

## SECTION 1 – MAJOR APPLICATIONS

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Item: 1/01

**WAITROSE, 140 NORTHOLT ROAD, SOUTH P/2441/11  
HARROW, HA2 0EG**

Ward: ROXBOURNE

VARIATION OF CONDITION 25 ATTACHED TO PLANNING PERMISSION WEST/324/95/FUL DATED 28/02/1996 TO CHANGE THE OPENING HOURS FROM 8:00 A.M. TO 8:00 P.M. ON MONDAY - THURSDAY AND ON SATURDAYS, 8:00 A.M. TO 9:00 P.M. ON FRIDAYS, AND BETWEEN 10:00 A.M. AND 5:00 P.M. ON SUNDAYS, TO 7.30AM UNTIL 9:00PM MONDAY - SATURDAY AND BETWEEN 10:00AM AND 5:00PM SUNDAYS

**Applicant:** Waitrose  
**Agent:** Firstplan  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** | 05-DEC-11

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### RECOMMENDATION

**GRANT** permission for the variation of condition as described in the application.

The decision to GRANT planning permission for the variation of the condition has been taken as the proposal would provide retail facilities in the early morning and late evening and would not cause undue harm to the residential amenities of neighbouring occupiers, and having regard to relevant government guidance contained in Circular Guidance 11/95: The Use of Conditions in Planning Permissions; guidance contained in the relevant guidance contained in National Planning Policies and Planning Statements, the policies and proposals of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

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

Draft National Planning Policy Framework (2011)  
Planning Policy Statement 1 – Delivering Sustainable Development (2005)  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 13 – Transport (2011)  
Planning Policy Guidance 24 – Planning and Noise (1994)

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

2.7 – Outer London: Economy  
4.1 – Developing London's Economy  
7.3 – Designing Out Crime

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

SEM2 – Hierarchy of Town Centres  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D23 – Lighting  
EM24 – Town Centre Environment  
T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EP25 – Noise

C16 – Access to Buildings and Public Spaces

C17 – Access to Leisure, Recreation, Community and Retail Facilities

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

- 1) Principle of Development (PPS1, PPS4, D4, D5, EP25, EM24)
- 2) Residential Amenity (D4, D5, EP25, PPG24)
- 3) Traffic and Highway Safety (T6, T13, PPG13)
- 4) S17 Crime & Disorder Act (London Plan 7.3, UDP D4)
- 5) Consultation Responses

**INFORMATION**

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

**a) Summary**

Statutory Return Type: 12 Smallscale Major Other

Council Interest: None

**b) Site Description**

- The application site comprises a Waitrose Supermarket at 140 Northolt Road.
- Northolt Road is a London Distributor Road.
- The site is not within a Conservation Area.

**c) Proposal Details**

- The proposal is a variation of condition 25 attached to planning permission WEST/324/95/Ful dated 28/02/1996 to change the opening hours from 8:00 A.M. to 8:00 P.M. on Monday - Thursday and on Saturdays, 8:00 A.M. To 9:00 P.M. on Friday and between 10:00 A.M. And 5:00 P.M. on Sundays, to 7.30 A.M. until 9:00 P.M. Mondays - Saturdays and between 10:00 A.M. and 5:00 P.M. Sundays.

**d) Relevant History**

WEST/324/95/ FUL	RETAIL FOODSTORE(CLA1)3872sqm PETROL FILLING STATION,ACCESS / PARKING, RETENTION OF OFFICES, STORE CAR PARK (REVISED)	GRANTED 28-FEB96
P/262/04/DFU	REFRIGERATION PLANT IN SERVICE YARD AT REAR.	GRANTED 19-APR-04
P/0525/11	NEW REFRIDGERATION UNIT PLUS TWO CONDENSER UNITS TO REAR ELEVATION, ENCLOSED WITH A 3M HIGH TIMBER FENCE; NEW DOOR TO REPLACE EXISTING.	GRANTED 12-MAY-11

P/0760/11	DISPLAY OF FOUR FREESTANDING SIGNS, TWO WALL MOUNTED SIGNS, THREE FREE STANDING BANNER SIGNS AND ONE WALL MOUNTED STORE LETTERS SIGN (ALL NON ILLUMINATED)	GRANTED 31-MAY-11
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**e) Consultations**

**Environmental Health:** No objection received.

**Advertisement:** Major Development Expiry: 03-OCT-11

**Notifications:**

Sent: 130 Replies: 1 support Expiry: 03-OCT-11

Neighbours consulted:

Archdale Business Centre: Units 1, 2, 3, 4, 5, 6, 7

Brember Road: Units 5, 6, 8, 9, 10

Osmand Close: 52 - 75 inclusive

Northolt Road: 84, 100, 142, Service Station, Unit 2

Stanley Road: 22 - 58, Garages to the Rear of

Wesley Close: 64 - 118 inclusive

**Summary of responses:**

- No objection

**APPRAISAL**

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

**1) Principle of Development**

Condition 25 of planning permission Ref: WEST/324/95/FUL dated 28/02/1996 states:

“The retail premises hereby granted shall not be open for the sale of goods to the public except between the hours 8:00 a.m. to 8:00 p.m. on Monday – Thursday and on Saturdays and 8:00 a.m. to 9:00 p.m. on Friday and between 10:00 a.m. and 5:00 p.m. on Sundays. No sale of goods to the public shall take place at any other time except with the agreement, in writing, of the Local Planning Authority.

REASON: To restrict the impact of the development on nearby residential areas.”

The application proposes to vary to allow trading from the store to the following hours: 7.30 A.M. until 9:00 P.M. Mondays - Saturdays and between 10:00 A.M. and 5:00 P.M. Sundays. The proposed change would allow for an additional 30 minutes on weekdays and Saturday mornings, and an additional hour in the evenings for Monday - Thursday and on Saturdays. No changes are proposed to the Sunday trading hours.

The applicant has highlighted that a number of other retail / supermarkets within South Harrow have extended trading hours, including Sainsbury's and ASDA, both located on Northolt Road.

The use of the site as a supermarket is long established. The principle of extended opening hours from 07:30 A.M. to 9:00 P.M. on Monday to Saturday is considered acceptable, provided that this would not be detrimental to the residential amenities of neighbouring occupiers.

In this case, it is considered that an additional 30 minutes of morning trading and one hour of evening trading would be of benefit to customers of the supermarket. It is noted that no objections have been received from local residents in relation to the extended hours. Overall, it is considered that the proposal would be consistent with national and local planning policies.

## **2) Residential Amenity**

The increased opening hours would result in increased activity at the site, and some of that activity may be intrusive, for example car doors opening and similar customer-related activity.

The applicant has set out that the increased hours would not lead to any increased impacts with respect to neighbour occupiers, and has submitted a Noise Assessment to that effect. The Noise Assessment concludes that the overall impact of the extended store hours in both the AM and PM would be 'negligible' in acoustic terms. It therefore advises that noise levels from the increased hours should not prevent planning permission from being granted.

The Council's Environmental Health Officer has not raised any objection to the application. It is therefore considered that the proposal would not cause material harm to the living conditions of nearby residential occupiers, or conflict with Harrow Unitary Development Plan (2004) saved policies D4 and D5, which deals with neighbouring amenity and is of relevance to the issues in this case, and therefore the application is acceptable in this regard.

## **3) Transport**

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

Given that the road network and access arrangements of the supermarket are established, it is considered that any additional traffic movements could be accommodated using the existing arrangements.

**4) S17 Crime & Disorder Act**

Section 17 of the Crime and Disorder Act 1998 places a duty on councils to do all they reasonably can to reduce crime and disorder locally and improve people's quality of life as a result. The duty gives a focus on how councils' delivery of core services can make a significant difference to crime reduction and also extends to anti-social behaviour. PPS1 also highlights that it is the role of the local authority to "create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion"

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

**5) Consultation Responses**

No adverse consultation responses.

**CONCLUSION**

The proposal would provide retail facilities in the early morning and late evening and would not cause undue harm to the residential amenities of neighbouring occupiers. For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for **GRANT** subject to the following conditions:

**CONDITIONS**

1 This permission shall have the effect of varying condition numbered 25 on full planning permission reference WEST/324/95/Ful dated 28/02/1996 to:

"The retail premises hereby granted shall not be open for the sale of goods to the public except between the hours 7:30 a.m. to 9:00 p.m. on Monday – Saturdays and between 10:00 a.m. and 5:00 p.m. on Sundays. No sale of goods to the public shall take place at any other time except with the agreement, in writing, of the Local Planning Authority.

REASON: To restrict the impact of the development on nearby residential areas in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004)"

2 The permission hereby granted is supplemental to planning permission Ref: WEST/324/95/Ful dated 28/02/1996. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

## **INFORMATIVES**

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

The decision to GRANT planning permission for the variation of the condition has been taken as the proposal would provide retail facilities in the early morning and late evening and would not cause undue harm to the residential amenities of neighbouring occupiers, and having regard to relevant government guidance contained in Circular Guidance 11/95: The Use of Conditions in Planning Permissions; guidance contained in the relevant guidance contained in National Planning Policies and Planning Statements, the policies and proposals of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

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

Draft National Planning Policy Framework (2011)

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

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

Planning Policy Guidance 13 – Transport (2011)

Planning Policy Guidance 24 – Planning and Noise (1994)

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

2.7 – Outer London: Economy

4.1 – Developing London's Economy

7.3 – Designing Out Crime

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

SEM2 – Hierarchy of Town Centres

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D23 – Lighting

EM24 – Town Centre Environment

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EP25 – Noise

C16 – Access to Buildings and Public Spaces

C17 – Access to Leisure, Recreation, Community and Retail Facilities

Plan Nos: FP1, EEC Noise Assessment (dated 26/08/2011)

**THE MATRIX PUBLIC HOUSE, 219 ALEXANDRA AVENUE, HARROW, HA2 9DL**

Ward: ROXBOURNE

CONSTRUCTION OF A FOUR STOREY BUILDING TO PROVIDE AN 87 BEDROOM CARE HOME; LANDSCAPING AND PARKING AT REAR

**Applicant:** Mrs Serra Hofstetter – Hayes Development Estate

**Agent:** Weightman & Bullen

**Case Officer:** Sushila Bhandari

**Statutory Expiry Date:** | 16-DEC-11

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**RECOMMENDATION:**

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

**REASON**

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3 and PPG13 the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations including comments received in response to publicity and consultation. The proposed development would make efficient use of the site, which is currently dilapidated and vacant due to fire damage. The proposed care home use would be appropriate in this locality, which has access to good public transport links and local shops. Whilst it is noted that the proposed four storey building would be comparably higher than adjacent buildings, due to the distance of the proposed building from neighbouring buildings and the advantage of the site being located on a prominent corner, it is considered that the site lends itself for a bold modern designed building which would be a positive contribution on this prominent corner site. The proposed building would have no adverse impact upon the surrounding residential amenity or the environment in terms of traffic generation. As such the proposal is considered to be in accordance with the policies and guidance listed below.

**National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Guidance 13 – Transport (2001)

Planning Policy Statement 25 – Development and Floodrisk (2010)

Draft National Planning Policy Framework (2011)

**The London Plan 2011**

2.13B – Opportunity areas and intensification areas

3.1B – Ensuring equal life chances for all

3.3D/E/G - Increasing housing supply

3.4A - Optimising housing potential

3.5B/C - Quality and design of housing developments

3.8B - Housing Choice

3.9 – Mixed and balanced communities

5.1 – Climate change mitigation

5.2A/B – Minimising carbon dioxide emissions

- 5.3B/C - Sustainable design and construction
- 5.7B – Renewal energy
- 5.9B/C – Overheating and cooling
- 5.10C – Urban greening
- 5.11A – Green roofs and development site environs
- 5.12B/C/D – Flood risk management
- 5.13A – Sustainable drainage
- 5.15B/C – Water use and supplies
- 6.3A - Assessing effects of development on transport capacity
- 6.13C/D - Parking
- 7.1B/D - Building London's neighbourhoods and communities
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local character
- 7.6B – Architecture
- 7.15B – Reducing noise and enhancing soundscapes

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

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Places
- T13 Parking Standards
- EP12 Control of Surface Water Run-off
- EP20 Use of Previously Developed Land
- H7 Dwelling Mix
- H14 Residential Institutions
- H17 Access for Special Households with Particular Needs
- C16 Access to Buildings and Public Spaces

**Supplementary Guidance/ Documents**

- Supplementary Planning Document: Residential Design (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Supplementary Planning Document: Access for All (2006)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)

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

- 1) Principle of Development (PPS1; PPS3; The London Plan: 2.13B, 3.1B, 3.3D/E/G, 3.4A, 3.5B/C, 3.8B, 3.9 Harrow UDP: EP20; H7, H14, H17)
- 2) Standard of Design and Layout (PPS1, PPS3; The London Plan: 7.4B, 7.6B, 7.15B; Harrow UDP: D4, D9; SPD: Residential Design)
- 3) Residential Amenity (PPS1; The London Plan: 3.5B/C, 3.8B, 7.6B; Harrow UDP: D5; SPD: Residential Design)
- 4) Traffic and Parking (PPG13; The London Plan: 6.3A, 6.13C/D; Harrow UDP: T6, T11, T13)



- 5) Accessibility (The London Plan: 3.1B, 3.5B, 3.8B, 7.2C; Harrow UDP: C16; SPD: Accessible Homes)
- 6) Water Resources and Flood Risk (PPS25; The London Plan: 5.12B/C/D, 5.13A, 5.15B/C; Harrow UDP: EP12)
- 7) Impact on Trees (Harrow UDP: D10)
- 8) Sustainability (PPS1; The London Plan: 5.1, 5.2A/B, 5.3B/C, 5.7B, 5.9B/C, 5.10C, 5.11A; Harrow UDP: D4; SPD: Sustainable Building Design)
- 9) S17 Crime & Disorder Act (The London Plan: 7.3B; Harrow UDP:D4)
- 10) Consultation Responses

## INFORMATION

### a) Summary

Statutory Return Type: Major Development

Site Area: 00.26 ha

Council Interest: None

### b) Site Description

- The application site formerly comprised a two-storey detached public house (use class A4) on a prominent corner junction of Alexandra Avenue and Eastcote Lane.
- The former public house has been demolished following fire damage.
- The northwest, west and south of the application site is characterised by two-storey residential development.
- The east of the application site is also characterised by two storey development, forming part of a parade of commercial premises at ground floor level with residential uses above.
- There is a petrol filling station with a Tesco Express located to the north of the site.
- Further north along Alexandra Avenue there are three storey flatted developments which were constructed around the 1920's – 30's in traditional brick built and hipped roof design. There is also a three storey medical centre, which has been constructed in a modern design.
- The application site has access to Rayners Lane and South Harrow district centres, which can be accessed by foot or by a short bus journey.

### c) Proposal Details

- The proposal seeks to construct a four storey flat roof building to provide an 87 bed care home.
- The building would have a 'c' shaped footprint, basically following the line of the site boundary fronting Eastcote Lane, Alexandra Avenue and the petrol filling station to the north. The building line would be chamfered at the point where it would face the grass verge located on the corner of Alexandra Avenue and Eastcote Lane.
- The front elevation of the proposed building would be set back from the front boundary which would allow space for soft landscaping.
- The third floor of the building would be set in from front and side walls of the building.

- A court yard style garden would be provided for the future occupiers of the care home. This would be enclosed by the proposed building on three sides of this amenity area. A wall is also proposed along the western side to form a separation between the proposed amenity area and the proposed parking area.
- It is intended to close off this existing vehicular access from Alexandra Avenue and utilise the existing vehicular access from Eastcote Lane, which runs parallel with the eastern site boundary of Nos.180 and 182 Eastcote Lane and the rear gardens of Nos. 9 to 25 (odds) Rowe Walk.
- A total number of 14 car parking spaces including one disabled space would be provided. A designated area for 16 cycle parking is also shown.
- A designated refuse store would be provided adjacent to the parking spaces.
- Internally, the bedrooms have been designed to have accessible private bathing facilities.
- At ground floor level a large entrance hall is shown, which has seating and table areas. The ground floor would also have a kitchen located in the northern corner of the building with a dining/ lounge area directly adjacent to it. The ground floor would also have a hairdresser and an office with IT facility.
- Each of the floors above would also have a dining and lounge area.
- The building would be served by two lifts at each end.

**Revisions to Previous Application:**

Following the withdrawal of the previous application P/3506/10, the following changes have been made:

- The previously proposed three storey building was designed with a pitched roof and incorporated front and rear dormers, this has now been replaced with a modern designed building with a flat roof design.
- The previous scheme proposed a building which would have been three storeys high right up against the site boundary with Nos. 108 and 182 Eastcote Lane. The proposed building in this scheme will be set away from this neighbouring boundary and would also be set back from the front site boundaries fronting Alexandra Avenue and Eastcote Lane.
- The number of rooms proposed increase from 85 to 87.
- The number of car parking spaces reduced from 17 to 14.

**d) Relevant History**

P/3506/10	Construction of a three storey (plus accommodation in roof space) building to provide an 85 bedroom care home; landscaping and parking at rear	WITHDRAWN 11-APR-11
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**e) Pre-Application Discussion**

HA\2011\ENQ\00056

The applicants have had on-going discussions with the local planning authority prior to the submission of this current scheme. The scheme concept proposed now has been developed through negotiations with the developers to provide a development that would be contemporary in design and that would make a positive contribution to the streetscape as opposed to a development which sought to mimic the traditional design of the surrounding built form.

**f) Applicant Statement**

**Design and Access Statement (paraphrased)**

- The site used to be occupied by the Matrix Public House, which was destroyed in a fire approximately two years ago. The site is now cleared
- The design has been evolved to provide a 4 storey development set back from the perimeter of the site facing Alexandra Avenue and Eastcote Lane with a small extension parallel to the adjacent petrol station on the north side of the site.
- The site is access from the existing access on the north side of the site.
- Car and bicycle parking and refuse areas are accessed off the service road with a landscape garden for the benefit of the occupiers.
- The proposal is to change the use of the site, from A3 Public House use to C2 Residential Institutional Use.
- The scale is similar to adjoining buildings.
- The appearance of the building has been defined by the plan form in a design sympathetic to the surrounding area.
- Landscaping areas are provided in front of the building and also the landscaped garden to the rear of the building.
- A tree report is attached with regards to the tree in Alexandra Avenue, which is located behind the foot part, adjacent to the site.
- The building is approached by level pavements and there will be no step between the pavement and the entrance.
- Within the building the staircase will be designed to ambulant disabled standards and there are two 8 person disabled lifts to access all the residential floors.
- A travel plan is provided as part of the submission.

**Sustainability Statement**

- It is envisaged that the home will serve as many as possible from the Borough of Harrow.
- Care home will employ one full time equivalent person per room, however, many of the employees will be part time shift work.
- Staff will be recruited, as far as possible, from the locality.
- The building envelope will be insulated to Building Regulations Standards covering roof, walls, floors and windows.
- The boilers will be installed by Gas Safety Registered installers, with the necessary certificate on completion.
- The boilers will be identified and chosen to be the most fuel efficient available for the size of the building and will be controlled by a BMS Control System to ensure maximum fuel economy.

- A CO2 Emission Rate notice will be provided to show the Target CO2 Emission Rate and to calculate the CO2 emission rate of the building, as constructed.
- An Energy Performance Certificate will be provided at the completion of the works.
- All lighting will be chosen to be energy efficient and comply with paragraph 43 of the building regulations.
- Water consumption will be calculated on the basis of an estimated consumption of wholesome water on a daily basis per person, not exceeding 125 litres per head every day. In line blending valves will be added to the baths to prevent scolding.
- If feasible, rain water storage will be provided, and investigation will be made to check feasibility of installing a ground source heat pump.

**g) Consultations**  
**Environment Agency**  
No objections

**Thames Water**  
No objections

**Highways Engineer**

The proposal would not be a significant traffic generator owing to the use type profile and it is therefore not expected to measurably impact on the adjacent highways as compared to the previous use.

The allocated parking provision of 14 spaces (including one disabled) is higher than normally provided for this scale of care home. As there is no specific parking standard to apply in UDP and London Plan terms, it is a balance between applying parking restraint and a reasonable level of on-site provision which in this case will facilitate staff and visitors to the site. There is potential for a lesser provision to result in detrimental parking displacement onto Eastcote Lane/Alexandra Avenue which would be undesirable given the physical characteristics of these heavily trafficked roads. The level of parking provision is further reinforced by the relatively moderate public transport accessibility level of the site (PTAL 2). In accordance with emerging London Plan standards the requirement for secure cycle parking provision is 1 space per 3 staff and 16 spaces have been provided. The anticipated staffing levels will therefore be sufficiently served in this respect.

The refuse arrangement shown within the site is acceptable on operational grounds as the bin store is accommodated within 25m of the site entrance thus allowing for bin collection to occur from the public highway i.e. Eastcote Lane which negates the need to enter the site. Collections would be undertaken off peak to minimise disruption to traffic movement.

A Travel Plan is not normally required for this level of development, however the submitted framework plan is welcomed and a final version would be secured via appropriate condition post development.

Some other general points:-

- Compliance with sustainable drainage requirements in the form of permeable surfacing to relevant Department for Community and Local Government (CLG) standards to be secured by Condition.
- A Construction Management Plan will need to be secured via Condition given the heavily trafficked nature of the adjacent highway network.
- The existing and redundant access from Alexandra Avenue would need to be 'made good' by reinstatement back to footway.

Hence, in road safety and junction capacity terms, the low level of generated traffic from the proposal together with satisfactory visibility sight lines at the access (in line with accepted DfT standards), the impact on the public realm is considered de minimis and would therefore not be at a level that would be considered prejudicial to vehicular/ pedestrian movement or road safety. Hence no objection would be raised against the proposal as it stands.

**Arboricultural Officer**

No objection

**Harrow Drainage Engineer**

No objections, subject to the imposition of standard drainage conditions

**Harrow Environmental Health Officer:**

No objections

**Advertisement:** Major Development

Expiry: 27-OCT-11

**Notifications:**

Sent: 128

Replies: 1

Expiry: 24-OCT-11

**Neighbours Consulted:**

Alexandra Avenue: Nos.172A – 202 (evens), 221, 223 and 227

Eastcote Lane: Nos.172 – 184 (evens), 139-149 (odds), 157, 159, 161

Rowe Walk: Nos. 5-48

Winkley Court, Eastcote Lane: Nos. 1-20, 35-42

Sandringham Crescent: No.7

Westbury Close, Ruislip No.4

**Summary of Responses:**

- New development would adversely impact on traffic in the area and specifically the junction.
- The proposed development is 4 storey high whilst the surrounding area are two storeys. Will tower over neighbouring buildings and affect the privacy of neighbours.

- There are not enough parking spaces for tenants of the proposed development.

## **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) Principle of Development**

The proposal seeks to redevelop the site to provide an 87 bedroom care home in a four storey building. The application site formerly comprised a public house (use class A3), which has been demolished following fire damage. The site is not located in a designated shopping frontage as defined in the adopted Harrow UDP, and as such, the site is not restricted by the town centre policies contained under Chapter 7 of the Harrow UDP. The loss of the public house in this case would have no conflict with the saved policies of the Harrow UDP and therefore the principle to change the use of the site into a residential care home would be acceptable in this case.

The application site is subject to the requirements of Planning Policy Statement 3: Housing (PPS3) and saved policy EP20 of the Harrow UDP, which seeks to ensure that all redevelopment is secured on previously developed land. It is considered that the proposed re-development of this site would be fully consistent with the objectives of PPS3 and saved policy EP20 of the Harrow UDP.

London Plan policy 3.8B seeks to ensure that new development offer a range of housing choice, in terms of the mix of the housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors. It goes on to state that account should be taken of the changing age structure of London's population and, in particular, the varied needs of older Londoners, including for supported and affordable provision.

Saved policy H14 of the Harrow UDP will permit redevelopment to provide residential institution uses such as residential care homes providing that such uses do not, *inter alia*, have an adverse environmental effect on surrounding properties or on the character of the locality, there is good public transport accessibility and there is adequate off-street parking. Saved policy H17 will encourage the provision of suitable accommodation for those with particular housing needs such as large families, single people and students.

Based on the above, it is considered that the principle to redevelop this site to provide a care home would meet the objectives of national policy guidance, policies contained in The London Plan and the relevant saved policies of the Harrow UDP.

**2) Standard of Design and Layout**

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

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

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

Saved policy D4 of the Harrow UDP reinforces the principles set out under The London Plan policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces. The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and new residential developments and reinforces the objectives set under saved policy D4.

The site is located on a prominent corner junction of Alexandra Avenue and Eastcote Lane. The surrounding area immediately adjacent to the site is largely two-storey development comprising of residential and commercial uses. Further north along Alexandra Avenue there are three storey flatted developments.

The applicant initially submitted a planning application under ref: P/3506/10 for a three storey building with a hipped roof design, which sought to replicate the existing three storey buildings along Alexandra Avenue. However, the proposed building in that application was shown to be close to the front boundary fronting Eastcote Lane and Alexandra Avenue and followed the full perimeters of this front boundary and had an additional wing fronting the forecourt of the filling station to the north. The building was designed with a hipped roof, front dormers and expanse of brick wall with no stepped elements or articulation to provide a visual relief in the street scene.

In this revised application, the proposed design of the building has been overhauled to provide a modern building as opposed to one with a traditional design, as previously proposed under P/3506/10. It is noted that the proposed building would be 4 storey in height and therefore greater in height in comparison to the adjacent two storey buildings and the single storey petrol filling station to the north.

However, the proposed building has been designed with a flat roof, with the fourth storey element being stepped in from both ends and the front wall of the main building to reduce the overall bulk of the development when viewed from the street scene and neighbouring properties. Furthermore, as the application site is located on a corner plot, it would be considered more appropriate in terms of design to have a building of a greater scale in such a location.

The proposed building would maintain a separation from the residential properties to the west and the filling station to the north and therefore maintaining a space around the building. The part of the building located on the chamfered corner facing the grass verge would be stepped. As such, the different stepped elements to the building would provide a better articulation to the building and the use of different materials, ranging from render, brick and timber cladding would provide a building of a high standard of design. Whilst it is noted that the design of the building and the choice of materials may not necessarily mimic those that used in surrounding buildings, it is considered that due to the prominence of the site and its location at the junction of two roads, the site lends itself for a modern building as opposed to a design which would mimic the traditional built form of the surrounding area.

### **Refuse Storage**

Paragraphs 4.24 of the reasoned justification to policy D4 states that provision for bin and refuse storage, and goods to be recycled must be made in proposals for new development. Such refuse storage must be made in a way to minimise its visual impact while providing a secure and convenient facility for occupiers and collectors.

The applicant has shown a designated refuse store located within the site and at located at the rear of the building. The size of the store would be adequate enough to accommodate large bins. It is considered that the refuse arrangements would be in accordance with saved policy D4 of the Harrow UDP.

### **Landscaping**

Paragraph 4.21 of the reasoned justification to policy D4 and policy D9 of the Council's UDP seeks to achieve a high standard of planting design in development proposals and to retain a high quality of forecourt greenery.

The applicant has provided an indicative landscaping scheme for the front and the rear of the site, which will ensure adequate soft landscaping to enhance the appearance of the development in accordance with the objectives set out under saved policies D4 and D9. The detailed landscaping scheme will be controlled by a condition.

In conclusion, it is considered that the proposed redevelopment of the site would bring back into use the current vacant site and make effective use of this previously developed land. The overall scale and layout of the building, whilst being modern in design would not have a detrimental impact upon the character and appearance of the locality and would achieve a high standard of design as required by policies 7.4B and 7.6B of The London plan and saved policy D4 of the Harrow UDP. The proposal is therefore considered to be acceptable.



3) **Residential Amenity**

***Residential Amenity for Future Occupiers of the Site***

There are no specific planning policies or guidance in place that specifically relates to care home standards. However, the applicants have arranged the internal layout of the rooms and communal area in line with the requirements set out for care homes by other external governing bodies. Each room is shown to provide for a single person and would have an accessible bathroom. Each of the floors would have communal facilities such as lounge area and the building would be served by two lifts. A communal outdoor amenity area is also proposed. Overall, it is considered that the proposal would be acceptable in regard to the residential amenities of the future occupiers of this development.

***Impact on Residential Amenity of Neighbouring Sites***

In assessing the scale and layout of the proposed development, the most likely affected neighbouring residents would be at Nos.180 and 182 Eastcote Lane and Nos. 5 to 25 Rowe Walk (odds only). The footprint of the previous building on this site was sited relatively close to the boundaries shared with these neighbouring dwellings, whereby there were single storey elements located abutting the site boundaries with Nos.180 and 182 Eastcote Lane and two storey elements sited between 1 to 3 metres from the boundary of the rear gardens of Nos. 9 to 21 Rowe Walk.

The proposed three storey element of the southern wing of the building would be sited at least 6m away from the boundary shared with Nos.180 and 182. The four storey element would be sited at least 10.3m from this boundary. The distance maintained would ensure that the proposed building would have no adverse impact in terms of loss of light or outlook to the flank and rear facing windows of Nos. 180 and 182 Eastcote Lane. The windows and doors located in the side wall of the southern wing would serve the hallways and therefore will not give rise to any unacceptable level of overlooking of the neighbouring gardens. The roof area above the third floor would be used for maintenance purposes only and there would be no access for the future occupiers of this building (this would be secured by condition).

In assessing the impact on the residential amenities of Nos.5 to 25 (odds only), the proposed three storey element of northern wing (fronting the forecourt of the filling station) would maintain a distance of at least 12.7m from the rear boundaries of Nos.19 to 25 (odds) Rowe Walk. The roof terrace area above the third floor would, as stated above, be accessible for maintenance purposes only. The windows and door in the flank wall of this north wing would serve the hallways and therefore would not give rise to any unacceptable level of overlooking of the rear gardens of Nos. 19 to 25 (odds) Rowe Walk. As for Nos.9 to 17 (odds) Rowe Walk the situation would be an improvement to previous situation, whereby the two storey element of the previous building was sited within 3m of the boundary of the rear gardens of these properties. The proposed four storey building would maintain a distance of at least 23m from the rear boundary of Nos.9 and 11 Rowe Walk, increasing to 28.5m from the rear boundaries of Nos.15 to 21 (odds) Rowe Walk.

Whilst it is noted that the proposal will incorporate windows in the rear wall of the development facing the rear gardens of Nos.9 to 25 (odds) Rowe Walk, the distance maintained and given that there is mutual overlooking between the first floors over the rear gardens of neighbouring properties, the proposal would not amount to an unreasonable level of overlooking so as to warrant a refusal.

The proposal seeks to construct an access drive and parking area adjacent to the boundaries of Nos.180 and 182 Eastcote Lane and Nos.5 to 25 (odds) Rowe Walk. Given that under the previous situation there was parking provision adjacent to the boundaries of No.15 to 25 (odds) Rowe Walk and the patrons of the public house could access this during late hours, it is considered that the location of the access drive and parking adjacent to the site boundaries of these neighbouring dwellings would have no adverse impact in terms of activity and disturbance over and above what may have existed previously. Furthermore, given the intended use of the site as a care home, the number of cars coming and going would be low level. In addition to this, the application site is located at a busy cross road junction and therefore there is already a high level of background traffic noise transmission in this locality. Notwithstanding this, to minimise noise transference, a condition is recommended requesting that an acoustic fence is installed along this boundary.

The proposed building would be sufficiently separated from the properties located opposite on Eastcote Lane and Alexandra Avenue by the existing highway and therefore there would be no adverse impact on these properties.

The proposed building would be sited adjacent to the boundary with the filling station to the north. However, the proposal is unlikely to have any adverse impact on this site.

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

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

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

The London Plan policy 6.13C/D and saved policies T6 and T13 of the adopted Harrow UDP adopt a similar approach in seeking to require the provision of public transport and the retention and provision of safe and convenient cyclist and pedestrian routes. In order to regulate parking and to minimise additional car travel, development proposals will be assessed against the Council's maximum car parking standards set out in Schedule 5 appended to saved policy T13 of the Harrow UDP.

There are no specific parking standard in the adopted UDP and The London Plan for this type of development. Each application has been assessed on its merits having regard to public transport accessibility and the physical characteristics of the highway network. In this case, the Council's Highways Engineer has stated that given the low level of use of the proposed development being a care home, there are no objections to the level of parking proposed given that the surrounding roads are heavily trafficked roads. The proposal would also provide 16 No. spaces for cycle parking.

Based on the above factors, in road safety and junction capacity terms, the low level of generated traffic from the proposal together with satisfactory visibility sight lines at the access (in line with accepted Department for Transport standards), the impact on the public realm is considered de minimis and would therefore not be at a level that would be considered prejudicial to vehicular/ pedestrian movement or road safety.

**5) Accessibility**

Policy 3.1B of The London Plan seeks to ensure that development proposals protect and enhance facilities and services that meet the needs of particular groups and communities. Policy 3.5C seeks to ensure that the design of all new dwellings *inter alia* have adequately sized rooms and convenient and efficient room layouts that meets the changing needs of Londoners over their lifetimes. Policy 3.8B of The London Plan requires under sub-sections c), that all new housing is built to 'The Lifetime Homes' standards and d) that ten per cent of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Policy 7.2C of The London Plan requires new development to achieve high standards of accessible and inclusive design which should be supported in Design and Access Statements submitted.

Saved policy C16 of the UDP requires all development proposals to provide accessible facilities for all users. To supplement these policies, the Council has adopted Supplementary Planning Documents (SPD): Accessible Homes (2010) and Access for All (2006).

Whilst the SPD on Accessible Homes is mainly applicable for self-contained residential scheme, given the intended use of the building, the proposal would be required to comply with accessibility requirements. In this case the proposal is shown to have private accessible bathrooms and communal areas with each floor served by two lifts and as such the proposal would be meet the relevant requirement set out under the Access for All SPD.

**6) Water Resources and Flood Risk**

The application site is not located within a flood plain and therefore is not subject to a Flood Risk Assessment. However, policy 5.13A of The London Plan and saved policies of EP12 require development proposal to incorporate sustainable drainage system to ensure that surface water run-off from the development is managed close to the site as possible.

The Council's Drainage Engineer has raised no objection to the proposal subject to the imposition of drainage conditions requiring details for the drainage layout and measures to control surface water run-off/ attenuation.

**7) Impact on Trees**

The application site is not subject to any tree preservation order. However there is a tree located on the grassed verge to the east of the application site. As this is a street tree, there is no TPO on this tree. The applicant has submitted a Tree Survey to support this application and measures to be incorporated to protect the street tree. The measures will include a tree protective fencing which will be located along the eastern site boundary of the application site. The Council's Arboricultural Officer raises no objection to the tree survey submitted and as such the proposal is unlikely to have detrimental impact upon the existing street tree.

**8) Sustainability**

Policy 5.1 of The London Plan seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2A/B of The London Plan sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A. Harrow Council has adopted a Supplementary Planning Document on Sustainable Building Design (adopted May 2009).

The applicant has submitted a Sustainability Statement to support their application which has been outlined under section f) above. On the basis of the applicants Sustainability Statement, it is considered that the Sustainable Building Design Vision contained within The London Plan and the adopted SPD would be adequately addressed. However, to ensure this is the case, it is recommended that a planning condition is imposed to ensure that the development will achieve the appropriate level to meet the Buildings Research Establishment Environmental Assessment Method (BREEAM) standards.

**9) S17 Crime & Disorder Act**

In terms of Secure by Design principles, the overlooking between the proposed development and the existing properties would provide natural surveillance of the proposed development, which on balance would be broadly acceptable with regards to the objectives set out under paragraphs 4.19 and 4.20 of the reasoned justification to policy D4.

**10) Consultation Responses**

All matters have been dealt with in the body of the report.

**CONCLUSION**

The proposed development would make efficient use of the site, which is currently dilapidated and vacant due to fire damage. The proposed care home use would be appropriate in this locality, which has access to good public transport links and local shops.

Whilst it is noted that the proposed four storey building would be comparably higher than adjacent buildings, due to the distance of the proposed building from neighbouring buildings and the advantage of the site being located on a prominent corner, it is considered that the site lends itself for a bold modern designed building which would be a positive contribution to this prominent corner site. The proposed building would have not adverse impact upon the surrounding residential amenity or the environment in terms of traffic generation. As such the proposal is considered to be in accordance with the policies and guidance listed below and therefore this application is recommended for grant.

## **CONDITIONS**

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

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

2 The materials to be used in the external surfaces of the proposed building hereby permitted shall be those shown on the approved drawings, unless otherwise approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

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

3 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 CO<sub>2</sub> emissions by 25%, 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 5.1, 5.2A/B, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A the London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

4 Notwithstanding the details 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, a scheme of hard and soft landscape works. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/ densities.

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

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

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

6 No development shall take place until a metric floor plan and elevations drawing for the proposed smoking gazebo has been first submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

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

7 No development shall take place until a plan indicating the positions, designs, materials and type of boundary fencing treatment to be erected, which should include an acoustic fencing to the western boundary with Nos.180 and 182 Eastcote Land and Nos.5 to 25 (odds only) Rowe Walk, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance and character of the area and the amenity of neighbouring residents, in accordance with saved policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004).

8 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water, surface water attenuation/ storage works and 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 completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under policy 5.13A of The London Plan (2011) and saved policies EP12, EP14 and EP15 of the Harrow Unitary Development Plan (2004).

9 No site works or development shall commence until details of the levels of the building, access roads and footpaths in relation to the adjoining land and highways, and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the details as approved.

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

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

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

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

11 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise nuisance to nearby neighbouring residents in accordance with saved policy EP25 of the Harrow Unitary Development Plan (2004).

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

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

13 The roof area of the third floor of the proposed building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with policy 7.6B of The London Plan (2011) and saved policy D5 of the Harrow Unitary Development Plan (2004).

14 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Tree Survey by Tom La Dell dated December 2010 before any equipment, machinery or materials are brought on 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 tree represents an important amenity feature which the local planning authority seeks to protect in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

15 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.

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

5672/01; 5672/800 REV E; 5672/801 REV E; 5672/802 REV E; 5672/803 REV E; 5672/804 REV B; 5672/805 REV B; 5672/806 REV B; 5672/807 REV A; 5672/808 REV A; 5672/809 REV A; 5672/810; 5672/811; Design and Access and Sustainability Statement; Tree Survey by Tom La Dell; Interim Travel Plan Rev A

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 Government guidance contained within PPS1, PPS3 and PPG13 the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations including comments received in response to publicity and consultation. The proposed development would make efficient use of the site, which is currently dilapidated and vacant due to fire damage. The proposed care home use would be appropriate in this locality, which has access to good public transport links and local shops. Whilst it is noted that the proposed four storey building would be comparably higher than adjacent buildings, due to the distance of the proposed building from neighbouring buildings and the advantage of the site being located on a prominent corner, it is considered that the site lends itself for a bold modern designed building which would be a positive contribution on this prominent corner site. The proposed building would have no adverse impact upon the surrounding residential amenity or the environment in terms of traffic generation. As such the proposal is considered to be in accordance with the policies and guidance listed below.

### **National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Guidance 13 – Transport (2001)

Planning Policy Statement 25 – Development and Floodrisk (2010)

### **The London Plan 2011**

2.13B – Opportunity areas and intensification areas

3.1B – Ensuring equal life chances for all

3.3D/E/G - Increasing housing supply

3.4A - Optimising housing potential

3.5B/C - Quality and design of housing developments

3.8B - Housing Choice

3.9 – Mixed and balanced communities

5.1 – Climate change mitigation



- 5.2A/B – Minimising carbon dioxide emissions
- 5.3B/C - Sustainable design and construction
- 5.7B – Renewal energy
- 5.9B/C – Overheating and cooling
- 5.10C – Urban greening
- 5.11A – Green roofs and development site environs
- 5.12B/C/D – Flood risk management
- 5.13A – Sustainable drainage
- 5.15B/C – Water use and supplies
- 6.3A - Assessing effects of development on transport capacity
- 6.13C/D - Parking
- 7.1B/D - Building London's neighbourhoods and communities
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local character
- 7.6B – Architecture
- 7.15B – Reducing noise and enhancing soundscapes

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

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Places
- T13 Parking Standards
- EP12 Control of Surface Water Run-off
- EP20 Use of Previously Developed Land
- H7 Dwelling Mix
- H14 Residential Institutions
- H17 Access for Special Households with Particular Needs
- C16 Access to Buildings and Public Spaces

**Supplementary Guidance/ Documents**

- Supplementary Planning Document: Residential Design (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Supplementary Planning Document: Access for All (2006)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)

**2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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

### 3 THE PARTY WALL etc ACT 1996

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 CDM REGULATIONS 1994

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

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

### 5 COMPLIANCE WITH PLANNING CONDITIONS PRECEDENT

**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.

Item 1/02 : P/2559/11 continued/...

Plan 5672/01; 5672/800 REV E; 5672/801 REV E; 5672/802 REV E; 5672/803 REV E;  
Nos 5672/804 REV B; 5672/805 REV B; 5672/806 REV B; 5672/807 REV A; 5672/808  
REV A; 5672/809 REV A; 5672/810; 5672/811; Design and Access and  
Sustainability Statement; Tree Survey by Tom La Dell; Interim Travel Plan Rev A

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**332 NORTHOLT ROAD, SOUTH HARROW, P/2400/11  
HA2 8ES**

**Item: 1/03**

Ward: ROXETH

REDEVELOPMENT TO PROVIDE 50 RESIDENTIAL UNITS (49 FLATS AND 1 DWELLINGHOUSE) IN A PART 3, PART 4, PART 5 STOREY BUILDING WITH CYCLE STORE ASSOCIATED PARKING, LANDSCAPING, REFUSE AND AMENITY SPACE [RESIDENT PERMIT RESTRICTED]

**Applicant:** Clearview Homes Limited  
**Agent:** Preston Bennett Planning  
**Case Officer:** Fergal O'Donnell  
**Statutory Expiry Date:** | 05-DEC-11

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## **RECOMMENDATION A**

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by the 2<sup>nd</sup> December 2011. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms have been agreed and would cover the following matters:

- i) Provision of 20% of units for Affordable Housing (6 social rent and 4 for intermediate housing) subject to a review mechanism
- ii) A contribution towards local educational facility improvements;
- iii) A contribution towards open space improvements within the vicinity of the site;
- iv) The submission of a Recruitment Training and Management Plan;
- v) A contribution towards the provision of an Employment Coordinator;
- vi) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- vii) Planning Administration Fee: Payment of £3,000 administration fee for the monitoring of and compliance with this agreement.

## **REASON**

The proposed development would contribute to the redevelopment of this site to the south of South Harrow District Centre through the regeneration of this prominent vacant site and the development would make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and s106 Agreement.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions for existing and future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers.

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, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 2<sup>nd</sup> December 2011 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate affordable housing to meet the Council's housing needs, and appropriate provision for both infrastructure and community facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructural improvement arising directly from the development, contrary to policies 3.11, 3.13.A/B, 3.18.C/D/E/F of The London Plan 2011 and saved policies S1, D4 and D5 of the Harrow Unitary Development Plan 2004

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

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

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

In this instance, the Development Plan comprises The London Plan 2011 and saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

#### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

Planning Policy Statement 3 – Housing [2011]

Planning Policy Statement 4 – Sustainable Economic Development [2009]

Planning Policy Guidance 13 – Transport [2011]

Planning Policy Statement 22 – Renewable Energy [2004]

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

**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]:**

- 3.1.B – Ensuring Equal Life Chances for All
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design and Housing Development
- 3.6.B – Children and Young People’s Play and Informal Recreation Facilities
- 3.8.B – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 3.12.A/B – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13.A/B – Affordable Housing Thresholds
- 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
- 5.21.B – Contaminated Land
- 6.3.A/B/C – Assessing the Effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Walking
- 7.1.B/C/D/E – Building London’s Neighbourhoods and Communities
- 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
- SEM1 – Development and the Boroughs Regeneration Strategy
- EP12 – Control of Surface Water Run-Off
- EP20 – Use of Previously-Developed Land
- EP21 – Vacant and Disused Land and Buildings
- EP22 – Contaminated Land
- EP25 – Noise
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- H7 – Dwelling Mix

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Building and Public Spaces

**Other Relevant Guidance:**

Supplementary Planning Document: Sustainable Building Design [May 2009]

Supplementary Planning Document: Accessible Homes [Mar 2010]

Supplementary Planning Document: Residential Design Guide [Dec 2010]

Harrow's Sustainable Community Strategy [Apr 09]

- 1) **Principle of Development and Land Use**  
PPS1, PPS3, PPS4; London Plan policies 3.3, 7.4.B; UDP policies S1, SEM1, D4
- 2) **Affordable Housing**  
London Plan policies 3.10, 3.11, 3.12.A/B, 3.13.A/B
- 3) **Housing Density and Unit Mix**  
London Plan policy 3.3, 3.4, 3.5, 3.8.B, 3.9; UDP policy H7
- 4) **Design, Character and Appearance of the Area**  
London Plan policies: 3.5, 3.6.B, 7.3.B, 7.4.B, 7.5.B, 7.6.B; UDP policy D4
- 5) **Layout and Residential Amenity**  
London Plan policies 3.5, 3.6.B, 7.6.B; UDP policies D4, D5
- 6) **Accessibility**  
London Plan policies 3.1.B; 7.2.C; UDP policies D4, C16; SPD: Accessible Homes
- 7) **Parking and Highway Safety**  
PPG13; London Plan policies: 6.3.A/B/C, 6.9, 6.13; UDP policies T6, T13
- 8) **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
- 9) **Environmental Impact Assessment**  
London Plan policy; 5.21.B; UDP policy EP22
- 10) **Statement of Community Involvement**  
PPS1, UDP policy D4
- 11) **Drainage**  
PPS25; London Plan policies 5.12.B/C/D; UDP policies D4, EP12
- 12) **S17 Crime & Disorder Act**  
London Plan policy 7.3.B; UDP policy D4
- 13) **Consultation Responses**

**INFORMATION**

This application is reported to Planning Committee as it is a major application recommended for approval and therefore falls outside the Schedule 2 of the Scheme of Delegation.

- a) **Summary**
- |                        |  |
|------------------------|--|
| Statutory Return Type: | Smallscale Major Dwellings                                   |
| Site Area:             | 0.24ha   |
| Density                | 209 dwellings per hectare<br>519 habitable rooms per hectare |
| Car Parking:           | 18   |
| Lifetime Homes         | 50 (all units)   |
| Wheelchair Homes       | 5  |

Affordable Units	10 (6 social rented and 4 intermediate housing)
Council Interest:	None

**b) Site Description**

- The site is located on the north-western corner of the junction of Corbins Lane and Northolt Road.
- The site is currently vacant and boarded up but was used until mid 2010 as a Petrol Station with associated car wash. The site formerly provided access from Northolt Road and egress onto Corbins Lane.
- The site comprises a square plot of land and an additional strip of land adjacent to the dwellinghouses at Leathsail Road which runs to the rear of the commercial and residential properties at 366 and 368 Northolt Road.
- The site lies just to the south of the South Harrow District Centre and as such, commercial and retail uses dominate to the north with buildings generally of 3 and 4 storey scale with some residential uses on upper floors of buildings.
- The building on the other side of Corbins Lane is occupied by a Sainsbury's store which has a service area to the rear accessed off Corbins Lane and a customer car park further to the west is also accessed off Corbins Lane.
- Further to the south, Northolt Road has a mix of commercial and residential uses with commercial uses predominant on the western side of the highway and residential uses predominant on the eastern side of the road.
- Corbins Lane and Leathsail Road comprises primarily two-storey residential properties.
- Wyvenhoe Road to the south-east of the site and opposite Corbins Lane is primarily a residential street.
- The site has a Public Transport Accessibility Level (PTAL) of 5 (lower part of PTAL 5).

**c) Proposal Details**

- It is proposed to remove the existing Petrol and Jet Wash Station and redevelop the site with 50 residential units
- The 50 units would comprise: 1 x 4 bedroom house; 1 x 4 bed marionette; 29 x 1 bed flats; 19 x 2 bed flats.
- Of the 50 units, 40 are proposed to have private tenure and 10 would be affordable. Of the affordable units, 6 units would be socially rented and 4 units would be intermediate housing
- It is proposed to construct a 3/4/5 story building orientated in L-shape along Northolt Road and Corbins Lane.
- The building would be 5 storeys in height at the eastern corner of the site, the apex of the L-shaped building. The five storey block would be set back 5 metres from Northolt Road and metres from Corbins Lane.
- As the building continues along Corbins Lane and Northolt Road to the north-west and south-east respectively, the building is further set back. The scale of the building reduces to four and three storeys with the third floor element recessed 1 metre from the front façades of the building.
- Common amenity space and parking would be provided within the courtyard style area to the rear of the 3/4/5 storey building.



- The internal amenity and parking area would be accessed via the existing main entrance to the site off Corbins Lane and provided in the form of an undercroft.
- A cycle store is proposed to be provided in the western corner of the site with landscaping also provided in this area

Revisions to the scheme following pre-application discussion

- Access to the site altered from Northolt Road to Corbins Lane
- Buildings lines altered along Northolt Road, setting the building back further from the highway
- Standalone dwellinghouse on the western part of the site removed and replaced with cycle store

**d) Relevant History**

WEST/258/93/FUL PETROL FILLING STATION WITH CAR GRANTED  
WASH/JET WASH FACILITIES - 12-JUL-93  
ACCESS OFF NORTHOLT RD,  
EGRESS ONTO CORBINS LANE  
(REVISED)

**e) Pre-Application Discussion**

Letter of conclusion dated 16<sup>th</sup> June 2011 sent to Preston Bennett Planning following meeting on 25<sup>th</sup> May 2011 concluded as follows:

The principle of the residential development on the site is considered to be acceptable. The design ethos and elevational treatments of the buildings are also considered to be acceptable. However, specific issues have been raised in respect of the scale of the building, the building line proposed and the vehicle access to the courtyard area which need to be addressed. Other issues such as the overlooking, overbearing and overshadowing of existing and proposed properties also need to be more closely considered.

Revised design proposals were submitted to the Council and were responded to on 30<sup>th</sup> June 2011 as follows:

*The revised siting of the building so that the five storey element of the building would be in line with the main front façade of the Sainsburys building to the south would represent a significant improvement on the previous design form. We consider that the revised setting of the building would not unduly compromise the design ethos or the character of the building. The setting of the building itself would be improved by the revised siting of the building.*

**f) Applicant's Statement**

Planning Statement (conclusion)

- The site would improve the character of the vacant site
- Scale would be wholly appropriate
- Development provide a mix of units within a highly accessible location
- High quality palette of materials and high sustainability credentials
- Development would ensure residential amenity is protected
- Development would accord with National Planning Policy and development plan policies

Design and Access Statement (summarised as follows):

Development would provide appropriate design measures including appropriate measures for materials, appearance, privacy and overlooking, means of escape, refuse, crime Lifetime and Wheelchair Homes and fire strategy

Sustainability Statement (summary)

- Development would accord with National Planning Policy and development plan policies
- Scheme will be supplied with Gas condensing combi boilers with flue gas heat recovery
- Thermal requirement would be at least 30% better than Building Regulations (Part L 2009)
- PV Solars used on roofs
- Commitment to sound insulation above Part E
- Good levels of day lighting to all rooms
- Scheme designed to reduce light pollution
- At least 75% of timber to come from sustainable sources
- SUDS (green roofs) utilised for surface water

Energy Demand Statement (conclusion)

Code level 4 energy mandatory requirements met in Affordable Housing and Code level 3 requirements met across the site in the private housing

Daylighting and Sunlighting Report

There would be no noticeable variation to sunlight benefiting the neighbouring properties in Corbins Lane and adjoining properties and sunlighting of the proposed units easily satisfies BRE criteria.

BRE criteria would be satisfied in all relevant locations, whether existing or proposed. There would be no adverse effect

Contaminated Lane Survey (concludes)

There may be a potential source of contamination arising from the potentially contaminative past land uses and site of an Air Pollution Control which may have significant implications. It would appear from this preliminary appraisal that there may be a potential pollutant linkage. The site may also constitute contaminated land as defined by Part IIA of the Environmental Protection Act 1990

Geo-Environmental Report

Further investigations may be required

Transport Report (conclusion)

Site can meet the daily transport needs of all residents without the need to own or have access to a car. The site provides a highly compliant residential development opportunity in transport terms with consideration to relevant transport policies.

**g) Consultations**

Environment Agency

No comments to be made in regard to this application

Thames Water

No objection. Comments made in respect of Waste and Surface Water Drainage – see Informative attached to recommendation

South Harrow and Roxeth Residents Association

Objection – details summarised in the summary of responses below

**Advertisement:** Major Development Expiry: 29-SEP-11

**Site Notice Posted:** 23-SEP-11 Expiry: 14-OCT-11

**Notifications:**

Sent: 283 Replies: 15 Expiry: 27-SEP-11

A petition of objection containing 38 signatories was also received

**2<sup>nd</sup> Notification (required for some residents due to the re-siting of the cycle store)**

Sent: 16 Replies: 0 Expiry: 07-NOV-11

**Neighbours Notified:**

Wyvenhoe Road: 1-13, 14-34 (even), 17A, 17-47 (odd), Welldon Park Middle School

Northolt Road: 330, 332, 331, 331A, 333, 333A, 335, 341-377, 341A, 343, 343A, 345, 345A-D, 347, 347A, 366, 368-368A, Flats 1-6 at 368A, 370, 372, 372-374, 374A, 374B, 376A, 378A, 380A, 381, 383, 385, 385A, 387, 387A, 389, 389A, 391, 391A, 395, 395A, 397A, 397-399, 376-380, Roxeth Library, Clinic Adjacent to Library, Northolt Road Clinic 322A,

Duncan House, Northolt Road: Flats 1-30

Corbins Lane: 27-87 (odd), 44-86, 79A, 65A-C, 80-82

Leathsail Road: 1-16

Barnett Court, Corbins Lane: 1-30

Findon Close: Avendia

Valentine Road: Sport and Social Club, 3-13(odd)

Fontwell Court, Torrington Drive: 1-15

Torrington Drive: 2-32 (even)

**Neighbours notified of re-siting of cycle scheme**

Leathsail Road: 1-8

Northolt Road: 366, 368-368A, Flats 1-6 at 368A

**Summary of Responses:**

- Development and design of building out of character with the area and overly intensify scale of development
- Issue of crime associated with development
- Issues in respect of parking availability
- Overlooking and loss of light
- Loss of green space

- Housing not required
- Development would erode the sense of community
- Development pressures on local services
- Amended design to that discussed with local residential groups
- Development will devalue neighbouring properties and block satellite signals
- Site designated for commercial use

## **APPRAISAL**

### **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.

#### **1) Principle of Development and Land Use**

The site does not have any specific designation within the Unitary Development Plan though the site lies just south of South Harrow District Centre. Planning Policy Statement 1 – Sustainable Development 2005 advocates a strategy of prudent use of resources and ensuring that outputs are maximised whilst resources are minimised. PPS1 and Planning Policy Statement 3 – Housing 2011, The London Plan and the Harrow Unitary Development recognise the finite availability of land within which to deliver development plan objectives and therefore encourage the re-use of previously developed land for development. The application site constitutes previously developed (or 'Brownfield') land and the principle of redeveloping the site therefore accords with National Planning Policy, the London Plan and the adopted UDP.

The site is currently commercial land and though now vacant, has the potential to provide economic benefit to the area through the provision of employment and vitality. However, the use of the site through its current lawful use, if it were operational, would contribute relatively low levels of employment and vitality and the re-development of the commercial use of the land at higher intensity levels is unlikely to be compatible with its 'out of centre' location. The development of the site for housing development is considered to be consistent with the surrounding land uses and in recognition of the finite availability of land for housing throughout the borough and the limited economic capacity of the site, the redevelopment of the site for residential housing would contribute towards London Plan housing targets for the borough and is considered to accord with National Planning Policy, the policies of The London Plan and the UDP is provided the most efficient and effective use of previously development land. In recognition of the loss of employment land from this location, the Council will seek to secure a commitment for the development to provide recruitment and training initiatives on site, thereby offsetting any negative impacts the development may have on the economic vitality of the area.

**2) Affordable Housing**

Policy 3.12.A/B of The London Plan requires development to provide the maximum reasonable amount of affordable housing having regard to current and future requirements, adopted affordable housing targets, the need to encourage rather than restrain residential development, the need to promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the specific site circumstances of individual sites.

There is an identified shortfall in affordable housing at borough, regional and national level and the Council will therefore seek the maximum reasonable amounts of affordable housing in each new development. The applicant has identified a provision of 20% of units (10 units) for affordable housing, with 23% of habitable rooms to be affordable. The applicant has submitted details of the financial viability of the scheme, based on the GLA Three Dragons Toolkit, in support of the application and the Council's Housing Officers have considered the details contained therein. The provision of 20% of units for affordable housing is based on an assumption of no social housing grant. This assumption is considered to be fair on the basis of discussions with the Homes and Communities Agency (HCA) and Registered Provider partners. Likewise, other assumptions in the Financial Viability report are broadly considered to be fair. The provision of 20% affordable units within the scheme is therefore considered to accord with the objectives of The London Plan 2011 which seeks to encourage rather than restrain overall residential development.

Notwithstanding the above, a number of variables may increase the possibility of providing additional affordable housing within the scheme. Explanatory paragraph 3.75 of The London Plan recognises that "in making assessments for planning obligations, boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation". In line with policy 3.12.A/B therefore in order to maximise the reasonable provision of affordable housing within the scheme, a mechanism will be inserted into the s106 Agreement requiring the appraisal of the scheme once a trigger point of occupancy is reached. Such an approach is considered justified in light of the changing economic circumstances and the potential availability of grant funding in the future and is consistent with the Council's approach on recently permitted schemes of a similar scale.

The affordable housing units have been designed to be 'tenure blind' and it is considered that the development would be successful in this regard. The split of social rented units to Intermediate Housing would be 60/40 respectively and the development would therefore accord with the strategic objectives of policy 3.11 of The London Plan 2011.

**3) Housing Density and Unit Mix**

London Plan policy 3.9 and Harrow Unitary Development Plan (2004) saved policy H7 require new development to provide a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. London Plan 3.4 sets out a range of densities for new residential development.

The site is considered to be within an urban location and has a PTAL in the lower echelons of PTAL 5. Policy 3.4 of the London Plan sets out a density range of 55-225 units per hectare and 200-700 habitable rooms per hectare. The density of the development of 209 u/ha and 519 hr/ha would therefore fall within the suggested density matrix and is therefore appropriate for this setting. The development includes a mix of tenure types as well as unit sizes, ranging from 1 bed units up to 4 bed units. The development would contribute to providing a mixed and balanced community in accordance with policy 3.11 of the London Plan and saved policy H7 of the UDP.

**4) Design and Character and Appearance of the Area**

Good design lies at the core of national planning policy guidance. Planning Policy Statement 1 Delivering Sustainable Development (PPS1) advises at paragraph 34 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also encourages the efficient use of land and the use of higher densities, although not at the expense of good design. London Plan policies 7.4.B, 7.5.B and 7.6.B and saved policy D4 of UDP set out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design. Policy 7.4.B and saved policy D4 of the UDP pay particular reference to design being correct in its context and respecting the public and local realm.

The fact that this corner site can be approached from 4 directions and affords a variety of publicly accessible viewpoints is indicative of the complexity of the design challenge facing the development, it requires a sophisticated robust design approach. The existing Petrol Station and car wash and the proposed building would represent substantial change in the street scene. The site is located in a highly visible location due to the changing building lines and nature of the streetscene.

Scale

The applicant has set out a design ethos whereby the building provides a 'bookend' of high quality design to this location just to the south of South Harrow District Centre. The scale of the building has been informed primarily by the higher buildings to north within the District Centre, whereby the Sainsbury's building is three storey in scale (due to the elongated floor storey heights, the building appears as though 4 storeys in height) and the commercial and residential properties opposite are four storey in height. The five storey corner element is designed to have a strong but not overly dominant impact on the streetscene and in its relationship with the neighbouring properties to the north, given the set back of the building from the Northolt Road frontage and the provision of landscaping in this area, it is considered that it would be successful in this respect. It is considered that the greater height of five storey corner block in comparison with the existing buildings in the South Harrow District Centre can be justified in light of the high quality design of this element and the need for the building to provide a strong visual context in the most prominent corner location of the development.

The scale of the building reduces from the five storey block along Corbins Lane and Northolt Road, in recognition of the lower scale of development (primarily residential) in these areas. The impact of the four storey elements of the building are significantly reduced by the substantial set back of most the third floor of the building back from the main facades of the building and this design treatment is considered to be wholly appropriate. The three storey scale of the building at the southern and northernmost ends of the building represents the final reduction in the scale of the building down to the two-storey scale of the neighbouring properties. The development would be sited in close proximity to these neighbouring buildings with little relief to the side boundaries of the site. However, the building would be set well back from the highways and proposes a generally high standard of development. Notwithstanding the close proximity of the building to the neighbouring properties, it would not be overly dominant given this set back and the three storey scale of the building at this point and the development is considered acceptable in this regard.

The building would have a substantial footprint within the site but would retain an adequate setting for the building itself as well as the courtyard, landscaping and parking areas to the rear.

#### Design

The building is designed as a temporary high quality building in a highly prominent location. The confluence of residential and commercial properties in the immediate vicinity lends the area a mix of design type without a highly defined or predominant character. Much of the development in the locally is of limited quality and architectural merit. The provision of a building which attempts to mimic any prevailing design ethos in the area would therefore be inappropriate and the construction of a building in a contemporary style, of substance and recognised design ethos is therefore appropriate in the context of the surrounding development. As discussed above, the scale and mass of the five storey corner block provides the dominant feature on the building. The strong and uninterrupted impact of the five storey block would be lost to some extent by the provision of balconies which wrap around the corner of the building which could detract from the overall cohesion of the building. Nonetheless, the balconies provide the units contained within the block with high quality internal space and external amenity space and though it is recognised that the design aesthetics are compromised to some extent by their presence, such balconies provide functionality in modern high quality urban living spaces.

The building proposes a stepped appearance along the Corbins Lane façade, which would visual interest to this elevation. The use of number of different materials on the building could, however, create a visual confusion which would be difficult to read in the street. As such, any material should provide uniformity along the building as the steps in. The offset windows and the use of a different window type may add to this confusion. However, it is considered that this style would be broadly reflective of the contemporary style of the building and the inset of the windows would provide the building with an additional depth, focus and a defined sense of legibility.

The elevational treatment along Northolt Road would be more muted, emphasising the setback of the third floor of the building. The muted style of the building and the provision of significant areas of landscaping would blend well with the Northolt Road streetscene. Balconies would be set well back from the highway, reducing the impact of the development on Northolt Road. Again the inset window would provide the building with visual interest, focus and depth.

The rear facades of the building are treated in a similar fashion, replicating the design of the front facades of the building and this is considered to be satisfactory.

A cycle storage building is proposed adjacent to those properties at Leathsail Road. This building would be single storey in scale and would have the appearance of servicing building, as it would be. It would not detract from the setting of the main building on the site and its scale, design and siting are considered to be acceptable.

#### Landscaping and Refuse

Refuse would be stored internally, adjacent to the undercroft entry to the courtyard. This area would provide the most appropriate location for refuse and ensure that bins do not detract from the appearance of the site or the locality.

The building is set well back from the highway on both sides and the areas between the building the highway, which are designated as amenity areas, would provide significant softening of the building into its surroundings. A detailed landscaping scheme and management plan, which could be secured by condition, would ensure that these areas continue to contribute to the appearance of the building and improve the appearance of the area into the future. The strip of land between 368 Northolt Road and the properties at Leathsail Road would remain as a green area and again, the landscaping management of this area could be improved through appropriate conditions, helping to the provide a setting for the development. The remaining areas of landscaping are relatively sparse though a green buffer is proposed along the northern boundary of the site and adjacent to the building in the courtyard area. It is unclear what landscaping would be provided but in order to provide an appropriate setting for a building, a comprehensive landscaping plan would be required. Such a plan could be secured through the use of appropriate conditions.

The scale of the building is considered to be acceptable in the context of the surrounding development. In terms of the design of the building and the landscaping treatment, subject to appropriate conditions therefore, the development would provide a high quality design-led building to the area which would respond to the local context and respond positively to the public realm. The development would therefore accord with policies 7.4.B, 7.5.B and 7.6.B of The London Plan 2011 and saved policy D4 of the UDP.



### Permitted Development Rights

The residential unit at the southernmost end of the main block would be considered as a dwellinghouse for the purposes of the Town and Country Planning Act 1990 ("the Act") and the Town and Country (General Permitted Development) Order 1995 (amended) ("the GPDO"). Given the specific design quality of the building and the potential impact of development on neighbouring properties, it is considered necessary to restrict development in respect of Part 1, Classes A, D, E, F, G and H of the GPDO and all Classes within Part 40 of the GPDO for this dwellinghouse.

## **5) Layout and Residential Amenity**

### Neighbouring Amenity

The scale and setting of the building has been informed by the neighbouring land uses and consideration has been given during the design process to try and minimise impacts on neighbouring amenity. The physical form of the building follows closely from the existing residential dwellings along Corbins Lane and though the building would project rearward of No.87 Corbins Lane to the north of the site, the building would accord with the horizontal 45° code in respect of the rear of No.87 Corbins Lane. The single storey element which would house the bin store would project 3 metres beyond the rear wall of 87 Corbins Lane and would be set 1.3 metres from the flank wall of this project. This single storey element would be 3.6 metres in height. As it would be set away from the flank wall of No.87 Corbins Lane, it is considered that it would have an acceptable relationship with this property. The building would adjoin the Kwit Fit building to the south of the site along Corbins Lane. This is not a residential property and is not therefore as sensitive in terms of amenity impacts. Nonetheless, the front wall of the building would only project marginally beyond the front wall of 366 Northolt Road and rear wall of the building would not project beyond the rear wall of the main two-storey part. The building is set well back from the highway and the residential buildings along the eastern side of Northolt Road. As such, the main two-storey building would have an acceptable impact on the amenity of the neighbouring occupiers in terms of overbearing and overshadowing impact.

A single storey cycle store is proposed adjacent to No.'s 1 & 2 Leathsail Road. This building would be 3.4 metres in height and would be sited 1.6 metres from the front wall of these properties. Given this distance between the cycle store and the front wall of the neighbouring properties, it is considered that the scale of the building in this location would be appropriate and would not a detrimental impact on the amenity of the occupiers of these properties.

The building has been designed so that the closest balconies to the neighbouring properties would be some 15 metres away. It is considered that such a distance would preclude any undue levels of overlooking of the neighbouring properties. The rear walls of the buildings some overlooking at oblique angles may occur but there would be no direct overlooking of properties. Overlooking of neighbouring properties at oblique angles is typical of urban and suburban locations and there would not be any unreasonable impact arising from this oblique overlooking.

### Amenity of Future Occupiers

All units have been designed to accord with internal London Plan and Harrow SPD – Residential Design Guide standards. Whilst the scheme does include a number of single aspect flats, the units are designed to provide ease of movement and the applicant has submitted a report in support of the application indicated that all units would meet BRE standards for internal daylight and sunlight and though dual aspect flats would be preferable, it is considered that a refusal on this basis could not be sustained given the compliance with BRE standards.

All but two of the units would have private external amenity space provided in the form of gardens or balconies though some of the ground floor flats are reliant on external amenity space fronting onto the highway. It is considered that such spaces are of nominal amenity value. However, common amenity space for the development is also provided within the site. Through the use of conditions to secure landscaping for these common amenity spaces, it is considered that these areas are capable of providing high quality spaces. Nonetheless, the common amenity spaces are not capable of providing adequate spaces of all potential occupiers of the units, notably young children. The applicant refers to the close proximity of Alexandra Park in close proximity to the site. This park provides a high quality urban green space capable of providing any additional needs for the occupiers of the development. In order to offset the additional infrastructural requirements which the development would place on the park, monies should be secured through a s106 Agreement in order to facilitate the improvement and maintenance of the park. The development would be directly related to the improvement of the park and would be required given the deficiencies in quality of some of the external amenity spaces within the development. Subject to the provision of monies through a s106 Agreement, the development would provide for adequate amenities for the occupiers of the building.

The neighbouring Kwit Fit building at 366 Northolt Road has a noise intensive use. Nonetheless, much of the mechanical operation on the site occurs within the building and the development would therefore be buffered from much of this noise. It is therefore considered that the development would not have an unreasonable impact on the amenity of the occupiers of the proposed development.

### **6) Accessibility**

The applicant has indicated in the Design and Access Statement and the submitted plans that all units would be Lifetime Homes and 5 units would be wheelchair homes. Disabled parking spaces are provided and the development would accord thereby accord with London Plan policy 7.2.C, saved UDP policies D4 and C16 and the adopted SPD – Accessible Homes 2010.

### **7) Parking and Highway Safety**

The proposed development provides for 18 car parking spaces which would give the site an overall parking ratio of 0.36. The Council's Traffic and Highways Officer has commented on the application and given the high PTAL level of the site, such a provision is welcomed as it would conform to national planning policies which discourage the use of private motor vehicles in such locations.

To ensure that parking restraint is fully applied to this location, a condition is suggested that the development would be made 'resident permit restricted' in order to deter private car ownership / usage affiliated to the site. In the town centre areas in proximity to the site, there are waiting restrictions in place which further discourages car borne methods of travel and reduces the probability of unwanted injudicious parking from occurring within the shopping area.

In respect of additional traffic generation in the area, the applicant has applied a London database of trip generation for different land uses (TRAVL) has been applied by the applicant to illustrate a predicted impact on the local road network. It is accepted that the level of traffic activity associated with the car wash operation would substantially exceed the predicted residential car movements resulting from the proposal which are expected to amount to substantially less than 10 vehicles entering/leaving the site at both morning and evening peak traffic periods. The limited on-site provision aids this low level of traffic generation. This figure is thus considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

The 'Jet Wash' station facility currently has 2 points of access into and out of the site. These established access points have operated without known detriment to road capacity or safety. The proposal would now utilise a single access point situated off the lesser trafficked Corbins Lane whilst the access off Northolt Road will be sealed. As highlighted above, the residential use will result in a substantial reduction in traffic movements throughout the day which negates the need for a second access and access arrangements would therefore have a beneficial impact on highway safety. Access sight-lines, in accordance with Department for Transport guidelines, are achievable at this single access point and are therefore not a matter of concern. The provision of a single access point to the site would also be of benefit to highway safety in the locality, removing an existing access way onto the heavily trafficked Northolt Road.

The refuse storage area is provided close to the site boundary with Corbins Lane and would therefore be satisfactorily serviced from this road without envisaged detriment to traffic movement or road safety.

Notwithstanding the above conclusions in respect of the development, a full Construction Logistics Plan will be required and is suggested as a condition of development. Similarly, in order to ensure this highly sustainable transport location is used appropriately, a residential Travel Plan will be required and is suggested as a condition of development.

Subject to the suggested condition, the impacts of the development on the road network and highway safety would be ameliorated, thereby according with policies 6.3.A/B/C, 6.9, 6.13 of the London Plan 2011 and saved policies T6 and T13 of the UDP.

**8) Sustainability**

Planning Policy Statement 22 – Renewable Energy, London Plan policies 5.2.A/B/C/D/E, 5.3.B/C, 5.7.B and saved policy D4 of the UDP advocates the use of the sustainable technologies in all new development proposals in order to offset the carbon footprint of the development. The applicant has submitted a Sustainability Statement and Energy Statement in support of the application. The Sustainability Statement indicates that Code for Sustainable Homes Level 3 and 4 would be achieved for the private and affordable housing respectively. The Energy Statement indicates that a 25% and 44% reduction in Carbon Emission would be achieved over Target Emission Rates (TERs). However, these figures are assessed against Building Regulations 2006 rather than Building Regulations 2010. London Plan policies, in recognition of the need to reduced carbon dioxide and the impact of the urban heat island, require all new development to achieve a 25% reduction in carbon dioxide emissions of Building Regulations 2010. It is considered that a number of sustainable technologies in addition to that suggested could be incorporated into the development to order to achieve the targeted carbon emission rates and a condition is suggested to this effect. In other respects of the Code for Sustainable Homes, the development would accord with satisfactory code levels. The green roof is welcomed, as are the suggested bat and bird boxes contained with the Sustainability Report which could be secured by condition, thereby mitigating any ecological impacts of development from the loss of the green strip on the northern part of the site. Subject to the suggested conditions, it is considered that the proposed development would accord with PPS22, London Plan, UDP policies and adopted SPD – Sustainable Building Design.

**9) Environmental Impact Assessment**

The development site was formally used as a Petrol Station and car wash and could therefore constitute contaminated land. The applicant has submitted preliminary reports Environmental reports which indicate that the land may indeed be contaminated. In order to ensure that the development does not prejudice the health of any potential occupiers of the development, a condition is suggested requiring further contamination investigation of the site and any remedial action required as a result of this investigation to be carried out before development begins on the site, thereby according with policy 5.21.B of The London Plan 2011 and saved policy EP22 of the UDP.

**10) Statement of Community Involvement**

The applicant has submitted, within the Planning Statement, information relating pre-application discussions with local residents. The involvement including the distribution of flyers and a presentation meeting with neighbours and interested parties. The applicant has therefore fulfilled the requirements set out in PPS1 and the Council's Sustainable Community Strategy.

**11) Drainage**

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.

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

The proposed design and layout offers adequate natural surveillance. Policy D4 of Harrow's UDP 2004 advises crime prevention should be integral to the initial design process of a scheme. Policy 7.3.B of The London Plan outlines similar design requirements for development.

The applicant has submitted initiatives in the Design and Access Statement for designing out crime with accord with the principles of Secured by Design and Safer Places and the development would be acceptable in this regard.

A number of comments have been received in respect of the potential issues of crime associated with the development of the land. As discussed in Section 4 of the Appraisal, the development proposes a high quality of design which would provide and improvement in the appearance of the locality. The development would also provide increased levels of security and a more defined sense of place to the locality which is likely to deter, rather than encourage crime and it is therefore considered that development would accord with development plan policies.

**13) Consultation Responses**

*Development and design of building out of character with the area and overly intensify scale of development; issue of crime associated with development; issues in respect of parking availability; overlooking and loss of light; site designated for commercial use*

The above issues have been considered in detail in the Appraisal above

*Housing not required*

The London Plan sets out housing targets for each borough and though LB Harrow is likely to achieve these targets over the lifetime of the London Plan, London Plan policies state that boroughs should seek to exceed housing targets. There is also an identified need for affordable housing in the locality as discussed above

*Development would erode the sense of community*

As discussed above, the development incorporates a mix of unit types and tenures thereby enhancing the diverse nature of the community, in accordance with the Council's Sustainable Community Strategy

*Development pressures on local services*

Infrastructural improvements which would offset pressures on services in the area are to be secured through a s106 Agreement as discussed in the Appraisal above

*Amended design to that discussed with local residential groups*

Some of the design of the development has evolved from that shown to residents following pre-application discussion with the Council. All interested parties have been informed of the proposed development in its current form and are not therefore prejudiced by the amendments to the design of the development

*development will devalue neighbouring properties and block satellite signals*

These are not material planning considerations

*Loss of green space*

The development will result in the loss of some green space of nominal value, but would provide additional landscaping, green roof and other ecological benefits, as well as providing monies through a s106 Agreement towards the provision of improvements of the local park

**CONCLUSION**

The proposed development would contribute to the redevelopment of this site to the south of South Harrow District Centre through the regeneration of this prominent vacant site and the development would make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and s106 Agreement.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions for existing and future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers.

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

**CONDITIONS**

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

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

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

a: the ground surfacing

b: the boundary treatment

c: all external materials for the main building on the site and the cycle store

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

3 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding and policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan (2004).

6 Notwithstanding the submitted Sustainability Statement, before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Code for Sustainable Homes Level 3 for the private housing and Code for Sustainable Homes Level 4 for the affordable housing (or successor), 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.

7 Prior to first occupation of the development hereby approved, details of bat and nest boxes to be provided within the site shall be submitted to, and approved in writing by the Local Planning Authority. The bat roosts shall be installed in accordance with the approved details, and shall be retained as such thereafter.

REASON: To mitigate the impact of development on local ecology and in the interests of site ecology, in accordance with saved UDP policies EP26, EP27, and EP28.

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

REASON: To ensure that adequate drainage facilities are provided, 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

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

REASON: To 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

10 No development shall take place, including any works of demolition, until a Construction Method and Logistics 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)

11 Prior to first occupation 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.



12 Notwithstanding the submitted Contamination report, a further investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Where remedial actions are required, no development shall commence on site until details of the scheme of remedial action is submitted to the Council, for approval in writing, and completed on site.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy; 5.21.B of the London Plan 2011 and saved policy EP22 of the Harrow Unitary Development Plan 2004.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, D, E, F, G and H in Part 1 and no development which would otherwise fall within Part 40 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 and appearance of the building and the locality and the amenity of the potential occupiers of the building, and ensure that development does not prejudice flood risk in the area, in accordance with policy 7.4.B and 7.6.B of The London Plan 2011 and saved policies D4, D5 and EP12 of the Harrow Unitary Development Plan 2004.

14 Before the development hereby permitted is occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses parking pressures locally and sustainability requirements of policies T13 and D4 of the Harrow Unitary Development Plan 2004.

15 No satellite dishes, antennae or other communications equipment are permitted on any part of building hereby approved, without the prior written permission of the local planning authority.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

16 The development hereby permitted shall be carried out in accordance with the following approved plans: A2275210 Rev P2; A2275211 Rev P2; A2275212 Rev P2; A2275213 Rev P2; A2275214 Rev P2; A2275215 Rev P2; A2275310 Rev P2; A2275400 Rev P4; B2911; Design and Access Statement; Transport Assessment; Daylighting and Sunlighting Report; Energy Demand Statement and Code Pre-Assessment (24 Oct 2011); Sustainability Statement (24 Oct 2011); Planning Statement; Revised Planning Visuals; Geo-Environmental Report Overview; Contamination Report (conducted by Sitecheck); Site Plan

## **INFORMATIVES**

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

The proposed development would contribute to the redevelopment of this site to the south of South Harrow District Centre through the regeneration of this prominent vacant site and the development would make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and s106 Agreement.

The proposed redevelopment of the site would result in a modern, contemporary design that responds positively to the local context, and would provide appropriate living conditions for existing and future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers.

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

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development [2005]

Planning Policy Statement 3 – Housing [2011]

Planning Policy Statement 4 – Sustainable Economic Development [2009]

Planning Policy Guidance 13 – Transport [2011]

Planning Policy Statement 22 – Renewable Energy [2004]

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

### **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]:**

- 3.1.B – Ensuring Equal Life Chances for All
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design and Housing Development
- 3.6.B – Children and Young People’s Play and Informal Recreation Facilities
- 3.8.B – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 3.12.A/B – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13.A/B – Affordable Housing Thresholds
- 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
- 5.21.B – Contaminated Land
- 6.3.A/B/C – Assessing the Effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Walking
- 7.1.B/C/D/E – Building London’s Neighbourhoods and Communities
- 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
- EP20 – Use of Previously-Developed Land
- EP21 – Vacant and Disused Land and Buildings
- EP22 – Contaminated Land
- EP25 – Noise
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- H7 – Dwelling Mix
- T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Building and Public Spaces

**Other Relevant Guidance:**

Supplementary Planning Document: Sustainable Building Design [May 2009]

Supplementary Planning Document: Accessible Homes [Mar 2010]

Supplementary Planning Document: Residential Design Guide [Dec 2010]

Harrow's Sustainable Community Strategy [Apr 09]

**2 INFORMATIVE**

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

**3 INFORMATIVE**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE**

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

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

## 5 INFORMATIVE

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

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

## 6 INFORMATIVE

### Waste Comments

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](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://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.

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

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

### 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.

Item 1/03 : P/2400/11 continued/...

Plan Nos: A2275210 Rev P2; A2275211 Rev P2; A2275212 Rev P2; A2275213 Rev P2; A2275214 Rev P2; A2275215 Rev P2; A2275310 Rev P2; A2275400 Rev P4; B2911; Design and Access Statement; Transport Assessment; Daylighting and Sunlighting Report; Energy Demand Statement and Code Pre-Assessment (24 Oct 2011); Sustainability Statement (24 Oct 2011); Planning Statement; Revised Planning Visuals; Geo-Environmental Report Overview; Contamination Report (conducted by Sitecheck); Site Plan

**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; 448m<sup>2</sup> OF MIXED USE FLOORSPACE (A1/A2/A3/A5/B1/D1[c] [EDUCATION]) 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). (RESIDENT PARKING PERMIT RESTRICTED)

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

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### **RECOMMENDATION A**

GRANT permission for the development subject to no additional matters raised in objection to the scheme and the signing of a S106 legal agreement, by 16<sup>th</sup> May 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:

- i) A commitment not to occupy more than 20 residential units before completion of the works to the Listed Building.
- ii) Submit a training and recruitment plan for the Council's approval prior to commencement to secure onsite construction related training.
- iii) Pay the sum of £5000.00 to the Council in order to mitigate adverse impacts on traffic flow or parking in the surrounding area prior to occupation of any part of the scheme.
- iv) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- v) 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

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)

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**Recommendation B:**

That if the Section 106 Agreement is not completed by 16th May 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).

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**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.

The application was presented to the October meeting of the Planning Committee but was deferred for officers to discuss with the applicants further marketing of the public house, following completion of the refurbishment works, and for further consultation with Harrow Garden Village Action Group.

**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 4<sup>th</sup> 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
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.

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.

Subsequent to the deferral of the application, at the October Planning Committee Meeting, the applicants have provided a justification for their position and a statement which concludes that further marketing of the public house would not be viable. The letter makes the following points:

The application proposes an additional use and not the loss of the existing A3/A4 uses and in addition reflects a current and identified need.

The pub could still be used for any existing uses if required and that these would be lawful.

The statement makes reference to the draft Development management DPD policies and suggests compliance with these.

The applicants note the identified interest from Regents College, a local establishment.

They confirm that the loss of the D1(c) use (as confirmed by the Colliers information) would suggest that further marketing would be unrealistic, unviable and an unfundable position and that it would result in the building being unviable and that it would render the scheme unimplementable. This is supported by a letter from the applicants funders.

**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 (Major Development and Setting of a listed building)	Replies: 6 in objection, 2 in support	Expiry: 01-JUN-11
Sent 216 (Major Development and Setting of a listed building)	1 in objection.	Expiry: 06-OCT-11
Sent 216 (Departure)		Expiry: 01-NOV-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
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Site Notice (Major Case and affecting a listed building):	21-MAY-11	Expiry: 11-JUN-11
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Site Notice (Departure from the UDP)

04-OCT-11

Expiry: 28-OCT-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). Objectors also referred to a refusal at 2A Park Drive in 2009.

A further submission expressed hope that the application could be refused unless all reasonable efforts had been made to find a pub company or brewery to purchase the property.

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 an 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 a 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 caselaw 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 from Imperial Drive appears 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.

It is noted that since the consideration of the application at the last Committee Meeting, the applicants have met with local residents to discuss concerns. Following such discussions, the applicants have suggested that they would be willing to pay (via S106 contribution) a sum of £5,000 to mitigate the impacts of additional parking on surrounding streets. This has been considered by Highways Traffic Engineers who have confirmed that the provision of such a sum would be justifiable. This has therefore been added to the heads of terms above.

**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. As stated above, the contributions secured through the S106 agreement would further mitigate any unexpected impacts that might arise through the development.

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

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

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

(a) Landscaping

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

4 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).

5 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).

6 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.

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 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.

9 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.

10 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.

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).

18 Use of areas of floor space indicated within the application and supporting documents to be within Class D1 shall be used for the purposes of D1(c) education only and shall not be used for 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 occurred on the site which may result in unacceptable impacts on the amenities of neighbouring residential occupiers of the neighbouring properties or the free flow of traffic on surrounding highways, in pursuance of saved Policy D4, D5 EP25, T6 and T13 of the Harrow Unitary Development Plan 2004)."

19 Before the residential element within 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).”

## **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):**

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)

**1 INFORMATIVE:**

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 P/1018/11  
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, SERVICING AREA AND REFUSE STORAGE AT LOWER GROUND FLOOR LEVEL; 801m<sup>2</sup> 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). (RESIDENT PARKING PERMIT RESTRICTED)

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

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## **RECOMMENDATION A**

**GRANT** permission for the development subject to no additional matters raised in objection to the scheme and the signing of a S106 legal agreement, following the expiry of the consultation period by 16<sup>th</sup> May 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:

- i. A commitment not to occupy more than 20 residential units before completion of the works to the Listed Building.
- ii. Submit a training and recruitment plan for the Council's approval prior to commencement to secure onsite construction related training.
- iii. Pay the sum of £5000.00 to the Council in order to mitigate adverse impacts on traffic flow or parking in the surrounding area prior to occupation of any part of the scheme.
- iv. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- v. 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)

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### **RECOMMENDATION B:**

That if the Section 106 Agreement is not completed by 16<sup>th</sup> May 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.

The application was presented to the October meeting of the Planning Committee but was deferred for officers to discuss with the applicants further marketing of the public house, following completion of the refurbishment works, and for further consultation with Harrow Garden Village Action Group. The report has been updated to reflect the outcome of those discussions.

**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 no.s 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.

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- 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
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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 <sup>2</sup> 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/45/95/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. 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.

Subsequent to the deferral of the application, at the October Planning Committee Meeting, the applicants have provided a justification for their position and a statement which concludes that further marketing of the public house would not be viable. The letter makes the following points:

The application proposes an additional use and not the loss of the existing A3/A4 uses and in addition reflects a current and identified need.

The pub could still be used for any existing uses if required and that these would be lawful.

The statement makes reference to the draft Development management DPD policies and suggests compliance with these.

The applicants note the identified interest from Regents College, a local establishment.

They confirm that the loss of the D1(c) use (as confirmed by the Colliers information) would suggest that further marketing would be unrealistic, unviable and an unfundable position and that it would result in the building being unviable and that it would render the scheme unimplementable. This is supported by a letter from the applicants funders.

**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 (Setting of a Listed Building and Major Development)	Replies: 6 in objection 2 in support	Expiry: 01-JUN-11
Sent: 216 Sent 216 (Departure)	1 in objection	Expiry: 06-OCT-11 Expiry: 01-NOV-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
Site Notice (Departure from the Unitary Development Plan)	04-OCT-11	Expiry: 28-OCT-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). Objectors also referred to a refusal at 2A Park Drive in 2009.

A further submission expressed hope that the application could be refused unless all reasonable efforts had been made to find a pub company or brewery to purchase the property.

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 stair towers 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 an 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 a 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 caselaw 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.

Planning Policy Statement 4, within Policy EC14.5 states that impact assessments are required for retail proposals *inter alia* that are below 2,500 square metres and are not in an existing centre and would be likely to have a significant impact on other centres. The size of the development would be unlikely to have a significant impact on other centres and therefore it is considered that it is not necessary to carry out an impact assessment of impacts arising from the development in this respect.

Policy EC15 of PPS4 requires a sequential test for planning applications for main town centre uses that are not in a centre and are not in accordance with an up to date development plan.

The Adopted Unitary Development Plan (2004) puts the site within the Rayners Lane Town Centre. Additionally a proposed primary shopping area for Rayners Lane was included in the draft Site Allocations Development Plan Document (DPD) earlier this year. The boundary for the area runs adjacent to but excludes the Rayners Hotel. Of note is that Appendix F of the 2009 NLP Retail Study provides a detailed evaluation of all of the development sites assessed as part of the Study, and for the Rayners Hotel (site RL3) states that 'The site is located within Rayners Lane District Centre but is not within the Primary Shopping Frontage and is therefore an 'Edge of Centre' site in retail terms...'

PPS 4 Annex B defines 'edge of centre' for retail purposes as: '*...a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area...*' and explains that these are the '*defined area where retail development is concentrated*'.

Even though limited weight can be attached to the draft Site Allocations DPD it is considered that the site should be regarded as edge of centre for retail purposes.

Policy EC15 of PPS 4 suggests that in considering sequential assessments, authorities should:

1 - *Ensure that sites are assessed for accessibility, suitability and viability,*

The need for the additional floor space in terms of the enabling of the regeneration of the public house is discussed in the forgoing text, and failure to provide the retail aspect of the development would make the entire development non-viable. The interest from the retailers identified by the applicants subsequent to the drafting of the Committee Report suggests that the development would be economically viable. Accessibility is considered to be appropriate given its location within the town centre and proximity of public transport.

*2 - Ensure that consideration of all other in centre options has been taken place*

As discussed above, the placement of a retail unit on this site has occurred as part of an enabling scheme to regenerate the public house. Given its proximity to the town centre, an assessment against other town centre sites is not considered to be appropriate in this instance.

*3 – Ensure that where there are no town centre sites to accommodate the development, preference is given to edge of centre locations which are well connected,*

The site is located in close proximity to the town centre and whilst technically edge of centre (as discussed above), it would still provide a valuable resource for the area which would be in an area which is well connected. In this respect the development is consistent with the aims of the policy.

*4 – Demonstrate flexibility in use.*

This section seeks the disaggregation of use to separate, sequentially preferable sites, however as stated above, in this case, given the need for the regeneration of the public house is the enabling factor. It is considered that such a consideration is not relevant in this instance.

Given the above considerations, it is considered that the special circumstances of this development, its size, and the location of the space, would result in compliance with the intentions of policy EC15 of PPS4. “

The provision of retail use is also 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 pupil's 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.

It is noted that since the consideration of the application at the last Committee Meeting, the applicants have met with local residents to discuss concerns. Following such discussions, the applicants have suggested that they would be willing to pay (via S106 contribution) a sum of £5,000 to mitigate the impacts of additional parking on surrounding streets. This has been considered by Highways Traffic Engineers who have confirmed that the provision of such a sum would be justifiable. This has therefore been added to the heads of terms above.

**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 street scene 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. As stated above, the contributions secured through the S106 agreement would further mitigate any unexpected impacts that might arise through the development.

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

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

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

(b) Landscaping

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

4 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).

5 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).

6 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).

7 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,

8 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).

9 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.

10 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..

11 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).

12 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).

13 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.

14 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.

15 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).

16 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).

17 Use of areas of floor space indicated within the application and supporting documents to be within Class D1 shall be used for the purposes of D1(c) education only and shall not be used for 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 occurred on the site which may result in unacceptable impacts on the amenities of neighbouring residential occupiers of the neighbouring properties or the free flow of traffic on surrounding highways, and in pursuance of saved Policy D4, D5 EP25, T6 and T13 of the Harrow Unitary Development Plan 2004).”

18 Before the residential element within 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).

## **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):**

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.

**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 EAST, HARROW, HA2 7LX** 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

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## 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.

The application was presented to the October meeting of the Planning Committee but was deferred for officers to discuss with the applicants further marketing of the public house, following completion of the refurbishment works, and for further consultation with Harrow Garden Village Action Group. The report has been updated to reflect the outcome of those discussions.

#### **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 roof tiles 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 <sup>2</sup> 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 <sup>2</sup> 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
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 <sup>2</sup> 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

**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 20<sup>th</sup> 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-MAY-11	Expiry: 15-JUL-11
Extensions/alterations of a Listed Building		

Site Notice (Extensions/alterations of a Listed Building):	21-MAY-11	Expiry: 11-JUN-11
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**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 29<sup>th</sup> 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.

**ST GEORGES CHURCH SPORTS GROUND, PINNER VIEW, HARROW, HA1 4RJ**

Ward: HEADSTONE SOUTH

OUTLINE PERMISSION FOR ACCESS AND LAYOUT: REDEVELOPMENT TO PROVIDE 7 X 1 BED FLATS, 8 X 2 BED FLATS, 4 X 3 BED HOUSES AND 8 X FOUR BED HOUSES; PROVISION OF APPROXIMATELY 0.69 HECTARES OF OPEN SPACE; IMPROVED ACCESS, PARKING FOR USERS OF ST GEORGE'S CHURCH HALL AND A DETACHED DOUBLE GARAGE FOR USE BY THE VICARAGE

**Agent:** Gerald Eve LLP  
**Applicant:** St Georges Parochial Church Council  
**Case Officer:** Sushila Bhandari  
**Statutory Expiry Date:** 17-NOV-11

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## RECOMMENDATION

### RECOMMENDATION A:

GRANT permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement by 16<sup>th</sup> February 2012 and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

- 1. The Open Space Scheme;** Before the occupation of the first dwelling details of an open space scheme shall be submitted to and approved in writing by the Local Planning Authority. The open space scheme shall comprise a scheme detailing a specification of all physical works required to enable the use of the site by the Council as public open space and include a phasing plan for the laying out of the open space scheme. The open space shall be laid out in accordance with the approved physical works and approved phasing plan "Open Space Scheme".
- 2. Transfer of Open Space;** The open space shall be transferred to the ownership of the Council following the completion of the approved "open space scheme"

#### Definitions

The open space scheme shall as a minimum include the following schedule of works:

- 450m of 1.8m blunt top, green powder coating railings to follow the perimeter of and enclose the open space
- One vehicle and two pedestrian gates 1.8 m blunt top, green powder coated
- 350sqm of defensive planting to include pyracantha, berberis and acer campestre 1.5 metres deep to be planted on all enclosed boundaries
- 7,150sqm of amenity mix grass establishment which will need to include sand silting at 5 metre intervals across the open space.
- 280 m French drain around the periphery of the open space
- Park furniture – Bins/benches

3. **The Developer to indemnify the Council** against all actions, claims and expenses which the Council may incur as a result of a restrictive covenant which prohibits the use of any part of the application site for public meetings or entertainment.
4. **Long Term Maintenance of Open Space;** A contribution of £102,505 shall be paid to the Council for the maintenance of the open space for a period of 10 years on the completion of the transfer of the land to the Council
5. **Affordable Housing;** 14 affordable units consisting of 6 x 4 and 4 x 3 bedroom social rent or affordable rent units, 2 x 2 and 2 x 1 bed intermediate flats.
6. **Employment & Training Initiatives:** A contribution of £17,142 shall be paid towards the construction training initiative to ensure that local people are employed through the construction process on commencement of development
7. **Legal Fees;** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement
8. **Planning Administration Fee;** Payment of administration fee for the monitoring of and compliance with this agreement

**If members of the planning committee are minded to approve this planning application it will need to be referred to the Depart for Communities and Local Government as the proposal forms a departure from the adopted development plan policy**

#### **REASON**

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS9, PPS5, PPG17 and PPG13 the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations including any comments received in response to publicity and consultation. This application is undoubtedly controversial and has resulted in considerable unease amongst some local residents. The proposals, in promoting development of part of an area identified as open space in the UDP, also delivers UDP policy objectives in relation to affordable housing and secures through a proposed S106, for the future, public ownership and access to an area of private land.

Both previous appeal Inspectors have concluded that the loss of part of the open space, whilst in conflict with policy EP47 of the UDP and against Sport Englands advice, is outweighed by the community benefits of the open space being accessible for all in pursuit of policy 7.18B of the London Plan, and by the new affordable housing proposed as part of the development. The layout of the development and its impacts upon residential amenity is unchanged from the most recent appeal and is acceptable, having regard to highway and community safety. The development will not result in an increased flood risk.

The previous appeals failed because of the adequacy of the s.106 agreement to secure the long term use of the open space by the public. The applicants have, with this application, revised their position on this matter and now propose to underwrite the transfer of the land to the Council against risks arising from the covenant on the land.

Subject to the S106 agreement being completed and the appended planning conditions, the application is considered to be acceptable having regard to all relevant development plan policy considerations. Despite the potential for change in the policy landscape at national and local level over the next 12 months, there are considered to be no other material planning considerations which would serve to alter the balance of merits and approval is accordingly recommended.

**National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)  
Planning Policy Statement 3 – Housing (2011)  
Planning Policy Statement 5 – Planning for Historic Environment (2010)  
Planning Policy Statement 9 – Biodiversity and Geological Conservation (2005)  
Planning Policy Guidance 13 – Transport (2001)  
Planning Policy Guidance 17 – Sport, Space and Recreation (2002)  
Planning Policy Statement 25 – Development and Floodrisk (2010)  
Draft National Planning Policy Framework (2011)

**The London Plan 2011**

2.18D/E – Green infrastructure: the network of open and green spaces  
3.1B – Ensuring equal life chances for all  
3.3D/E/G - Increasing housing supply  
3.4A - Optimising housing potential  
3.5B/C - Quality and design of housing developments  
3.6B – Children and young people’s play and informal recreation facilities  
3.8B - Housing Choice  
3.9 – Mixed and balanced communities  
3.10A – Definition of affordable housing  
3.11A/B – Affordable housing targets  
3.12A – Negotiating affordable housing on individual private residential and mixed use schemes  
3.13 – Affordable housing thresholds  
3.16B/D – Protections and enhancement of social infrastructure  
3.19B/C – Sports facilities  
5.1 – Climate change mitigation  
5.2A/B – Minimising carbon dioxide emissions  
5.3B/C - Sustainable design and construction  
5.7B – Renewal energy  
5.9B/C – Overheating and cooling  
5.10C – Urban greening  
5.11A – Green roofs and development site environs  
5.12B/C/D – Flood risk management  
5.13A – Sustainable drainage  
5.15B/C – Water use and supplies  
6.3A - Assessing effects of development on transport capacity

- 6.13C/D - Parking
- 7.1B/D - Building London's neighbourhoods and communities
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local character
- 7.6B – Architecture
- 7.8C/D – Heritage assets and archaeology
- 7.15B – Reducing noise and enhancing soundscapes
- 7.18B – Protecting local open space and addressing local deficiency
- 7.19C/D – Biodiversity and access to nature
- 7.21B – Trees and woodlands

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

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- D11 Statutorily Listed Buildings
- D12 Locally Listed Buildings
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Places
- T13 Parking Standards
- EP12 Control of Surface Water Run-off
- EP20 Use of Previously Developed Land
- EP26 Habitat Creation and Enhancement
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP47 Open Space
- H7 Dwelling Mix
- C16 Access to Buildings and Public Spaces

**Supplementary Guidance/ Documents**

- Supplementary Planning Document: Residential Design (2010)
- Supplementary Planning Document 'Accessible Homes' (2010)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)

**RECOMMENDATION B**

That if a Section 106 Agreement is not completed by the 17<sup>th</sup> February 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in absence of a legal agreement to secure an open space scheme to allow active public use of the remaining space and appropriate affordable housing to meet the Council's housing needs, would fail to adequately mitigate the impact of the development, thereby being contrary to policies 3.11 and 7.18B of The London plan (2011) and saved policy EP47 of the Harrow Unitary Development plan (2004).



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

- 1) Principle of Development/ Loss of Open Space/ Housing Need (PPS1; PPS3; PPG17; The London Plan: 2.13B, 2.18D/E, 3.1B, 3.3D/E/G, 3.4A, 3.5B/C, 3.6B, 3.8B, 3.9, 3.10A, 3.11A/B, 3.12A, 3.13, 3.16B/D, 3.19B/C, 7.18B; Harrow UDP: EP20, EP47, H7)
- 2) Character and Appearance of Area/ Setting of Listed Building (PPS1, PPS3; The London Plan: 7.4B, 7.6B, 7.8C/D, 7.15B; Harrow UDP: D4, D9, D11, D12; SPD: Residential Design)
- 3) Residential Amenity (PPS1; The London Plan: 3.5B/C, 3.8B, 7.6B; Harrow UDP: D5; SPD: Residential Design)
- 4) Traffic and Parking (PPG13; The London Plan: 6.3A, 6.13C/D; Harrow UDP: T6, T11, T13)
- 5) Accessibility (The London Plan: 3.1B, 3.5B, 3.8B, 7.2C; Harrow UDP: C16; SPD: Accessible Homes)
- 6) Water Resources and Flood Risk (PPS25; The London Plan: 5.12B/C/D, 5.13A, 5.15B/C; Harrow UDP: EP12)
- 7) Biodiversity and Trees (The London Plan: 7.19C/D/E, 7.21B; Harrow UDP: EP26, EP27, EP28, D10)
- 8) Sustainability (PPS1; The London Plan: 5.1, 5.2A/B, 5.3B/C, 5.7B, 5.9B/C, 5.10C, 5.11A; Harrow UDP: D4; SPD: Sustainable Building Design)
- 9) S17 Crime & Disorder Act (The London Plan: 7.3B; Harrow UDP: D4)
- 10) Consultation Responses

**INFORMATION**

This application is required to be determined by the planning committee as it is a major application and therefore falls outside category 2 of the Council's scheme of delegation. In addition a petition with more than five signatures objecting to the proposal has been submitted to the Local Planning Authority.

**a) Summary**

Statutory Return Type: Major Planning Application  
Council Interest: None

**b) Site Description**

- The application site is an area of open space associated with St Georges Parochial Church
- The site is private land bought in 1923 by the applicants. There is not a right of unrestricted public access to use the site. An eastern footpath access from Pinner View, immediately north of the Church Hall, and the vehicular entrance from the cul-de-sac road named Churchfield Close, are both gated and locked.
- The site is approximately 1.4 ha in size, roughly rectangular and is generally flat. There are a number of trees and shrubs close to or along the boundaries

- The rear gardens of two storey semi detached houses bound the south, west and east of the application site. The grade II listed Church Hall and the unlisted vicarage bound the south-east of the site and to the north lie the well-maintained hard tennis courts of the Headstone Lawn Tennis Club.
- A large single-storey scout headquarters building, erected in the 1960's, stands in the north-west corner of the site, and is in active use by 1<sup>st</sup> Headstone Scouts.
- The trees on the boundary of the Headstone Lane tennis courts and rear gardens in Kingsway Crescent are protected by a TPO. A TPO Rowen tree (denoted T3 on the tree plan) will be removed as part of this development although this is not required to be assessed as part of this proposal as the removal of this tree was granted under a separate application.
- With the exception of the southern third of the site the majority of the application site forms open space as defined in the Harrow Unitary Development Plan. The southern third of the site which is undefined was formerly occupied by the grass and clay courts of a tennis club associated with the Church. The tennis club was disbanded and subsequent use of the courts abandoned over ten years ago in 1999.

**c) Proposal Details**

- The proposal seeks outline planning permission for layout and access to be determined at this stage with scale, appearance and landscaping to form reserved matters, for the erection of 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. Georges Church Hall and the retention of 0.69 hectares of open space.
- The plans submitted with the application are indicative with only the access and circulation roads and the layout of the development (in terms of the relationship between buildings and public and private spaces) fixed as part of this application. The scale parameters for the maximum height (two storeys) width and depth of the development blocks are identified on the plans and will have a bearing on any subsequent reserved matters application.
- The scheme submitted identifies a single line of detached residential buildings along the southern part of the site; a continuation of that line runs northwards, next to the western site boundary, to a point where the southernmost part of the scout HQ now stands.
- A new vehicular access road to the site off Pinner View is proposed to be the main access to the site. As a result of this access road, an existing detached garage associated with the vicarage will need to be demolished and as such this application seeks outline permission for the erection of a new detached double garage for the vicarage as part of the proposals with a new driveway off Pinner View
- The existing scout hut falls outside the application site and will not be redeveloped

**Revisions to Previous Application:**

The layout and access arrangement for this current application is essentially the same as that submitted under planning application P/1546/09, which was refused planning permission for the reasons stated below.

**d) Relevant History**

HAR/15735	Erection of Pavilion	GRANTED 02-SEP-59
LBH/78	Continued Use of Pavilion, Changing Room and Store	GRANTED 25-MAY-65
LBH/78/1	Erection of Single Storey Cricket Pavilion	GRANTED 24-JUN-76
LBH/37739	Outline: Residential Development with Access between No. 96 and Church Hall (40 Detached /semi Detached and Terraced Houses with garages)	WITHDRAWN 21-JUL-89
P/3626/06	Redevelopment of Open Space for Residential Use as Fifty Houses and Flats along with Parking, Access and a New Community /Scout Building	REFUSED 19-APR-07

**Reasons for Refusal:**

1. The proposal would be an unacceptable development of a Greenfield site for which no justification has been given that would be contrary to Policy EP 20 of the Harrow Unitary Development Plan and relevant national guidance
2. Insufficient and inadequate information has been provided to show that as a result of the proposed development the loss of this sport and recreational facility could be offset by the availability of a similar facility in the nearby locality, contrary to Policy EP47 of the Harrow Unitary Development Plan
3. The proposed development by reason of a poor layout and a cramped relationship between buildings and spaces would result in an overdevelopment of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan
4. No Flood Risk Assessment has been submitted to accompany the proposal that would demonstrate how excess surface water run off could be attenuated as a result of the development that would ensure that serious structural harm to neighbouring residential properties would result, contrary to Harrow Unitary Development Policy EP12 and relevant national guidance

P/2569/07	Development to provide 7 x 1 Bed flats, 8 x 2 bed flats, 4 x 2 storey houses, 8 x 2.5 storey houses, community hall, access, parking for church hall; retention of 0.7 Ha of open space	REFUSED 21-NOV-07  APPEAL DISMISSED 08-OCT-08
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**Reasons for Refusal:**

1. The proposal would be an unacceptable development of a Greenfield site for which no justification has been given that would be contrary to Policy EP 20 of the Harrow Unitary Development Plan and relevant national guidance
2. Insufficient and inadequate information has been provided to show that as a result of the proposed development the loss of this sports and recreational facility could be offset by the availability of a similar facility in the nearby locality, contrary to policy EP47 of the Harrow Unitary Development Plan
3. The proposed development by reason of a poor layout and a cramped relationship between buildings and spaces would result in over development of the site that would be detrimental to the character and appearance of the area, contrary to Policy D4 of the Harrow Unitary Development Plan
4. In the absence of any supporting information the development provides insufficient affordable housing contrary to The London Plan, policies 3A.7 and 3A.8

P/1546/09

Outline: redevelopment of St. George's field to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. George's church hall and provision of 0.8 hectares of private open space.

REFUSED  
07-OCT-10

APPEAL  
DISMISSED  
13-JUN-11

**Reasons for Refusal:**

1. The application for the development of identified and unidentified greenspace safeguarded within the adopted Harrow unitary Development Plan and London Plan would result in the loss of part of the stock of private greenspace in the borough contrary to policy EP47 of the Harrow UDP and policy 3D.8 of The London Plan. The benefits arising from the delivery of new and affordable housing and improved public access to the undeveloped greenspace are not considered to outweigh the loss to the stock of greenspace in the Borough arising from the development in this case.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

**This application is supported with a covering letter, which is summarised as follows:**

- The enclosed planning application is for development of the application site in substantially the same form to that which was refused by the Council on 7 October 2010 and which was the subject of the planning appeal which was determined in an Appeal Decision 13 June 2011.
- Although the appeal was dismissed, in a separate Costs Decision made on the same date, costs were awarded against the Council.

- In the Appeal Decision, the Inspector concluded that the appeal must be dismissed on grounds of three legal points relating to the Unilateral Undertaking.
- It became necessary to offer a Unilateral Undertaking because the Council refused to enter into a bi-lateral agreement. This was because the applicants were not prepared to offer an indemnity required by the Council against possibility that an existing covenant dating from 1923 might be exercised to prevent or restrict the Council's use of the land as public open space.
- The purpose of this application is, therefore, to overcome this obstacle and to secure planning permission for the development proposed.
- Accordingly, the applicants are prepared to enter into a Section 106 Agreement which includes an indemnity in respect of the 1923 covenant.

**This application is also supported with a Design and Access Statement, which is summarised as follows:**

- A phase 1 habitat survey was carried out in June 2006 which concluded that there was some potential for bats although no bat colonisation was observed and reptiles, possibly slow worms may be associated with the areas of rough grassland/scrub. The loss of habitat is of no special nature conservation importance.
- Harrow Council commissioned a bat survey in August 2008 which provided no evidence of bat habitats as opposed to the presence of bats within the site.
- The Housing Layout reflects the local townscape context with semi-detached properties creating a rhythmic layout, with hipped roofs where possible.
- The existing Scout Hut is to be retained.
- The proposal would generate approximately 10 car trips in the peak hour onto Pinner View during weekdays which will have a negligible impact locally.
- The Church and Church Hall users will benefit from the open space parking provision as there is none at present.
- The development offers natural surveillance of the proposed public open space.
- The new access road will form a home zone with a reduced speed limit and finished in quality materials.
- A community planning day was held on Saturday 25<sup>th</sup> March 2006. Following the community planning day proposals were displayed in an open staffed exhibition in the Church Hall on Friday 22<sup>nd</sup> September and relevant stakeholders were invited.
- A meeting was held with the Scouts to discuss the design proposals for this third planning application on the site. The scouts have been party to a number of revisions to the masterplan which took into account their concerns, by relocating the turning head, car parking and modifying fence lines and access gates. The scouts now fully support the proposals for St Georges Field.

**g) Consultations**

**Internal Consultation:**

**Landscape Architect:**

No objection subject to conditions

**Planning Arboricultural Officer:**

No objections subject to conditions

**Traffic and Parking Engineer:**

**Car Parking**

The total number of on-site parking spaces equates to 27 for the 12 houses and 15 flats proposed. This includes 3 disabled spaces within the flatted parking provision. This equates to an overall parking allocation ratio of 1:1 for the whole site which falls within London Plan and Council UDP maximum parking standards. This level of provision is welcomed as it conforms to national parking restraint policies which discourage usage of the private motor vehicle.

This parking allocation was deemed appropriate for this location as any further increase would potentially prejudice i.e reduce the area of open space which is to be safeguarded given it's designation within the UDP. Further, this level of provision would in fact act as a parking restraint measure by encouraging new occupiers to not exceed a 1 car per dwelling ratio. There would be a further 10 space provision for general public use of the open space land. To assist in ensuring that injudicious/indiscriminate parking does not occur on-site as a result of the level of parking provision, a site management regime will help ensure such compliance and would be secured by condition.

Visitors to the residential units would have the availability to utilise the 10 public spaces allocated predominantly for the open space users but which will in reality have spare capacity for such shared use. Alternatively visitors can, if necessary, use Pinner View which has some spare parking capacity available. As excessive visitor numbers are not envisaged this 'overflow' provision onto the public realm does not raise any undue concerns.

**Cycle Parking**

For the residential use there should be a provision of 1 secure space for each residential unit equating to 27 pedal cycle spaces which is in line with Council and London Plan standards.

**Traffic Generation**

A London database of trip generation for different land uses (TRAVL) has been applied by the applicant to illustrate a predicted impact on the local road network.

It is accepted that the level of traffic activity associated with the proposal would be expected to amount to substantially less than 10 vehicles entering/leaving the site at both morning and evening peak traffic periods (approximately 1 vehicle every 6 minutes). The limited on-site parking provision aids this low level of traffic generation.

This figure is thus considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

### **Access Arrangements**

Direct access from Pinner View will be enhanced to benefit sight-lines for both vehicles and pedestrians onto Pinner View and a traffic calming measure will be introduced within the access road to encourage moderated vehicular speeds into and out of the site.

In terms of road width the entrance road to the site would benefit from a 6m width which allows 2 passenger vehicles in opposing directions to comfortably pass each other thus avoiding any potential 'backing up' of vehicles onto Pinner View which naturally should be avoided in highway obstruction and safety terms. The width is then moderated to a scale of 5m where it fronts the open space thereby better respecting the space that we wish to preserve. Both widths satisfy national best practice guidelines for road design within new developments and hence are acceptable. The road will not be gated in order to maintain unimpeded access to the residential and public elements of the site.

### **Refuse and Servicing Arrangements**

Access arrangements allow for refuse and similar scale vehicles to enter and leave the site in a forward gear which is recommended national best practice and is therefore considered acceptable.

### **Construction Logistics Plan (CLP)**

A full CLP will be a requirement to be secured under a planning condition given the aim to protect the open space and neighbouring residential area during construction.

It is therefore concluded that the principle of development is acceptable and that the design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity.

### **Conservation Officer:**

Given that the development proposal is essentially the same as that previously submitted in 2009, there are no changes to the comments made in relation to the 2009 application, which were as follows:

The proposed development would be within the setting of the grade II listed church hall and within the setting of the recently locally listed vicarage.

It appears from plan 303 Rev C that the proposed pitch of the relocated and enlarged garage would be facing north to south so it is parallel with Pinner View. It should be facing west to east so that it matches the direction of the pitch of the existing garage roof and that of the main house of this locally listed building. This would make it appear more in harmony with the adjacent locally listed building and would help ensure compliance with Harrow UDP policy D12.

The current garage to the vicarage is a single garage and is set further from the highway than the main house. This helps ensure focus remains on the main house. However, the new garage would be set the same distance from the highway as the main house, and would be a double garage which would make it particularly prominent. So, to help ensure focus on the main locally listed building it should be set slightly further away from the highway (by one more metre) to ensure compliance with Harrow UDP policy D12.

The plan mentions there will be a new 2.25m brick wall will be installed to the garden of the vicarage. This would be acceptable to the side and rear parts of the garden as it would not block important views to this building. To ensure compliance with Harrow UDP policy D12 the brickwork bond and type should be conditioned to match that of the main house.

Otherwise there are no objections to the proposal as it would comply with Harrow UDP policy D11 and D12. The current setting of greenery to the vicarage and the church hall does not detract from the listed building or that of the locally listed building. It seems both the church hall and the vicarage would be given sufficient breathing space by the proposed layout and access and would not be overwhelmed by the development.

The new access road would open up side views of the church hall and the vicarage, which would probably enhance their setting and appreciation. The new road or the parking areas to the rear of the church hall and the vicarage would not detract from the setting of the listed or the locally listed building.

**External Consultations:**

**Thames Water:**

No Objection.

**Environment Agency:**

No objections subject to conditions.

**Sport England:**

It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee on the basis that the land has been used as a playing field at any time in the last five years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves replacement of the grass surface of a playing pitch on a playing field with an artificial surface.

Sport England has therefore considered the application in the light of its playing fields policy. Sport England's policy; 'a Sporting Future for the Playing Fields of England' is available from our website: [www.sportengland.org/](http://www.sportengland.org/) Facilities & Planning > Our Policy on Playing Fields).



The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

### **Assessment of proposals**

Sport England’s position remains unchanged from that set out in our response letter dated 19 August 2009 on application ref: P/154/09. The dwelling mix appears to be the same as previously but the amount of open space has been reduced from 0.8ha to 0.69ha. Sport England also submitted a letter to the Planning Inspectorate on 17 May 2011 setting out our view on the planning appeal for this site.

Sport England is aware that the Council published a PPG17 Open Space, Sport and Recreation Study in 2011. This considered a number of open space typologies within Harrow, including outdoor sport and playing fields, across sub-areas. The application site is located within the ‘central sub-area’ of the study. The Study states:

*“9.8 One significant known barrier to participation is lack of facilities, or of suitable facilities. Maintaining an adequate supply of playing pitches and outdoor sports facilities to support the participation objective should therefore be a high priority.*

*9.9 Playing pitches are also important as recreational and amenity features and as an element of open space in the urban landscape. The loss of playing pitches to development has had serious repercussions, not only through the reduction of leisure facilities and the resulting pressure on those remaining, but also in the visual impact of loss of open space. The importance of pitches is demonstrated by Sport England’s role as a statutory consultee on proposals for development affecting pitches, and in the fact that PPG17 makes a presumption against development on this type of site. When a planning application is submitted that involves the loss of a playing field, it will be necessary to show not only that the area has a surplus of playing fields, but also a surplus of all other types of open space. Sport England will generally resist the loss of playing pitches and outdoor sports facilities unless strict criteria are met.”*

The Study goes on to highlight a clear deficiency in playing field provision in the central study area, where the application site is located.

*“9.132 Whilst the consultation suggests only a limited need for additional sports space, the audit and projected trends in participation indicate that the current level of 0.72 hectares per 1,000 population does not meet local expectations. Provision in the Central and Southwest sub-areas in particular is below the level expected by local people. Nevertheless, there is only justification for a modest increase in provision against the consultation results. Consultation does not however measure actual demand for sports facilities, only opinion about provision.*

*9.133 We therefore suggest that a standard of 0.78 ha per 1000 population would be adequate to address known shortfalls at the present time. This can only be an interim standard to be reviewed in the light of a full playing pitch and outdoor sport assessment, which we recommend should be undertaken.”*

This conclusion confirms our view that the proposals do not meet the requirements of Sport England’s Policy exception E1, nor of PPG17, paragraph 10.

We understand that St. George's Playing Field was not counted as part of the available supply in the PPG17 Study. This is because, at the time of the audit, there was no community access to the site. However, the Council recognises it as a 'candidate' site; i.e. one which could be made available as additional supply. The application site could, therefore, contribute to addressing the identified shortfall in provision in the area.

The 2011 PPG17 Study also acknowledges an increasing demand for junior sports pitches, particularly for cricket and football. The playing field, which forms part of the application site, is considered capable of accommodating junior sport pitches to meet the needs of both cricket and football. Therefore the proposed development does not meet the requirements of Sport England’s Policy exception E3, nor of PPG17, paragraph 15. In addition, the proposed reduction of the playing area would compromise its use for sports pitches.

**In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England’s playing fields policy.**

Advertisement:	Major Development Setting of Listed Building	Expiry: 29-SEP-11
	Departure from the Development Plan	17-SEP-11

**Notifications:**

Sent: 513

Replies:

Expiry: 14-SEP-11

54 Letters of  
objection

21 letters of  
support

1 petition received  
with 27 signatures

Neighbours Consulted:

Churchfield Close: No.'s 1 – 27

Hillfield Close: No.'s 1 – 12, 14, 16

Kingsfield Avenue: No's 4-90 (even), 3-117 (odd)

Headstone Lawn Tennis Club

Lyon Hall

St Georges Church Hall

St Georges Church

Pinner View: No.'s 56a, 88 – 138 (even), 142 – 172 (even), 43 – 87 (odd)

Flats 1-6 Chamwood Court, Pinner View

Flats 8-15 Hampden Court, Hide Road

Brook Drive; No. 62

The Laurels

Carr Road: No. 55a

Chessfield Park: No. 22

Wealdstone lane: No. 53

Oldbury Close: No. 6

South Cottage Drive: No. 14

Kingsway Crescent: No's 1, 2 – 28 (even)

Falkland

Cunningham Park: No's 20, 42 – 84 (even), 31 – 73A (odd)

Longley Road: No's 66 – 96 (even), 65 – 97 (odd)

Hide Road: No's 32, 61 – 85, 87A, 89, 91 (odd), 68 - 84 (even)

Bolton Road: No's 7, 32 – 78 (even), 43 – 93 (odd)

Scout Hut

Moat Drive: No's 38 – 64 (even), 37 – 59 (odd)

Substation adjacent to 106 Pinner View

1-12 The Boltons, Pinner View

Parkfield Gardens: No. 7

Parkside Way: Nos. 1A, 51

Pinner Road: 238, 553, 384

Sandal Cottage, Church Lane

The Ridgeway: No.5

Church Avenue: No. 19

Headstone Lane: No.43

Uxbridge Road: No.496

Chantry Place, Chantry Road

Canterbury Road: Nos. 122, 137

Princess Drive: No.3

Peel Road: No.86

Woodberry Avenue: Nos. 11, 45, 52, 59

Harley Road: No.35  
Woodlands: No.68  
Argyle Road: No.65  
Roxborough Road: No. 56  
64 Devonshire Road  
22 Victor Road  
Weald Cottage, Clamp Hill  
843 Field End Road  
47 The Gardens Vaughan Road  
34 Bessborough Road  
65 Hill Road  
1 Windsor Court Westbury Lodge Close  
191 Courtenay Avenue  
10 Badminton Close  
Hampton Villa, The Chase  
26 Melbourne Avenue  
4 Westfield Drive  
4 Elmcroft Crescent

**Summary of Responses:**

***Comments in opposition of Application:***

**Loss Of Open Space And Sporting Facilities**

- The land is designated open space, a playing field and has previously been a community asset, used for cricket and tennis until use was effectively curtailed by the Church.
- The lost of potential for future sports use would be regrettable
- Harrow Council made an error in the preparation of 1994 UDP in the adoption of the land
- Council has been trying to fix the problem through the new LDF process – Council must delay any consideration of the plans while expediting the completion of the LDF process – so that the whole land is designated as open space.
- Land left as open space will be nothing more than communal garden space – general public will not be welcome
- National Planning Policy Framework consultation document was published – this framework ensures that there can be no Greenfield developments without the sanction of local authorities – also sets out a new right for local communities to protect green areas of particular importance to them
- Hope that current governmental views as set in this framework, can be taken into account and will weigh against the Inspectorate's recent finding
- This application is not materially different other than it makes provision for a smaller amount of open space – approximately 0.69ha in this can, but previously 0.80ha
- Past 20 years, nearly 600 playing fields have been lost
- Young people need places like this playing field
- Local community is prepared to spend money to bring the playing field to high standard

- Planned Harrow and Wealdstone intensification area – there will be an even greater need for open space in the area
- Planning Inspectors opinion was based on his misunderstanding of the history of the playing field as unused, but local residents know that the field was well used both formally and informally before the locking of the gates
- The inspector wrongly regarded the views and knowledge of local residents as of no importance
- Cannot go back and revert to a green space once it has been built on
- Seems perverse of the Inspectors to say that too much attention was given to the 'locals'; since the field was only purchased for their benefit
- Locals wish all of the field to be accessible and not built on
- The borough is short of playing space
- Harrow Council seem keen to get rid of this few left green areas
- Feel that the use of the field would be restricted as a result of the planning application – loss of community based events
- Applicants have totally disregarded the significance of HUDP EP20
- Little information is given about the proposed long-term future of the remaining open space in terms of enhancement, maintenance and use by the general public
- Sport England have repeatedly opposed any development on the playing field and determined that the open space is viable for sports
- The indemnity insurance only applies to the covenant, not the conveyance and both are enforceable – there is no limit stated, so that the Council could be exposed to high costs should the local residents seek to enforce the covenant and conveyance
- The unilateral undertaking was found to be lacking and unreliable by the Inspector

#### **Design and Layout/ Impact On Neighbouring Occupiers**

- Proposed properties are too close to the boundaries
- The gardens proposed are too small
- People in the flats will have a view of existing rear gardens – privacy will be breached
- Size of land left will become unsuitable for most activities
- Proposal will have an adverse effect on Alphabet Nursery
- Proposed development will seriously effect the functioning of the Scouts group will not be able to hold activities they currently due to the size of the land available
- Outside developers want to build on this tiny space which impedes on local residents.
- Over-development of the site and inappropriate for the area
- Views of Grimsdyke, Old Redding and Harrow Weald would have a negative impact on views.
- All the surrounding houses that back onto the field are semi-detached or detached, it is therefore totally out of character to build flats
- No details on the appearance, height and scale of the buildings or of any landscaping
- The proposed garage would be unsightly and would block daylight

### **Housing Need**

- There has been a great deal of housing built in Harrow in recent years – meeting and exceeding targets, including those for affordable – there is no need for speculative project. A huge development on the Kodak site includes plans to build on the playing fields the brownfield and discussed site. This is enough affordable housing in this area
- Increased population density with all the recent development in the area
- No effort has been made by the Church to encourage the use of this valuable field by sports clubs, schools and youth groups and would rather see it become a housing estate
- If development is allowed, it should be town houses and on the site of the old tennis courts

### **Impact on Wildlife**

- Inevitably development will cause loss of wildlife habitat

### **Impact on Highway Network**

- Increased traffic generated by this overdevelopment – this will impact on the surrounding area causing noise and nuisance.
- There are too many flats in the proposed development and there does not appear to be enough parking space
- The school held in the Church Hall already causes traffic congestion with the chaotic parking
- Only one access route for emergency vehicles
- Pinner View has become a busy thoroughfare despite the traffic calming measures in place

### **Other Issues**

- Covenant still exists that was supposed to ensure that the field remained available to parishioners
- Serious breach of the covenants under which no building on the land is allowed to the detriment of the properties on the land around it
- What are the details of compensation due to the reduced value of houses abutting onto the field
- Strain on services – water, gas, electricity, etc
- Schools in the area are already over subscribed
- Additional paved area would increase the danger of flooding
- So many youth turning to crime – the Scout movement based on this land would assist in keeping them occupied
- The vast majority attending the public consultation back on 25<sup>th</sup> March 2006 were against any development
- The first inspector failed to realise that both the tennis and cricket clubs were forced off the land
- A school and St Mary's Cricket Club wanted this field – the price was too high for one and the other was refused
- The scouts should have a small area of private land to compensate for their loss of the use of the field

- Will there be access to the open space, as once before from Hillview and Churchfields Close
- The quality of life in England is lowest in Europe – building on this land would lower quality of life for Headstone South residents
- Money spend on developers would have paid towards refurbishment of the hall
- The planning laws of England make it difficult, by huge expense to challenge an Inspector's decision and to uphold Covenants on land, needs attention and change

**Comments in support of Application:**

- Private open space not required for the purposes for which it was purchased
- Proposal will provide much needed large affordable housing and smaller units as well as an area of public space
- Appeal inspector commented that the application should not have been refused
- A lot of public money has been expended unnecessarily
- Good use of very underused church land
- Unrealistic to expect the Church to maintain the church hall and the open space without the income to do so

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.

**APPRAISAL**

**1) Principle of Development/ Loss of Open Space/ Housing Need**

This application follows on from two previous outline applications (P/2569/07 and P/1546/09) for layout and access for the redevelopment of the St Georges Field. Both applications were refused planning permission for the reasons stated above. Both applications were subsequently appealed by the applicant. Both appeals were dismissed by Planning Inspectorate.

In the first appeal relating to the outline application P/2569/07, the Planning Inspector for that appeal had regard to 3 main issues:

- Whether the loss of open space and largely undeveloped land for this development would breach the intentions of policies in the development plan, and national policy guidance;
- If so, whether the proposals have specific planning merits, though inconsistent with policies in the development plan, and
- Whether the development would have any other adverse planning consequence of a material kind for the locality and its inhabitants.

In the most recent appeal decision relating to application ref:P/1546/09, the Planning Inspector at the Public Inquiry appraised the proposals on the basis of two main issues:

- The effect of the proposal on the provision of open space in terms of both quantity and quality.
- Whether any benefits from the proposal outweigh any harm from the proposal.

Representations received from local residents in response to the latest application consider that the Planning Inspectors have made incorrect decisions in the case of the previous appeal decisions. However, in both appeal decisions, the Inspectors have had regard to views expressed by local residents in evidence and through representations, and in both cases have concluded that the adverse impacts identified by local residents save that in respect of the unresolved matter of management/ future use of the residual open space, are not grounds that the application should be refused on.

The current proposals are the same in every physical respect, to the proposals considered by the Planning Inspector at the Public Inquiry in May 2011. The only difference in this case, is that the applicants have now proposed to transfer the open space area to the Council with the necessary indemnity to enable the Council to accept such a transfer.

#### **Loss of Open Space and Sports Facilities**

Prior to the previous planning application, the Council had undertaken an audit of the Borough open space areas as part of the evidence base to the Core Strategy. The Council engaged consultants to audit the areas of open space in the borough in order to inform the setting of new standards of provision for the future, within the Development Plan. The published PPG17 Open Space, Sport and Recreation Study 2011 sets out the quantity, quality and accessibility to open space within the Borough. St Georges Field has not been included as contributing to the existing sport provision within the Borough, as for the purposes of PPG17 a site must have a level of public access which this site does not have. Further to this, without the inclusion of St Georges Field the audit has also established that there is a high level of accessibility to cricket pitches within the immediate area. There are 21 cricket pitches in the Borough as a whole, of which 4 are located in the central sub-area (Old Lyonians, Harrow Recreation Ground, Byron Recreation Ground and Kenton Sports Club). All of the central area pitches are rated as of 'good quality'. Nearby Headstone Manor Recreation Ground also includes a cricket pitch rated excellent quality.

The PPG17 study also identifies a deficiency in parks and gardens with the study recommending an accessibility standard of 400m (from home) to a small open space.



The Planning Inspector when assessing the scheme proposed under P/2569/07 acknowledged that the loss of the section of open space for housing was in conflict with policy EP47 of the Harrow UDP 2004, which states *inter alia* that the Council will protect the Borough's Open Spaces, and policy EP20 of the Harrow UDP 2004 which seeks to secure all new build development is located on previously developed land. The Inspector assessed the justification submitted by the appellant for the loss of the open space and unallocated land submitted with the appeal and concluded that;

*'In this case, I firmly believe that more active use of a smaller area of open land than now exists would give greater local benefit than what now obtains on a largely unused larger area, of private land; this might reasonably be considered to outweigh any technical contravention of policies EP20 and EP47'*

The Planning Inspector then further commented that;

*'The appeal must fail, because I find the way in which the open land would be used has been insufficiently spelt out at the outline planning stage'*

In the most recent appeal decision relating to application P/1546/09, the Planning Inspector revisited the issue of the open space in terms of its quantity and quality in regard to definitions set out in the PPG17 study and policy 3D.8 of the now superseded London Plan. At the Public Inquiry consideration was given to Sports England's objections and third parties views about the reduced size of the open space in that it would render the space incompatible for organised sport, in particular with regard to the use of the site for adult cricket pitch. In his decision, the Inspector concurred with the view expressed in the previous appeal decision that the land is more or less surplus to requirements for organised team sports played on a playing surface. He goes on to state that: *Those that formerly used it have made suitable alternative arrangements. In its present state, it has minimal value for non-sporting use. Its value as a visual amenity is limited. There would be little or no harm resulting from its reduction in size.*

The most recent appeal decision also acknowledged that saved policy EP47 would not normally permit development on open space, either designated or not. However, policy EP47 does make an exception where the site is surplus to requirement or where suitable alternative provision is made available. In this case, the Planning Inspector considered that there was alternative provision and as such concurred that the proposal could comply with saved policy EP47.

Sport England in this current application, have again raised objections on grounds that in their view the playing field is considered capable of accommodating junior sport pitches to meet the needs of both cricket and football as such the proposed development would be contrary to Sport England's Policies and PPG17.

Sport England make reference to their own policy on playing fields. As worded, the policy sets out the circumstances in which Sport England will object to proposals for development on playing fields.

Two exceptions to the policy are cited. Exception E1, that an assessment has demonstrated to Sport England's satisfaction that there is an excess of playing field provision and that the site has no special significance to sport and Exception E3, that the playing field would be replaced by one of equal/greater quantity (among other things).

In relation to E1, Sport England cite the Council's PPG 17 Study findings which do indeed indicate a quantitative deficiency of outdoor sport pitches in the central sub area and throughout the Borough as a whole. The Council's PPG 17 Study was available to Planning Inspector in the more recent appeal case for this site (P/1546/09) and is dealt within his decision letter, in particular paragraphs 15 & 16. In the case, the Inspector concluded that the lack of existing community access to the site (reflected in the PPG 17 Study) and the availability of other sports pitches in this area (as demonstrated by accessibility maps again in the PPG 17 Study) meant that '*...the reduction proposed in the size of open the space would not give rise to any local deficiency of outdoor sports pitches...*'. The PPG 17 study recognises St George's Playing Field as a 'candidate site' i.e one to which community access could help to address quantitative deficiencies. This potential has been established in principle by the Planning Inspectors' decisions.

In relation to E3, Sport England cite the PPG 17 Study acknowledgement of an increasing demand for junior sports pitches, particularly cricket and football, and paragraph 15 of PPG 17 itself (which also provides exceptions for playing field development). It is worthy of note here that these comments in the PPG 17 Study come under the general heading 'Participation in Outdoor Sports' and are based on national research rather than anything locally specific. Nevertheless, the last Planning Inspector's decision letter (paragraph 14) concludes that the retained open space would be sufficient for junior cricket, again helping to open up this potential to the community at large.

Since the most recent appeal decision the The London Plan 2011 (to replace the 2008 version) has been adopted. Policy 7.18B would be the most relevant policy in terms of protecting open space and addressing local deficiency. This policy acknowledges that that the loss of protected open spaces should be resisted unless equivalent or better quality provision is made within the local catchments area. It goes on to state that replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.

In May 2011, the Council consulted on its preferred option (Regulation 25) for the site allocation DPD as part of the Harrow Local Development Framework (LDF). This Development Plan Policy document sought to address the partial allocation of this site as open space in the proposals map to the current (and previous) UDP. The Inspector was made aware of this proposed allocation, by the Council's advocate and witnesses to the Inquiry. Setting aside the re-defined allocation, the Inspector, nevertheless clearly recognised that the site, both defined and undefined areas covered by policy EP47, covered a single space.

The timetable for the site allocations DPD does not envisage adoption until late 2012 - early 2013, Given that the DPD has not yet been subject to independent examination to test its soundness, the proposals contained within it can be afforded little weight. Whilst the Core Strategy DPD has now passed its EIP stage (with the Inspectors report expected in December) and can be afforded some weight, its strategic policies are not considered to materially change or alter the balance of the material planning consideration arising in this case. Given the comprehensive examination of the evidence and planning merits retaining to the site's existing and proposed use through the appeal process, the application could not, it is considered, be refused on the basis of prematurity.

In this case, as discussed above the local planning authority does have an up to date assessment of its open space (PPG17 study). This was available to the Appeal Inspector when he reached his decision. Whilst Sport England's objections and those of local residents have been noted, it is considered that the principle that part of the existing open space may be developed in exchange for housing and public access has been established by both previous appeal decisions.

Both of the previous appeals were dismissed on grounds that the applicant failed to demonstrate how the open space would be used and safeguarded for future use through appropriate s.106 agreements. The most recent appeal, failed due the deficiencies in the Unilateral Undertaking prepared at the Inquiry, in which the applicant *inter alia* sought to either offer the remaining land to the Council to use an open space and if this was not accepted to, it to be transferred to a management company. The Council at the time was not willing to accept the transfer without appropriate safeguards due to a restrictive covenant placed on the land which states that the land shall not be used as a place of public meeting or entertainment other than those connected with St George's Church. At the time of the Public Inquiry the applicants were not willing to indemnify the Council against the possibility of the covenant being enforced. The Planning Inspector's concern with the Unilateral Undertaking centred on the way the open space use would be ensured and how the use would be managed by a management company if the Council did not accept the transfer of the open land.

In this current application, the applicant has agreed to transfer the land to the Council and provide an indemnity against any future claims that may arise in respect of the restrictive covenant attached to the land. The applicant is also agreeing to implement an open space scheme, which would include a financial contribution to the Council to cover the long term maintenance costs of the open space.

Having regard to the sites limitations, as a private (as opposed to public) facility and the uncertain and contested suitability for formal sports, officers consider that the proposed transfer of the site into public ownership, with an appropriate financial contribution to address future maintenance and works to ensure that the land is transferred in a suitable condition, amounts to a net benefit to the community.

This contention is challenged by residents, but was explored during the appeals. The Committee still needs to recognise this benefit in the balance of all the other policy objectives of the plan.

### **Housing Need**

In the case of both previous appeals, the Council provided evidence to demonstrate that there was a sufficient land available to meet existing PPS3 requirements. At the most recent appeal inquiry, the Planning Inspector whilst acknowledging this allocation noted that in the latest Annual Monitoring Report that the Council only achieved 31% of affordable housing in completions against a target of 50%. The Inspector therefore concluded that the benefit of the additional affordable housing proposed by the development should be regarded as substantial. This reflects the continued importance of affordable housing delivery in meeting Harrow's housing need. Circumstances have not changed since the appeal to diminish this "benefit". Indeed, with reductions recent and projected in public subsidy for affordable housing, this policy objective is potentially strengthened.

The mix and balance of affordable and private housing proposed is unchanged and would undoubtedly make a positive contribution towards the delivery of appropriate new homes in the Borough to meet current housing need. The Inspector acknowledged and gave considerable weight to this outcome. The applicants propose to provide 6 X 4 bedroom and 4 X 3 bedroom affordable social rented houses (plus and 2 x 2 bed flats and 2 x 1 bed intermediate affordable flats).

In conclusion, the policy presumption against development on open space identified in the UDP is clear. However, the Local Planning Authority (and Planning Inspectors) are required to balance all policy objectives (and consider both the impacts and the benefits arising from the application) together with the S106 agreement, as well as having regard to both previous appeal decisions. In this regard, officers (and the Inspectors) consider that the benefits of securing both public access in perpetuity and new affordable family housing on the site, are reasons that on balance outweigh the harm to the development plan policy associated with the protection of the existing site from any development in this case. The previous appeal decisions instead turned on the adequacy of the measures advanced (through the S.106) for securing the use of the open space. Whilst there are emerging policy changes at both national and local level that might change the policy context, these have not yet reached a stage where they would warrant reconsideration of evidence and policy balances struck by previous Inspectors on appeal. The more localised and specific impacts of the proposed development are considered in more detail below. Officers consider however that subject to the s.106, for the above reasons, the *principle* of this development on the site is acceptable.

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

Whilst in the case of the first application P/2569/07, the Council raised objections to the layout of the proposed development, in the previous application P/1546/09, the Council raised no objection to the proposed layout of the development in terms of its impact on the character and appearance of the area.

In this current application the proposed access and layout of the development would remain exactly the same as that previously proposed under P/1596/09. This application is in outline for layout and access only, matters such as appearance and landscaping are reserved. Since the previous application a new London Plan (2011) has been adopted. However, the design principals set out under London Plan policies 7.4B and 7.6B are broadly reflective of the former London Plan policies. There has been no significant change in policy since the previous decision and there has been no material change in the site circumstances, or that of neighbouring sites to warrant a different view in this application. As such the proposed layout and access of the development is considered to be acceptable.

Concerns have been raised with regard to the fact that flats are out of keeping with the character of the area. The development will however provide for a mix of housing types which is considered to be consistent with policy H7 of the HUDP and policy 3.8B of the London Plan 2011. The appearance of the dwellings would be a matter for subsequent consideration as a “reserved matter” in the event permission was granted.

Concerns have also been raised with the negative impact the proposal would have on the distant views. It is important to recognise that the maximum height for the buildings is two storeys thus it is not intended that the buildings will be of a scale out of keeping with the character of the area.

Given that the development proposal is the same as that proposed under P/1596/09, the Council’s Conservation Officer has raised no objection to the proposal in terms of its impact on the setting of the Listed Buildings. The access road proposed will enter the site between St Georges Church Hall (grade II listed building) and the Vicarage which is a locally listed building. It is not considered that the proposal will be to the detriment of the setting of the buildings. It is considered that the new access road would open up side views of the church hall and the vicarage, which would enhance their setting and appreciation.

The detailed design of the proposed garage will need to be assessed through a reserved matters planning application to ensure that the garage is subservient to the vicarage building. It is considered that the proposal will comply with saved policies D11 and D12 of the Harrow UDP.

In respect of the layout of the open space, this is yet to be agreed but as part of the s106 agreement the applicant will be required to submit a satisfactory layout and implement this layout prior to the occupation of the development.

Further to this, whilst it is noted on the indicative plans that a 2.5 metre wall is provided for the vicarage, this is indicative only and full details of all the boundary treatments proposed will be required to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

In light of the above it is considered that the proposal will comply with Government guidance contained within PPS1, PPS3 and PPS5, policies 3.8B, 7.4B and 7.6B of The London Plan and Harrow UDP policies D4, D10, H7, D11 and D12.

### **3) Residential Amenity**

As indicated above, the layout as proposed is identical to the layout as assessed by the recent Planning Inspector. The Planning Inspector considered that, despite concerns being raised by residents adjacent to the site of the impact upon their amenity, the proposal would not cause any significant loss of residential amenity to properties that border the site, in respect of distance, overlooking, loss of privacy, or loss of sunlight.

It is noted that concerns have been raised on the size of the rear gardens proposed for the development. Saved policy D5 of the Harrow UDP does not set out a minimum or a maximum standard for the provision of amenity. Each case will be assessed on its own merits and have regard to the standard of amenity of the surrounding area. It is considered that the size of gardens proposed for the development would be adequate for the future occupiers of the development and would provide a useable amenity area.

With regard to the garage proposed for the vicarage, given this will be single storey and sited adjacent to the flank wall of a two storey house, the proposal is not considered to have a detrimental impact on the amenities of the neighbouring occupier.

The proposal is therefore considered to comply with the objectives contained within PPS1 and PPS3, policy 7.6B of The London Plan and saved policy D5 of the Harrow UDP.

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

The issue of parking, congestion and additional trips on the network was assessed by the Planning Inspector and the Council in the first appeal, which concluded that parking provision is not objectionable and that adequate access arrangements from Pinner View could be ensured by a planning condition.

The development is not considered to result in a significant increase in traffic congestion which would result in a significant increase in air pollution.

There have been no changes in circumstances in respect of the impact of the development on the highway network since the previous decision was made. As such it is considered that the proposal will comply with Government guidance contained within PPG13, policies 6.3A and 6.13C/D of The London Plan, saved policies T6, T13 and T11 of the Harrow UDP.

**5) Accessibility**

The Councils Accessible Homes SPD (April 2010) requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. Whilst it is acknowledged that the detailed design of the dwellings will need to be assessed through subsequent reserved matters applications, a condition is recommended to be added to the permission to ensure that the development accords with the lifetime homes standards. Equally the proposed open space will need to be accessible and this will be assessed through the submission of the detailed layout.

**6) Water Resources and Flood Risk**

The application site lies within flood zone 1 and has a low risk of flooding. However, as the application site is over a hectare in size a flood risk assessment (FRA) was required to be submitted with the application for assessment by the Environment Agency. The FRA submitted indicated a number of mitigation methods to prevent any damage to persons or property in the event of flooding and a surface water drainage strategy to reduce surface water run off. These mitigation methods included ensuring finished floor levels are 150mm – 300mm above ground level, a safe and dry access route being available at Pinner View and Sustainable Urban Drainage Systems in the form of tanked pervious pavement systems and a swale to accommodate any excess run-off from the proposed site access.

The Environment Agency has raised no objections to the scheme subject to a condition ensuring that the measures as detailed in the FRA are secured. The proposal is therefore considered to comply with Government guidance contained within PPS 25, The London Plan policies 5.12B/C/D, 5.13A, 5.15B/C, saved policy EP12 of the Harrow UDP.

**7) Biodiversity and Trees**

Concerns have been raised with regard to the loss of wildlife including the presence of bats at the application site. A Council bat survey was carried out in August 2008 and this provided no evidence of any bat habitat within the appeal site. This survey did not, however, conclude that bats did not have any presence within the site. As such, whilst it is not considered that the proposal will be likely to cause any harm to protected species, it is considered that there is an opportunity for biodiversity to be enhanced through the provision of bat habitat in the roof areas of one or more of the proposed areas.

It is considered that the site does not have any particular special interest in respect of flora or fauna needing to be accommodated in a detailed scheme. It is therefore considered that the proposal will comply with Government guidance contained within PPS9, policy 7.19C/D of The London Plan and saved policies EP26 and EP27 of the Harrow UDP.

The majority of the trees on the site are the subject of a TPO; principally on the boundary of Headstone Lane tennis courts and rear gardens in Kingsway Crescent. A tree survey has been submitted with the application which identifies all the trees to be retained with the exception of one tree to the rear of St George's Church Hall.

It is not considered that the loss of this tree will be to the detriment of the visual amenity of the area and the Council's arboricultural officer has raised no objections to the scheme, on this basis, subject to conditions. It is also important to recognise that a landscaping scheme will need to be submitted with the application which could provide further trees as part of the proposals. It is therefore considered that the development will comply with policy 7.21B of The London Plan and saved policy D10 of the Harrow UDP.

**8) Sustainability**

The design and access statement submitted with the application does not refer to on-site renewable energy generation or sustainable construction methods. The Council has adopted an SPD on sustainable development which includes a commitment to achieving sustainable design, achieving efficient resource use, enhancing biodiversity, ensuring that residential development achieves Code for Sustainable Homes level 3 and to ensure that the site is responsibly managed. Given the size of the development and the outstanding reserved matters required to be submitted, it is considered reasonable and appropriate that the development meets policy objectives for sustainable construction and use of dwellings reflected in The London Plan policies 5.1, 5.2A/B and 5.3B/C and saved policy D4 of the Harrow UDP. These matters can be addressed however, at outline stage, by way of a planning condition.

**9) S17 Crime & Disorder Act**

Whilst the site access road and development might offer more access to the site than currently, the orientation and outlook of the proposed homes would offer greater levels of natural surveillance to a section of land which is currently underutilised and poorly overlooked. Access and use of the open space by local residents and families during daylight hours would equally serve to ensure overlooking of the new homes and access road so that an overall neutral impact on crime and disorder is likely.

It is therefore considered that the application will comply with saved policy D4 of the Harrow UDP and policy 7.3B of the London Plan.

**10) Consultation Responses**

- The loss of open space and impact on sports facilities has been assessed under section 1 of the above appraisal. It is noted that residents have stated that the decision to this application should be delayed until the LDF process has been completed. However, the Council is required to determine this application within the statutory period of 13 weeks in order to avoid the potential to have an appeal against non-determination.
- There have been concerns raised that the open space will belong to the new residents of the proposed dwellings and not the wider public. The open space will be transferred to the Council and will be managed by the Council the open space will not be for the sole use of the residents of the proposed dwellings.



- It is noted that in this current application, the amount of open space would be 0.69ha and not the 0.80ha referred to in the previous application (P/1546/09). The applicant's agent has confirmed that this change in size has occurred as in the previous case the area of retained land included the land occupied by the scout buildings amounting to an overall area of 0.80ha. In this application, the area of 0.69ha only includes the area to be allocated for the open space.
- Whilst matters relating to restrictive covenants is not a material planning consideration, as the remaining open space is to be transferred to the Council this matter has been discussed under section 1 of the appraisal.
- Impact on residential amenities of the neighbouring occupiers has been addressed under section 3 of the above appraisal.
- The Scout Hall is situated outside of the land forming part of the application site and their ability to utilise the land or hold activities is a matter between the Scout Hall and the owners of the land.
- The character and appearance of the development has been addressed under section 2 of the above appraisal.
- Comments have been made about the Church not encouraging the use of this valuable field by sports clubs, schools and youth groups. The recent appeal Inspector did not entertain the Council's argument that the motivation for the Church in seeking this application was objectionable. This is not a material planning consideration and cannot therefore be progressed further.
- The impact of the provision of new housing has been addressed under section 1 of the above appraisal.
- Impact on wildlife has been addressed under section 7 of the above appraisal.
- Impact on traffic and highway safety has been addressed under section 4 of the above appraisal.
- Comments relating to compensation due to the reduced values of houses abutting the field are not a material planning consideration.
- The additional dwellings are not considered to put significant pressure on local infrastructure or utilities.
- Impact of flooding has been addressed under section 6 of the above appraisal.
- In terms of quality of life, planning policies are geared through good quality design and layout to achieve developments that improve the quality of life. It is considered that bringing part of the land into public ownership would mean better access to public open space which would be an improvement to the quality of life for locals.

## **CONCLUSION**

This application is undoubtedly controversial and has resulted in considerable unease amongst some local residents. The proposals, in promoting development of part of an area identified as open space in the UDP, also delivers UDP policy objectives in relation to affordable housing and secures through a proposed S106, for the future, public ownership and access to an area of private land.

Both previous appeal Inspectors have concluded that the loss of part of the open space, whilst in conflict with policy EP47 of the UDP and against Sport Englands advice, is outweighed by the community benefits of the open space being accessible for all in pursuit of policy 7.18B of the London Plan, and by the new affordable housing proposed as part of the development. The layout of the development and its impacts upon residential amenity is unchanged from the most recent appeal and is acceptable, having regard to highway and community safety. The development will not result in an increased flood risk.

The previous appeals failed because of the adequacy of the s.106 agreement to secure the long term use of the open space by the public. The applicants have, with this application, revised their position on this matter and now propose to underwrite the transfer of the land to the Council against risks arising from the covenant on the land.

Subject to the S106 agreement being completed and the appended planning conditions, the application is considered to be acceptable having regard to all relevant development plan policy considerations. Despite the potential for change in the policy landscape at national and local level over the next 12 months, there are considered to be no other material planning considerations which would serve to alter the balance of merits and approval is accordingly recommended.

## **CONDITIONS**

1 The development permitted shall commence on or before whichever is the later of the following dates;

(a) Three years from the date of this decision, or

(b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved

REASON To enable the Council to review the suitability of the development in light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2 Details of the external appearance, landscaping and scale of the development (here in after collectively referred to as 'the reserved matters') shall be made to the Local planning Authority before the expiration of three years from the date of this permission. These matters shall be approved in writing by the Local planning Authority prior to the commencement of development.

REASON To ensure that the proposed development satisfactory and to comply with the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure).

3 No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

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

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

5 The development hereby permitted shall not commence until details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 25% or such percentage which is feasible from on-site renewable energy generation and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policies 5.1, 5.2A/B, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A the London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

6 Following practical completion of the dwellings hereby permitted, the dwellings shall not be occupied until details of compliance with the Code for Sustainable Homes Level 4 (or subsequent equivalent quality assured scheme) has been achieved.

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policies 5.1, 5.2A/B, 5.3A, 5.7B, 5.9B/C, 5.10C and 5.11A the London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

7 The residential units hereby permitted, 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 policies 3.1B, 3.5B, 3.8B and 7.2C of The London Plan 2011, saved policy D4 of Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2010).

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

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

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

9 The development hereby permitted shall not commence until full details of the junction arrangements with Pinner View and technical drawings showing how pedestrian footways and kerbs will be provided at the site entrance and throughout the development are submitted to and approved in writing by the Local Planning Authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details and shall thereafter be retained

REASON: Inadequate details have been submitted to show how the access and contours of the roads will ensure a safe environment for all users of the highway in accordance with policy D4 of the Harrow Unitary Development Plan (2004).

10 Prior to the occupation of the development detailed drawings showing the levels; precise siting, materials to be used and making out of the car parking areas hereby approved shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved details before the development hereby approved is occupied.

REASON: To ensure that the visual appearance of the parking areas is acceptable and that the parking bays are appropriate and safe in respect of there function to accord with saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

11 No 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 in writing. The development shall be carried out in accordance with the approved details

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 occupiers, the appearance of the development, drainage, gradient of access and future highway improvements in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

12 The development of any buildings hereby permitted shall not be commenced 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 completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under policy 5.13A of The London Plan (2011) and saved policies EP12, EP14 and EP15 of the Harrow Unitary Development Plan (2004).

13 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment St Georges Field, Harrow by WSP dated July 2009 (ref 2523/updateFRA) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year + 30% critical storm so that it will not exceed the run-off rate of 9.3l/s from the site
- Provision of sustainable drainage in the form of swales, permeable paving and cellular storage, adequately sized to accommodate the required attenuation on site

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under policy 5.13A of The London Plan (2011) and saved policies EP12, EP14 and EP15 of the Harrow Unitary Development Plan (2004).

14 The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles set out in the approved Flood Risk Approval and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- the use of SuDS including permeable paving with sub base storage and swales.
- A clearly labeled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of the critical storm duration.
- Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
- Where an outfall discharge control device is to be used as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations to demonstrate how the system operated during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overhead flow paths.

REASON: To minimise the risk of flooding and improve water quality in accordance with policy 5.13A of The London Plan (2011) and saved policies EP12, EP14 and EP15 of the Harrow Unitary Development Plan (2004).

15 The development hereby approved shall not be occupied until details of the external lighting for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development hereby approved is first brought into use or is occupied.

REASON: To ensure that the lighting proposed will not cause an unacceptable level of light pollution to the detriment of the amenities of neighbouring occupiers in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

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

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

17 Notwithstanding the details submitted with the application the development hereby approved shall not commence until the following as been submitted to and approved in writing by the Local Planning Authority

- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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

REASON: To ensure that the trees within the site are properly and effectively safeguarded during the construction of the development in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

18 Prior to the occupation of the development measures to provide for new bat roasts within the development site shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON: To compensate for any potential loss of foraging habitat arising from the development of the site in accordance with saved policy EP26 of the Harrow Unitary Development Plan (2004).

19 A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and to safeguard the future health of trees in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

20 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the buildings hereby permitted, and the carriageway and footways completed before any building is occupied 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.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic to accord with saved policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

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

CCSG.H 302 Rev 0; CCSG.H 303 Rev D; CCSG.H 304 REV 0; CCSG.H 322 REV 0; Design and Access Statement; St George's Field, Harrow Flood Risk Assessment and Drainage Strategy

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

## **INFORMATIVES**

1 The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPS1, PPS3, PPS9, PPS5, PPG17 and PPG13 the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations including any comments received in response to publicity and consultation. The loss of the open space whilst in conflict with policy EP47 of the UDP will be outweighed by the community benefits of the open space being accessible for all, the improved layout of the open space and the new affordable housing proposed as part of the development. The layout of the development subject to the planning consideration and S.106 agreement is acceptable and will not be to the detriment of highway safety. The development will not result in an increased flood risk and will reduce the opportunity for crime through natural surveillance of the open space. A number of conditions are recommended to be added to the permission to ensure that the carbon footprint of the proposal is reduced.

### **National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Statement 5 – Planning for Historic Environment (2010)

Planning Policy Statement 9 – Biodiversity and Geological Conservation (2005)

Planning Policy Guidance 13 – Transport (2001)

Planning Policy Guidance 17 – Sport, Space and Recreation (2002)

Planning Policy Statement 25 – Development and Floodrisk (2010)

### **The London Plan 2011**

2.18D/E – Green infrastructure: the network of open and green spaces

3.1B – Ensuring equal life chances for all

3.3D/E/G - Increasing housing supply

3.4A - Optimising housing potential

3.5B/C - Quality and design of housing developments

3.6B – Children and young people’s play and informal recreation facilities

3.8B - Housing Choice

3.9 – Mixed and balanced communities

3.10A – Definition of affordable housing

3.11A/B – Affordable housing targets

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

3.13 – Affordable housing thresholds

3.16B/D – Protections and enhancement of social infrastructure

3.19B/C – Sports facilities

5.1 – Climate change mitigation

5.2A/B – Minimising carbon dioxide emissions

5.3B/C - Sustainable design and construction

5.7B – Renewal energy

5.9B/C – Overheating and cooling

5.10C – Urban greening

5.11A – Green roofs and development site environs

5.12B/C/D – Flood risk management



- 5.13A – Sustainable drainage
- 5.15B/C – Water use and supplies
- 6.3A - Assessing effects of development on transport capacity
- 6.13C/D - Parking
- 7.1B/D - Building London's neighbourhoods and communities
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local character
- 7.6B – Architecture
- 7.8C/D – Heritage assets and archaeology
- 7.15B – Reducing noise and enhancing soundscapes
- 7.18B – Protecting local open space and addressing local deficiency
- 7.19C/D – Biodiversity and access to nature
- 7.21B – Trees and woodlands

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

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- D11 Statutorily Listed Buildings
- D12 Locally Listed Buildings
- T6 The Transport Impact of Development Proposals
- T11 Cycle and Motor Cycle Parking in Public Places
- T13 Parking Standards
- EP12 Control of Surface Water Run-off
- EP20 Use of Previously Developed Land
- EP26 Habitat Creation and Enhancement
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP47 Open Space
- H7 Dwelling Mix
- C16 Access to Buildings and Public Spaces

**Supplementary Guidance/ Documents**

- Supplementary Planning Document: Residential Design (2010)
- Supplementary Planning Document 'Accessible Homes' (2010)
- Supplementary Planning Document Sustainable Building Design (May 2009)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)

**2 CONSIDERATE CONTRACTOR CODE OF PRACTICE:**

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

### 3 THE PARTY WALL etc ACT 1996

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 COMPLIANCE WITH PLANNING CONDITIONS PRECEDENT

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

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

Plan Nos: CCSG.H 302 Rev 0; CCSG.H 303 Rev D; CCSG.H 304 REV 0; CCSG.H 322 REV 0; Design and Access Statement; St George's Field, Harrow Flood Risk Assessment and Drainage Strategy

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**Item: 2/01**  
**124 & 124A HARROW VIEW, HARROW, P/1362/11**  
**HA1 4TJ**

Ward: HEADSTONE SOUTH

SINGLE STOREY REAR CONSERVATORY AND PORCH FRONTING LONGLEY ROAD; EXTERNAL ALTERATIONS

**Applicant:** Mrs Sheela Bakrania  
**Case Officer:** Fergal O'Donnell  
**Statutory Expiry Date:** 06-DEC-11

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### RECOMMENDATION

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, as the proposed development would have an acceptable impact on the appearance of the property and the locality and the would not have an undue impact on the amenity of the neighbouring occupiers. The proposed therefore accords with the development plan.

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

#### The London Plan [2011]

7.3B – Designing Out Crime  
7.4.B – Local Character  
7.6.B – Architecture

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

D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy

#### Adopted Supplementary Planning Documents

Supplementary Planning Document – Residential Design Guide [2010]

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

- 1) **Character and Appearance of the Area**  
(London Plan policy 7.4.B, 7.6.B; UDP policy D4, SPD)
- 2) **Residential Amenity**  
(London Plan policy 7.6.B; UDP policy D5, SPD)
- 3) **S17 Crime & Disorder Act**  
(London Plan policy 7.3.B; UDP policy D4)
- 4) **Consultation Responses**

## **INFORMATION**

This application is being reported to committee as the development relates to land within which an interest is held by a member of the Council's staff and is therefore excluded by Proviso D of the Scheme of Delegation.

### **a) Summary**

Statutory Return Type: Householder Development  
Council Interest: None

### **b) Site Description**

- Two-storey detached property on the north-western side of the junction of Harrow View and Longley Road.
- The building is used as two flats, one on the ground floor and one on the first floor. Each of the units has an individual access on the southern side of the building via a rearward projection which is sited approximately centrally in the rear elevation of the building.
- The rear gardens of each of the flats are provided separately and divided by close boarded fencing with the garden of the upper floor flat on the rearmost part of the site.
- The neighbouring property to the north, No.126, is a two-storey semi-detached property which has been extended with the addition of a hip to gable roof enlargement.
- No.126 has a single storey rear projection. It also has a store / outbuilding which abuts the application site. The store / outbuilding projects 3.8 metres beyond the rear main wall of the application building.

### **c) Proposal Details**

#### 124 Harrow View

- It is proposed to construct a single storey conservatory extension on the northern side of the rear elevation and a porch extension for the ground floor flat.
- The proposed conservatory extension would infill the area between the existing rear projection and the northern boundary of the site. It would have a depth of 4.3 metres, marginally shallower than the rearward projection.
- The proposed conservatory would have dwarf brick walls with glazing above with the exception of the northern flank wall which would be entirely solid.
- The conservatory extension would have a shallow pitched roof with an eave height of 2.4 metres and an overall height of 2.8 metres.
- The proposed porch extension would align with the main southern flank wall of the building and would be 2.75 metres in width. It would also have dwarf brick walls with glazing above. It would have a shallow pitched roof with an overall height of 2.7 metres.

#### 124A Harrow View

- It is proposed to remove the door on the northern side of the rear projection which serves the upper floor flat and create a door opening on the rear elevation of the rear projection.

**d) Relevant History**

LBH/8415/I      2 FLATS AND GARAGES AND STORE      GRANTED  
21-JAN-63

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

**Notifications:**

Sent: 6      Neighbour Replies: 0      Expiry: 22-AUG-11

**2<sup>nd</sup> Notification** (required as the application did not include the works to 124A Harrow View in the application)

Sent: 6      Neighbour Replies: 0      Expiry: 01-NOV-11

**Neighbours Consulted:**

Harrow View: 122, 124A, 126, 126A

Longley Road: 2, 2A

**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) Character and Appearance of the Area**

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policy 7.4.B and 7.6.B of The London Plan 2011 which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm. The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement saved policies D4 and D5, amongst other saved policies, which requires extensions to residential buildings to harmonise with the scale and architectural style of the original building. The SPD was adopted following public consultation and as such, carries considerable weight.

The proposed single storey rear extension would represent a significant extension of the property to the rear and would exceed the suggested depth of extensions for detached property contained within the adopted SPD. However, the extension would still have a scale proportionate to the building on the site and the relatively modest height of the structure and glazed roof form would give it a lightweight feel. The design and form of the extension is considered to be acceptable. The proposed rear conservatory extension would not be immediately apparent in the public realm and would have an acceptable appearance on the dwelling.

The porch extension would also have a relatively lightweight feel and would be have an appropriate scale for its purpose. The porch would align with the southern flank wall of the building and given this and the lightweight feel of the structure, it is considered that this element would not compete with the form and design of the building.

As such, it is considered that the proposed single rear conservatory and porch extensions would accord with policy 7.4.B and 7.6.B of The London Plan 2011 and saved policy D4 of the UDP in providing extensions of the property which would respect the scale, character and context of the locality and the building on the site.

The alteration of the door on the rear projection represents a relatively minor alteration of the building and this would not have an undue impact on the appearance of the building or the area.

## **2) Residential Amenity**

The proposed single storey rear extension would abut the existing store / outbuilding at No.126 which abuts the application site and would project 0.5 metres beyond this structure. The rear of No.126 is sited well away from the boundary between the two properties and given the relatively modest scale of the proposed single storey rear extension, it is considered that the conservatory extension would not have an undue overbearing or overshadowing impact upon this property. No windows are proposed in the northern flank wall of the extension and no overlooking of No.126 would therefore occur.

The proposed porch extension would be a modest extension of the property and would be buffered from the neighbouring properties by the existing building. It is therefore considered that it would not have an undue impact on the amenities of the neighbouring occupiers.

The alteration to the door at the rear of the property would not affect the amenities of the occupiers of the flats or the neighbouring occupiers.

The proposed development would therefore accord with saved policy D5 of the Harrow Unitary Development Plan (2004).

## **3) S17 Crime & Disorder Act 1998**

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

#### 4) 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 have an acceptable impact on the appearance of the property and the locality and the would not have an undue impact on the amenity of the neighbouring occupiers.

#### CONDITIONS

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

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

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

REASON: To safeguard the appearance of the locality, thereby according with The London Plan 2011 policy 7.4.B and saved policy D4 of the Harrow Unitary Development Plan 2004.

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

REASON: To safeguard the amenity of neighbouring residents and ensure no undue overlooking of the neighbouring property, thereby according with saved policy D5 of the Harrow Unitary Development Plan 2004

4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 124/HV/A3/100A; 124/HV/A3/101; 1242/HV/A3/102A; Site Plan

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 have an acceptable impact on the appearance of the property and the locality and the would not have an undue impact on the amenity of the neighbouring occupiers and would therefore accord with the development plan.

**The London Plan [2011]**

7.3B – Designing Out Crime

7.4.B – Local Character

7.6.B – Architecture

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

**Adopted Supplementary Planning Documents**

Supplementary Planning Document – Residential Design Guide [2010]

**2 INFORMATIVE:**

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

**3 INFORMATIVE:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

Plan Nos: 124/HV/A3/100A; 124/HV/A3/101; 1242/HV/A3/102A; Site Plan



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Item: 2/02

105 NIBTHWAITE ROAD, HARROW, HA1 P/2289/11  
1TZ

Ward: MARLBOROUGH

CHANGE OF USE FROM WAREHOUSE WITH ANCILLARY OFFICES USE TO A  
THERAPY CENTRE (CLASS B8 TO CLASS D1)

**Applicant:** Dr Michael Gross  
**Agent:** Fotostructures Limited  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** | 12-OCT-11

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## RECOMMENDATION

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

## REASON:

The decision to GRANT planning permission has been taken as the proposal would provide a more suitable use in this residential area than the current industrial use and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

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

London Plan:

3.2 – Improving health and addressing health inequalities  
3.17 – Health and social care facilities  
6.13 – Parking standards  
7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout  
D5 – Residential Amenity  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
EM15 – Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas  
EP25 – Noise  
C8 – Health Care and Social Services  
C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Accessible for All (2006)

**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Principle of Development (3.2, 3.17, EM15, D4, C8, C16, SPD)
- 2) Character and Appearance of the Area (PPS1, 7.4, D4)
- 3) Residential Amenity (D4, D5, EP25)
- 4) Parking and Highway Safety (6.13, T6, T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

**INFORMATION**

This application is referred to the planning committee as the development is for the change of use of 500 square metres of floorspace, which exceeds the threshold of category 6 of the Scheme of Delegation.

**a) Summary**

Statutory Return Type:	Change of Use	
Site Area	550 m <sup>2</sup>	
Parking	Provided	13
	Standard	2
Council Interest:	None	

**b) Site Description**

- The application site is occupied by an industrial building that has the appearance of a two-storey brick building from the street, but which rises to a three-storey steel clad building away from the Nibthwaite Road frontage
- The site has been in industrial use since the 1950s.
- The site includes an area (150 square metres) of hard surfacing between the main warehouse building and a two-storey detached office building at the junction of Radnor Road
- The site is currently in use as a coffee packing and distribution office and warehouse
- The current use includes a two-storey office building at the junction of Nibthwaite Road and Radnor Road which has the appearance of a small house. This building and a small additional area is not included in the application site.
- The immediate area is otherwise residential and has residential parking controls in force

**c) Proposal Details**

- The proposal is for the change of use of the warehouse with ancillary offices building (Use Class B8) to provide a Therapy Centre (Use Class D1)
- This would involve a physiotherapy treatment area on the ground floor for disabled persons and athletes and a gymnasium; consultation rooms on the first floor and a storage area and meditation room on the second floor.
- No alterations to the exterior of the building are proposed.
- The applicants state that thirteen parking spaces would be provided on the site using the existing hard standing area.

**d) Relevant History**

HAR/9952	First floor office to existing factory	GRANTED 03-DEC-54
HAR/9952/A	Office over factory	GRANTED 31-DEC-54
HAR/9952/C	Amended front elevation	GRANTED 20-NOV-64
LBH/4280/1	Use of lock-up garages for storage of electronic materials and components	REFUSED 18-FEB-70
LBH/39576	Change of use of garage and driveway to commercial (Class B1) use in connection with the existing use of 105 Nibthwaite Road	GRANTED 13-OCT-89
EAST/735/95/FUL	Single & two storey extension to business/warehouse premises with parking and loading area	GRANTED 20-DEC-95
P/2011/07	Single storey extension on west elevation, new windows on north west elevation and external alterations and material change of use from class B8 warehouse with ancillary offices to class B1 offices.	REFUSED 19-SEP-07 APPEAL ALLOWED 04-FEB-08
P/2167/08/DFU	[Not implemented] Single storey side extension; alterations to roof including roof lights on crown section and inverted dormers on south east elevation; external alterations [Not implemented]	GRANTED 01-SEP-08

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Current use involves arrival and departure of some large delivery vehicles
- Proposal would accommodate up to 9 full time and ten part time staff
- Maximum number of 12 persons (staff / clients) would be on site at any one time
- Opening hours requested are: 07:30 to 21:00 Monday to Friday; 08:00 to 18:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays.

**g) Consultations**

**Environmental Health:** No response received

**Highways Engineer:** There is no concern in principle with regard to the change of use given that Nibthwaite Road and the surrounding area is well controlled with waiting restrictions on-street and is sustainable in public transport terms. Hence there is no adverse impact envisaged with the use change.

**Notifications:**

Sent : 14

Replies : 4

Expiry: 16-SEP-11

Neighbours consulted:

Nibthwaite Road: 101, 101A, 103, 120

Radnor Road: 19, 21, 23, 25, 38, 40, 42, 44-46

Radnor Avenue: 1, 1A, 3

**Summary of Responses:**

**Objections:**

- Opening hours are excessive. Opening hours beyond hours of parking control would result in difficulty for residents to find parking spaces. As no changes would be made to existing building there would be no additional loss of privacy or overlooking.
- Potential noise and disturbance from car parking

**Supports:**

- Proposal would result in cessation of delivery vehicle traffic and would have a positive benefit for the neighbourhood.
- No objection provided operational hours are reasonable

**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) Principle of Development**

When considering applications for the loss of premises in business, industrial or warehousing use outside of designated business areas, the Council must be mindful of the criteria of saved policy EM15 of the Harrow Unitary Development Plan. These criteria are: **(A)** a need to ensure that there is sufficient provision of alternative business sites in the borough, **(B)** no unacceptable harm to the local economy would result from the loss, **(C)** there is evidence that the site has been extensively marketed for B1, B2 or B8 use, **(D)** the site has been vacant for a considerable length of time, **(E)** the continued use of B2 or B8 uses would be severely detrimental to the amenity of neighbouring residential properties, **(F)** access to the site by public transport is poor and **(G)** access for delivery vehicles is poor and cannot be reasonably improved.

In this case, the applicant has failed to demonstrate that criteria A, C or D have been met. However, Council data show that there is an excess supply of B1 office space and B8 warehouse space in the borough compared with demand, and that trend has been in place for the past ten years. The site is not directly served by public transport and has a moderate public transport accessibility level. As such, it is considered that criterion F has been met. Furthermore, the site is currently serviced by large delivery vehicles which use this part of Nibthwaite Road and the junction with Radnor Road to provide turning circles, indicating that criteria E and G have been met.

Against this, the Council also needs to be mindful of the requirements of saved policy C8 of the UDP (which supports policies 3.2 and 3.17 of the London Plan), which seeks to ensure that there are sufficient health care facilities to cater for the needs of the community. This policy is also subject to a number of criteria, including that the proposal would not result in the loss of satisfactory residential accommodation and there would be no significant adverse impact on the amenity of neighbouring residents.

The applicant has stated that the proposal would provide physiotherapy facilities for disabled persons and people with sports injuries. This would be a private, rather than a National Health Service facility. However, physiotherapy facilities available on the NHS are usually subject to considerable waiting times and the operational model proposed would provide these services at a reduced cost compared to prevalent market rates. As such, the proposed service would fulfil a community need.

Planning Policy Statement 4 policy EC11 notes that, in determining planning applications for economic development not in accordance with an up to date development plan, local planning authorities should consider longer term benefits of the proposal in terms of jobs provision and whether the proposal helps meet the wider objectives of the development plan.

In this case, the proposal would retain an employment use at the site, and the proposal would provide physiotherapy facilities for disabled persons and athletes at a cost below the normal market rate. Therefore it is considered that, on balance, although some of the criteria of saved policy EM15 have not been met, the benefits of the scheme, in terms of a positive contribution to health care facilities and employment provision, which would have less of a detrimental impact on the residential amenities of nearby occupiers in compliance with saved policy C8, outweigh any harm that would result from the loss of the business premises.

The premises are accessible, and it is considered that the applicant's obligations, in terms of saved policy C16 of the UDP, Supplementary Planning Document, Access for All (2006) and the Equality Act 2010 have been met.

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

The proposed change of use would not involve any external alterations to the building. In this regard, the proposal would have no impact on the appearance of the area.

The proposal would, however, change the nature of the use at the site from a warehouse use with ancillary offices to a therapy centre.

Given the residential nature of the area, this is considered to be a more suitable use that would complement the character of the area.

In order to ensure that the use remains as a therapy centre, as opposed to any other D1 use, and is not in an over-intensive use or in use at unreasonable hours, suitable conditions are recommended restricting the nature of the use, the number of persons who can use the site at any one time and the hours of use. The applicant has agreed to these proposed hours.

**3) Residential Amenity**

A concern has been raised by a resident in Radnor Road that the use of the building as a therapy centre could result in overlooking of the rear garden and rear windows of properties in Radnor Road. No additional windows are proposed at the application property, and therefore no additional overlooking would occur. Most of the existing windows have views over Nibthwaite Road. There are some windows on the east and west elevations, but a site inspection has revealed that these do not afford views over residential properties. There are some Velux windows in the rear elevation, but their location and orientation also preclude overlooking. The relationships between the existing windows on the building and nearby gardens and windows are both oblique and at sufficient distances (in excess of 20m) so as to minimise the impact of any existing opportunities for intervisibility.

The existing two-storey building at 21 Radnor Road does not form part of the application site and has not been included in the sale of the warehouse. This building has planning permission (EAST/261/97/FUL dated 13-Mar-1997) for 'redevelopment to provide two-storey retail showroom building with parking and landscaping.' Condition 3 attached to that planning permission requires that the building can only be used in conjunction with the use at 105 Nibthwaite Road. There is no record that the pre-commencement conditions of this planning permission were discharged. The property is currently used as ancillary office space. Following the division of the site, this building would be left as a stand-alone structure with two parking spaces.

Although a separate planning unit, this building is linked, in planning terms, to the use of 105 Nibthwaite Road. However, the owner intends to retain this building for use as a satellite office once the warehouse use has relocated to Watford. Such a use would not be incompatible with the proposed use of 105 Nibthwaite Road or the character of the area. The owner has been informed that a planning application would be required to sever the planning link imposed by condition 3 of permission EAST/261/97/FUL and such an application is expected shortly.

A condition attached to planning permission P/2011/07, allowed at appeal on 04-Feb-2008, required that new windows in the north west elevation walls of a proposed extension to be obscure glazed. However, this permission has not been implemented.

Neither has the planning permission for the single-storey side extension and alterations to the roof, reference P/2176/08 dated 01-Sep-2008. Given the passage of time, these permissions are no longer capable of implementation.

Although highways comments are addressed more fully in the following section, a representation has been received that notes that the proposed use would result in the cessation of the current heavy vehicle movements which would improve the quality of life for nearby residents.

As noted above, it is considered that the use as a therapy centre is more appropriate in this residential area than the current warehouse use, which has no restrictions on the hours of operation.

Opening hours that are more compatible with the residential area have been agreed with the applicant and are recommended by way of condition.

In addition, other potential uses within Use Class D1, such as a school or a church, could result in increased activity at the site and noise and disturbance. Therefore, a condition restricting the use to that specified in the application form and submitted documents is recommended to safeguard the residential amenities of neighbouring occupiers.

#### **4) Parking and Highway Safety**

The application site has sufficient space on site for approximately 13 cars. This level of provision is in excess of the maximum parking standards recommended for this type of use by policy 6.13 of the London Plan and Schedule 5 attached to saved policy T13 of the Harrow UDP.

Notwithstanding this, the parking provision is in existence, and given the proposed use as a therapy centre for people who may need to either drive or be driven to the site, a departure from the adopted parking standards is considered acceptable in this case.

However, no details of the parking layout have been supplied, and a condition is recommended requiring details of a suitable parking layout to be approved and implemented prior to the use commencing. This condition is recommended in order to ensure that the parking arrangements work without resulting in cars being blocked in.

The applicants have stated in their application form that they will be seeking two disabled parking spaces on the public highway. This is outside the application site and the Council would not make such dedicated provision.

Nibthwaite Road, and the surrounding area, has parking controls that are enforced, and it is considered that these are sufficient, in combination with restricted opening hours at the premises, to control overspill parking from the proposed use.

It is noted that any visitor to the premises with a valid blue badge would be free to park in the controlled parking area, but this would be subject to the same space availability as other blue badge holders.

As noted in the previous section, the proposal would also remove the necessity for movements by larger goods vehicles to and from the site.

**5) S17 Crime & Disorder Act**

The proposal would have no impact with respect to crime and disorder in the area.

**6) Consultation Responses**

**Objections:**

- Opening hours are excessive. Opening hours beyond hours of parking control would result in difficulty for residents to find parking spaces – these matters have been dealt with in the appraisal above.
- Potential noise and disturbance from car parking – the noise that would result from car parking is comparable to the existing use and the general level of parking related noise and activity associated with residential properties nearby.
- As no changes would be made to existing building there would be no additional loss of privacy or overlooking – this matter has been addressed in the Residential Amenity section above.

**Supports:**

- Proposal would result in cessation of delivery vehicle traffic and would have a positive benefit for the neighbourhood; No objection provided operational hours are reasonable – these matters have been addressed in the appraisal above

**CONCLUSION**

The proposal would provide a more suitable use in this residential area than the current industrial use and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report, this application is recommended for grant.

**CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan; Site Plan; Design and Access Statement.

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



3 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON:

a: To safeguard the amenity of neighbouring residents and the character of the locality.

b: In the interests of highway safety.

as required by policies 6.13 and 7.4 of the London Plan (2011) and saved policies D4, T6, T13 and EP25 of the Harrow Unitary Development Plan (2004).

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

a: 08:00 hours to 19:00 hours, Monday to Saturday inclusive,

b: 09:00 hours to 17:00 hours on Sundays,

c: 10:00 hours to 16:00 hours, Sundays or Bank Holidays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, as required by saved policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004).

5 The number of staff and clients within the premises shall not exceed 12 at any time.

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the staff and client 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 policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004).

6 Notwithstanding the details shown on the submitted application form and approved drawings, the use hereby permitted shall not commence until a plan indicating the car parking layout has been submitted to, and approved in writing by, the local planning authority.

The car parking spaces shall be permanently marked out in accordance with the approved details prior to the use commencing.

The car parking spaces shall be used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety, as required by saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 INFORMATIVE**

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

The decision to GRANT planning permission has been taken as the proposal would provide a more suitable use in this residential area than the current industrial use and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Item 2/02 : P/2289/11 continued/...

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

London Plan:

3.2 – Improving health and addressing health inequalities  
3.17 – Health and social care facilities  
6.13 – Parking standards  
7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout  
D5 – Residential Amenity  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
EM15 – Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas  
EP25 – Noise  
C8 – Health Care and Social Services  
C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Accessible for All (2006)

Plan Nos: Location Plan; Site Plan; Design and Access Statement



## **INFORMATION**

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

### **a) Summary**

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

### **b) Site Description**

- Two storey semi detached dwellinghouse with a shared driveway with No.59 Greystoke Avenue with original two storey rear projection, single storey rear extension and rear dormer.
- The property had a detached garage. However, this garage has been demolished with the exception of the front walls around the previous garage door (now with close boarded wood). To the rear of this area is a detached single storey outbuilding with a pitch roof currently being utilised as a beauty salon (the subject of this application).
- The outbuilding is 3.9m wide and 8.0m long with an overall height of 3.75m. It has a flank door and two flank windows facing no. 63. It adjoins the boundary with no. 59, is set away from the rear boundary by approximately 1.2 and approximately 4.0m from the shared boundary with No.63 Greystoke Avenue.
- The front garden is entirely hardsurfaced and used for vehicle parking. The shared driveway is also paved.
- The attached dwellinghouse, No.63 Greystoke Avenue, is on a corner site with a matching two storey original rear projection and single storey rear extension.
- The adjoining property to the east, No.59 Greystoke Avenue, is a two storey semi detached dwellinghouse with an original two storey rear projection, single storey rear extension and a detached garage adjoining the boundary with No.61 Greystoke Avenue.

### **c) Proposal Details**

- Permanent Use Of The Outbuilding As A Beauty Salon Between 1900 hours to 2100 hours Monday and Wednesday to Friday and from 0900 to 1700 hours on Tuesdays."
- No external changes proposed.
- Internal arrangement would include a bathroom, waiting area and two 'therapy' rooms.

### **Revisions to Current Application:**

- Initially the application proposed the following: Permanent change of use of outbuilding as beauty salon with operating hours between 1800 hours to 2100 hours Monday Wednesday and Friday; 0900 hours to 2100 hours Tuesday and Thursday and 0900 hours to 1600 hours on Sunday.
- In part due to the level of objections that have been received, the applicant has confirmed that they now wish to reduce the number of proposed hours to that allowed by the Inspector.

**Revisions to Previous Application:**

Following the previous decision (P/2250/09) the following amendments have been made:

- This was a temporary planning permission for one year that expired on 19/08/2011
- Approved operating hours were between 1900 hours and 2100 hours Monday, Wednesday to Friday and 0900 hours until 1700 hours on Tuesday.

**d) Relevant History**

HAR/8538	ERECTION OF SEMI-DETACHED HOUSE	GRANTED 20-NOV-53
P/1357/05/ DFU	SINGLE STOREY REAR EXTENSION	GRANTED 20-JUL-05
P/0994/09	CERTIFICATE OF EXISTING USE /OPERATION: CONTINUED USE OF OUTBUILDING AS BEAUTY SALON / THERAPY FROM 7PM TO 9PM EVERYDAY EXCEPT 9AM TO 5PM ON TUESDAYS	REFUSED 21-JUL-09
P/2250/09	CONTINUED USE OF OUTBUILDING AS BEAUTY SALON FOR TEMPORARY PERIOD OF ONE YEAR BETWEEN 1900 HOURS TO 2100 HOURS MONDAY, WEDNESDAY TO FRIDAY AND FROM 0900 HOURS TO 1700 HOURS ON TUESDAY	REFUSED 15-DEC-09 APPEAL ALLOWED 19-AUG-10

**Reason(s) for Refusal:**

1. The beauty salon results in the introduction of a commercial use into residential premises which is out of keeping with the residential character of the area and results in increased activity, traffic and noise disturbance associated with the use in close proximity to nearby dwellings and as such it is harmful to the residential amenities of neighbouring occupiers and the character of the surrounding area, contrary to policies D4 of the Harrow Unitary Development Plan (2004).

**e) Applicant Statement**

- Proposed as part of government working from home scheme.
- The application is for the use of the outbuilding as a Beauty Salon within specified hours. Applicant would be the only one who works and would ensure that there is only one client at the time, so that traffic and disruption can be avoided.
- Has carried out this business for over 10 years with no objections from anyone.

**f) Consultations**

**Highways Engineer:** No objection in principle. The original permanent hours of operation proposed are more extensive than previously and it is noted that local residents do express concern regarding injudicious parking etc as a result of the current operation. It would have been useful if some photographic evidence was provided to demonstrate the problems as it is not possible to undertake independent monitoring of such sites following appeal decisions.

On that basis there would appear to be a lack of firm evidence to support the stated issues raised by the current and potential permanent operation and as a result there would be a lack of a sustainable reason for refusal if once again the application were to be appealed.

However if minded to grant, suggest that the hours of operation remain as for the current 'temporary use' in order to reduce any potential likelihood of problems occurring on-street.

**Environmental Health** No objection.

**Licensing:** No objection.

**Notifications (first consultation):**

Sent: 21

Replies: 17 objections

Expiry: 23-AUG-11

**Neighbours consulted:**

Ainsdale Crescent – 27, 29, 31, 33, 35, 37

Birkdale Avenue – 40

Greystoke Avenue – 31, 35, 37, 48, 50, 52, 54, 57, 58, 59, 60, 62, 63

**Summary of Responses:**

- Area is residential and proposal is commercial which conflicts with this. Issue of setting a precedent for further commercial uses.
- Issue of additional pressure on on-street parking, additional traffic along road and issues associated with increased pollution.
- Comments that the permitted 14 hour use of the building has been exceeded over the past year.
- Council cannot monitor or enforce the restriction on the operating hours of use.
- There is only one off-street car parking space at the front of the building, due the recent construction of a porch.
- Uncertainty due to strangers on the street.
- Disruption to street
- Foot and vehicle congestion
- Increased pollution
- Progression of temporary to permanent
- Access for emergency vehicles
- Reduce value of homes
- Blocking of vehicle access by the patrons of the salon

**Notifications (second consultation):**

Sent: 28

Replies: 9

Expiry: 19-OCT-11

**Neighbours consulted:**

Ainsdale Crescent – 27, 29, 31, 33, 35, 37

Birkdale Avenue – 38, 40

Greystoke Avenue – 24, 31, 33, 34, 35, 37, 48, 50, 52, 54, 57, 58, 59, 60, 62, 63, 66, 67, 68

**Summary of Responses:**

- Repeat initial objections, and maintain that even though hours have been reduced, the proposed use is still not acceptable as it is inappropriate in a residential area.

**APPRAISAL**

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

**1) Principle of Development**

Planning application P/2250/09 for the continued use of outbuilding as beauty salon for one year with operating hours between 1900 hours and 2100 hours Monday, Wednesday to Friday and 0900 hours until 1700 hours on Tuesday was refused planning permission by the Council on 15/12/2009. This decision was subject to appeal, which the Inspector allowed on the temporary basis of one year.

The area is characterised by both single family dwellinghouses and converted houses with various outbuildings/garages. In relation to the previous scheme, it was considered that a commercial business operating from an existing outbuilding within the rear garden of a residential house in a residential street was unacceptable, because it is out of character with the surrounding residential environment. In addition, it was considered that this type of commercial business is more suited to a Town, District, Local Centres and/or local parades and shops. It was further considered that the continued use gives rise to an increase in vehicular and pedestrian traffic which could result in unreasonable detrimental impact upon the residential amenities of the adjoining neighbours.

This decision was overturned at appeal, where the Inspector concluded that:

*“I attach weight to the temporary nature of the permission sought, which would enable the Council and local residents to monitor the proposal and to identify clearly any harmful effects that may arise during that period, which could be assessed should there be any application to extend the duration of the use. I therefore conclude that the proposal would not cause material harm to the living conditions of nearby residential occupiers, or conflict with Harrow Unitary Development Plan Policy D4, which deals with design and layout and is of tangential relevance to the issues in this case.”*

Following the granting of temporary planning permission at appeal, the applicant now proposes a permanent consent. It is noted that a number of objections have been received to the proposal, citing similar concerns to those of the previous application and appeal. On the basis that the principle of a small scale commercial development has been approved by the Inspector, the question here is whether there have been a significant number of complaints / concerns raised over the 'monitoring' period of the temporary consent, such that would indicate that the use has been having a detrimental impact upon the area.

The Council's Environmental Health department have advised that they have had no complaints of noise or nuisance from the use of these premises, and therefore have no objections to the application. Furthermore, the Council's Licensing department have no objections to the application, that they have confirmed that they have issued a 'Special Treatment License' last year and that there have been no problems reported to them (although this would be more in connection with the business activities themselves rather than nuisances caused to neighbours).

It is noted that the majority of objections received have highlighted an issue in relation to on-street car parking from the proposed use. There are no parking restrictions in place along Greystoke Avenue, such that if potential customers drive to the application site, there is on-street parking available.

Notwithstanding the objections received to the planning application, the Council's Highway Engineer has noted that there would appear to be a lack of firm evidence to substantiate the complaints that the use of the outbuilding is causing a detrimental impact on either parking provision or indeed highway safety. On this basis, the Council's Highway Engineer has advised that a refusal of planning permission on highway grounds could not be substantiated.

However, the Council's Highway Engineer has advised that if planning permission for a permanent use of the building were to be granted, this should be on the basis of the limited hours authorised under the temporary consent, and not the extended hours initially applied for. The rationale for this is that the evidence available suggest that the limited use of the building does not cause highway related problems, but that the much expanded 40 hours per week use potentially would.

Therefore, on the basis of this evidence, this would suggest that the limited use of the outbuilding as a beauty salon has not caused a detrimental impact on the amenities of adjacent occupiers.

However, the applicant initially sought a significant increase in the operating hours of the beauty salon. These would have been from between 1900 hours and 2100 hours Monday, Wednesday to Friday and 0900 hours until 1700 hours on Tuesday for the temporary consent to between 1800 hours to 2100 hours Monday Wednesday and Friday; 0900 hours to 2100 hours Tuesday and Thursday and 0900 hours to 1600 hours on Sunday. This would be an increase from 16 hours per week to 40 hours a week, including two 12 hour days (Tuesday and Thursday).



It is noted that the Inspector, in weighing up the economic benefits of the proposal, described the proposed use as “part-time” and referred to its “limited nature”. On this basis, the Inspector considered that the impact on local residents, in particular in relation to the car parking situation, would be acceptable.

The initial proposal would have resulted in the use of the building increasing from 14 hours per week to 40 hours per week, an increase of 150%. This poses the question, that if the impacts from the small scale and limited use of the site for 16 hours have been found to be acceptable, would a significant increase in those hours of use result in the same situation?

The high level of local objection to the development is noted. However, it would seem that on the basis of the evidence that the business has been operating for the last year, on a restricted basis, that the impact on neighbouring amenity has been limited. However, this has been on the basis of the salon operating on a part time and limited basis. The 40 hours per week use proposed would have the potential to lead to a significant increase in the use of the building, and this could have a detrimental impact on the amenity of the neighbouring occupiers.

It is considered that the initial level of use proposed – i.e. 40 hours per week – is unacceptable because of the potential for adverse impact. Following discussions with the applicant, and on the basis of the high level of objection received, the proposed hours have now been reduced back to the original hours approved by the Inspector. These being, 1900 hours to 2100 hours Monday and Wednesday to Friday and from 0900 to 1700 hours on Tuesdays.

It is noted that, notwithstanding the proposed reduction in hours back to 16 per week, that following re-consultation to this effect, a number of local residents remain opposed to the application. The general consensus is that the proposed commercial use does not tie in worth the residential character of the area. To an extent, Officers do not disagree with the premise of these objections, and as set out above, the Council refused the first application at this site for in essence this reason. However, once must bear in mind the decision of the Inspector, which is material and carries significant weight. Given that the hours now proposed are the same as were allowed at appeal (albeit on a temporary basis), and the lack of any objection from the Council’s Environmental Health Officer (who have not received any complaints during the temporary permission period) and Highway Engineer, it is considered that a refusal against the more limited hours would not be sustainable.

It is considered that the use of a condition for this application could make the application acceptable, in terms of limiting the use to the 14 hours per week referred to. Advice in Government Circular 11/95 states the followings:

*In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. The argument that a condition will do no harm is no justification for its imposition: as a matter of policy, a condition ought not to be imposed unless there is a definite need for it.*

Therefore, in this case, it is considered that a planning condition should be imposed that limits the use to 16 hours per week, as per the temporary planning permission. It is noted that some residents have stated that the unit has been operating outside of the permitted hours. Whilst this may or may not have been the case, should that occur then powers are available to the Council to enforce against a breach of a planning condition. Officers advise that a more proactive regime of monitoring takes place should planning be granted.

## 2) **S17 Crime & Disorder Act**

Section 17 of the Crime and Disorder Act 1998 places a duty on councils to do all they reasonably can to reduce crime and disorder locally and improve people's quality of life as a result. The duty gives a focus on how councils' delivery of core services can make a significant difference to crime reduction and also extends to anti-social behaviour. PPS1 also highlights that it is the role of the local authority to "create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion"

*It is considered that the proposed development would not give rise to any adverse crime or safety concerns. While the objectors have raised the issue of unknown persons coming to the area due to the continued use, it is considered that the activity being undertaken is not a use which would give rise to unreasonable levels of loitering/anti social behaviour.*

## 3) **Consultation Responses**

- Highway egress – comments that cars have been parked on neighbouring properties are noted, but this is not a planning matter per se, and would essentially be a civil matter to resolve between the two parties.
- Increased pollution – It is considered that a trip would be made to utilise this facility regardless of its location. However, it is acknowledged that a more suitable location would be a town centre environment to enable the use of the beauty salon to be part of a shopping trip.
- Setting of precedent – All applications are assessed on their own merits
- Reduce value of homes – This is not a material planning consideration.

It is considered that all other matters raised in the submissions have been addressed in the body of the report.

## **CONCLUSION**

The limited use of the outbuilding for a salon would allow a business to take place without undue harm to the amenity of local residents. For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for **GRANT** subject to the following conditions:

## **CONDITIONS**

1 The use hereby permitted shall not be open to customers outside of the hours of 1900 hours to 2100 hours on Mondays and Wednesdays to Fridays and 0900 hours to 1700 hours on Tuesdays.

REASON: To safeguard the amenity of neighbouring residents in accordance with policies D4 and EM25 of the Harrow Unitary Development Plan (2004).

2 The use shall take place solely in the outbuilding as shown on the submitted plans.

REASON: In the interests of proper planning.

## **INFORMATIVES**

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

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

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

Draft National Planning Policy Framework (2011)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2011)

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

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

2.7 – Outer London: Economy

4.1 – Developing London's Economy

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

7.6 – Architecture

London Housing Design Guide (2010)

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EM25 – Food, Drink and Late Night Uses

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C17 – Access to Leisure, Recreation, Community and Retail Facilities

Plan Nos: 9309-00-P1, 9309-01-P1, 9309-02-P1, Design and Access Statement

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**Item: 2/04**  
**LEXUS HOUSE, ROSSLYN CRESCENT, P/2333/11**  
**HARROW, HA1 2RZ**

Ward: GREENHILL

CHANGE OF USE OF FIRST FLOOR AND PART OF GROUND FLOOR FROM OFFICES (USE CLASS B1) TO USE FOR EDUCATIONAL PURPOSES (USE CLASS D1) FOR A PERIOD OF FIVE YEARS (RETROSPECTIVE APPLICATION)

**Applicant:** Mr D Amdekar  
**Agent:** Preston Bennett Planning  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 13-OCT-11

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## RECOMMENDATION

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

### **National Planning Policy:**

Draft National Planning Policy Framework 2011  
Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

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

2.7 – Outer London: Economy  
2.17 – Strategic Industrial Locations  
4.1 – Developing London's Economy  
4.2 – Offices  
7.2 – An Inclusive Environment  
7.3 – Designing Out Crime

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

SEM1 – Development of the Borough's Regeneration Strategy  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
EM14 – Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas  
EP25 – Noise  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
C7 – New Education Facilities  
C16 – Access to Buildings and Public Spaces

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

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

**INFORMATION**

This application is reported to committee as the level of floorspace exceeds the threshold (400 sqm) for the change of use on non-residential floorspace set out in paragraph 6 of the Scheme of Delegation. Also the proposal constitutes a departure from the development plan and the application is therefore excluded from categories 1 to 26 of the Scheme of Delegation by proviso G.

**a) Summary**

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

**b) Site Description**

- The site is located on the eastern side of a bend in Rosslyn Crescent within the Rosslyn Crescent/Phoenix Park Industrial Estate, which contains three large detached buildings. Crystal Way adjoins the site to the south.
- The site is designated within an Industrial and Business Use Area as defined within the HUDP Proposals Map. The site is part of the Wealdstone Preferred Industrial Location as set out in the Councils Unitary Development Plan (2004).
- Wealdstone Preferred Industrial Location is one of the Preferred Industrial Locations under the Strategic Industrial Locations within The London Plan. (2011).
- The site contains a gated area of hardstanding directly in front of the units, currently used for car parking and other miscellaneous storage. There is a vehicular access via dropped kerb from Rosslyn Crescent.
- The building is currently being used as an educational establishment by the Harrow International Business School; signs have been erected on the outside of the building denoting this. Inside the building, the first and part of the ground floor are being used as a mix of classrooms and support offices (reception etc).

**c) Proposal Details**

- The application is for the retrospective change of use of offices (Class B1) to an educational establishment (Class D1).
- Up to 250 students can be accommodated on site at any time.
- Approximately 450 students are enrolled in the college.
- 18 staff are employed on a full time or part time basis.
- The teaching times are 0800 hours to 1800 hours Monday to Friday.
- 45 Car parking spaces are existing, which are shared between the users of the various businesses at Lexus House and the adjacent Millar House.
- No external changes are proposed.

**d) Revisions to Previous Application:**

- None

**e) Applicant's Statement:**

- Change of use of the B1 office space to D1(c) educational use.
- HIBS have been operating from the premises since Jan 2010, with the floor space having previously been vacant despite marketing since Oct 2008.
- This regularisation of the floor space is sought over a specified area of the ground floor of the building as well as the entire first floor.
- The proposal is set within the context of the planning policy framework, together with the marketing information.
- 45 car parking spaces are provided, shared between Lexus House and the adjacent Millar House.
- The site is highly accessible from a public transport perspective.
- HIBS is a well established and well respected education provider within harrow which officers a range of degree and diploma courses within business management, hospitality and tourism and technology.
- Up to 250 of the 450 enrolled students can be accommodated on the site at any one time.
- 18 staff are employed on a full and part time basis.
- Teaching hours are between 8am and 6pm Mon-Fri. Staff use the building outside these hours.
- There is an access ramp through the main entrance.

**f) Relevant History**

LBH/31600	CHANGE OF USE FROM GENERAL INDUSTRIAL/OFFICES TO WAREHOUSING AND ANCILLARY OFFICES	GRANTED 30-JAN-87
P/2533/09	INSTALLATION OF ROLLER SHUTTER ON REAR ELEVATION AND CHANGE OF USE OF PART OF PROPERTY FROM WAREHOUSING/ANCILLARY OFFICES TO CAR SERVICING AND MOT TESTING CENTRE (USE CLASS B2)	GRANTED 05-FEB-10

P/2343/09	CHANGE OF USE OF FIRST FLOOR AND PART OF GROUND FLOOR FROM OFFICES (USE CLASS B1) TO USE FOR EDUCATIONAL PURPOSES (USE CLASS D1)	REFUSED 23-DEC-09
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**Reason(s) for Refusal:**

1. The proposed change of use is unacceptable in principle and would result in the provision of an inappropriate use and the loss of industrial and storage land and buildings and associated employment (Class B1, B2 and B8 uses) from a designated employment site within the Strategic Industrial Location/Wealdstone Preferred Industrial Location (Rosslyn Crescent) as designated in the London Plan (2008) and the Harrow Unitary Development Plan (2004) and would be contrary to the aims and objectives of policies 2A.10 and 3B.4 of the London Plan (2008) and saved policy EM14 of the Harrow Unitary Development Plan (2004), which aims to resist the loss of such land and buildings in London and the Borough.

**g) Consultations:**

- **Highways Engineer:** The change of use from B1 to D1 is acceptable in principle as the location is stringently controlled with parking restrictions on street and is also reasonably well served by public transport. Both elements contribute to a shift to a sustainable travel mode.

<b>Advertisement:</b>	Departure from the Development Plan	Expiry: 22-SEP-11
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**Site Notice:** Expiry: 4 October 2011

<b>Notifications:</b>		
Sent: 50	Replies: 0	Expiry: 14-SEP-11

**Summary of responses:**  
N/A

**APPRAISAL**

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

**1) Principle of Development**

This is an application for the change of use from offices (falling within Use Class B1) to an educational establishment (Use Class D1). It is noted that the proposed change of use to Class D1 has already occurred and that the application is retrospective.

The applicant states that the Class D1 use commenced in January 2010. The applicant also states that the offices at Lexus house were vacant despite marketing since October 2008 until they were occupied in January 2010. This means that they were vacant for 1 year and 3 months.

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

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

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

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

As set out above, the application proposes the change of use from Class B1 to Class D1. As such, the application is a departure from the Development Plan (and has been advertised accordingly), which consists of The London Plan (2011) and the Harrow Unitary Development Plan (2004). On this basis, a previous application for the change of use was refused planning permission in December 2009.

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



Given that the application is considered to be a departure from the Development Plan, it is important to note that section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." So the key question here is what, if any, material considerations would outweigh the Development Plan presumption against the application.

The applicant's statement highlights the continuing high levels of vacancy in Harrow's office stock and that the college is having a positive effect on the economy. The college employs 18 staff on a full time or part time basis.

A period of less than two years' vacancy prior to the applicant's occupation would not normally be accepted, as shorter periods are a normal part of market activity and 'churn'. The educational use of the premises does not fall within the London Plan (2011) description of activities that are appropriate in preferred industrial locations.

The new London Plan was adopted on 22/7/2011. Also, the Government has published the draft National Planning Policy Framework (NPPF) for consultation on 25 July 2011.

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

However, the early stages of the draft NPPF, whilst the points made are noted, it is considered that the weight that can be afforded to them are limited at this time.

In relation to The London Plan (2011), the applicant highlights that the college provides jobs for up to 18 members of staff and its courses provide a good level of education to their students.

It is considered that in this case, there is a balance to be struck between maintaining an adequate supply of employment land in the Borough, offset against the increased demand for educational premises and raising skills. It is an indisputable fact that there is a high office vacancy rate in the Borough. 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.

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

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

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

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

**3) Residential Amenity**

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

**4) Accessibility**

The change of use complies 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).

An accessible layout for the ground floor of the building is shown on the plans, including a ramped access. Therefore, the proposal is considered to be acceptable.

**5) Parking and Traffic**

Saved policies T6 and T13 of the Harrow Unitary Development Plan (2004) state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems. The Councils Highway Engineer has raised no objection to the development and therefore the application is considered acceptable.

The site is in a sustainable location as there is reasonable access to public transport from the site. The area is subject to rigorous on-street parking control. In addition, 45 carparking spaces are provided on the site which are shared between the users of the various businesses on the site. It is therefore considered that the proposal would not have a detrimental impact on highway safety and would not result in significant on-street parking problems.

**6) S17 Crime & Disorder Act**

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

**7) Consultation Responses**

N/A.

**CONCLUSION**

The decision to grant temporary permission has been taken on the basis that the proposed temporary change of use would allow the building to be kept in use, where otherwise it would likely remain vacant, without causing harm to the long-term viability of Wealdstone Preferred Industrial Location.

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

**CONDITIONS**

1 When the floor area as identified in Drawing No. 100/02 ceases to be occupied for D1 or at the end of 5 years from the date of this decision, whichever shall first occur, the use hereby permitted shall cease and revert to Office Use (Use Class B1).

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

2 The premises shall be used for the purposes specified in the application (D1(c) educational use) and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

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

3 The education use (D1(c)) hereby permitted shall be restricted to the area shown on approved drawing number: Drawing No. 100/02.

REASON: To safeguard the predominant office use of the building thereby according with saved policy EM14 of the Harrow Unitary Development Plan (2004).

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

08:00 hours to 18.00 hours Monday to Friday

and at no time on Saturday, Sundays or Bank Holidays

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

5 The development hereby permitted shall be carried out in accordance with the following approved plans: Chamberlain Commercial market report; Site Plan; 100/01; 100/02; Planning Statement; Statement prepared by Harrow International Business School

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

### **National Planning Policy:**

Draft National Planning Policy Framework 2011

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

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

2.7 – Outer London: Economy

2.17 – Strategic Industrial Locations

4.1 – Developing London's Economy

4.2 – Offices

7.2 – An Inclusive Environment

7.3 – Designing Out Crime

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

SEM1 – Development of the Borough's Regeneration Strategy

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

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

EP25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Item 2/04 : P/2333/11 continued/...

Plan Nos: Chamberlain Commercial market report; Site Plan; 100/01; 100/02; Planning Statement; Statement prepared by Harrow International Business School

**GARAGES ADJACENT TO MAYFIELD HOUSE, P/1629/11  
MAYFIELD AVENUE, HARROW, HA3 8EX**

Ward: KENTON WEST

CHANGE OF USE FROM LOCK UP GARAGES TO OFFICES (SUI GENERIS TO CLASS B1); PART DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF SINGLE STOREY EXTENSION WITH EXTERNAL ALTERATIONS

**Applicant:** Messrs S & G, Mrs K, Ms G Randhawa

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** | 07-SEP-11

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## **RECOMMENDATION**

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

## **REASON**

The decision to grant planning permission has been taken having regard to the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for business use, as well as to all relevant material considerations including any comments received in response to publicity and consultation. The proposed use is considered to be acceptable and appropriate for its town centre location. The proposed external alterations to the building would improve the appearance of this back of shops area and the proposed use and extension would have an acceptable impact on the amenities of neighbouring residents and on local highway conditions.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

### **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:**

7.2 – An Inclusive Environment

7.4 – Local Character

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

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

D10 – Trees and New Development

EP25 – Noise

EM22 – Environmental Impact of New Business 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: Access For All (2006)

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

- 1) Principle of Development (PPS1, PPS4)
- 2) Character and Appearance of the Area (7.4, D4, D7, D10, EM22, SPD)
- 3) Residential Amenity (EM22, EP25, SPD)
- 4) Employment and Retail Policy (PPS4)
- 5) Traffic and Parking (T6, T13, EM22)
- 6) Accessibility (7.2, C16, SPD)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

**INFORMATION**

This application is reported to the Committee because the recommendation is to grant the application and a petition totalling 29 signatures in objection has been received. The application therefore has to be reported to Committee under Category 18 of the Schedule of Delegation.

**a) Summary**

Statutory Return Type: 14. Minor Offices

Council Interest: None

**b) Site Description**

- Single storey row of 12 vacant lock up garages (now part demolished), occupying land between a service road and the gardens of residential dwellings on Mayfield Avenue.
- The site is located within Kenton Local Centre, at its northern edge and forms a transitional zone between the principal town centre development and the suburban residential dwellings.
- To the south east is the service road to the rear of the parade No.162-190 Kenton Road, a three storey parade comprising a mixture of retail and commercial uses, with residential flats above. The service road is accessed from Mayfield Avenue.
- To the south west is Mayfield House, a single storey building with habitable roofspace comprising an office on the ground floor, with a residential flat above. Beyond Mayfield House is Mayfield Avenue itself.
- To the north west of the site are the rear gardens of the residential dwellings on Mayfield Avenue.
- To the north east is Fitzgerald House, a 2/3 storey office building.

**c) Proposal Details**

- Change of use of the lock up garages to offices (Sui Generis to B1), including a single storey extension to the north, to provide 198m<sup>2</sup> of office space including ancillary facilities.
- The single storey extension would have a projection of 950mm, covering a former access path, and would have a maximum height of 2.9 metres, reducing to 2.4 metres at the eaves with a chamfered edge.
- External alterations are proposed, replacing the existing garage doors with brick walls and timber and glazing panels. Two new doors are proposed, one in each of the end garages.
- An additional layer of insulation is proposed to the roof of the garages, which would raise the roof height by 150mm (maximum height of the altered garages would be 2.9 metres).
- The proposed offices would incorporate internal refuse storage, accessible toilet, cycle parking and shower facilities.

**Revisions to Previous Approval (ref P/2327/09):**

- This application proposes a change of use to offices, as did the previous application.
- However, a single storey extension is now proposed over the existing access path to the north of the building.
- The external alterations to the southern elevation, facing the service road, have also been amended from timber and glazing to brickwork with timber and glazed panels.

**d) Relevant History**

P/2392/04/CFU	Detached 2 storey building to provide 6 office units (Class B1) and 6 studio flats	REFUSED 11-NOV-04
P/3171/04/DOU	Outline: Part single, part 3 storey building to provide 6 office units (B1) and 4 flats with parking	REFUSED 27-JAN-05 APPEAL DISMISSED 04-NOV-05
P/2811/05/DOU	Outline: Demolition of garages, single and 2 storey extension to 1a Mayfield Avenue to provide 4 flats and 7 office suites (Class B1)	REFUSED 23-JAN-06 APPEAL DISMISSED 02-OCT-06
P/2327/09	Change of use from lock up garages to offices (Sui Generis to Class B1) with external alterations	GRANTED 15-JUN-10

**e) Pre-Application Discussion**

- N/A.



**f) Applicant Statement**

- Design and Access Statement.
- Travel Plan.

**g) Consultations:**

**Adjoining Authority (Brent):** Objection. The loss of the garage court and the lack of provision for servicing of the extended offices would be likely to increase the demand for on-street parking and loading space along Kenton Road and in residential roads to the south within the remit of Brent Council, to the detriment of the free and safe flow of traffic in the area.

**Highways Engineer:** The alterations proposed as part of this revised application have not altered my original comments made for the extant permission, therefore no objection. Original comments were: *If the loss of the current use of the lock up garages is taken into account then the net generation of additional vehicle use intensification is likely to be minimal given the context of the location, i.e. good sustainability and comprehensive on-street parking controls. A travel plan is needed to reinforce these existing parameters.* This Travel Plan was provided and considered acceptable and also forms part of this application.

**Notifications:**

Sent: 156

Replies: 14 (including a petition with 29 signatures in objection)      Expiry: 19-AUG-11

**Addresses Consulted:**

- 1-43 (conc) Mayfield Avenue;
- 1-42 (conc) Willowcourt Avenue;
- 2, 6, 11, 26 and 30 Carlton Avenue;
- 6 and 8 Becmead Avenue;
- 140-206 (even) Kenton Road (including flats above).

**Summary of Response:**

- Would adversely affect the service road and servicing of shops, including refuse storage;
- Would cause congestion and parking problems;
- Inadequate parking provision;
- Potential for noise and disturbance and pollution to residents;
- Loss of privacy, development would overlook gardens;
- New boundary wall would be overbearing and would adversely affect outlook from No.1 Mayfield Avenue;
- There is already a lot of unoccupied offices in the area;
- Concern over the use class of Mayfield House;
- The proposed office building would be out of character with the area and the amendments to the service road elevation would have a poor appearance;
- The applicant does not own the strip of land between the garages and No.1 Mayfield Avenue;
- Potential impact on a coniferous tree in the rear garden of No.1 Mayfield Avenue;

- The proposed offices would provide inadequate accommodation for future occupiers, particularly due to lack of light;
- The proposed entrance door onto the service road would be unsafe;
- Inadequate provision for refuse storage;
- Concern over works carried out without planning permission;
- The applicant has a history of breaching planning regulations;
- Could lead to the applicant applying for other developments at a later date, given the steel girders being used;
- The proposal fails to comply with Building Regulations or Health and Safety Regulations.

## **APPRAISAL**

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

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land. As the site currently comprises a row of lock up garages, it is considered to be previously developed land. The conversion and extension of an existing building is considered acceptable in principle, subject to the implications of the use proposed, which is discussed in more detail below. The principle of an office development is considered acceptable in this town centre location and would be consistent with the character of the area. An office (B1) use is defined in the Use Classes Order as 'being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. So by definition therefore, an office use should not be detrimental to the amenities of neighbouring residents. An extant permission exists for the conversion of the lock up garages to offices, so the principle of the use has previously been accepted on this site.

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

The row of lock up garages that previously occupied the site prior to demolition works had a dated appearance and did not contribute positively to the character and appearance of this service road. As discussed during the approval of the previous application (ref P/2327/09), the proposed change of use to offices would introduce activity to this back of shops area, at a level appropriate to this edge of centre location. Concerns have been raised that the office use would be out of character in this location. However it is noted that Mayfield House, to the south west of the site and Fitzgerald House, to the north east, are both in use as offices and both occupy similar locations in the transitional area between the shopping parade to the south east and the residential properties to the north west. It is therefore considered that the proposed office use would be entirely appropriate in this location and consistent with the prevailing character of the area.

The proposed extension would project 950mm towards the side boundary of No.1 Mayfield Avenue, extending over an old access path to the rear of the garage block. It would be modest in scale and would not increase the height of the building as compared to the previous approval. Whilst the proposed external alterations to the service road (south) elevation would incorporate less glazing than the previous approval, an improved appearance would still result, with the existing garage doors being replaced with brickwork and timber screens and doors. Glazing of these doors would enable natural surveillance of the service road during office hours. Samples of the proposed bricks and roofing material have been submitted with the application and are considered to be acceptable.

The proposed extension would be constructed on top of the concrete plinth that currently forms the foundations for the garage block and would therefore not adversely impact on any nearby trees.

### ***Refuse Storage***

Refuse storage for paper waste is proposed within the offices and this is considered to be an appropriate arrangement. The small amount of additional waste that would arise from an office of this size is proposed to be stored within the existing arrangement at the front of Mayfield House, which is also within the applicant's ownership. Given the modest size of the office and the small amount of non-paper waste that would be generated, it is considered that the proposal to share the existing arrangement would be acceptable.

### **3) Residential Amenity**

The proposed extension would occupy the existing pathway between the garages and the boundary of No.1 Mayfield Avenue. It would therefore bring the building 950mm closer, to almost abut the side boundary of this neighbouring residential dwelling along its full depth of 34 metres. However, as the proposed section drawing shows, the extension would have a chamfered roof design, which would ensure that the height close to the boundary with No.1 Mayfield Avenue would not be significantly higher than a standard 2 metre high boundary fence, rising to 2.9 metres, 900mm from this boundary. It is considered that the extension has been designed to minimise the impact on the occupiers of No.1 Mayfield Avenue and, given that the proposal is to extend an existing building, it is considered that the extension would not be unduly overbearing and would not result in an unacceptable loss of light to the occupiers of this neighbouring residential dwelling.

The application proposes to install rooflights in the chamfered roof, facing No.1 Mayfield Avenue to provide light to the proposed offices. However, as the submitted section drawing demonstrates, these rooflights would be 2.4 metres above the floor level of the finished building and would therefore not result in overlooking of the adjacent garden or dwelling. It is recommended that a condition be imposed to ensure that these rooflights are obscure glazed and fixed closed, to ensure an acceptable relationship with the adjoining property. It is considered that there would be no undue impact on the occupiers of No.1 Mayfield Avenue in terms of light pollution, as the office use would be limited to between 07.30 hours and 18.30 hours, Monday to Saturday.

The proposed office use falls within the B1 use class which, by definition, would not be detrimental to the amenities of neighbouring residents. As discussed, the area between the shopping parades along Kenton Road and the residential properties on Mayfield Avenue is characterised by office uses. It is therefore considered that the scale of the proposed office use would not give rise to excessive activity and disturbance in relation to nearby residential premises. The proposal would therefore comply with criteria A and B of saved UDP policy EM22. Discussion of the remaining criteria is undertaken below.

#### **4) Employment and Town Centre Policy**

The proposal would introduce a new office use to this edge of centre location which, as discussed, is considered acceptable in principle in the context of PPS4. Concerns have been raised that there is vacant office accommodation in the locality. However, the proposal would provide a small scale office use, and in addition it is considered that, for a Centre of its size, Kenton does not have an over-provision of office space. It is therefore considered that the proposed small scale office use would not be detrimental to the viability of existing offices in the Local Centre or other nearby centres, which are likely to attract different occupiers.

It is considered that the likely levels of activity generated from the proposed use would not adversely affect the function of the service road. The modest sized proposed office unit would not attract significant volumes of service traffic, and only 12 full time members of staff are likely to be employed. The proposal would therefore not adversely affect the vitality and viability of the existing shops and businesses along Kenton Road.

#### **5) Traffic, Parking and Pedestrian Safety**

The site is considered to be in an accessible location, close to local bus routes and Kenton London Underground Station. Whilst the garages themselves and proposed office unit would not incorporate off street parking spaces, there are three parking spaces on the frontage of Mayfield House, which is also within the application site. This would result in an over-provision of parking spaces, when the floor areas of the existing office at Mayfield House and the proposed offices are combined. This over-provision is considered to be acceptable, given that the three parking spaces currently exist and serve a smaller office area.

The applicant has submitted a Travel Plan to support the proposal, which previously supported the earlier application (ref P/2327/09), and the proposed floor plans show an internal cycle storage area to encourage employees to cycle to work, as per the approved scheme. As discussed, the site is well located for public transport links and is close to London Cycle Network Route 88. The Council's Highways Engineer and Sustainable Transport Co-ordinator consider that the submitted Travel Plan adequately addresses any potential concerns about the highways impact. Given the conclusions of the Travel Plan, it is considered that the proposed use would not result in an unacceptable increase in on street parking, nor would it be detrimental to highway safety. A condition is imposed to ensure that the proposals contained within the Travel Plan are implemented prior to occupation. The proposal would therefore comply with Criteria C of saved UDP policy EM22.

The entrance to the proposed offices would be located adjacent to the service road, although there is a low pavement with a width of 1.3 metres between the building and the service road. Given the scale of the proposed use, it is considered that the users of the offices would not be unduly affected in terms of pedestrian safety. The proposed entrance would have a similar siting to the neighbouring entrance to the first floor flat at Mayfield House and there would be an adequate footway for pedestrian use. It is considered that the number of deliveries associated with the proposed office use would not be so significant as to result in undue congestion in the service road.

The lock up garages are currently vacant and underused. They do not serve neighbouring properties for parking or storage purposes and the loss of these garages would therefore not be objectionable. The proposal would therefore comply with Criteria D of saved UDP policy EM22.

**6) Accessibility**

The proposed external alterations would incorporate level access from the service road pavement and an accessible toilet would be provided internally. It is therefore considered that the proposal would comply with the Council's SPD on accessibility and would be fully accessible to all.

**7) S17 Crime & Disorder Act**

It is considered that the proposal would not give rise to undue security concerns and would therefore be acceptable in relation to this legislation.

**8) Consultation Responses**

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

- The applicant has a history of breaching planning regulations: This is not a material consideration, as proposals are to be judged on their planning merits.
- Could lead to the applicant applying for other developments at a later date: This is not a consideration in relation to this application as the applicant is legally entitled to make further applications. Any further application would have to be assessed on its individual merits.
- The proposal fails to comply with Building Regulations or Health and Safety Regulations: These regulations are not material planning considerations.
- The applicant does not own the strip of land between the garages and No.1 Mayfield Avenue: The applicant has outlined this area in red on the submitted site plan, therefore satisfying planning requirements in this regard. In any case, land ownership is not a planning matter.
- The proposed offices would provide inadequate accommodation for future occupiers: This is not a material planning consideration, as it is covered by other legislation.
- Concern over the use class of Mayfield House: This is not related to this proposal. However, Mayfield House is in use as offices on the ground floor (Class B1), with a residential flat above (Class C3).

## **CONCLUSION**

For all the reasons considered above, the proposed use is considered to be acceptable and appropriate for its town centre location. The proposed external alterations to the building would improve the appearance of this back of shops area and the proposed use would not have an adverse impact upon the amenities of neighbouring residents and on local highway conditions. The proposal is therefore recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 01; 02; 03; 04; Site Plan; Design and Access Statement; Travel Plan.

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

3 The development hereby permitted shall be constructed using the materials hereby approved (Dorking Multi Brick Sample; Staffordshire Smooth Blue Brick Sample; Anderson Glastex Capsheet; Polyflex SBS Polyester Capsheet) and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and to ensure compliance with saved UDP policy D4.

4 The premises shall be used for the purpose specified in the application and for no other purpose, including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, the viability of the shopping parade and in the interests of highway safety, to comply with saved UDP policies D4, EM22 and T6.

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

REASON: To safeguard the appearance of the locality and to comply with saved UDP policy D4.

6 The Proposed Travel Planning Measures outlined within the approved Travel Plan shall be implemented upon occupation of the development hereby approved.

REASON: To ensure that employees and visitors are made aware of the travel options available, in the interests of highway safety and to ensure compliance with saved UDP policies T6 and T13.

7 The use hereby permitted shall not operate outside the following times:-  
07.30 hours to 18.30 hours, Monday to Saturday inclusive and at no times on Sundays or Bank Holidays, without the prior written permission of the local planning authority.  
REASON: To safeguard the amenity of neighbouring residents and to comply with saved UDP policy EM22.

8 The rooflights in the northern flank elevation of the extension hereby permitted shall be obscure glazed and fixed closed and thereafter retained in that form.  
REASON: To safeguard the amenity of neighbouring residents and to comply with saved UDP policy EM22.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A and B in Part 41 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 amenity of neighbouring residents, in line with the requirements of saved UDP policies D4 and EM22.

## **INFORMATIVES**

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

The decision to grant planning permission has been taken having regard to the policies and proposals in The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for business use, as well as to all relevant material considerations including any comments received in response to publicity and consultation. The proposed use is considered to be acceptable and appropriate for its town centre location. The proposed external alterations to the building would improve the appearance of this back of shops area and the proposed use and extension would have an acceptable impact on the amenities of neighbouring residents and on local highway conditions.

National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

The London Plan Policies:

7.2 – An Inclusive Environment

7.4 – Local Character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

D10 – Trees and New Development

EP25 – Noise

EM22 – Environmental Impact of New Business 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: Access For All (2006)

## 2 PARTY WALL ACT

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

Plan Nos: 01; 02; 03; 04; Site Plan; Design and Access Statement; Travel Plan; Dorking Multi Brick Sample; Staffordshire Smooth Blue Brick Sample; Anderson Glastex Capsheet; Polyflex SBS Polyester Capsheet.



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**58-212 (evens) FRANCIS ROAD, HARROW, HA1 2QU**      **Item: 2/06**  
**P/2703/11**  
Ward: GREENHILL

RENEWAL OF WINDOWS; INSTALLATION OF RAINSCREEN CLADDING; EXTENDED BALCONIES WITH ASSOCIATED SCREENING AND ASSOCIATED WORKS

**Applicant:** Harrow Council  
**Case Officer:** Andy Parker  
**Statutory Expiry Date:** | 12-DEC-11

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## RECOMMENDATION

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

The decision to recommend grant of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2011), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. The external alterations are not considered to be detrimental to the character and appearance of nos.58-212 (evens) Francis Road, or the visual amenities of the street scene or the surrounding area. The external alterations would not be detrimental to the amenities of nearby residents and the overall improvement works to this block of flats would create an improved environment for future occupiers.

### National Policy Guidance

Planning Policy Statement 1 – Delivering Sustainable Development [2005]  
Draft National Planning Policy Framework (2011)

London Plan (2011)  
Policies 7.4B, 7.6B

### Harrow Unitary Development Plan:

D4 The Standard of Design and Layout  
D5 New Residential Development-Amenity Space and Privacy

### Supplementary Planning Documents:

Residential Design Guide (2010)

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

- 1) Character and appearance of the area (London Plan Policy policies 7.4B and 7.6B, D4, Harrow Residential Design Guide (2010)
- 2) Residential Amenity (D5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## INFORMATION

This application is reported to committee as the proposal involves minor development on Council owned land up to and including 100m<sup>2</sup> of floor space of land owned by the Council, and therefore falls outside category 6 of the Council Scheme of Delegation.

**a) Summary**

Statutory Return Type: (E)13 Minor Dwellings  
Site Area 7080m<sup>2</sup>  
Floor Area Not applicable  
Council Interest: YES

**b) Site Description**

- This application concerns a three storey row of flats nos. 58-212(evens) Francis Road located on the north-eastern side of Francis Road.
- The flats were constructed in the 1970's.
- The site comprises 13, 3 storey blocks which are attached to one another.
- The 13 blocks are made up of 78 dwellings (flats). 64 of the flats are tenanted properties and 14 are leaseholders.
- The blocks of flats have an overall depth of 9m and have an overall width of 386m.
- The blocks of flats are staggered. The 2 blocks of flats nos. 58-80 (evens) are built on the same building line, being set back by 13m from the road frontage, The adjoining two blocks of flats nos. 82-104(evens) are set back from the road frontage by a further 1.5m. The two blocks of flats nos. 106 to 126(evens) which adjoin nos. 82-104 are set back from the road frontage by a further 1.5m. The two blocks of flats nos.132 to 152(evens) project forward of nos. 106-126 (evens) by 1.5m.The two blocks of flats nos. 154 to 176 (evens) project forward of nos. 132-152 by 1.5m. The 3 blocks of flats nos.178 to 212(evens) project forward of nos. 154-176 (evens) by 1.5m.
- Each block has two sets of front balconies to recessed areas at ground and first floor level. The existing balconies have a depth of 0.75m.
- The balcony screens are 0.67m high.
- The main front elevation between the windows at ground, first and second floor level and balcony screens to the existing recessed area of the building are timber framed with shiplap zinc white covered powder coated cladding.
- The flank and rear elevations have facing cavity brickwork.
- The roofs are of a timber framed construction with a mono-pitch spanning from the ridge to the front eaves. The roof covering consists of a concrete interlocking tile with lead flashings.
- The windows to the blocks are a mixture of original single mill finish aluminium and new double glazed uPVC and aluminium that have been fitted to the individual flats and at the rear to kitchens and bathrooms.
- The entrance doors and side screens to the main communal staircase area of a timber construction.
- Brick screens which enclose the front gardens and refuse areas are located to the front of the properties.
- Each landing and intermediate landing contains a fixed aluminium single glazed window to the external wall.
- The north-east boundary of the site abuts the Bakerloo Line.
- The surrounding area is characterised by a mixture of two storey two properties which have a rendered finish (nos.55-89 (odd) Francis Road) and three storey terraced properties (nos. 1-16 odd) Moelyn Mews.

**c) Proposal Details**

- The proposal seeks planning permission for the renewal of windows; installation of rainscreen cladding; extended balconies with associated screening and associated works.
- The existing external cladding is to be replaced with a rainscreen cladding.
- The existing balconies are to be extended from the current depth of 0.75m to a maximum depth 1.32m deep. This cladding extends returns to the flank walls to a depth of 1.7m.
- 1.1m high barrier guards are to be installed to the extended balconies to comply with Health and Safety Regulations.
- Between the blocks of flats the balconies would be screened by a 0.35m wide and 1.6m high sandblasted glass partition,
- A timber decking balcony floor is to be installed over the existing balcony/planter.
- The front windows and patio doors are to be replaced with double glazed frames.
- The rear windows which have an original mill finish are to be replaced with white uPVC.
- The eaves at roof level are to be extended to create an overhang from the new cladding.
- The front entrance doors and rear lobby entrance doors are to be replaced with double glazed cladding.
- The colour scheme would be as follows:
- Main front facade: Panels-Silver metallic - Trespa Meteon
- Rear façade above window heads to stairwell windows and small narrow dining room windows: Azurite Blue metallic: M 21.3.4 - Trespa Meteon
- Windows and main communal entrance door: to main entrance RAL 7031 Light Grey (Sytha Pulvin Plus Ref: 67)
- Balcony wall Recesses: Azurite Blue metallic: M 21.3.4 - Trespa Meteon
- Balcony door screens and ground floor patio doors: Dark Blue - Ral 5013 (Sytha Pulvin Plus Ref: 37)
- Balcony Panels - Mesh : Dark Blue - Ral 5013 (Sytha Pulvin Plus Ref: 37)
- Balcony Framing: stainless steel.
- Rainwater Goods:-
- Aluminium seamless:
- Gutters: Anthracite Dark Grey Ral 7016 (Sytha Pulvin Plus Ref: 72)
- Down pipes: Dark Grey RAL 7040 (Sytha Pulvin Plus Ref: 61)

**Revisions to Previous Application:**

- Not applicable.

**d) Relevant History**

LBH/9306	DEMOLITION OF EXISTING HOUSES AND ERECTION OF 3 STORIED BLOCK OF 36 FLATS WITH PARKING AREAS AND ACCESS ROAD	GRANTED 16-JUL-73
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LBH/9306/1	DEMOLITION OF EXISTING HOUSES AND ERECTION OF 3 STORIED BLOCK OF 36 FLATS WITH PARKING AREAS AND ACCESS ROAD. PHASE II	GRANTED 28-AUG-73
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**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- The proposed works involve the renewal of windows, rainscreen cladding and associated internal and external works. The scheme is instigated under the 'Decent Homes Enveloping' and 'Windows Programme'.

**g) Consultations**

Transport for London: No response at the time of writing this report.

<b>Advertisement:</b>	Not applicable	Expiry Not applicable
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<b>Notifications:</b>		
Sent: 115	Replies: 0	Expiry: 09-MAY-11

**Addresses consulted**

52-212 evens Francis Road

122, 124 Elmgrove Crescent  
55-89 (odd) Francis Road  
Unit 1 Hawthorn Centre, Elmgrove Road  
Unit 2 Hawthorn Centre, Elmgrove Road  
1 Hill Crescent  
8,9,10,11,12,13,14,15,16 Moelyn Mews  
Scout Hall Kenmore Avenue  
Kenton Recreation Ground, Carlton Avenue, Kenton

**Summary of Responses:**

- Not applicable

**APPRAISAL**

**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.

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

London Plan Policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which comprise details and materials that compliment, not necessarily replicate, the local architectural character. Development should not be harmful to the amenities of surrounding land and buildings.

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 siting, number and overall scale of the renewal of the proposed windows would not be altered. However, the proposed renewal of the existing fenestration and proposed materials to the proposed elevations would give the building a more contemporary design.

The properties nos.55-89 (odd) Francis Road are two storey terraced properties which have a light rendered finish.

It is considered that the proposed replacement rainscreen cladding to the main front elevation and return to the flank walls which has a silver colour would remain light in tone and neutral in colour in keeping with character of the existing building and the surrounding area.

The existing building has an overall length of 386m and the 1.5m stagger between the blocks does not significantly break up the building line of this block of flats which fronts onto Francis Road. The existing block of flats therefore have a strong horizontal emphasis and this exaggerates the substantial overall width of this row of properties.

The proposed colour scheme aims to break up the appearance of the front elevation. In this respect, the proposed dark blue balcony screen and proposed light blue of the associated recessed area would provide an accent of colour to the building which is considered to complement the silver cladding of the main façade. The difference in colour would emphasise the existing recessed areas and would help to break up the strong horizontal emphasis when viewed from Frances Road.

The proposed alterations to the flank and rear elevations are not significant and would therefore have a minimal impact on the visual amenities of the surrounding area.

A residents meeting was held on 12/10/2011 and residents were generally supportive of the proposed colour scheme. Some residents were a little concerned that the silver/grey Trespa facade panel would be like a mirror.

However, it was demonstrated that the silver cladding was considerably less bright, more dulled than the white of the existing building. It was originally intended that the proposed communal entrance doors would be red. Some strong objections were raised to this colour and it has therefore been decided that the colour of the communal entrance doors be changed to silver to reflect the colour of the windows above.

The proposal is not therefore considered to be detrimental to the visual amenities of the street scene, or the character and appearance of the surrounding area and would comply with Policies 7.4, 7.6 of the London Plan (2011) and saved policies D4 of the Harrow UDP and the Council's adopted Supplementary Planning Document: Residential Design Guide 2010).

**2) Residential Amenity**

As discussed above, no alterations are proposed to the siting and number of the existing windows. The alterations to the existing balconies are considered to be minor in nature. The proposal is not therefore considered to have a detrimental impact on the amenities of the occupiers of surrounding properties and is considered to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses**

Not applicable.

**CONCLUSION**

The external alterations are not considered to be detrimental to the character and appearance of the existing flats. The external alterations would not be detrimental to the amenities of nearby residents. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following condition and informative.

**GRANT** permission for the development described in the application and submitted plans, subject to the following condition(s):

1 The development hereby permitted shall 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 thereafter be retained in accordance with the following approved plans: Design and Access Statement; HC-PI 0013/104-REV A; HC-PI 0013/105/REV; HC-PI 0013/100-1/REV; HC-PI0013/102/REV; HC-PI 0013/103/REV; HC-PI 0013/101/ REV D

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

3 The development hereby permitted shall thereafter be retained in accordance with the materials as specified on drawing number HC-PI 0013/101/ REV D unless otherwise agreed in writing by the local planning authority.

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

### **INFORMATIVES**

1 INFORMATIVE: The decision to recommend grant of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2011), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations. The external alterations are not considered to be detrimental to the character and appearance of nos.58-212 (evens) Francis Road, or the visual amenities of the street scene or the surrounding area. The external alterations would not be detrimental to the amenities of nearby residents and the overall improvement works to this block of flats would create an improved environment for future occupiers.

### **National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development [2005]  
Draft National Planning Policy Framework (2011)

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

Policies 7.4B, 7.6B

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

D4 The Standard of Design and Layout

D5 New Residential Development-Amenity Space and Privacy

### **Supplementary Planning Documents:**

Residential Design Guide (2010)

Plan Nos: Design and Access Statement; HC-PI 0013/104-REV A; HC-PI 0013/105/REV; HC-PI 0013/100-1/REV; HC-PI0013/102/REV; HC-PI 0013/103/REV; HC-PI 0013/101/ REV D

DEMOLITION OF PAIR OF SEMI-DETACHED DWELLINGHOUSES (NOS. 647 & 649 KENTON LANE); REDEVELOPMENT TO PROVIDE DETACHED PART THREE STOREY/PART TWO STOREY BUILDING, PLUS BASEMENT COMPRISING EIGHT SELF CONTAINED FLATS; LANDSCAPING; REFUSE AND BICYCLE STORES AND ASSOCIATED PARKING AND VEHICLE ACCESS; 2.1 M HIGH BOUNDARY FENCE AT REAR

**Applicant:** M & K Builders Ltd  
**Agent:** Tw-2 Architects  
**Case Officer:** Olive Slattery  
**Statutory Expiry Date:** | 14-NOV-11

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## RECOMMENDATION

**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 more efficient use of land for housing, as well as to all relevant material considerations including the Planning Inspectors conclusions in dismissing a previous appeal on this site, comments received in response to publicity and consultation. The proposed development is considered to be acceptable in terms of character and appearance of the area and would not adversely affect the amenities of neighbouring occupiers or highway safety. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual, transport, ecological or other impacts that would warrant refusal of planning permission.

### **National Planning Policy Statements / Guidance:**

Draft National Planning Policy Framework [NPPF]

PPS1 Delivering Sustainable Development (2005)

PPS3 Housing (2010)

PPG13 Transport (2001)

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

3.3 – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.5 – Quality and Design of Housing Developments

3.8 – Housing Choice

3.14 – Existing Housing

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

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

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

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- H10 – Maintenance and Improvement to Existing Housing Stock
- EP12 – Control of Surface Water Run-Off
- EP14 – Development Within Areas at Risk From Sewerage Flooding
- EP15 – Water Conservation
- EP20 – Use of Previously-Developed Land
- EP25 - Noise
- C16 – Access to Buildings and Public Spaces

**Supplementary Planning Documents / Guidance:**

- Supplementary Planning Document – Residential Design Guide (2010)
- Supplementary Planning Document - Accessible Homes (2010)
- Supplementary Planning Document – Sustainable Building Design (2009)
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

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

- 1) Principle of Development (PPS1, PPS3, London Plan Policies 3.3, 3.4, 3.8 and 3.14, saved UDP policies EP20 and H10)
- 2) Character and Appearance of the Area (London Plan Policies 7.1D, 7.4B, 7.5 and 7.6B, saved UDP policy D4, SPD)
- 3) Residential Amenity (London Plan Policy 7.4B, saved UDP policy D5, EP25, SPD)
- 4) Traffic, Parking, Drainage and Ecology (PPS 1, PPG 13, saved UDP policies T6, T13, EP12)
- 5) Accessibility (London Plan Policies 3.8B, 7.1C, 7.2C and 7.6B, saved UDP policy C16, SPD – Accessible Homes)
- 6) Sustainable Development (London Plan Policies 5.2, 5.3, SPD)
- 7) S17 Crime & Disorder Act (London Plan Policy 7.3, saved UDP policy D4)
- 8) Consultation Responses

**INFORMATION**

This application is reported to the Committee as the proposal is for eight flats, and therefore it falls outside of the thresholds set by the Scheme of Delegation for the determination of new residential development.

**a) Summary**

Statutory Return Type:	E.13 Minor Dwellings
Site Area:	0.13 hectares, 1300 sq m
Density:	61.5 dph, 169.4 hrph,
Car Parking	Standard: 9.6 Provided: 10
Council Interest:	None

**b) Site Description**

- Kenton Lane is a Borough Distributor Road which rises from south to north. Whilst predominantly residential, Kenton Lane does have a number of commercial properties along its length.
- The subject planning application applies to a site located on the eastern side of Kenton Lane.
- The application site is currently occupied by a pair of adjoining, semi-detached properties.
- Each of the semi-detached properties has a hipped, pitched roof profile and a two storey bay window with a front gable.
- No. 647 Kenton Lane is a three-bedroom property with an attached single storey side garage. No. 649 Kenton Lane is a four-bedroom property which has been extended by way of a two-storey side extension.
- To the north of the application site lies a flatted development 'Russell Mead', which is a circa 1970s development. It consists of a relatively utilitarian three-storey block of flats and is sited at an angle to No. 649 Kenton Lane.
- To the south of the application site lies No. 645 Kenton lane, which contains a two-storey, semi-detached dwellinghouse of similar architectural style as the dwellinghouses on the application site.
- The rear gardens of No. 647 and 649 Kenton Lane have respective depths of 35.9m and 48.3m.
- The application site is not within in a Conservation Area or within the setting of a Listed Building. The site is not within a Controlled parking Zone or a Flood Risk Zone.

**c) Proposal Details**

- Full planning permission is sought for the redevelopment of the plot. This would comprise of the demolition of the existing pair of semi-detached properties (No. 647 + No. 649) and the construction of a single building comprising of eight self-contained flats.
- The proposed building would be set over three/four floors, inclusive of an undercroft basement for the parking of nine vehicles.
- The proposed flats would occupy the three floors of the building.
  - Two two-bedroom flats (three person) are proposed at ground floor level.
  - Four one-bedroom flats (two person) are proposed at first floor level.
  - Two two-bedroom flats (four person) are proposed at second floor level.
- The building would be comprised of a three-storey element sited towards the shared boundary with 'Russell Mead', and a two-storey element sited towards the shared boundary with No. 645 Kenton Lane.

- the building would have a series of hipped pitched roof profiles. The three-storey element would have a maximum height of 11.1 m from the adjacent ground floor level, and the two-storey element would have a maximum height of 9.1 m from this point.
- The building would be sited on broadly the same footprint of the existing semi-detached properties, albeit larger than the existing.
- It would have a maximum width of 18.4 m and a maximum depth of 17.2 m.
- The scale, massing and bulk of the building would be broken up by front and rear protruding bays.
- The main front wall of the building would be set back 11.3m from Kenton Lane and would follow the established building lines by No. 645 Kenton and Russell Mead flats.
- Within the property forecourt, one parking bay for persons with disabilities is proposed, together with a mix of hard and soft landscaping.
- Communal amenity space is proposed at the rear of the building for the intended occupiers of the flats. Within this space soft landscaping together with decking and a building for cycle storage is proposed.
- A private balcony for each flat would be incorporated into the design of the proposed building.
- The proposed cycle storage building would be 6 m wide by 4.6 m deep and would be 2 m high.

**d) Revisions to Previous Application:**

Following the previous planning application for eight flats (P/2855/10) the following amendments have been made:

- The design of the proposed building has been revised. Previously, a building with a contemporary design was proposed. This previously proposed building had a flat roof and windows with a horizontal emphasis. Under the current planning application, a building with a series of hipped, pitched roof profiles is proposed. The buildings' façades and associated fenestration has been revised accordingly.
- Whilst minor revisions to the footprint of the proposed building are proposed, the footprint overall would be similar to that of the previous scheme. These revisions include:
  - the provision of projecting bays at the front and rear elevations,
  - a revised footprint for the proposed refuse storage area, towards the shared boundary with No. 645 Kenton Lane,
  - the front wall of the building (at ground floor level) would align with the front wall of No. 645.
- The siting of the proposed building and its relationship to site boundaries has not been revised under the current proposal.
- The internal layout of the building has been revised in response to the revised design of the building.
- Under the current planning application, 16 solar panels are proposed on the southern roofslope.

**e) Relevant History**

P/1405/10	Demolition of existing building; Redevelopment to provide detached three storey building comprising eight self-contained flats; landscaping; refuse and associated parking	WITHDRAWN
P/2855/10	Demolition of existing building; Redevelopment to provide detached three storey building comprising eight self-contained flats; Landscaping; Refuse Storage and Associated parking; 2.1 m high boundary fence	REFUSED 21-DEC-10  DISMISSED APPEAL 09-JUN-11

**Reasons for Refusal:**

1. The proposed development, by reason of the number of units proposed, the contemporary design, bulk and massing, is considered to be an overdevelopment of the site, and would be detrimental to the character and appearance of the immediate area which is predominantly characterised by traditional semi-detached dwellings, contrary to Planning Policy Statement 3: Housing (2010), policies 4B.1 and 4B.8 of the London Plan (2008), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Guidance, Designing New Development (2003).
2. The proposed development, by reason of the insufficient off-street car parking provision, would result in a detrimental impact on the safety and convenience of users of the adjacent public highway, contrary to Planning Policy Guidance Note 13: Transport (2001) and saved policy T13 of the Harrow Unitary Development Plan (2004).

P/2321/11	Demolition of pair of semi-detached dwellinghouses (No:s 647 + 649 Kenton Lane); Redevelopment to provide a terrace of 4 x 4 bed dwellinghouses (two-storey with habitable roof space); Landscaping ; Refuse storage and associated parking	REFUSED 20-OCT-11
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**Reasons for Refusal:**

1. The proposed dwellinghouses, by reason of poor design, lack of setting space, terraced form and unacceptable forecourt layout would give rise to an unsatisfactory, inappropriate, obtrusive form of development which would be at odds with the predominant pattern of development in the area, to the detriment of the character and appearance of the surrounding area, contrary to policies 7.1D, 7.4B and 7.6B of The London Plan (2011), saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

2. The proposal, by reason of excessive amounts of hard surfacing on the property forecourt and the unsatisfactory siting of refuse storage would be unduly obtrusive and unattractive in the streetscene and would fail to achieve a high quality of forecourt greenery, to the detriment of the character and appearance of the properties and the area, contrary to policy 7.4B of The London Plan (2011), saved policies D4 and D9 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document - Residential Design Guide (2010).
3. The dwellinghouses, by reason of non-compliance with Lifetime Homes standards would provide substandard form of accommodation to the detriment of the future occupiers of the properties, contrary to policies 3.8, 7.1 and 7.2 of The London Plan (2011), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Accessible Homes (2010).
4. The proposed dwellinghouses, by reason of their design and excessive rearward projection, would result in overshadowing of and a loss of outlook from the neighbouring property, No. 645 Kenton Lane, and would have an obtrusive, overbearing visual impact when viewed from the rear gardens of neighbouring properties, and by reason of the provision of a side dormer in the southern roofslope would result in perceived overlooking of No. 645, to the detriment of the amenity of neighbouring occupiers, contrary to saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

**f) Formal Pre-Application Discussion**

- No formal pre-application advice has taken place since the Inspectors appeal decision (App/M5450/A/11/2146304).

**g) Applicant Statement**

- Design and Access Statement submitted

**h) Consultations:**

- **Highway Engineer:** No objection, subject to conditions
- **Landscape Architect:** No objection, subject to conditions.
- **Drainage Engineer:** No objection, subject to conditions
- **Thames Water:** No objection subject to conditions.

**i) Notifications:**

Sent: 45

Replies: 4 objections

Expiry: 12-NOV-10

**Summary of Responses:**

- The current dwellings on the site are not broken or in a state of disrepair
- Out of keeping with the surrounding area
- Will cause unnecessary disruption to people and wildlife in the area
- There is excessive water in the rear gardens of adjoining properties during winter - the proposal will serve to make this worse
- The proposal is remarkably like the planning applications made in 2010
- Noise/disturbance from traffic/car parking

- Road traffic and other safety concerns
- Detrimental to neighboring amenity
- Detrimental to the character of the area

## **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.

The appeal decision relating to the previous scheme for eight flats (ref APP/M5450/A/11/2146304) is a material consideration in the assessment of this current proposal. The Inspector referred to the design of the proposed building which would not be appropriate in its context as the sole reason for dismissing the appeal. As per section (d) above, the primary difference between this and the previously dismissed appeal scheme is the design of the proposed building.

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

National Planning Policy Statement 1 (Sustainable Development) (PPS1) and Planning Policy Statement 3 (Housing) (PPS3) are broadly supportive of the provision of new residential development within built up and sustainable locations.

No objection was raised, in the previous planning application (P/2855/10), to the principle of the demolition of the two existing semi-detached properties on the application site and the provision of one building to provide eight flats.

*PARAGRAPH 3 OF Planning Policy Statement 1: Delivering Sustainable Development (2005) states that 'Sustainable development is the core principle underpinning planning' and accordingly this Policy Statement PROVIDES THE PROCEDURAL CONTEXT FOR MAKING PLANNING DECISIONS, HIGHLIGHTS SUSTAINABLE DEVELOPMENT AS A KEY OBJECTIVE OF THE PLANNING SYSTEM AND PROVIDES GUIDANCE ON THE SIGNIFICANCE OF DESIGN ISSUES IN ACHIEVING THIS KEY OBJECTIVE. FOLLOWING ON FROM THIS, SAVED POLICY H10 OF THE HARROW UNITARY DEVELOPMENT PLAN (2004) STATES THAT 'THE COUNCIL WILL CONSIDER FAVOURABLY PROPOSALS FOR THE EXTENSION, ALTERATION AND/OR ADAPTATION OF RESIDENTIAL DWELLINGS, IN PREFERENCE TO REDEVELOPMENT, PROVIDING THIS WOULD NOT LEAD TO AN UNACCEPTABLE IMPACT ON ADJACENT PROPERTY OR THE LOCAL ENVIRONMENT'. In relation to this policy, the reasoned justification in paragraph 6.58 states that 'This accords with sustainable development principles, by achieving savings on the use of natural resources'. Thus, unless the replacement would bring about an overall improvement, there is a general presumption against the replacement of buildings under saved UDP policy H10.*

Under the subject planning application, a redevelopment of the plot is proposed such that the existing pair of semi-detached dwellinghouses would be demolished and replaced with a building to contain eight self-contained flats. As such, this proposal would in principle be contrary to the above policy context. However, S.38 (6) of the Planning and Compulsory Purchase Act 2004 states 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'. The Council is therefore required to consider whether there are any material considerations that would justify allowing a departure from the adopted policy. In this instance, the following is a material planning consideration.

Policy 3.3 of The London Plan (2011) sets out the target for housing supply for each London Borough, for Harrow this being a provision of 3,500 additional homes for the next ten years and an annual monitoring target of 350. Further to this, policy 3.8 of The London Plan (2011) encourages the borough to provide a range of housing choices in order to take account of the various groups who require different types of housing. It is considered that the subject proposal would make efficient and effective use of land whilst providing an increase in housing stock within the borough, in line with the objectives of PPS 3 (2010), the objectives of The London Plan (2011) and the Council's policies and guidelines. Having particular regard to this material planning consideration, no objection is raised with respect to the proposed re-development of the site.

National and Local planning policies seek to maximise the potential use of previously developed urban land to provide for future housing needs. Such development should be provided on previously developed land. In June 2010, a revised Planning Policy Statement 3 (Housing) was published which removed private residential gardens from the definition of 'previously developed land'. PPS 3 (2010) therefore redefines the status of such gardens as being undeveloped land. This in turn has implications with respect to relevant local planning policies. In the case of the Harrow Unitary Development Plan (2004), saved policy EP20 states that 'The Council will seek to secure all new build development to take place on previously-developed land, with the exception of ancillary development necessary to support appropriate open space, metropolitan open land and green belt uses'. The application proposes the demolition of an existing pair of semi-detached properties and its replacement with a part two and part three storey building with a basement to provide 8 flats. Given that the proposed building (8 flats) would be on land that is currently developed, and that the new building would be sited on a comparable footprint as the existing dwellinghouses, albeit that it would have a greater footprint, it is considered that the proposal would be consistent with PPS3 and is acceptable in principle. This view has been upheld in a recent Appeal Decision at The Bungalow, Alma Row, Harrow (APP/M5450/A/10/2127236), dated 15<sup>th</sup> November 2010.

Accordingly, the redevelopment of this site for residential purposes is considered to be consistent with Planning Policy Statement 3: Housing (2010), policies 3.3 and 3.8 of The London Plan (2011) and saved policy EP20 of the Harrow Unitary Development Plan (2004), as it proposes the redevelopment of the site while providing an increase in overall residential units in the Borough.

**2) Character of the Area**

Policy 7.4B states that 'Buildings, streets and open spaces should provide (amongst other factors) a high quality design response that (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, (c) is human in scale, ensuring building create a positive relationship with street level activity'. Policy 7.6B further states that 'Buildings and structures should, (amongst other factors), (b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. Following on from this, saved policy D4 of the Harrow UDP (2004) states that 'The Council will expect a high standard of design and layout in all development proposals'. It further states that "Buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces".

As set out in section (d) above, the proposal under the previous planning application (ref: P/2855/10) comprised of a contemporary-style building with flat roof and large windows with a horizontal emphasis. One of the two reasons for refusing this previous planning application was due to the proposed excessive number of units, along with the proposed contemporary design, bulk and massing of the structure which was considered would be detrimental to the character and appearance of the immediate area.

When considering the subsequent appeal (ref: APP/M5450/A/11/2146304), the Inspector noted that the footprint of the building 'would not be overly large compared to the existing dwellinghouses' and the height of the building would provide an acceptable transition in terms of scale' between Russell Mead and the semi-detached properties to the south of the site. As such, the Inspector did not agree with the Council's concerns with respect to the scale of the proposed development.

The footprint of the proposed building would be similar to the footprint of this previously refused building, and it would be sited in an identical position on the application site. Whilst it is acknowledged that a hipped, pitched roof has been included in the overall design of the building which is currently under consideration, it is considered that the overall scale of the building would be similar to the scale of the scheme previously considered. As such, no objection is raised in relation to the scale of the proposed building.



Notwithstanding this, the Inspector agreed with the Council's concerns in relation to the contemporary design of the previously proposed building. In dismissing the appeal against the Council's refusal, the Inspector noted the 'radically different approach of the proposed development' would be 'attractive in its own right' but in conjunction to 'Russell Mead', it would 'result in another discordant form of development in an area where the otherwise broad uniformity of design is an important overall characteristic', particularly as 'there is little to tie it in with the general pattern of the 1930's style development in the area'. This was the only basis for the Inspectors decision to dismiss this appeal.

Although the footprint and siting of the proposed building would be almost identical to the footprint and siting of this previously refused building, the design of the structure has been revised under the subject planning application. The proposed building would have a hipped, pitched roof profile with full gables at the front and rear. These design features are reflective of the 1930's style development in the surrounding area and as such would not detract from the character of the surrounding area. By providing a hipped, pitched roof profile and revised fenestration details (more in keeping with the overall style of the building), it is considered that the design of proposed building would provide a satisfactory relationship with neighbouring development.

The proposed building would comprise of both two and three-storey elements. This would serve to break up the massing of the proposed building in the streetscene, whilst providing a satisfactory level of proportion and balance. The proposed two-storey element would be sited towards the boundary with neighbouring semi-detached properties, while the proposed three-storey element would be sited towards the boundary with the flatted development 'Russell Mead'. Although projecting front gables are proposed, it is considered that these would not dominate the front elevation of the building. The proposed solar panels on the southern roof slope would not negatively impact upon the appearance of the building and would provide an acceptable streetscene impact.

Paragraph 4.21 of saved policy D4 recognises the contribution front gardens can make to the character of an area or locality. Saved policy D9 of the Harrow Unitary Development Plan (2004) sets out that the Council will seek to achieve high quality streetside greenness and forecourt greenery in the Borough, and will resist proposals that are over dominated by hard surfacing. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene. The layout of the property forecourt is identical to that proposed under the previously refused planning application. This layout provides an appropriate mix of hard and soft landscaping. The Council's Landscaping Officer has again raised no objection to this proposal, subject to an appropriate condition requiring full details of landscaping to be approved and implemented on the site prior to occupation of the building. On this basis, the application is considered to be acceptable and appropriate landscaping conditions have been suggested as part of this approval.

Paragraph 4.24 of saved policy D4 of the Harrow Unitary Development Plan (2004) states that bin and refuse storage must be provided “in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection”. Similar to the previously refused scheme, the applicant proposes to locate the storage refuse and recycling bins to the rear of the new building, and on collection days to transfer the bins to the front of the building via the new side passageway. This is considered to be acceptable in terms of character and appearance of the area, and a condition has been suggested to this effect.

Overall, it is considered that the design and size of the proposed building is consistent with the principles of good design and good planning, as required by PPS1, PPS3 and The Planning Act 2008. The resultant development would respect that of the neighbouring development, would not be overdevelopment of the plot, and would not be detrimental to the character and appearance of the area. Subject to an appropriate condition requiring the approval of materials prior to the commencement of development, the proposal would therefore comply with PPS1, PPS3, policies 7.1, 7.4 and 7.6 of The London Plan (2011), saved policy D4 of the Harrow Unitary Development Plan (2004) and the Council’s adopted Supplementary Planning Document – Residential Design Guide (2010), which requires a high standard of design and layout in all development proposals.

### **3) Residential Amenity**

Criterion C of saved policy D5 of the HUDP (2004) seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded”.

#### ▪ Impact on the Amenity of Neighbouring Occupiers

Given the scale, siting and design of the proposed building, those likely to be affected most by the proposal are the occupiers of No. 645 Kenton Lane to the south, and the occupiers of the flatted development to the north, ‘Russell Mead’. It is considered that the occupiers of other nearby residential units would be sufficiently physically removed from the proposed development and as such would not be impacted upon to any significant extent.

Notwithstanding the proposed minor revisions to the footprint of the building (as set out in section (d) above), the siting of the proposed building and its overall relationship to the site boundaries has not been revised under the current proposal. No objection was raised in the previous planning application to this proposed relationship as the proposed building complied with the 45 degree code in the horizontal and vertical planes. Due to its identical siting in relation to the side boundaries and its similar footprint, the proposed building would again comply with the 45 degree code in the horizontal plane, as set out in section 4.67 – 4.68 of the Council’s adopted Supplementary Planning Document: Residential Design Guide (2010).

The previously refused planning application proposed a contemporary style building with a flat roof profile. As a hipped, pitched roof profile would be provided under the current proposal, a similar relationship to that proposed under P/2855/10 would not be provided in the vertical plane. However, there are no habitable room windows at first or second floor level on the northern side elevation of No. 645 (there are two ancillary windows), and there are no protected windows in the southern flank wall of Russell Mead (there are non-protected high level windows), that would be affected by the proposed building. As such, the proposed building would not interfere with the 45° Code in the vertical plane as set out in paragraph 4.69 of the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

It is acknowledged that the proposed development would increase residential activity on the site, expressed through comings and goings to the proposed flats. However, given the modest size of the proposed flats, the location of the site along a busy Borough Distributor Road and the proposed residential use of the site, it is considered that the proposal would not be detrimental to the amenity of neighbouring occupiers.

Overall, it is considered that the proposal would not have an undue adverse impact on the residential and visual amenities of adjoining occupiers, in accordance with saved Policy D5 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

#### Impact on the Amenity of the Intended Occupiers of the Flats

##### ▪ Private Amenity Space

Saved policy D5 of the UDP requires new residential development to provide an adequate area of amenity space as a usable amenity area for the occupiers of the development. Paragraph 4.58 of the Council's adopted SPD (2010) states that 'For blocks of flats, communal provision of amenity space is acceptable'. Private communal amenity space (760 m<sup>2</sup>) is proposed for the future occupiers of the proposed flats and each of the proposed flats would also benefit from a private balcony. This proposal is similar to that proposed under the previous planning application P/2885/10, and would be in line with saved policy D5 of the Harrow Unitary Development Plan (2004).

##### ▪ Room Size and Layout

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 Council's adopted SPD. As the London Plan (2011) has recently been adopted, the flat size GIA's have considerable weight.

In addition to this, 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 mindful of the Interim London Housing Design Guide 2010 (ILHDG). 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 and it provides residential unit Gross Internal Area's (GIA's) and additional minimum dimensions for rooms within the residential unit. The GIA's in this Interim Design Guide are incorporated into policy 3.5 of The London Plan (2011). Further to this, the above-mentioned room sizes are incorporated into the Mayors Housing Supplementary Planning Document, which is a material planning consideration.

The room sizes of the current scheme are shown in the table below, along with the minimum floor areas for rooms as recommended by the ILHDG (2010).

	<b>Gross Internal Floor Area</b>	<b>Kitchen/Living/ Dining</b>	<b>Bedroom</b>
<b>ILHDG 2010</b>	1 bed, 2 person – 50 m <sup>2</sup> 2 bed, 3 person – 61 m <sup>2</sup> 2 bed, 4 person – 70 m <sup>2</sup>	3 person = 23 m <sup>2</sup> 3 person = 25 m <sup>2</sup> 4 person = 27 m <sup>2</sup>	Double - 12 m <sup>2</sup> Single - 8 m <sup>2</sup>
<b>Unit 1</b>	69 m <sup>2</sup>	27 m <sup>2</sup>	13 m <sup>2</sup> 10 m <sup>2</sup>
<b>Unit 2</b>	69 m <sup>2</sup>	27 m <sup>2</sup>	13 m <sup>2</sup> 10 m <sup>2</sup>
<b>Unit 3</b>	54 m <sup>2</sup>	25 m <sup>2</sup>	13 m <sup>2</sup>
<b>Unit 4</b>	54 m <sup>2</sup>	25 m <sup>2</sup>	13 m <sup>2</sup>
<b>Unit 5</b>	54 m <sup>2</sup>	28 m <sup>2</sup>	13 m <sup>2</sup>
<b>Unit 6</b>	54 m <sup>2</sup>	28 m <sup>2</sup>	13 m <sup>2</sup>
<b>Unit 7</b>	84 m <sup>2</sup>	25 m <sup>2</sup>	19 m <sup>2</sup> 13 m <sup>2</sup>
<b>Unit 8</b>	84 m <sup>2</sup>	25 m <sup>2</sup>	19 m <sup>2</sup> <b>13 m<sup>2</sup></b>

With reference to the above table, it is noted that there is a slight shortfall (2 m<sup>2</sup>) with respect to the size of the combined Kitchen/ Dining/ Living area for the proposed flats No. 7 and 8. However, having particular regard to the fact that the overall sizes of each of these proposed flats exceed the sizes recommended by the ILHDG (2010) by 14 m<sup>2</sup>, it is considered that there would not be any demonstrable harm as a result of this slight shortfall. As such, the proposal would result in an acceptable form of accommodation, for the intended occupiers of the proposed flats and this planning application is considered acceptable in this regard.

#### **4) Traffic, Parking, Drainage and Ecology**

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

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

Following on from this, saved policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and saved policy T13 requires new development to comply with the Council's maximum car parking standards.

One of the Council's two reasons for refusing the previous planning application (ref: P/2855/10) was insufficient provision of off-street car parking which was considered would result in a detrimental impact upon the safety and convenience of users of the adjacent public highway. In dismissing the subsequent appeal against this refusal, the Inspector considered that the impact of the proposal would be de minimis and would not be at a level that would be prejudicial to vehicular / pedestrian movement or road safety. As such, the Inspector did not agree with the Council's decision with regards to the impact of the proposal on the safety of the adjacent public highway.

Although the internal layout of the flats has been revised since the previously refused planning application, the building would accommodate a similar amount of people overall (22). An undercroft basement for the parking of nine vehicles is proposed under the current planning application, together with the provision of one parking bay for persons with disabilities on the property forecourt. This proposed parking layout is identical to that proposed under the previously refused planning application. The Council's Highways Engineer has not objected to this proposal. Given the Inspector's conclusions, an objection in relation to impacts upon highway safety could not reasonably be sustained.

Any works to the public highway with regards to the proposed access from Kenton Lane would be subject to a separate Section 278 Agreement (of the Highways Act 1980). The Council's Highway Engineer has stated that details pursuant to the access ramp and boundary treatment should be controlled by way of a planning condition and two conditions are therefore suggested as part of this recommendation.

The application site is not located within a flood plain. The subject planning application was referred to the Drainage Department of the Council who have advised that the potential impacts of flood risk on the site and elsewhere could be mitigated by the imposition of suitable conditions. Having particular regard to these comments, it is considered that the proposal would be compliant with Planning Policy Statement 25 (2010, policies 5.12 and 5.13 of The London Plan (2011) and saved Policy EP12 of the HUDP (2004), subject to a number of suitable conditions.

The application site is not within a designated Area of Nature Conservation Importance and the site plans show that many of the mature trees within the rear gardens of the existing semi-detached properties would be retained. As such, there are no objections to the proposal from an ecology viewpoint.

**5) Accessibility**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan and policies 3.8, 7.1 and 7.2 of The London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard and the Council's adopted Supplementary Planning Document - Accessible Homes 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.

The submitted Design and Access Statement advises that 'All the units are designed to Lifetime Standards and the ground floor units are designed to Wheelchair Standards'. It appears that external door widths and turning circles in the proposed flats would be sufficient and level access to the main entrance door is proposed. The proposed parking space would be of sufficient width and depth to provide for disabled users and would be located in close proximity to the main entrance door. Accordingly, the proposal is therefore considered to be consistent with the above policies and guidance and subject to an appropriate condition would therefore be acceptable in this regard.

**6) Sustainable Development**

Policy 5.1 of The London Plan (2011) seeks to reduce London's carbon dioxide emissions. This is expanded upon in policy 5.2 of The London Plan (2011), which seeks to minimise the emission of carbon dioxide by being lean, clean and green. Following on from this, Harrow Council has an adopted Supplementary Planning Document in relation to Sustainable Building Design (2009).

Policy 5.2 of The London Plan (2011) requires all new residential development to achieve a Level 4 Code for Sustainable Homes. The submitted Design and Access Statement states that the proposal would achieve a code for Sustainable Home Level 3, which would not comply with the current policies and guidance.

Notwithstanding this, it is considered a Level 4 Code for Sustainable Homes could be achieved on this proposed new-build development and a suitable condition is therefore suggested with respect to the achievement of a Level 4 Code for Sustainable Homes.

**7) S17 Crime & Disorder Act**

Policy 7.3B of The London Plan (2011) states that 'Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Following on from this, saved policy D4 of Harrow's UDP 2004 seeks to ensure that crime prevention is integral to the initial design process of a scheme.

The submitted Design and Access Statement advises of a number of security measures which would be adopted as part of the proposed development. Based on these details, it is considered that the proposed development would not have an adverse impact in relation to the Crime and Disorder Act legislation. It is considered that an increased natural surveillance would be provided by the increased pedestrian footfall and as such the replacement of the pair of semi-detached properties would not therefore lead to any additional security issues.

**8) Consultation Responses**

- Construction will cause unnecessary disruption to people - These comments are noted. A condition is suggested requiring a Construction Method Statement to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.
- The proposal is remarkably like the planning applications made in 2010 – The differences between this planning application and the previously refused planning application for eight flats are set out in section (d) above. This proposal represents a materially different scheme to that previously considered by the Council.
- The concerns expressed with respect to the impact of this development on the loss of the existing dwellings, the character of the area, the loss of residential amenity, biodiversity, flooding, traffic and parking have been discussed at length in the above appraisal.

**CONCLUSION**

The decision to grant permission has been taken on the basis that the proposed development would make efficient use of land whilst contributing to the provision of additional homes as detailed in The London Plan (2011). Taking into account the Inspectors conclusions in dismissing the previous appeal, and other material considerations including comments received in response to notification and consultation, the proposal would be acceptable in relation to its impacts upon the character and appearance of the area, the amenities of neighbouring occupiers, transport, flood risk and in relation to all other material issues. 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 not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the building

b: the ground surfacing

c: the boundary treatment

d: the cycle store

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

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

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

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

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

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



5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

6 The development of the building hereby permitted shall not take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to, and approved by, the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

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

Please note: guidance on permeable paving has now been published by the Environment Agency on

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding and saved Policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

9 The development of the building 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 the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

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

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

12 Occupation of the building hereby permitted, shall not commence until the applicant has demonstrated that the development will achieve the appropriate level to meet Level 4 of the Code for Sustainable Homes. To this end, the applicant is required to provide certification and other details submitted to, and approved in writing, by the Local Planning Authority.

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

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, policy 5.2 of The London Plan (2011) and saved Policy D4 of the Harrow Unitary Development Plan (2004).

13 No development shall take place, including any works of demolition, until a Construction Method and Logistics 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 adjoining properties, in accordance with saved policies D4 and T13 of the Harrow Unitary Development Plan (2004)

14 The development hereby permitted shall not be commenced until revised details of the vehicular access ramp have been submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway in accordance with saved Policies D4 and T6 of the Harrow Unitary Development Plan (2004).

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

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

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998.

16 The designated refuse storage area/enclosure, as shown on the approved drawings, shall be kept clear of obstacles and available for the storage of refuse bins at all times.

REASON: To ensure adequate provision for refuse storage to safeguard the appearance of the locality, in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

17 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, in accordance with saved policy T6 of the Harrow Unitary Development Plan (2004).

18 Prior to the commencement of development of the building hereby permitted, details of the obscure glazed side panels to the proposed rear balconies, shall 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 prevent overlooking of neighbouring properties, in accordance with saved Policy D5 of the Harrow Unitary Development Plan.

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

11 318 PL10 A Rev. A, 11 318 PL11 A Rev. A, 11 318 PL12 A Rev. A, 11 318 PL13 A Rev. A, 11 318 PL14 A Rev. A, 11 318 SV01, 11.318.31/RC (Design and Access Statement), 11 318 Kenton Lane (3D Sketches 1 of 2), 11 318 Kenton Lane (3D Sketches 2 of 2)

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

## **INFORMATIVES**

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

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

**National Planning Policy Statements / Guidance:**

Draft National Planning Policy Framework [NPPF]

PPS1 Delivering Sustainable Development (2005)

PPS3 Housing (2010)

PPG13 Transport (2001)

**The London Plan (2011):**

3.3 – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.5 – Quality and Design of Housing Developments

3.8 – Housing Choice

3.14 – Existing Housing

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.12 – Flood Risk Management

5.13 – Sustainable Drainage

6.3 – Assessing Effects of Development on Transport Capacity

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

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

T6 - The Transport Impact of Development Proposals

T13 – Parking Standards

H10 - Maintenance and Improvement to Existing Housing Stock

EP12 – Control of Surface Water Run-Off

EP14 – Development Within Areas at Risk From Sewerage Flooding

EP15 – Water Conservation

EP20 – Use of Previously-Developed Land

EP25 - Noise

C16 – Access to Buildings and Public Spaces

**Supplementary Planning Documents / Guidance:**

- Supplementary Planning Document – Residential Design Guide (2010)
- Supplementary Planning Document - Accessible Homes (2010)
- Supplementary Planning Document – Sustainable Building Design (2009)
- Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

## 2 Compliance With Planning Conditions Precedent

### 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.

## 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 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

## 5 THAMES WATER:

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

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6 PERMEABLE PAVING:

Note: guidance on permeable paving has now been published by the Environment Agency on

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

Plan Nos: 11 318 PL10 A Rev. A, 11 318 PL11 A Rev. A, 11 318 PL12 A Rev. A, 11 318 PL13 A Rev. A, 11 318 PL14 A Rev. A, 11 318 SV01, 11.318.31/RC (Design and Access Statement), 11 318 Kenton Lane (3D Sketches 1 of 2), 11 318 Kenton Lane (3D Sketches 2 of 2)

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**Item: 2/08**

**FLAT 22, STANMORE HALL, WOOD P/2190/11**  
**LANE, STANMORE, HA7 4JY**

Ward: STANMORE PARK

EXTERNAL ALTERATIONS TO FRONT ELEVATION

**Applicant:** Mrs Lynn Milich  
**Agent:** Mr Bill Greensmith  
**Case Officer:** Nicola Rankin  
**Statutory Expiry Date:** | 14-NOV-11

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**Item: 2/09**

**FLAT 22, STANMORE HALL, WOOD P/2207/11**  
**LANE, STANMORE, HA7 4JY**

Ward: STANMORE PARK

LISTED BUILDING CONSENT: REMOVAL OF INTERNAL PARTITIONS TO KITCHEN AND LIVING ROOM AND REMOVAL OF BELOW WINDOW MASONRY TO FORM DOOR OPENINGS.

**Applicant:** Mrs Lynn Milich  
**Agent:** Mr Bill Greensmith  
**Case Officer:** Lucy Haile  
**Statutory Expiry Date:** | 14-NOV-11

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## RECOMMENDATIONS

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

## REASON

The proposed development would preserve the character and setting of the Grade II\* 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:**

PPG2 – Green Belts (1995)

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.

**The London Plan 2011**

- 7.2 - An inclusive Environment
- 7.4 – Local Character
- 7.6 – Architecture
- 7.8 – Heritage Assets and Archaeology

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

- EP32 – Green Belt – Acceptable Land Uses
- EP34 – Extensions to Buildings in the Green Belt
- D4 – The Standard of Design and Layout
- D5 - New Residential Development - Amenity Space and Privacy
- D11 – Statutorily Listed Buildings
- D14 - Conservation Areas
- D15 - Extensions and Alterations in Conservation Areas
- C16 – Access to Building and Public Spaces
- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Stanmore Hill Conservation Area Policy Statement

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

- 1) Character and Appearance of the Green Belt, Conservation Area and Grade II\* Listed Building (PPG2, EP32, EP34, D4, D11, D14, D15, SPD and The London Plan)
- 2) Residential Amenity (D5, SPD)
- 3) Accessibility (C16, SPD and The London Plan)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

**INFORMATION**

These applications are reported to Committee, as they are proposals for alterations to a Grade II\* listed building and therefore fall outside the threshold in Category 10 of the Councils' Scheme of Delegation for the determination of development.

**a) Summary**

Statutory Return Type: 23  
Listed Building: Grade II\*  
Conservation Area: Stanmore Hill  
Council Interest: None.

**b) Site Description**

- The application site is located on the south side of Wood Lane just north of the corner with Stanmore Hill.
- This is an early 19th century two and three storey detached large stone mansion, decorated in a picturesque, Tudor Gothic style.
- It was altered and extended circa 1890.
- This property received a Grade II\* listing in 1971.



- The list description reads: 'Circa 1843 by John Macduff Derick, altered and extended circa 1890 by B Binyon with important internal work by William Morris and Co. Large stone mansion in picturesque, Tudor gothic style. Two and 3-storeys. Slate roofs. Red brick service wing altered and extended. Interior very badly damaged by fire in 1979. To be partly rebuilt as offices'.
- There is a terrace along the rear of the property from the east, round along the west side of the property.
- The terrace forms part of the roof to Flat 22, which is the subject of these applications.
- The south elevation of Flat 22 comprises two doorways (including one double doorway to the very east of this south elevation) and four window openings.
- This brings consistency to the character and design of the Listed Building as the window and doorway designs, materials and quoin surrounds are in keeping with one another and the Gothic character of the Listed Building.
- However, these surrounds and the windows themselves are modern, and it is likely that much of the other surrounding fabric is too.
- Some internal walls comprise modern blockwork.

**c) Proposal Details**

- Removal of internal walls, which separate the living room and the kitchen. The walls run north to south and west to east from the existing entrance way.
- External alteration comprising alteration of an existing window opening facing south to a doorway opening.

**d) Relevant History**

EAST/444/97/FUL ALTERATIONS AND CONVERSION TO 22 GRANTED  
FLATS WITH ASSOCIATED LEISURE 13-FEB-97  
FACILITIES, PARKING & LANDSCAPING AND  
CONVERSION OF 2 FLATS TO ONE

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Apartment forms part of the converted 19th century Stanmore Hall.
- It is on the ground floor situated beneath the roof terrace adjacent the main building of Stanmore Hall.
- External walls comprise a random stone facing with solid brick wall backing.
- Dressed quoins and lintels frame the door and window openings which match the vocabulary of the original building.
- The roof and floor construction is of concrete with internal walls of plastered breeze block.
- Proposed alterations are made to provide disabled access toward and within the apartment for a wheelchair bound resident.
- Externally, a new door opening is to be formed in place of an existing window.
- These will be dressed and detailed to match existing door opening to the present main bedroom.
- New doors would be the same manufacture and detail as existing throughout Stanmore Hall.

- Internally some partitions are removed to provide an open plan kitchen/dining/living area.

**g) Consultations:**

**English Heritage on 10th October, 2011 stated:** You are hereby authorised to determine the application for Listed Building Consent as you think fit. In doing so English Heritage would stress that it is not expressing any views on the merits of the proposals which are the subject of this application.

**Design and Conservation Officer:** This property is located within Little Common Conservation Area and is grade II\* listed. The proposal would preserve the character and setting of the Listed Building and Stanmore Hill Conservation Area in accordance with relevant national and local conservation policies, subject to conditions, as outlined within this joint planning application and Listed Building Consent report.

**Stanmore Society:** No response

**English Heritage Archaeology:** No response

The following bodies were also consulted and no responses have been received:

Ancient Monuments Society

The Georgian Group

Twentieth Century Society

The Victorian Society

The Society For the Protection of Ancient Buildings

The Council for British Archaeology

**Site Notices:**

Expiry: 13-OCT-11

-Impact on character and appearance of Conservation Area

- Setting of Listed Building

- Demolition / Alterations to Listed Building

**Advertisements:**

Harrow Observer  
Harrow Times

Expiry: 20-OCT-11

-Impact on character and appearance of Conservation Area

- Setting of Listed Building

- Demolition / Alterations to Listed Building

**Notifications:**

Sent: 30

Replies: 0

Expiry: 04-NOV-11

**Addresses Consulted:**

- 1-22 Stanmore Hall, Stanmore
- 116, 118, 126, 128, 130 Stanmore Hill
- Stanmore Lodge, Stanmore Hill
- Winter Garden, 130 Wood Lane, Stanmore
- Five Trees, 128 Wood Lane, Stanmore

**Summary of Response:**

- None received.

**APPRAISAL**

**1) Character and Appearance of the Green Belt, Conservation Area and Grade II\* Listed Building (PPG2, EP32, EP34, D4, D11, D14, D15, SPD and The London Plan)**

The proposal is for the removal of internal walls running north to south and west to east from the existing entrance way of this single storey apartment beneath the rear garden terrace and an external alteration comprising alteration of an existing window opening facing south to a double doorway opening. The acceptability of the proposed works must be assessed against the need to preserve the character and setting of the Listed Building, having particular regard to the national Planning Policy Statement 5, The London Plan policy 7.8 and saved Harrow UDP policy D11.

National Planning Policy Statement 5 (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'. The London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Saved Harrow UDP 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 internal walls that it is proposed to remove are modern as they comprise blockwork construction. This was confirmed via a site visit. Their removal would therefore preserve the special interest and character of the Listed Building. The existing south elevation comprises two doorways (including one double doorway to the very east of this south elevation) and four window openings. This brings consistency to the character and design of the Listed Building as the window and doorway designs, materials and quoin surrounds are in keeping with one another and the Gothic character of the Listed Building. However, these surrounds and the windows themselves are modern, and it is likely that much of the other surrounding fabric is too. The proposal to alter one of these window openings to a door opening to improve access for persons with disabilities. It would therefore in principle preserve the character and setting of the Listed Building. The Gothic character and consistency would be retained with this proposed alteration as the quoin surround would be included on the east of the proposed doorway and the design of the doorway would match the existing double door opening to the east on this south elevation. Also, to ensure consistency of design, a suitable condition relating to materials is recommended.

Therefore, subject to compliance with the recommended conditions, the proposal would preserve the character and setting of the Listed Building and character and appearance of the Conservation Area and therefore comply with the above conservation policies namely PPS5 policy HE7.4, HE9.1, The London Plan policy 7.8 and saved Harrow UDP policies D4, D11, D14 and D15.

The proposed external alterations would not result in an increase in the size of the building. The proposal would therefore be appropriate development in the Green Belt and would accord with PPG2 and saved UDP policies EP32 and EP34.

**2) Residential Amenity (D5, SPD)**

The proposed alteration would not result in any undue impact on the residential amenities of the surrounding neighbouring occupiers. The proposal would therefore be acceptable in terms of saved policy D5 of the Harrow Unitary Development plan.

**3) Accessibility (C16, SPD & London Plan)**

Saved Policy C16 of the Harrow UDP (2004) seeks to ensure that buildings are accessible to all. The proposal is to adapt the front of the building and internal layout to allow improved access and easier manoeuvrability within the apartment for a resident with a disability. The proposal is consistent with the Lifetime Home standards, in particular paragraphs 4.7-4.11 and wheelchair home standards, paragraphs 4.26-4.30 of the Council's SPD: Accessible Homes SPD (2010). Given the above, the proposed development is considered acceptable in accessibility terms.

**4) 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.

**5) Consultation Responses**

None.

**CONCLUSION**

In summary, the proposed development would preserve the character and setting of the Grade II\* 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, subject to conditions as set out below.

**CONDITIONS**

**P/2190/11**

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: Site Plan; P/101/B; P/102/A; Design and Access Statement.

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

**P/2207/11**

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 Samples of materials to be used in the construction of the external alterations shall be provided to the Council for their agreement in writing before the relevant part of the work is begun.

REASON: To protect the special architectural or historic interest of the listed building in accordance with PPS5 policy HE7.4 and HE9.1, London Plan policy 7.8 and saved Harrow UDP policy D11.

3 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 accordance with PPS5 policy HE7.4 and HE9.1, London Plan policy 7.8 and saved Harrow UDP policy D11.

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; P/101/B; P/102/A; Design and Access Statement.

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

**INFORMATIVES**

**P/2190/11**

**1 REASON FOR GRANT OF PLANNING PERMISSION**

The proposed development would preserve the character and setting of the Grade II\* 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:

PPG2, PPS5

The London Plan (2011):

7.4, 7.6, 7.8

Harrow Unitary Development Plan (2004):

EP32, EP34, D4, D5, D11, D14, D15, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Stanmore Hill Conservation Area Policy Statement

## 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/2207/11**

#### 1 REASON FOR GRANT OF LISTED BUILDING CONSENT

The proposed development would preserve the character and setting of the Grade II\* 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:

PPS5 – Planning for the Historic Environment

London Plan policy 7.8

Harrow Unitary Development Plan:

D11 – Statutorily Listed Buildings

## 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: Site Plan; P/101/B; P/102/A; Design and Access Statement;

## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**39 HIGH STREET, PINNER, HA5 5PJ**

**Item: 3/01**

**P/2090/11**

Ward: PINNER

CHANGE OF USE OF GROUND AND FIRST FLOOR RETAIL USE (CLASS A1) TO FINANCIAL SERVICES (USE CLASS A2)

**Applicant:** Mr S Poonawala

**Agent:** Jeremy Peter Associates

**Case Officer:** Ian Hyde

**Statutory Expiry Date:** 23-SEP-11

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### RECOMMENDATION

**REFUSE** Planning Permission for the reasons set out below

1 The proposed change of use of the ground floor shop unit (Use Class A1) would result in an unacceptable loss of retail frontage and a harmful concentration of non-retail uses within this part of the Pinner District Centre, leading to a loss of vitality and viability to Pinner District Centre as a whole, contrary to policy 2.15C(a) of The London Plan (2011) and saved policies SEM2 and EM16 of the Harrow Unitary Development Plan (2004).

2 The proposed change of use of the ground floor unit (Class A1) by reason of its failure to demonstrate that the site is not viable for Class A1 retail uses, would be contrary to policy HE7.4 of the Planning Policy Statement 5 (2010), policy 7.8C and 7.9B of The London Plan (2011), saved policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Pinner Conservation Areas, Appendix 3: Pinner High Street Conservation Area Appraisal and Management Strategy (2009)

### National Planning Policy:

PPS1 – Delivering Sustainable Development (2005)

PPS4 – Planning for Sustainable Economic Growth (2009)

PPS5 – Planning For the Historic Environment (2010)

PPG13 – Transport (2011)

Draft National Policy Framework (NPPF) 2011

### The London Plan 2011:

2.7 Outer London - Economy

2.15 Town centres

4.7 Retail and town centre development

4.8 Supporting a successful and diverse retail sector

7.2 An inclusive environment

7.3 Designing out crime

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration

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

- SEM2 – Hierarchy of Town Centres
- D4 – The Standard of Design and Layout
- D14 – Conservation Areas
- C17 – Access to Leisure, Recreation, Community and Retail Facilities
- EM21 – Long Term Vacancies
- EM16 – Change of Use of Shops – Primary Shopping Frontages
- EP25 – Noise
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

### **Harrow Council Supplementary Planning Guidance:**

- Supplementary Planning Document: Sustainable Building Design (2009)
- Supplementary Planning Document: Access For All (2006)
- Pinner Conservation Areas, Appendix 3: Pinner High Street Conservation Area Appraisal and Management Strategy (2009)

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

- 1) Principle of Development (PPS4, London Plan: 2.7, 2.15, 4.7, 4.8, 7.2, HUDP - SEM2, EM16, EM21)
- 2) Character and Appearance of the Area including Pinner High Street Conservation Area and Listed Building (PPS5, London Plan: 7.6, HUDP - D4, D14, D15, Pinner CAAMS )
- 3) Residential Amenity (London Plan 7.4; HUDP - D4, D5, EP25)
- 4) Traffic, Refuse and Access (HUDP - T6, T13 and C17)
- 5) S17 Crime & Disorder Act (London Plan; 7.3, HUDP - D4)
- 6) Consultation Responses

### **INFORMATION**

**This application is reported to Planning Committee as a petition has been received in support of the application, putting it outside of Section 18 of the Schedule of Delegation**

#### **a) Summary**

- Statutory Return Type: Change of Use
- Listed Building: Grade II listed as well as 33, 35 and 37 adjacent
- Locally Listed Building: 41 High St adjacent
- Conservation Area: Pinner High Street
- Street Frontage: Primary Shopping Frontage (ground floor retail).
- Council Interest: None
- Statutory Return Type: Change of Use



**b) Site Description**

- The application site is a furnishing shop unit in the ground floor and a space above (at first floor which has previously described as Use Class (A1)).
- The property is Grade II listed and the list description for this building reads: '18<sup>th</sup> century. 2 storeys. Hipped tile roof and brick modillion eaves. Late 18<sup>th</sup> century reeded door case and 19<sup>th</sup> century shop'.
- The site is located at the north eastern boundary of the Pinner High Street Shopping Parade and is bounded to the west by grade two listed buildings at 33, 35 and 37 whilst to the east is the locally listed no. 41.
- The site is also located within the Pinner High Street Conservation Area.

**c) Proposal Details**

- Change of use of ground and first floors from retail (Use Class A1) to financial and professional services (Use Class A2), specifically relating to the provision of Financial Advice to customers.
- The staff proposed to be employed would be 10 fulltime and 2 part time employees
- Opening hours would be 09:00 to 18:00 Monday through Friday and 09:00 to 13:00 on Saturday. No opening is proposed on Sunday or Bank Holiday.

**d) Relevant History**

P/252/03/DFU	RETENTION OF AIR CONDITIONING UNIT ON REAR ELEVATION	GRANTED 22-APR-03
P/2324/10	CHANGE OF USE OF FIRST FLOOR FROM RETAIL TO BEAUTY THERAPY/HEALTH TREATMENTS (CLASS A1 TO SUI GENERIS)	GRANTED 15-NOV-10
P/2874/10	LISTED BUILDING CONSENT: INTERNAL PARTITIONS TO GROUND FLOOR	GRANTED 29-DEC-10

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

**In support of their application, the applicants have submitted a large number of supporting documents. Amongst the information, the application states the following**

Marketing as A1 has been ongoing since 30 April 2010 but has not been successful.

Property is Grade II Listed within the Pinner Conservation Area.

No proposal for alterations so policies to protection of Listed Buildings and Conservation Areas should not apply.

Reference to policy EM16 and compliance therewith.

Describes the nature of the proposed use, which suggests that financial services relating to investing and wealth generation would be provided. It also suggests that education and training would form part of the services offered.

Refers to PPS4 Policy EC11 and suggests that this supports the consideration of whether proposals help meet the wider objectives of the development plan when considering planning applications. Also noted the comments of Decentralisation Minister Greg Clark that Councils should ensure weight given to economic recovery and sustainable growth.

Consider that the proposed occupation by the proposed use would encourage people into the centre.

The use would be beneficial in terms of regeneration of the building and would increase the likelihood its retention and maintenance in the future.

**g) Consultations:**

Conservation Officer

Insufficient justification has as yet been provided that the current retail use is not viable.

The Pinner Association

The percentage of non-retail frontage in the Primary Shopping Area of Pinner District Centre exceeds the Council's UDP limit of 25%.

Concerned about the erosion of the retail base of the District Centre.

Non retail frontage exceeds 50% based on evidence at Starbucks enquiry.

Use does not provide a service that is directly related to a shopping area, nor does it support the retail function of the centre.

No information on window display as required by part E of EM16, particularly important due to location.

Mentioned P/0924/11 for a similar proposal.

Referred to para 7.61 of the UDP and the intention to preserve retailing.

**Notifications:**

Letters

Sent: 15

Replies: 4 in support Expiry: 25-AUG-11  
and one petition in  
support with 17  
Signatures.  
0 objections

**Addresses Consulted:**

**Advertisement**

Character of a Expiry: 08-SEP-11  
Conservation Area  
Setting of a Listed  
Building

**Site Notice**

Character of a Expiry: 13-OCT-11  
Conservation Area  
Setting of a Listed  
Building

**Summary of Response:**

Responses to consultation expressed support for the scheme, particularly noting that the development would bring a unique business to the High Street to encourage footfall into the village. The comments also noted that the building has been empty for 12 months.

Other submitters also referred to lack of diversity existing and support for the variety of uses.

**APPRAISAL**

**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 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) Principle of Development**

The development site is a two storey building located on the northern side of Pinner High Street at the eastern end of the shopping parade.

The application proposes the change of use of the premises from Class A1 to Class A2 within the designated Primary Shopping Frontage of Pinner District Centre.

Class A2 is defined as being use for Financial and Professional Services. Examples of which are Banks, Building Societies, Estate and Employment Agencies, Professional and Financial Services and Betting Offices.

Given the commercial nature of the proposed development, it is considered important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth (2009). Policy EC13 of PPS4 requires local planning authorities to take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use.

Saved policy SEM2 of the Harrow UDP sets out the hierarchy of centres within the Borough and states that the Council will work to monitor, promote and sustain their vitality and viability. It also acknowledges that the position of a centre in the hierarchy may change over time according to the relative health of its retail and other town centre functions. Annex 2 of The London Plan (2011) also reflects this as it indicates that 'Town Centres' typically exhibit varying degrees of growth potential and that changes to some Town Centre classifications are anticipated over the lifetime of the Plan.

Policy 2.15C(a) of The London Plan (2011) is also relevant and states,  
*'Development proposals in town centres should conform with policies 4.7 and 4.8 and (inter alia): a) sustain and enhance the vitality and viability of the centre.'*

Saved policy EM16 allows the change of use from a shop to another use providing that (a) the use provides a service that is directly related to a shopping trip and supports the retail function of the town centre; (b) the length of the primary frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 25% of the total (District Centres); (c) a harmful concentration of non-retail uses is not created or added to in; (d) the premises can be adequately serviced without causing harm to highway safety and convenience; and (e) a window display or other frontage appropriate to the shopping area is maintained. Addressing each of these criteria in turn;

a) The proposed change of use to financial services would provide a service that is somewhat related to a shopping trip and could be argued to support the retail function of the centre, as such. Whilst they do not however generate the high levels of pedestrian activity found in A1 uses and are therefore more appropriate to edge of centre locations outside of the designated Primary Shopping Frontage zone, this is not considered to be sufficient to justify refusal in isolation..

The Harrow UDP (in the supporting text to saved policy EM17 – which is relevant here) states that; *'Secondary shopping frontages provide suitable locations for a variety of retail and non-retail uses appropriate to shopping centres. They are especially suited to uses that require a central location, but are not associated with shopping trips and do not generate high levels of pedestrian activity.'* As the table below (which is taken from the most recent Town and District Centres Health Check – undertaken in June 2011) illustrates, the length of the primary frontage in non-retail use at street level in the centre (including any outstanding permissions) is 33.48% of the total and therefore already exceeds the 25% threshold. The total length of the unit's primary frontage is therefore 7.6 metres which is the equivalent of 0.55% of the total frontage (primary and secondary frontage combined). The proposal would therefore result in raising the 33.48% figure to 34.03%. The proposed change of use therefore also fails to meet this criterion.

<b>Pinner</b>	<b>Total No. of Units</b>	<b>%-age of units</b>	<b>Non-A1 units</b>	<b>Total No. of Units</b>
<b>Designated Primary Frontage</b>	<b>33</b>	<b>30.28%</b>	<b>Designated Primary Frontage</b>	<b>33</b>
Designated Secondary Frontage	19	46.34%	Designated Secondary Frontage	19
Combined Frontage	51	34.00%	Combined Frontage	51
All Units (includes non-designated frontages)	61	36.97%	All Units (includes non-designated frontages)	61

- a) It is considered that the proposal would result in the creation of a harmful concentration of non-retail uses at this end of the parade as it would bookend 6 units of which only one (an art gallery) is currently in A1 use. The specific uses are estate agents at 29, a Pub at 31, a restaurant at 33-35 and the A1 gallery at 37. The conversion of the site would provide an additional non retail unit at the end of the row. Supporting text to saved policy EM16 at paragraph 7.63 of the Harrow UDP (2004) is considered to be particularly pertinent to the issues that this particular application raises as it states, *'Though the primary frontage will be restricted to mainly A1 uses, it is still considered important to ensure that these non-retail uses are dispersed throughout the shopping core and do not form clusters which may weaken shopping in that particular part of the primary frontage. If this happened it would effectively reduce the extent of primary frontage, especially if it occurred at its margins'* (emphasis added). *The Council will therefore seek to avoid any harmful concentration of non-retail uses that may adversely affect the retail character of the primary area or undermine the contribution of any particular frontage to the centre as a whole. The form of concentration may vary according to local circumstances. A harmful concentration is most likely to arise when a cluster or group of non-retail uses, not all of which may necessarily be consecutive* (emphasis added), *begin to predominate within a significant length of frontage and so prejudice the retail function of that frontage.'* The proposed change of use therefore also fails to meet this criterion.
- b) The proposed change of use from a shop to the provision of financial services would result in no additional harm to highway safety and convenience as no servicing is required in connection with financial services. The proposed change of use therefore meets this criterion.
- c) The application site is provided with large display windows on two elevations and these are prominent within the streetscene, As is argued below, this does not necessarily mean that an A2 use/business/operation is a positive addition which complements a Centre's retail function.

It is acknowledged that in addition to assessment against relevant policy such as EM16 above, any other material factors, such as the particular site and economic circumstances and any relevant appeal decisions need to be taken into account.

#### Site circumstances

The shop unit occupies a prominent location at the heart of Pinner District Centre, at the eastern entrance to the High Street. It is therefore prominently visible (and easily accessible) to shoppers coming from the east, north and west. It also has significant display windows on two elevations. Any loss in "active frontage" ie. of appearance which suggests a shopping precinct, would potentially have a detrimental impact on the character of the area, especially in such a prominent location.

The applicant has suggested in a supporting document that the windows will remain unobstructed and that there will be various pamphlets and other information on display. Notwithstanding this, the information provided does not give confidence that the proposed use would provide the visual "shopping style frontage" that is expected in a primary shopping parade.

Economic Circumstances

PPS4 adopts a more flexible approach than PPG6 which it superseded, focusing on planning for consumer choice and promoting competitive town centres to a greater extent than previously. Annex B states that primary frontages are, 'likely to include a high proportion of retail uses'. While it is recognized that the current economic climate remains challenging for both consumers and retail enterprises, an independent Retail Study Review undertaken for the Council in September 2009 by Nathaniel Lichfield and Partners found that Pinner District Centre is generally in a good state of economic health and one of the better performing District Centres in the Borough. However, it also highlighted that there is a high proportion of 'Estate agents/ valuers' (19.3%), as well as a total of seven high street banks/building societies including Barclays, Natwest, Lloyds TSB, HSBC, Abbey, Nationwide and Halifax in the designated area. (All are Class A2 uses). This view was supported by a recent appeal decision (which concerned the retrospective change of use from an A1 retail unit to a coffee shop (sui generis) at 19-23 High Street) where the Inspector opined that, 'there is no dispute that the District Centre remains healthy and vibrant'.

Also, the current unit is vacant it has only been vacated relatively recently and there is no evidence to suggest that it is in any way non-viable as a retail unit either now or in the future. However, the length of vacancy of a shop unit in the Primary frontage of District Centre is not acceptable reason to allow the loss of a shop unit, unless it can be demonstrated that this would improve the amenity of the area.

Supporting paragraph 7.76 of the UDP which relates to Policy EM21, confirms that there is a requirement for the applicant to confirm that this is the case and in any event, such acceptance would only occur in exceptional circumstances, it is considered that such a situation does not exist within this application.

Relevant recent appeal decision

It is considered appropriate to take account of a recent appeal decision (ref: APP/M5450/A/09/2117917) at 19-23 High Street in Pinner which has some limited similarity (as well as several distinct differences) with the development proposed in this application. It was decided on 14th May 2010 and concerned the retrospective change of use from an A1 retail unit to a coffee shop (sui generis) within the designated Primary Shopping Frontage. The appeal was allowed and, in relation to the principal question of whether the proposed development would have a detrimental impact on the vitality and viability of the District Centre as a whole, the Inspector concluded that the sui generis coffee shop use retained a significant element of A1 retail use and as a whole was a use which encouraged a high degree of footfall, also acted as a social meeting place and was generally complementary to the retail function of the Centre.

This case raises obvious contrasts with the development proposed here. Financial Services provide an unambiguous Class A2 use with no element of A1 retail within.

Furthermore, notwithstanding the comments provided by the applicants, such offices do not generally encourage activity and footfall, but rather seek to be located within town centres so as to benefit from the pedestrian footfall and activity generated by other retail, food and drink and cultural enterprises. It is noted that no quantifiable data has been provided that would suggest that the proposed development would be exceptional in this respect.

**2) Impact upon the character and appearance of the area including Pinner High Street Conservation Area and Listed Building**

Policy HE7.4 of PPS5 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'

It is noted that it is very important to keep Listed Buildings in use for their ongoing conservation and care (in line with saved Harrow UDP policy D11 and PPS5 policy HE9.1, HE7.2 and HE7.4). It is also important to retain these, where possible in their original use in this case as a shop unit (use Class A1).

Although the supporting documents states that there has been marketing and provides some indication of how it was marketed, more justification and information to support this would be required including duration of the marketing exercise and the value marketed at. It is further noted that signage included within the application suggested that a letting had been agreed in November 2010, but there was no indication how long this had been in place for.

Given these considerations, it is considered that the development would preserve the setting of the listed building and would therefore be consistent with the relevant policies. In respect of the conservation area however, the development has failed to satisfactorily demonstrate that the use of the site is not viable for the purposes of A1 (as expected within the CAAMS) and that the development would be contrary to the CAAMS, PPS5 and the relevant policies of the UDP.

**3) Residential Amenity**

The principle of the change of use of this site is deemed not to be detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers. The site is located on a busy road and it is considered that the impacts of the proposed use would be minimal. As such the application is considered to be consistent with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

**4) Traffic, Refuse and Access**

The site is in a moderate public transport accessibility level/area (the PTAL rating is 3) as a result of the proximity of Pinner Station and several bus routes. Therefore, the proposal is considered to be acceptable on transport grounds.

Refuse storage would be provided as per existing to the rear of the property. It is considered that this refuse storage arrangement would be adequate and would not have an adverse impact on refuse collection to any significantly greater degree than the current A1 use.

The unit already has a level entrance threshold (and this will remain unchanged) and is therefore in accordance with saved policy C17 of the Harrow Unitary Development Plan (2004) and relevant legislation set out in the Equalities Act 2010.

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

The proposed development is considered to not materially impact upon community safety issues.

**6) Consultation Responses**

Whilst the support raised in response to the consultation exercise have been noted, the circumstances of the case would suggest that, for the reasons raised above, the development has not demonstrated that the unit could not be better used for the purposes of A1 retail and that the proposed use would safeguard the vitality and viability of the District Centre. Additionally, given that there are no planning circumstances that would suggest that the applicable policies should be set aside, the consultation responses would not be considered to be sufficient to justify a departure from adopted policy.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including the amount of retail frontage within the Pinner Town Centre, supporting documentation submitted within the application and comments received in response to notification and consultation as set out above, this application is recommended for refusal.



## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.