appears to have been historically used as a carpark.
- To the south west of the site is Talbot House, a three storey (when viewed from Imperial Drive) building of neutral design

- Land levels between the Imperial Drive and the site are substantially higher at the south western part of the site (at over 3m). Towards the road junction in the east the levels equalise. Two sets of stairs lead from Imperial Drive to the site
- To the immediate west of the public house and north of the carpark are terraced two storey commercial units at ground floor level with flats above. An access to the site runs between nos 9 and 11 Village Way whilst two more accesses are located to the north of the public house.
- To the north east of the site is a block of residential units whilst to the east and south east are an ambulance depot, school and more flats.
- To the south west is a four storey commercial building known as Talbot House

c) Proposal Details

- The proposal seeks permission for an enabling development which would allow the refurbishment and the bringing back into use the Grade 2 Listed Public House on the site. In order to enable this use to occur, the applicants have proposed the following development.

New Development

- The application proposes a 5 storey (plus basement) mixed use development with a footprint of 810sqm and a maximum total height of 16.7m at its south western point (“the carpark building”).
- At lower ground level, a secured parking garage, which would infill the space to rear of the building would provide 36 parking spaces for cars and 4 motorcycle spaces as well as areas for bicycles within a secured undercroft parking area.
- At upper ground floor level fronting Imperial Drive, an area of 457sqm would be provided for mixed uses within Use Class A1 (retail),A2 (financial and professional services),A3 (restaurant), A5 (takeaway),B1 (office and light industrial),D1 (community facilities) which would be divided into four units. These units would be provided with their primary elevation and entrance onto Imperial Drive.
- Also at upper ground floor level would be provided 3 residential units comprising a 1 bed unit, a 2 bed unit and a studio unit.
- At first floor level, units would be provided as single bedroom with the exception of one two bed unit and one studio. The remaining units on first to 4th floors would all be single bedroom. All units would be private tenure and all but two (units 11 and 20) would be single aspect.
- The building would be of contemporary style, utilising panelling systems and “drawer” style balconies on the primary elevation. The building would reduce in height towards the north east, terminating in a glazed stair tower adjacent to the listed building.

Listed Building

- With respect to proposed alterations to the listed building, an additional D1(c) use would be added to the existing uses on site in order to provide educational uses. Internal alterations to the building are covered via a concurrent listed building application (P/1017/11)

- The use would be restricted to between 8am and 9pm Monday to Friday (with an additional hour for staff shutdown and cleaning) and 8am to 6pm on Saturday and Sunday (with one hour for cleaning and shutdown)
- Numbers of pupils is proposed to be 450 total, but the applicants have confirmed a willingness to accept 300 pupils onsite at any one time.

Access

- With respect to access provisions, a ransom strip to the rear of 19 Village Way prevents access between the “carpark building” and the listed building itself. Delivery and refuse vehicles associated with the public house would use the two entrances to the north of the listed building, whilst the units within the carpark building would be expected to utilise transit sized vehicles which could be serviced internally.

d) Relevant History

P/1017/11	LISTED BUILDING CONSENT: PROPOSED EXTERNAL AND INTERNAL ALTERATIONS INCLUDING: DEMOLITIONS (INCLUDING RETROSPECTIVE REMOVAL OF SNUG SCREENS AND PROPOSED REMOVAL OF INTERNAL LOBBIES); PROPOSED INSTALLATION OF NEW PARTITIONS (INCLUDING INFILLING OF BAR OPENINGS) AND FLOOR MOUNTED WALLS; REMOVAL OF SIGNS; REPAIRS TO WOODEN PANELLING; INSTALLATION OF DISABLED ACCESS; REDECORATION; NEW BOLLARDS; REFURBISHED AND NEW ELECTRICS; CEILING REPAIRS; NEW LIGHTING; REPLACEMENT FLOOR COVERINGS; REFURBISHMENT OF HEATING SYSTEM (INCLUDING NEW RADIATORS); NEW LOCKING SYSTEM TO DOORS; REPAIR OF WINDOWS; INSTALLATION OF CCTV AND SECURITY DETECTION; INSTALLATION OF FIRE ESCAPE SIGNAGE; PROPOSED NEW EXTERNAL SIGNAGE AND BOUNDARY TREATMENT ALTERATIONS.	UNDER CONSIDERATION
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P/1018/11	OUTLINE PERMISSION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, SERVICING AREA AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 801m2 RETAIL (USE CLASS A1) FLOORSPACE AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (1 X BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1[C] (EDUCATION).	UNDER CONSIDERATION
EAST/1155/02/FUL	CHANGE OF USE: OFFICES TO RESIDENTIAL (CLASS B1 TO C3) TO PROVIDE FOUR FLATS ON FIRST & SECOND FLOORS	REFUSED 15-APR-03
WEST/615/95/FUL	CONSTRUCTION OF PERGOLA, PAVED PATIO WITH PLANTERS AND INSTALLATION OF SPEED RAMPS	GRANTED 13-DEC-95
WEST/45/95/FUL	USE OF PUBLIC HOUSE CAR PARK AS RETAIL MARKET ON TUESDAYS (45 STALLS)	REFUSED 04-APR-95

Reason for Refusal:

Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the adjoining highway and the amenity of neighbouring residents.

e) Pre-Application Discussion

- Significant discussion of the site was undertaken starting in February of 2008.
- The principle of enabling development has been established through these consultations.

f) Applicant Statement

In support of their application, the applicants have submitted a large number of supporting documents. These include the following:

- Planning Statement.
- Design and Access Statement.
- Daylight, Sunlight and Shade Report.
- Desktop environmental study
- Viability data

The documents provide independent surveys providing confirmation of the daylight and sunlight which the residential units will be expected to receive as well as a desktop assessment showing that contamination onsite would not be significant.

The submitted documents note that the development fails to provide affordable housing provision and comment on the lack of dwelling mix and sustainability provisions, but seek to demonstrate that the commercial viability of the regeneration of the Public House would mean that such provisions are not possible. In support of this contention, the application has provided independently verified viability data.

It is noted that the viability data showed that some small contribution towards affordable housing provision would usually be expected based on the data provided, however the application has been amended to address this issue by increasing the unit mix and by improving the quality of accommodation of compromised units.

This information and amendments to the proposal suggest that the scheme would generate a lower than generally expected profit for the developer that this demonstrates that the scheme is the minimum that could secure the regeneration of the public house, whilst providing a commercially viable scheme of appropriate quality.

g) Consultations:

Drainage Unit: No objection subject to conditions.

Transportation Engineers: Having, reviewed the submitted details and given that the listed building consent has been reduced to D1(c) and that the commercial units within the main building are each of a small floor area the development is not considered to cause harm to the free flow of traffic or highway safety.

CAAC: No objection

English Heritage:

Concerned about visibility of Public House from surrounding highways. Stepping down would safeguard views and protect the listed building.

Generally support the design, but would suggest that all materials should be of a high quality and conditions applied to require samples of the cladding system and other materials proposed, including those on the north elevations which would be visible from key viewing corridors.

Policy

Presumption that the Public House should be retained in current form but other uses within the development acceptable in principle.

Identified shortcomings in terms of sustainability, mix, affordability and expressed concerns over possible vacant frontages.

Notifications:

Sent: 216

Replies:
6 in objection
2 in support

Expiry: 01-JUN-11

Sent: 216

Expiry 06-OCT-11

Addresses Consulted:

1,2, 2A, 3, 3C, 4-6, 5, 6A, 7, 7A, 8, 8A, 9, 9A, 10-18 (even), 10A, 11, 11A, 12A, 13, 13A, 14A, 15, 15A, 16A, 17-19, 17A, R/O 19, 19A, 18A, 20A, 21, 22, 22A, 26, 26A
Village Way East

167, 204, 226, 228, 230, 232-234, 236, 238, 240, Talbot House, Ambulance Depot, Library, Monarchs Court, f.1-8 Kingston House, 1, 1a, 1b, 2, 2a, 2b, 3, 3a, 3b, 4, 4a, 4b Imperial Court, **Imperial Drive**

348, 350, 352, 354, 356, 358, 360, 362, 364, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396A, 396B, 400, 404, 408, 412-418, 420-422, 424, 426A, 426B, 430, 432 Village Inn, Flat 1-6 Heidrich House, **Rayners Lane**

Advertisement (Major Case and affecting a listed building):

11-MAY-11

Expiry: 01-JUN-11

Site Notice (Major Case and affecting a listed building):

21-MAY-11

Expiry: 11-JUN-11

Summary of Response:

Concern over the impacts of approval on the public house and the viability of additional shopping and impacts on surrounding units. Concerns over noise, the height, loss of views, lack of variety of units, impacts on traffic and servicing associated with the scheme and strain on local services (including schools).

Concerns over quality of design and the density proposed.

Comments also related to concerns over vermin, impacts on property prices and legal access rights which fall outside of planning control and can be addressed outside of the planning process.

Supporting comments considered that the development would be a visual improvement to the area and improve viability and expressed interest in the potential of education facilities on the site.

APPRAISAL

1) Principle of Enabling Development and viability

The development would seek to provide a mixed use development within an existing car park on the site whilst providing, as a substitute for concessions usually associated with development (such as affordable housing), the regeneration of the Grade 2 Listed Public House (the listed building)

Policy HE11 of PPS5 requires proposals to demonstrate that they are necessary to resolve problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner and that the level of development is the minimum necessary to secure the future conservation of the heritage asset minimising harm to other public interests.

Policy HE11 also states that 'local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan'

Policy HE7.4 states 'local planning authorities should take into account: 'the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place shaping' and HE10 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'. Policy HE9 which states that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

PPS 5 is supported by Policy 7.9b, of the London Plan which suggests that *...the heritage significance [of an asset] is both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use...*

Saved Policy D11 of the Harrow UDP, seeks to ensure the protection of the borough's stock of Listed Buildings and in particular Part D of the Policy encourages the maintenance and restoration of Listed Buildings.

The applicants have provided within their application a set of viability data which has been peer reviewed by an independent professional company and includes a "3 Dragons Toolkit Appraisal" of the scheme.

This was assessed by the Council's Housing Officers, who have confirmed that the regeneration of the public house is marginal in terms of viability as submitted and that further compliance would result in a scheme which could not be implemented.

Whilst officers are satisfied that the proposal is in accordance with Policy HE11 in the respect that it represents the minimum necessary to regenerate the public house and remain viable, an assessment must also be made in terms of the costs associated with the necessary departure from the development plan in order to secure the regeneration of the listed building. These matters are discussed in detail within the sections below.

2) Character and Appearance of the Area

Form of Development

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed sites. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. This is echoed within saved Policy EP20 of the Harrow Unitary Development Plan. As the site currently comprises a public house and formed car park, it is considered to be previously developed land and compliant with the intentions of these policies. The provision of additional development on this site is therefore considered acceptable in principle.

Saved UDP policy D4 states that '*buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape, and that attention should be paid to the urban "grain" of the area in terms of building form and patterns of development*'. It goes on to state that '*where a particular built form contributes significantly to local character (for example, frontage widths, and plot sizes, building height, massing or spaces between buildings) it should be respected in all development*'. Policy D7 states that '*the design and layout of buildings and public spaces should contribute to the attractiveness of the town centre in which they are located. Buildings should create interest and maintain a scale complementary to the town centre*'. It goes on to state that '*on prominent sites, there is the opportunity to create a landmark through the development of distinctive buildings that are focal points, yet compatible with their surroundings*'.

In terms of the quality of the land, a Sitecheck assessment for likely contamination has been undertaken by the applicants, this has confirmed that there is unlikely to be contamination on the site.

The carpark building would provide a contemporary structure of 5 storeys above Imperial Drive which would be constructed in an "L" shape with its primary frontage facing Imperial Drive and the return abutting Talbot House. Its height and form would respond to land levels by reducing in height towards the north east and the listed building on the junction

The design of the building would be contemporary, utilising flat roofs and contemporary modular panelling. It would feature vertically emphasised glazed stairtowers at each end of the Imperial Drive frontage. This design provides bookends to the development which differentiate it from surrounding buildings and which, especially towards the north east, would represent an acknowledgement of the relationship with the listed building which seeks to ensure that the setting of the listed structure is not dominated by the new building.

The public house is located a reasonable distance away from the Rayners Lane conservation area to the south, and the character of the wider area is varied, with buildings fronting this part of Imperial Drive having a coarser urban grain than the surrounding residential development. At present the setting of the Listed Building complements the significance of the heritage asset since it allows good views through to the building and sufficient breathing space to allow the understanding of the entirety of the building as a public house when viewed from principal vantage points, particularly views from the north along Imperial Drive and the street scene of Imperial Drive itself. It is considered that the glazed part nearest the Listed Building is important since this helps to retain the breathing space, as does the stepped nature of the building. The design and siting would therefore largely safeguard such views and preserve the setting of the listed building in accordance with relevant policies.

The application is for outline consent to determine access, appearance, layout and scale of the proposed development. The applicant has provided additional information regarding the design of the building proposed including a suggestion to provide greater articulation of the mass through balconies, glazed stair towers and various cladding materials which would help complement the setting of the Listed Building. It would provide greater interest to this elevation and lessen the impact of the scale and mass of this building on the listed public house and is therefore considered to be acceptable...

The building to the southwest (Talbot House), is a nondescript commercial building which sits directly adjacent to the site boundary at a slightly higher ground level than the car park. It is noted that Talbot House has permission for an additional floor of residential accommodation on its roof (approved under App. P/1565/11 on 16/10/2008) but that this has not been implemented. Whilst the carpark building would therefore be some 4.5m higher than the existing Talbot House, it would be considered to not overly dominate the neighbouring building.

It is noted that Talbot House has side elevation windows which would be obstructed as part of the development, and that recent case law has established that development should not unacceptably obstruct light and outlook. In this case, the applicant has indicated that they have a right to require the windows to be removed (as part of their title deeds), however notwithstanding this, Talbot House appears to be open plan and the area served by the windows would also be served by windows in the front and rear elevations. As such, this building would not be unacceptably harmed as a result of the development.

In terms of the materials used, the building would be built using cladding panel systems and brickwork on the elevations and the detailed design would utilise "drawer style" balconies with open sides and solid front panels on the Imperial Drive frontage. The three units at ground floor level (in the rear part of the site) would also be provided with balconies.

The ground floor of the building (on the Imperial Drive frontage) would be differentiated from the residential upper floors by its use of cladding system and specifically the colours used.

The design of the building is simple and clean, however it could easily be diluted through the provision of ancillary equipment such as flues, poorly placed rainwater goods and particularly satellite equipment. Given this concern, it is considered that conditions requiring details of such matters be submitted to and approved by the local planning authority would be appropriate.

The design to the rear of the site (views from the north) would utilise similar materials and treatments to that facing Imperial Drive but would be primarily visible only from rear elevations of properties on Village Way and internally within the site. Given these relationships, it is considered that this would be acceptable. Subject therefore to consideration of further details (including samples) to confirm the quality of the scheme, in this respect the development is considered to be acceptable.

With regard to the setting of the buildings, the applicants have elected to reserve details of the landscaping proposed within the site. Notwithstanding this, the application proposes the alteration of the existing steps from Imperial Drive into the site.

The existing steps from Imperial Drive appear cramped and narrow. The application proposes to create a new entrance from Imperial Drive, directly adjacent to the stairtower which would be significantly wider and more open than existing. The replacement stairs would be a significant improvement to the site and would make it more welcoming for users of the Listed Building, whatever its use. It is considered that this is a significant positive element within the scheme and is supported. Whilst it is acknowledged that landscaping has been withheld as part of this application, the area adjacent to the entrance steps is considered to have the potential to be a high quality entrance feature to the site (and especially the function room) and would enhance the setting and visibility of the listed building.

3) Residential Amenity

Room Size and Layout

Paragraph 10 of PPS3 outlines the Government's strategic housing policy objectives and states the following:

The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

– To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.

Paragraph 10 of PPS3 outlines the Government's strategic housing policy objectives and states that this policy objective should be implemented through the planning system to achieve *High quality housing that is well-designed and built to a high standard.*

Paragraph 12 of PPS3 states that good design is fundamental to the development of high quality housing and London Plan policy 3.5 and saved policy D4 of the Harrow Unitary Development Plan (2004) recommend that all development proposals should have a high standard of design and layout.

Policy 3.2 of the operative London Plan (2011) requires that minimum floor space standards are provided within a residential development and these are contained within table 3.3 of the document and require two person, single bedroom units to provide at least 50 sqm of floor space, which all units exceed.

Studio flats are expected to provide 37sqm of floor area within the above standards and 2 bed (4 person) units are expected to provide 70sqm in area. All units exceed these standards.

In view of paragraph 18 of PPS3 and the above policies, when considering what is an appropriate standard of accommodation and quality of design, the Council is mindful of the Housing Quality Indicators and emerging guidance, the Interim London Housing Design Guide (ILHDG) (2010). The interim edition of the LHDG has been revised following public consultation on the draft LHDG in 2009 and the findings of a cost and delivery impact analysis. The London Plan sets out a desire to produce a Housing SPG in the future based upon the ILHDG. The internal and external space standards within the ILHDG provide useful reference points for new residential development. The unit sizes specified within the ILHDG also match those contained within the Council's adopted Residential Design SPD.

The standards of the ILHDG suggest that a 1 bed, two person unit would be expected to provide 23sqm of combined kitchen/living and dining room space and 12.8sqm of bedroom area. The smallest unit (50.6sqm), taken as an example, would provide 24.4sqm and 13.05sqm respectively thereby complying with these requirements and indicating an acceptable standard of accommodation for future occupiers. In respect of the two bedroom units, these are expected to provide 25 sqm of area for kitchen/living/dining areas, both units exceed this. Similarly all bedrooms exceed the 12.8sqm bedroom area requirements.

In terms of accessibility, the application has suggested that it would provide all units to Lifetime Homes standards. Submitted plans confirm this, providing lifts, level entrances and open plan easy access layouts. Given these considerations, the development is considered to be consistent with London Plan Policies 3.8b, 7.2c and 7.6b, saved UDP policy C16, as well as the Harrow Supplementary Planning Document: Accessible Homes (2006). A condition is recommended to be attached to any permission ensuring compliance with Lifetime Homes Standards and to ensure that at least 10% of units are wheelchair accessible.

Outlook

As regards outlook, all units within the scheme, with the exception of units 11 and 20 would be single aspect. Most units would be provided with a good level of outlook and daylight and would be considered to be acceptable. However those close to the "elbow" of the scheme, especially numbers 4 and 13, would potentially suffer from shading from being at low level and flanked on two sides by the building. In order to address this potential non compliance, the application has been amended to angle the wall of unit 7. This would provide a slightly larger unit and would also allow outlook to be less restricted by the projecting element adjacent.

Given the fact that the submitted lighting assessment has indicated appropriate levels of light, for all units, the compromised layout would not be considered to be so sufficient as to justify refusal of the entire scheme.

Amenity Space

Saved policy D5 of the Harrow Unitary Plan (2004) requires that all residential development proposals should provide private amenity space that is adequate to protect the privacy and amenities of occupiers of surrounding buildings as a usable amenity area for the occupiers of the development and as a visual amenity. The proposed development would provide amenity space for 17 of the 31 units. The site is not located within an area identified as being within a Local Park Deficiency Area within the UDP, (that is being more than 400m from the entrance to a local park) and the single bed units would be likely to attract single occupants or couples. It is therefore considered that this, in conjunction with the provision of some private amenity space for half of the units, results in the scheme being considered to be, on balance, acceptable.

Noise and Disturbance

In respect of noise and disturbance, units would be stacked in a complimentary way which would result in no unacceptable stacking issues. With regard to residential units over the parking area and commercial elements, these would be addressed via the Building Regulations process which would ensure appropriate noise protection between uses.

Notwithstanding that the majority of parking would be provided under the building some 13 vehicle parking spaces and 4 motorcycle spaces would be outside of the undercroft, adjacent to residential windows. There is concern that visitors entering or leaving the site early or late in the evening and using the carpark, could cause unreasonable harm to residents of the development, particularly those at lower levels.

Given that the parking would not be for the benefit of residents, it is considered that a condition restricting access to the parking area between 10pm and 7am would be appropriate to protect the amenities of occupiers.

4) Employment, Retail Policy and Education

The application provides 4 units of mixed uses comprising retail (A1) restaurant or takeaway (A3/A5) offices or light industry (B1) or Community uses (D1), at upper ground floor level fronting onto Imperial Drive.

Policy EC4 of PPS4 suggests in section EC4.1a that town centre environments should be improved through a diverse range of uses which appeal to a wide range of age and social groups, ensuring that these are distributed throughout the centre.

The provision of such use is supported within Policy 2.15 of the London Plan which suggests that proposals should assist in growth of the Town Centre and also within London Plan Policy 4.7C further suggests that decisions on retail and town centre development should consider scale and in particular the size, role and function of the catchment.

This in turn is also supported under saved Policy EM24 of the UDP which suggests that the Council will seek to improve town centres by encouraging locally generated enhancement initiatives. Policy Officers have assessed the proposals and the mix of units and consider that any of the uses proposed would be acceptable in terms of the above policies.

Retail:

This is a recognised town centre use and would be likely to bring benefit to the surrounding local residents, especially those within the residential units created as part of the development, which would be orientated away from the primary frontages of the town centre. The provision of A1 uses on this site would therefore be considered to be acceptable.

Financial and Professional Services:

As stated above, the proposed development would provide additional attractions for the town centre. The provision of additional space for such uses would be considered to be consistent with the intentions of the town centre and can be supported.

Restaurant/Takeaway.

As with the retail use, given the site is not within a designated frontage, the development would provide additional attractions to the town centre Location. Because it is non designated and the use is newbuild, there would be no harm caused to the viability of the centre.

In respect of noise and disturbance, the site is located in a town centre location on a heavily trafficked highway and therefore a greater level of noise and disturbance may be expected for residents than would be expected in surrounding areas.

Given the licensing hours which have been historically imposed on the public house (11pm on Sunday and Midnight on other days) it is considered that opening hours of between 7am in the morning and 12am Monday to Saturday and between 10am and 9pm on Sunday, would be appropriate and it is suggested that a condition to this effect be added.

It is noted that the applicants have not provided details of any extraction equipment which might be necessary as part of cooking facilities onsite. It is noted that any approval would not grant consent for extraction equipment and that an informative is suggested to be added to the consent to advise the applicants of this.

Offices:

Whilst offices do not generate visitors to the Town Centre, the employment that they create do add to the vitality of the designated area as supported by PPS4. Given that the size of the office would be relatively small, and relates to new building space, ie. that it would not result in any loss of A1 shopping space. This can be supported.

Community Use:

Whilst this is a wide ranging use, as with other proposed uses, the space would potentially provide additional community resources for the local area. Saved Policy C2 of the UDP seeks the provision of new community facilities. Thus the development is in accordance with this intention. There is the potential, given the range of uses possible within the Use class, that there would be the possibility for disturbance to neighbouring occupiers, however, the opening hours restriction referred to above would be considered to be sufficient to protect residential occupiers in this respect. It is also considered to be prudent to attach a condition which requires no amplified noise arising from the use to be audible at the site boundary.

Educational Use of the Public House:

The Listed Building on the site is currently provided with uses related to the Public House comprising Restaurant, Public House and ancillary function space and residential uses (within the upper floor). The application seeks to provide an additional educational use on the site.

The site has an existing use which allows use as a Public House and associated function room for up to 300 people. This could generate late night noise and disturbance to surrounding neighbours without the need for planning permission.

Policy 3.18 of the London Plan suggests, within part c, that proposals which enhance education and skills provision will be supported and that this would include new build, or change of use to existing facilities. This is echoed within saved Policy C7 of the UDP which expresses a similar intention.

The provision of additional educational establishments within the area is clearly supported by policy, and it is considered that the principle of such use would be consistent with these aims. Pupil numbers have been suggested to be limited to 450 pupils, however this is greater than the 300 currently authorised under the entertainment licence previously issued by the Council.

Discussions with the applicants have confirmed that they would agree to a limit of 300 pupils on site at any time, and it is recommended that a condition be attached to this effect.

In terms of opening hours, as stated above, the public house could currently operate well into the evening (midnight every day except for an 11pm limit on Sunday). Whilst an education use would propose slightly different effects, it is unlikely that any such use, with a limitation on pupil numbers would result in any greater impact than could be expected from a Public House. Given the parking controls in the area and the public transport accessibility level of the site, it is not expected that impacts from traffic associated with any education use would be significantly over that which could be considered to occur as existing.

Notwithstanding this, given that the specific nature of any subsequent education use is unknown at this point, a restriction of hours in which teaching on site could occur. (8am -9pm weekdays and 8 till 6pm on weekends) as proposed by the applicants would be considered to be appropriate and necessary.

Impact of use on Listed Building

With regard to the Listed status of the Public House, the applicants have submitted a significant amount of marketing data which suggests that they have not been successful in marketing the listed building as a public house. They have therefore proposed an additional use of the building, (as described above) whilst retaining the existing use as a public house.

Policy HE9.4, as part of PPS5, suggests that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, authorities should:

Firstly weigh the public benefit of the proposal which, in this case would be the provision of additional educational facilities and a wider range of uses of the building which would make it more attractive for regeneration and therefore more viable over the long term and,

Secondly they should recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. In this case, the building is on the at risk register and has been demonstrated to be difficult to occupy in its current state. There is little harm involved in the proposal itself as the original use would be retained and any physical alterations proposed within a tenant or purchaser taking up the property, would be addressed via the Listed Building procedure.

Given these considerations, it is considered that the expansion of authorised uses within the listed building, would adequately preserve the character of the building, would assist in its preservation and regeneration and would be therefore consistent with PPS5, London Plan, and the Unitary Development.

5) Traffic, Parking and Pedestrian Movement

The application has provided a thorough traffic assessment in support of the application and this has been reviewed by the Council's traffic engineers who have considered that the access arrangements would be appropriate for the nature of the use.

Following discussion of the scheme and the nature of the commercial uses proposed within the carpark building, Highways Officers have assessed the scheme and suggested that it would be unlikely that heavy goods vehicles would be required for servicing. As such it has been concluded that the proposed servicing access from Village Way (for vehicles serving the commercial element) by van would be acceptable.

Officers have noted the high PTAL rating of the site (Level 4) and that there is no residential parking provided. As such, it is considered that this site would appropriate to be provided with residents permit restriction. To ensure that parking restraint is fully applied to this location the development would be made 'resident permit restricted' in order to deter private car ownership affiliated to the site.

6) Sustainability

Sustainability provision is a significant consideration within major development schemes which, is enshrined within PPS1, is a component of PPS3 and is the focus of Chapter 5 of the London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan and the adopted Harrow Sustainable Building Design SPD (2009).

Policy 5.2A of the new London Plan (2011) requires a 25% improvement on the Building Regulations Standards which would equate to Code for Sustainable Homes Level 4. Part B of Policy 5.3 of the London Plan states:

Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

The applicants have stated within their application, that the provision of sustainability provisions beyond those contained within the Building Regulations Standards, would make the scheme not feasible. This is borne out by the independent assessment of the viability data and the profit figures indicated as a result of the scheme. Notwithstanding this statement, the applicants have confirmed that the proposed cladding systems to be used would provide 10% improvements on the Building Regulations U-Value requirements for the external wall construction (the heat transfer rates). Whilst not totally addressing this issue this demonstrates that the application does, where possible, make concessions to sustainability.

Whilst there is a shortcoming within the scheme as a result of the failure to provide sustainability provisions, given that the development relates to an enabling development for the purposes of the protection and regeneration of a listed building, and considering the assessment criteria of policy HE9.1 of the London Plan, it is considered that, the lack of sustainability provision, in isolation, would be outweighed by the benefit of the regeneration of the listed structure and that, in this respect the development is acceptable.

7) Affordable Housing and Mix:

London Plan Policy 3.8b requires a range of housing choices to be provided, taking into account the needs of the community, whilst Policy 3.12a specifically states *“that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes,”* and that this should have regard to current and future requirements for affordable housing at local and regional levels, to link with the requirements of Policies 3.8, 3.10 and 3.11a and the need to encourage, not restrain development, the need to promote mixed and balanced communities, the size and type of affordable needed in particular circumstances and the specific circumstances of the site.

The proposed development proposes no affordable housing on site, and suggests that the enabling of the refurbishment of the Listed Building on site makes the provision of such contributions impossible. The viability documentation provided within the application and peer reviewed by Council Officers confirms that this is an accurate statement.

Given the benefit obtained through the refurbishment of the listed building and the data submitted it is considered that in terms of the requirements of policy 3.12a of the UDP, that there is no capacity within the development for affordable housing and that were such a provision to be insisted upon, that the scheme would become non viable.

In terms of unit mix, the scheme provides two double bedroom units and two studio units alongside the 27 one bedroom flats. Given that the scheme has been demonstrated to be a low profit making scheme, the amendments proposed are considered to make the greatest possible contribution towards the mix of the site.

Notwithstanding this, it is noted that, the development is located in an area of high public transport accessibility and in an urban, town centre location where smaller units are likely to be more in demand. Given that London Plan Policies 3.4 and 3.5 require development to be optimised to their location. It is considered that, in this instance on balance the mix of units would be acceptable in this instance.

8) S17 Crime & Disorder Act

The proposed development would provide a route through the site to the rear of the public house, between Village Way and Imperial Drive, however the increase in pedestrians associated with such an access would be such that there would be natural surveillance at most times, in addition to this, lighting has been proposed around the building which would reduce shadows and improve the safety of the area. This area would also be overlooked from windows within the carpark.

In addition the primary access to the building would be from Imperial Drive which is well overlooked from the streetscene and from residential units. It is further noted that the commercial activity at lower level is likely to further increase the passive surveillance of the frontage.

With regard to the parking garage, and service areas, these would be controlled via entrance shutters when not in use and are considered to be sufficiently secure for their role, The height of the parking area extension would effectively be two storeys in height above the car park and it is considered that this would provide appropriate protection for residents of the units within the development.

In terms of the Imperial Drive frontage, the development proposal seeks to widen the existing access steps to the east of the building so as to increase the overlooking of the public house and to increase the permeability of the site. This is considered to be a significant improvement over the existing application.

All of these matters have been conducted in discussion with Police Crime Prevention Officers, who have made no objection to the scheme.

Given all of these considerations, the development would be considered to be consistent with London Plan Policy 7.3b, and saved UDP Policy D4.

9) Consultation Responses

Consultation responses are dealt with as follows:

With regard to expressed concern over the impacts of approval on the public house the development would retain the authorised uses. Any alterations to the fabric of the listed building would be preserved through the listed status of the building and the requirement for approval of alterations which has been discussed previously.

In relation to the viability of the shopping centre, the proposed development would be located within a District Centre. The proposed development would produce four commercial units which would be able to flexibly react to the economic and social needs of the District Centre. The provision of flexible use units, would be considered (as discussed above) to result in an increase in the vitality of the location and to potentially provide better services and amenities to its residents. In this respect therefore the development is considered to be acceptable.

In relation to impacts on views and the size of the building, the proposed development would (as discussed above) provide a scale and size which would be appropriate to the area. In light of this the development is considered to be acceptable.

Concerns in relation to the impacts of traffic and parking have been considered within the main application and have been considered by and supported by Harrow Council Highways Engineers. Given the location of the site and the nature of the use proposed, the development is considered to be acceptable.

The objections raised against the scheme are not considered to be such that they would justify the refusal of the scheme in this instance and support is therefore recommended.

CONCLUSION

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building onsite, whilst providing an appropriate quality of accommodation and a mix of uses for prospective occupiers whilst also providing additional suitable facilities in support of the district centre location without resulting in unacceptable harm.

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

1570 95; 150F; 151G; 152E; 153D; 154C; 155B; 157D; 158F; 165; 166A; 160C; Transport Statement; BVP Daylight and Sunlight Report. Sitecheck Environmental Report; Design and Access Statement

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

3 The development hereby permitted shall not proceed above ground level 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: all materials and finishes to be used in the construction of the site to include:

- Samples of bricks, cladding systems, renders and any other external materials
- Details of rainwater goods
- Details of all balconies and external areas, including sectional drawings

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

REASON: To safeguard the appearance of the locality and the amenities of neighbouring occupiers in accordance with Policy 7.6b of the London Plan and saved Policy D4 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall not commence until details of a service strategy for:

a: the storage and disposal of refuse/waste

b: vehicular access thereto

c: collection and times and days

have been submitted to and approved by the local planning authority. The development to be completed in accordance with the approved drawings and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with Policy D4 of the Harrow Unitary Development Plan (2004).

5 Notwithstanding submitted details, except for access by disabled residents, there shall be no access into or out of the secured parking area between 10pm and 7am unless otherwise agreed with the local planning authority.

REASON: In order to protect the amenities of residential occupiers and in pursuance of saved Policies D4, EP20 and T6 of the Harrow Unitary Development Plan 2004

6 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the number and security measures for the parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with PPS1 and its supplement Planning and Climate Change, PPG13 and Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

7 The number of pupils on the site associated with any education use shall not exceed 300 at any one time.

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

8 Any educational use taking place within the Listed Building shall only occur during the following hours:

Mon – Friday: 8am to 9pm

Saturday and Sunday: 8am – 6pm

REASON: In order to respect the amenities of neighbouring residential occupiers are respected, pursuant to saved Policies D4, EP25 and T6 of the Harrow Unitary Development Plan 2004.

9 Any use of the commercial units fronting Imperial Drive shall only occur during the following hours:

Mon – Saturday: 7am to Midnight

Saturday and Sunday: 10am to 9pm

REASON: In order to respect the amenities of neighbouring residential occupiers are respected, pursuant to saved Policies D4, EP25 and T6 of the Harrow Unitary Development Plan 2004.

10 No amplified noise shall be audible at the site boundary, as a result of the use of the commercial units fronting Imperial Drive.

REASON: In order to respect the amenities of neighbouring residential occupiers are respected, pursuant to saved Policies D4, and EP25 of the Harrow Unitary Development Plan 2004.

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

The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Storage of plant and materials used in constructing the development
- d. Wheel washing facilities
- e. Measures to control the emission of dust and dirt during construction
- f. A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in pursuance of saved Policy EP25 of the Harrow Unitary Development Plan 2004.

12 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, with not less than 10% of total units being to wheelchair standards. The development shall be thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with London Plan (2011) Policies 3.8b, 7.2c and 7.6b, saved Unitary Development Plan (2004) policy C16, as well as the Harrow Supplementary Planning Document: Accessible Homes (2006).

13 The development hereby approved 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 by, the local planning authority. The development shall be carried out in accordance with such details and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and Policy D4 of the Harrow Unitary Development Plan (2004).

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

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS25 and PPS 25 Practice Guide.

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

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

16 Notwithstanding the details hereby approved, no ventilation, extraction systems or associated ducting shall be introduced into the exterior elevations of the building without the prior written permission from the local planning authority.

REASON: To ensure an appropriate standard of development which provides a high quality visual appearance for the area, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004).

17 Prior to commencement of works onsite, additional details of a strategy for the provision of communal facilities for television reception (eg. Aerials, dishes and other such equipment) shall be submitted to and approved by the Local Planning Authority. Such details to include the specific size and location of all equipment. The approved details shall be implemented prior to first occupation of the building and shall be retained thereafter and no other television reception equipment shall be introduced onto the walls or roof of the approved building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building to the detriment of the visual amenity of the area in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to recommend grant of planning 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 (listed below) and national planning policy encouraging the protection and refurbishment of Statutorily Listed Buildings as described below. It is considered that the development is the minimum necessary to secure the regeneration of the Listed Building on site, whilst providing an appropriate quality of accommodation and a mix of uses for prospective occupiers, whilst also providing additional suitable facilities in support of the district centre location, without resulting in unacceptable harm.

National Planning Policy:

Draft National Planning Policy Framework 2011 (NPPF):

PPS1 – Delivering Sustainable Development (2005)

PPS3 – Housing (2011)

PPS4 – Planning for Sustainable Economic Growth (2009)

PPS5 – Planning For the Historic Environment (2010)

PPG13 – Transport (2011)

PPS22 – Renewable Energy (2004)

PPS24 – Planning and Noise (1994)

PPS25 – Development and Flood Risk (2010)

The London Plan 2011:

2.15 Town centres

3.1 Ensuring equal life chances for all

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.12 Negotiating affordable housing on individual private residential and mixed use schemes

3.13 Affordable housing threshold

3.18 Education facilities

4.7 Retail and town centre development

5.1 Climate Change Mitigation

5.2 Minimizing carbon dioxide emissions

5.3 Sustainable design and construction

5.7 Renewable Energy

5.9 Overheating and cooling

5.15 Water use and supplies

5.12 Flood Risk Management

5.13 Sustainable Drainage

6.3 Assessing effects of Development on Transport Capacity

6.10 Walking

6.12 Road Network Capacity

6.13 Parking

7.1 Building London's Neighbourhoods and Communities

7.2 An inclusive environment

7.3 Designing out crime

- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.9 Heritage led regeneration
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations

Interim London Housing Design Guide – (2010)

London Borough of Harrow Unitary Development Plan 2004

- S1 – The Form of Development and Pattern of Landuse
- EP20 – Use of Previously Developed Land
- EP22 – Contaminated Land
- EP25 – Noise
- C7 - New Education Facilities
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities.
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D7 – Design in Retail Areas and Town Centres
- D11 – Statutorily Listed Buildings
- D23 – Lighting, including Floodlighting
- H7 – Dwelling Mix
- EM24 – Town Centre Environment
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- T15 – Servicing of New Developments

Harrow Council Supplementary Planning Guidance:

- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Sustainable Building Design (2009)
- Supplementary Planning Document: Accessible Homes (2006)
- Supplementary Planning Document: Access For All (2006)
- Supplementary Planning Guidance: Designing New Development (2003)

1 The applicant is advised that this consent does not grant permission for any form of extraction equipment, fans, ducts or any other such external equipment which may be associated with the commercial activities hereby approved and that additional consent is likely to be required for such uses.

Plan Nos: 1570 95; 150F; 151G; 152E; 153D; 154C; 155B; 157D; 158F; 165; 166A; 160C; Transport Statement; BVP Daylight and Sunlight Report. Sitecheck Environmental Report; Design and Access Statement

**RAYNERS HOTEL, 23 VILLAGE WAY
EAST, HARROW, HA2 7LX**

**Item: 1/11
P/1017/11**

Ward: RAYNERS LANE

LISTED BUILDING CONSENT: PROPOSED EXTERNAL AND INTERNAL ALTERATIONS INCLUDING: DEMOLITIONS (INCLUDING RETROSPECTIVE REMOVAL OF SNUG SCREENS AND PROPOSED REMOVAL OF INTERNAL LOBBY; PROPOSED INSTALLATION OF NEW PARTITIONS (INCLUDING INFILLING OF BAR OPENINGS) AND FLOOR MOUNTED WALLS; REMOVAL OF SIGNS; REPAIRS TO WOODEN PANELLING; INSTALLATION OF DISABLED ACCESS; REDECORATION; NEW BOLLARDS; REFURBISHED AND NEW ELECTRICS; CEILING REPAIRS; NEW LIGHTING; REPLACEMENT FLOOR COVERINGS; REFURBISHMENT OF HEATING SYSTEM (INCLUDING NEW RADIATORS); NEW LOCKING SYSTEM TO DOORS; REPAIR OF WINDOWS; INSTALLATION OF CCTV AND SECURITY DETECTION; INSTALLATION OF FIRE ESCAPE SIGNAGE; BOUNDARY TREATMENT ALTERATIONS.

Applicant: Kenneth W Reed & Associates

Agent: Cyclescreen Limited

Case Officer: Lucy Haile

Statutory Expiry Date: | 14-JUL-11

RECOMMENDATION

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

REASON

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the Grade II Listed former pub by ensuring the feasibility of the proposed conversion of the building to educational use (D1) therefore contributing to the long term preservation of the listed building.

National Planning Policy:

PPS5 – Planning For the Historic Environment (2010)

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.

London Borough of Harrow Unitary Development Plan 2004

Saved policy D11 – Statutorily Listed Buildings

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

- 1) Impact on the Listed Building (PPS5 and D11)
- 2) Consultation Responses

INFORMATION

This application is reported to Committee as it considered to be of significant public interest, and forms part of a wider proposal for enabling development for the refurbishment and change of the use of the listed former public house to an educational use class and for a five storey building to the south of the former public house fronting Imperial Drive, the planning applications for which fall outside the thresholds of category 4 of the Council's Scheme of Delegation.

a) Summary

Statutory Return Type: 23 Alterations to Listed Buildings
Listed Building Rayners Hotel (Grade II)
Council Interest: None

b) Site Description

- The site is occupied by a disused public house and associated assembly rooms known as the Rayners Hotel, the main building is a two-storey brick built public house built by Truman's brewery to the design of Eedle & Myers and dates from 1937.
- The public house attained grade II listing on 22-Jun-2006 whilst the associated assembly rooms are of secondary significance compared to the other ground floor areas of the former public house.
- There is a retaining wall and steps surrounding the site which complement the setting of the building and is curtilage listed grade II.
- The building is in a deteriorating condition due to lack of use and has been on English Heritage's Buildings at Risk Register for several years. It requires repair and maintenance works, some to fix water damage.
- The public house occupies a prominent plot on the corner of Imperial Drive and Village Way East and is particularly noted as it is a virtually unaltered 1930s former public house of high architectural quality which retains its internal plan form and much Art Deco and neo-Georgian internal and external features. These features include a wealth of original joinery and fittings, designed by Eedle and Meyers, a notable architectural practice specialising in pub design from the 1880s to 1946. The list description highlights many features of interest within the building including its materials and interior and exterior features.
- Of note is that snug screens were fixed above the carpet within the public house and that these may have been later additions, perhaps as replicas of earlier ones. These have been removed prior to the submission of this application. Some snug screens remain on site but two have been destroyed.

c) Proposal Details

- The proposal is for internal and external alterations to the former pub to accommodate a change of use to an educational use class (D1).
- This Listed Building Consent application is linked to current applications for Planning Permission for the additional use of the public house for the purposes of use Class D1 (education) and a five storey building to the south of the public house fronting Imperial Drive as part an enabling development proposal that would refurbish and bring back into use the grade II listed Public House.
- Physical alterations are proposed as follows:
 - Basement: Install a new boiler plant and heating system.
 - Ground floor
 - Remove: lobby within former function room; overpanel within former south bar; doors between former west bar and east bar; and urinals;
 - Alterations: install new floor mounted projector wall within the former east bar and another within the former north bar; block up opening between the bar and the former east bar and north bar; install new partition and door between the former south bar and the former east bar; new shutters panels within the function room to lock off bar/servery area out of function hours; refurbish former WC areas to become offices/store and staff toilets; fire escape signage; new locking system to the doors and fire escape panic devices; infill mattwells; install carpet or carpet tiles; and new freestanding column radiators.
 - Repairs: ceiling and cornices; plaster repairs; timber panelling; retain and refurbish all original doors including all leaded light details; repair rooflight; make good and repair paintwork prior to redecoration; new skirting to match where previously removed; and stairs to the cellar to be made good for maintenance access;
 - Electrics works: install emergency lighting; CCTV/security detection, fire alarm/smoke detection and surface mini-trunking
 - First floor
 - Remove: one internal wall within a former kitchen and redundant services and all loose or surface fixed unnecessary items such as brackets, notices, phones cupboards and redundant light fittings.
 - Repairs: refurbishing rooms; decorating walls, ceiling and painted woodwork;
 - Alterations: installing new doors as necessary; installing key locks and vision panels on doors; fire escape signage; new radiators
 - External alterations: Remove signs, sign framing, protective boarding and redundant services and cabling on all elevations; level access with disabled access ramp on the south elevation; remove two piers to the north/east of the building and remove curtilage listed steps to the south of the building; refurbish external staircases and install new signs to replace existing.
 - External repairs: refurbish fascias, soffits, gutters, windows, downpipes, sign lights and other lights; repair stonework; refurbish doors; repair asphalt flat roofs and upstands; replace damaged or missing rooftiles to match for less than 10% of the roof; minor brickwork repairs; repaint walls where already painted; mild clean of terracotta; make good exposed brickwork after removal of pier; repair and repaint all bollards and repair brick retaining wall where necessary

d) Relevant History

P/1083/11	OUTLINE PERMISSION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 448m ² OF MIXED OUTLINE PERMISSION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 448m ² OF MIXED USE FLOORSPACE (A1/A2/A3/A5/B1/D1) AND 3 RESIDENTIAL UNITS (1 X STUDIO, 1 X 1 BED AND 1 X 2 BED) AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (1 X STUDIO, 1 X1 BED and 1 X 2 BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1[c] (EDUCATION	UNDER CONSIDERATION
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P/1018/11	OUTLINE PERMISSION FOR ACCESS, APPEARANCE, LAYOUT AND SCALE: CONSTRUCTION OF A GROUND FLOOR PLUS FOUR STOREY BUILDING, WITH PARKING SPACES, SERVICING AREA AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 801m ² RETAIL (USE CLASS A1) FLOORSPACE AT GROUND FLOOR LEVEL; AND 28 RESIDENTIAL UNITS (1 X BED) ABOVE; RELOCATION OF ACCESS STEPS ON IMPERIAL DRIVE AND ADDITIONAL USE OF THE PUBLIC HOUSE BUILDING (A3/A4 WITH ANCILLARY C3 + D2) FOR THE PURPOSES OF USE CLASS D1[C] (EDUCATION).	UNDER CONSIDERATION
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e) Pre-Application Discussion

- Significant discussion of the site was undertaken starting in February of 2008.
- The principle of change of use has been established through these consultations.

f) Applicant Statement

- The building was closed as a pub in 2006.
- There is no realistic prospect of the building being used as a pub in the future.
- Past use of the pub has failed to generate income or sustain a management regime capable of maintaining it in good repair.
- Cost of repair and refurbishment will be considerable.
- Considerable water damage to external and internal features and these were manifest even when the building was a pub.
- Windows are particularly poor and metal frames and timber sub frames will require considerable attention, as will the leaded lights.
- Stone cills and copings have spalled and split in many places.
- Splits and tears throughout the asphalt flat roofs has caused untoward damage to the interior where there are major areas where ceilings and decorative cornices have collapsed.
- Underlying structure will also have been affected and it is likely there will be dry and wet rot.
- Clay tiles on the pitched roofs are damaged and uneven and condition of the underlying structure is unknown.
- Light wells and valleys and troughs are defective and long term water ingress has caused significant internal damage visible in ceilings and walls at first floor level.
- Building has no real redeeming architectural features other than its presence on a prominent corner.
- Rear of the building is poor and features that remain have no particular architectural merit.
- Internally bar contains some original panelling and timberwork but much of this has been heavily used and abused.
- Heavy and retrospective Olde English Style is typical of the period and certainly is more decorative than functional and has been crafted in a rather crude way.
- Many standard and repeat elements with little individuality or real merit.
- Bars and fireplaces are very similar and effectively the interior is rather repetitive and formulaic.
- One of main reasons for listing was of a music venue and gathering place which will never be recreated as demand no longer exists.
- Landscaping and exterior paving is bland and unattractive even when considered in previous well maintained state.
- Retaining wall is of no historic interest.
- All in all architecture is mediocre nevertheless the building is listed and deserves care and attention in repair and refurbishment.
- Significant areas can be defined as the exterior and the major rooms on the ground floor together with the cornicing, wall panelling and bar features.
- To a lesser degree the rear assembly room
- The cellar and first floor areas have no real significance but their general layout details and use can be generally retained.
- Little potential to return to pub use but could be refurbished with minimal intervention into an alternative use whereby the assembly rooms at the rear can be used for function room activities.

- Different uses could be accommodated with little change to the fabric and modification could be reversible.
- Subdivision of spaces has now been resolved.
- Proposed new use would retain historically significant features.
- Assembly hall will continue to provide function space.
- Application will preserve the heritage asset.
- Public benefits outweigh the loss of the pub use.
- Building and its fittings will be saved and building's heritage assets will be refurbished and retained.

g) Consultations:

English Heritage on 20th June, 2011: No objection raised

The Council for British Archaeology: 'The Committee acts on behalf of the Council for British Archaeology in respect of Listed Buildings and applications within the Greater London area. We make the following comments: Recently listed building. A member of the Committee visited the site and commented on the removal of the snug screens of the 1930s. The Design and Access statement maintains that the pub use is not a viable option but offers no evidence of any marketing and then proposes to change the interior, for an unspecified use. Whilst accepting that the snug screens were later additions and that their removal did not harm the Listed interior, other alterations would change the layout and be detrimental.

The Committee therefore objected to the proposal. It was also noted that there was a Planning Application (not seen by the committee) for development of the Hotel car park, which would obviously affect the possible future uses for the Listed Building'.

The following bodies were consulted and any responses were due by but no responses have been received to date:

Ancient Monuments Society

The Georgian Group

Twentieth Century Society

The Victorian Society

The Society For the Protection of Ancient Buildings

The Pinner Association

Notifications:

Sent: 216

Replies: 3 in
objection

Expiry: 10-JUN-11

Addresses Consulted:

1,2, 2A, 3, 3C, 4-6, 5, 6A, 7, 7A, 8, 8A, 9, 9A, 10-18 (even), 10A, 11, 11A, 12A, 13, 13A, 14A, 15, 15A, 16A, 17-19, 17A, R/O 19, 19A, 18A, 20A, 21, 22, 22A, 26, 26A

Village Way East

167, 204, 226, 228, 230,232-234, 236, 238,240, Talbot House, Ambulance Depot, Library, Monarchs Court, f.1-8 Kingston House, 1,1a,1b, 2,2a,2b,3,3a,3b,4,4a,4b Imperial Court, **Imperial Drive**

348,350,352,354,356,358,360,362,364,368,370,372,374,376 378,380,382, 384, 386, 388, 390,392, 394,396A, 396B, 400,404,408,412-418, 420-422, 424, 426A,426B, 430, 432 Village Inn, Flat 1-6Heidrich House, **Rayners Lane**

Advertisement 25/05/2011 Expiry: 15-JUL-11
Extensions/alterations of a Listed Building

Site Notice 21/05/2011 Expiry: 11-JUN-11
Extensions/alterations of a Listed Building

Summary of Response:

Proposal would destroy the very parts of this building that the Secretary of State considered should have permanent protection.

This is a listed building of a type of which there are very few left. It is unfortunate that it has not been a public house for some time, but every effort should be made to find a buyer who will run it as a public house without wanting to make alterations that would require consent.

Objection to surrounding development and request clarification as to who would use the building for educational use class.

APPRAISAL

1) Impact on the Listed Building

Proposals within this application are for internal and external alterations, including repair and refurbishment, of the grade II listed former public house to accommodate a change of use of the now vacant and unused pub to an educational use class: D1. This application forms part of a wider proposal for enabling development that would see the refurbishment and change of the use of the listed former public house to an educational use class and a five storey building to the south of the former public house fronting Imperial Drive under the linked current applications for Planning Permission (references: P/1083/11 and P/1018/11).

The acceptability of the proposed internal and external alterations to accommodate the change of use must be assessed against the need to preserve historic and architectural significance of the grade II listed building having particular regard to national planning policy contained within PPS5 relating to heritage assets and saved Harrow UDP policy D11. The special interest of the Listed Building is summed up within the final part of the list description which states it is:

'Of special interest as a virtually unaltered 1930s public house of high architectural quality, which retains its internal plan form and a wealth of original joinery and fittings, designed by Eedle and Meyers, a notable architectural practice specialising in pub design from the 1880s to 1946'.

Repair and Refurbishment

The property is in a poor state of repair. These proposals include a significant amount of repair and refurbishment which would enhance the Listed Building in principle. The proposals involve works on all levels, internally and externally, including roof tile replacement where it is cracked or missing for less than 10% of the roof where necessary. This is important to ensure there are no leaks to the building. It would be important to ensure that any replacements match and therefore a suitable condition is recommended. Internally, works propose removing timber panelling where this is beyond repair. Much of this is part of the very special original joinery of the building, whilst some may be later replicas. It would be very important therefore that any removal was minimised so that it was only removed where it definitely was beyond repair and that it was replaced like for like in every detail and retained thereafter. A suitable condition is therefore recommended. Repairs are proposed for the critical windows, a rooflight and ground floor doors, which are important original features. These repair works would not entail replacement but would involve retaining and refurbishing them and therefore this would preserve the significance of the Listed Building. Only one first floor window would be replaced since it was broken during a break-in. It would be important that this matches the others since all windows relate well to one another and they indicate the 1930s origins of the building. Therefore a suitable condition is recommended.

Refurbishment also includes the removal of redundant wiring and cabling and some external signage and sign holders. This would be an enhancement to the character since it would declutter the building. The signs proposed to be removed are not historically significant. Otherwise repairs include , removal of mould and plaster repairs to the coved ceiling. These all also have the potential to be very sensitive works given the importance of the interior features. However, the detailed specification of works submitted with the application clarifies that this would be done in a sensitive and like for like basis to form seamless repair using traditional like-for-like techniques to maintain authenticity and to ensure the repair is technically and visually compatible. To ensure that this would be the case another suitable condition is recommended. Subject to conditions therefore the proposed repair and refurbishment works would preserve the significance and character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1.

Similarly, the proposed repair and refurbishment works would comply with local conservation policies relating to listed buildings, namely saved Harrow Unitary Development Plan (adopted July 2004) policy D11 which states: 'the Council will ensure the protection of the borough's stock of Listed Buildings by B) only permitting alterations...that preserve the character and setting of the Listed Building and any features of architectural or historic interest which it possesses, both internally and externally'.

Alterations to internal layout

The virtually unaltered internal layout of the pub is one of the principal reasons for its listing. On the ground floor the application proposes to remove the snug screens (retrospective), to block up the opening between the bar and the former east bar and north bar and install new partition and door between the former south bar and the former east bar. These proposed alterations to the floor plan are therefore potentially sensitive.

The Council for British Archaeology objected to the proposed alterations to internal layout as 'Whilst accepting that the snug screens were later additions and that their removal did not harm the Listed interior, other alterations would change the layout and be detrimental'.

However, in line with PPS5 policy HE9.4 any harm needs to be weighed against any public benefit as a result of them. PPS5 policy HE9.4 which states '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.

There would be a public benefit from the proposals since these alterations to the layout would be needed to form classrooms and therefore to ensure the future use and therefore conservation of the Listed Building.

The snug screens which have been removed are referred to as being part of the Listed Building within the List Description. The list description states some may have been later replacements, It is accepted that it would be difficult to provide for educational use with the screens still in place. Therefore the public benefit is considered to outweigh their loss and therefore to preserve the significance and character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Whilst the infilling of the bar and the insertion of one new ground floor wall would affect the unaltered original layout of this Listed Building, these works would be sensitive to the fabric of the buildings. The number of partitions is fairly minimal (just three infill partitions) and details have been provided for the infilling of the bar openings to show that the process of inserting the partitions would ensure that they would be reversible alterations. Likewise, details of the proposed wall partition have been provided to show it would be scribed around original fittings and a suitable condition has been added to ensure that fixings for this would not go into the original joinery. Furthermore, the public benefit of the proposed alterations in allowing the ongoing use and conservation of the Listed pub is considered to outweigh any harm to the Listed Building. Therefore these aspects of the proposal would comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Floor mounted projector wall within the former east bar

Whilst this would have an impact on the original pub character of the Listed Building, it is recognised that these works would be necessary to accommodate the proposed educational use, and would help facilitate the ongoing conservation of the building. It would do so in as sensitive a manner as possible since details have been provided to show that such works would be reversible. Also, they would help ensure that the surrounding original internal features such as the joinery detail would not have to be damaged to provide this. Therefore the public benefit is considered to outweigh any harm caused and so preserve the significance and character of the Listed Building in compliance with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Door alterations, electrics works, signage

Door alterations would include new locking system to doors and fire/escape panic devices. These would be sensitive at ground floor level given the historic importance of these doors as part of the original historic fabric. A condition is recommended to ensure that these proposed alterations would preserve the character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Electric works proposed include new emergency lighting as well as CCTV, fire alarm, and security detection. Fire escape signage is also proposed. The general principles for the installation of all such features (with the exception of the emergency lighting) are outlined within the supporting documents which indicate that these would not need to harm the special interest of the listed building. A relevant condition is recommended to ensure that the details proposed were as minimal as possible though in size and amount, were of sensitive materials and were sensitively located and fixed to preserve the character of the Listed Building. Therefore this aspect of the proposal would preserve the character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Details of surface mini-trunking and wiring have been provided. These show that all new wiring would be concealed using existing cable routes which are within the first floor zone where access is from above unless they occur in the central function room where power locations and distributed using mini-trunking surface mounted and painted to match the colour of the ceiling. These works would preserve the significance and character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

External signage is proposed in order to advertise the new use of the building. It is accepted that this is necessary in order to accommodate the new use of the building. Also, it would be in keeping in principle since there has always been external signage fixed to the building. The general size of external signage advertising the presence of the building is indicated by the proposed elevations and it could be fixed to the existing railings to minimise intrusion.

To ensure that the details of proposed signage preserved the character of the building and integrity of fabric though a suitable condition is recommended.

Disabled access

Level access is proposed with a disabled access ramp on the south elevation as shown on plan GW2 REV B. This is acceptable in principle. Nevertheless details of this have not been provided. To ensure this would preserve the significance and character of the Listed Building a suitable condition is recommended to allow details to be approved prior to commencement of works. This would ensure this aspect of the proposal would comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

Removal works and remaining alterations

The remaining alterations as outlined under the proposed details section are minor and would have limited impact on the historic fabric or layout. To ensure exposed fabric would be made good a suitable condition is recommended. On this basis these alterations would preserve the significance and character of the Listed Building and so comply with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

2) Consultation Responses

Consultation responses are addressed above and otherwise dealt with as follows:

One objection was to the proposed building within its curtilage of the former public house. This is not addressed within this appraisal because this does not form part of this Listed Building Consent application. Proposals for the wider redevelopment within the curtilage is assessed in detail within those linked planning applications, including an assessment on the impact on the Listed Building.

It is the purpose of the linked planning applications to assess the principle of the change of use against the need to preserve the special interest of the character of the Listed Building. Nevertheless, the Council for British Archaeology suggested that no marketing evidence had been provided to suggest that the existing use class is highly unlikely to be viable any longer.

Similarly, another consultation objection stated: 'every effort should be made to find a buyer who will run it as a public house without wanting to make alterations that would require consent'.

It is unclear why this statement has been put forward as information submitted within the application has provided historical evidence of difficulty marketing the site (from 2006 onwards) and that this suggests that the building is unlikely to be able to be regenerated within its current parameters of use.

It is considered that the additional use is acceptable in principle since it would help to contribute to the versatility of the building, its ongoing use and therefore the future preservation of the Listed Building.

Given these considerations it is considered that this aspect of the proposal preserves the significance and character of the Listed Building and so complies with National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) policies HE7.2, HE7.4 and HE9.1 and HE9.4.

CONCLUSION

The decision to grant listed building consent has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, PPS5 and all relevant material considerations, as the proposed development would help secure the future of the Grade II Listed former pub by ensuring the feasibility of the proposed conversion of the building to educational use (D1) therefore contributing to the long term preservation of the listed building.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1570 SL1; EX1; EX2 REV B; EX3 REV B; EX4; DEM 1 REV A; DEM 2 REV B; DEM 3 REV B; DEM 4 REV B; DEM 5 REV B; DEM 6 REV B; DEM 7 REV B; DEM 8 REV B; REP 1 REV A; REP 2; REP 3; REP 4 REV C; REP 5 REV B; REP 6 REV B; REP 7 REV B; REP 8 REV C; GW 1 REV A; GW 2 REV B; GW 3 REV B; GW 4 REV A; GW 5 REV A; GW 6; GW 7 REV C; EL 1 REV C; EL 2 REV A; CE 1 REV C; CE 2 REV A; FL 1 REV D; FL 2 REV A; HE 1 REV D; HE 2; DET 1 REV B; DET 2 REV C; DET 3 REV A; DET 4 REV A; DET 5; LETTER FROM AGENT DATED 29th JULY, 2011 PAGES 1-2; EMAIL FROM AGENT RECEIVED 20/09/2011; DESCRIPTION OF GENERAL WORKS (REVISED 2) PAGES 1-5; FEASIBILITY REPORT 1-58; DESIGN, ACCESS AND HERITAGE STATEMENT; COST ASSESSMENT REPORT 01 JULY 2011

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

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

- a) Locking/ fire escape devices to doors and fire escapes
- b) fire alarm/smoke safety
- c) fire escape signage
- d) CCTV and security detection
- e) emergency lighting
- f) external signage
- g) timber panelling to be removed and replacement panelling including details of when replacement panelling will be installed and retained thereafter.
- h) replacement elements of the boundary wall
- i) Replacement window on the north-west elevation
- j) disabled access

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 building in line with the requirements of PPS5 policy HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policy D11.

4 Notwithstanding the detail shown in the plans hereby approved the internal lobby behind the entrance way to the north ground floor bar by the stepped entrance (not the one in the former function room) shall not be moved but shall instead be retained in situ.

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

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

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

6 Replacement roof tiles shall match existing original adjacent roof tiles with regard to size, colour and texture.

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

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

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

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

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

9 The new partition wall as shown on plan GW2 REV B shall not be fixed to the joinery.

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

INFORMATIVES

1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The proposal constitutes development that would preserve the character of the Listed Building and any harm caused would be outweighed by the public benefit of bringing the building back into use and its repair and refurbishment. The following national policy and policy in the Harrow Unitary Development Plan are relevant to this decision:

National Policy:

PPS5

Harrow Unitary Development Plan (2004):

D11

2 This application does not refer to the replacement of windows other than the replacement of one shown in plan REP 4 REV C. Replacement of windows is likely to require Listed Building Consent prior to the works being undertaken since such works are likely to affect the special character of the Listed Building.

3 Notwithstanding the detail shown in plan EL1 REV C this application does not refer to the proposal to install air conditioning units within the public house. This is likely to require Listed Building Consent prior to the works being undertaken since such works are likely to affect the special character of the Listed Building.

4 This application does not refer to the proposal to install the new bollards and chains to match existing since such works would not be fixed to the existing listed building and so would not require Listed Building Consent. A separate application for Planning Permission would be required for such alterations to the boundary treatment, Proposals to alter the existing curtilage listed boundary wall further to removing staircases within the wall, and part of the wall, as shown within plan GW1 and REP8 would require an application for Listed Building Consent and Planning Permission.

Plan Nos: 1570 SL1; EX1; EX2 REV B; EX3 REV B; EX4; DEM 1 REV A; DEM 2 REV B; DEM 3 REV B; DEM 4 REV B; DEM 5 REV B; DEM 6 REV B; DEM 7 REV B; DEM 8 REV B; REP 1 REV A; REP 2; REP 3; REP 4 REV C; REP 5 REV B; REP 6 REV B; REP 7 REV B; REP 8 REV C; GW 1 REV A; GW 2 REV B; GW 3 REV B; GW 4 REV A; GW 5 REV A; GW 6; GW 7 REV C; EL 1 REV C; EL 2 REV A; CE 1 REV C; CE 2 REV A; FL 1 REV D; FL 2 REV A; HE 1 REV D; HE 2; DET 1 REV B; DET 2 REV C; DET 3 REV A; DET 4 REV A; DET 5; LETTER FROM AGENT DATED 29th JULY, 2011 PAGES 1-2; EMAIL FROM AGENT RECEIVED 20/09/2011; DESCRIPTION OF GENERAL WORKS (REVISED 2) PAGES 1-5; FEASIBILITY REPORT 1-58; DESIGN, ACCESS AND HERITAGE STATEMENT; COST ASSESSMENT REPORT 01 JULY 2011

TEMPLE HOUSE, 221 - 225 STATION ROAD,
HARROW, HA1 2TH

Ward: GREENHILL

DEMOLITION OF EXISTING THREE STOREY OFFICE BUILDING ON GREENHILL WAY AND TWO STOREY OFFICE BUILDING ON FAIRHOLME ROAD; REDEVELOPMENT OF SITE FOR NEW PART 2, PART 3, & PART 4 STOREY BUILDING COMPRISING A 101 BEDROOM HOTEL (CLASS C1) WITH CAFE/BAR (CLASS A3/A4); REFUSE & CYCLE STORAGE

Applicant: M P & G Trading
Agent: SK Design
Case Officer: Fergal O'Donnell
Statutory Expiry Date: | 07-NOV-11

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by the 4th November 2011. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms and would cover the following matters:

- 1) **Public realm and public transport improvements:** Payment of £50,000 towards improvements to Station Road [prior to the first use of the development];
- 2) **Harrow Employment and Training Initiatives:** Contributions towards local training and employment initiatives prior to commencement of development
- 3) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- 4) **Planning Administration Fee:** Payment of **£500** administration fee for the monitoring of and compliance with this agreement.

REASON

The proposed development represents an acceptable re-use of this town centre site for a purpose that will support the continued vitality and viability of the Metropolitan Town Centre. The loss of employment floorspace within Temple House has been balanced against the provisions PPS4 and The London Plan policies 4.1.A, 4.5.B and 4.7.B and saved policies R15 and EM24 of the UDP, which together with the provisions of the S106 Agreement, would be mitigated through the new employment opportunities associated with the development and the delivery of construction and local employment training initiatives within the area.

The impact of the scale and layout of the proposes building, having regard to the site context and surrounding uses, including the residential properties to the rear and those future properties to the north of the site, has been assessed and is considered to be acceptable. The site location, public transport accessibility and access to off-site parking renders the transports impact of the development acceptable, subject to a Green Travel Plan and contributions in respect of employment and training initiatives.

The overall scale, massing and intensity of use of the development would be consistent with the scale of development nearby and the development, subject to the conditions, is considered to represent a positive response to the opportunities presented by the site. Having regard to representations received, these do not introduce material planning considerations that would outweigh the overall conclusions on the merits of the proposals.

The proposal is therefore considered to accord overall with the provisions of the development plan for the area (listed below) and satisfactorily address those other impacts that represent material planning considerations.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 4th November 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

- 1) The proposed development, in absence of a legal agreement to provide appropriate provision for infrastructure and community facilities that directly relate to the development, would fail to adequately mitigate the impact of the development or the loss of employment space on the wider area and provide for necessary social and physical infrastructure improvements arising directly from the development, thereby being contrary to policies 4.1.A and 4.7.B of The London Plan 2011 and saved policies EM15 and T6 of the Harrow Unitary Development Plan 2004.

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

Planning Policy Statement 4 – Sustainable Economic Development [2009]

Planning Policy Statement 13 – Transport [2011]

Planning Policy Statement 22 – Renewable Energy [2004]

Planning Policy Statement 25 – Development and Flood Risk [2010]

Good Practice Guide on Planning for Tourism

Draft National Planning Policy Framework 2011

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.

The London Plan [2011]

2.13.B – Opportunity Areas and Intensification Areas

2.15.C – Town Centres

3.1.B – Ensuring Equal Life Chances for All

4.1.A – Developing London's Economy

4.5.B – London's Visitor Infrastructure

4.7.B – Retail and Town Centre Development

5.2.A/B/C/D/E – Minimizing Carbon Dioxide Emissions

- 5.3.B/C – Sustainable Design and Construction
- 5.7.B – Renewable Energy
- 5.12.B/C/D – Flood Risk Management
- 6.3.A/B/C – Assessing the Effects of development on transport capacity
- 7.2.C – An Inclusive Environment
- 7.3.B – Designing out Crime
- 7.4.B – Local Character
- 7.5.B – Public Realm
- 7.6.B – Architecture

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

- S1 – The Form of Development and Pattern of Land Use
- EP12 – Control of Surface Water Run-Off
- EP25 – Noise
- D4 – The Standard of Design and Layout
- D7 – Design in Retail Areas and Town Centres
- EM15 – Land and Building in Business, Industrial and Warehousing – Outside Designated Area
- EM24 – Town Centre Environment
- R15 – Hotels and Guest Houses
- C17 – Access to Leisure, Recreation, Community and Retail Facilities
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

Adopted Supplementary Planning Documents

- Supplementary Planning Document – Access for All [2006]
- Supplementary Planning Document – Sustainable Building Design [2009]

Other Relevant Documents

- Harrow Sustainable Community Strategy [2009]
- London Borough of Harrow Employment Land Review [2010]

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) Principle of Development, Land Use and Loss of B1 Floorspace**
(PPS1, PPS4; London Plan policies 2.13.B, 2.15.C, 4.1.A, 4.5.B, 4.7.B; UDP policies S1, EM15, EM24, R15)
- 2) Scale, Layout and Design and Character of the Area**
(PPS1, London Plan policies 7.4.B, 7.5.B, 7.6.B; UDP policies D4, D7)
- 3) Accessibility**
(London Plan policies 3.1.B, 7.2.C; UDP policies D4, C17, SPD – Access for All)
- 4) Amenity**
(PPS1, London Plan policies 7.6.B; UDP policies EP25, D4, R15, EM25)
- 5) Parking and Highway Safety**
(PPS13; London Plan policy 6.3.A/B/C; UDP policies T6, T13)
- 6) Sustainability**
(PPS22; London Plan policies 5.2.A/B/C/D/E, 5.3.B/C, 5.7.B; UDP policy D4, SPD – Sustainable Building Design)

- 7) **Drainage and Other Issues**
PPS25; London Plan policies 5.12.B/C/D; UDP policies D4, EP12
- 8) **S17 Crime & Disorder Act**
(London Plan policy 7.3.B; UDP policy D4)
- 9) **Consultation Responses**

INFORMATION

This application is being reported to committee as the proposal constitutes development of non-residential floorspace exceeding 400m² and 0.1ha site area and therefore falls outside of Category 4 of the Scheme of Delegation.

a) Summary

Statutory Return Type:	Smallscale Major Development
Site Area:	0.171ha
Wheelchair Standard Rooms:	10
Wheelchair Parking spaces:	2
Council Interest:	None

b) Site Description

- Temple House is a three-storey office building situated on the corner of Greenhill Way and Station Road. Access to the offices is via a reception on this corner. A substantial, linear car park lies to the west of the building with access from Greenhill Way.
- The existing office building is set back from Station Road and lies on the back of the footway to Greenhill Way.
- The site is a highly visible corner location in the town centre.
- The site is bordered by Greenhill Way, and lies opposite the Council owned car park.
- To the north of the site is Fairholme Road. This road comprises primarily residential 2 story terraced properties, whose rear elevations back onto and overlook the site.
- Temple House is a three-storey post war office building with glazed elevations to Greenhill Way and High Street and a solid wall facing properties in Fairholme Road.
- To the west of the site, a 2008 planning permission (P1721/08/DFU) authorises a 3, 4 and 5 storey residential development. This building has not been constructed but a planning application has recently being submitted to the Council to extend the time period for this application (P2189/11).
- The car park area of the site is enclosed partially by Hoardings onto Greenhill Way. The boundary of properties on Fairholme Road comprises a mix of enclosures but principally 2-2.5m fences.

c) Proposal Details

- Demolition of the existing 3-storey office building and redevelopment of the site including the existing car park.
- Erection of a part 2, part 3 and part 4-storey hotel (Class C1) building providing 101 rooms with a café and bar (Use Class A3/A4) on the ground floor.

- The front entrance and main elevation of the building would be orientated towards Greenhill Way. The site has a secondary access to Fairholme Road which provides the servicing entrance and arrangements for the proposed building. Two disabled car parking spaces are also proposed in this location.
- The building layout reflects the sites limited depth, linear form and the curve of Greenhill Way. The four-storey element is sited in place of the 3-storey office building at the eastern end of the site and extends in part into the area fronting onto Fairholme Road. The part of the building extending into this area fronting onto Fairholme Road and adjacent to No.'s 5 & 7 Fairholme Road would be two-storey in scale.
- The two-storey element is located in the centre of the site, some 9-11m from the ground floor extensions to homes on Fairholme Road. A single storey rear projection of the building containing linen cleaning area abuts the rear of No.'s 5 and 7 Fairholme Road whilst the remaining single storey area lie some 1.3m from the boundaries with the gardens on Fairholme Road.
- An indicative landscaping scheme is also shown.

d) Relevant History

LBH/6104/4	DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3-STOREY OFFICE BUILDING WITH PRIVATE CAR PARK FOR 30 CARS AT REAR	GRANTED 10-NOV-76
P/2016/09	OUTLINE APPLICATION: DEMOLITION OF EXISTING OFFICE BUILDING AND RE-DEVELOPMENT OF SITE FOR NEW PART 2, PART 3 AND PART 4 STOREY HOTEL (CLASS C1)	COMMITTEE RESOLVED TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT (NOT COMPLETED)
P/0995/11	DEMOLITION OF EXISTING THREE STOREY OFFICE BUILDING ON GREENHILL WAY AND TWO STOREY OFFICE BUILDING ON FAIRHOLME ROAD; REDEVELOPMENT OF SITE FOR NEW PART 2, PART 3 & PART 4 STOREY BUILDING COMPRISING A 105 BEDROOM HOTEL (CLASS C1) WITH CAFE/BAR (CLASS A3/A4); REFUSE & CYCLE STORAGE	WITHDRAWN

e) Revisions to previous applications (P/2016/09 & P/0995/11)

- Planning application P/2016/09 was submitted in outline form for a part 2, part 3 and part 4 storey building with 86 bedrooms. The scale of development was broadly similar to that proposed in this application. However, the primary change from that application to this current application (apart from the fact this application is for full permission) is the land adjacent to No.'s 5 and 7 Fairholme Road has been acquired and part of the development is proposed in this area as well as the servicing arrangements and two disabled parking spaces being relocated to this area.
- Planning application P/0995/11 was withdrawn earlier this year. This application and the scale of development in this application was similar to the current application with the exception that development in the area adjacent to No.'s 5 & 7 was four-storey in scale rather than 2-storey and 4-storey as now proposed.

f) Pre-Application Discussion

Pre-application discussions in 2007 were held in respect of the development of the site with a 6-storey mixed used building with retail and flats.

g) Applicant Statement

Planning Statement and Design and Access Statements (conclude as follows):

The hotel use on the site has been accepted in principle whilst it is believed that the revised proposal enhances the previously deemed approved scheme both architectural and from a Highways perspective, whilst being a benefit to the centre of Harrow

Daylight and Sunlighting Report (concluded as follows):

The development will have a relatively low impact on the light receivable by its neighbouring properties. Whilst we have identified transgressions of the BRE recommendations, we are of the opinion that the development design is acceptable when taking into account as of the material planning considerations which affect side layout design

Marketing Report (summarised as follows):

The existing office space is of poor quality in a Central Harrow location. The building requires a full and comprehensive refurbishment at a likely cost of £500,000. The refurbishment works cannot be financially justified as the achievable rental value in the area is low. The property struggles to maintain tenants due to the poor condition of the building. There is very little demand for office space in Harrow and there is a severe oversupply of available B1 accommodation in all ranges of size and quality. The removal of Temple House from the local office market will have no effect on the supply conditions as there will remain a wide choice of office space available in alternative serviced business centres nearby.

Transport and Travel Plan (summarised as follows):

Site is highly accessible and within an area with a high PTAL of 6a. There is little difference between the existing and proposed land uses at peak times in terms of trips.

As detailed in the framework Travel Plan, a Travel Plan Coordinator will be appointed prior to first occupation of the site. As a result there can be no foreseeable reason on transport impact grounds to prevent the construction of a new hotel at the site as it presents a policy compliant development at a very sustainable location.

Energy Statement and Sustainability Assessment

The development would be in accordance with the conditions suggested on the previous application (which the Committee members resolved to grant) along with the combination of CHP and gas fired boilers supplying hot water and wet radiator heating system. The hotel has been designed to minimise operational carbon emissions and incorporates modern energy efficiency and sustainable measures.

h) Consultations

Greater London Authority

Development does not raise any strategic planning issues not previously dealt with, provided a condition for the provision of 10 wheelchair accessible bedrooms is imposed on development.

Thames Water

Comments made in respect of Water Issues, Surface Water Drainage, Suggested conditions on Pilling, Groundwater Drainage Discharge, Trade Effluent Consent, Petrol / Oil Interceptors

Environment Agency (summarised as follows):

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

We recommend the surface water management good practice advice in cell F5 (EA Flood Matrix) is used to ensure sustainable surface water management is achieved as part of the development. (Cell F5 of the EA Flood Matrix requires developers to follow good practice guides set out by PPS25)

Major Development

Advert Date: 18-AUG-2011

Expiry: 08-SEP-11

Site Notice Posted

Date: 30-AUG-11

Expiry: 20-SEP-11

Notifications:

Sent: 185

Neighbour Replies: 4

Expiry: 27-SEP-11

Neighbours Consulted:

Station Road: 152, 152A, 154, 154A, 156, 156A, 158, 158A, 160, 160A, 162, 162A, 164A, 166A, 168A, 170A, 170, 172A, 172-174, 174A, 176A, 178A, 178-180, 180A, 182, Suites A-E Greenhill House 184, 186, 188, 190, 209, 209A, 209B, 211, 211A, 211B, 213, 213A, 213B, 215, 215A, 217, 219, Temple House 221-225, 229, 229C, 231A, 231, 233A, 233, 235, 235A, 237A, 239A, 239, 241, 241A, 243, 243A, 245, 245A

Central Parade, Station Road: 1, 1B, 1D, 2, 2A, 2B, 3, 3A, 4A

Bonnorsfield Lane: Hammons House 2, 4, 6, 10, 12, 14, 14A, 16-28, 18-28, 18A, 20, 22A, 26, 28

Fairholme Road: 1, 1A, 1C, 2, 2C, Flats 1-4 at 2C, 4A, 5-49 (odd), 11A, 13A, 17A, 19A, 35A, 39A, 41A, 49A, 18-48 (even), 18A, 20A, 26A, 28A

Welldon Crescent: 2-22 (even), 4A, 10A, 12A, 14A, 16A, 22A

Greenhill Road: 49-59 (odd), 49A-59A (odd)

Summary of Responses :

- Loss of light to properties directly behind car park
- development will also affect natural heat source
- Transgressions in BRE recommendations not acceptable
- report does not consider all affected properties
- Loss of privacy
- Use of Fairholme Road for servicing is unacceptable
- Noise arising from air-conditioning units and noise and disturbance arising from the hotel use
- Overspill parking onto Fairholme Road
- Potential structural damage that could occur
- Light spill into properties along Fairholme Road
- Impact of development on house prices

APPRAISAL

1) Principle of Development and Land Use [Loss of B1 Floorspace]

The application site is identified in the development plan for the area as within the Metropolitan Town Centre. The recently adopted London Plan 2011 identifies Harrow and Wealdstone and the corridor between the two centres as an Intensification Area and policy 2.13.B of The London Plan requires development in these areas to contribute to the strategic policy direction outlined at Annex 1 of The London Plan, namely the regeneration of Wealdstone and the rejuvenation of Harrow town centre.

The site lies outside of any designated Business Use Area. Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that: a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough; b) there is no unacceptable harm to the local economy; c) there is satisfactory evidence that the site has been marketed extensively for B1, B2, and B8 uses; d) the site has been vacant for a considerable length of time; e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of neighbouring occupiers; f) access to public transport is poor and is unlikely to be improved; and g) access for delivery vehicles is poor, where required, and unlikely to be improved. In such circumstances, the policy seeks a mixed-use scheme ahead of a non-business class use.

The policy implications of the proposed land use and the loss of B1 office floorspace have been considered in the previous outline planning application on the site which the committee on March 2010 resolved to grant. In the detailed policy consideration, the loss of the B1 office floorspace was weighted against the positive implications the development would have for the town centre, complementing and re-enforcing the commercial function of the centre with a purpose built hotel. It was recognised that whilst saved UDP policy R15 sets out an aspiration to encourage a range of hotel and guest accommodation, the UDP does not specifically allocate land for new hotel development. Saved policies EM15 and R15 will not always therefore complement each other and a balanced argument as to the benefits and merits of development is therefore necessary. It was considered that the redevelopment of the site, in the short and longer term would be capable of providing benefits to the town centre which would outweigh the harm associated with the loss of employment space on the site. In meeting the need for hotel bed spaces, the development would also support saved policy EM24 of the UDP; promoting initiatives to improve the evening economy in the town centre. The loss of employment space in the short term would be offset by the employment and training contributions which would be secured through a S106 Agreement.

In the interim since the previous planning application (P/2016/09), The new London Plan 2011 has been adopted. However, the strategic objectives and policies of the London Plan broadly reflect those of the consolidated 2008 London Plan and policy 4.5 of The London Plan 2011 continues to set out targets for bed spaces and also states that the visitor economy should be used to support and stimulate growth. The development would also accord with the strategic objectives of policy 4.5 of The London Plan which seeks to focus new visitor accommodation in town centres and opportunities and intensification areas. As discussed in the report on planning application P/2016/09, PPS4 sets out an objective of ensuring new development contributes positively to existing town centres and encourages a degree of flexibility, subject to specific criteria, in assessing new development. Importantly, PPS4, in contrast to previous PPGs, addresses not just B Use Classes but also retail, leisure and cultural uses, recognising the positive economic impacts such development can have. In policy terms therefore, the circumstances of the development have not changed significantly since the previous resolution to grant planning permission on 10 March 2010. The Council's Economic Development Team have commented on the application and though the loss of the B1 office space is recognised, it is considered that the terms of the Legal Agreement will continue to off-set the reduction of B1 office space in the short-term whilst the economic benefits of the development in the longer term have been considered in the previous application and discussed above.

In terms of the changes in site circumstances since the previous application (P/2016/09), as outlined by the applicant in their marketing statement, the town centre continues to struggle to attract any significant level of B1 office space investment and the trend of diminishing office space allied with increasing levels of vacancy continues in the town centre.

Indeed, it is noted that planning permission (P/1674/10) was recently granted for a change of use of the second floor of Temple House from B1 office space to D1 (educational use), adding weight to the applicant's argument that the existing B1 office space on the site is of limited quality and is likely to require substantial refurbishment in order to attract any significant investment.

In light of the continued policy support for sustainable economic development, the need to provide hotel bed spaces in town centres and intensification areas and the minor changes in site circumstances, which lend support to the proposed development, it is considered that, on balance, the principle of the proposed redevelopment of the site accords with the development plan and is therefore acceptable.

2) Scale, Layout, Design and Character of the Area

The proposal seeks to create a hotel over two, three and four storeys. The hotel is at its tallest at the western and eastern ends of this long narrow site. The proposal lowers to two floors and a single storey in the middle section where it is at its closest point to residential properties in Fairholme Road. The four-storey component of the building, replaces the area previously occupied by Temple House, which is 10.2m high (with a small fourth service floor up to 12.4m). The replacement building is 12.4m high.

The scale of the development at the eastern end of the site is broadly in line with the existing building on the site. The scale of the development at the central part and western part of the site takes its cue from the four-storey element. The linear style of development responds to the site's location, whilst the scale and height of the buildings respond to the constraints of the site in respect of amenity impacts on the neighbouring residential occupiers. The presence of a car park opposite the site gives the site an open aspect to the south.

At the eastern end of the site, the building would appear as a taller structure rising above the adjoining 2 storey properties at 219-215 Station Road. The set back at this corner, differing form (with a flat as opposed to pitched roof) and relative heights of the existing and proposed buildings would mean that in longer views from Station Road from the North, the new building would appear as an obviously different scale of development to the adjoining premises. This contrast in scale is not however, in the context of the already mixed urban grain along Station Road, considered to be inappropriate or harmful to the character or appearance of the area. At the western end of the site, the three-storey flat-roofed scale of the building would not be substantially different from the two-storey pitched roof building along Fairholme Road. Planning permission was granted in 2008 for a part 3, part 4 and part 5 storey residential buildings to the west of the site and the three-storey element of the proposed hotel would provide a transitional end to the development which would complement the proposed development of the area to the west of the site.

In terms of the overall appearance of the development in the wider context of the area, it is considered that the varying scale and design of the building, would be appropriate for the site. The eastern elevation of the building would be broken up by balconies which would add visual interest to this elevation. The detailing of the southern elevation of the building would be such that the horizontal appearance of the building would be emphasized by lintels at each floor level. This elevation would be segregated in sections by the curving nature of the site and the building would be more easily read in this way. On the northern elevation, the most apparent part of the building would be adjacent to the servicing area. Though this elevation would be located within an area of more defined character, the two-storey and four-storey element would be set well back from the established building line along Fairholme and would not be readily apparent. Nonetheless, the offset windows would at least add some visual interest and improve this dilapidated area along Fairholme Road. The elevational treatments facing the rear of the properties along Fairholme Road would be broken up by the insertion of imitation openings, providing some relief to the render massing of the rear of the building.

Subject to conditions relating to the materials to be used and the landscaping of the development, it is considered that the proposed development would accord with policies 7.4.B and 7.6.B of The London Plan 2011 and saved policies D4 and D7 of the UDP in responding to the context of the site and the surrounding area.

3) Accessibility

Provision is made for 2 wheelchair accessible spaces on the Fairholme Road part of the site. There are 10 bed spaces provided for disabled persons and the provision of 2 car parking spaces (20%) would therefore provide over 6% of the total capacity for car parking spaces suggested at Table 6.2 of The London Plan 2011. The development has been designed to accord with the provisions of the Equalities Act 2010 and would therefore meet all internal requirements for bed spaces and internal and external arrangements. The provision of 10 wheelchair accessible bedrooms would accord with policy 4.5.B of The London Plan 2011. The proposal is therefore considered to accord with policy 4.5.B of The London Plan, saved policies D4 and C17 of the UDP and adopted SPD – Access for All 2006.

The comments of the Greater London Authority (GLA) are noted in respect of a condition requiring development to ensure 10 wheelchair accessible bedrooms are provided on site. However, 10 wheelchair units have been shown on the submitted plans and this would ensure that these bedrooms are provided. A condition therefore requiring 10 wheelchair rooms to be provided would not meet the tests of Circular 11/95 as it would not be necessary.

4) Amenity

A sunlight and daylight assessment has been undertaken by the applicants. The study follows an approved methodology for such assessments and assesses the impact upon each individual window in 5-15 Fairholme Road. The study concludes that sunlight to windows and the impact of overshadowing on the gardens of the houses falls within acceptable levels (based upon the BRE methodology).

The results of the study show that there are some conflicts with the Vertical Sky Component in respect of the windows at No.'s 5 to 11 (before / after development ratios of 0.71 and above – against a recommended BRE Target of 0.8). The applicant states that where windows do not meet the recommended target, it does not automatically follow that daylighting will be of a poor standard. Some assumptions are made in respect of the Average Daylighting factor, as access was not available to the properties along Fairholme Road, but the tests indicate that the impact of development would be relatively low. With the exception of a single window at No.5 Fairholme, the development would pass the BRE No Sky Line test (before / after development ratio of 0.72 – against a BRE target of 0.8 for this window). All window pass directly sunlight tests. In terms of overshadowing of gardens, all gardens, with the exception of the garden to No.5 Fairholme Road pass the BRE standard. The report concludes that whilst there are some transgressions of the BRE standards, the development will have a relatively low impact on neighbouring properties.

The report and its conclusions are, based upon officer assessment of the impacts of site, considered to be fair. The scale of development, as discussed above, is considered to be acceptable. In terms of the transgressions of the development with BRE standards, the development would not have a greater impact than the previous application at the site (P/2016/09 which the Planning Committee resolves to grant in March 2010) in respect of No.'s 5-15 Fairholme Road, and the transgressions referred to are relatively minor. In comparison with the previous application, P2016/09, the development would have a greater impact on those residential properties above the commercial properties along Station Road. However, the development would not unduly affect light entering into these properties. Whilst acknowledging the potential impact on sunlight and daylight, overall, the proposed scale and layout of the building is considered to be appropriate and would not result in significantly harmful impacts on the amenities of the neighbouring occupiers, nor would the impact of development be significantly greater than the previous application P/2016/09.

The comments of the neighbouring properties are noted in respect of the light received by properties adjacent to the western part of the site. However, all of these gardens would retain quite open aspects on at least two sides and there would be no transgressions in respect of BRE standards in relation to gardens or windows at these properties.

In terms of overbearing impact, the proposed development would have a positive impact on the rear gardens of No.'s 5 & 7, as the existing two-storey building which abuts the eastern side of the garden of No.5 would be replaced by a two-storey extension sited 1.2 metres off the boundary. The remaining development is of a similar scale to that previously considered in planning application P/2016/09 and as the buildings would not abut any other residential boundaries, it is considered that there would be no undue additional overbearing impact in comparison with the previous application.

Some windows to bedrooms are proposed at ground floor level. However, as these would be below the level of the rear boundary fencing to the residential properties along Fairholme Road, no overlooking would occur. There are no further windows on the northern elevation and no undue overlooking would therefore occur. A condition is attached to ensure that the faux style windows on the northern elevation of the first floor of the building do not result in a perception of overlooking for the residents of the properties along Fairholme Road.

A number of neighbouring occupiers have raised concerns in respect of overall noise and disturbance arising from the development. The building is orientated away from the closest residential properties along Fairholme Road and there are no openings facing these residential properties. It is likely that any additional noise from the building itself would be lost in the ambient noise of the surrounding area and would primarily be to the front of the building. The Council's Environmental Health Team has commented on the application and has not raised any specific objection. This is qualified however, by stating that no detailed assessment can be made until details of air-conditioning units and lighting have been submitted. Conditions in respect of lighting and air-conditioning units are attached to ensure that development does not result in undue noise levels or light spill into neighbouring rear gardens.

The comments of the neighbours in respect of the disturbance arising from the provision of servicing arrangements along Fairholme Road are also noted. The applicant has confirmed that servicing requirements for the building would be relatively low, as the café / bar associated with the use would be low intensity. Given this and subject to appropriate conditions restricting the times when the building can be serviced, it is considered that servicing arrangements would not have an undue impact on the amenity of the neighbouring occupiers.

Subject to conditions therefore, it is considered that the development would not have an undue impact on the amenity of the neighbouring properties, thereby according with policy 7.6.B of The London Plan and saved policies EP25, R15, EM25 and D4 of the Harrow Unitary Development Plan (2004).

5) Parking and Highway Safety

The site is in a highly sustainable location and lies opposite Greenhill Way car park and in proximity to a number of other town centre car parks. Paragraph 6A.8 of The London Plan sets out an aspiration that provision of parking should be limited to operational needs, parking for disabled persons, and that required for taxis, coaches and deliveries / servicing. The Council's Traffic and Highways Engineer has commented on the application and in recognition of the aspirations of The London Plan, the site constraints, the high PTAL level of the site of 6a (taken from the TfL website) and the provision of car parking spaces and other spaces in close proximity to the site, has not raised any specific concerns. The trip journeys to and from the site are likely to marginally increase. However, these are not likely to be of a level to have a significant impact on traffic and highway safety. No provision is made for coach spaces. However, the provision of an on-street drop off facility is considered to be acceptable given the infrequency of such activities and the availability of on-street parking for these short duration events.

An adequate number of cycle spaces are proposed in order to accord with Table 6.3 of The London Plan 2011. The comments received following consultation of the application are noted. However, in light of the above considerations, the existing parking restrictions along Fairholme Road and the fact the proposed development would very much be orientated towards Greenhill Way, it is considered that overspill parking on Fairholme Road is unlikely to arise.

In contrast with the previous application, P/2016/09, the servicing arrangements for the development has been moved onto the Fairholme Road entrance to the property. In traffic and highways terms, the movement of the servicing arrangements onto Fairholme Road is considered to be a positive development as this road is lesser trafficked than Greenhill Way.

In light of the above, development would accord with policy 6.3A/B/C and saved policies T6 and T13 of the UDP.

The development is likely to have a significant impact on public transport within the town centre area. In order the offset the impact on development on the public realm in transport terms, contributions toward public realm enhancement and phase 2 of the two-way working buses for nearby Station Road are sought.

6) Sustainability

The applicant has submitted an Energy Statement & Sustainability Statement based on the recommendations of the GLA in the previous application, P/2016/09. The applicant has submitted details of the type sustainable technologies to be incorporated into the development but has not demonstrated the technologies would achieve the required reduction in carbon emissions. Furthermore, The London Plan has been revised in the interim and policy 5.2 seeks to ensure a 25% reduction in carbon emission below 2010 Building Regulations for new development for the period 2010 – 2013. A condition is attached to ensure that development accords with PPS22, policy 5.2.A/B/C/D/E of The London Plan 2011, saved policy D4 of the UDP and adopted SPD – Sustainable Building Design 2009.

7) Drainage and Other Issues

The Council's Drainage Team and the Environment Agency have commented on the application and suggested conditions to ensure that development does not increase flood risk on or near the site and would not result in unacceptable levels of surface water run-off. Subject to such conditions, the development would accord with PPS25, London Plan 5.12.B/C/D or saved policy EP12 of the UDP.

The Council's Arboricultural Officer has commented on the application and considers that development would not have an undue impact on trees on or near the site.

8) S17 Crime & Disorder Act 1998

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

9) Consultation Responses

Loss of light to properties directly behind car park; loss of privacy; transgressions in BRE recommendations not acceptable; report does not consider all affected properties

These issues are addressed in Section 4 of the Appraisal above

Noise arising from air-conditioning units and noise and disturbance arising from the hotel use; light spill into properties along Fairholme Road

These issues are addressed in Section 4 of the Appraisal above

Development will also affect natural heat source

This issue is not a material planning consideration and cannot be considered as part of the planning application

Use of Fairholme Road for servicing is unacceptable; overspill parking onto Fairholme Road

These issues are addressed in Sections 4 and 5 of the Appraisal

Potential structural damage that could occur

This issue cannot be considered as part of the planning application but would be a civil issue

Impact of development on house prices

This issue is not a material planning consideration and cannot be considered as part of the planning application

CONCLUSION

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for **GRANT**, as, on balance, the provision of hotel accommodation in this location is likely to have a positive impact on economic development of the area and the town centre. The design of the development is considered to positively respond to the site context and would have an acceptable impact on the amenity of the neighbouring occupiers. The development does not raise any significant issues in terms of traffic and highway safety. The attached conditions would ameliorate any other issues associated with the development.

CONDITIONS

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

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

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

a: the extension / building(s)

b: the ground surfacing

c: the boundary treatment

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

REASON: To ensure a satisfactory form of development and safeguard the appearance of the locality, thereby according with policies 7.4.B and 7.6.B of The London Plan 2011 and saved policies D4 and D7 of the Harrow Unitary Development 2004

3 No construction / works in connection with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and Saturdays or at any time on Sundays or Bank Holidays.

REASON: To safeguard the amenity of the neighbouring occupiers, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004

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

The Statement shall provide for:

i. the parking of vehicles of site operatives and visitors

ii. loading and unloading of plant and materials

iii. storage of plant and materials used in constructing the development

iv. measures to control the emission of dust and dirt during construction

v. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

5 The development hereby permitted shall not commence until a scheme for the management, storage and disposal of refuse/waste, including arrangements and hours for vehicle collection of waste/refuse has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be commenced until the works for the storage of waste have been completed in accordance with the approved details and the site shall thereafter be managed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004

6 No servicing or deliveries in association with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and Saturdays; or before 1000hrs or after 1400hrs on Sundays or Bank Holidays.

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

REASON: To enable the Local Planning Authority to ensure that any such adverts are carried out in a manner which will not be harmful to the character and appearance of the development or the locality, thereby according with saved policies D4 of the Harrow Unitary Development

8 Prior to first operation of the development, details of a lighting scheme for the development including hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To meet the needs for safety and security for users of the site and to ensure that impact upon the amenity of residents in Fairholme Road are safeguarded, in accordance with policy 7.3.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

9 No plant or machinery, including that from fume extraction, ventilation and air conditioning, which may be required by reason of granting this permission, shall be installed within the building without the prior written approval of the local planning authority. Any approved plant or machinery shall be operated only in accordance the approved details.

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan 2004.

10 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied until the parking, turning and loading area(s) shown on the approved plan no.32B have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purposes at any time, without written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas and water run-off, to safeguard the appearance of the locality and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policies EP12, T6, T13 and D4 of the Harrow Unitary Development Plan 2004

11 Notwithstanding the submitted Energy and Sustainability Statements, before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of BREEAM 'very good or excellent' (or successor), the reduction of baseline CO₂ emissions by 25% below 2010 Building Regulations, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, policies 5.2.B/C/D/E of The London Plan 2011, saved policy D4 of the Harrow Unitary Development Plan 2004 and adopted Supplementary Planning Document – Sustainable Building Design 2009.

12 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the building shall be submitted to an approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority under this condition, no external lighting shall be fixed to the building or placed within the external areas of the site.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents in the adjacent dwellings or adversely affect highway safety for users of the adjoining highway, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004.

13 The external roof spaces marked as roof gardens shall not be used by staff, visitors or guest for any purpose other than essential maintenance associated with the operation of the building.

REASON: To ensure that the privacy and amenities of residents in the properties on Fairholme Road are safeguarded from overlooking and perceived overlooking and to avoid the need for the intrusive screens or additional enclosures in the interests of the appearance of the building and the outlook from adjoining gardens, thereby according with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011 and saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, thereby according with policy 7.4.B of The London Plan 2011 and saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with PPS25, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the UDP

17 The development of any buildings hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by the local planning authority.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with PPS25, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the UDP

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

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policy D4 and T13 of the Harrow Unitary Development Plan (2004).

19 Notwithstanding the details shown on drawing No.34B, no glazed panels or any other type of glazing shall be used (with the exception in the windows to bedrooms 102 and 105) at first floor level on the northern elevation of the building hereby approved without the prior permission in writing of the local planning authority.

REASON: To preclude any undue perception of overlooking into the gardens of the residential properties along Fairholme Road, thereby according with policy 7.6.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004.

20 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 21C; 22C; 23C; 24C; 25C; 26C; 27A; 28A; 32B; 33A; 34B; 35B; 36B; 37B; 38B; 39; 40; 41; 260111-1337-1; 260111-1337-2; LP1; Planning Statement; Design and Access Statement; Energy Statement and Sustainability Statement; Transport Statement and Travel Plan; Daylight and Sunlight Study; Marketing Report (received 11 Aug 2011)

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

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposed development represents an acceptable re-use of this town centre site for a purpose that will support the continued vitality and viability of the Metropolitan Town Centre. The loss of employment floorspace within Temple House has been balanced against the provisions of The London Plan policies 4.1.A, 4.5.B and 4.7.B and saved policies R15 and EM24 of the UDP, which together with the provisions of the S106 Agreement, would be mitigated through the new employment opportunities associated with the development and the delivery of construction and local employment training initiatives within the area.

The impact of the scale and layout of the proposes building, having regard to the site context and surrounding uses, including the residential properties to the rear and those future properties to the north of the site, has been assessed and is considered to be acceptable. The site location, public transport accessibility and access to off-site parking renders the transports impact of the development acceptable, subject to a Green Travel Plan.

The overall scale, massing and intensity of use of the development would be consistent with the scale of development nearby and the development, subject to the conditions, is considered to represent a positive response to the opportunities presented by the site. Having regard to representations received, these do not introduce material planning considerations that would outweigh the overall conclusions on the merits of the proposals.

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development [2005]
Planning Policy Statement 4 – Sustainable Economic Development [2009]
Planning Policy Statement 13 – Transport [2011]
Planning Policy Statement 22 – Renewable Energy [2004]
Planning Policy Statement 25 – Development and Flood Risk [2010]
Good Practice Guide on Planning for Tourism
Draft National Planning Policy Framework 2011

The London Plan [2011]

2.13.B – Opportunity Areas and Intensification Areas
2.15.C – Town Centres
3.1.B – Ensuring Equal Life Chances for All
4.1.A – Developing London's Economy
4.5.B – London's Visitor Infrastructure
4.7.B – Retail and Town Centre Development
5.2.A/B/C/D/E – Minimizing Carbon Dioxide Emissions
5.3.B/C – Sustainable Design and Construction
5.7.B – Renewable Energy
5.12.B/C/D – Flood Risk Management
6.3.A/B/C – Assessing the Effects of development on transport capacity
7.2.C – An Inclusive Environment
7.3.B – Designing out Crime
7.4.B – Local Character
7.5.B – Public Realm
7.6.B – Architecture

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

S1 – The Form of Development and Pattern of Land Use
EP12 – Control of Surface Water Run-Off
EP25 – Noise
D4 – The Standard of Design and Layout
D7 – Design in Retail Areas and Town Centres
EM15 – Land and Building in Business, Industrial and Warehousing – Outside Designated Area
EM24 – Town Centre Environment
R15 – Hotels and Guest Houses
C17 – Access to Leisure, Recreation, Community and Retail Facilities
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Adopted Supplementary Planning Documents

Supplementary Planning Document – Access for All [2006]

Supplementary Planning Document – Sustainable Building Design [2009]

Other Relevant Documents

Harrow Sustainable Community Strategy [2009]

London Borough of Harrow Employment Land Review [2010]

2 INFORMATIVE:

CONSIDERATE CONTRACTORS CODE OF PRACTICE:

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

3 INFORMATIVE

CONSTRUCTION MANAGEMENT REGULATIONS:

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

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

4 INFORMATIVE:

The applicant is advised to note the comments of Thames Water:

Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

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

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Launderette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 01923 898 188

Water Comments

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

5 INFORMATIVE

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

Plan Nos: 21C; 22C; 23C; 24C; 25C; 26C; 27A; 28A; 32B; 33A; 34B; 35B; 36B; 37B; 38B; 39; 40; 41; 260111-1337-1; 260111-1337-2; LP1; Planning Statement; Design and Access Statement; Energy Statement and Sustainability Statement; Transport Statement and Travel Plan; Daylight and Sunlight Study; Marketing Report (received 11 Aug 2011)

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01
103 GREENFORD ROAD, HARROW, HA1 P/1938/11
3QF

Ward: HARROW ON THE HILL

CHANGE OF USE FROM AN OFFICE TO PROVIDE AN EDUCATIONAL FACILITY
(CLASS B1 TO CLASS D1) (RETROSPECTIVE APPLICATION)

Applicant: Mr Leon Peng Zhang
Case Officer: Fergal O'Donnell
Statutory Expiry Date: | 09-SEP-11

RECOMMENDATION

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], and to all relevant material considerations, as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers. The Listed Building, to which the application relates, would benefit from active operational use, ensuring that the property does not fall into disrepair and thereby benefiting the Heritage Asset.

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

Draft National Planning Policy Framework

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

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

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

Planning Policy Guidance 13 – Transport [2011]

The London Plan [2011]

3.18C/D/E/F – Educational Facilities

4.2 – Offices

6.3A/B/C – Assessing Effects of Development on Transport Capacity

6.9B – Cycling

6.13 – Parking

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.8C/D/E – Heritage Assets and Archaeology

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

SEM1 – Development and the Borough’s Regeneration Strategy

D4 – The Standard of Design and Layout

D11 – Statutorily Listed Buildings

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

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Adopted Supplementary Planning Documents

Supplementary Planning Document – Access for All [2006]

Other Relevant Documents

London Borough of Harrow Employment Land Review [2010]

Harrow Sustainable Community Strategy [2009]

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) **Loss of Designated Office Space and the Provision of New Educational Facilities**
(PPS4, London Plan policies 4.2, 3.18C/D/E/F; UDP policies SEM1, EM15, C7)
- 2) **Character of the Area and Impact of Development on the Listed Building**
(PPS5, London Plan policy 7.8/C/D/E; UDP policies D4, D11)
- 3) **Parking and Highway Safety**
(PPS13; London Plan policies 6.3A/B/C, 6.9B, 6.13; UDP policy T13)
- 4) **Accessibility**
(London Plan policy 7.2C, D4, C16, SPD – Access for All)
- 5) **S17 Crime & Disorder Act**
(London Plan policy 7.3.B; UDP policy D4)
- 6) **Consultation Responses**

INFORMATION

This application is being reported to committee as the proposal constitutes a change of use of more than 400m² of floorspace and therefore falls outside of Category 6 of the Scheme of Delegation.

a) Summary

Statutory Return Type: Change of Use

Council Interest: None

b) Site Description

- Site is located on the northern side of Greenford Road.
- The site is occupied by a one and a half storey building which is Grade II Listed. The building is finished in flint with yellow stock brick dressings.
- The building has a primary front gable projection on the eastern side of the front elevation. The ridge of this element aligns with the main roof ridge.
- The building has two pitched roof front dormers and two ornate chimney stacks.

- The property has been extended at the rear with the addition of single storey link element rising to a storey and a half at the rear.
- This extension encloses on three sides a courtyard area to the rear of the original building.
- A car park is located at the rear of the site, accessed via the vehicular entrance on the eastern side of the site.

c) Proposal Details

- It is proposed to change the use of the building from offices (Use Class B1) to an educational facility (Use Class D1).
- The applicant has not submitted any floor plans of proposed alterations to the building but has submitted a Planning and Access Statement in support of the application.

d) Relevant History

LBH/12980	CHANGE OF USE FROM RESIDENTIAL AND MEETING HALL TO OFFICES	GRANTED 09-SEP-78
P/2541/07/DFU	TWO STOREY EXTENSION IN COURTYARD	REFUSED 19-SEP-07 DISMISSED ON APPEAL 21-APR-08

Reason for Refusal:

1. The proposed rear extension, by reason of scale, size, excessive bulk and siting would be unduly obtrusive and out of proportions with the Grade II Listed Building as originally constructed, therefore the proposal would be harmful to the appearance, character and setting of the building contrary to policies SD2, D4 and D11 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide" (2003).

e) Pre-Application Discussion

Letter dated 23rd of August 2011 (summarised as follows):

- There is no specific objection to the proposed use of the building for educational use (Use Class D1). However, detailed evidence would need to be provided that the office (B1 Use) is no longer viable on the site, in line with saved policy EM15 of the UDP and that the development would meet the aspirations of PPS4: Sustainable Economic Development (2009). Careful attention needs to be given to the Heritage Asset on the site and how development would impact upon it. It should also be demonstrated that the development would have a sustainable impact on the amenity of the neighbouring occupiers on the site and transport on and near the site.

f) Applicant Statement

Planning and Access Statement (summarised as follows):

- Harrow has experienced a decrease in popularity as an office location for the major office occupiers in the 1980s, partly explained by its protracting access from the M1, M40 and M25.
- Harrow has seen a steady drop off in office prices in recent years.

- Lack of demand has meant there is a great quantity of office space available on the market.
- In 1978, planning permission was granted to change the building from D1 use to B1. Being a period building used originally for D1 use, the building's layout is not suitable for office use.
- Since the previous occupiers went into administration in 2009, the building has remained empty.
- There has been little or no interest in the B1 use despite the letting agents sending 5000 emails to potential occupiers. Apart from the current occupiers, the only other serious bid came from a religious group.
- Cavendish Avenue is about 100 metres from the application site. However, despite extensive marketing of this property over the last 2 years, it remains unoccupied.
- Before the applicant took over the site, there had been signs of vandalism.
- The period building provides an excellent setting for the learning of English
- It is estimated that about 300 students will study in the building at different times of the day. All of the college's current students are over 18 years of age.
- The site provides 16 car parking spaces.
- There will be at least 10 cycle spaces made available to staff and students
- School proposes to operate from 9am to 9pm and the building is self contained.
- Commercial refuse storage will be provided for the entire site
- Development will increase employment and would have no adverse impact on traffic or the Listed Building
- The applicant has also provided examples of other vacant properties in the locality

g) Consultations

Traffic and Highways Engineer:

Setting of a Listed Building

Advert Date: 11-AUG-11

Expiry: 08-SEP-11

Site Notice Posted

Date: 05-AUG-11

Expiry: 02-SEP-11

Notifications:

Sent: 41

Neighbour Replies: 0

Expiry: 24-AUG-11

Neighbours Consulted:

Orley Court, Greenford Road: 1-9

Greville Court, South Vale: 1-24

Greenford Road: 93-95, 110-114, 112, 114, 116

Summary of Responses :

None

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 application.

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

The site is located on the northern side of Greenford Road, a London Distributor Road. As such, the area experiences a relatively high degree of vehicular traffic. The surrounding area has a mix of uses, with industrial, residential and commercial uses sitting alongside each other.

Saved policy EM15 states that the Council will normally only permit changes of use from B1 use outside of designated areas where it can be demonstrated that:

- a) there is sufficient provision of other sites or premises available for B1, B2 and B8 uses within the local area and throughout the remainder of the borough;
- b) there is no unacceptable harm to the local economy;
- c) there is satisfactory evidence that the site has been marketed extensively for B1, B2, and B8 uses;
- d) the site has been vacant for a considerable length of time;
- e) in the case of B2 or B8 uses, continued use would have an impact on the amenity of neighbouring occupiers;
- f) access to public transport is poor and is unlikely to be improved; and
- g) access for delivery vehicles is poor, where required, and unlikely to be improved.

The tests outlined in saved policy EM15 stem from the wider development plan strategic objective of saved policy SEM1 which seeks to support businesses in the borough by protecting land and buildings suitable for employment use from other uses. Policy EC11 of PPS4 (2009) broadly reflects saved policy EM15 of the HUDP (2004) whilst requiring planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past ten years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. The applicant has demonstrated the availability of B1 office space in the supporting documents, thereby satisfying criterion (a) of saved policy EM15 of the UDP. PPS4 encourages local authorities to provide a flexible approach in assessing applications for economic development.

The applicant has stated that the premises has been vacant for the period of marketing (up to 2 years) and whilst the use of the site for offices rather than educational uses is likely to generate a greater economic value to the borough, given the vacancy of the premises for this period, it is considered that having the premises occupied and used would provide a viable alternative to the use of the site as offices. The applicant has stated that another property in close proximity to the site, Cavendish House, has been vacant for two years despite extensive marketing and refurbishment. The layout of the building, as the applicants suggest, is not conducive to the existing authorised office use and the statutory listing of the building is likely to make the building less attractive to potential office occupiers, who may wish to update the building which would require Listed Building Consent. The applicants have begun using the property, and minimal changes (which do not required Listed Building Consent) have made the building operational which would suggest, in line with the original use of the property, that a D1 use of the land is more appropriate than an office use.

It is clear then that the site has been vacant for a considerable length of time with little prospect of occupation by a B1 office user in the near future. In this respect, it is considered that there would be no unacceptable harm to the local economy resulting from the loss of B1 office space. The proposed development would therefore meet the tests of criteria (b) and (d) of saved policy EM15 of the UDP.

The applicant has also demonstrated that the site has been marketed for B1 office use without any success in gaining a B1 office use occupier. Given the site has been vacant since 2009 and in a relatively prominent location, it is considered that letting agents would have received unsolicited enquiries as to the potential use of the building, where the building viable for occupation by a B1 user in the short to medium term. However, this has not occurred and given the economic circumstances, layout and constraints of the building, the failure to attract a potential occupier is not surprising. It is therefore considered that the applicant has demonstrated that the educational use of the building would broadly accord with saved policy EM15 of the UDP and would accord with the principles of PPS4 which seeks to provide economic development which is sustainable. NO objection to the principle of the change of use of the building is therefore raised given the economic benefits of accepting the educational use of the site.

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

The site is located in a highly accessible location and though no demonstrable need for educational facilities has been submitted by the applicant, it recognised that adult learning is an expanding area of growth. The relatively good accessibility (the site has a public transport accessibility level [PTAL] rating of 3) of the site will appeal to potential students and it is considered that there will be adequate demand in this location for such facilities. The site has safe setting down areas to the east of the site and as discussed it is likely that many students will use public transport.

2) Character of the Area, Amenity and Impact of Development on the Listed Building

The change of use of the building does not involve any external alterations to the property. The number of persons using the site is likely to increase as a result of the change of use from B1 offices to D1 educational use. However, the site is located within an area which does not display any uniformity of character and the areas surrounding the site are generally busy and display high levels of ambient noise. The use of the site for educational use would not detract from the appearance of the area. In terms of the impact of development on the Listed Building, no alterations of the property beyond small scale repairs have been considered necessary and the appearance of the Listed Building has benefited in the short term from the repairs that have been done to the property. In the medium to long term, the Listed Building will benefit from being in active operational use, ensuring that the building does not face neglect, dilapidation or vandalism.

It is noted that new signage has been erected on the front of the building. The applicant is reminded of their obligations in respect of obtaining Listing Building Consent for this advert by way of an informative on this application.

There are residential properties to the west and east of the site. As discussed above, the area has a mix of uses. The use of the property for educational use (at the level estimated by the applicant) is likely to result in a greater number of trips to and from the property. However, given the mixed nature of uses in the area and the busy nature of the Greenford Road, it is considered that any additional disturbance from the site would not be discernible from the surrounding mix of uses. It is considered therefore that the proposed use would not have an undue impact on the amenities of the neighbouring occupiers.

3) Traffic and Highway Safety

The site has a relatively good PTAL of 3 (taken from the TfL website). The site has 16 car parking spaces which is well above the maximum provision of 1 space per 300-600m² of floor space suggested in the UDP. In reality, the use of the building is likely to reduce private transport journeys to the premises and the relatively good PTAL level would encourage public transport to be used by both members of staff and students alike. It is therefore considered that the development would not have an undue impact on highway safety or traffic.

The Council's Traffic and Highways Engineer has commented on the application. It is recognised that an educational use is likely to generate much lower levels of car-borne travel than would be experienced with the authorised office use of the site. However, given the nature of the use, it is likely that students and staff would be likely to use cycle transport more frequently than the currently authorised use of the premises. As such, a condition is recommended that cycle storage at a level of 1 space per 10 students / staff members would be provided in order to provide safe cycle storage points, facilitate non car-borne methods of travel and reduce the level of vehicular activity on the highway, thereby according with policies 6.3A/B/C, 6.9B and 6.13 of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

The applicant has estimated that up to 300 students and 18 staff would be on the site throughout the course of a 12 hour day. Table 6.3 of The London Plan requires 1 space for every 8 students or members of staff should be provided for colleges. As students and staff would be coming and going throughout the day, it is considered that the 10 spaces proposed would adequately provide for the users of the building. A condition is attached to this effect. Subject to such a condition, the development would accord with the policies of The London Plan and the saved policies of the UDP.

4) Accessibility

The applicant has not submitted details of floor plans or layouts. The London Plan policies and the saved policies of the UDP require all new development to make provision for all users of the building. It is considered that the building could be made accessible to all persons with some minor alterations (which would not affect the Listed Building) and the applicant is reminded for their obligations under the Equalities Act 2010 by way of an informative.

5) S17 Crime & Disorder Act 1998

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

6) Consultation Responses

None.

CONCLUSION

The decision to **GRANT** planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, including any comments received in response to publicity and consultation as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The proposed educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers, subject to imposition of the attached conditions. The Listed Building, to which the application relates, would benefit from active operational use, ensuring that the property does not fall into disrepair and thereby benefiting the Heritage Asset.

CONDITIONS

1 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 and highway safety, in accordance with saved policy D4 and T13 of the Harrow Unitary Development Plan 2004.

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

- a) 0900 hours to 2100 hours, Monday to Friday inclusive,
- b) 0900 hours to 1800 hours on Saturdays, Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties to the west and east of the site, in accordance with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

- a) 0830 hours to 2130 hours, Monday to Friday inclusive,
- b) 0830 hours to 1830 hours, Saturdays, Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties to the west and east of the site, in accordance with saved policy D4 of the Harrow Unitary Development Plan 2004.

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

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the student/staff numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the neighbouring residential properties is kept to a minimum in order to comply with saved policy D4 of the Harrow Unitary Development Plan 2004.

5 Within three months of the date of this decision, details of a scheme to provide storage for 10 cycle spaces on the site should be submitted to, and approved in writing by, the Local Planning Authority. The cycle storage as approved shall be for the sole use of the D1 use on the site and shall be retained for the duration of the educational use of the site.

REASON: To ensure the satisfactory provision of safe cycle storage points, to provide facilities for all potential users of the site and in the interests of highway safety, in accordance with policy 6.9B of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan (1:1250); Site Block Plan (1:500); Planning and Access Statement; and any revised approved plan associated with condition 5

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

INFORMATIVES

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to **GRANT** planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, including any comments received in response to publicity and consultation as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The proposed educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers. The Listed Building, to which the application relates, would benefit from active operational use, ensuring that the property does not fall into disrepair and thereby benefiting the Heritage Asset.

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

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

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

Planning Policy Statement 13 – Transport [2011]

The London Plan [2011]

3.18C/D/E/F – Educational Facilities

4.2 – Offices

6.3A/B/C – Assessing Effects of Development on Transport Capacity

6.9B – Cycling

6.13 – Parking

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.8C/D/E – Heritage Assets and Archaeology

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

SEM1 – Development and the Borough's Regeneration Strategy

D4 – The Standard of Design and Layout

D11 – Statutorily Listed Buildings

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

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Adopted Supplementary Planning Documents

Supplementary Planning Document – Access for All [2006]

Other Relevant Documents

London Borough of Harrow Employment Land Review [2010]

Harrow Sustainable Community Strategy [2009]

2 INFORMATIVE:

The applicant is reminded of the duties set out in the Equality Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

3 INFORMATIVE:

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

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

4 INFORMATIVE:

The applicant is advised that the advert erected on the front elevation of the building requires Listed Building Consent

Plan Nos: Site Location Plan (1:1250); Site Block Plan (1:500); Planning and Access Statement

25 - 27 PINNER GREEN, PINNER, HA5 2AF

Item: 2/02

P/1333/11

Ward: PINNER

CHANGE OF USE FROM OFFICE TO A NON RESIDENTIAL (EDUCATIONAL) PURPOSES (CLASS B1 TO D1)

Applicant: Harrow Mencap

Case officer: Sam Fowler

Statutory Expiry Date: | 20-SEP-11

RECOMMENDATION

That authority be delegated to the Divisional Director of Planning to determine planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for the development described in the application and submitted plans, after the notification period expires on 20th October 2011.

REASON: 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 the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging the protection and enhancement of social infrastructure and community facilities, as well as to all relevant material considerations including comments received in response to publicity and consultation. The proposal would provide a unique specialist service in an area of Harrow that currently lacks this type of facility. It would comply with all relevant policy considerations, aside from a departure from EM15.

National Planning Policy

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.

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

Planning Policy Guidance 13: Transport (2011)

The London Plan 2011

3.1 B – Ensuring Equal Life Chances For All

3.18 C/D/E/F – Education Facilities

6.13 C/D – Parking

7.2 C – An Inclusive Environment

7.3 B – Designing Out Crime

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

SEM1 – Development and the Boroughs Reservation Strategy

C7 – New educational facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

EM15 – Land and Building In Business, Industrial and Warehousing Use Outside Designated Residential Areas
EP 25 – Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Supplementary Planning Document – Access For All (2006)

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

- 1) Principle of Change of Use
- 2) Loss of Business Use
- 3) Advertisements
- 4) Traffic and Parking (T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

This application is reported to Committee as the development relates to the change of use of more than 100 square metres of floorspace owned by the Council, which falls outside category 6 of the scheme of delegation.

a) Summary

Statutory Return Type: Change of use
Council Interest: Harrow Council has an interest (Council owned office).

b) Site Description

- The subject property is located on the southern side of Pinner Green
- The main feature on the property is a large detached L-shaped building, three storeys in height with a flat roof. There is a front projection where existing advertisements are sited.
- The surrounding area includes terraced dwellings to the north of Pinner Green, commercial buildings to the northwest, a petrol station to the east of the site and a supermarket to the west/south west of the property. There are blocks of flats to the south of the site.
- The ground floor of the subject site is being used as office space for "Carers Support Harrow". This organisation sources and provides volunteer support to people of varying care needs. However, within the ground floor of the building there are other types of business uses
- Above the office space is residential development (flats) which occupy both first and second floors.

c) Proposal Details

- The applicant is seeking planning permission for the change of use from an Office (Use Class B1) to a Non-residential (Educational Purposes - Use Class D1)
- On average the site will have between 15 - 20 visitors a day, however it has been indicated that the length of stay and number of any visitors on the site will be intermittent.

- Staffing numbers would be no more than 6, and the hours of operation would be between 09:00 and 17:30 all week.
- It is not expected that the number of parking spaces utilised by the activity within neighbouring car parks will increase past what is currently being used.
- Aside from different signs, of which an advertisement application has been submitted, no material changes to the existing structure are proposed.

d) Relevant History

LBH/2665	Erect 3 storey block old peoples flat (revised)	WITHDRAWN 30-NOV-69
LBH/2665/2	Erection of notice board	GRANTED 10-AUG-70
LBH/9160	Installation of new shopfront	GRANTED 21-SEP-73
LBH/2665/3	Erection of notice board	GRANTED 21-MAY-74
LBH/9160/1	Change of use from retail shop to restaurant	REFUSED 06-NOV-75
LBH/9160/2	Display of illuminated fascia signs and projecting signs	DEEMED REFUSAL 27-JAN-76
LBH15687	Change of use from shop to solicitors office	REFUSED 11-OCT-79
LBH/21131	Change of use from shop to solicitors office	REFUSED 19-APR-82
LBH/21698	Change of use from shop to solicitors office	GRANTED 15-JUL-82
P/1364/11	Advertisement consent for the display of two non-illuminated fascia signs and six non-illuminated window signs	GRANTED 20-SEP-11

e) Pre-Application Discussion

- None

f) Applicant Statement

- **Background:** Harrow Mencap was established in 1948 to support people with learning disabilities and their families. Our main offices are located in the Harrovia Business Village just outside central Harrow. Due local need/demand we are aiming to set up a new day service/recourse centre for people with learning disabilities (with specialist Autism provision). This is a much needed service that will be accessed by those in receipt of personal budgets awarded to them by the local authority.
- **Planning proposal:** We have identified appropriate premises at 25 - 27 Pinner Green. The premises are currently used as an office space by another local charity situated on the ground floor of the building along with other commercial properties (also D1 use) and residential dwelling above. If we are successful in our bid we would like to use the space as an activity and resource centre for people with learning disabilities.

The type of activities which will be provided in the Resource Centre include and emphasis on skills training with the aim of supporting people with learning disabilities to become more independent. Examples include a computer training suite, coaching in basic life skills and using the centre as a base for travel training (i.e. people will meet a volunteer at the base who will take them out on public transport). Other sessions which we are planning include literacy and numeracy, managing money, art, therapies, sensory room.

g) Consultations:

The Policy and Research Team, Traffic and Parking Engineer, and the Pinner Association were all contacted as part of the application. One response was received from the Traffic and Parking Engineer, indicating that they were satisfied with the proposal. This will be further discussed below in the appraisal, however the main points was that due to similar nature of the existing use, and that most visitors would be arriving by taxi or local transport, then there would be no impact on public highways.

Notifications:

Sent - 26

Replies - 0

Expiry: 28-AUG-11

Responses:

None

APPRAISAL

1) Principle of Change of Use

The proposal seeks a change of use from an office (Use Class B1) to an educational facility (Use Class D1). The property is not located within a designated shopping centre or parade. However, at present the site is acting as an office for a similar type of service. The current use is as "Carers Support Harrow", which provides unpaid volunteers to people who require different levels of care.

The proposed educational facility would be set up as a support and training facility for people with varying levels and types of disability, primarily those with autism, and would be designed to serve the west of the borough. The majority of the people who would use the centre are therefore likely to live in the vicinity, and either within walking distance of the property, or visiting the site by bus or taxi, and therefore the requirement for parking spaces for the operation of the facility is not likely to significantly increase. The property can be adequately serviced from a rear service road and car park, and this proposal will not result in the loss of a necessary retail provision.

UDP Policy C7 states that "the Council will seek to ensure that appropriate education facilities are provided" and sets out three criteria against which proposals will be assessed.

Criterion A requires that the local population is taken into account, as is the need for new education facilities in the area. In this instance, the proposal is for a unique facility in an area that is currently lacking in a similar type of facility.

Therefore it would be providing a specialist service within the local population and it would be consistent with this criterion.

Criterion B requires that the premises be served by a range of transport options to the catchment population they serve. As discussed above in the supporting statement given by the applicant, it is expected that most of the patients who would visit the surgery will live in the locality, or will access the site via local bus routes. Staff considers that the proposal satisfies this criterion.

Criterion C requires that there would be an availability of safe setting-down and picking-up points within the school site. It is firstly noted that no access to the front of the site is directly made from Pinner Green Road. All access to the property is via an access road at the rear of the site and a car parking area. This means that access to the site, aside from pedestrian access, is made via a relatively safe access way that would not experience a heavy traffic flow. It is considered that the proposal satisfies this criterion as well.

In summary, the proposal is considered to meet the three Criteria of UDP policy C7, would be a beneficial service to local residents.

2) Loss of Business Use

Under the UDP Policy EM15, it states that “outside the designated sites listed in policies EM13 and EM14, the Council will resist the loss of land or buildings from business, general industrial or warehousing use (use classes B1, B2 or B8) to other uses outside these classes, unless it can be clearly demonstrated that the site is no longer suitable or required for employment use”. The policy then goes on to state 7 criteria that all proposals should be assessed under.

Of particular relevance are criteria C and D. Criterion C states that “there is satisfactory evidence that the site has been extensively marketed for B1, B2 and B8 use”. Criterion D states that “the site has been vacant for a considerable length of time”.

It is acknowledged that the proposal fails to comply with these criteria. The proposal, as discussed above, is presently being used as an office for Harrow Carers Group, and therefore has not been marketed for another B1 use, nor has it been vacated.

It is also acknowledged that the policy states “Planning permission will be refused for a non B1, B2 or B8 use if the site is wholly or substantially in active operational use.” The proposal therefore represents a departure from the UDP Policy. However, it is considered that the proposed application would not result in a significant detrimental impact to the business of this area. The current use of the site is as an office of similar use, and the change of use would not entail the complete change of use of the ground floor of the building that the site is located within. As assessed above, it is considered that the principle of the development would be beneficial to the greater surrounding environs, and for these reasons the departure from the UDP could be supported.

3) Advertisements

As the site would have a change in use from the current office use (Use Class B1) to an educational facility (Use Class D1), then there would be a requirement for the implementation of new signage that advertises the use of the site. However, advertisements do not form a part of this consent and are to be assessed under a separate application. It is noted that an advertisement application was submitted (Council Reference P/1364/11) with this application and was running concurrently, until decided on the 20th September 2011. After due consideration of the advertisement application and its submitted details, the application was granted with conditions under delegated authority. As this aspect of the development is assessed separately, and deemed to be satisfactory, then no further assessment under this report is required.

4) Traffic and Parking

The Traffic and Parking Engineer was consulted as part of the application, and in the response they stated that:

“This change of use from B1 to D1 does not raise any measurable concerns given the nature and level of activity associated with the 'Mencap' resource centre proposal as compared with the existing B1 office use which already generates a level of activity in both vehicular and pedestrian form. The applicant highlights that travel to and from the site by both patrons (15-20 /day) and staff (5-6) will be orientated toward taxi drop-off and public transport use which is welcomed on travel sustainability grounds and considered a typical and realistic arrangement for such an establishment. On that basis it would not be expected that, in vehicular terms, any measurable/detrimental impact would result over and above the current B1 usage activity. Hence there is no objection to the CoU or the signage element of the proposal.”

In conclusion, the proposal can be granted, without the need for any traffic or parking conditions attached to the decision. It is considered that the proposal would not be detrimental to highway safety, and therefore would be acceptable in this regard.

5) S17 Crime & Disorder Act

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

6) Consultation Responses

In the response received from the Traffic and Parking Engineer, they stated that they were generally satisfied with the proposal. In “4) Traffic and Parking” a fully copy of the response is stated. This indicated that the proposal is generally satisfactory, and can be issued without the need for any traffic or parking conditions. As this was the only response received, it is therefore considered that no issues arise in terms of consultations.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant. The proposal would provide a unique specialist service in an area of Harrow that currently lacks this type of facility. It would comply with all relevant policy considerations, aside from the departure from EM15. The proposal is therefore recommended for grant, subject to the following conditions:

CONDITIONS:

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Plan No. 1, Plan no. 2, Plan No. 3A, Site plan, Supporting Information Statement.

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

3 The site shall be used solely as an educational facility (Use Class D1) and the site shall not be used for any other use, including any other use within Use 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: In order to ensure that no inappropriate use occurs on the site which may result in unacceptable impacts on the amenities of the educational facility or the residential occupiers of the neighbouring properties, pursuant to saved Policy D4, D5, T6 and EP25 of the Harrow Unitary Development Plan 2004).

4 The use hereby permitted shall not be open to visitors outside the following times:-
08.30 hours to 17.30 hours on each day,

Without the prior written permission of the local planning authority.

REASON: To safeguard the amenities of neighbouring occupiers of the business and residents of the flats above the building in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

5 The maximum number of full and part time staff on site at any given time will be 6.

REASON: To safeguard the amenities of neighbouring occupiers of the business and residents of the flats above the building in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

INFORMATIVES:

1 INFORMATIVE

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 the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging the protection and enhancement of social infrastructure and community facilities, as well as to all relevant material considerations including comments received in response to publicity and consultation. The proposal would provide a unique specialist service in an area of Harrow that currently lacks this type of facility. It would comply with all relevant policy considerations, aside from a departure from EM15.

The London Plan (2011)

- 3.1 – Ensuring Equal Life Chances For All
- 3.18 (C/D/E/F) – Education Facilities
- 6.13 – Parking
- 7.2C – An Inclusive Environment
- 7.3B – Designing Out Crime

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

- SEM1 – Development and the Boroughs Reservation Strategy
- C7 – New educational facilities
- C16 – Access to Buildings and Public Spaces
- D4 – The Standard of Design and Layout
- EM15 – Land and Building In Business, Industrial and Warehousing Use Outside Designated Residential Areas
- EP 25 – Noise
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

Supplementary Planning Document – Access For All (2006)

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

2 INFORMATIVE

The applicant is advised that this permission does not pertain to the installation of advertisements, whether it be illuminated or non-illuminated, and any implementation of signage is likely to require planning permission.

3 INFORMATIVE:

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

Plan Nos: Plan No. 1, Plan no. 2, Plan No. 3A, Site plan, Supporting Information Statement.

92 CANNING ROAD WEALDSTONE, HA3 7SN **Item: 2/03**
P/2035/11

Ward: MARLBOROUGH

CERTIFICATE OF LAWFUL EXISTING DEVELOPMENT: REAR DORMER AND INSTALLATION OF 2 NO ROOFLIGHTS IN FRONT SLOPE, EXTENSION OF SOIL AND VENT PIPE AT REAR

Applicant: Ms Kilroy
Case Officer: Cheryl Andrews
Statutory Expiry Date: | 03-NOV-11

RECOMMENDATION

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

REASON :

The decision to recommend grant of a Certificate of Lawful Existing 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.

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 northern side of Canning Road
- It comprises a two-storey, end-of-terrace dwellinghouse with a two-storey outrigger.
- The property is not located in a conservation area and is not a listed building.

c) Proposal Details

- Alterations to the roof have been made to form a stepped rear dormer protruding from the rear of the main roof and extending onto the side of the pitched roof of the outrigger
- Two rooflights have been inserted in the front roofslope
- The proposal includes the alteration of a soil and vent pipe

d) Relevant History

None.

e) Pre-Application Discussion

None.

f) Applicant Statement

None.

g) Consultations

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

APPRAISAL

1) Compliance with Permitted Development Limitations

• Rear Dormer:

In relation to compliance with **Class B**, the roof extension is appraised as follows:

B.1

- a) The roof extension does not exceed the height of the highest part of the existing roof;
- b) The roof extension does not extend beyond the plane of the existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;
- c) The roof extension has a volume of 36.47 cubic metres, which is within the 40 cubic metre allowance for a terraced dwellinghouse;
- d) The development has not included the construction or provision of a veranda, a balcony or a raised platform.
- e) The dwellinghouse is not on Article 1(5) land.

B.2

- (a) The materials to be used in the external surfaces of the extension are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) The rear dormer is set a minimum of 0.20m up the roofslope from the eaves of the original roof, thereby complying with this requirement

• Front Rooflights:

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

C.1

- (a) The rooflights do not project more than 150mm beyond the plane of the original front roofslope;
- (b) The rooflights do not project above the highest part of the original roof;
- (c) The development does not include the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

• Alteration to the soil and vent pipe:

In relation to compliance with **Class G**, the alteration is appraised as follows:

G.1

- (a) The height of the soil and vent pipe on the rear elevation would not exceed the highest part of the roof by 1 metre.
- (b) The dwellinghouse is not on article 1(5) land.

CONCLUSION

For all the reasons considered above, the development complies with the relevant limitations set out in Schedule 2 Part 1 Classes B, C and G 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 Existing Development be issued.

DETAIL OF FORMAL DECISION NOTICE

1 The rear dormer roof extension is 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 rooflights are 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 alterations to the soil and vent pipe on rear wall are within the tolerances of Schedule 2, Part 1, Class G 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.

4 The development is therefore lawful.

Plan Nos: Existing Plans & Elevations - 713, Site Plan

Item: 2/04
BIRO HOUSE, 110 STANLEY ROAD, SOUTH P/1900/11
HARROW, HA2 8UW

Ward: ROXBOURNE

CHANGE OF USE AND CONVERSION OF PARTS OF BASEMENT, GROUND, FIRST AND SECOND FLOORS FROM OFFICE USE TO 8 SELF CONTAINED FLATS (CLASS B1 TO C3); 14 CAR PARKING SPACES, CYCLE STORAGE, REFUSE AND BALCONY AMENITY SPACE (RESIDENT PERMIT RESTRICTED)

Applicant: ZEDHOMES Properties LLP
Agent: Preston Bennett Planning
Case Officer: Sarah MacAvoy
Statutory Expiry Date: | 01-SEP-11

RECOMMENDATION

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

REASON

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], and to all relevant material considerations, as the proposed development would bring into operational use a vacant office unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The development would provide high quality housing and increased housing choice in a sustainable location and would provide an efficient use of the vacant part of this building, thereby according with the principles of sustainable development.

National Policy Guidance:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 3: Housing (2011)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
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 (2011):

7.1 – Building London's Neighbourhoods and Communities
7.2C – An Inclusive Environment
7.4B – Local Character
7.6B – Architecture

- 7.8 – Heritage Assets and Archaeology
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design of Housing Potential
- 3.8 – Housing Choice
- 5.1 – Climate Change Mitigation
- 6.3 – Assessing Effects of Development on Transport Capacity

London Plan Interim Housing Design Guide (2010)

Harrow Unitary Development Plan:

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards
- H3 New Housing Provision – Land Identified for Housing and Vacant sites
- H7 Dwelling Mix
- H10 Maintenance and Improvement to Existing Housing Stock
- C16 Access to Buildings and Public Spaces
- EP25 Noise
- EM14 Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas

Supplementary Guidance/ Documents

- Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2008)
- Supplementary Planning Guidance: Residential Design Guide (2010))
- Supplementary Planning Document: Accessible Homes (2010)
- Harrow Annual Monitoring Report (2009-2010)
- London Borough of Harrow Employment Land Review (2010)

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

- 1) Loss of Designated Office Space (SEM1, EM14)
- 2) Housing Provision and Density (PPS3, London Plan: 3.3, 3.4, 3.5, 3.8, 7.1, UDP: H3, H7)
- 3) Residential Amenity, Design and Layout (7.4B, 7.6B, D4, D5, EP25, SPD – Residential Design Guide (2010))
- 4) Refuse/Recycling Storage (D4)
- 5) Sustainable Design (PPS1, 4A.1, 4A.3, 4A.4, 4A.7, SPD – Sustainable Building Design)
- 6) Access for All (London Plan: 7.2C, UDP: C16 and SPD)
- 7) Parking and Highway Considerations (T6, T13)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

INFORMATION

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

a) Summary

Statutory Return Type: 18: Minor development
Site Area 755 sqm
Habitable Rooms 28
Density 106 units per hectare/ 370 habitable rooms per hectare
Council Interest: None

b) Site Description

- The site consists of a four story building (including the basement level) and is located on the north eastern side of Stanley Road within a recent redevelopment scheme to provide residential and office accommodation. It comprises 755sqm of B1 floorspace on the basement, ground, first and second floors
- The site is located within Brember Road Industrial Estate which is designated for Business, General, Industrial or Warehousing uses by Policy EM14 of the UDP.
- The site is located on the Stanley Road frontage of the site and surrounds an arch over the vehicular entrance and adjoins the residential flats to the west.
- The building shell of the site is complete and ready for occupation for the approved office use but has not yet been fitted out internally and has not been occupied.
- The building is served by 14 basement and ground level car parking spaces, basement level cycle storage and ground level refuse and recycling storage. This would remain unchanged as a result of the change of use.
- The surrounding area has a mixture of uses – retail, offices and residential.

c) Proposal Details

- Change of use from offices (B1) to Residential (C3).
- The application proposes 8 residential units, of which 5 would be 1 bed units and 3 would be 2 bed units.
- 14 Car parking spaces.
- Cycle storage would be located at ground floor level.
- Refuse at ground floor level.

d) Revisions to Current Application

Revised plans were requested and were subsequently received to show access between the basement floor and the ground floor of flat 2.

e) Relevant History

P/1233/05	REDEVELOPMENT: 1 BLOCK OF 3/5/6/7 STOREYS, 1 BLOCK OF 3/4 STOREYS TO PROVIDE 180 FLATS (51 AFFORDABLE); OFFICES; PARKING USE OF 11 ARCHES A1/A2/A3/A4/B1/D1/D2 USES (RESIDENT PERMIT RESTRICTED)	GRANTED 11-SEP-06
P/0021/10	CHANGE OF USE OF PARTS OF GROUND, FIRST AND SECOND FLOOR FROM OFFICES TO NON-RESIDENTIAL INSTITUTION (CLASS B1 TO D1)	REFUSED 23-MAR-11

Reasons for Refusal:

1. The proposed change of use by reason of the loss of Class B1 office floor space within the designated Brember Road Employment Area is contrary to saved policies SEM1 and EM14 of the Harrow Unitary Development Plan 2004.
2. The proposed use of the site as a non residential institution (Class D1), by reason of its siting in close proximity to neighbouring residential premises and the lack of sufficiently detailed proposals would potentially result in an over-intensive use of the site with unacceptable levels of activity and disturbance to the detriment of the amenities of the surrounding residential occupiers and the character of the area, contrary to saved policies D4, C3, C7, C8, C10 and EP25 of the Harrow Unitary Development Plan.

f) Pre Application Advice

- None

g) Applicant's Statement

- The application site includes 14 spaces with 9 spaces located at ground floor level and 5 additional spaces including one fully compliant disabled space at basement level.
- Cycle storage is located at basement level with refuse collection at ground floor level.
- The proposal is for change of use of the B1 offices to class C3 residential to create five 1 bed and three 2 bed flats.
- There would be no adverse harm to the local economy by loss of the B1 floorspace.
- The site has been extensively marketed for business/class B1 use without success since Jan 2008.
- The floor space has never been occupied since the development was completed over 3 years ago.
- The room sizes comply with the SPD – Residential Design Guide and the minimum space standards in the London Plan.
- The development has a BioMass Boiler and each of the new units will be provided with their own heat exchanger to connect to the BioMass Boiler. Additional retrofitting would not be feasible or reasonable.

- Some of the proposed flats will benefit from private balconies. The other residents will have access to the communal garden areas. In addition, the site is located within 750m of the Roxeth Recreation ground.
- The units would be in general compliance with Lifetime Homes Standards.

h) Consultations

Internal Consultees

- **Highways Engineer:** The minor revision /adjustment of office to C3 provision (8 additional flats) is relatively insignificant in the context of the extant 180 flat development. The minor realignment of parking provisions is therefore acceptable. A 'resident permit restriction' via title and appropriate condition should be applied as for the original development. Cycling provisions are to London Plan standard.
- **Tree Officer:** There are no significant tree issues with this application.

Advertisement:

Advertisement: Departure from the Development Plan, Expiry – 08-SEP-11

Site Notice: Departure from the Development Plan, Expiry – 15-SEP-11

Notifications

Sent
277

Replies
0

Expiry: 13-AUG-11

Addresses consulted:

Flats 1 – 8 Palmerston Court – 123 Stanley Road

Biro House – 110 Stanley Road

Flats 1 – 12 Biro House, 110 Stanley Road

23, 27 – 31, 32 – 33, 34 – 35, 36, 37, The Arches

76, 78, 80, 82, 82A, 84, 86, 88, 88A, 90, 91, 92, 92A, 93A, 93B, 94, 94A, 95, 95A,

96, 96A, 97, 98A, 99, 99A, 100, 100A, 101, 101A, 102, 103, 105, 105A, 105B, 106,

107, 108, Land adjacent to 108, 108A, 109, 111, 113, 115, 119, 121 Stanley Road

Unit 11 Ground, First and Second Floor Mansard House, 11 Brember Road

Most of Ground Floor, Mansard House, 11 Brember Road

Mansard House, 11 Brember Road

Unit 12, Unit 12A, Unit 13A Brember Road

Substation rear of Bovis House, Stanley Road

102 Roxeth Green Avenue

Flats 1 – 180 Bridge Court, Stanley Road

Churchill Court, 100A Roxeth Green Avenue

Flats 9, 10, 11, 12, 14, 15 Churchill Court, 100A Roxeth Green Avenue

Summary of Response:

- N/A

APPRAISAL

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

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

In this case, other material considerations such as the economic conditions the market is currently experiencing are also material planning considerations.

1) Principle of the Change of Use/Loss of Designated Office Space

The application site is located within a recently completed scheme to provide 180 flats with B1 offices. The site was originally in industrial use (Class B2) and in order to compensate for the loss of this employment use from the site, contrary to policy EM14, the approved scheme contained the B1 office floor space which is the subject of this application in order to provide an element of continued employment use on the land.

Since the beginning of 2009, the building has been marketed without success by the current owner of the building. This has been confirmed by accompanying agents letters.

The site has not yet been occupied. In the appeal decision for Townsend House, 160 Northolt Road which related to a change use from office B1 to retail A1, the Inspector considered a two year vacancy period to be more realistic to gauge interest. (Ref: APP/M5450/A/09/2050599).

This applied also in the case of an appeal for Raebarn House 100 Northolt Road, where a marketing period of 2 years was considered by the Inspector to be a better test of market demand. (Ref: APP/M5450/A/09/2105312). Therefore, the marketing period of over 2 years is considered to be a sufficient amount of time of vacancy or marketing in which to seek interest.

The site is located in the Brember Road employment area in the UDP, and notwithstanding the predominantly residential use of the site as a whole, it is considered that policy EM14 is still relevant. It is considered that the proposed change of use resulting in a loss of office space within a Designated Employment Area would be contrary in principle to policy EM14 of the Harrow UDP which states:

'The Council will resist the loss of land and buildings within the following business use areas, as defined on the proposals map, from business, general industrial or warehousing uses (B1, B2 or B8).

*...
Brember Road Industrial Estate, South Harrow.*

...Those industrial areas listed above ... are of borough significance, and will be protected equally from loss to other uses.'

This is reinforced by policy SEM1 of the HUDP 2004 point 2.96 which states:

'The limited amount of land for employment use in the Borough means that land and buildings suitable for such use need to be protected. When one business vacates a site, that site should be retained for employment purposes for the benefit of new businesses ...The only exception to the retention of employment land may be where small sites, undesigned by the Council (see policy EM15), are not viable for continued employment use ...'

Furthermore, the URS London Borough of Harrow Employment Land Study 2006 recommendation 3b states:

'All existing office uses should be protected unless their quality and/or location do not meet current and projected future demands and requirements for office space in Harrow.'

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough which shows an increase almost every year in the past ten years in the amount of vacant office floor space (currently at 11.89%) despite the decreasing overall provision of office floor space. It is considered that there is sufficient availability of B1 office space in the Borough, thereby satisfying criterion (a) of saved policy EM15 of the UDP. PPS4 encourages local authorities to provide a flexible approach in assessing applications for economic development. The building has been vacant for over two years and whilst the use of the site for offices rather than residential would generate a greater economic value, given the current vacancy of the B1 office building it is considered that having the premises occupied and used, would provide a suitable use.

In addition, the site has a high public transport accessibility level as a result of the proximity of South Harrow station and several bus routes. Access for delivery is also good and the offices are modern and newly built.

For these reason, the proposal would meet the criteria within saved policy EM15 of the UDP. It is considered that, in principle the change of use to residential would be acceptable.

As such, it is considered that the B1 office space, which has been vacant since the completion of the development over two years ago, is unlikely to offer any economic benefit to the locality in the long term and is even less likely to offer economic benefit to the area in the short to medium term. Though the proposed development would, on the face of it, appear to conflict with saved policy EM14 of the UDP in proposing to change the use of the basement, ground, first and second floors into residential accommodation (Use Class C3), the proposed development would at best provide regeneration of the building without impacting on economic development in the locality, thereby according with the thrust and objectives of saved strategic policy SEM1 of the UDP. The proposed development would also provide other benefits to the locality and the wider Borough which are discussed in Section 2 of the Appraisal below.

2) Housing Provision and Density

The development is distinct from the existing residential development on the adjacent site.

The proposed development would provide 5 one bed units and 3 two bed units, thereby providing a mix of units whilst contributing to borough housing targets, albeit in the form of private units. The proposed development would therefore accord with policies 3.3, 3.4, 3.5 and 3.8 of the London Plan and saved policy H7 of the HUDP (2004).

The application site falls within an urban location and in a zone with a high level of public transport accessibility (4) and seeks to provide a total of 28 habitable rooms. The London Plan density matrix as set out under policy 3.4, states that densities within such a location should be between 45 and 185 units/ per hectare and between 200-700 habitable rooms/ per hectare. The proposed development would have an overall density of 106 units/ per hectare and 370 habitable rooms/per hectare. The density of the development in terms of units per hectare is within that recommended by the London Plan. As such, the proposal is considered to be acceptable.

3) Residential Amenity, Design and Layout

Paragraph 12 of PPS3 states that good design is fundamental to the development of high quality housing and London Plan Policy 7.4 and saved policy D4 of the Harrow Unitary Development Plan (2004) recommend that all development proposals should have a high standard of design and layout.

The new London Plan was adopted on 22/7/2011.

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 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 site is in close proximity to neighbouring residential properties including the 150 flats within the development. However, as the proposal is for a change of use to residential and only involves internal changes, there would be no impact on the appearance of the building and as such, the proposal would be in keeping with the surrounding environment and would therefore be acceptable.

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.

Circulation and Layout

Stacking

There are some potential vertical stacking conflicts shown in the proposed plans. However, in this case as evidence has been provided to the Council (and accepted by the Council's Building Control Department) to demonstrate that the building complies with approved document E of the Building Regulations (resistance to the passage of sound), the proposal would not cause undue disturbance between the residential units and as such the stacking is considered to be acceptable.

Room and Flat Sizes

Table 3.3 of the recently adopted London Plan (2011) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2011) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the SPD. As the London Plan (2011) has recently been adopted, the flat size GIA's have considerable weight.

In addition, paragraph 18 of PPS3 provides scope for Local Planning Authorities to reference any relevant guidance and standards when assessing applications to ensure high quality development:

To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards...

In view of paragraph 18 of PPS3, when considering what is an appropriate standard of accommodation and quality of design, the Council is also mindful of the emerging guidance, the Interim London Housing Design Guide (2010) ("the Design Guide").

The former Draft London Housing Design Guide was assessed by examination in public between 28th June - 8th December 2010 and the Panel's Report was completed in March 2011. This then became the Interim Design Guide. The Design Guide reiterates the residential unit GIA's in the London Plan (2011) and provides additional GIA's and minimum dimensions for rooms within the residential unit. Whilst these room size GIA's and minimum dimensions do not form part of the development plan and therefore do not justify refusal in themselves, they do indicate a shortfall in relation to PPS1, PPS3, London Plan policies and saved Harrow UDP policies.

Saved policy D4 of the Harrow Unitary Development Plan (2004) recommends that all development proposals should have a high standard of design and layout.

Furthermore, the Councils adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) also sets out minimum Gross Internal Areas (GIA) for different size residential units, which reflects the London Plan Standards.

All the proposed flats meet the minimum floorspace requirements would provide an acceptable layout.

Overall, it is considered that the proposal would provide high quality housing that is well-designed and built to a high standard. This is considered to be in compliance with PPS1, PPS3, London Plan policies 3.5 and 7.4B and saved policy D4 of the Harrow Unitary Development Plan (2004) and the Councils adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) which seek to maximise the potential of sites and promote high quality design.

Access to Amenity Space

Saved policy D5, paragraph 4.28 of the Harrow UDP states that new residential development should provide sufficient useable amenity space for residents. Flats 1 and 8 would have small balconies with an area of 3.34 square metres. Apart from this, there would be no amenity space provided. However, due to the fairly central and accessible location of the site, which is located within 750m of the Roxeth Recreation Ground. This is considered to be acceptable as it is consistent with the amenity space provisions for the rest of the development.

Impact on neighbouring sites

The property is surrounded by residential sites. The residential use and the relationship that the proposed units would have with neighbouring occupiers would be acceptable. No external alterations are proposed and the occupation of the units is likely to have a positive impact on the appearance of the area. The proposed development would therefore accord with saved policies D4 and D5 of the HUDP (2004).

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 site has an existing bin store at ground floor level, which would be used by the proposed units. This is considered to be acceptable. As such it is considered that there would be no adverse impacts on the appearance of the locality or local amenity.

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

Sustainable Development is the overall objective of PPS1. 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.

The development as a whole has a BioMass Boiler and each of the new units will be provided with their own heat exchanger to connect to the BioMass Boiler.

It is considered that as no new external building works are proposed to take place as part of the proposed development, it would not be reasonable to require the building to be more sustainable. Therefore, the proposal would be acceptable from a sustainability perspective.

6) Accessibility

London Plan policy 7.2C requires all future development to meet the highest standards of accessibility and inclusion and saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) seeks to ensure that all new housing is built to Lifetime Homes standard.

Saved policy C16 of the UDP requires the council to ensure that buildings as well as public spaces are readily accessible to all, particularly elderly people and disabled people, including wheelchair users. Development proposals should be adequately designed to accommodate the needs of all users.

The proposed eight flats would have adequate internal and external door and corridor widths, and access to the first floor of flats 3 - 8 would be via an accessible lift. Flat 1 would be accessed via stairs, however if there were to be a requirement of a future occupier to make this flat accessible, then there is potential to add a stairlift. Flat 2 would be accessed via an internal staircase. This would be acceptable as there would be a bedroom and an accessible bathroom at basement level. The internal areas of the flats would accord with Lifetime Homes standards and the development would therefore accord with saved policies D4 and C16 of the HUDP (2004) and the inclusive design principles contained in policy 7.2C of The London Plan (2011).

Some elements of Lifetime Homes, for example the spacing between bathroom furniture and step lifts on flights of stairs would not however be achievable within the building as the development involves the retrofitting of an existing building. Overall the proposal is considered to be compliant with the SPD: Access for All, which allows some flexibility in relation to the conversion of existing buildings.

It is therefore considered that the proposal would comply with London Plan (2011) 7.2C and 7.4B and saved policies D4 and C16 of the Harrow UDP (2004) and the requirements of the adopted Supplementary Planning Document: Accessible Homes (2010).

7) Parking, Highway Safety and Transport Impact

Saved policy T6 of the UDP (2004) requires the transport impact of development proposals to be assessed.

Save policy T13 of the UDP (2004) requires car parking to be assessed. 14 basement and ground level car parking spaces are proposed. This is considered to be ample parking for the 8 flats proposed.

The site is in a high public transport accessibility level as a result of the proximity of South Harrow station and several bus routes.

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, subject to a resident permit restriction condition, which is recommended. As such the proposal is considered to comply with saved policies T6 and T13 of the UDP (2004).

8) S17 Crime & Disorder Act

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

9) Consultation Responses

- N/A

CONCLUSION

The proposed development would bring into operational use a vacant office unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The development would provide high quality housing and increased housing choice in a sustainable location and would provide an efficient use of the vacant part of this building, thereby according with the principles of sustainable development.

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

CONDITIONS

1 The use and 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 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the controlled parking zone.

REASON : To ensure the scheme adequately addresses the sustainability and landscaping requirements of saved policies T13, D4 and D9 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 1693/1; 1693/2; 1693/3; 1693/4; 1693/5; 1693/6; 1693/7; 1693/8; 1693/9; 1693/10 Revision A; 1693/11 Revision A; 1693/12; 1693/13; 1693/14; 1693/15; 1693/16; Marketing History Report (January 2008 – April 2011) – Ferrari Dewe & Co (April 2011); Design and Access Statement.

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

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

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

REASON: To ensure that the site is managed in an acceptable way throughout the construction period in the interests of safeguarding neighbouring residential amenity and highway safety and parking in accordance with save policies EP25, D5 and T13 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 INFORMATIVE: 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] listed below, and to all relevant material considerations, as the proposed development would bring into operational use a vacant office unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The development would provide high quality housing and increased housing choice in a sustainable location and would provide an efficient use of the vacant part of this building, thereby according with the principles of sustainable development.

National Policy Guidance:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 3: Housing (2011)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 13: Transport (2006)
Draft National Planning Framework (2011)

The London Plan (2011):

7.1 – Building London’s Neighbourhoods and Communities
7.2C – An Inclusive Environment
7.4B – Local Character
7.6B – Architecture
7.8 – Heritage Assets and Archaeology
3.3 – Increasing Housing Supply
3.4 – Optimising Housing Potential
3.5 – Quality and Design of Housing Potential
3.8 – Housing Choice
5.1 – Climate Change Mitigation
6.3 – Assessing Effects of Development on Transport Capacity
London Plan Interim Housing Design Guide (2010)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout
D5 New Residential Development – Amenity Space and Privacy
T6 The Transport Impact of Development Proposals
T13 Parking Standards
H3 New Housing Provision – Land Identified for Housing and Vacant sites
H7 Dwelling Mix
H10 Maintenance and Improvement to Existing Housing Stock
C16 Access to Buildings and Public Spaces
EP25 Noise
EM14 Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas

Supplementary Guidance/ Documents

Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2008)
Supplementary Planning Guidance: Residential Design Guide (2010))
Supplementary Planning Document: Accessible Homes (2010)
Harrow Annual Monitoring Report (2009-2010)
London Borough of Harrow Employment Land Review (2010)

Plan Nos: Site Plan; The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 1693/1; 1693/2; 1693/3; 1693/4; 1693/5; 1693/6; 1693/7; 1693/8; 1693/9; 1693/10 Revision A; 1693/11 Revision A; 1693/12; 1693/13; 1693/14; 1693/15; 1693/16; Marketing History Report (January 2008 – April 2011) – Ferrari Dewe & Co (April 2011); Design and Access Statement

81 BURNT OAK BROADWAY, EDGWARE, P/2143/11
HA8 5EP

Ward: EDGWARE

REMOVAL OF CONDITION 3 ATTACHED TO PLANNING PERMISSION E3537/6226
(BRENT COUNCIL) DATED 29/11/1973 TO ALLOW UNRESTRICTED CLASS A2 USE

Applicant: Paddy Power Ltd
Agent : Planning Potential Ltd
Case Officer: Olive Slattery
Statutory Expiry Date: 28-SEP-11

RECOMMENDATION

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 development would not give rise to any undue harm to the vitality or viability of Burnt Oak District Centre, the residential amenity of neighbouring occupiers or highway safety, and the removal of planning condition No. 3 attached to planning permission E3537/6226 is therefore acceptable.

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)

The London Plan (2011)

Policy 4.7B - Retail and Town Centre Development

Harrow Unitary Development Plan (2004):

SEM2 – Hierarchy of Town Centres
D4 – The Standard of Design and Layout
EM16 – Change of Use of Shops – Primary Shopping Frontages
EM24 – Town Centre Environment
EP25 – Noise
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards
C16 – Access to Buildings and Public Spaces

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

- 1) Principle of development (SEM2, EM16, EM24, D4)
- 2) Residential Amenity (D4, EP25)
- 3) Traffic and Highway Safety (T6, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to committee as a petition against the proposal has been submitted to the Local Planning Authority

a) Summary

Statutory Return Type: E20: Change of Use
Council Interest: None

b) Site Description

- The application site is located on the south-western side of Burnt Oak Broadway, which is a London Distributor Road.
- It is located in the designated Primary Frontage in the District Centre, comprising 53-127 Burnt Oak Broadway.
- The application site comprises a two storey mid-terrace property.
- The ground floor of the property has an A2 use. It is currently vacant but was previously in use as a Building Society. This use was approved by the London Borough of Barnet under Planning reference number E3537/6226.
- A residential unit occupies the upper floor of the property. Access to this residential unit is gained via an entrance at the rear of the property.
- An access road runs along the rear of the site, providing access to the rear of the application unit, neighbouring units and the residential units on the upper floors of properties which front Burnt Oak Broadway.

c) Proposal Details

- Permission is sought to remove Condition No. 3 attached to planning permission E3537/6226 dated 29/11/1973 to allow unrestricted Class A2 use.
- This condition states:
That the premises be used only for the purposes of Building Society Office and for no other purpose of Use Class II nor for any other use class specified in the schedule to the Town and Country Planning (Use Classes) Order 1972 for another purpose without the prior permission from the Local Planning Authority
REASON: To ensure that no separate use commences without the prior permission of the local Planning Authority.
- The documents submitted in support of this planning application advise that 'Paddy Power PLC wishes to occupy this unit as a betting shop (Use Class A2)'.

d) Relevant History

BRE/DC/E3 537	CHANGE USE GRD/FLR. FROM SHOP TO BLDG. SOC. OFFICE	GRANTED 26-NOV-73
BRE/DC/E4 934	INSTAL. NEW SHOP FRONT	GRANTED 04-FEB-74
BRE/DC/E4 935A	DISPLAY ILLUMIN. FASCIA SIGN	GRANTED 04-FEB-74
BRE/DC/E9 746A	DISPLAY ILLUMIN. FASCIA SIGN	GRANTED 03-OCT-75

Item 2/05 : P/2143/11 continued/...

BRE/DC/H2 474A	INSTAL. OF ILLUMIN. PROJECTING BOX SIGN	GRANTED 08-JUL-76
BRE/DC/M8 505A	INSTAL. OF ILLUMIN. FASCIA & PROJECTING	GRANTED 16-MAR-81
BRE/DC/86/ 0185	INST OF AUTO TELLER MACHINE IN SHOPFRONT	GRANTED 29-APR-86
BRE/DC/91/ 0874A	ILLUMINATED FASCIA & PROJECTING BOX SIGNS	GRANTED 23-JUL-91
EAST/566/0 1/FUL	ALTERATIONS TO FRONT TO PROVIDE RAMP & AUTOMATIC DOORS	GRANTED 17-JUL-01
EAST/1100/ 02/ADV	INTERNALLY ILLUMINATED ATM SIGN	GRANTED 18-NOV-02
P/805/03/D AD	INTERNALLY ILLUMINATED FASCIA & PROJECTING SIGNS	GRANTED 28-MAY-03
P/2142/11	INSTALLATION OF A NEW SHOPFRONT INCLUDING EXTERNAL ROLLER SHUTTERS AND MINOR ALTERATIONS TO THE REAR ELEVATION	CURRENTLY UNDER CONSIDERATION
P/2145/11	INSTALLATION OF REPLACEMENT AIR CONDITIONING UNITS AND FOUR SATELLITE DISHES	CURRENTLY UNDER CONSIDERATION

e) Consultations

- Highway Engineer - No objections to the proposal
- London Borough of Barnet - No objections to the proposal

Notifications:

Sent: 13 Replies: 2 x petitions against the proposed Expiry: 06-SEP-11
development have been received. These
petitions have 16 and 65 signatures
respectively.

Summary of responses:

- Burnt Oak Broadway has four betting shops within a 2 minute walk from each other
- These shops do not contribute to the well being of the area
- Burnt Oak Broadway already suffers from anti-social behaviour – another Betting shop would increase these problems

APPRAISAL

1) Principle of Development

The applicant has stated that the intention is to lease the unit to an occupier for the purposes of running a betting shop (which falls into Class A2 of the Use Class Order). In order to do so, the applicant proposes to delete condition No. 3 attached to planning permission E3537/6226, which states:

That the premises be used only for the purposes of Building Society Office and for no other purpose of Use Class II nor for any other use class specified in the schedule to the Town and Country Planning (Use Classes) Order 1972 for another purpose without the prior permission from the Local Planning Authority

REASON: To ensure that no separate use commences without the prior permission of the local Planning Authority.

The previous occupiers of the unit 'Nationwide' ceased trading in May 2011. Photographs taken by the Case Officer in May 2011 confirms this. It was noted on site inspection that the application unit has not been occupied by any other business since this date. Having particular regard to these considerations, the lawful A2 use of the premises is not deemed to be 'abandoned' and in this respect, the parent planning permission E3537/6226 is still therefore relevant.

The property is located within the primary shopping frontage of the Burnt Oak District Centre. The lawful use of the unit as a Building Society and the proposed use of the unit as a Betting Office, fall within Class A2 of The Town and Country Planning (Use Classes) Order 1987, as amended by The Town and Country Planning (Use Classes) Order 2010. As such, the proposal would not give rise to any loss of necessary local retail provision and the provision of a Betting Office at this premises would not impact, either positively or negatively, upon the retail frontage within the Burnt Oak District Centre.

By their very nature, Betting Offices provide a service that is for visiting members of the public and is open during the day. As such, it is considered that the provision of a Betting Office within Burnt Oak Broadway would generate customer activity in this district centre. It is noted that there are two other Betting Offices within the primary frontage of Burnt Oak District Centre. However, there is no evidence to suggest that the provision of three betting offices along 253.1 metres of shopping frontage would be harmful to the vitality of the centre, particularly as the level of retail frontage is not being impacted upon as a result of the current proposal.

It is acknowledged that historically Betting Offices have often presented 'dead frontage' to the streetscene. However, in many cases, Betting Offices that have come into use more recently have views into the premises which they occupy. This avoids 'dead frontage' in the streetscene. In order to ensure the provision of a frontage that is appropriate to a shopping frontage, a condition is therefore suggested to prevent the window glass of the shopfront being painted or otherwise obscured without the prior written permission of the Local Planning Authority.

In this case, it is considered that the removal of condition No. 3 attached to E3537/6226 would be appropriate in principle, as the proposed use of the premises as a Betting Office would not negatively impact upon the vitality and viability of the primary frontage in Burnt Oak District Centre.

2) Residential Amenity

Residential units occupy the upper floors of the application building and those of the neighbouring properties. Having particular regard to the location of the building within a busy District Centre, it is considered that the occupiers of the upper floor residential flats currently experience a substantial level of background noise. Activities generally associated with a Betting Office, include people talking, sounds from televisions and general customer-related activity. Whilst it is acknowledged this noise and disturbance is likely to be greater than the existing use of the premises (Building Society), it is further considered that the general levels of activity and noise would not unduly affect the occupiers of the residential flats on the upper floor of the property. However, in the interests of the residential amenity of the occupiers of the upper floor flat, a condition is suggested to limit the proposed hours of use as follows; 9 am – 10 pm Monday to Saturday and 11 am – 6 pm on Sundays.

3) Traffic and Highway Safety

The site is located in a highly accessible location with good public transport links. It is accessed off the London Distributor Road, (A5) which is well served by a number of buses and Burnt Oak tube station is located within walking distance of the site. Accordingly, the site has a PTAL rating of 5, which is close to the highest accessibility rating of 6. There is a service road at the rear of the premises which serves the parade, including the application property. The subject planning application was referred to the Highways Engineer, who has advised that there are no objections to the proposal to remove condition no. 3 attached to E3537/6226.

4) S17 Crime & Disorder Act

It is noted that a petition has been received which raises concerns with respect to the possibility of another betting shop increasing the existing anti-social behaviour within Burnt Oak Broadway District Centre. However, issues in relation to anti-social behaviour are matters for the Police and are not within the remit of Planning Legislation. Furthermore, it is considered that the suggested condition to limit opening hours would be of some assistance to the Police in carrying out their duties.

5) Consultation Responses

The concerns expressed with respect to the impact of this development on the well-being of the area and anti-social behaviour have been discussed in the above appraisal.

CONCLUSION

The decision to grant planning permission has been taken on the basis that the proposal would not give rise to any undue harm to the vitality or viability of Burnt Oak District Centre, the residential amenity of neighbouring occupiers or highway safety, and the removal of planning condition No. 3 attached to planning permission E3537/6226 would therefore be acceptable.

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

CONDITIONS

1 This permission shall have the effect of removing condition numbered 3 on full planning permission reference E3537/6226 dated 29th November, 1973.

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

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

a: 9:00 hours to 10:00 hours, Monday to Saturday inclusive,

b: 11:00 hours to 18:00 hours, Sundays and Bank Holidays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004)

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

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

4 The shopfront window glass of the unit hereby approved shall not be painted or otherwise obscured without the prior written permission from the Local Planning Authority.

REASON: To ensure that a shopfront is maintained in the interests of providing a lively and attractive shopping area, in accordance with saved policy EM18 of the Harrow Unitary Development Plan (2004)

**SERVICE STATION, 103 – 105 PINNER
ROAD, HARROW, HA1 4EU**

**Item: 2/06
P/1512/11**

NEW MEZZANINE FLOOR TO PROVIDE ADDITIONAL STORAGE TO ONE SIDE
AND A KITCHEN TO OTHER SIDE

Ward: HEADSTONE SOUTH

Applicant: Mr P Patel

Agent: Ms Leena Virani

Case Officer: Sarah MacAvoy

Statutory Expiry Date: | 04-OCT-11

RECOMMENDATION

That authority be delegated to the Divisional Director of Planning to determine planning permission for the development described in the application and submitted plans, after the notification period expires on 17 October 2011.

REASON

The proposed development 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 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 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:

6.3 Assessing effects of development on transport capacity

6.13 Parking

7.2 An inclusive environment

7.4 Local character

7.6 Architecture

Harrow Unitary Development Plan 2004:

D4 The Standard of Design and Layout

D5 Residential Amenity

T6 The Transport Impact of Development Proposals

T13 Parking Standards

C16 Access to Buildings and Public Spaces

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

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

- 1) Character and Appearance of the Area (London Plan (7.4 and 7.6; UDP: D4)
- 2) Residential Amenity (London Plan 7.4, UDP: D5)
- 3) Accessibility (C16, SPD)
- 4) Parking, Highway Safety and Transport Impact (London Plan: 6.3, 6.13, UDP: T6, T13, T15)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

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

a) Summary

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

b) Site Description

- The service centre for vehicles is located directly behind the petrol station to the south of Pinner Road.
- The site backs on to railway tracks.
- The site adjoins residential properties to the east and west.

c) Proposal Details

- New internal mezzanine floor to provide a staff kitchen to the north of the building with an area of approximately 10.2 square metres and a new internal mezzanine floor to provide a storage area to the south of the building with an area of approximately 26 square metres.

d) Revisions to Current Application

- N/A

e) Relevant History

LBH/1235/4	EXTENSION WORKSHOP	GRANTED 26-APR-67
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f) Pre Application Advice

- N/A

g) Applicant's Statement

- The proposal is to build a mezzanine floor which provides additional storage on one side and also accommodates the kitchen/pantry for staff use on the other side.
- At ground floor level, the internal layout will be configured to accommodate an entrance display, new customer counter and downstairs toilet.
- The proposal complies with Harrow's planning guidance.

h) Consultations

Internal Consultees

- Highways Engineer: No concern or comment

Advertisement:

- N/A

Notifications

1st Notification:

Sent	Replies	Expiry: 20-JUL-11
29	8 (including 1 petition objecting to the proposal)	

2nd Notification:

Sent	Replies	Expiry: 31-AUG-11
29	1	

3rd Notification:

Sent	Replies	Expiry: 20-OCT-11
30	0	

Addresses consulted:

7 – 14 Neptune Road
99, 102 Pinner Road
90 -106 Pinner Road
Devonshire House, 84 – 88 Pinner Road
Unit B1 Neptune Road
Unit rear of service station, Pinner Road
Pinner Road Service Station
The Harrow Health Care Centre, Devonshire House
Workshop rear of Pinner Road Service Station
Oakwood Court, 101 Pinner Road
Flat 1- 10, 101 Pinner Road

Summary of Response:

- There is an unbearable stench which comes from the site from time to time. It is so bad that the neighbours cannot open their windows or dry their clothes.
- Planning permission for the kitchen will worsen these problems.
- It is frustrating to see that your notification letter dated 10th Aug is the same as your letter dated 29 June 2011. Neighbour wants reassurance that their initial petition will be taken into account when deciding the application.

APPRAISAL

1) Character and Appearance of the Area

The proposed mezzanine floors would be internal, they would not affect the character or 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.

2) Residential Amenity

In front of the site is a petrol station, to the rear are train tracks and to the east and west are residential properties.

It is noted that a petition containing 8 signatures was received from some of the adjacent properties in Neptune Road. The concerns raised primarily related to odours coming from the property. The proposals for the new mezzanine floors would not increase the intensity of the vehicle servicing use on the ground floor as they would be for a new storage space and a new kitchen for staff use. These would be ancillary to the use of the site and as such would not require changing the use of the site. The small kitchen, which would be used by staff members, would be set away from the neighbouring properties at Neptune Road by approximately 18m. This separation distance is considered to be acceptable. In addition, there are no new extraction ducts proposed as part of this application.

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).

3) Accessibility

The proposal would 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).

As the proposal is for mezzanine floors to provide a kitchen and storage area to an existing vehicle service area (located at ground floor), it is considered that as the proposals would not affect the accessibility of the existing service area in any way and such, it would not be reasonable to require the proposed mezzanine floor areas to be accessible to all users.

Therefore, the proposal is therefore considered to be acceptable from an accessibility perspective.

4) Parking, Highway Safety and Transport Impact

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 as the intensity of the use would not increase. 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).

5) S17 Crime & Disorder Act

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

6) Consultation Responses

- This application would not increase the intensity of use on the site. The allegation that there is an unbearable stench which comes from the site, will therefore not be made worse by the current application.
- The second notification was to notify neighbours of the correct site plan as an incorrect one was originally submitted and the neighbours were incorrectly notified initially. Once the correct site plan was received, the neighbours were then re-notified.
- As the application number has not changed, the petition is still valid and has been addressed in this report.

CONCLUSION

The proposed development would preserve the character of the area and would not unduly affect the amenities of neighbours or highway safety. Having regard to the development plan, the proposals are considered to be consistent with policy concerning the development and subject to the planning conditions proposed, approval is accordingly recommended.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; PINR103-107/1; PINR103-107/2 Rev B.

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 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 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 Guidance 13: Transport (2006)

The London Plan (2011):

6.3 Assessing effects of development on transport capacity

6.13 Parking

7.2 An inclusive environment

7.4 Local character

7.6 Architecture

7.4 Local character

7.6 Architecture

Harrow Unitary Development Plan 2004: D4, D5, C16, T6, T13

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

2 INFORMATIVE:

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

3 INFORMATIVE:

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

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

and that work falls within the scope of the Act.

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Item 2/06 : P/1512/11 continued/...

4 INFORMATIVE: The applicant is advised that the internal re-configuration of the ground floor of the site was not applied for in the application form and as such do not form part of this planning permission.

Plan Nos: Design and Access Statement; PINR103-107/1; PINR103-107/2 Rev B

**BENTLEY HYDE, PRIORY DRIVE, P/1952/11
STANMORE, HA7 3HN**

Ward: STANMORE PARK

DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT TWO STOREY DETACHED DWELLINGHOUSE WITH ROOMS IN ROOFSPACE AND INTEGRAL GARAGE; TWO SINGLE STOREY DETACHED OUTBUILDINGS AND A SWIMMING POOL IN THE REAR GARDEN; FRONT BOUNDARY WALL AND GATES

Applicant: Mr Richard Hershman
Agent: Preston Bennett Planning
Case Officer: Matthew Lawton
Statutory Expiry Date: 20-SEP-11

RECOMMENDATION

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

REASON

The proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy. The associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development therefore does not have any significant visual, 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

Draft National Planning Policy Framework 2011:

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
5.2 – Minimising Carbon Dioxide Emissions
7.2 – An Inclusive Environment

7.4 – Local Character

7.16 – Green Belt

Saved policies of The London Borough of Harrow Unitary Development Plan 2004:

EP25 – Noise

EP31 – Areas of Special Character

EP32 – Green Belt – Acceptable Land Uses

EP34 – Green Belt – Extension to Buildings in the Green Belt

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

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 Development and Very Special Circumstances (PPS1, PPG2, PPS3, 7.16, EP32, EP34)
- 2) Character and Appearance of the Green Belt and Area of Special Character (7.4, 7.16, EP32, EP34, D4, D9, SPD)
- 3) Residential Amenity (D5, EP25, SPD)
- 4) Traffic and Parking (T6, T13)
- 5) Trees and New Development (D10)
- 6) Accessibility (3.5, 7.2, C16, SPD)
- 7) Sustainability (5.3, SPD)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

INFORMATION

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

a) Summary

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

b) Site Description

- Detached two storey dwellinghouse on a large plot on the northern side of Priory Drive.
- The application property has a central two storey element with a ridge roof and a diamond shaped two storey front projection with a crown roof.

- There is an existing single storey rear extension with a flat roof at the application property close to the boundary with Hornbeams to the east.
- The adjacent property to the east, Hornbeams, is sited close to the boundary with the application property, whereas Mallory to the west is set some distance away from its boundary with the application property.
- There is an existing terraced patio at the rear of the property close to its boundary with Hornbeams to the east.
- There are high trees surrounding much of the site at the front and rear, those closest to the dwellinghouse at present being along the shared boundary with Hornbeams.
- The site is within the Green Belt and the Harrow Weald Ridge Area of Special Character.

c) Proposal Details

- This application essentially combines two extant planning permissions (P/0588/09 & P/0988/09) and two Certificates of Lawful Proposed Development (P/3030/08 & P/0695/11) and would result in the redevelopment of the site through the demolition of the existing dwellinghouse and erection of a replacement two storey detached dwellinghouse with rooms in roofspace and an integral garage, two single storey detached outbuildings and a swimming pool in the rear garden and a replacement front boundary wall and gates.
- The planning permission P/0588/09 was itself essentially the same as the planning permission P/0248/09, the difference being that P/0588/09 involved the demolition of the existing property and the replacement with a two storey dwellinghouse identical to that which would result if the extensions and alterations to the existing property as approved by planning permission P/0248/09 were implemented.
- The only significant difference between the current application and the previously approved scheme for the replacement house in terms of the proposed dwellinghouse are that this latest application deletes the irregularly shaped 178m² basement which would have been located beneath the dwellinghouse and rear garden.
- A 12.2m x 4.7m swimming pool is also proposed in the rear garden with associated below ground works, the swimming pool being a minimum of 1.3m deep and a maximum of 2.3m deep.
- Two single storey detached outbuildings are proposed in the rear garden.
- The smaller of the two outbuildings would be closer to the rear of the dwellinghouse and the boundary with Hornbeams, and would be approximately 9.2m deep x a maximum width of 4.131m with a very slightly sloping monopitch roof with a maximum height of 2.5m.
- The larger detached outbuilding would be at the end of the rear garden and have an irregular 'L' shape and a flat roof, with a roof height of 3m and an eaves height of 2.5m at the edge of the roof overhang, and would be approximately a maximum of 21m wide x 16m deep.
- The replacement of the existing front boundary wall and gates with a low wall, brick piers and hardwood gates of similar overall appearance to the existing.
- The gateposts would be a maximum of 1.95m high, the gates and wall plus railings being an average height of 1.45m.

d) Relevant History		
EAST/288/97/FUL	SINGLE AND TWO STOREY SIDE EXTENSION	GRANTED 13-OCT-97
LBH/3645/I	SINGLE STOREY EXTENSION FOR BILLIARDS ROOM	GRANTED 30-OCT-68
LBH/31959	SINGLE AND FIRST FLOOR FRONT EXTENSION	GRANTED 07-APR-87
LBH/35415	FIRST FLOOR FRONT EXTENSION.	GRANTED 16-MAY-88
LBH/39342	FIRST FLOOR FRONT EXTENSION.	GRANTED 28-SEP-89
P/2720/07/DFU	SINGLE STOREY SIDE AND TWO STOREY REAR EXTENSIONS, FRONT AND REAR DORMERS, EXTERNAL ALTERATIONS, CONSTRUCTION OF BASEMENT	REFUSED 11-OCT-07
P/4148/07/DFU	SINGLE STOREY SIDE AND SINGLE/TWO STOREY REAR EXTENSIONS, FRONT AND REAR DORMERS, EXTERNAL ALTERATIONS, CONSTRUCTION OF BASEMENT (REVISED)	GRANTED 05-FEB-08
P/3030/08	CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DETACHED OUTBUILDING IN REAR GARDEN	GRANTED 07-NOV-08
P/0248/09	SINGLE STOREY SIDE AND SINGLE / TWO STOREY REAR EXTENSIONS, FRONT AND REAR DORMERS, EXTERNAL ALTERATIONS, CONSTRUCTION OF BASEMENT (REVISED)	GRANTED 23-APR-09
P/0588/09	DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT TWO STOREY DETACHED DWELLINGHOUSE WITH ROOMS IN ROOFSPACE AND INTEGRAL GARAGE	GRANTED 04-JUN-09
P/0988/09	FRONT BOUNDARY WALL AND GATES.	GRANTED 26-JUN-09

P/0695/11	CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED): SINGLE STOREY DETACHED OUTBUILDING AND SWIMMING POOL IN REAR GARDEN.	GRANTED 26-MAY-11
P/1976/11	DETAILS PURSUANT TO CONDITIONS 2 (SAMPLES), 5 (LANDSCAPING), 11 (LEVELS), 12 (SEWAGE), 13 (SURFACE WATER), 14 (SURFACE WATER ATTENUATION) AND 15 (REFUSE/WASTE) ATTACHED TO PLANNING PERMISSION P/0588/09 DATED 04/06/2009 FOR 'DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT TWO STOREY DETACHED DWELLINGHOUSE WITH ROOMS IN ROOFSpace AND INTEGRAL GARAGE'.	CURRENT APPLICATION

e) Pre-Application Discussion

- HA\2011\ENQ\00096
- Meeting held on 28th June 2011 to discuss the extant planning permissions and Certificates of Lawfulness relating to the site.
- The applicant put forward the case that by building the proposed developments at the same time there would be substantial benefits in terms of the impact upon the local residential environment as the timescale for the development would be significantly reduced, and that this would constitute very special circumstances in terms of Green Belt policy.
- It was agreed that the best way to proceed with the redevelopment of the site would be to submit a single planning application which included all the works proposed to be built on site.
- This planning application was subsequently received by the Council on 11th July 2011.

f) Applicant Statement

- Prior to submission of the application consultation was carried out, this included the adjacent neighbours and the Chairman of Priory Drive Residents' Association who all raised no objections to the proposal.
- The constituent parts of the application are exactly the same as the proposals which have previously benefited from planning permission and Certificates of Lawful Proposed Development.
- The submitted Planning Statement sets out the consultation undertaken, the planning history of the site, the purpose and the justification for the application in more detail, arguing that the very special circumstances put forward justify a departure from Green Belt policy in the context of this proposal.

g) Consultations:

Stanmore Society: No response.

Priory Drive Residents' Association: No response.

Site Notice (Departure): 15-SEP-11 Expiry: 06-OCT-11

Advertisement (Departure): 04-AUG-11 Expiry: 25-AUG-11

Notifications:
Sent: 10 Replies: 0 Expiry: 23-AUG-11

Summary of Response: None.

APPRAISAL

1) Principle of Development and Very Special Circumstances

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

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

This application includes proposals for a replacement dwellinghouse and associated outbuildings and a swimming pool in the Green Belt. The replacement of a dwellinghouse does not constitute inappropriate development in itself, however the replacement of the dwellinghouse along with the substantial outbuildings and a swimming pool would. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

- 1) The proposed replacement dwellinghouse and associate outbuildings, swimming pool, boundary walls and gates can be lawfully achieved over time as separate projects.

- 2) The same development can equally be achieved through this composite planning application which would achieve significant and materially quantifiable benefits by reducing the time taken for construction (by up to 6 months) to the benefit of residential amenity due to a reduction in noise, dust and disturbance (due to the shorter time period and reduction in vehicular movements during construction and improvements in health and safety) whilst safeguarding the openness and attributes of the Green Belt.

In relation to VSC1, it is acknowledged that the works proposed could be implemented as separate projects as a result of the two extant planning permissions and two certificates of lawful proposed development, however this on its own would not justify this composite proposal. This VSC therefore needs to be considered in the context of the other benefits put forward.

It is clear that the redevelopment of the site as part of one coordinated process would reduce the amount of time taken for construction and reduce the vehicular movements of heavy machinery involved in works and delivering materials to the site. This would result in significant benefits to the local residential environment, particularly in terms of the impact on the residential amenities of adjacent and other occupiers within Priory Drive and it is therefore considered that VSC2 should be afforded substantial weight.

In the Officer's opinion, the very special circumstances set out above, taken cumulatively and in particular VSC2, demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed in this case. The applicant has made clear their intention to proceed with all the development which has the benefit of planning permission and certificates of lawful development. The only way to practically achieve this at present would be to construct the outbuildings and swimming pool first under permitted development and to then redevelop the dwellinghouse, due to restrictive conditions attached to the latter permission. Due to the location of the outbuildings and swimming pool within the site this would make the construction of the outbuildings and swimming pool more awkward with the dwellinghouse in situ due to its siting, and would also considerably prolong the construction period for the redevelopment of the entire site. This would be to the detriment of the local residential environment for a prolonged period and would result in increased noise, dust and disturbance in comparison with this composite application. In terms of the impact upon the Green Belt with regards to openness the resultant impact of the separate development versus this composite proposal would be broadly the same, although the deletion of the approved basement from this current application arguably improves the impact of the composite proposal and would also reduce the construction works to the benefit of the Green Belt. The suggested condition removing permitted development rights would mean that any further proposed development of the site would require planning permission and this would ensure the protection of the character and openness of the Green Belt in the future. The redeveloped residential site would be in keeping with its location within a small housing development within the Green Belt, and the proposed outbuildings would be ancillary to the use of the dwellinghouse.

It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of PPG2 and saved UDP policy EP32 in this case. The principle of the redevelopment of the site via this composite application is therefore considered to be acceptable.

- 2) Character and Appearance of the Green Belt and Area of Special Character**
Saved UDP policy D4 requires a high standard of design and layout in all new development. Saved UDP policy EP31 seeks to resist the loss of features which contribute to the Area of Special Character and preserve architectural and historic features that contribute to the character of the area. The design of the proposed replacement dwellinghouse is in character with the unusual diamond shaped existing dwellinghouse, and from the front the replacement dwellinghouse would appear broadly similar to the existing dwellinghouse on site. This design approach is considered to be appropriate on this site. Samples of materials to be used in the exterior surfaces have been requested by an attached condition, along with full details of landscaping proposals, consistent with saved UDP policy D9.

The existing dwellinghouse is setback from the frontage of the site, the front boundary of the site is screened by dense vegetation and trees. The proposed replacement dwellinghouse would maintain similar building lines to the existing so as to not encroach excessively into open areas of the site. Consequently it is considered that the proposed replacement dwellinghouse would not be unacceptably detrimental to the openness of the Green Belt in this location.

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

The proposed outbuildings, although large, would comply with permitted development regulations and are subject to existing certificates of lawful proposed development. The Council's Residential Design Guide SPD takes the fallback position that outbuildings should comply with the guidelines set out for permitted development structures. Given that the proposed outbuildings and swimming pool do meet these guidelines and are contained within this large residential site it is considered that they would not be unduly detrimental to the character and appearance of the Area of Special Character. Whilst it is acknowledged that, in combination with the redevelopment of the dwellinghouse, they would have an impact upon the openness of the Green Belt, this is considered to be justified by the VSC set out in section 1 above. The impact of the large outbuilding on the openness of the Green Belt would also be offset by the existing hardsurfacing at the rear of the site.

This application also seeks the replacement of the existing front boundary wall, railings and gates with similar structures which would be between 0.2-0.7m higher.

It is considered that the proposed boundary wall, railings and gates would not have a detrimental impact on the character and appearance of the Green Belt and Area of Special Character, the proposals being similar to the existing structures and so the soft landscaping on the frontage of the property would continue to be the dominant feature in the streetscene. The proposed development is therefore considered to be acceptable in terms of its impact upon the Green Belt and Area of Special Character.

3) Residential Amenity

The siting of the replacement dwellinghouse in relation to the adjacent properties in Priory Drive and the extent of boundary vegetation would limit its impact upon neighbouring residential amenity. The distance and positioning of the proposed extensions and balconies in relation to flank boundaries within this large site would mean that there would be no detrimental overshadowing, loss of light or overlooking (either actual or perceived) as a result of this proposal. The ground floor at the rear would comply with the SPG's 'two for one' code and the first floor of this element would comply with the SPG's '45 degree code', so the replacement dwellinghouse would be of no undue detriment to the amenities of neighbouring occupiers.

As discussed above in section 1, this proposed composite redevelopment of the site would reduce the impacts upon the residential amenities of adjacent occupiers during construction and so would be preferable to the development taking place in stages in this regard. The proposed dwellinghouse would provide ample living accommodation for future occupiers and there would be adequate external amenity space on this large plot. The proposal would therefore comply with saved UDP policy D5.

As discussed above in section 2, the proposed outbuildings and swimming pool would meet permitted development guidelines and as such are considered to comply with the Council's Residential Design Guide SPD given the nature of this large site, and therefore are considered to have an acceptable impact upon the amenities of neighbouring occupiers.

The proposed replacement front boundary wall and gates are also considered to have an acceptable impact upon the amenities of neighbouring residential occupiers.

4) Traffic and Parking

Adequate hardsurfacing would be retained to provide for parking at the replacement dwellinghouse, the carriage driveway layout remaining as existing. The proposal is therefore considered to be acceptable in this regard would comply with saved UDP policies T6 and T13.

5) Trees and New Development

The Council's Arboricultural Officer assessed one of the submitted Arboricultural and Planning Integration Reports as part of the previously approved application for the replacement dwellinghouse, however the submitted reports do not incorporate tree protection in relation to the proposed swimming pool, the outbuilding closest to the rear of the dwellinghouse and the front boundary wall and gates. Updated details of the impact of the development upon trees within and around the site and tree protection methods are therefore required by suggested conditions. The proposal would, subject to the approval of these details, therefore have an acceptable impact on the trees on the site, none of which are subject to statutory protection, and would comply with saved UDP policy D10.

6) Accessibility

The large detached dwellinghouse proposed has been designed to comply with Lifetime Homes Standards. The development would therefore provide an accessible and inclusive environment, in line with the requirements of saved UDP policy C16 and the SPD, and London Plan policies 3.5 and 7.2. A condition is suggested to ensure the construction of the proposed dwellinghouse in accordance with Lifetime Homes Standards.

7) Sustainability

Since the application subject to the original planning permission for the redevelopment of the dwellinghouse was received the Council has adopted a new Supplementary Planning Document on Sustainable Building Design (SPD), which sets out the detailed guidance for new development with regards to sustainability. The London Plan (2011) policy 5.2 also requires compliance with Code for Sustainable Homes Level 4. A condition has been suggested to ensure compliance with this requirement and therefore the sustainability of the proposal.

8) S17 Crime & Disorder Act

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

9) Consultation Responses

None.

CONCLUSION

In summary, the proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy in this instance. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below.

CONDITIONS

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

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

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

Planning Statement; Design & Access Statement (x 3); Supporting Planning and Green Belt Justification, March 2009; Letter from Agent dated 7th July 2011; Site Plan; 4021/2, 3; 5807 – 41, 42; 5807/05, 07, 12 Rev.C, 13 Rev.C, 14 Rev.C, 15 Rev.C, 16 Rev.A, 17 Rev.A, 18 Rev.B, 19 Rev.A, 20, 26A Rev.A, 27A Rev.A, 28B Rev.B, 29B Rev.B, 77, 79, 2207-D2001-rev01

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

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

- a) the buildings,
- b) the ground surfacing,

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

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

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

REASON: To safeguard the character of the area and the openness of the Green Belt by restricting the amount of site coverage by buildings in relation to the size of the plot, in line with the requirements of saved UDP policies D4 and EP34.

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

REASON: To safeguard the appearance and character of the area, 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, D9 and D10.

6 Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with the requirements of British Standard 5837, and works shall then be carried out as approved. REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected in accordance with saved policies D4, D9 and D10 of the HUDP.

7 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing. REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

9 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the dwellinghouse is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained. REASON: To safeguard the character of the locality and in the interests of highway safety, in line with the requirements of saved UDP policies D4 and T13.

10 The construction of the dwellinghouse hereby permitted shall not commence until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained. REASON: To ensure that adequate drainage facilities are provided in line with the requirements of PPS25.

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

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

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

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

13 The dwellinghouse hereby permitted shall be constructed to meet at least level 4 of the Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 4 prior to occupation of any of the dwellinghouse.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with the Supplementary Planning Document Sustainable Building Design (May 2009) and the London Plan (2011) policy 5.2.

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

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

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

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

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

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

17 No demolition or site works in connection with the development hereby permitted shall commence before the frontage of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

18 The extension / building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal represents an acceptable departure from policy in this instance. The very special circumstances set out demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. The very special circumstances therefore exist to justify a departure from the normal application of Green Belt policy in this case and the associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions.

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

National Policy:

PPS1, PPG2, PPS3, Draft National Planning Policy Framework 2011

London Plan (2011):

3.5, 5.2, 7.2, 7.4, 7.16

Harrow Unitary Development Plan (2004):

EP25, EP31, EP32, EP34, D4, D5, D9, D10, T6, T13, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

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

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.

5 INFORMATIVE:

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

Plan Nos: Planning Statement; Design & Access Statement (x 3); Supporting Planning and Green Belt Justification, March 2009; Letter from Agent dated 7th July 2011; Site Plan; 4021/2, 3; 5807 – 41, 42; 5807/05, 07, 12 Rev.C, 13 Rev.C, 14 Rev.C, 15 Rev.C, 16 Rev.A, 17 Rev.A, 18 Rev.B, 19 Rev.A, 20, 26A Rev.A, 27A Rev.A, 28B Rev.B, 29B Rev.B, 77, 79, 2207-D2001-rev01

London Plan (2011)

7.4B Local character

7.6B Architecture

5.12B/C Flood Risk Management

7.3B Secured by Design

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development-Amenity Space and Privacy

D10 Trees and New Development

EP11 Development Within Floodplains

T13 Parking Standards

Supplementary Planning Documents:

Residential Design Guide (2010)

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

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 policies 7.4B and 7.6B, D4, saved policy D4 of the HUDP, Residential Design Guide (2010)
- 2) Trees (D10)
- 3) Residential Amenity (London Plan Policy 7.6B, saved policy D5)
- 4) Development in Regard to Flood Risk (Planning Policy Statement 25: Development and Flood Risk, and EP11)
- 5) Traffic and Highway Matters (T13)
- 6) S17 Crime & Disorder Act (London Plan policy 7.3B, saved policy D4)
- 7) Consultation Responses

INFORMATION

This application is reported to committee as an appeal against the non-determination of this application has been received.

a) Summary

Statutory Return Type: (E)13 Minor Dwellings

Tree Preservation Order No.348

Council Interest: No

b) Site Description

- This application concerns a semi-detached property located on the northern side of South Close, a residential cul-de-sac.
- The site is a triangular shaped plot with a width of 5m where it fronts onto the highway. This distance substantially increases to 21m to the rear of the site.
- The area is characterised by semi-detached properties set back from the road frontage to give an open character and appearance.

- The adjacent semi-detached property, No. 6 South Close is a semi-detached property, which has been converted into three flats and has been substantially extended to the side and rear by means of a two storey side and rear extension.
- The adjoining semi-detached property no.4 has a single storey front extension and single storey rear which is 3m deep.
- The existing frontage of the site has been hardsurfaced.
- There are several trees in the rear garden area that are protected under TPO No. 348.

c) Proposal Details

- Planning permission is sought for the erection of a single and two storey side and rear extension, and a new roof over the front entrance. A side and rear dormer is proposed within the existing roof slope.
- The extension would provide a playroom, bathroom, living room and kitchen, dining room extension on the ground floor and two bedrooms at first floor level.
- A bedroom and bathroom is proposed in the roof space of the existing house and the proposed side dormer would enable the provision of a staircase.
- The proposed ground floor of the part single, part two storey side and rear extension would be level with the forward building line of the existing property and would be 1.95m wide where it fronts onto South Close. The extension would be inset by 0.85m from the boundary with no.6.
- As the boundary is set at an angle to the flank wall of the existing house the width of the proposed single storey element would increase from 1.95m to 3.63m to the rear.
- The single story side element would be 4.2m deep and would be 2.72m high with a flat roof.
- The proposed first floor of the part single storey, part two storey side and rear extension would be set back by 4.2m from the front building line of the existing property. The flank walls of this element would be parallel to the existing house.
- The extension would be 3.6m wide where it fronts onto South Close and would have an overall depth of 6.88m.
- The part of the extension which projects to the rear of the existing two storey house by 3m would be 3.9m wide.
- The proposed single storey element of the part single storey, part two storey side and rear extension extends by a further 1m to the side and rear of the two storey element and would be 3.63m high with a pitched roof over.
- The proposed single storey rear element would be 3m deep, 5.6m wide and 2.72m high with a flat roof. The extension would have a 0.48m high parapet wall would abut the boundary with no.4.
- The proposed rear dormer would be 2.62m deep, 1.75m high and 1.9m wide and would be situated 0.74m above the eaves and 0.84m from the party wall.
- The proposed side dormer would be 2.62m deep, 1.78m high and 1.9m wide and would be situated 0.74m above the eaves and 0.84m from the party wall

- A new roof is proposed over the front extension which would be 4.29m wide and 1m deep.
- The extension would be pebble dashed to match the existing building.
- Plans indicate two parking spaces to the frontage of the site.

Revisions to Previous Application:

- The set back of the proposed first floor side element from the front building line of the original house has increased from 0.5m to 4.17m.
- The flank walls of the two storey side to rear extension are now parallel to the existing house.
- The first floor element of the two storey side to rear extension has been reduced in depth by 1m.
- The width of the proposed rear dormer has been reduced by 1.6m and the inset from the party wall with no.4 has increased from 0.15m to 0.84m.
- A two storey rear extension with a flat roof element has been removed.
- A side dormer is proposed in the roofspace.

d) Relevant History

P/0146/10	Single and two storey side and rear extension: new roof over front entrance and rear dormer	REFUSED 25-MAY-10
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Reason for Refusal:

The proposed development, by reason of excessive size and bulk, and inappropriate and unacceptable design represents an unduly obtrusive, contrived and incongruous form of development which would be overbearing and would result in a loss of light to the neighbouring property at No. 6 South Close, to the detriment of the character and appearance of the dwellinghouse, the area, and neighbouring residential amenity, contrary to saved policy 4B.1 of the London Plan (2008), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Extensions: A Householders Guide (2008)'.

P/3105/10	Single and two storey side and rear extension; new roof over front entrance; rear dormer	WITHDRAWN
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e) Pre-Application Discussion

Applicants were advised that the proposed alterations to the side of the existing roof in the form of either a hipped to gable roof, or a side dormer could not be considered acceptable as amendments to planning application ref: P/3105/10. These amendments are unlikely to receive a favourable officer recommendation as they are considered to be detrimental to the character and appearance of the existing house.

The applicants were also advised that the proposed single storey addition to the two storey side to rear extension is also considered to result in an extension of an unacceptable overall size and bulk.

The applicants were advised that a Flood Risk Assessment would need to be submitted with this application.

f) Applicant Statement
Not applicable

g) Consultations

Drainage Section: Objects to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. In this case, the application site lies within the Flood Zone of Yeading Brook and is in zone 3b Functional floodplain defined by PPS 25 as having a high probability of flooding. The development type in the proposed application is classified as insert vulnerability category in line with table D.2, PPS25 in accordance with table D.2 of PPS25.

Tables D.1 and D.3 of PPS25 make it clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted. The applicant's attention should be drawn to Planning Policy Statement 25: Development and Flood Risk (PPS25) as a reference for flood risk development and should also refer to LB Harrow SFRA.

Tree Officer: No objections to the proposed extension on condition of the following:

A basic Tree Protection Plan should be submitted in relation to the protected trees in the rear garden. This will create an exclusion zone and prevent damage from construction activities such as soil compaction, dust, vehicle damage etc

Advertisement: Not Applicable Not Applicable

Notifications:
Sent: 9 Replies: 4 Expiry: 17-OCT-11

Addresses consulted

4, 6, 6A, 6B, 11, 12 South Close
7, 9, 11 Village Way

Summary of Responses:

Discrepancies on the proposed drawings and impracticalities of proposed development

- The proposed rear elevation does not accurately reflect the extension to no.4;
- The existing ground and first floor plans do not show that the chimneys are to be a demolished wall;

- The angles of the roof over the proposed stair case does not correspond with the roof of the original, or lower extended roof;
- The roof plans shows a roof light to the front of the house which is not shown on the elevations;
- The proposed development would necessitate the building over of an existing sewage manhole and it is essential that easy access is maintained to existing sewer system;
- The proposed extended roof would appear to have a restricted head height;

Detrimental to the character and appearance of the existing house and the surrounding area

- The guidance in the Supplementary Planning Document should be followed when assessing the proposed roof additions;
- The extension would have an excessive bulk and mass and dominates the existing building;
- The extension at its widest would be twice the width of the existing building;
- The proposed rear dormer window is out of scale with neighbouring properties and does not respect the proportions of the existing house;

Trees

- The application form says that no trees are to be felled. However, there are trees in proximity to the proposed extension;

Detriment to residential amenity

- The proposed rear dormer window and proposed roof light would result in the overlooking of neighbouring properties;
- The proposed development which would be sited next to the adjacent property would result in a loss of privacy.
- The extension would severely block out any natural light to the bedroom of the adjoining property;
- The proposed passageway would be too narrow and could be detrimental to the amenities of the adjoining property;
- The proposal is likely to result in the unacceptable intensification of the use of the site and would provide insufficient space for refuse;
- Should the development be permitted it would be subject to a condition which restrict the use of the premises to single family occupation;

Development in Regard to Flood Risk

- The Environment Agency Flood map provided with this application is not consistent with Harrow's SFRA Vol.111 map;
- According the Council's SFRA the house is in a flood risk area and the large footprint of the building would potentially reduce the free flow of any water and would increase the risk of flooding elsewhere;

Traffic and Highway Safety

- The parking looks to be impracticable for two cars and would increase congestion.

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 application.

1) **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.

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 previous application (ref: P/0146/10), proposed a two storey side to rear extension which was of an irregular wedge shape to follow the irregular site boundary. This was considered to have appeared unduly obtrusive, disproportionately large, incongruous and contrived to the detriment of the character and appearance of the dwellinghouse and Supplementary Planning Guidance 'Extensions: A Householders Guide (2008).

Since this application was refused the Council's Supplementary Planning Guidance 'Extensions: A Householders Guide (2008) has been superseded by the Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30th September to 28th October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15th December 2010, it therefore carries significant weight as a material planning consideration.

Paragraph 6.6 of the SPD states that extensions should harmonise with the scale and architectural style of the original building, and the character of the area.

In this respect, when comparing this current application to the previously refused scheme it is noted that the proposal has introduced walls that are parallel to the main walls of the original house. It is considered that this revision would be sufficient to ensure that this element of the proposed design of the two storey side to rear extension would no longer appear incongruous, or contrived. However, paragraph 6.11 of the SPD states that an extension should have a sense of proportion and balance, both in its own right and in relation to the adjoining building and should not dominate the original building, or the surrounding streetscape.

It is noted that letters of objection have been received which indicate that the proposed development would be of an excessive size, bulk and width. Whilst it is accepted that the current application has sought to reduce the overall size and bulk of the two storey side to rear extension it is still considered that this element, when viewed in conjunction with the proposed single storey side to rear elements, would result in a substantial form development and the in an overbearing, disproportionate, and obtrusive addition to the original dwellinghouse.

It is noted that No.6 South Close has a substantial single/two storey side to rear extension with a stepped design and constructed with walls that are parallel with the walls of the house. This development was allowed on appeal and it is considered that this development is not sufficient to justify the proposed development.

The development proposed under this current application is therefore still considered to be unduly obtrusive and disproportionately large in relation to the existing house.

Plans indicate two windows in the first floor window in the front elevation which includes a window that would abut the flank wall of the existing house and a ground floor window to the proposed single storey side extension that would extend across almost the entire width of this element. The siting and design of the proposed fenestration would therefore result in incongruous features that would further detract from the character and appearance of the existing house.

This current application proposes a side dormer which did not form part of the previously refused scheme.

Paragraph 6.67 of the Council's SPD states: -

Front or side dormers and roof extensions can be objectionable. Their potential bulk and impact on the appearance and character of the building will interrupt a regular pattern in the street scene. Consideration will be given to the type of roof, the scale of proposals, and the character/appearance of the house and those adjacent.

Paragraph 6.67 of the Council's SPD states: -

The Council's SPD notes that generally dormers should be subordinate features in the roof and should retain a clearly visible section around the sides of the dormer window, including the upper corners, has the effect of visually containing them within the profile of the roof.

With regard to the proposed side dormer there appears to be some discrepancy between the plans submitted. Specifically, the front elevation indicates that the side dormer is set 0.61m above the roof eaves. However, the side elevation indicates that this element would extend from eaves level. Notwithstanding this discrepancy, the size, bulk and design of this element which has a discordant roof slope which would be clearly visible from the street scene.

It would not constitute a subordinate feature and would result in an incongruous form of development that would detract from the character and appearance of the pitched roof of the existing house, contrary to paragraph 6.67 of the SPD. The principle of a side dormer is considered unacceptable.

With regard to the proposed rear dormer paragraph 6.70 of the SPD sets out the minimum roof margins that should be retained above the eaves, from the roof edge (verge) from the party boundary and the roof ridge.

To achieve visual containment within the roofslope, a rear roof extension (or dormer) must be:

set-in at least 0.5m from a shared (party) boundary with an attached house; and set-in at least 1m from the gable end; and set-back at least 1m from the roof eaves measured externally along the roof slope.

A letter of objection has been received which indicates that the proposed rear dormer does not respect the proportions of the existing house and would be out of scale with neighbouring properties. The current application has reduced the overall size and bulk of the proposed rear dormer when compared to the previously refused scheme. However, whilst the overall size and bulk of the proposed rear dormer is not considered to result in an overbearing form of development, the upper corner of the proposed dormer would abut the ridge of the roof. Its siting close to the roof edge would therefore not achieve satisfactory visual containment within the profile of the roof and is considered to be obtrusive and detrimental to the character and appearance of the existing house. The proposed rear dormer would therefore still be contrary to the guidance set out under paragraph 6.70 of the SPD.

Design guidance in the SPD requires a first floor set back from the front for two storey side extensions. In this case, the proposed first floor of the two storey side extension is shown to have a set back of 4.22m from the front building line of the property and has a subordinate hipped roof over in accordance with the Council's SPD.

The proposed first floor of the two storey side extension would maintain a gap of at least 0.9m from the side boundary shared with adjoining flats, nos.6, 6a and 6b South Close.

The flank wall of nos. 6, 6a and 6b is situated a similar distance from the boundary with the application site. Taking into consideration this degree of separation and the set back of the proposed first floor element, the proposed two storey side and rear extension would not detract from the open character of the area.

It is proposed to construct a new porch canopy over the existing front entrance, which would also extend into the proposed two storey side extension. This canopy would not project significantly forward of the existing bay window, or link into this window. This element of the proposal would therefore be in accordance with the SPD.

With regard to the proposed development, it is noted that letters of objection received refer to number of discrepancies on the submitted drawings. The discrepancies on the drawings are noted. However, as the application is being recommended for refusal these matters are not considered to prejudice the formal determination of this case. The letters have also indicated that the proposed extensions which would also provide a restricted head height and would involve the building over a public sewer. These matters are not planning reasons for refusing the application.

The proposal would therefore fail to comply with London Plan (2011) policies 7.4B and 7.6B, saved policies D4 of the Harrow UDP and the Council's adopted Supplementary Planning Document: Residential Design Guide 2010).

2) Trees

It is noted that letters of objection received have made reference to the fact that the proposed development would be situated close to several trees in the rear garden area that are protected under TPO. These are located some distance from the proposed extensions and would not therefore be adversely affected by the proposed development. The Council's Trees officer raises no objection to the proposal subject to a condition which would require details of a tree protection plan to be submitted to and approved by the Local Planning Authority. As such, the proposal would therefore comply with saved policy D10 of the Harrow UDP.

3) Residential Amenity

Saved policy D5 of the Harrow UDP seeks to ensure that all new residential development inter alia provides amenity space that is sufficient to protect the privacy and amenity of the occupiers of the surrounding buildings, as a usable amenity area for the occupiers of the development and as a visual amenity. Criterion B goes on to state that new buildings should provide space around buildings by maintaining adequate separation between buildings and site boundaries in order to reflect the setting of neighbouring buildings and to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings.

It is noted that letters of objection has been received which indicate that the proposal would result in the unacceptable intensification of the use of the site and the use of the side passageway would give rise to unacceptable noise and disturbance. However, the proposed extensions are to an existing single family dwelling unit and as such, the proposal is not considered to give rise to an unacceptable increase in congestion and disturbance. There would also be no requirement to provide additional parking and refuse. Had the application had been recommended for approval it is considered that a condition to restrict the use of the premises to single occupation would not be necessary as in any event planning permission would be required for the provision of a separate dwelling unit.

The Council's SPD notes that in relation to the impact of two storey extensions projecting beyond the rear or front of adjacent residential properties no part of the extension should interrupt the splay drawn on plan from the nearest first floor, or two storey rear corner of any next-door dwelling, or from a single storey rear corner if that rear elevation has a 'protected' window.

In assessing the impact of the proposed development upon the residential amenities of the occupiers of No.4 South Close. The proposed two storey side extension and new porch canopy would be obscured from the view of No.4 by the existing dwellinghouse at No.5.

With regards to the proposed two storey rear element of the proposal, this aspect of the development would not intercept the 45 degree horizontal splay taken from the nearest first floor rear corner of this neighbouring dwelling and therefore the proposal would not give rise to any undue harm in terms of loss of light and outlook to the first floor rear facing windows of this neighbouring dwelling. The proposed single storey rear extension would have the same depth as the existing single storey rear extension at No.4. It is noted that the proposed height of the parapet wall to the single storey rear extension would be greater than the 3m height recommended in the Council's SPD. However, it is considered that this additional height would be mitigated by the existing rear extension at No.4 and therefore this element is not considered to give rise to any unreasonable harm.

There are no habitable room windows located in the flank elevations which would face towards no. 4. With regard to the letter of the objection received, it is considered that any overlooking would be at an oblique angle and therefore this aspect of the proposal would not give rise to an unacceptable of overlooking of this property.

Based on the above factors, it is considered that the proposed development would not have a detrimental impact upon the residential amenities of the neighbouring occupiers of No.4 South Close.

With regard to nos. 6, 6a and 6b, the conversion of the adjoining property to three flats and extension to the side and rear at two storey level was allowed on appeal. The proposed first floor extension is set back from the front building line of this property and has a first floor kitchen window located in the front elevation. The proposed two storey side extension would not project beyond the 45 degree line taken from the front corner of this property and this element is not therefore considered to result in an overbearing form of development which would have result in a loss of light to the existing occupiers of this flat.

A letter of objection has been received from the occupier of flat 6b which indicates that the proposed development would block out light to the bedroom window located at ground floor level in the flank wall that faces towards the application site. However, the approved plans for no.6, 6a and 6b indicate that this window was meant to serve a kitchen which has a floor area of less than 13m² in an area. As such, this is not a 'protected window' as stipulated in the SPD.

As such, compliance with the 45 degree code in relation to the vertical plane is not therefore applicable. Notwithstanding this matter, whilst it accepted that the window in the flank elevation of the development now serves a bedroom, it is considered that the siting of this habitable room window, which relies on light from the application site cannot prejudice the outcome of this application. As such, any loss of light to this room cannot be substantiated as a reason for refusal.

The proposed extension to the rear would not project beyond the 45 degree line taken from the rear corner of no.6, 6a and 6b. It is therefore considered that the proposal would not be overbearing, or result in a loss of outlook in relation to the rear facing windows of the adjoining flats.

There are no habitable room windows located in the flank elevations which would face towards no. 6. The staircase window in the proposed side dormer could be obscured glazed and the proposed door in the flank elevation would not directly face towards habitable room windows.

The distance of the proposed development from the properties on Village Way is sufficient to ensure that the proposed development would not give rise to an overbearing form of development, or a loss of outlook, light, overshadowing or loss of privacy to neighbouring properties.

The proposal is therefore considered to comply with saved policy D5 of the Harrow UDP and the Council's adopted Supplementary Planning Document: Residential Design Guide 2010).

4) Development in Regard to Flood Risk

According to the Council's Strategic Flood Risk Assessment this development falls within Flood Zone 3b (the functional floodplain) defined by PPS 25 as having a high probability of flooding.

PPS25 states that within this zone, developers and local authorities should seek opportunities to:

- (i) reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage techniques; and
- (ii) relocate existing development to land with a lower probability of flooding.

Paragraph D.16 of PPS25 states that minor developments are unlikely to raise significant flood risk issues unless they would:

- a) have an adverse effect on a watercourse, floodplain or its flood defences;
- b) would impede access to flood defence and management facilities; or
- c) where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

Policy 5.12 B of the London Plan states that development must comply with the flood risk assessment and management requirements set out in PPS25 over the Lifetime of the development.

Policy 5.12 C notes that developments which are required to pass the PPS25 Exceptions Test will need to address floor resilient design and emergency planning by demonstrating that the proposed development will remain safe and operational under flood conditions; ensuring that a strategy for safe evacuation is followed; key services are provided under flood conditions; buildings are designed for quick recovery following a flood.

Paragraph 3.43 of the supporting text regarding saved policy EP11 the UDP notes that floodplains are generally areas of low-lying land adjacent to watercourses liable to flooding. They perform a number of functions: protecting areas upstream and downstream from flooding and providing wildlife habitats and environmentally attractive areas. Functional floodplains are unobstructed or active areas where water flows regularly in time of a flood. In Harrow, these are effectively undeveloped areas within the floodplain.

No comments from the Council's Drainage Section were received in respect of planning application ref: P/0146/11 and this application was not refused on the grounds of flood risk.

In respect of planning application ref: P/3105/11, which was withdrawn the Council's Drainage Section advised that the proposed development was in flood zone 2/3 has having a medium/high risk of flooding and recommended that the construction may be at risk of flooding, or would increase the risk of flooding elsewhere. A condition was therefore recommended that development should not commence until an FRA was submitted to and approved by the LPA.

Prior to the initial receipt of this current application in March 2011, the applicants were advised that a flood risk assessment would be required and this application was submitted with a Flood Risk Assessment (FRA).

It is noted from the letters of objection received that the proposed Environment Agency Flood map is not consistent with Harrow's SFRA map and that according to the Council's SFRA, the house is in a flood risk area.

Notwithstanding any discrepancies which may exist, this FRA does not indicate any flood mitigation measures. It is considered the large footprint of the proposed building would reduce the free flow of water and would increase the risk of flooding elsewhere.

Council Drainage Engineers have advised in respect of this current application that the development is in flood zone 3b and they have changed their stance in respect of developments within this zone this year following the meeting in January with representatives from the Environment Agency.

The Council's Drainage Engineers consider that this extension and the cumulative impact of similar developments would reduce the water storage capacity of the available floodplain, restricting flood flow routes having an adverse impact on flood flows, thereby increasing the risk of flooding elsewhere.

As such, it is considered that the proposal fails to adequately address the issue of water displacement. In the absence of such information, the applicant has not demonstrated that the structure could be designed to mitigate the effects of any possible flooding on site, or elsewhere and include resistance and resilience to flooding.

As such, the proposal would harm the residential amenities of existing and future occupiers at no.5 South Close and the locality and would result in unsustainable development, contrary to Planning Policy Statement 25: Development and Flood Risk, saved Policies S1, D5 and EP11 of the Harrow Unitary Development Plan.

5) Traffic and Highway Matters

A letter of objection has been received which states that the parking looks to be impracticable for two cars and would the proposal increase congestion. As discussed above, the proposal does not involve the creation of a separate dwelling unit. As such, whilst plans indicate two spaces to the frontage of the site, the provision of one off street parking space is considered to be sufficient and the proposal is not considered to give rise to additional congestion sufficient to justify the refusal of this application.

6) S17 Crime & Disorder Act

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

7) Consultation Responses

The points raised regarding the discrepancies on the proposed drawings and impracticalities of proposed development are addressed in section 1 of the report.

The points raised regarding the detriment of the proposed development to the character and appearance of the existing house and the surrounding area are addressed in section 1 of the report.

The point raised regarding the impact of the proposed development on the existing trees are addressed in section 2 of the report.

The points raised regarding the detrimental impact of the proposed development on the amenities of adjoining and nearby residents are addressed in section 3 of the report.

The points raised regarding the development in regard to flood risk area addressed on section 4 of the report.

The point raised regarding traffic and highway matters is addressed in section 5 of the report.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including comments received in response to publicity and consultation, as set out above, this application is recommended for refusal as the proposed single and two storey side and rear extension, side and rear dormers and fenestration by reason of excessive size, bulk, siting and unacceptable design would result in an overbearing, disproportionate, obtrusive and incongruous addition to the original dwellinghouse contrary to policies 7.4B and 7.6B of the London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010). The proposal also fails to adequately address the issue of water displacement and would harm the residential amenities of existing and future occupiers at no. 5 South Close and the locality and would result in unsustainable development, contrary to Planning Policy Statement 25: Development and Flood Risk, policy 5.12 B/C of the London Plan (2011) and saved Policy EP11 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 INFORMATIVE:

That had an appeal against non-determination not been received, the recommendation to **REFUSE** permission for the development 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:

National Policy Guidance

Planning Policy Statement 25: Development and Flood Risk and the Flood Risk Assessment

London Plan (2011)

7.4B Local character

7.6B Architecture

5.12B/C Flood Risk Management

7.3B Secured by Design

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development-Amenity Space and Privacy

D10 Trees and New Development

EP11 Development Within Floodplains

T13 Parking Standards

Supplementary Planning Documents:

Residential Design Guide (2010)

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

Plan Nos: Site Plan; 41.11/01; 41.11/02; 41.11/03; 41.11/04; 41.11/05; 41.11/06; 41.11/07; 41.11/08; Flood Risk Assessment

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.