

## SECTION 1 – MAJOR APPLICATIONS

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Item: 1/01

**TESCO SUPERMARKET, STATION P/0832/11  
ROAD, HARROW, HA1 2TU**

WARD: GREENHILL

PROPOSAL: TWO STOREY EXTENSION TO FRONT SIDE AND REAR OF STORE; DECKED CAR PARK AT FIRST FLOOR LEVEL OVER EXISTING CAR PARK; NEW FOUR STOREY BUILDING TO PROVIDE FOUR MIXED USE UNITS OF RETAIL/FINANCIAL AND PROFESSIONAL SERVICES/ FOOD & DRINK USES (CLASS A1/A2/A3) AT GROUND FLOOR AND 14 FLATS ABOVE FRONTING STATION ROAD; LANDSCAPING AND EXTERNAL ALTERATIONS TO EXISTING BUILDING AND CAR PARK LAYOUT

**Applicant:** Tesco Stores Ltd  
**Agent:** DPP LTD  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** | 22-JUN-11

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### RECOMMENDATION A

**GRANT** planning permission subject to conditions, referral to the Greater London Authority and the completion of a Section 106 agreement by 27<sup>th</sup> March 2012. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms would cover the following matters:

- i) Provision of 100% of units for Affordable Housing
- ii) A contribution towards local educational facility improvements;
- iii) A contribution towards open space improvements within the vicinity of the site;
- iv) A contribution towards highway improvements in the area;
- v) The submission of a Recruitment Training and Management Plan;
- vi) A contribution towards the provision of an Employment Coordinator;
- vii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and

Planning Administration Fee: Payment of administration fee for the monitoring of and compliance with this agreement.

It is considered that the proposed extension to the Tesco retail store would result in the appropriate development of the site, creating significant employment opportunities, whilst supporting the role of Harrow Town Centre as a regionally significant Metropolitan Centre. The proposals would encourage the regeneration of Harrow whilst having an acceptable impact upon the appearance and character of the site and neighbours' living conditions, having regard to 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 2004 set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

**National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)  
Planning Policy Statement 3 – Housing (2011)  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 13 – Transport (2001)  
Planning Policy Statement 24 – Noise (1994)  
Planning Policy Statement 25 – Development and Flood Risk (2010)  
Draft National Planning Policy Framework (2011)

**The London Plan (2011):**

2.7 – Outer London: Economy  
2.13 – Opportunity areas and intensification areas  
2.15 – Town Centres  
3.1 – Ensuring equal life chances for all  
3.3 – Increasing housing supply  
3.4 – Optimising housing potential  
3.5 – Quality and design of housing developments  
3.8 – Housing Choice  
3.9 – Mixed and balanced communities  
3.11 – Affordable Housing Targets  
3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes  
4.1 – Developing London’s Economy  
4.7 – Retail and town centre development  
4.8 – Supporting a successful and diverse retail sector  
4.9 – Small shops  
4.12 – Improving Opportunities for all  
5.1 – Climate change mitigation  
5.2 – Minimising carbon dioxide emissions  
5.3 – Sustainable design and construction  
5.7 – Renewal energy  
5.9 – Overheating and cooling  
5.10 – Urban greening  
5.11 – Green roofs and development site environs  
5.12 – Flood risk management  
6.1 – Strategic approach  
6.2 – Assessing effects of development on transport capacity  
6.9 – Cycling  
6.10 – Walking  
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  
7.6 – Architecture  
7.7 – Location and design of tall and large buildings  
7.13 – Safety, security and resilience to emergency  
7.14 – Improving air quality

7.15 – Reducing noise and enhancing soundscapes

8.1 – Implementation

8.2 – Planning obligations

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

S1 – The Form of Development and Pattern of Land Use

SEM1 – Development and the Boroughs Regeneration Strategy

SEM2 – Hierarchy of Town Centres

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D23 – Lighting

H7 – Dwelling Mix

EM24 – Town Centre Environment

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EP12 – Control of Surface Water Run-Off

EP25 – Noise

C16 – Access to Buildings and Public Spaces

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

**Other Relevant Guidance:**

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)

**RECOMMENDATION B**

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

The proposed development, in the absence of a legal agreement to provide affordable housing to meet the Council's housing needs, and appropriate provision for infrastructure 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 improvements arising directly from the development, contrary to policies 3.11, 3.13A/B, of the London Plan 2011 and saved policies S1, D4 and D5 of the Harrow Unitary Development Plan 2004.

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

- 1) Principle of Development (PPS1, PPS3, PPS4; The London Plan: 2.7, 2.13B, 3.1B, 3.3D/E/G, 3.4A, 3.5B/C, 3.8B, 3.9, 3.11, 3.12, 4.1, 4.7, 4.8, 4.9, 4.12; Harrow UDP: D4, EM24, H7, H14, H17)
- 2) Character of the Area, Design and Layout and Residential Amenity (PPS1, PPS3; The London Plan: 7.4B, 7.6B, 7.15B; Harrow UDP: D4, D9; SPD)
- 3) Environmental Impact Assessment (Harrow UDP :D4)
- 4) Parking/Highways Considerations (PPG13; The London Plan: 6.3A, 6.13C/D; Harrow UDP T6, T13)
- 5) Flood Risk (PPS2; The London Plan: 5.12; Harrow UDP: EP12)
- 6) Air Quality / Noise (PPS1, PPG24; Harrow UDP D4, D5, EP25)
- 7) Accessible Buildings (The London Plan: 3.1B, 3.5B, 3.8B, 7.2B; Harrow UDP: D4, C16, SPD: Access for All [2010])
- 8) Sustainable Development (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) Planning Obligations (The London Plan: 8.1, 8.2; Harrow UDP: )
- 11) Consultation Responses

**INFORMATION**

This application is reported to the Committee as the floorspace proposed falls outside of the thresholds (400 sq m) set by category 1(d) of the Council's Scheme of Delegation for the determination of new non-residential development.

**a) Summary**

Statutory Return Type:	6 Large Scale Major Other
Site Area:	2.22 hectares
Car Parking	Existing: 386 Proposed: 452
Council Interest:	None

**b) Site Description**

- The application site comprises the existing Tesco Superstore on the corner of Station Road and Hindes Road.
- The existing superstore was granted planning permission in 1992 and is characteristic of Tesco stores built at that time.
- The customer car park is accessed from Hindes Road, which in turn links into Station Road. Station Road is a London Distributor Road (Road Tier 2).
- Servicing of the supermarket is from a service road to the rear of Dominion Parade, Station Road.
- The site is within Harrow Metropolitan Centre, but is located over 300m away from the nearest Primary Shopping Frontage. As such, it is classed as an edge of centre location in retail planning terms.
- The application site is not within in a Conservation Area nor within the setting of a Listed Building; the site is not within a Controlled Parking Zone or a Flood Risk Zone.

**c) Proposal Details**

- This is a full planning application for a significant development of the Tesco Supermarket on Station Road.
- The works proposed include the following: a two storey extension to front, side and rear of store; decked car park at first floor level over existing car park; a new four storey building fronting onto Station Road, to provide four mixed use units of retail/financial and professional services/ food and drink uses (Class A1/A2/A3) at ground floor and 14 affordable flats above; landscaping and external alterations to the existing building and car park layout.
- The proposed extension would comprise 5,641 sq m gross external floorspace, and allow for a significant increase in the net retail area of the superstore, through both additional floorspace on the ground floor, and through the creation of a mezzanine floor.
- The extended floorspace would consist of the following (please note this relates to internal floorspace):

	<b>Existing (sq m)</b>	<b>Proposed (sq m)</b>	<b>Total (sq m)</b>
<b>Gross floorspace</b>	5,305	5,584	10,889
<b>Net convenience sales</b>	3,057	651	3,708
<b>Net comparison sales</b>	395	2,368	2,763
<b>Total Net Retail</b>	3,452	3,020	6,472

- 66 additional car parking spaces are proposed, leading to a total of 452. The parking spaces would be provided over two levels, with 220 spaces at ground level and 232 spaces on the proposed first floor parking deck.
- The extension itself would be predominantly to the west of the existing building, in the location of an existing car park. However, the works proposed would also include significant alterations to the building at the front and rear.
- The dimensions of the proposed side extension would be 35m in width and 65m in depth. At its closest point, the proposed extension would be approximately 25m to rear of the closet adjacent property on Hamilton Road (No.9 and 11), and approximately 10m to the rear boundary fences. The height of the proposed extension adjacent to the rear of the Hamilton Road properties would be 10m. The elevation would be constructed in brickwork to match the existing store, and contain only high level metal frame clear glazed windows.
- The application proposes extensive alterations to the front of the store. The existing lobby area would be removed and replaced with an 85m wide two storey glazed atrium. The atrium would extend from the existing eastern end of the store (not including the service and delivery area) and cover all of the existing front elevation and part of the extended section. The atrium would be on two levels (12m high to the top of the canopy) and would allow access up to the mezzanine and into the decked car park.

- The application also proposes remodelling the front of the existing service and delivery area with full height glazing.
- The application proposes a single decked car park to the front of the store, over the existing main car park. The height of the decked car park would be approximately 5.5m to its base, with a further height of 1.5m glazed balustrading around the car park.
- Access into both the existing and proposed decked car park would be via Hindes Road, as is the case currently. However, the application would entail the remodelling of this access (within the curtilage of the application site), which would include an access road and ramp in the south east corner of the site.
- A four storey building is proposed in the south east of the application site, predominantly fronting onto Station Road (approximately 52.5m in width), with a small section fronting onto Hindes Road (approximately 13.5m in width). The maximum height of the proposed building would be approximately 13m.
- The proposed building would be of a contemporary design and include a mix of glazing, brickwork and block wall panelling. The ground floor of the building is chamfered at its northern end.
- The proposed building would be mixed use. On the ground floor, four individual units are proposed, which would be for either Class A1/2/3 use (retail/financial and professional services/ food and drink uses). The total floorspace created would be 437 sq m, but the individual floorspace of each unit would not be stipulated at this stage, owing to the need to create some flexibility in order to market the units.
- 14 affordable residential units are proposed on the three upper floors of the building, comprising three '1 bed' units, eight '2 bed' units and three '3 bed' units. The tenure of the units is not set at this time, as the applicant has advised that this dependant upon whether grant funding is received from the Homes and Communities Agency (HCA). The applicant has advised that should grant funding be made available then the units would be for 'affordable rent'; if not, they would intend to have them as 'shared ownership'.
- New landscaping is proposed to the west of the application site (between the proposed extension and properties on Hamilton Road) and the south of the site, between Hindes Road and the proposed decked car park. Planters are proposed to be site within the decked car park, and street trees to the front of the four storey building.

**Revisions to Current Application:**

- During the course of the application, the proposal has been amended. Broadly speaking, these amendments have included the following: a reduction in the size of the rear of the building fronting onto High Mead, by taking back the building line by 5m; reduction in the size of the proposed decked car park, such that this building line has been taken back by 4m on the Hindes Road frontage, and resulted in an total of 6.2m of landscaping; alterations to the elevational treatment of the car park, by introducing translucent glazed panels that are off set and overlapping;

alterations to the proposed four storey building so that the building curves inwards at ground floor level to provide better pedestrian desire lines to access the store, and the removal of the pedestrian route through this building.

- Previously, where the building addresses the corner of Station Road and Hindes Road, the application proposed a pedestrian walkway through the building, which would allow access into the store. This route would have been via the rear of the proposed four storey building and decked car park (and the rear of Dominion Parade), and into the new atrium.
- The extended floorspace previously consisted of the following (please note this relates to internal floorspace):
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	<b>Existing (sq m)</b>	<b>Proposed (sq m)</b>	<b>Total (sq m)</b>
<b>Gross floorspace</b>	5,305	5,920	11,225
<b>Net convenience sales</b>	3,057	651	3,708
<b>Net comparison sales</b>	395	2,368	2,763
<b>Total Net Retail</b>	3,452	3,020	6,472

- 84 additional car parking spaces were originally proposed, leading to a total of 470. The parking spaces would have provided over two levels, with 225 spaces at ground level and 245 spaces on the proposed first floor parking deck.

#### **Revisions to Previous Application:**

Following the previous withdrawn application (P/4018/08) the following amendments have been made:

- The original application was for an additional 6,313 gross external floor space. An additional 214 car parking spaces were proposed (leading to 600 in total).
- The original proposal was for a smaller extension to the side of the store, but a larger extension to the front of the storey. In this scheme, the majority of the western car park (the subject of the current proposed extension) would have remained.
- Previous scheme was for a two decked car park, i.e. twice as high as the current scheme, although this would have been confined to the south east part of the site only, not including the existing access road into the site from Hindes Road.
- A two storey commercial building was proposed fronting onto Station Road as per the current scheme. Retail units were proposed within the ground floor of this building, and the ramp access road for the decked car park would have been sited behind it.
- Materials proposed for the extension were timber clad on the north and west facades.

<b>d) Relevant History</b>		
LBH/43753	NEW RETAIL STORE (55,000 SQ.FT), CAR PARKING, ACCESS AND ASSOCIATED WORKS	GRANTED 24-JAN-92
EAST/237/96/VAR	VARIATION OF CONDITION 10 OF P/P LBH/43753 TO ALLOW HOURS OF OPENING FROM 8:00 TO 22:00 MON TO SAT (RE-CONSIDERATION)	GRANTED 29-MAY-96
EAST/884/98/VAR	VARIATION OF CONDITION 10 OF PLANNING PERMISSION LBH/43753 TO ALLOW 24 HOUR TRADING MONDAY TO SATURDAY	REFUSED 26-APR-99 APPEAL DISMISSED
EAST/477/99/FUL	SINGLE STOREY SIDE EXTENSION (929 SQUARE METRES) TO STORE WITH REVISED CAR PARKING AND ACCESS	GRANTED 17-SEP-99
P/0294/08	NEW VEHICULAR ACCESS ONTO DOMINION PARADE, STATION ROAD	REFUSED 11-MAR-08

**Reason for Refusal:**

The proposal would give rise to conditions that would be prejudicial to the safety and free flow of vehicles and pedestrians on Station Road, Dominion Parade and the existing service road, contrary to policies 3C.17, 3C.20 & 3C.21 of the London Plan and policies ST3, T6 and T9 of the Harrow Unitary Development Plan (2004).

P/1796/08UN	ERECTION OF TWO DRAUGHT SCREENS (3.1M HIGH) AT CUSTOMER ENTRANCE	GRANTED 10-JUL-08
P/3265/08	GLAZED SCREENS WITH DOORS TO ENCLOSE CUSTOMER ENTRANCE AT FRONT OF STORE	GRANTED 25-NOV-08
P/4017/08	1). RAISING ROOF OF EXISTING STORE AND CONSTRUCTION OF MEZZANINE FLOOR 2). CONSTRUCTION OF THREE LEVEL DECKED CAR PARK AND 3). CONSTRUCTION OF THREE INDEPENDENT RETAIL UNITS.	WITHDRAWN 03-MAR-09
P/3332/10	VARIATION OF CONDITION 1 ATTACHED TO PERMISSION EAST/237/96/VAR DATED 29/05/1996 TO PERMIT THE OPENING HOURS FROM 06.00 TO 23.00 MONDAY TO SATURDAY	GRANTED 15-FEB-11

**e) Pre-Application Discussion**

Pre-application advice given in December 2010 set out the following:

- *Officers set out the strategic significance of the site for the AAP and Core Strategy. The impact of the development proposal on the town centre retail offer needed to be carefully considered. Officers were of the view that the site would be better utilised if it included an element of residential use. Traffic impacts and increased parking needed to be explored and justified. Site was considered to be edge of centre. Officers considered there to be merit in exploring with Tesco, how the above concerns, and the realisation of the aspirations for the emerging AAP might be addressed through engagement with GLA and the Councils MDP (this did not occur).*
- Officers noted the basis for the design indicated in the drawings and acknowledged merit in some elements of the proposals. Officers considered that were however, several areas of concern. The proposal itself did not yet fully reflect the Council's emergent aspirations for the site or fulfill the specific design objectives required to meet Development Plan policy expectations for a development of this size and potential impact. The areas of concern were:
- Orientation and entrance to the store – concern regarding quality of pedestrian environment from road to store. Siting and treatment of new retail parade.
- Relationship with the parade to the north and new five-storey development to south needed to be further considered having regard to visibility of deck beyond and importance of a safe and positive access to store.
- Treatment of retail parade – contribution to “infilling” the gap in Station Road acknowledged – required more detail re design, unit size, precise siting.
- Treatment of car park deck – visibility of the structure partly dependent upon siting and extent of new “frontage” units – suggested need to extend to try and wrap the car park more fully with these. Need to consider design (and greening) of deck edge especially to external viewpoints. Rear elevation and interplay between existing store – contemporary/existing store interface acknowledged by all to be awkward at present. Pedestrian route into the store from Hines Road (though deck). Role of site and design in reinforcing the emerging Harrow Green Grid connections

Pre-application advice given in March 2011 set out the following:

- In relation to the proposed four storey building to provide a mixed use retail and residential accommodation, Officers advised altering the alignment of this building so that the relationship between this and Dominion Parade is improved.
- Officers had concerns regarding the poor quality of the space between the retail / residential block and the car park. The units would look out onto, and have access via this space, which will be very unwelcoming, with noise, light and odour pollution. Officers again questioned whether the pedestrian desire line through the residential block to the main store is appropriate. Advised that it would be better to realign the building as suggested above, and for pedestrians to continue to use the Station Road / Dominion Parade access into the main site.
- Officers had concerns with the proposed west elevation of this building. Whilst the views of this would be limited Hines Road, the drawings submitted indicate that it would be a blank facade, and linking into the decked car park.

- Officers raised an area of concern regarding the impact on the amenity of the residential occupiers along Hamilton Road, especially No.3-9 where the proposed decked car parked would be sited in close proximity to them (circa 20m). The concern is with the general noise and disturbance from customers vehicles, especially at unsociable hours.
- Officers advised that the landscaping along Hindes Road needed to be carefully thought out, to ensure that there is sufficient room for landscaping and trees that will make a worthwhile contribution here and that they do not suffer as a result of the proposed decked car park.

**f) Applicant Statement**

- The mix of uses is the most appropriate for the site.
- The development has been designed to prevent any harm to neighbouring properties.
- The scale and amount of development is appropriate, and reflects the constraints and opportunities presented by the site.
- Landscaping will be improved and the development will enhance the relationship of the proposal with the surrounding area.
- Strong active frontage will support the vitality of Station Road, and provide increased accessibility.
- The proposal ensures high quality design, meeting the needs of local shoppers, and the Council's objectives for the surrounding area.
- The location and access arrangements will ensure traffic flows are balanced and safety within the surrounding area is not compromised.

**g) Consultations:**

**Greater London Authority:** The Deputy Mayor considers that the application does not comply with The London Plan (2011). Whilst the principle of development does not raise any strategic issues, further work, revisions and commitments are required with regard to retail, employment, housing, and the design, sustainable development and transport, to address outstanding concerns. If the Council is minded to grant planning permission, then the application must first be referred back to the Mayor.

**Highway Engineer:** No objection in principle. Concern initially raised on the basis that the proposed increase in parking provision for the A1 retail store extension would exceed The London Plan (2011) maximum parking standards and would be contrary to the objectives set out in Planning Policy Guidance Note 13 (PPG 13), which encourage the reduction of need to travel by car, and saved policy T13 of the Harrow Unitary Development Plan (2004) and The London Plan (2011).

However, following subsequent discussions with the applicant and Transport for London, a reduction in the number of spaces proposed, and the submission of further information and analysis from the applicant, confirms that initial concerns have been overcome. Notes that if parking were to be increased to a level of 452 spaces, the corresponding increase in traffic generation would not be at a level that would measurably prejudice the local highway network, and that the applicant is now proposing significant financial contributions to mitigate against the anticipated impact of the proposed store extension.

**Arboricultural Officer:** Comments that it is difficult to establish the tree numbers from the submitted drawings/tree plans, but the plans indicate that around 85-90 trees are to be removed to facilitate the proposed development. This amounts to the majority of trees on-site. Whilst many of the trees are of low / average quality, they provide valuable screening and greenery in an area already dominated by hard surfacing. The trees which are to be retained are mostly those in third-party ownership, the most well established seem to be the trees on the rear boundaries of gardens on Hamilton Road, on the western boundary. These trees could be a constraint on the proposed extension to the west. The proposed new planting on the southern boundary (facing Hindes Rd) may not be feasible or sustainable, given the limited space available. Substantial tree planting should be undertaken to mitigate tree loss (for example 100 or more new street trees, in areas identified in Green grid projects)

**Conservation Officer:** Proposals are not within the setting of any heritage assets therefore have no observations to make on the application.

**English Heritage:** No objection.

**Drainage Engineer:** No objection. Recommends three standard surface water drainage disposal and attenuation conditions.

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

**Waste Management Officer:** No objection. Details of a plan showing the proposed access for the refuse vehicle to clarify pull distances is required by way of a planning condition.

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

**Environment Agency:** No objection, on basis of updated adequate Flood Risk Assessment submitted with application.

**Campaign for a Better Harrow Environment (CBHE):** Objects to the application on the grounds that the Traffic Assessment provided in support of the application is "seriously flawed". The Traffic Assessment presented in support of Tesco's proposal lacks rigour and its conclusions are not reliable. The extra traffic generated by the proposed development seems likely to affect road junctions in the area which are already close to or above saturation level. The number of car parking spaces appears to be inadequate. The Mayor of London, Harrow Council, and many others with an interest in sustainability, would like people to use public transport, walk or cycle rather than use a car. Unfortunately, if the Tesco store is extended it is likely to make this modal shift more difficult to achieve. Insufficient attention has been paid to compatibility with the emerging plan for the Harrow and Wealdstone Intensification Area.

**Roxborough Road Residents Association:** Object on the basis that the proposed development would have an adverse impact on the local independent traders in the town and that the visual impact of the development would not be acceptable.

**Buckingham College School:** Object on the basis that the proposed development would have an adverse impact upon the school, through its size and bulk, overlooking, noise and transport issues.

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

**Notifications:**

Sent: 1477 Replies: 18 objections, Expiry: 03-MAY-11  
including 2 petitions.  
32 support

**Summary of Responses:**

The two petitions have been received, which are objecting to the application.

Petition 1, which has 50 signatures, sets out the following:

"We, the residents of Hindes Road are totally opposed to the expansion of the Tesco store, Station Road for the following reasons:

- a) The increase of traffic passing through our road.
- b) The increase of pollution and noise of cars in our road and lack of parking for our own cars.
- c) The increased numbers of people coming into the area from outside and having to cater for them re eating out.
- d) The possible decline of further shops closing in our other shopping centres, St Ann's and St George's due to the economic climate and because people will want to visit this new superstore.
- e) The excuse that this mega project will bring jobs to the area is inexcusable when overstaffed in our other shops may in turn lose their jobs.
- f) The increase of rubbish/toilet waste that will be generated in our area – can Harrow really take on any more concrete constructions as Harrow Council already allows flats to be built in gardens as well as against the wishes of neighbours.

I sincerely trust and hope that Harrow Council by sending out letters to us to residents of Hindes Road, listen, take note and observe how opposition to this mega structure which should preferably be built outside residential and already built-up areas."

Petition 2, which has 191 signatures, sets out the following:

"Reasons why the application for the Tesco expansion should be refused:

1. When Tesco applied to the Council for planning permission to build a supermarket, this was granted on the clear and restrictive provisions that Hindes Road and neighbouring roads were designated residential area. This remains the character of the area.
2. Previously, Tesco failed in its attempt to open 24 hours; and it attracted enough negative comment to withdraw its application to develop an extensive, higher rise rebuild on the site.
3. Tesco's has, following a recent refurbishment exercise, extended its opening times on six days a week by a further three hours, namely from 6 AM to 11 PM. Council permission was granted subsequently.

Harrow already has a wide range of food related outlets including those catering for its widely diverse ethnic population.

4. There is no evidence of unmet demand taking a borough wide picture; there are more than adequate outlets in the borough covering both Tesco's current range of products and it still wider range as set out in its proposals.
5. Tesco plans for expansion are likely to have an adverse affect on small businesses in the local area.
6. The planning application includes new retail outlets on Station Road. There is no shortage of retail space in Harrow and whilst the proximity to Tesco may help to attract tenants, this is likely to result in more empty retail space in the town centre.
7. Any increase in employment prospects, whether full or part-time, have to be offset by the likely loss of livelihoods of local small shopkeepers.
8. The local residential streets to the west of Station Road are likely to suffer increased traffic if the expansion goes ahead. Traffic volumes and congestion as a result of traffic approaching Tesco from this direction are already significant, particularly at weekends.
9. It is regrettable that views about this proposal are not being sought independently. An independent evaluation would have far greater credibility than that conducted by Tesco itself which is of course, an interested party will stop both an impact and needs analysis in respect of the proposal should be undertaken will stop these should be commissioned from independent consultants, taking into account Tesco's representations where necessary.
10. To date Tesco has failed to meet its social obligations to the local area by effectively stopping the littering of its neighbouring streets with its trolleys. Its own site is usually strewn with litter of all descriptions and shows a marked absence of consideration and respect for its customers and those living nearby. This problem is likely to get worse if the store is expanded
11. The proposed development would undoubtedly be suited to a non-residential area or an out-of-town site. This is where Tesco should redirect its commercial ambitions.
12. We are not anti-Tesco. Most of us use Tesco. It is a valued local resource-at its present size."

The following comments are objecting to the application:

- Loss of view from properties along Hamilton Road.
- Overbearing and overshadowing of adjacent residential properties.
- Overlooking of adjacent properties, in particular at Bluepoint Court (flats on the corner of Hines Road and Station Road), Dominion Parade and Hamilton Road.
- Proposed development is too big and would be visually intrusive.
- Impact of increased air pollution, noise and disturbance to adjacent occupiers. Particular concern over proposed decked car park, with issues such as light from headlights, tyre squeal, and also the proposed four storey building directing these impacts to Hines Road.
- Impact of increased deliveries on Dominion Parade.
- Impact of increased traffic on surrounding road network. Noted that there are a number of schools in close proximity to the site that would be affected by the increased traffic.

- Questions over the validity of the documentation submitted by Tesco, in particular in relation to the Transport Assessment.
- Proposed development would not lead to more sustainable transport modes (i.e. cycling) as it would encourage travel to the store by car; the proposed Travel Plan is inadequate.
- Issue of junction capacity of Hindes Road / Station Road interchange and impact upon this.
- Issue of pedestrian access into the store, either through the car park or between the car park and the proposed four storey building.
- Morrison's are constructing a new store in Harrow and so there is already sufficient supermarket capacity in the Borough.
- Impact of increased non-food sales on smaller traders, in particular within the town and district centres.
- Proposed scale of development would be more appropriate to an out of town site, but not to this location.
- Impact from extensive construction of the site on local amenity, and working outside of acceptable hours (e.g. evenings and weekends).
- Loss of property values to adjacent properties.

The following comments are in support of the application:

- A great opportunity to bring a better extended non food offer to Tesco.
- Give more choice to Harrow so people would not need to go to Brent Cross, Hayes or Watford.
- Potential to create new local jobs.
- Provision of additional affordable housing.

Tesco have also submitted approximately 746 A5 cards that are a response to their own pre-application consultation for the proposed development, which set out that these people support the expansion of the Tesco store.

## **APPRAISAL**

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

The 'town centre first' principle for retail development is now well established, and a central tenet of both Planning Policy Statement 4 (PPS 4) *Planning for Sustainable Economic Growth* (2009) and the London Plan (2011). It is not the role of planning authorities to prevent competition. Indeed, PPS 4 states that it is the Government's intention to promote the vitality and viability of town centres through competition and enhanced consumer choice. Rather, local planning authorities are encouraged by the Government to facilitate development in centres and ensure that any out of centre development does not adversely affect the vitality and viability of centres. The London Plan establishes a hierarchy of centres, which places Harrow town centre as one of only twelve Metropolitan centres, and Policy 2.15 requires development to be in scale with the centre in which it is located.

For retail purposes, PPS 4 defines edge of centre as ‘...a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area’. The primary shopping area is defined as the area ‘...where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage)’. Harrow town centre’s primary shopping frontages – identified on the proposals map – are drawn tightly around St. Ann’s Road and the adjoining part of Station Road. The Tesco store, although located within the Metropolitan centre boundary, is more than 300 metres from the centre’s primary shopping frontages and, in PPS 4 terms, should therefore be regarded as ‘edge of centre’. The implication of the site’s ‘edge of centre’ status, for retail purposes, is twofold. Firstly, it triggers the requirement to search for sequentially more preferable sites (PPS 4 Policies EC 14 & EC15) and, secondly, it necessitates the consideration of the impact upon town centre (PPS 4 Policies EC 14 & EC16).

PPS 4 Policy EC10 also sets out a number of other aspects against which the application should be tested. These relate to CO2 emissions and climate change, accessibility, design, impact on economic and physical regeneration and employment.

The London Plan (2011) Policy 4.7 notes that the Mayor supports a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres. The policy sets out that in taking planning decisions on proposed retail and town centre development, the local planning authority should seek to ensure that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment; that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport, and; that proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.

Policy 4.8 of The London Plan (2011) states that the Mayor will support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

The application site lies within Harrow Metropolitan Town Centre, as set out in the Harrow Unitary development Plan (2004), and the Council’s emerging Local Development Framework continues this designation. The London Plan (2011) and Harrow and Wealdstone Area Action Plan (AAP) also set out that the site is designated as within the Harrow and Wealdstone Intensification Area (IA).

The proposed extension would increase the sales area of the store from 3,452 sq.m net to 6,472 sq.m net. The additional sales floorspace (3,020 sq.m net) would be split 651 sq.m net for convenience goods sales and 2,368 sq.m net for comparison goods sales.

A Retail and Planning Statement was prepared by DPP on behalf of Tesco. DPP note their planning permission to extend the Tesco store by 929 sq.m net, split 200 sq.m for convenience goods and 729 sq.m net for comparison goods (planning reference EAST/477/99/FUL), was granted in 1999, and claim that this permission has been lawfully implemented, although not completed at this time.

Nathaniel Lichfield and Partners (NLP) were commissioned by the Council to undertake an independent review of the retail assessment prepared by DPP. NLP prepared a Retail Study Review for Harrow Council in September 2009.

It is noted that a number of objections have been received, including two petitions, which have cited the need and requirement for the extended store as a principal cause of concern. Objections have been raised stating that the additional floorspace is not required, that it would have an adverse impact on the town centre and other local traders, and that an alternative site away from residential properties – such as an out of town site – would be more preferable.

### Sequential analysis

As noted above, the application site constitutes an edge-of-centre location for retail purposes (although it is within the actual boundaries of the town centre). Regardless of the absence of harm to the vitality and viability of existing centres, retail proposals may still be refused planning permission if it can be demonstrated that sequentially more preferable sites could within existing centres accommodate the development. If the Council is satisfied that the applicants have demonstrated that the proposals will not have an adverse effect on town centres, then the availability of sites within Harrow town centre must be considered in accordance with the sequential approach.

NLP advise that other sites in Harrow town centre need to be considered and their ability to meet the identified need is a key issue. The proposed extension seeks to serve Harrow and its catchment area. Notwithstanding the edge of centre location of the Tesco store in relation to the primary shopping area, an addition to the comparison goods floorspace within Harrow town centre accords strongly with its Metropolitan centre status, the recommendations of the Harrow Retail Study (2009) and the objectives of the emerging Harrow Core Strategy. As such, development in another town centre would not adequately serve the needs of customers in Harrow town centre's catchment area and would be at odds with strategic policy objectives for the centre. For these reasons NLP advise that sites within any other centres (such as outside of the Borough) should be not considered in the sequential analysis. It is appropriate for the applicant to consider sequentially more preferable sites in Harrow town centre only.

The need the development seeks to serve is inextricably linked to the sequential approach as indicated in the PPS4 practice guidance. The NLP Retail Study Review identified retail capacity figures for Harrow town centre at 2015, 2020 and 2025. The surplus expenditure and floorspace projections for Harrow town centre at 2015 were as set out below.

It should also be noted that these projections are based on constant market shares, estimated from the household survey results. New development in Harrow could help to increase expenditure retention.

Convenience Goods

- £30.22m = 2,172 sq.m net (large food stores) plus 1,194 sq.m net (small stores)

Comparison Goods

- £44.67m = 6,879 sq.m net (9,171 sq.m gross)

Tesco identified and considered 42 alternative sites in Harrow (including 31 vacant shop units in the town centre) and 21 alternative sites in Wealdstone (including 17 existing vacant retail units in the town centre). Tesco have concluded that none of the identified sites provide an opportunity that would be suitable, available and/or viable. Of the 31 vacant retail units in Harrow town centre, 29 were discounted for being too small. Tesco assessed in greater detail the remaining two units. NLP accept that all of the vacant shop units identified are too small to accommodate the extended food store, but they could meet some of the need for additional comparison sales floorspace in Harrow.

The NLP Retail Study Review identified seven potential development sites, including the Tesco store which was identified as a potential edge of centre development opportunity. The remaining six development sites could accommodate the need for comparison floorspace up to and beyond 2015. However the NLP study considered these sites to be medium to long term opportunities, and therefore their availability to accommodate growth up to 2015 is uncertain. None of the sites is large enough to accommodate the extended Tesco store, but could potentially accommodate the comparison floorspace as a separate entity, known as disaggregation.

The proposed Tesco extension comprises an additional sales area of 3,020 sq.m net. The extension is expected to increase the sales area by 651 sq.m net for convenience goods sales and 2,368 sq.m net for comparison goods. This will result in the split of the net sales floorspace changing from currently 89% convenience / 11% comparison goods to 57% convenience / 43% comparison goods. Tesco do not consider that this revised split would inherently change the operating character of the store. However, NLP dispute this, advising that whilst they agree that the browsing and purchasing of comparison goods can be ancillary to food shopping within a supermarket, it is not essential to have a "full range" of comparison goods within all supermarkets to make them successful stores, as there are numerous stores that function successfully without such a large comparison element. 42% of the extended store's floorspace is considered to be beyond what is a small comparison offer which is ancillary to the food floorspace, and therefore changes the nature of the store.

As part of the assessment of the retail aspect of the planning application, Officers have been in discussions with the applicant regarding the potential to locate the comparison element of the store in a different location that would be closer to the primary shopping area of the town centre.

At the very least, it is incumbent upon Tesco to demonstrate that this is not a viable option, and as such further correspondence has been received from Tesco responding to a number of queries raised by officers. Paragraph 6.32 of PPS4 guidance is relevant as this deals with the trend of foodstores towards selling a wider range of goods, and the need for operators to demonstrate flexibility and the scope for disaggregation.

The question is what alternative sites are available, and are they deliverable. The Greenhill Way car park site, which was considered in the NLP Retail Study Review, is the main potential alternative as it is earmarked as part of a key development site within the Intensification Area, to deliver comparison retail floorspace as part of a mix of uses that might also include housing and employment. The car park is in the Council's single ownership, and access/highway issues raised as potential barriers by Tesco would not be insurmountable. However it is considered that the Council's aspirations for the Greenhill Way car park site would go beyond a stand alone retail outlet; indeed London Plan (2011) policies require sites in town centres and intensification areas to be optimised for an appropriate density and range of uses. To achieve a more comprehensive scheme would make this a longer-term project that would not meet Tesco's more immediate identified need. On this basis it is considered that the Greenhill Way car park site can now be discounted.

NLP conclude that, based on the information available, the availability of other sequentially more preferable sites to accommodate the operator's needs in the short term seems doubtful, and that the Tesco site would be the best edge of centre opportunity to meet their proposed requirements. As such, it is concluded that the application is acceptable in terms of the sequential assessment.

#### Retail impact

Policy EC16 of PPS4 states that planning applications for town centre uses should be assessed against the following impacts on centres:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the study area of the proposal;
- a) the impact of the proposal on the town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience offer;
- b) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- c) in the context of a retail or leisure proposal, the impact of the proposal on in- centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the study area to five years from the time the application is made and where applicable, on the rural economy;
- d) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres;

- e) any locally important impacts on centres under policy EC3.1.e (which requires RPB and LPAs as part of strategy for management and growth of centres to define any locally important impacts on centres which should be tested.

If a proposal is likely to lead to a significant adverse impact, whether on its own or cumulatively, it should be refused. Where there is no significant adverse impact, the local planning authority is required to determine an application taking account of the positive and negative impacts of the proposal and any other material considerations, and the likely cumulative effect of recent permissions, developments under construction and completed developments. In this instance the consented (and now under construction) Morrisons store at Neptune Point is pertinent.

Para. 7.27 of the Practice Guidance on need, impact and the sequential approach which accompanies PPS4 states that where competing proposals come forward on other edge or out of centre sites, the effects of both will need to be assessed and a judgement made as to which offer the most overall benefit in policy terms. Where there is a real potential for several proposals to come forward, their cumulative impact on town centres will need to be considered as part of any assessment.

Tesco's Retail and Planning Statements sets out their assessment of the existing and future retail convenience and comparison spend, looking at a range of Town and District centres and the impacts of the existing store, the previous extension that has been granted planning permission, the current proposed extension and other retail developments notably the Morrisons store at Neptune Point.

Based on these figures and expected future expenditure growth, it is considered that the limited convenience goods element of the proposed Tesco extension will not have an adverse impact on Harrow town centre, provided the scale of additional sales floorspace in the extended store is restricted by condition.

For comparison goods, Tesco identify that the turnover of all comparison facilities in Harrow will be £299.57 million in 2014. The comparable figure in NLP's retail study update is £339.76 million in 2015, based on the latest household survey results. NLP's analysis suggests that Tesco may have underestimated projected comparison turnover of the town centre, i.e. that the town centre will be generating a greater level of spend.

Tesco forecast that the trade diversion from the town centre as a result of the proposed extension equates to just 2.0%, increasing to 2.4% cumulative impact with the proposed Morrisons store. NLP have advised that they consider that Tesco may have underestimated the likely trade draw from the town centre as the likely range of comparison goods that will be sold from the extension are likely to be present in the town centre. NLP advise that, as a food store with 2,763 sq.m net of comparison floorspace will sell a wide range of non-food goods, including higher order goods such as clothing and electrical items, as such, the proposed extension will compete with comparison shops in the town centre, as well as other food stores.

NLP state that they estimate that approximately 50% of the additional comparison turnover at the Tesco store could be drawn from Harrow town centre, which would equate to approximately £10m. Therefore, if it is the case that circa £10m was diverted from the town centre to the comparison element of the Tesco extension, this would result in an impact of just 4% overall on town centre spend, which is considered to be relatively low. This is also in the context that NLP consider Tesco to have underestimated the actual turnover of the town centre, and this proportional impact level may be slightly lower.

As such, NLP have advised the Council that the cumulative impact of both the Tesco and Morrisons proposals should not harm the long term vitality and viability of the town centre or cause a significant number of shop closures, subject to appropriate planning conditions. NLP advise that the Tesco store should be conditioned to provide a total net sales area including checkouts of not more than 6,472 sq.m net, of which not more than 2,763 sq.m net should be devoted to the sale of comparison goods. The reason for these conditions is to minimise impact on Harrow town centre, and to permit the consideration of any increase in the proportion of comparison goods floorspace at the site upon the rest of Harrow town centre, and to permit consideration of the potential availability of any sequentially more preferable sites within Harrow town centre in the event of any future substantial increase in comparison sales floorspace at the site.

### Housing

The principle of providing housing on previously developed land is supported by Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Statement 3 – Housing.

Having regard to the London Plan (2011) and the Council's policies and guidelines, it is considered that the proposed 14 new residential units would provide an increase in housing stock within the Borough. Saved policy H10 of the Harrow Unitary Development Plan (2004) and Policy 3.4 of The London Plan (2011) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan (2011) also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will be given to the accessibility of the site to services and amenities and the saved policies of the Harrow Unitary Development Plan (2004) and the London Plan (2011).

Policy 3.12.A/B of The London Plan (2011) 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 14 units proposed would all be for affordable housing, and therefore make a positive contribution to the supply of new affordable housing within the Borough.

**2) Character of the area, design and layout and neighbouring amenity**

Planning Policy Statement 1 Delivering Sustainable Development (PPS1) advises at paragraph 34 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also encourages the efficient use of land and the use of higher densities, although not at the expense of good design. Furthermore PPS1 refers to a range of design guidance including By Design that identifies the analysis and understanding of the character of an area as an essential prelude to the design of any proposed development.

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) 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.

The London Plan (2011) 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 (2011) 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.

Saved policy D5 of the Harrow Unitary Development Plan (2004) requires new development *'to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a usable amenity area for the occupiers of the development; as a visual amenity'*. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that *'There should be a clear definition between private amenity space and public space'*.

It is considered that given the amount of development proposed it is pragmatic to consider the three main elements of the scheme on an individual basis, and then consider the development holistically. Therefore, this section will consider the impact on the character of the area, design and layout and impact upon neighbouring occupiers amenities, of the extension and alterations to the store, the decked car park and the four storey building fronting onto Station Road.

In terms of neighbours, although being within Harrow Metropolitan Centre, the site is largely surrounded by residential properties. To the north and east of the site, residential houses and flats lie on High Mead and Hamilton Road respectively. To the south of the application site on Hindes Road there is a mixture of houses, flats, and a number of non residential buildings. These include two education premises, Alpha Preparatory School and Buckingham College School (No.15-21), and two hotels, the Lindall and Hindes (No.2-8). To the east of the stores lies the Safari Cinema, and Dominion Parade, which contains ground floor commercial units and residential properties on three floors above. On the other side of Station Road lies the Wickes office building.

#### Extension and alterations to store

The previous application proposed an extension to the side of the store, which would have been 15m wide. As set out above the current proposals are for the extension to be approximately 35m wide. This substantial increase in the width of the extension would result in the side elevation being in much closer proximity to the properties on Hamilton Road.

The visual impact of the extension from a public perspective would be significant from High Mead to the north, and a more distant view from Hindes Road to the south. The latter view would be more fleeting because of the adjacent existing buildings and the proposed development.

As originally submitted, the impact of the development from High Mead would have been significant. The proposed extension would be 10m high here. The proposed extension would have a flat roof, although the way this would interlink with the existing pitched roof structure is unclear from the plans provided. Whilst it is accepted that the view of the development from High Mead is of the 'back of house' functions of the existing store, it is a public elevation nonetheless. The proposed extension in this location would be significant in its size and scale, and it is considered would have an impact on the quality of the streetscene and public realm.

In response to these concerns, the applicant has revised the design of the scheme in this location. These revisions entail reducing the size of the building in terms of its depth by approximately 5 m where it fronts on to High Mead so that it would be in line with that of the existing store. This results in a small decrease in the proposed store's gross floorspace of 345 sq m. It is considered that, whilst overall the bulk and massing of the building in this location is still relatively large, giving the revisions to the scheme to reduce this, and the context of the rear of the existing store, that the application is acceptable in this regard.

Objections have been received from a number of residents of Hamilton Road, including a petition. There is existing mature landscaping on the boundary between the application site and the rear of Hamilton Road, and the applicants Landscape Strategy sets out that new landscaping would take place along the length of this boundary. However, the proposed extension would be 10m high and set 10m from the boundary with these properties.

Whilst it is accepted that the proposed landscaping would go some way to reducing the affect of the proposed extension, it is considered that it would still be some impact on the amenities of the occupiers along Hamilton Road. The question is to what extent would this impact be mitigated against by the existing proposed landscaping, and would the overall relationship be acceptable. The building line along the rear of the properties along Hamilton Road is broadly uniform, and the distance between the backs of these properties and the side of the proposed extension varies from approximately 25 m at its closest to 29 m. It is considered that, on the one hand the proximity of the proposed extension relative to the properties along Hamilton Road has increased in comparison to the previous planning application submitted in 2008. However, on the other, whilst the proposed extension is significant in terms of its size and scale, it would form flank elevation to these properties, and with the exception of high-level windows, would actually reduce the level of activity that occurs in this area, relative to the existing surface car park that exists currently. Members may recall that the application by Tesco to extend their store opening hours, that was granted in February this year, was contentious because of the perceived additional impact that might result in the area of the existing car park to the rear of Hamilton Road. Therefore, whilst the proposed developments would lead to a building of significant proportions in this location, it would largely be screened by existing and proposed landscaping, and as set out above, would actually serve to reduce the physical activity taking place in this area, and as such would be of some benefit to neighbouring amenity in planning terms.

It is noted that there have been concerns raised in relation to overlooking from these windows, however they would be at a level that would preclude that from occurring, and could be conditioned to ensure that the type of glazing would be obscured so as to prevent any perception of such.

Whilst noting the legitimate concerns some residents along Hamilton Road have expressed, in planning terms it is considered that the proposed extension, albeit of a relatively large scale, would be acceptable insofar as its impact on neighbouring amenity, given the separation distances detailed above. Should planning permission be granted, notwithstanding the details submitted by the applicant, it would be important to secure a robust landscaping scheme to ensure that there is a physical separation between the rear amenity areas of the Hamilton Road properties and the proposed extension at the Tesco store. As such, the application is considered acceptable in this regard.

The application proposes a significant glazed atrium to the front of the existing store. This would link the existing ground level car park, and proposed decked car park, with the store. It would accommodate travelators and escalators. It is considered that, in its own right, the proposed glazed atrium would have some merit in terms of its visual impact. Whilst not bold in its design or conception, by virtue of its size and scale, it would be striking, and form a statement at the front of the building. However, the issue in relation to the proposal, is that much of it would be hidden behind the proposed decked car park. The two features would be separated by a lightwell with two pedestrian bridges at first floor level. On balance, it is considered acceptable.

The applicant proposes that the store opening hours would be as per the existing hours, that were extended slightly by way of a Section 73 permission in February this year. That is, from 6 AM to 11 PM Monday to Saturday, and 10 AM to 5 PM on Sundays and bank holidays. As such, the store would not be open 24 hours. In terms of neighbouring amenity it is considered that the proposed hours would be acceptable, and should be controlled by way of a planning condition.

Overall, it is noted that the extension proposed at the Tesco store is significant in terms of its size, scale and bulk. However, considering the extension on its own, its actual impact in terms of the character of the area would be limited, given that for the most part it would be contained within the Tesco site itself. Public views of the proposed extension would be predominantly from High Mead, which would be limited due to its use as a residential street in a cul-de-sac. Views from the East and the West, would be mostly obscured and limited, by virtue of existing buildings, such as the cinema the Dominion Parades shops and flats, and the Hamilton Road properties. From the South, in particular Hinds Road and also Station Road, the proposed extension would be largely obscured in terms of its view from the street by the proposed four-storey mixed commercial / residential building and decked car park. As such, and on balance, it is considered that the proposed extension and other alterations to the store, in terms of their visual impact on the character of the area, its layout and its impact on the amenities of neighbouring occupiers, would be acceptable.

#### Decked car park

The scale of the proposed decked car park has been amended since the previous application. The previous application proposed a two storey decked car park, to the front of the existing store on the eastern side, but not over the existing access or to the western part of the front of the site. The current application has revised this such that the proposed decked car park would be on one level, but cover the entire front of the site.

It is considered that the proposed decked car park would have a significant visual impact on the immediate streetscene, in particular Hinds Road, and the wider character of the area. It is accepted that, from a number of viewpoints, visibility of the proposed decked car park would be limited. This would be due in a large part to the proposed four storey building fronting onto Station Road.

However, there would be a gap of approximately 12m between Dominion Parade and the proposed four storey building where the decked car park would be visible. Moreover, not only would the decked car park be visible from this location, but its prominence would be exacerbated by this being one of the main pedestrian routes into the store.

The main visual impact from the proposed decked car park would be along Hindes Road. In this location, with the exception of the entrance into the site itself, the proposed decked car park would be close to the boundary with the road. The length of the car park in this location would be 67m at first floor level, 6m in height to the top of the balustrade and set back from the edge of the road by 6.2m, which has been increased from 2.2m, as part of the original application.

Given the impact of the proposed decked car park on both the street scene and the wider character of the area, Officers have been in discussions with the applicant with regard to a number of revisions to improve the overall design quality. Whilst it is accepted, due to its scale and prominent siting, in particular along Hindes Road and also Station Road, that the visual impact of the decked car park will remain high, Officers have sought to try and achieve an interface with the public realm that would ensure that this impact is mitigated to some extent.

In essence, the revisions that have been discussed with the applicant, have focused on both softening the urban edge of the decked car park, and allowing some interaction, in terms of the activities within the car park – namely, pedestrian and vehicle movement – and the adjacent public realm. In terms of its size and scale, the applicant has reduced the depth of the car park by 4 m along Hindes Road. This has allowed for an increased landscape buffer in this location. Importantly, this would reduce the impact at street level to pedestrians using Hindes Road. Whilst the decked car park edge would still be prominent, its setback would allow a greater degree of openness in this location, such that one does not feel overpowered.

In terms of the setting of the decked car park, Officers have sought to achieve a scenario whereby there is an interaction, albeit on a very subtle level, between the public realm and people/vehicles using the car park. The revised design sees the replacement of the previously proposed “chequerboard” façade (comprising corten panels with Aluminium mesh) to vertical glass translucent panel cladding. However, the applicant has maintained that part of their own requirements, and as part of achieving sustainability credentials, it is important that the car park is ventilated naturally. Therefore, this would be achieved by the off-setting and slight overlapping of the glass panels, giving the illusion of an uninterrupted and transparent frontage when viewed from Hindes Road and Station Road.

The proposed revisions would result in a more delicate interface with Hindes Road, enabling much greater levels of light to filter through, both during the day and at night time. As the translucent panels allow light to filter through, given the nature of the cars manoeuvring within the car park, the effect would be to give a level of activity to the edge of the car park.

The face of the cladding along the Hindes Road elevation will be provided at both ground and first floor levels. The applicant has set out that the glazing will be double skinned, whilst the offsetting and overlapping of the panels will serve to produce a variegated effect and a more “monumental” feel to this façade.

A glazed stair tower is proposed to project from the decked car park close to the vehicle entrance from Hindes Road. It is understood that this would serve as an emergency exit only. To ensure that this feature does not make a negative contribution to the streetscene, Officers have discussed the possibility that the glazing could be used for some form of public art, perhaps following a design competition. The revised details submitted by the applicant show an indicative etched glass design. It is considered that these revisions are a positive improvement to the design of the scheme.

At its most westerly point the proposed car park would be sited approximately 36m from No.1 Hamilton Road, 29m from the Alpha Preparatory School and 24m from Buckingham College (No.11 Hindes Road), and just 3m from the boundary with the college. The applicant proposes new and enhanced landscaping along the boundaries with these properties to try and mitigate the impact of the proximity of the decked car park. Members may note from the pre-application section above, that Officers raised the issue of the decked car park on the amenities of the properties prior to the application being submitted. The possibility of this section of the car park being reduced in scale was discussed. However, the applicant maintains that this element of the car park is required to accommodate the proposed parking levels. In terms of the impact on the amenities of the adjacent occupiers, the applicant has highlighted that the provision of existing and new landscaping would serve to form a physical and psychological barrier between the two sides, such that these impacts would be mitigated. Officers concur that the landscaping solution would serve to reduce the impact to some extent. However, whilst the landscaping would serve that purpose in terms of the physical characteristics of the site, it is considered that the activities would take place here, vis-à-vis car movements, would need to be carefully controlled, in particular during the more unsociable hours the store would be open.

It is noted that the application to extend the store opening hours, which was granted in February this year, was approved on the basis that a car park management scheme and physical barriers were to be utilised to restrict access to certain areas of the car park (in this case to the west of the building adjacent to the Hamilton Road properties) at unsociable hours. It is considered appropriate and necessary to impose a similar planning condition that would seek to restrict certain areas of the car park, namely those areas closer to residential properties on Hindes Road and Hamilton Road, and potentially the proposed 14 flats, such that the impacts of the use of the car park would be mitigated against.

#### Four storey building fronting onto Station Road

A significant revision from the previous application is the proposed inclusion of a four storey mixed commercial / residential building, in the south east corner of the application site. The proposed building would predominantly front onto Station Road, with a small section turning the corner onto Hindes Road.

The application proposes that the building would be of a contemporary design, with a mix of reddish block brickwork, block wall panelling and glazing. There would be floor to ceiling glazing on the ground floor, and part of the fourth floor. The alignment of the building has been set back from the proposals put forward at pre-application stage, such that it would result in a widened pavement along Station Road. The increase in the depth of the pavement would create an opportunity to improve the public realm in this location, which is considered poor in its current state, being dominated by the current car park for the store. The application has proposed some public realm improvements, focusing on a number of street trees, which is welcomed. At its northern end, the proposed building would be within the same building line as the adjacent building on Dominion Parade, although this element has been revised so that the ground floor of the building would be chamfered (with the first floor overhanging) to increase the public realm and space for pedestrians here.

The proposed building would address the corner of Station Road and Hindes Road, which is considered to be a positive element of the scheme. However, the building would be only 13.5m in length along Hindes Road. As discussed above, instead of this, the proposed decked car park would form the main frontage along Hindes Road. It is noted that the extension of the residential building along Hindes Road was encouraged at pre-application stage. Furthermore, the GLA Stage 1 response highlights that in terms of urban design in public realm, it is disappointing that this has not been done. Notwithstanding the above comments, on balance, the proposal is considered acceptable. The reduction in the size of the proposed decked car park, the revisions to the facing materials and the increase in landscaping along this frontage would result in an appropriate design solution. Furthermore, the Council is currently undertaking a review of public realm across the Borough, and the area around Station Road and Hindes Road will be included in this assessment. As a consequence, through the control of the materials and landscaping by way of planning conditions, it is considered that this part of the application site can make a positive contribution to the ongoing evolution of public realm within Borough.

In terms of residential amenity of the proposed flats, 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 Housing Quality Indicators and the emerging guidance, the London Housing Design Guide (LHDG)(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. It has been published to show the direction of travel of the final guide, to shape the design of London Development Agency (LDA) supported developments, and to encourage all involved in the design of new housing to embrace the Mayor's aspirations. Furthermore, the Councils adopted Supplementary Planning Document (SPD): Residential Design Guide (2010) also sets out minimum Gross Internal Areas (GIA) for different size residential units.

The application proposes 14 affordable residential units within the block. Each 1 bed flat would be 50 sq m, two bed flat would be 70 sq m and 3 bed flat would be 100 sq m, therefore meeting the standards set out in the LHDG and the Councils adopted Supplementary Planning Document (SPD): Residential Design Guide (2010). The internal room sizes would also comply with those in the LHDG. The proposed flats would be acceptable in terms of their layout and stacking.

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*".

The applicant has set out that the refuse store at the rear of the residential block has a space 1.4m deep x 6m wide, which is enough space for 2 x 1110, 2 x 1280 litre bins and also provides for an additional 1.9m wide space which can be used by the retail units. The space required for the retail units will be dependant upon their usage. There will also be space available in the services area immediately next to the residential entrance. The Council's Waste Management Officer has no objection to this, subject to a planning condition to identify details of access for refuse vehicles.

### **3) Environmental Impact Assessment**

The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (EIA) Regulations 2011 whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 2.22 hectares and therefore the proposed development may require an EIA.

As required pursuant to 4(5) of the Regulations and having regard to the criteria set out In Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would be of a nature that did not warrant the submission of an Environmental Impact Assessment as it would not have a significant environmental effect.

### **4) Parking/Highways Considerations**

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

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

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

A Transport Assessment (TA) that considers the traffic implications for the development has been submitted with the planning application. The applicant has undertaken an operational analysis of the proposals upon the Hindes Road entrance into the site, and the Station Road / Hindes Road junction, referred to as a TRANSYT analysis. This model assesses traffic capacity for linked signal junctions and calculates the "degree of saturation" at a location. This indicates whether the junction is operating with or without substantial traffic queues and delays. If a threshold of 80% is exceeded this indicates that a junction (whole or part) is 'over saturated' and excessive queuing and delays are occurring.

It is noted that a significant number of objections have been received that raise concerns in reaction to the potential traffic situation from the proposed development. Among those objecting on these grounds are the Campaign for a Better Harrow Environment (CBHE), and a specialist transport consultant, who has undertaken a detailed critique of the TA submitted with the application.

The TA indicates that the proposed development would lead to the following traffic generation, as measured using the Hindes Road entrance:

	<b>AM 08.15-09.15</b>		<b>PM 16.45-17.45</b>		<b>Sat 12.15-13.15</b>	
	IN	OUT	IN	OUT	IN	OUT
Existing Store	279	204	294	299	481	433
Proposed extension	66	48	70	71	114	103
<b>Total</b>	<b>345</b>	<b>252</b>	<b>364</b>	<b>370</b>	<b>595</b>	<b>536</b>

As such, the increase in traffic from the proposed extension would be 114 vehicles in the weekday AM peak, 141 in the weekday PM peak, and 207 during Saturday peak trading hours.

In line with Harrow's network management plan a predicted traffic growth of 11% between 2006 and 2020 has been accepted. Department for Transport (DfT) guidance allows for traffic generation analysis to be undertaken for the year of opening (2012) with a future assessment year (15 years hence) of 2027.

The traffic surveys undertaken by the applicant in January this year indicate a fall in traffic movement as compared to similar surveys undertaken in June 2008 at the Station Road /Hindes Road junction. These reductions amount to:- northbound (4% AM peak/ 15% PM peak) and southbound flows (6% AM peak/4% PM peak). On this premise it has been considered fair to apply zero traffic generation growth at the anticipated year of opening (2012) and projected year of 2027.

As Member's will be aware, traffic flows vary from day to day due to 'knock on' effects of road traffic conditions in other parts of this and neighbouring boroughs which can increase or indeed decrease traffic movements. Also personal choice / circumstances and weather conditions can influence matters in this respect. A typical 5-10 % daily variation can therefore be expected so the 'apparent' reductions in traffic flows from 2008 to 2011 can be mostly attributed to this percentage variance.

It is accepted that some modal shift toward more sustainable travel will apply to any future traffic flow and growth projections but this cannot be accurately quantified as mode shift is heavily dependant on numerous extraneous factors, such as the combined effects of spatial planning and controls of development, fares pricing and public transport accessibility, road space control and parking pricing mechanisms within Harrow and London as a whole, contributing to successful modal shift outcomes. Officers therefore consider that it is reasonable to assume an overall average of 0.5 to 1% year on year increase in traffic flows to the projected assessment year of 2027.

A traffic model named TRANSYT has been applied to the Station Road junctions with Hindes Road and Greenhill Way. This model assesses traffic capacity for linked signal junctions and calculates the "degree of saturation" at a location. This indicates whether the junction is operating with or without substantial traffic queues and delays. If a threshold of 80% is exceeded, this indicates that a junction (whole or part) is 'over saturated' and excessive queuing and delays are occurring.

It has been demonstrated that the Hindes Road/ Station Road junction currently exceeds this threshold of 80% on the Station Road arm of the junction. As there is little scope for further enhancement or development of the current signal arrangement, this over-saturation raises concerns as the projected overall traffic growth will further exacerbate the situation with the store extension proposal contributing negatively to the status quo. This junction over-capacity is affirmed by the Council's independent transport capacity audit produced as an independent evidence base for the emerging Local Development Framework (LDF).

The application proposes an additional 66 car parking spaces in addition to the 386 existing spaces, leading to a total of 452. This has been reduced during the course of the application, from the original 470 total proposed (84 new spaces). It is noted that the previous application proposed a total of 600 spaces.

The appropriate level of parking has been the subject of much discussion between the Councils Highway Engineer, Transport for London (TfL) and the applicant. The question is whether the proposed level of parking would be in accordance with The London Plan (2011), whether it would contribute to the principles of sustainable development and whether the level would be appropriate with respect to the demand for the store itself and the ability to use it for linked trips for the town centre.

The current baseline parking provision of 386 spaces is in line with The London Plan (2011), which indicates that this level should remain if the store extension is applied. i.e. even with the extended store space, the provision of 386 spaces is consistent with the new store as a whole (as opposed to assessing the existing and new parts of the development separately).

As set out, following further negotiation the applicant has now reduced the total desired parking provision from 470 to 452 spaces. To justify this higher level of provision, parking accumulation studies undertaken by the applicant suggest that, in particular, the Saturday peak period store demand currently creates significant overflow beyond the existing provision, such that other parking areas (e.g. Greenhill Way car park) are required. The applicant makes the case that this 'overflow' would be exacerbated if the store is extended without additional parking provision, thereby causing the interruption of traffic free flow on the highway which we wish to avoid.

It is accepted that the additional 66 spaces proposed would reduce such potential impact when considering the additional parking demand generated by the store extension. This is acknowledged by both TfL and LBH

The Council's Highway Engineer, in conjunction with TfL, has advised that the additional traffic generated by the proposed extension would not measurably affect / impact on the surrounding area, and as such it is considered that the reduced figure of 452 spaces would be acceptable given the reduced likelihood of traffic overflowing onto the public domain.

To support this 'higher than baseline' parking provision the applicant is also allowing for public realm betterment in the form of the following highway improvements:-

- Dedication of land to substantially enhance footway provision on the Station Road frontage thus benefiting the public realm.
- The removal of the northbound bus lane at the Hindes Road/Station Road signal junction to release additional highway capacity at this junction.
- Removal of surplus guard railing at the above location to reduce street clutter and improve pedestrian movement.
- The enhancement of a pedestrian refuge in the vicinity of the store to benefit pedestrians.
- A financial contribution to the TfL 'Legible London' signing strategy.

In addition a sum of £10,000 would be allocated toward the Harrow and Wealdstone Area Action Plan (AAP) strategic transport model which is currently being established to inform planning applications within the intensification area.

90 cycle parking spaces are proposed, which is consistent with The London Plan (2011) standards (1 space per 125 sq m GFA for Town Centre retail). The majority of the proposed cycle parking provision is located adjacent or near to the store entrance and this is considered acceptable. It is noted that a number of spaces are proposed to be located adjacent to the external stairwell fronting onto Hindes Road. Officers have some concerns about the usability of these spaces, given that the location would be set well away from store entrance. Officers have raised this issue with the applicant, but they have advised that there are no other alternative locations for these spaces, and they are required to conform with The London Plan (2011). As such, it is considered that whilst this element of the scheme is less than desirable, it is not of sufficient weight to warrant the refusal of planning permission on this ground alone.

27 designated disabled spaces are proposed, conforming to The London Plan (2011) standards.

Electric vehicle charging (EVC) points - It is proposed for 10% of retail spaces to be EVC compliant with a further 10 % passive parking provision. 20% of the parking provision for the residential C3 element is to be provided with a further passive provision of 40%. These provisions are compliant with The London Plan (2011) standards and are therefore considered acceptable.

The site has an existing servicing provision accessed via Station road and to date there are no recorded issues arising from the current operation, although it is noted that objections from residents of the Dominion Parade flats have been received in relation to this matter. The applicant has indicated that there would be a small increase in activities as a result of the store extension, and will mostly occur during off-peak periods. The Council's Highway Engineer has no objection to this in principle, but has advised that any proposed intensification of servicing regime would need to be secured under a planning condition for agreement post-planning permission, and this would take the form of a full Delivery and Servicing Plan (DSP).

Whilst the impacts of construction largely fall outside of the planning process, given the 'traffic sensitive' location of the site, the Council's Highway Engineer has advised that a Construction Logistics Plan (CLP) should be secured via a suitable planning condition.

The Council's Highway Engineer has advised that the framework Travel Plan submitted with the application is generally robust and in line with TfL guidelines. A final version would be secured by appropriate planning condition. .

### Conclusion

It is apparent there would be a greater parking demand resulting from the store extension. In terms of the characteristics of the public realm in the locality, it is given that the location is sustainable with a high Public Transport Accessibility Level (PTAL) of 4 and all surrounding roads are strictly controlled by all day waiting restrictions by way of a Controlled Parking Zone operating from 8.30 am to 6.30 pm Monday to Saturday.

In accordance with the rationale behind PPG 13 which promotes sustainable travel, these are all controlling factors in parking demand and traffic generation terms hence there is a case to be made with regard to site generated traffic and parking demand finding its own level if fewer parking facilities are available on site combined with strict on street parking controls and good access to public transport facilities.

In line with pre and post application advice afforded to the applicant the Council takes the view that a holistic approach should be applied to consider the existing store and proposed extensions as one entity in order to determine a final level of parking provision. This approach indicates that the existing parking provision of 386 spaces would suffice for the extended store in accord with The London Plan (2011) Parking Standards.

However it is accepted that if parking were to be increased to a level of 452 spaces, the corresponding increase in traffic generation would not be at a level that would measurably prejudice the local highway network in the context of the applicant now providing significant financial contributions to mitigate against the anticipated impact of the proposed store extension as outlined above under 'highway improvements'. TfL support this approach.

In summary as the applicant has reduced the original quantum of desired parking provision from 470 to 452 spaces and enhanced the package of mitigation measures and improvements to the public realm, there is now no objection to the proposal. This view is confirmed by TfL.

### **5) Flooding**

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

The Environment Agency (EA) has been consulted on the application, and initially raised an objection on the basis that the Flood Risk Assessment (FRA) submitted with the application was unacceptable. The applicants consultant, Pinnacle Consulting Engineers Ltd, have responded to the concerns raised by the EA and have submitted an updated FRA.

The FRA sets out that the existing impervious area for the site and therefore the existing positively drained area is 20,892 m<sup>2</sup>. As a result of the proposed works, the proposed impervious area would be 20,703 m<sup>2</sup>, resulting in a reduction of 189m<sup>2</sup>. Therefore, in accordance with advice contained within PPS25, the 1 in 100 year surface water runoff rate from the proposed development would be less than the existing rate and thus betterment is provided. However, in accordance with the requirements set out within The London Plan (2011), the rate of surface water runoff from the proposed development for a 1 in 100 year storm event, inclusive of an allowance for climate change, would be attenuated to provide a 50% reduction in surface water runoff from existing rates. It is noted that, due to the residential units within the proposed development, a 30% allowance for climate change has been adopted in attenuation calculations.

With reference to the indicative flood map published by the EA, the development site is located within Flood Zone 1 'Low probability'. This has been confirmed by the site specific flood risk assessment as detailed at Section 4.1. From Table 3.3 the Tesco store extension and retail units are classified as 'less vulnerable' the proposed block of flats is classified as 'More vulnerable' (Flood Risk Vulnerability Classification) and therefore, from Table 3.4 the overall development is classified as 'appropriate'. Moreover, as the site is located entirely within Flood Zone 1 the Sequential Test can be deemed to be passed for the site and it is not necessary to sequentially test the development layout.

Due to unsuitable ground conditions, the FRA sets out that the use of infiltration methods is considered a very low viability option for the discharge of surface water runoff. It is therefore proposed that the rate of surface water runoff from the proposed development be restricted to 50% existing discharge rates at corresponding return periods. The necessary attenuation will be provided using a porous paving system for the pedestrianised route and for the remaining site, a below ground Geolight modular attenuation system with an approximate volume of 825m<sup>3</sup>, which will be confirmed at detail design stage and details of which can be secured via a planning condition. The FRA states that the Geolight system will be designed to accommodate all storms up to and including the 1 in 100 year + 30% climate change event. The normal precautions regarding water quality will be observed by the provision of appropriate petrol interceptors, deep silt trapped gullies and silt boxes to all channel drains.

On the basis of the updated FRA, subject to securing details of the above, the EA are now content with the application and have withdrawn their objection. As such, the application is considered acceptable in this context.

**6) Noise / Air Quality**

It is noted that a number of residents have raised concerns with the potential additional impacts from the extended store, in particular in relation to air quality and noise. An Air Quality Assessment, prepared by RSK Group Plc, and a Noise Assessment, prepared by Sharps Redmore Partnership, have been submitted with the application.

The Noise Assessment concludes the following:

- The additional mechanical services and refrigeration plant can be designed such that daytime noise levels do not exceed 40 dBA and night time noise levels of 39 dBA, at the nearest noise sensitive properties.
- The proposed residential properties fall within Noise Exposure (NEC) C, and therefore appropriate thermal double glazing would be required to ensure reasonable internal noise levels. As such, mechanical ventilation will need to be provided.

The Air Quality Assessment concludes the following:

- The primary source of emissions to air once the proposed development becomes operational is considered to be additional road traffic. The key air pollutants of concern are considered to be nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>). In order to quantify the potential air quality impacts at sensitive receptor locations during the operational phase of the development, three different scenarios were assessed using an advanced dispersion model (ADMS-Roads) and one year of hourly sequential metrological data, as follows:
  - 'Base Case' scenario representing the 'existing' air quality situation;
  - 'Do Nothing' scenario without the proposed development at the opening year 2013; and
  - 'With Development' scenario with the proposed development at the opening year 2013.
- The predictive assessment identified no accordance of relevant air quality objectives for NO<sub>2</sub> and PM<sub>10</sub> at any of the sensitive receptor locations under any of the assessed scenarios.
- Interpretation of the modelling assessment results with planning guidance provided by Environmental Protection UK indicates that the overall impact of the proposed development is likely to be 'negligible'.
- Air quality is considered to be a low property concern for the proposed development scheme.

The Council's Environmental Health Officer (EHO) has raised no objection to the proposed development. The EHO has set out a number of restrictive planning conditions that would seek to ensure that noise levels would not be unacceptable. These conditions are recommended below.

**7) Accessible Buildings**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy 3.8 of The London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard.

Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. A recent appeal decision at No.72B Marlborough Hill (ref APP/M5450/C/10/2135771) has confirmed that this policy should be given significant weight when assessing planning applications.

In terms of the proposed extension to the retail store, clearly lifetime homes standards are not applicable for a building of this nature, but the applicant has set out that the building will be accessible to people with all levels of disability and will be designed in accordance with part of the building regulations and in line with BS 8300. As such, it is considered that the application is acceptable in this regard.

In terms of the proposed 14 residential units within the four-storey building fronting onto Station Road, lifetime home standards will be applied to all of these, and they would follow the technical guidance within the Mayors Interim London Housing Design Guide. In particular the Design and Access statement highlights that all approaches are level access or gently sloping and would be illuminated; that communal stairs will be ambulant disabled compliant and the lift would be for the disabled compliant; internal doorways and hallways will conform to part M of the building regulations; there would be turning space for wheelchairs in dining areas and living rooms adequate circulation space for wheelchairs elsewhere; within the three-bedroom flats will be wheelchair accessible toilets; living room window glazing will be no higher than 800 mm from the floor level and windows will be easy to open and operate.

It is considered that the applicant has suitably demonstrated that the proposal, in terms of both the extension and the 14 residential units, would be consistent with planning policies requiring the highest standards of accessibility and inclusion as set out above.

## **8) Sustainable Development**

Policy 5.1 of The London Plan (2011) 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 (2011) 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 an energy statement which confirms that Tesco are committed to achieving Buildings Research Establishment Environmental Assessment Method (BREEAM) Very Good rating for the proposed extension, and Level 4 of the Code for Sustainable Homes for the proposed 14 residential units.

The applicant's energy statement sets out that the proposed extension would achieve a 25% reduction in carbon emissions through a range of measures. These measures would include:

- Transport considerations through a Travel Plan, providing targets to enable the reduction in car use both staff and customers
- 90 dedicated cycle spaces with secure cycle storage, improved walking network and electric vehicle charging points.
- Energy efficient lighting, with external Passive Infra Red (PIR) sensors and time switches would be incorporated into appropriate areas.
- Ecological enhancement through additional planting of trees and shrubs around the perimeter of the site and the debt car park provide visual containment and attractive gateway feature.

It is noted that, whilst it is positive that the applicant has committed to achieving high standards of sustainability in relation to both the proposed extension to the store, and the 14 residential units, the details within the energy statement are not explicit in terms of how this would be achieved. It is further noted that the GLA in their Stage 1 response have raised concerns about this matter. The applicant has not committed to use any on-site renewable technologies in order to achieve a 25% reduction in carbon emissions as required by The London Plan (2011) policies. The energy statement sets out that none of the available renewable energy technologies meet the appropriate technical or viability constraints, that would allow them to be used within this development. As such the carbon reduction targets would be met through energy efficiency in design building an operation only.

In response to the GLA's concerns, the applicant has set out a range of details in relation to sustainability matters. The applicant has set out in detail how the energy efficiency measures referred to in the energy statement would work in practice. In terms of renewable energy technologies, the applicant acknowledges that there may be a potential shortfall in achieving the required carbon reduction targets under Part L of the 2010 Building Regulations; however, further modelling is taking place in relation to this matter. This modelling includes options for the potential use of photovoltaics, solar thermal and heat pumps. The applicant goes on to highlight that whilst renewable energy technologies may not be initially installed, consideration has been made with regard to the design and build of the residential dwellings to facilitate their installation at some point in the future. For example, the roof structure has been designed with suitable fixing locations for photovoltaics or solar hot water panels; the roof has been orientated to face between south-east and south-west with minimal overshadowing; the provision of identified electrical cable ductwork between electrical consumer unit and proposed location of generating equipment, which would allow for small-scale wind photovoltaics to be installed.

Whilst it is noted that the applicant has not set out in detail how precisely the proposed development would achieve the relevant carbon emission reductions and energy savings, the submitted energy statement and further correspondence does give a sound commitment to achieve this. The applicant has highlighted by this stage in the development cycle, it would be appropriate to secure further details of these matters through the use of a planning condition, which whilst noting the GLA's concerns, is considered appropriate.

Therefore, to ensure compliance with the above planning policies, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the BREEAM and Code for Sustainable Homes standards.

**9) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

The original scheme proposed a pedestrian link on the corner of the four storey building fronting onto Station Road, that would allow access around the rear of this building and the car park. Officers considered that the quality of this enclosed space would be poor, as it would be confined with little scope for meaningful natural surveillance. As such, Officers consider this area could potentially generate criminal related activities. As highlighted at pre-application stage, the quality of this pedestrian link was raised as a potential issue, and it was suggested that it would be better to remove it. As such, the applicant has removed this element from the proposed scheme, such that at ground floor level there would only be the proposed A1/2/3 uses. Access in to the main store would still be via the space in between the existing buildings on Dominion Parade (as it currently is) and the new proposed four storey building. However, to aid the pedestrian desire line into this space when approaching from the south from Station Road (i.e. Harrow Town Centre), the building has been tapered in at ground floor level. This would have the effect of increasing the public realm in this location and allow freer access into the entrance to the store (via the car park).

The Council have consulted the local Crime Prevention Design Advisor (CPDA) in relation to the detailed crime and security matters. In addition to providing the Council with comments on the application, the CPDA has liaised directly with the applicant in relation to these matters, and wider counter-terrorism concerns that are now considered with major developments located in town centres. The CPDA is responsible for approving (or not) any application for a Secure by Design (SbD) accreditation that may be applied for by Tesco.

The CPAD have raised a number of points in relation to Crime and Security. Tesco have been able to confirm that, as far as they are able to, they would comply with the requirements as set out by the CPDA. A number of these matters fall within the remit of the planning process and further details could (and should) be secured by way of planning conditions, should planning permission be granted. These matters include details of external lighting, boundary treatment, cycle storage and CCTV. Should permission be granted, these details would be secure through conditions, and their final approval would be signed off by the Council in conjunction with further discussions with the CCPD. However, a number of the matters raised are not matters that the Council can control through the use of planning conditions. Having said that, Tesco have advised that they are committed to achieving a SbD accreditation, and as such the CPDA will be responsible for approving this.

Overall, the CPDA has advised that no objection in principle is raised in relation to the scheme, subject to the detailed matters being secured by way of conditions as set out above. As such, the application is considered to be acceptable in the context of Policy 7.3 of The London Plan (2011) and saved Policy D4 of the Harrow Unitary Development Plan (2004).

#### **10) Planning Obligations**

Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.

A payment or other benefit offered pursuant to a Section 106 Agreement is not material to a decision to grant planning permission and cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Government Circular 05/2005 also provides guidance on the use of planning obligations, which may impose a restriction or requirement, or provide for payment of money from the developer to make acceptable development proposals that might otherwise be unacceptable in planning terms. These obligations may offset shortfalls in the scheme or mitigate the impacts of the development.

The following contributions have been discussed and agreed with the applicant as forming the basis for a Section 106 Agreement, should planning permission be granted. The majority of the contributions involve alterations and improvements to the local highway network. The measures have been identified by the applicants transport consultants as being required as a result of the increased number of cars / pedestrians accessing the site.

Hindes Road is within the Council's Green Grid area, and therefore given the significant physical development proposed here, it is considered reasonable to secure a financial contribution for the implementation of this programme.

No onsite play space in connection with the residential units is proposed by the applicant, and therefore in accordance with The London Plan (2011) policy 3.6B, financial a contribution has been agreed towards off-site provision.

<b>MEASURE</b>	<b>CONTRIBUTION</b>
Removal of northbound bus gate to the south of the junction with Hindes Road	£50,000
Removal of nonessential guard railing along Station Road /Hindes Road junction	£10,000
Improved refuge island at Station Road	£10,000
Yellow box markings at Woodlands / Station Road junction	£10,000
Strategic Highways Model	£10,000
Legible London	£20,000
Green Grid	£20,000
Play space provision (off-site)	£10,000
S.106 Monitoring (4%)	£5,600
Education – Financial contribution, based on child yield, for the delivery of new and extended (permanent bulge year classes) education facilities to support the development	£33,600
Bus network countdown systems – provision / facilities in store to link in with local Countdown system to be rolled out in 2012.	Non-financial, obligation on developer through Green Travel Plan.
Public realm – repaving of Station Road and Hindes Road to ensure consistent hard surfacing; other public realm facilities.	Non-financial, obligation on developer.
Affordable Housing provision	Non-financial, obligation on developer.
<b>Total</b>	<b>£179,200</b>

On the basis of the above, the proposed development is considered to be in accordance with polices 8.1 and 8.2 of The London Plan (2011).

## 11) Consultation Responses

It is noted that objections and letters of support have been received in relation to the planning application. The majority of the comments made in response to the public consultation has been addressed in the main body of the report.

The comments in relation to a loss of property values in the local area and noted, but in planning terms cannot be afforded significant weight.

The concerns in relation to the potential for disturbance from the construction of the development, are noted, but can only be given limited weight in planning terms. Notwithstanding this, as set out above, given the significant scale of the proposed development, planning conditions are recommended that cover both their Construction Management Plan and a Construction Logistics Plan.

## **CONCLUSION**

Overall then, it is considered that the planning application for the extension, decked car park, four-storey mixed-use building and other associated works, is consistent with national and local plan policies.

It is noted that concerns have been raised in relation to the impact of the extended Tesco store on Harrow town centre in particular, and other local traders. Ultimately, the Council's retail consultants have advised that whilst there would be some diversion of trade from the town centre to the extended store in relation to comparison goods (in particular higher order goods), in terms of the overall spend within the town centre, this diversion of trade would be negligible. This is in the context that the Council's retail consultants have advised that Tesco may have underestimated the overall spend within the town centre in any case, which if it were the case, would reduce the impact still further.

Another common objection to the planning application has been in relation to the impact on the local highway network, in particular the Station Road / Hindes Road junction. The analysis undertaken by the applicant in support of their application, and confirmed by both the Council's Highway Engineer and Transport for London, sets out that this junction is already operating at overcapacity, and consequently, the additional traffic movements generated at peak hours by the extended store, would not exacerbate existing capacity issue. Furthermore, the proposed on-site parking provision, is considered acceptable. The applicant has committed to, and the Council would secure through the Section 106 Agreement, improvements to both the highway network and the surrounding public realm.

In terms of the size and scale of the proposed development, it is accepted that these are significant. However, this must be assessed in the context of how visible or prominent they would be in terms of their public views. It is considered that the proposed four-storey mixed-use building that would front onto Station Road would make a positive contribution to the street scene and the wider character of the area. Furthermore, due to its prominent siting, it would serve to screen a lot of the other proposed development. Clearly, the proposed decked car park would also be highly visible, but on balance, it is considered that the revisions in terms of its size and scale and facing materials, would be acceptable.

The application has been assessed in terms of all other relevant material planning considerations, such as noise and air quality impacts, sustainability, accessibility, and crime and security, and has been found to be acceptable in terms of its consistency with national and local planning policies.

In conclusion, it is considered that the proposed development, taking into account the above analysis in relation to its acceptability in planning terms, and that it would result in economic development and job creation local people, is appropriate.

## **CONCLUSION**

1 The development hereby permitted shall be begun before the expiration 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: facing materials

b: the ground surfacing

c: the boundary treatment

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

REASON: To safeguard the appearance of the locality in accordance with 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. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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

5 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).

6 Lighting; boundary treatment; cycle storage provision; CCTV

7 Notwithstanding the submitted details, before the first occupation of the building hereby permitted, details of the facilities for the 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).

8 Restrictions on floorspace - The approved store shall provide a total net sales area including checkouts of not more than 6,472 sq.m net, of which not more than 2,763 sq.m net should be devoted to the sale of comparison goods.

REASON: To minimise impact on Harrow town centre, and to comply with the sequential approach, in accordance with PPS and The London Plan (2011)

9 Before the first use of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to, and approved in writing by, the local planning authority. The approved DSP shall be adhered to throughout the operation of the store.

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

10 The premises shall not be open for sale of goods to the public except between the hours of 06.00 to 23.00 Monday to Saturday and between 10.00 and 17.00 hours on Sundays and Bank Holidays. No sale of goods to the public shall take place at any other time except with the prior agreement in writing of the Local Planning Authority.

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

11 The development hereby permitted shall not commence until details of a barrier system and car park management measures to prevent the use of the whole of the car park in areas that are adjacent to existing and proposed residential properties between the hours of 22:00 to 08:00 on Mondays to Saturdays, is 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 safeguard the amenities of neighbouring occupiers, as required by saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

12 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 1, Class I, no advertisement shall be placed within one metre of any window or other opening through which it would be visible from outside the building from a distance of 19 metres (or any other distance agreed with the Local Planning Authority in writing) measured from the south-east corner of the building along its south-east facing frontage and all glazing within this zone shall only be installed as clear glazing which shall thereafter be retained in perpetuity and shall not be obstructed by furniture or other articles.

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

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

- a: the storage and disposal of refuse/waste
- b: and vehicular access thereto

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

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

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 7 November 2011, reference 110207 Rev D by Pinnacle Consulting Ltd and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed 257 l/s as detailed in Table 6.1 and Table 6.2 of the FRA.
2. Provision of on-site surface water storage to accommodate the critical duration 1 in 100 year storm event, with an allowance for climate change.
3. Surface water storage to be achieved using sustainable drainage techniques including permeable paving.

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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that sufficient storage of surface flood water is provided. To ensure surface water

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

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

16 No goods, materials, plant or machinery shall be stored within the car park of the approved development without the prior written permission of the Local planning authority.

REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

17 Before the development hereby permitted is occupied a Sustainability Strategy, detailing the method of achievement of Level 4 of the Code for Sustainable Homes (or successor) for the residential units and BREEAM Very Good (or successor) for the store extension, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO<sub>2</sub> emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development a post construction assessment shall be undertaken for each phase demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

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

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

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

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

19 No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period.

REASON: To manage the impact of the development in terms of the traffic movements 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).

## **INFORMATIVES**

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

It is considered that the proposed extension to the Tesco retail store would result in the appropriate development of the site, creating significant employment opportunities, whilst supporting the role of Harrow Town Centre as a regionally significant Metropolitan Centre. The proposals would encourage the regeneration of Harrow whilst having an acceptable impact upon the appearance and character of the site and neighbours' living conditions, having regard to 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 2004 set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

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

### **National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 13 – Transport (2001)  
Planning Policy Statement 24 – Noise (1994)  
Planning Policy Statement 25 – Development and Flood Risk (2010)  
Draft National Planning Policy Framework (2011)

**The London Plan (2011):**

- 2.7 – Outer London: Economy
- 2.13 – Opportunity areas and intensification areas
- 2.15 – Town Centres
- 3.1 – Ensuring equal life chances for all
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 4.1 – Developing London’s Economy
- 4.7 – Retail and town centre development
- 4.8 – Supporting a successful and diverse retail sector
- 4.9 – Small shops
- 4.12 – Improving Opportunities for all
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.1 – Strategic approach
- 6.2 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 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
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing noise and enhancing soundscapes
- 8.1 – Implementation
- 8.2 – Planning obligations

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

S1 – The Form of Development and Pattern of Land Use  
SEM1 – Development and the Boroughs Regeneration Strategy  
SEM2 – Hierarchy of Town Centres  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
D23 – Lighting  
H7 – Dwelling Mix  
EM24 – Town Centre Environment  
T6 – The Transport Impact of Development Proposals  
T13 – Parking Standards  
EP12 – Control of Surface Water Run-Off  
EP25 – Noise  
C16 – Access to Buildings and Public Spaces  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

**Other Relevant Guidance:**

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 PARTY WALL ACT:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 THAMES WATER:**

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

**5 PERMEABLE PAVING:**

Note: guidance on permeable paving has now been published by the Environment Agency on

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

**6 COMPLIANCE WITH PLANNING CONDITIONS:**

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

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

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

Plan Nos: To follow.

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**LAND ADJACENT TO WAVERLEY INDUSTRIAL ESTATE, HAILSHAM DRIVE HARROW, HA1 4TR**

**Item: 1/02  
P/2870/11**

Ward: MARLBOROUGH

CREATION OF 11 CAR PARKING SPACES WITH ASSOCIATED HARDSURFACING

**Applicant:** Eskmuir Properties Ltd  
**Agent:** Savills (L&P) Ltd  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** 16-DEC-11

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## **RECOMMENDATION**

**GRANT** permission for the surface car park as described in the application.

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 surface car park would provide additional parking spaces to support a local and well established business, which would also benefit the local economy and employment opportunities.

### **National Planning Policy:**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)  
Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 13 – Transport (2011)  
Planning Policy Statement 25 – Development and Flood Risk (2010)  
Draft National Planning Policy Framework (2011)

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

2.7 – Outer London: Economy  
2.17 – Strategic Industrial Locations  
4.1 – Developing London's Economy  
5.12 – Flood Risk Management  
6.13 – Parking  
7.3 – Designing Out Crime  
7.4 – Local Character  
7.6 – Architecture

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

S1 The Form of Development and Pattern of Land Use  
D4 The Standard of Design and Layout  
D9 Streetside Greenness and Forecourt Greenery  
EM14 Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas  
EP12 – Control of Surface Water Run-Off  
EP21 Vacant and Disused Land and Buildings  
T6 Transport Impact of Development Proposals

**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, 6.13 UDP S1, EM14, EP21, T6)
- 2) Character of the Area (London Plan 7.4B, 7.6B UDP D4, D9)
- 3) Flood Risk (PPS25, The London Plan 5.12A, UDP EP11)
- 4) S17 Crime & Disorder Act (London Plan 7.3, D4)
- 5) Consultation Responses

**INFORMATION**

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

**a) Summary**

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

**b) Site Description**

- The application site comprises vacant land adjacent to Waverley Industrial Park, accessed from Hailsham Drive. The application site is 0.06 ha.
- The application site is broadly triangular in shape and sits at an elevated level compared to the adjacent roads, Headstone Drive and Hailsham Drive. The West Coast Main Line abounds the site to the north, and the site is at the same level as this.
- There are four large advertising boards on the perimeter of the site that face out onto the adjacent roads.
- The industrial park itself lies to the north, connected by Hailsham Drive, and consists of six separate buildings, made up of 15 individual units, which are currently in use for a variety of commercial / industrial purposes.
- The units are all two storeys in height, and constructed of a mix brick / corrugated metal.
- There is a total of 11,884 sq m floor space, and 225 car parking spaces.

**c) Proposal Details**

- Application proposes the creation of 11 car parking spaces with associated hardsurfacing.
- The application would involve the change of use of the site from vacant land (no recorded Use Class) to a surface car park and associate access (Use Class Sui Generis).
- The application would entail the change of use of 600 sq m.

**d) Relevant History**

- N/A

**e) Applicant Statement:**

- Microlease have been operating out of Unit One, Waverley Industrial Park, for 11 months, following a fire at their previous premises. Continuing a tradition of over 30 years trading from within the Harrow Borough, Microlease, which has been operating since 1979, specialises in the supply of test equipment (high technologies) to businesses worldwide, with offices throughout Europe and the United States.
- Microlease employee in the region of 120 people regularly at their premises at Waverley Industrial Park, rising to 150 with employed visitors. A recently completed acquisition in America takes the total walk workforce to in excess of 220 personnel worldwide
- An element of dedicated parking is available on the Industrial Park, however, Microlease find that the overall supply of parking on the Park is fully utilised. Whilst it is representative of the Park's success (predominantly let), Microlease often find that their staff cannot park within the estate and, as such, passed final turn it of parking off-site and walk large distances, often at unsociable hours of the day to get to work stop

**f) Consultations**

**Highway Engineer:** No objection.

**London Underground:** No objection.

**Advertisement:** General Notification                      Expiry: 27-SEP-11

**Notifications:**

Sent: 33                      Replies: 0                      Expiry: 21-NOV-11

**Neighbours consulted:**

Cumberland Court Princess Drive 1-15  
Warwick Court Princess Drive Flats 1- 12  
Harrow Crown Courts

**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 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. As such, the application has been assessed against the relevant adopted planning policy.

**1) Principle of Development**

The application site comprises vacant land adjacent to Waverley Industrial Park, accessed from Hailsham Drive. The application site is not allocated within The London Plan (2011) or Harrow Unitary Development Plan (2004).

Whilst the site is not part of Waverley Industrial Park itself (in terms of The London Plan (2011) and Harrow Unitary Development Plan (2004) designations), given that the proposed car park would be for the benefit of one of the units of the industrial park, for the purposes of this application it is considered appropriate to consider the prevailing planning policies for this area.

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.

Policy 2.17B of The London Plan (2011) 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.*

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.

It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth (2009). PPS4 sets out the Government’s guidance on planning for economic development. Broadly the Government’s policy is to promote new economic development where possible balanced against the principles of sustainable development because of the evident job creation potential that this brings. PPS4 particularly emphasises that local authorities should be positive, proactive and flexible when considering these matters, and states:

*“EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”*

The proposal is for additional parking provision for one of the industrial units in the Waverley Industrial Park as existing provisions are deemed inadequate. The area concerned is a redundant piece of land which would need the formation of a new access off Hailsham Drive.

The Council's Highways Engineer has no objection to the application in principle. The Council's Highway Engineer has stated that with regards to sustainability, the Council should not be promoting additional parking provisions given that more trips to and from site will be encouraged via the private motor car. However in this case given the relatively small scale of increased provision, coupled with the need to promote and assist local business needs, there would be no objection to the proposal based on this rationale.

It is noted that, whilst the application site is not defined industrial or commercial designated land, its proposed use as a surface car park would support a local business based at the adjacent Waverly industrial Park. It is noted that both national and local plan policies are supportive of new development that has the potential to create or support economic development. Whilst it is considered that the proposed surface car park is unlikely to lead to any significant increase in employment within the borough, given the current state of the economy even development such as this has the potential to support an existing local business is considered positive, and consistent with planning policies.

Overall, it is considered that the proposal would be consistent with PPS4, The London Plan (2011) Policy 2.17 and saved Policy EM14 of the Harrow Unitary Development Plan (2004), and is therefore acceptable.

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

Paragraph 12 of PPS3 states that good design is fundamental to the development of high quality housing and The London Plan (2011) 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 D4 of the Harrow Unitary Development Plan (2004) states that 'buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces'. Saved policy D5 of the Harrow Unitary Development Plan (2004) requires new development '*to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a useable amenity area for the occupiers of the development; as a visual amenity*'. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that '*There should be a clear definition between private amenity space and public space*'.

The Council's Highways Engineer has stated that in physical terms there are no specific concerns with regard to the layout of parking and access provisions as shown noting that the access should not exceed the Council maximum of 3.6m in width. The Council's Highways Engineer has advised that the 'grasscrete' treatment would need further consideration with subsequent conditioning as this surfacing method has not been successful in creating pleasing aesthetics in the long term. It is considered that this matter can be dealt with by way of a planning condition.

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.

It is noted that the application site is dominated by four large advertising boards. The application does not propose to remove these. The application does not propose any additional landscaping. It is considered that in order to achieve the aspirations of saved Policy D9 of the Harrow Unitary Development Plan (2004), a planning condition should be imposed to require details of a landscaping scheme for the areas (albeit limited) of the site that could be utilised for new tree planting and landscaping.

**3) 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.

**4) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

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**

N/A

## **CONCLUSION**

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 surface car park would provide additional parking spaces to support a local and well established business, which would also benefit the local economy and employment opportunities.

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

## **CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of 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 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until samples of the materials to be used in the construction of the surface of the car park 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 safeguard the appearance of the locality in accordance with 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 soft landscape works. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

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

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

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

6 No goods, materials, plant or machinery shall be stored with the car park without the prior written permission of the Local planning authority.

REASON: In the interests of amenity and to ensure that the areas dedicated for parking and servicing and landscaping within the site are retained, in accordance with saved policies D4 and T6 of the Harrow Unitary Development Plan (2004).

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

Site Plan x 2, ML03/F/21/C, Design and Access Statement

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

## **INFORMATIVES**

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

The decision to GRANT permission has been taken having regard to 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 surface car park would provide additional parking spaces to support a local and well established business, which would also benefit the local economy and employment opportunities.

#### **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)

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

2.7 – Outer London: Economy

2.17 – Strategic Industrial Locations

4.1 – Developing London's Economy

6.13 – Parking

7.3 – Designing Out Crime

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

S1 The Form of Development and Pattern of Land Use

D4 The Standard of Design and Layout

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

EP21 Vacant and Disused Land and Buildings

T6 Transport Impact of Development Proposals

**2 COMPLIANCE WITH PLANNING CONDITIONS:**

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

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

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

Plan Nos: Site Plan x 2, ML03/F/21/C, Design and Access Statement

**LAND ADJ TO HARROW LEISURE CENTRE, P/2588/11  
CHRISTCHURCH AVENUE, HARROW, HA3 5BD**

WARD MARLBOROUGH

ERECTION OF PART TWO PART THREE STOREY (PLUS BASEMENT) BUILDING FOR USE AS A 60 BEDROOM CARE HOME (CLASS C2) WITH ASSOCIATED PARKING, LANDSCAPING AND AMENITY SPACE

**Applicant:** TLC Group Limited  
**Agent:** Preston Bennett Planning  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** | 20-DEC-11

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## **RECOMMENDATION**

**GRANT** permission for the care home as described in the application.

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 vacant and is a negative in terms of the streetscene and character of the area. The proposed care home use would be appropriate in this locality, which has access to public transport links and local shops. 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 24 – Noise (1994)  
Planning Policy Statement 25 – Development and Flood Risk (2010)  
Draft National Planning Policy Framework (2011)

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

2.7 – Outer London: Economy  
2.13 – Opportunity areas and intensification areas  
3.1 – Ensuring equal life chances for all  
3.3 – Increasing housing supply  
3.4 – Optimising housing potential  
3.5 – Quality and design of housing developments  
3.8 – Housing Choice  
3.9 – Mixed and balanced communities  
4.1 – Developing London's Economy  
5.1 – Climate change mitigation  
5.2 – Minimising carbon dioxide emissions  
5.3 – Sustainable design and construction

- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.3 – Assessing effects of development on transport 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
- 7.6 – Architecture
- 7.15 – 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
- H7 – Dwelling Mix
- H14 – Residential Institutions
- H17 – Access for Special Households with Particular Needs
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-Off
- EP20 – Use of Previously-Developed Land
- EP25 – Noise
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities

**Supplementary Planning Documents / Guidance:**

- 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 Unitary Development Plan (2004) and any other relevant guidance)**

- 1) Principle of Development (PPS1; PPS3; The London Plan: 2.7, 2.13B, 3.1B, 3.3D/E/G, 3.4A, 3.5B/C, 3.8B, 3.9, 4.1; Harrow UDP: EP20; H7, H14, H17)
- 2) Character of the Area (PPS1, PPS3; The London Plan: 7.4B, 7.6B, 7.15B; Harrow UDP: D4, D9; SPD)
- 3) Residential Amenity (The London Plan: 7.6B; Harrow UDP: D4, D5, C16, SPD)
- 4) Environmental Impact Assessment (Harrow UDP: D4)
- 5) Parking/Highways Considerations (PPG13; The London Plan: 6.3A, 6.13C/D; Harrow UDP T6, T13)
- 6) Flood Risk (PPS2; The London Plan: 5.12; Harrow UDP: EP12)

- 7) Sustainable Development (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)
- 8) Accessible Buildings (The London Plan: 3.1B, 3.5B, 3.8B, 7.2B; Harrow UDP: D4, C16, SPD: Access for All [2010])
- 9) S17 Crime & Disorder Act (The London Plan: 7.3B; Harrow UDP: D4)
- 10) Consultation Responses

## **INFORMATION**

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

### **a) Summary**

Statutory Return Type:	12 Smallscale Major Other
Site Area:	0.255 hectares
Car Parking	Provided: 9
Council Interest:	None, although the land was formerly in the Council's ownership.

### **b) Site Description**

- The application site comprises the former outdoor swimming pool site adjacent to Harrow leisure Centre. The site fronts onto Christchurch Avenue, to the south, and on to the rear of Byron Road, to the west, and is triangular in shape.
- To the west is a boundary wall that is approximately 2.5m high with houses located beyond this boundary (Byron Road);
- To the north is the Peel Road mortuary site which is now under construction for a mix of three and four storey residential blocks.
- To the immediate north east of the application site is the Neighbourhood Resource Centre (NRC).
- The application site is not within in a Conservation Area or within the setting of a Listed Building; the site is not within a Controlled parking Zone or a Flood Risk Zone.

### **c) Proposal Details**

- The application proposes the erection of a part two, part three storey (plus basement) building for use as a 60 bedroom Care Home (Class C2) with associated parking, landscaping and amenity space. Four self-contained one-bedroom flats are proposed to be located within the basement of the building for the purposes of staff accommodation.
- The application proposes the erection of a part two, part three storey (plus basement) building for use as a 60 bedroom Care Home (Class C2) with associated parking, landscaping and amenity space. Four self-contained one-bedroom flats are proposed to be located within the basement of the building for the purposes of staff accommodation.

- The proposed building would be a mix of two and three storeys in height, with a pitch roof. There would also be a basement level. The proposed building would be an L-shape, partly fronting onto Christchurch Avenue and onto the boundary with the Neighbourhood Resource Centre car park. Along Christchurch Avenue the building would be 35.7 metres wide, and along the boundary with the Neighbourhood Resource Centre it would be 47.3 metres wide. The maximum height of the building would be 10.7 metres.
- Access into the car park would be via the existing crossover Christchurch Avenue will stop the application proposes nine off-street parking spaces, including two disabled spaces. Refuse storage would be in this area at the south of the site. There would be a private communal garden area to the rear of the building, along the boundary with the properties on Byron Road.
- The proposed building would comprise 3,245 m<sup>2</sup> of new floorspace.
- The building would be of a modern design incorporating red brickwork but also stone faced block work.
- The 60 bedrooms would be located on the ground, first and second floors. The ground floor would comprise 835 m<sup>2</sup> of floorspace, 18 bedrooms and a communal area; there would also be the reception area manager's office, admin office, patient beauty room (?) and coffee lounge. The first floor would comprise 835 m<sup>2</sup>, 23 bedrooms and a communal area. The second floor would comprise 700 m<sup>2</sup>, 19 bedrooms and a communal area.
- Within the basement there would be a range of ancillary facilities to support the care home, including kitchen and laundry rooms, staff changing rooms and restrooms, and an activity room and cinema for the residents. There would also be four self-contained one-bedroom flats for the purposes of staff accommodation. Each flat would be 49 m<sup>2</sup> and comprise the bedroom, combined kitchen and living room and a bathroom.
- The care home will comprise one third residential care, one third nursing care and one third dementia care. Residential care is provided by carers and senior carers (no medical care), whereas nursing care is typically provided where there is an illness (for example Alzheimers) that requires qualified nursing care in addition to carers.

**d) Relevant History**

P/2675/08	SINGLE-STOREY BUILDING TO PROVIDE RESIDENTIAL HOME (USE CLASS C2)	GRANTED 10-SEP-08
P/3972/08	SINGLE STOREY BUILDING TO PROVIDE RESIDENTIAL CARE HOME (USE CLASS C2)	GRANTED 26-JAN-09

**e) Pre-Application Discussion**

- Pre-application meetings took place in April and August 2011, and formal written advice was issued in May 2011. This set out that:
- The principle of the use of the site for a care home is considered to be acceptable in the context of the relevant Development Plan policies. However, there were issues arising in the requirements of the criteria-based policies as set out in the report. In particular, concerns raised in relation to the visual impact of the scale and size of the building, and its design rationale.

- Further advice issued in July 2011 set out that:
- Pivotal elbow has been accentuated and the landscaping strip between the building and the car park at the Neighbourhood Resource Centre was increased, which is positive. However, the corner element had been made wider and the Christchurch Avenue frontage arm beyond this element has not been set back as previously advised.
- Advised that a more contemporary flat roof design would be more appropriate.

**f) Applicant Statement**

- The site is currently cleared and vacant, and benefits from an extant planning permission for a class C2 t care home use on the site.
- Subject to securing the necessary planning permission, the site is now both available, being under new ownership following the sale of the local site by the council, and deliverable to secure a high-quality development the local area will stop
- Following pre-application discussions, the design of the proposed scheme has changed substantially to one which is contemporary and style, utilising traditional brick and render materials to complement the character and appearance of the existing residential properties in the local area The proposal will create focal building this corner position and Christchurch Avenue, to the benefit of the local and wider area.
- In addition, the existing site is void of any landscaping and the proposed scheme proposes a comprehensive landscaping master plan which will introduce high-quality planting and boundary landscape areas to complement both scale and height of the proposed building and visual interest with a positive outlook at street level, and also for the future residents of the development.
- In support of the emerging national planning policy framework, this proposed sustainable development in an accessible location to both public transport, shops, leisure/communal and recreational facilities, mixed identified need older people and specialist residential accommodation both the applicant and the needs of Harrow Borough. This application, in accordance with the extant planning permission and pre-application consultation and community engagement is therefore acceptable in planning terms.
- The proposed design of the care home will be fully compliant with the Care Standards Act 2000 with the space standards in excess of the recommended National Minimum Standards to ensure flexibility and an element of “future-proofing” of the development.
- The space standards and internal layout will enable the delivery of the highest quality of care to all residents for the life of the building. This therefore means that the proposed care home is compliant with the aspirations, principles and objectives of the National Service Framework for Older People.

**g) Consultations:**

**Highway Engineer:** No objection subject to conditions. In road safety and junction capacity terms, the low level of generated traffic for the proposal together with satisfactory visibility sight lines at the access road junction with Christchurch Avenue (in line with accepted DfT standards), the impact of the application is considered to be de minimis and would therefore not be at a level that would be considered prejudicial to vehicular/ pedestrian movement or road safety.

**Landscape Architect:** No objections to the landscape proposals, subject to Hard and Soft Landscape conditions.

**Arboricultural Officer:** No objection. There are no protected trees on or adjacent to the above site and I have no objections to the proposed development. However there are some third-party owned trees which share a boundary with the site - if the applicants intend to retain these they should be protected as per BS5837 guidelines.

**Drainage Engineer:** No objection. Recommends three standard surface water drainage disposal and attenuation conditions.

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

**Environment Agency:** No objection. This site is in Flood Zone 1 and is under a hectare.

**Advertisement:** Major Development Expiry: 21-OCT-11

**Notifications:**  
Sent: 73 Replies: 0 Expiry: 21-OCT-11

**Consulted:**

Byron Road: 1-55 (odd)

Christchurch Avenue: 263-311 (odd), 184, Mental Health Day Centre, Harrow Leisure Centre

Masons Avenue: 139-155 (odd), 141A

Stuart Road: The Lodge

Wealdstone Bowling Club

**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 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. As such, the application has been assessed against the relevant adopted planning policy.

**1) Principle of Development**

The application seeks planning permission for the erection of a 60 bed residential care home. The application site is currently vacant, and was formerly used as an outdoor swimming pool. 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.

The London Plan (2011) policy 3.8B seeks to ensure that new development offers 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 Unitary Development Plan (2004) notes that redevelopment into residential care homes will normally be permitted, provided there would be no significant adverse environmental effects on surrounding properties or the character of the locality; that there is good public transport accessibility; that there are other facilities such as shops, day centres and healthcare facilities nearby and that there is adequate off street parking. The principle of development of the site has been established through a 2006 design brief, and previously planning permission was granted in 2008 (reference P/2675/08) and 2009 (P/3972/08) for separate care home schemes on the site.

The proposed development to provide a 60 bed Residential Care Home would provide much needed modern extra care housing for the borough's housing stock. Broadly speaking, both The London Plan (2011) and the adopted Harrow Unitary Development Plan (UDP) (2004) are supportive of the increased provision of care facilities for elderly people.

The proposal also entails the provision of four self contained staff flats within the basement of the building. These flats are generous in proportion at 49 square metres and would be suitable for accommodation for up to two persons without being cramped. Whilst it is acknowledged that single aspect basement flats may not be ideal, the applicant considers that these flats are a positive attribution to their business. Providing staff accommodation on site is viewed as a positive by prospective employees and has the added benefit that the staff accommodated within these flats would not have to travel to their place of work. Subject to a planning condition that ensures that these flats are not independently occupied, this element of the proposal is considered to be acceptable in principle.

There is no specific planning policy guidance in place that relates specifically to care home standards. There are bodies in place that regulate care home standards, most notably the Care Quality Commission (CQC). It should be noted that many of these standards clearly relate to operational arrangements which are controlled outside of the planning process, e.g. allowing visitors at reasonable times, varied dietary offers, appropriate staffing levels, maintenance, etc.

In compliance with the CQC standards, accessible toilets would be provided on each floor through en-suite facilities, as would communal space for residents (with the exception of the third floor).

The CQC standards dictate that all new-build should incorporate single bedrooms with a minimum usable floor space of 12 sq m (excluding en-suite facilities). In this instance the proposed plans indicate individual room areas that consistently exceed the 12 sq m threshold, ranging from approximately 13 sq m to 19 sq m (excluding the en-suite facilities).

The applicant has confirmed that the proposed design of the care home will be fully compliant with the Care Standards Act 2000 with the space standards in excess of the recommended National Minimum Standards to ensure flexibility and an element of “future-proofing” of the development. The space standards and internal layout will enable the delivery of the highest quality of care to all residents for the life of the building. This therefore means that the proposed care home is compliant with the aspirations, principles and objectives of the National Service Framework for Older People.

Based on the above, it is considered that the principle to redevelop this site to provide a 60 bed residential care home would meet the objectives of national policy guidance, policies contained in The London Plan (2011) and the relevant saved policies of the Harrow Unitary Development Plan (2004).

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

Planning Policy Statement 1 Delivering Sustainable Development (PPS1) advises at paragraph 34 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also encourages the efficient use of land and the use of higher densities, although not at the expense of good design. Furthermore PPS1 refers to a range of design guidance including By Design that identifies the analysis and understanding of the character of an area as an essential prelude to the design of any proposed development.

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) 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.

The London Plan (2011) 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 (2011) 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 surroundings, 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.

Saved policy D5 of the Harrow Unitary Development Plan 2004 requires new development *'to provide amenity space which is sufficient: to protect the privacy and amenity of occupiers of surrounding buildings; as a usable amenity area for the occupiers of the development; as a visual amenity'*. Explanatory paragraph 4.28 of saved policy D5 of the Harrow Unitary Development Plan (2004) goes on to state that *'There should be a clear definition between private amenity space and public space'*.

The application proposes a predominantly three-storey building based around an L-shape. The design of the building has evolved following extensive pre-application discussions with officers prior to the submission of this planning application. Whilst broadly speaking, the main parameters have remained the same - that is, the requirements for a 60 bed care facility - the overall bulk and massing of the building has been reduced as a result of these discussions. The focus of the building is a frontage onto Christchurch Avenue, with the corner of the building addressing key vista along this road, from the direction of the leisure centre. The building, whilst being three storeys, responds to the local context in terms of its size and scale, bearing in mind the existing leisure centre, and the relatively new Neighbourhood Resource Centre. As a result of pre-application discussions, the building has been set back by Christchurch Avenue to allow more breathing space around the outside of the building and further soft landscaping.

The proposed building would be relatively modern in terms of its architecture, but picking up on the local vernacular in terms of the use of materials, for example the white render of nearby residential buildings. The key aspect of this contemporary design is a proposed flat roof, in lieu of the original large pitch roof suggested that pre-application stage. It was considered that whilst the pitch roof may have fitted in with a more traditional design, it added too much bulk to the building, such that it would be overly dominant to its surroundings. The reversion to a flat roof reduces this dominance on the character of the local area, and gives the building a more contemporary feel. This is not too dissimilar to other recent developments in the area, such as a Neighbourhood Resource Centre, and even the flats to Peel Road to the further north of the site.

It is noted that the proposed design of the roof is somewhat contrived, due to the treatment of the roofline and thickness of the parapet. The roof overhang adds to the bulk of the building, and the stepped height of the different elements is arguably too complicated in the context of the mass of the building.

A simple roofline that steps only when there is a change in number of storeys would be more refined. Whilst these concerns regarding this small aspect of the design need to be addressed, it is considered the most appropriate way to achieve this is really useful planning condition to require an amendment to this section of the building. This can be achieved because the required changes would not substantially affect the overall appearance scale of the building, but would rather be a modest design alteration. Accordingly, a suitable planning condition is recommended below.

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. In terms of landscaping, the existing site is currently vacant, and its contribution to the street scene and local area is considered negative in its current form. As such, the development is to be welcomed from this perspective.

The applicant has engaged in pre-application discussions with the Council's Landscape Architect, in order to achieve a high quality scheme. A full landscaping plan has been produced by landscape architect Tim Lynch, who specialise in care home garden environments. The master plan highlights the opportunities for the residents within the garden areas, including features such as sensory planting/living walls and raised beds to stimulate the residents and aid memories. The proposed building would be orientated with our south-westerly enclosed garden. The Council's Landscape Architect has raised no objection to the planning application landscape details.

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*". Due to the requirement to have bin storage inaccessible location for pickup, the application proposes this near the entrance and Christchurch Avenue at the far south the site. Whilst this location is near to the main road, and therefore there could be a concern regarding its visual impact within the street scene, it is considered that as set out above sufficient landscaping can be provided to screen this. It should be noted that this element of the proposal has been revised following pre-application discussions, where the original refuse storage location was immediately adjacent to Christchurch Avenue and would have had a detrimental impact upon the streetscene. As such, concerns regarding its impact on the main road are considered to be limited. Furthermore, this location does have the benefit of not being in close proximity to any adjacent residential building.

Overall, it is considered that the design of the building is acceptable and would make a positive contribution to the streetscene and the character of the area. Details of materials would be sought by way of a planning condition, as well as landscaping and boundary treatment.

**3) Residential Amenity**

Policy 7.6B, subsection D, of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Given the scale, siting and design of the proposed building, the occupiers likely to be affected are the odd-numbered properties along Byron Road to the West (as far as number 33 Byron Road), and the property is on the south of Christchurch Avenue, numbers 291 to 309; other nearby dwellings would remain sufficiently physically removed not to be impacted to any significant extent.

A key element of the pre-application discussions was to ensure, in as far as could be achieved, that the impact of the proposed building on the amenities of local residents abounding the site, would be minimised. It is considered that, arguably, to a large extent the lack of objections to the proposed development from nearby occupiers, would indicate that this is the case.

The closest nearby property to the proposed building, would be 27 Byron Road. This would be 33.2 m from the corner of the two-storey northern end of the building to the rear wall of the main dwellinghouse. At three-storey level, the nearest property would be 25 Byron Road - the distance here would be 35.6 m. At the southern end of the building the nearest property would be 13 Byron Road, and this distance would be 37.6 m. Given the L-shaped of the building, the other properties along Byron Road would be sited at a greater distance.

It is considered that, the proposed development would satisfy the requirements of policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010). The distances between the proposed building and the residential properties along Byron Road would be sufficient to ensure that there would be no significant overbearing impacts, overshadowing or direct overlooking. In terms of this last point, it is noted that landscaping is proposed along the western border of the application site, and this would also lead to a reduction in any of those impacts.

In terms of the properties of Christchurch Avenue to the south of the application site, as set out above the building line has been set back away from the main road, in part to provide increased buffer space and landscaping, and in part to reduce the impact on these properties. Given that this front to front relationship, it is considered that there would not be any undue overlooking created. The distance between the front of the proposed building and the nearest property of Christchurch Avenue would be 23.8 m, and notwithstanding that the proposed building would be three storeys in height, it is considered that this relationship would be acceptable.

In terms of the adjacent leisure centre and neighbourhood resource centre, whilst noting clearly these are not residential buildings, it is considered that the proposed building would not lead to any adverse impacts given their relative size and scale.

Overall, it is considered that the proposal would not have an undue adverse impact on the residential and visual amenities of adjoining occupiers or the occupiers of the subject site in accordance with The London Plan (2011) and saved Policy D5 of the Harrow Unitary Development Plan (2004).

#### **4) Environmental Impact Assessment**

The development falls outside the thresholds set out in Schedule 2 of the Town and Country Planning (EIA) Regulations 2011 whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.

Schedule 2 paragraph 10(a) of the Regulations states that proposals for urban development projects of more than 0.5 hectares in area may require an Environment Impact Assessment (EIA). The application site area is 0.225 hectares and therefore the proposed development does not require an EIA.

#### **5) Parking/Highways Considerations**

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

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

The London Plan (2011) seeks to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The London Plan (2011) states that public transport accessibility should be used to assist in determining the appropriate level of car parking provision. Policy T6 of the Harrow Unitary Development Plan (2004) requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The applicant has submitted a transport statement in support of the planning application. The transport statement summarises the transport and parking issues as follows:

- The application proposes that nine car park in spaces are installed at the site. This is less than the average that might have been recorded care homes in the Harrow area and similar to a site in Hounslow contained within the report transport data. The nine spaces proposed is a restrained level relative to the development and commensurate with the sites accessibility levels.

- Transport impact has been considered fire the TRICS database site in Hounslow and from a review of an existing care home in Hertfordshire, also run by the applicant. In both instances the peak hours vehicle trip rates are negligible and would be imperceptible.
- The site has an existing access suitable for use by all applicable modes and it is proposed this will be modified by the inclusion of dropped curbs.

The Councils Highway Engineer has advised that 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 there is no specific parking standard to apply in Harrow UDP and The London Plan (2011) terms, it is a balance between applying parking restraint and a reasonable level of on-site provision. The Councils Highway Engineer has advised the allocated parking provision of nine parking spaces, including two disabled bays, is considered acceptable for this location given the extensive and robust on-street parking controls which reduces the likelihood of parking displacement from the location and inherently encourages more sustainable modes of transport to and from the site.

The level of parking provision is further reinforced by the relatively moderate public transport accessibility level of the site (PTAL 3). A requirement of secure cycling provision of 1 space per 3 staff should be facilitated, and notwithstanding the details submitted, would be secured by way of a planning condition. As there would be approximately up to 20 staff on site at any one time there should be seven spaces provided to accord with The London Plan (2011) standards.

The Councils Highway Engineer has advised in design layout and operational terms the road layout and shared surface access road for both vehicles and pedestrians conforms to DfT best practice design guidance with satisfactory and safe accessibility/movement for all vehicles (including emergency appliances) and pedestrians within the site.

Compliance with sustainable drainage requirements in the form of permeable surfacing to relevant Department for Community and Local Government (CLG) standards should be secured by appropriate condition.

It is considered that a Construction Management Plan should also be secured via condition given the relatively sensitive trafficked (vehicle and pedestrian) nature of the adjacent highway network resulting from the Leisure centre operation.

Therefore, in road safety and junction capacity terms, the low level of generated traffic for the proposal together with satisfactory visibility sight lines at the access road junction with Christchurch Avenue (in line with accepted DfT standards), the impact of the application is considered to be de minimis and would therefore not be at a level that would be considered prejudicial to vehicular/ pedestrian movement or road safety.

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

**6) Flooding**

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 (2011) and saved policy EP12 of the Harrow Unitary Development Plan (2004) 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 Environment Agency (EA) note that the application site is not within a flood zone and therefore has no objection. Similarly, 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) Accessible Buildings**

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy 3.8 of The London Plan (2011) seek to ensure that all new housing is built to Lifetime Homes standard. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. A recent appeal decision at No.72B Marlborough Hill (ref APP/M5450/C/10/2135771) has confirmed that this policy should be given significant weight when assessing planning applications.

The Design and Access statement sets out that there will be a level pedestrian access to the front entrance from the public highway and lift access to all floors within the building. 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. Clearly, lifetime homes standards are not applicable for a building of this nature, but the applicant has set out that the building will be accessible to people with all levels of disability is and will be designed in accordance with part of the building regulations and in line with BS 8300. As such, it is considered that the application is acceptable in this regard.

**8) Sustainable Development**

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 (2011) 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 and an Energy Statement that seeks to identify how the proposed development would achieve various sustainable development credentials.

The applicant has confirmed that the proposed scheme has been designed to incorporate corporate boards sustainable development, by proposing energy efficiency measures and renewable technologies to maximise the building envelope performance through lower U values, and where possible and appropriate the utilisation of renewable resources in the construction materials of the scheme.

The applicant has confirmed that the building would achieve a Buildings Research Establishment Environmental Assessment Method (BREEAM) Very Good rating, and to accomplish this one or more of the following measures will be used:

- green roofs
- rainwater harvesting
- greywater recycling
- permeable paving/SUDS
- dedicated cycle storage
- CHP
- sustainably sourced materials

It is noted that the applicant has not set out in detail how the above technologies would be used. As such, and to ensure compliance with the above planning policies, it is recommended that a planning condition is imposed to address sustainability matters and ensure that the development will achieve the appropriate level to meet the BREEAM standards.

**9) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

It is considered that the proposal would not have an impact with respect to this legislation. The development would bring back into use a vacant site. As such its redevelopment is to be welcomed.

**10) Consultation Responses**

- N/A

**CONCLUSION**

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 vacant and is a negative in terms of the streetscene and character of the area. The proposed care home use would be appropriate in this locality, which has access to public transport links and local shops. The proposed building would have no adverse impact upon the surrounding residential amenity or the environment in terms of traffic generation.

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

**CONDITIONS**

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

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

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

a: facing materials

b: the ground surfacing

c: facing materials of new building

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

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

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

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

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

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

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

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

6 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority

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

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

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

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

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

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

9 No development shall take place 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:

- viii. the parking of vehicles of site operatives and visitors
- ix. loading and unloading of plant and materials
- x. storage of plant and materials used in constructing the development
- xi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- xii. wheel washing facilities
- xiii. measures to control the emission of dust and dirt during construction
- xiv. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

10 Notwithstanding the submitted details, and amended plan indicating a more simplified roof design to the three-storey elements of the building, 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, which shall supersede any relevant planning drawing listed in this decision notice.

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

11 The staff flats hereby permitted as part of the care home building shall not be occupied at any time other than for purposes ancillary to the use of the care home and shall not be independently occupied.

Reason: To ensure that the staff accommodation is not severed from the care home use to provide self-contained dwelling units, since this would be out of character with the established care home use of the site. To comply with policies 7.4B of the London Plan and policy D4 of the Harrow Unitary Development Plan 2004.

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

6624se-01 Rev A, A-585/02 Rev A, A-585/05 Rev A, A-585/06 Rev A, A-585/07 Rev A, A-585/08 Rev A, A-585/09, A-585/10 Rev A, A-585/11 Rev A, A-585/12 Rev A, TLA/CA/LM1, Site Plan Transport Statement (September 2011), Arboricultural Assessment and Tree Survey (September 2011), Planning Statement, Design and Access Statement.

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

## **INFORMATIVES**

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

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

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

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Guidance 13 – Transport (2001)

Planning Policy Statement 24 – Noise (1994)

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

Draft National Planning Policy Framework (2011)

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

2.7 – Outer London: Economy

2.13 – Opportunity areas and intensification areas

3.1 – Ensuring equal life chances for all

3.3 – Increasing housing supply

3.4 – Optimising housing potential

- 3.5 – Quality and design of housing developments
- 3.8 – Housing Choice
- 3.9 – Mixed and balanced communities
- 4.1 – Developing London's Economy
- 5.1 – Climate change mitigation
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewal energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 6.3 – Assessing effects of development on transport 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
- 7.6 – Architecture
- 7.15 – 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
- H7 – Dwelling Mix
- H14 – Residential Institutions
- H17 – Access for Special Households with Particular Needs
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-Off
- EP20 – Use of Previously-Developed Land
- EP25 – Noise
- C16 – Access to Buildings and Public Spaces
- C17 – Access to Leisure, Recreation, Community and Retail Facilities

**Supplementary Planning Documents / Guidance:**

- 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 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 THAMES WATER:

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

### 5 PERMEABLE PAVING:

Note: guidance on permeable paving has now been published by the Environment Agency on

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

### 6 COMPLIANCE WITH PLANNING CONDITIONS:

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

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

Plan Nos: 6624se-01 Rev A, A-585/02 Rev A, A-585/05 Rev A, A-585/06 Rev A, A-585/07 Rev A, A-585/08 Rev A, A-585/09, A-585/10 Rev A, A-585/11 Rev A, A-585/12 Rev A, TLA/CA/LM1, Site Plan Transport Statement (September 2011), Arboricultural Assessment and Tree Survey (September 2011), Planning Statement, Design and Access Statement

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**Item: 2/01**  
**KRISHNA-AVANTI PRIMARY SCHOOL, P/1929/11**  
**CAMROSE AVENUE, EDGWARE, HA8 6ES**

Ward: EDGWARE

EXPANSION OF SCHOOL FROM ONE FORM TO TWO FORM ENTRY, COMPRISING SINGLE STOREY EXTENSION TO THE WEST OF THE MAIN BUILDING TO CREATE SIX ADDITIONAL CLASSROOMS AND ANCILLARY FACILITIES; ASSOCIATED LANDSCAPING

**Applicant:** Mr Nitesh Gor  
**Agent:** Cottrell and Vermeulen  
**Case Officer:** Nicholas Ray  
**Statutory Expiry Date:** 04-OCT-11

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### RECOMMENDATION A

**GRANT** planning permission subject to conditions and the completion of a Section 106 agreement by 31<sup>st</sup> March 2012. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms are set out below:

- i) **Highways Works Contribution:** The developer to contribute £25,000 towards highway mitigation measures in the vicinity of the site;
- ii) **Waiting Restriction Amendment Contribution:** The developer to contribute £15,000 towards alterations to waiting restrictions in the vicinity of the site;
- iii) **Travel Plan Obligation:** Amendments to the school's Travel Plan;
- iv) **Drainage Works Obligation:** The developer to covenant with the Council that works to improve the existing drainage design be carried out in accordance with agreed details;
- v) **Planning Administration Fee:** Payment of a planning administration fee of £2000;
- vi) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

### REASON

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the expanded provision of education at this successful state school. The drainage, transport and highway safety impacts would be ameliorated through the use of s.106 obligations and planning conditions as set out in the application report.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 31<sup>st</sup> March 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to secure contributions towards highways improvements and drainage works, would fail to adequately mitigate the impact of the development, thereby being contrary to saved policies T6, T13 and EP12 of the Harrow Unitary Development Plan (2004).

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPG13 – Transport

PPS25 – Development and Flood Risk

Policy Statement – Planning for Schools Development (2011) (PSD)

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

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

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

3.16 – Protection and Enhancement of Social Infrastructure

5.2 – Minimising Carbon Dioxide Emissions

5.3 – Sustainable Design and Construction

5.6 – Decentralised Energy in Development Proposals

5.7 – Renewable Energy

6.3 – Assessing Effects of Development on Transport Capacity

6.13 – Parking

7.2 – An Inclusive Environment

7.4 – Local Character

7.6 – Architecture

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

EP12 – Control of Surface Water Run-Off

EP25 – Noise

D4 – The Standard of Design and Layout

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C2 – Provision of Social and Community Facilities

C7 – New Education Facilities

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Access For All (2006)

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

- 1) **Principle of the Development and Provision of Education** (PPS1, PSD, C2, C7)
- 2) **Character and Appearance of the Area** (PPS1, 7.4, 7.6, D4, D9, C7)
- 3) **Residential Amenity** (EP25, D4, C7)
- 4) **Traffic and Parking** (PPG13, 6.3, 6.13, T6, T13)
- 5) **Development and Flood Risk** (PPS25, EP12)
- 6) **Accessibility** (7.2, C16, SPD)
- 7) **Sustainability** (5.2, 5.3, 5.6, 5.7, SPD)
- 8) **S17 Crime & Disorder Act** (D4)
- 9) **Consultation Responses**

**INFORMATION**

This application is reported to Planning Committee as it proposes over 400m<sup>2</sup> of non-residential floorspace and therefore falls outside Category 1(c) of the Scheme of Delegation.

**a) Summary**

Statutory Return Type: 18. Minor Development  
Floorspace: 612m<sup>2</sup>  
Council Interest: None

**b) Site Description**

- The site comprises a single storey primary school sited on former playing field land to the south of Camrose Avenue, behind the residential dwellings Nos.89-123 (odd) Camrose Avenue.
- The site is accessed from Camrose Avenue via a vehicle access road, which also provides access to playing fields to the south, which are occupied by Belmont Youth Football Club.
- The school building is predominantly of timber construction and is angled diagonally in its plot, so that it faces the main access road.
- The building comprises three wings arranged around a central courtyard, which is occupied by a temple structure.
- The site has been the subject of levels changes, but originally sloped up from north to south.
- Ancillary play areas, a multi-use games surface, parking, landscaping and flood alleviation structures occupy the rest of the site.
- The Belmont FC access road, to the east of the site, includes 10 'kiss and ride' parking spaces that are used by the school.
- The school is limited to one form entry (includes a nursery, reception and year 1 up to year 3) and the number of pupils attending the school is limited by condition to 236.
- The school was approved in 2008 on the basis that it would fill gradually over 6 years (30 pupils a year) and the school role is currently 116 pupils and 16 full time staff.

- Residential dwellings on Appledore/Bideford Close, Camrose Avenue and Broomgrove Gardens back onto the western, northern and eastern boundaries of the site respectively.

**c) Proposal Details**

- It is proposed to expand the school from one form to two form entry (to include year 4 up to year 6), enabling maximum pupilage of 446.
- To enable this, a single storey 6 classroom extension is proposed to the west of the existing building and central courtyard.
- This extension would have a maximum depth of 15 metres, a maximum width of 46 metres and a maximum height of 5.6 metres.
- The extension would be of timber construction with a green roof to match the existing building and would also incorporate ancillary areas and refuse/recycling storage.
- It is also proposed to relocate the existing herb garden and fruit trees.

**d) Relevant History**

P/1282/07	Construction of one form primary school, external works, access & car parking	GRANTED 10-MAR-08
P/3434/08	Change of approved levels to planning permission ref: P/1282/07/CFU	GRANTED 19-JAN-09
P/1314/11	Certificate of lawful proposed development: detached timber outdoor classroom	GRANTED 06-JUL-11

**e) Pre-Application Discussion (HA\2011\ENQ\00012)**

- The original approval for the school was on the basis that the school would fill gradually over 6 years, in order to monitor the impact and to enable local residents to get used to the presence of a school. I would therefore advise that there would have to be detailed justification as to why the expansion is proposed so early, other than just a demand for places.
- Existing use levels, proposed pupil numbers and use levels and capacity assessments will be required (in conjunction with Barnet FC training ground use levels on Camrose Avenue).
- Recommend that formal community involvement is undertaken prior to submission of an application and details of the outcome of that engagement should be submitted as supporting documents with the planning application.
- The design approach considered acceptable.
- Application will need to demonstrate that infrastructure is set up for the new wing in terms of: sustainability, renewable energy and drainage/flood risk.
- The original permission was granted on the basis of a one form entry with incremental additional class intake on a year by year basis rising to year 6. The proposal would effectively double this overall intake hence a comprehensive Transport Assessment (TA), in line with TfL guidance, is required to be undertaken in order to determine the potential impact on the surrounding road network in road traffic and pedestrian terms and how the internal management of the site would address the likely increase in activity.

The TA should include a movement and capacity analysis of the established baseline operation which would include peak hour surveys in order to determine the current impact on the local road network with a comprehensive comparative between the one and two form intake scenarios on a year by year basis to year 6 together with details of pupil catchment areas. As for the original analysis, any concurrent activities of Barnet Football Club at Prince Edward Playing fields should be considered and any required mitigation measures should be clearly identified within the overall assessment with the potential requirement of further financial contributions via legal agreement. The Travel Plan, in line with TfL guidance, should reflect on how the additional pupilage would be directed to more sustainable travel modes once the school is operating to full capacity on a 'two form' entry basis.

**f) Applicant Statements**

- Design and Access Statement.
- Flood Risk Assessment.
- Transport Assessment.

**g) Consultations:**

**Highways Engineer:**

It is recommended to secure a contribution of £25,000 for parking bays and an improved pedestrian crossing/raised table speed reducing facility. £15,000 should also be sought to amend waiting restrictions in the surrounding streets. Refuse provisions remain unaltered and are considered acceptable. There are 26 secure cycle spaces provided to serve current requirements and this should be doubled.

**Landscape Officer:** Conditions should be imposed to ensure that the vegetable plots and other landscaping be adequately relocated.

**Notifications:**

Sent: 474

Replies: 2

Expiry: 02-SEP-11

**Addresses Consulted:**

Consultations carried out as per original application (ref P/1287/07).

**Summary of Response:**

Two responses have been received in objection, from a local resident and from the William Ellis Residents Association, which are summarised as follows:

- There has been no consultation with residents on the planned expansion.
- There is severe flooding to local gardens and the adjacent playing fields as a result of the development and this would be exacerbated.
- The travel plan agreed on grant of the original application has not been implemented and this is leading to high levels of on street parking.

- The travel assessment is flawed and does not address key issues such as:
  - No walking buses, no mini bus use, no pupils cycling to school.
  - Of the 116 children attending the school, 40 were seen to enter on foot, leaving 76 arriving by car – 66% of the pupils.
  - The assessment makes no reference to the number of parents who bring children to school and park in nearby roads, which is causing residents problems.
  - The report does not address the likely use of cars to bring children to school during inclement weather.
  - The access road is limited and severely restricts traffic flow, but there is no mention of this in the report.
  - The report underestimates the anticipated pro-rata car usage rates by approximately 20% and these figures also ignore cars parked in surrounding streets.
  - The assessment is at odds with the original RPS report, which brings into question the assumptions upon which the Council based its original assessment and therefore any future assessment.
  - The 'kiss and ride' parking bays are actually used to park vehicles while children are escorted into the school, causing vehicles to back up in the access road.
- There is not recognition of the pollution, noise and fumes that will be generated.
- Residents were originally told the school would be a single form entry and, to enable a period of adjustment for local residents, the school was to be populated at a rate of one form per year, an approach which is now being undermined.
- It was always recognised that the school would be oversubscribed and this is in itself no reason for expansion.
- The application makes no attempt to assess the impact of the change on the community as a whole, local residents or their quality of life.
- The development in conjunction with the Belmont Utd FC clubhouse would have an unacceptable impact on the area.

## **APPRAISAL**

### **1) Principle of the Development and Provision of Education**

Saved UDP policy C7 supports the expansion of existing educational facilities, subject to consideration of the need for new facilities in the area, the accessibility of the site and the availability of safe setting down and picking up points within the site. Access and traffic considerations are addressed in more detail below, but it is clear from the submitted information that demand for places at the school is high and there is therefore a demonstrable need for new facilities in the catchment area.

The Department for Communities and Local Government, in their statement 'Planning for Schools Development', dated August 2011, state that 'the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools' and requires that local authorities make full use of their planning powers to support state-funded schools applications. This is a strong steer from central government that the answer to development proposals for state-funded schools should wherever possible be "yes", subject to no adverse impacts on the amenities of the locality.

It is noted that the school was originally approved on the basis that it would fill gradually over a 6 year period, in order to monitor the impact and to enable local residents to get used to the presence of a school. The school has now been operational for 3 years and is yet to reach its current permitted capacity of 236 pupils. The onus is therefore on the applicant to demonstrate why the proposal is not premature and why the principle of the expansion of Krishna Avanti can be considered at this stage. This justification is provided in the supporting information accompanying this application and is discussed in greater detail in the below sections.

Detailed consideration of the likely impacts on the amenities of neighbouring residents and highway conditions is undertaken below. It is important to balance these impacts with the benefits associated with the expansion of a successful state-funded primary school, the clear steer from central government and the acknowledged need to improve and expand educational facilities in the Borough.

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

The proposed single storey 6 classroom extension would be sited to the west of the existing school building, on a flat area of the site currently in use as a vegetable garden. The extension would not be visible from Camrose Avenue and would not be overly visible from the adjacent access road and playing fields, although it would be visible from neighbouring residential properties. It would essentially 'complete' the central courtyard of the school, linking into the existing building, and would be of an identical scale, design and appearance to the existing classroom wings. The extension would maintain adequate separation distances to the site boundaries and would not result in excessive site coverage or an overdevelopment of the site. Overall, the design approach to the extension would be appropriate and the proposal would therefore have an acceptable impact on the character and appearance of the area and would comply with saved UDP policy D4 in this regard.

The vegetable plots, compost, orchard, tree and shrub planting would be lost as a result of the proposals. These were designed into the original landscape masterplan and should be re-provided. Conditions are recommended to ensure the effective reorganisation of the landscaping.

### ***Refuse Storage***

The refuse storage provision would remain in the same location, but would be incorporated into the structure of the extension. The capacity would be adequate for the additional classroom space and this arrangement would therefore be acceptable.

## **3) Residential Amenity**

The proposed expansion from one form to two form entry would increase the number of pupils at the school from 236 to 446 and therefore some increase in activity and potential disturbance would be expected from the additional pupils using the school building/playground and from the additional vehicles, which could also give rise to fumes.

With respect to disturbance from pupils using the school, the concerns raised by local residents are noted. However, the siting of the school in relation to neighbouring residential properties is similar to the majority of schools in the Borough and the relationship is therefore not inconsistent with the pattern of such land uses in the wider area. Whilst the increase in pupil numbers could result in an increase in noise levels, the pupils would principally occupy similar parts of the site (i.e. the buildings and play areas in the centre of the site, away from the school boundaries) and the impact would therefore not be significant.

Concerns raised by neighbouring residents in relation to vehicle noise are also noted. However, as discussed below, the additional vehicle movements generated by the additional form are not expected to be significant and many of these will be concentrated in Camrose Avenue, where new parking bays would be created. It is therefore considered that the increase in vehicle noise along the access road to the rear of properties in Broomgrove Gardens would not be unacceptable. In addition to this, fume and pollution emissions are also not expected to increase to unacceptable levels. The Environmental Statement submitted with the original application concluded that there would be a negligible impact on local air quality. Despite the likely increase in vehicle movements, as discussed in more detail below, it is considered that local air quality would not be harmed to an unacceptable degree.

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

The proposal is to expand the existing one form entry to allow for a two form entry provision. Under the remit of a one form entry there is currently an attendance of 116 pupils (3rd academic year of opening) which will rise to 236 by 2016, when the number of pupils attending the school is capped by a planning condition. Under the proposed two form entry the number of pupils would increase from 236 (with 20 full time staff) to 446 (with a corresponding increase in staffing).

Current surveys suggest that school traffic activity peaks at approximately 90 vehicles arriving and leaving during the morning peak hour of 7.15 to 8.15 am. With a full 2-form entry of 446 in 2016 it is anticipated that in excess of 400 vehicle movements could result in the morning peak hour. The afternoon 'pick up' period would be less affected due to staggered finishing times of the nursery element and remaining school classes which includes for some pupil 'stay over' for after school activities.

Currently owing the local catchment pupil profile there are approximately 32% of pupils that reside within a 1km walking distance of the school and can therefore travel to and from the school in a sustainable manner. The school travel plan is robust and currently indicates relative successes in achieving modal shift away from the private car. If this modal shift is sustained together with application of this 'catchment' percentage reduction figure through a future travel plan then the figure of 400 vehicle movements reduces to approximately 250 - 270.

It was originally considered that a total of 47 spaces parking spaces were available for school related use. 20 spaces are within the grounds of Belmont FC and have been available for school use under an informal agreement which is now not in place.

This parking area had been well used so its loss would potentially displace 20 additional vehicles onto the public highway. It is however accepted that as a result the use of the school access/egress would diminish considerably facilitating a reduction in additional use intensity generated by the two form expansion.

Therefore although in theory there would be a notable increase of traffic activity as compared to the current status quo if parking provisions were to be maintained at the current level of 47 spaces, this increase should now be considered in context with the overall reduction in parking provision of 20 spaces which will inherently reduce vehicular activity into and out of the site.

On the basis that additional vehicular capacity at the site access will be released it is considered that the increase in vehicular activity associated with a two form entry can be absorbed without detriment to traffic movement and safety at the access onto Camrose Avenue. In overall impact terms on the local road network it is considered that a possible increase of 10 - 15% in the predicted traffic demand at year 2016 can be accommodated without measurable detriment if mitigation measures are introduced in nearby Bacon Lane in the form of an improved pedestrian crossing/raised speed reducing facility and parking lay-bys in Camrose Avenue which would facilitate the additional generated number of pupils in both vehicular and pedestrian modes. To enable these provisions a sum of £25k would be required to be secured via legal agreement. Activities associated with Barnet and Belmont Football clubs do not, in the main, coincide with school operational times therefore there are no further implications envisaged with regard to cumulative impacts on the road network.

However the on-site parking reduction would mean that up to 20 vehicles at any one time would potentially be displaced onto neighbouring roads during drop off and pick up periods. As this parking will be accumulation based this figure has the potential to rise significantly. Although there are varying waiting restrictions in place in the proximity of the site there is a concern that this displacement may be of detriment to the local community so it is recommended that a sum of £15k is secured under legal agreement to help remedy the impact of the proposal in terms of interruption of the free flow of traffic resulting from additional/injudicious parking on the highway.

There are 26 secure cycle spaces provided to serve current requirements. This level of provision should be reviewed in line with London Plan requirements which indicate a level of 1 space per 10 staff/ students. A doubling of provision would therefore be appropriate and a condition is recommended to ensure the provision of these spaces.

In summary, subject to the s.106 obligations and conditions suggested above, it is considered that the proposed expansion of the school from one form to two form entry would have an acceptable impact on the local highway network and the safety and convenience of motorists, pedestrians and local residents. The proposal would therefore comply with PPG13 and saved UDP policies T6 and T13 in this regard.

**5) Development and Flood Risk**

It is noted that there is an ongoing investigation into reported incidents of flooding in the gardens of neighbouring residential properties. In consultation with the Council's Drainage Engineers, the school have agreed to carry out works to improve the existing drainage arrangement on site, namely the provision of holding ditches along the boundaries of the affected properties. These works are to be secured through the s.106 agreement.

Conditions are imposed to ensure that detailed drainage information is submitted and approved in relation to the proposed extension, to ensure that the on site drainage system is adequate to serve the new built development. It is therefore considered that this proposal would result in an improvement on the existing situation and could resolve the existing drainage problems that residents are experiencing.

**6) Accessibility**

The proposed extension would incorporate level access from the existing circulation areas and external spaces. Accessible toilet facilities would be provided and internal circulation areas within the extension would be fully accessible. The proposal would therefore contribute to the accessible and inclusive environment already provided by the existing school and would therefore comply with the objectives of London Plan policy 7.2, saved UDP policy C16 and the SPD.

**7) Sustainability**

The proposed extension would link into the school's existing heating system, which provides 70% of its heat by ground source heat pump. Solar shading devices will be installed, the building will be well insulated and will have a green roof. Materials would be sustainably sourced. The existing school has a BREEAM rating of 'Excellent' and the proposed extension would maintain this rating and would therefore comply with The London Plan and the Council's Sustainable Building Design SPD in this regard.

**8) S17 Crime & Disorder Act**

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

**9) Consultation Responses**

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

- *There has been no consultation with residents on the planned expansion:* A Statement of Community Involvement has been submitted, indicating that consultation had been carried out. Notwithstanding this, it is not a requirement for the applicants to consult the local community prior to submission.
- *The development in conjunction with the Belmont Utd FC clubhouse would have an unacceptable impact on the area:* The cumulative impact of both proposals has been taken into consideration in the above appraisal sections.

## **CONCLUSION**

In summary, the proposal is considered to comply with the relevant education policies and would enable the expanded provision of education at this successful state school. It is considered that the associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below and S.106 obligations, as set out at the beginning of this report.

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: DWG 0328 PL 001; PL 002; PL 003; PL 004; PL 005; PL 006; PL 007; PL10A; PL11A; Design and Access Statement; Appendix 1: Consultation; Appendix 2: KAPS 2007; Appendix 3: Flood Risk Assessment; Appendix 4: Transport Assessment.

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

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

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

4 The number of pupils at the school shall not exceed 446. Condition 18 of planning permission P/1287/07/CFU is hereby superseded by this condition.

REASON: To retain control over the number of pupils in the interests of highway safety and the amenities of neighbouring residents, in line with the requirements of saved UDP policies C7, T6 and T13.

5 No building works pursuant to this permission shall take place until there has been submitted to, and approved by, the local planning authority, a scheme of proposed hard and soft landscape works for the site, to include the re-provision of the existing garden. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

6 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). Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation on writing.

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

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

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

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

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

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

REASON: To prevent the increased risk of flooding in line with the requirements of PPS25.

10 The development of any buildings hereby permitted shall not commence until a scheme for the provision of secure cycle parking within the school site (to double the existing provision) has been submitted and approved in writing. The works shall be carried out in accordance with the approved details. The spaces shall be made available for use prior to occupation of the additional classrooms hereby permitted and shall thereafter be retained.

REASON: To encourage sustainable modes of transport, in line with the requirements of PPG13 and saved UDP policy T6.

## **INFORMATIVES**

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

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal is considered to comply with the relevant education policies and would enable the expanded provision of education at this successful state school. The drainage, transport and highway safety impacts would be ameliorated through the use of s.106 obligations and planning conditions as set out in the application report.

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

National Policy: PPS1, PPG13, PPS25, Policy Statement – Planning for Schools Development (2011)

The London Plan 2011: 3.16, 5.2, 5.3, 5.6, 5.7, 6.3, 6.13, 7.2, 7.4, 7.6

London Borough of Harrow Unitary Development Plan 2004: EP12, EP25, D4, D9, T6, T13, C2, C7, C16

Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Access For All (2006)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 COMPLIANCE WITH PLANNING CONDITIONS

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

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

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

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

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

Plan Nos: DWG 0328 PL 001; PL 002; PL 003; PL 004; PL 005; PL 006; PL 007; PL10A; PL11A; Design and Access Statement; Appendix 1: Consultation; Appendix 2: KAPS 2007; Appendix 3: Flood Risk Assessment; Appendix 4: Transport Assessment

**GARAGES REAR OF CHESTER COURT, P/2907/11  
SHEEPCOTE ROAD, HARROW, HA1 2LJ**

Ward: GREENHILL

DETAILS PURSUANT TO CONDITION 10 (BIN STORE) ATTACHED TO PLANNING PERMISSION P/1238/11 DATED 19/09/2011 FOR DEMOLITION OF EXISTING GARAGES PROPOSED THREE 2 BEDROOM MEWS TYPE HOUSES WITH 8 CAR PARK SPACES NEW REFUSE STORES

**Applicant:** Haynes (Holdings) Company Ltd

**Agent:** Dennis Granston

**Case Officer:** Gerard Livett

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

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## **RECOMMENDATION**

**APPROVE** details pursuant to Condition 10 attached to planning permission P/1238/11 as described in the application and submitted plans.

## **REASON:**

The decision to APPROVE details pursuant to Condition 10 attached to planning permission P/1238/11 has been taken as the proposal would provide adequate refuse storage facilities that would not be visually intrusive in the streetscene, 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:

Draft National Planning Policy Framework (NPPF)

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

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

The London Plan:

7.3 – Designing out crime

7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

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

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

- 1)** Character and Appearance of the Area, Refuse Storage (PPS1, 7.4, D4, D9, T6, Code of Practice)
- 2)** S17 Crime & Disorder Act (7.3, D4)
- 3)** Consultation Responses

## INFORMATION

This application is referred to the planning committee at the request of a nominated member.

### a) Summary

Statutory Return Type:	Minor Dwellings
Site Area	1627 m <sup>2</sup>
Density:	105 dph (including existing flats in Chester Court)
Lifetime Homes	3
Wheelchair Homes	0
Council Interest:	Access road through site (leading to Kensington Heights) is adopted public highway but is not in Council ownership

### b) Site Description

- Chester Court is a 4-storey block of flats located on the north side of Sheepcote Road.
- To the rear of Chester Court there are two blocks each of 7 flat-roofed garages.
- Vehicle access to the garages from Sheepcote Road is via a service road between Chester Court and flats at Shepherds Court. This service road also serves flats at Kensington Heights, Tempsford Court and other buildings to the rear. In the case of Kensington Heights, the service road passes across the application site behind the Chester Court garages.

### c) Proposal Details

Approval of Condition 10 attached to planning permission P/1238/11 dated 19-Sep-2011 for demolition of existing garages proposed three 2 bedroom mews type houses with 8 car park spaces, new refuse stores (revisions to planning permission P/0200/07/CFU allowed on appeal ref APP/M5450/A/07/2053472 dated 18 December 2007) (resident permit restricted)

Condition No. 10 states:

*Notwithstanding what is shown on the approved plans, details of the siting of the bin store shall be submitted to and approved by the local planning authority prior to occupation of the dwellings.*

*REASON: To safeguard the appearance of the locality on accordance with Policy D4 of the Harrow Unitary Development Plan 2004.*

The applicant has supplied drawings of a bin store for four 1100 litre bins.

The storage building would be 7m long and 1.3m wide and 1.4m high. It would be built on a concrete base that would be 2.25m wide (including the width of the store).

The storage building would be located on the north-eastern side of the access road at the rear of the site and would be located from a point opposite the northern edge of proposed mews house number 3 to a point 2.4m from the gates of Kensington Heights.

**Revisions to previous applications:**

Following the previous grant of planning permission (reference P/1238/11), the following amendments have been made to the locations of the refuse stores:

- The refuse store for Chester Court, which was previously proposed as two storage buildings between the front of Chester Court and Sheepcote Road, is now proposed to be at the rear of the site on the side of the access road opposite the proposed mews houses

**d) Relevant History**

LBH/2129/1	ERECTION - 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (OUTLINE)	GRANTED 09-OCT-67
LBH/2129/4	ERECTION 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (IN COMPLIANCE WITH CONDITIONS 1,1A,1B,2,4,5,6,7,8 9, AND 10 OF PLANNING CONSENT 3/10/67)	GRANTED 12-AUG-68
WEST/45102/92/F UL	APPLICATION UNDER REG.4 OF THE TOWN & COUNTRY PLANNING GEN. REGS. 1976: EXTENSION TO EXISTING SERVICE ROAD	GRANTED 19-AUG-92
P/1129/03/CFU	DEMOLITION OF LOCK-UP GARAGES & REDEVELOPMENT TO PROVIDE 4 TWO STOREY HOUSES.	REFUSED 02-OCT-03
P/2255/04/CFU	REDEVELOPMENT TO PROVIDE DETACHED TWO STOREY BLOCK OF 4 HOUSES WITH REPLACEMENT PARKING SPACES	REFUSED 31-JAN-2005 APPEAL DISMISSED 24-APR-06
P/2708/05/DFU	THIRD FLOOR EXTENSION TO BOTH SIDES AND CONVERSION FROM ONE TO TWO SELF-CONTAINED FLATS (RESIDENT PERMIT RESTRICTED) (Flat 13, CHESTER COURT)	GRANTED 10-JAN-06
P/0200/07/CFU	DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF THREE 2 BEDROOM MEWS TYPE HOUSES WITH 14 CAR PARK SPACES.	REFUSED 10-APR-07 APPEAL ALLOWED 18-DEC-2007

P/3466/07/DFU	CONSTRUCTION OF THREE, TWO-BEDROOM MEWS TYPE HOUSES AT REAR OF EXISTING BLOCK, WITH 17 CAR PARKING SPACES AND REFUSE/WASTE STORAGES; DEMOLITION OF EXISTING GARAGES	REFUSED 22-FEB-08
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**Reason for Refusal:**

The proposed refuse storage, by reason of its unsatisfactory siting and design, would be visually obtrusive and detrimental to the character and appearance of the area and the visual amenities of residential occupiers and would thereby fail to comply with policy D4 of the Harrow Unitary Development Plan (2004) and the objectives of the Council's Code of Practice for storage and collection of refuse.

P/3897/08	DETAILS PURSUANT TO CONDITIONS 2 (MATERIALS), 3 (LANDSCAPING) AND 5 (REFUSE STORAGE) ATTACHED TO PLANNING PERMISSION P/0200/07/CFU ALLOWED ON APPEAL (PINS REF: APP/M5450/A/07/2053472) DATED 18-DEC-2007 FOR DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE TWO-BEDROOM MEWS TYPE HOUSES	APPROVED 10-FEB-09
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P/1238/11	DEMOLITION OF EXISTING GARAGES PROPOSED THREE 2 BEDROOM MEWS TYPE HOUSES WITH 8 CAR PARK SPACES NEW REFUSE STORES	GRANTED 19-SEP-11
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**e) Pre-Application Discussion**

None

**f) Applicant Statement**

- Bin store has been redesigned as shown on plans

**g) Consultations**

**Waste Management Policy Officer:** No response received

**Notifications:**

No neighbour notifications are required or undertaken for an approval of details application as it is not a statutory requirement and the principle of the development has been established.

Notwithstanding the above, a representation was received from a resident of Pinner Road. An investigation revealed that this resident's concern related to a different site in North Harrow.

**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 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, Refuse Storage**

The substantive planning application (P/1238/11) indicated that two detached refuse storage buildings would be provided to accommodate the bins required for the existing flats at Chester Court in an area between the front of this building and Sheepcote Road.

The Council was of the opinion that this arrangement would be visually intrusive in the streetscene and consequently a condition was added to that permission requiring a revised scheme for the storage of refuse and materials for reuse and recycling be submitted and approved in writing by the local planning authority.

With this application, the applicant has supplied details of a refuse storage enclosure that would be adjacent to the access road at the rear of the Chester Court site. Although the applicant has indicated four 1100 litre bins, the storage enclosure would be sufficient for the two 1100 litre and two 1280 litre bins required for Chester Court.

These bins could be readily serviced from the access road and would not result in the loss of any parking space. The location would also have no impact with regard to highway safety.

It is the location of the refuse storage enclosure at the rear of the site means that it would not be readily visible from the public domain and would not be visually intrusive to nearby residents.

It is therefore considered that the submitted details are sufficient to discharge condition no. 10 attached to planning permission P/1238/11 dated 19-Sep-2011.

**2) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

**3) Consultation Responses**

- N/A

## **CONCLUSION**

The proposal would provide adequate refuse storage facilities that would not be visually intrusive in the streetscene.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, this application is recommended for grant.

## **INFORMATIVES**

### **1 INFORMATIVE**

#### **SUMMARY OF REASONS FOR APPROVAL OF DETAILS:**

The decision to APPROVE details pursuant to Condition 10 attached to planning permission P/1238/11 has been taken as the proposal would provide adequate refuse storage facilities that would not be visually intrusive in the streetscene, 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:

Draft National Planning Policy Framework (2011)

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

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

The London Plan:

7.3 – Designing out crime

7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

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

### **2 INFORMATIVE**

#### **OTHER CONDITIONS**

The applicant is advised that Conditions 7 (Residents' Parking Permits), 8 (Surface water drainage) and 9 (surface water storage and attenuation) remain to be discharged.

Plan Nos: 03/578/35A; 03/578/45

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Item: 2/03

TALBOT HOUSE, 204-226 IMPERIAL DRIVE, P/2574/11  
HARROW, HA2 7HH

Ward: RAYNERS LANE

EXTENSION OF TIME PLANNING PERMISSION P/1565/08 DATED 17/10/2008 FOR ROOF EXTENSION TO EXISTING 3 STOREY OFFICE BUILDING TO CREATE 4TH STOREY TO PROVIDE 9 FLATS, NEW ENCLOSED REAR STAIRCASE AND EXTERNAL ALTERATIONS (RESIDENT PERMIT RESTRICTED)

**Applicant:** Talbot House Business Centre LTD

**Agent:** Preston Bennett Planning

**Case Officer:** Sarah MacAvoy

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

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## RECOMMENDATION

**GRANT** 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. There have been no substantial material legislation changes, material changes in the circumstances on the site, or a significant change in the character and appearance of the area since the previously granted planning application.

The following national planning statement/ guidance, policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

### National Guidance

Planning Policy Statement 1 : Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2011)

Planning Policy Guidance 13:Transport (2011)

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

### The London Plan 2011:

2.13B – Opportunity areas and intensification areas

3.1B – Ensuring equal life chances for all

3.3D/G - Increasing housing supply

3.4A - Optimising housing potential

3.5B/C - Quality and design of housing developments

3.8B - Housing Choice

4.3 – Mixed use development and offices

5.3D - Sustainable design and construction

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

London Plan Housing Design Guide (2010)

**Harrow Unitary Development Plan 2004:**

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- T13 Parking Standards
- C16 Access to Buildings and Public Spaces
- EP25 Noise

**Supplementary Guidance/ Documents**

- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)
- Harrow Strategic Flood Risk Assessment (2009)

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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) Character and Appearance of the Area (PPS 1; The London Plan: 5.3D, 7.1B/D, 7.4B, 7.6B; Harrow UDP: D4, D9; SPD: Residential Design Guide)
- 2) Residential Amenity (PPS1; saved UDP policies D4 and D5)
- 3) Accessibility (The London Plan: 3.1B, 3.5B, 3.8B, 7.2C; Harrow UDP: C16; SPD: Accessible Homes)
- 4) Parking Standards (PPG 13; The London Plan: 6.3A, 6.13 C/D; Harrow UDP:T13)
- 5) Drainage (PPS25, London Plan: policy 5.12.B/C/D and saved policy EP11)
- 6) S17 Crime & Disorder Act (The London Plan: 7.3B; Harrow UDP:D4)
- 7) Consultation Responses

**INFORMATION**

This application is reported to committee as the previous application was referred to the Planning Committee, therefore the current application is outside category 17 of the Scheme of Delegation.

**a) Summary**

Statutory Return Type:	Minor Dwellings	
Site Area:	0.196 ha gross, 0.196 ha net	
Habitable Rooms:	18	
Density:	91.84 hrph, 45.9 dph	
Car Parking	Standard	11.4
	Justified	9
	Provided	0
Lifetime Homes:	9	
Wheelchair Standards:	None	
Council Interest:	None	

**b) Site Description**

- Three/four storey terraced office building located on the western side of Imperial Drive;
- Main entrance to the building is from Imperial Drive;
- Rear parking for offices which is accessible from Village Way East;
- Land levels fall from east to west;
- To the south of subject building is Rayners Lane Library;
- Land to the north is vacant and occupied by the former Rayners Hotel Public House, a Statutorily Listed Building on the at Risk Register at English Heritage.
- Application site falls within Rayners Lane District Centre;
- Surrounding area is characterised by a mix of 3-5 storey buildings with a variety of commercial and residential uses.
- The site has a PTAL rating of 4.

**c) Proposal Details**

- Planning permission was granted on 17<sup>th</sup> October 2008 (P/1565/08DFU) for a 'Roof extension to existing 3 storey office building to create 4<sup>th</sup> storey to provide 9 flats new enclosed rear staircase and external alterations (resident parking restricted)'.
- The application seeks to extend the implementation of this permission, which expires on the 17<sup>th</sup> October 2011.
- The development proposal approved under P/1565/08 comprised of the following works:
- Construction an additional floor at roof level to create a fourth floor to provide residential flats;
  - The proposed development also seeks to construct a new enclosed staircase located at the rear, which would be attached to the southeast corner of the existing building and would be located in front of the existing lower two-storey part of the building;
  - 9 units are proposed of which 3 flats would be studios, 3 would be 1 person, one bedroom flats and 3 would be 3 person, 2 bedroom units;
  - A covered bicycle store is proposed at the rear, which would provide 9 spaces
  - Refuse storage would be located at the rear;
  - External alterations are proposed to the existing building, which would include removal of the glazed wedge-shaped feature along the front elevation and replacement with conventional flat fronted glazed panels.

**Revisions to Previous Application:**

- None

**d) Relevant History**

<b>P/1565/08/DFU</b>	Roof Extension to Existing 3 Storey Office Building to Create 4 <sup>th</sup> Storey to Provide 9 Flats, New Enclosed Rear Staircase and External Alterations (Resident Permit Restricted)	GRANTED 17-OCT-08
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**e) Consultations:**

- **Highways Engineer:** "The proposal does not provide for any on-site parking provision which is considered acceptable given the high PTAL rating of 4 which inherently encourages use of sustainable means of transport to and from the site. To ensure that parking restraint is applied fully the proposal should be 'Resident permit restricted' via title inclusion and standard condition. Notwithstanding this it is accepted that access to office parking spaces to the rear of the premises would be available for out of hours use by new residents. This provision would help to ensure that less parking demand is placed on the local highway network and is therefore welcomed.

Secure cycle provision for 9 cycle spaces should be indicated.

In summary no objection.

- **Drainage Engineer:** Planning Policy Statement 25: Development and Flood Risk (2010) and the Harrow Strategic Flood Risk Assessment (2009) have become material planning considerations since the application was granted. The SFRA (2009) sets out areas of land liable to flooding in Harrow. The site is in Flood Zone 2/3 of the Smart Brook (as designated by the Harrow Strategic Flood Risk). Although not increasing flood risk, the proposal will place the occupants at risk during flood. This risk should be managed by a FRA which will specify an appropriate flood warning system and evacuation plan.

**Notifications:**

Sent: 64

Replies: 0

Expiry: 18-OCT-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) Character and Appearance of the Area**

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

In approving the initial application (P/1565/08/DFU), it was considered that the proposed development would have no adverse impact upon the character and appearance of the area and it was therefore considered to be acceptable in relation to the policy at the time.

Since the decision in 2008, the 2004 version of The London Plan was consolidated and altered in 2008, which has now been replaced by the new London Plan 2011.

Policies 7.4B regarding Local Character and 7.6B relating to Architecture are the design led policies that would be most relevant to the proposed development. In assessing the proposed fourth floor on the three storey office building to create 9 flats against policies 7.4B and 7.6B of The London Plan, it is considered that the proposed alterations to the front elevation together with the modern addition at fourth floor level would not detract from the overall appearance and character of the building or that of the locality.

There has been no material change in the circumstances on the site, nor a significant change in the character and appearance of the area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the area.

The proposed development is considered to be acceptable and in accordance with the objectives set out under policies 7.4B and 7.6B of The London Plan 2011 and saved policy D4 of the Harrow UDP 2004.

## **2) Residential Amenity**

Paragraph 18 of PPS3 was adopted in 2010, subsequent to the planning approval on the site. This PPS provides scope for Local Planning Authorities to reference any relevant guidance and standards when assessing applications to ensure high quality development:

*To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards...*

In view of paragraph 18 of PPS3, when considering what is an appropriate standard of accommodation and quality of design, the Council is also mindful of the emerging guidance, the Interim London Housing Design Guide (2010) ("the Design Guide"). The former Draft London Housing Design Guide was assessed by examination in public between 28th June - 8th December 2010 and the Panel's Report was completed in March 2011. This then became the Interim Design Guide. The Design Guide reiterates the residential unit GIA's in the London Plan (2011) and provides additional GIA's and minimum dimensions for rooms within the residential unit. Whilst these room size GIA's and minimum dimensions do not form part of the development plan and therefore do not justify refusal in themselves, they do indicate a shortfall in relation to PPS1, PPS3, London Plan policies and saved Harrow UDP policies.

A number of policies in the recently adopted 2011 London Plan would apply in this case, these being 3.3B – Increasing Housing Supply; 3.4A – Optimising Housing Potential; 3.5B/C – Quality and Design of Housing Developments and 3.8B Housing Choice.

In addition to this, the Council has recently adopted a Supplementary Planning Document on Residential Design Guide (SPD), which sets out the detailed guidance for new residential development and has adopted minimum space standards for flats and new housing. These space standards mirror the minimum space standards set out in The London Plan policy 3.5 (Table 3.3), which was adopted in July 2011.

In assessing the GIA of the proposed units, the floor areas shown for each of the nine flats would meet the minimum space standards set out in the Council's adopted Residential Design Guide SPD, policy 3.5C of The London Plan 2011 and the Interim London Housing Design Guide (2010).

The kitchen/living/dining areas in flats 8 and 9 at 22.1 square metres and flat 4 at 24 square metres are slightly under what is recommended for 2 bed, 3 person flats by the Interim London Housing Design Guide (2010). (25 square metres). However, these small deficiencies are not considered to be sufficient to constitute a reason for refusal as each of the flats would have a suitable layout and adequate circulation.

The single and double bedrooms in flats 5, 6, 7 and 8 and 9 are slightly under what is recommended by the Interim London Housing Design Guide (2010). However, these rooms in each case are no less than 1 square metre less than what is recommended by the Interim London Housing Design Guide (2010). This is considered to be acceptable as the rooms are of a suitable layout and only slightly smaller than the area recommended by the ILHDG (2010).

In assessing the provision of usable amenity space for the future occupiers of the site, policy D5 was used in the assessment of the original application and would still apply in this case. Paragraph 4.64 of the adopted Residential Design Guide SPD states that in circumstances where it is not possible or appropriate to provide private garden and communal amenity space, such as developments within town centres, suitable alternatives arrangements for the future occupiers of the development must be made, such as balconies or an atrium. Each of the flats has a small balcony area, which is considered to be acceptable.

In conclusion, based on the above factors, it is considered that the proposed residential units would be in accordance with the objectives set out under policies 3.3B, 3.4A, 3.5B/C and 3.8B of The London Plan 2011, saved policy D5 of the Harrow UDP 2004 and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **3) Accessibility**

It is noted that none of the London Plan policies relevant to accessibility were referred to in the original application. However, there are a number of policies from the recently adopted London Plan (2011) that would apply in this case.

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 7.1C 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.

In the original application, the proposed scheme was shown to meet the Lifetime Homes standards and as the layouts of the nine flats have not changed, they are considered to be acceptable in regard to The London Plan policies stated above, saved policy C16 of the Harrow UDP and the Council's adopted Accessible Homes SPD (2010).

**4) Parking and Traffic**

The principle policy for assessing parking standards at the time of the original application was policy T13. This policy has been saved and would therefore still apply.

There have been no significant changes in the site circumstances or the current policy to form a different view to that made under P/1565/08 and given the Town Centre location and the benefits of being located close to good public transports link, the proposal would not give rise to any harm on parking or highway safety.

**5) Drainage**

Planning Policy Statement 25: Development and Flood Risk (2010) was adopted subsequent to the original planning permission: P/1565/08 was granted. In addition, the Harrow Strategic Flood Risk Assessment (2009) has since become a material planning consideration which sets out areas of land liable to flooding in Harrow.

The Council's Drainage Team have commented on the application. Despite the absence of any operational development on the ground floor of the property, given the location of the site within Flood Zone 2/3 of the Smart Brook (as designated by the Harrow Strategic Flood Risk Assessment), the intensification of use of the premises is likely to increase the risk to the safety of persons living and occupying the property in the event of a flood. Paragraph 8 of PPS25 (and Chapter 4 of the accompanying Practice Guide) requires new development to ensure that safe access and escape routes are provided where required in flood risk areas. To ensure that development does not prejudice the safety of users of the building in the event of a flood, details should be provided to the Local Planning Authority of evacuation and egress arrangements in the event of flood. It is considered that such details could be provide by way of a condition of development and is attached as such. Subject to such a condition, the development would accord with PPS25, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP11 of the UDP.

**6) S17 Crime & Disorder Act**

There has been no material change in the circumstances on the site that would warrant a different view on the community safety of the proposed flats or that of the area.

It is considered that the proposed development would not give rise to community safety issues.

**7) Consultation Responses**

N/A.

## **CONCLUSION**

The decision to grant permission has been taken on the basis that there have been no substantial material legislation changes, material changes in the circumstances on the site, or a significant change in the character and appearance of the area since the previously granted planning application.

The application 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 extension / building(s)

c: the boundary treatment

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 window(s) in the flank wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

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

REASON: To protect the amenities of the neighbours with regard to overlooking in accordance with saved policy D5 of the UDP.

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

REASON: To ensure that the development will be accessible for people with disabilities in accordance with saved policy C16 of the Harrow Unitary Development Plan.

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

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with saved policy C16 of the Harrow Unitary Development Plan.

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

- a: the storage and disposal of refuse/waste
- b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

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

7 Notwithstanding the details submitted with this application, the use of the Talbot House car parking facilities shall be made available to the future occupiers of the proposed development, hereby approved, between the hours 6pm to 8am Monday to Friday and at all other times on Saturday to Sunday.

REASON: To ensure that adequate parking provision is available for use by the occupants of the site in accordance with saved policy T13 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure the scheme adequately addresses the sustainability and landscaping requirements of saved policies T13, D4 and D9 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not be occupied until details of evacuation and egress measures and an evacuation management plan (including the identification of a safe refuge point for the occupiers of the development) in the event of a flood have been submitted to, and approved in writing by the Local Planning Authority. The residential units hereby permitted shall not be occupied until the details of the evacuation and egress measure and evacuation management plan has been implemented in accordance with the approved details and thereafter retained.

REASON: To ensure adequate measures are taken to ensure the safety of users of the site, thereby according with Planning Policy Statement 25: Development and Flood Risk 2010, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP11 of the Harrow Unitary Development Plan 2004.

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

20435/ 10 A; 11 A; 12; 13; 14 C; 15 C; 16 B; 17 B; 18 A; 19 A; 20A Design and Access Statement; Unnumbered Photographs (4 Sheets); Supporting Letter Dated 07 April 2008 from Talbot House Business Centre Ltd; Product Details for Bicycle Shelter.

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 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. There have been no substantial material legislation changes, material changes in the circumstances on the site, or a significant change in the character and appearance of the area since the previously granted planning application.

### **National Guidance**

Planning Policy Statement 1 : Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2011)

Planning Policy Guidance 13: Transport (2011)

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

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

2.13B – Opportunity areas and intensification areas

3.1B – Ensuring equal life chances for all

3.3D/G - Increasing housing supply

3.4A - Optimising housing potential

3.5B/C - Quality and design of housing developments

3.8B - Housing Choice

4.3 – Mixed use development and offices

5.3D - Sustainable design and construction

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

London Plan Housing Design Guide (2010)

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

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

T13 Parking Standards

C16 Access to Buildings and Public Spaces

EP25 Noise

### **Supplementary Guidance/ Documents**

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Code of Practice: Refuse Storage and Collection of Domestic Refuse (March 2008)

Harrow Strategic Flood Risk Assessment (2009)

**2 INFORMATIVE:**

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

**3 INFORMATIVE:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

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

**5 INFORMATIVE:**

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for residents parking permits in the surrounding controlled parking zone.

**6 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 2/03 : P/2574/11 continued/...

Plan Nos: 20435/ 10 A; 11 A; 12; 13; 14 C; 15 C; 16 B; 17 B; 18 A; 19 A; 20A Design and Access Statement; Unnumbered Photographs (4 Sheets); Supporting Letter Dated 07 April 2008 from Talbot House Business Centre Ltd; Product Details for Bicycle Shelter.

**HARROW GARDEN CENTRE, HEADSTONE LANE, P/2499/11  
HARROW, HA2 6NB**

Ward: HEADSTONE NORTH

INSTALLATION OF A NEW CANOPY TO THE WEST OF THE GARDEN CENTRE

**Applicant:** Gregory Gray Associates

**Agent:** Harrow Garden Centre

**Case Officer:** Sushila Bhandari

**Statutory Expiry Date:** | 07-NOV-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 Government guidance contained within PPG 2, 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 proposed canopy would be a lightweight addition to the existing building and given that the canopy would be open on all sides, it would maintain a sense of openness in line with the objectives set out under Green Belt policies. Furthermore, the area of land that the canopy would cover is hard-surfaced and as such, the proposal would not encroach upon green belt land. Based on these factors, the proposal would not amount to an inappropriate form of development in the green belt and therefore is considered to be acceptable.

## **National Guidance**

Draft National Planning Policy Framework

PPS1: Delivering Sustainable Development (2005)

PPG 2: Green Belts (1995)

PPS4: Planning for Sustainable Economic Growth (2009)

PPG13:Transport (2011)

## **The London Plan 2011:**

7.4B– Local Character

7.6B – Architecture

7.8C/D – Heritage Assets and Archaeology

7.16B – Green Belt

7.19C/D – Biodiversity and access to nature

## **Harrow Unitary Development Plan:**

D4 The Standard of Design and Layout

D20 , D21, D22 Sites of Archaeological Importance

T13 Parking Standards

EP20 Previously Developed Land

EP25 Noise

EP26 Habitat Creation and Enhancement

EP27 Species Protection

EP28 Conserving and Enhancing Biodiversity

- EP26 Habitat Creation
- EP32 Acceptable Land Users
- EP34 Extension To Buildings In The Green Belt
- C16 Access to Buildings and Public Spaces

### **Supplementary Guidance/ Documents**

Supplementary Planning Document: Access for All (2006)

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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) Impact on Green Belt (PPG2; The London Plan: 7.16B; Harrow UDP: EP32, EP34)
- 2) Character and Appearance of Area (The London Plan 7.4B, 7.6B; Harrow UDP: D4)
- 3) Residential Amenity (The London Plan: 7.6B; Harrow UDP: D4)
- 4) Accessibility (The London Plan: 7.6B; Harrow UDP: C16, SPD)
- 5) Trees and Biodiversity (The London Plan: 7.19C/D; Harrow UDP:EP26, EP27, EP28, D10)
- 6) Archaeological Importance (The London Plan: 7.8C/D; Harrow UDP: D20, D21, D22)
- 7) Parking (Harrow UDP: T13)
- 8) S17 Crime & Disorder Act (The London Plan: 7.3B, Harrow UDP:D4)
- 9) Consultation Responses

### **INFORMATION**

This application is required to be determined by the planning committee as the freehold of the application site is owned by the Council and the floor area of the proposed canopy extension would exceed the limitation of 100m<sup>2</sup> floor space as set out under 1(h) of the scheme of delegation.

#### **a) Summary**

Statutory Return Type: **Minor development**  
Green Belt: Yes  
Site Area: 0.30 ha gross  
Council Interest: None

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

- The application site is located off a private access road on the western side of Headstone Lane, which is currently occupied by Harrow Garden Centre.
- The existing main garden centre building is single storey high and has canopies attached to it to form part of the outdoor retail plant sale areas (however there is no planning history in relation to the existing canopy extensions) Notwithstanding this, it is considered that whilst there is no planning history for these canopies, on balance of probabilities these structures have been in existence for more than 4 years and they would be immune from enforcement action.
- The application site is located in a green belt, an area of archaeological interest and adjacent to a site of importance for nature conservation.

- There is a timber yard located to the east of the application site.
- The site is surrounded by Pinner Park Farm to the south and west.

**c) Proposal Details**

- The proposal seeks to install a new canopy to cover the existing outdoor bedding display area.
- The proposed canopy would be attached to the existing canopy, located in the western part of the site.
- The proposed canopy would cover an area of 168.40sqm and would be open at the sides.
- This canopy would be constructed from a lightweight galvanised frame to match the existing and with a fabric cover roof.

**Revisions to Previous Application:**

Following the previous decision (P/2499/11) the following amendments have been made:

- The previously proposed sales building for the garden centre has been removed from this revised scheme.

**d) Relevant History**

HAR/19174	Nursery garden store off. Vehicle Shelter	GRANTED 08-AUG-62
LBH/2557	Continued use of land and ancillary buildings for nursery gardens supplies	GRANTED 23-JUL-67
LBH/2557/1	Continued use of land and ancillary buildings for nursery garden supplies	GRANTED 18-MAY-70
LBH/2557/3	Use of land for nursery and garden centre and builders merchants with allied retail sales	REFUSED 09-NOV-78

**Reason for Refusal:**

The proposal involves an undesirable intensification of use of this site resulting increased traffic generation at the road junction.

LBH/16968	Use of land for nursery and garden centre with allied retail sales (reconsideration)	GRANTED 14-AUG-80
LBH/27023	Construction of glasshouse for sale of plants and garden equipment, and parking (outline)	REFUSED 14-MAR-85

**Reason for Refusal:**

The proposed development would be excessive and result in an over intensification of use of this green belt site contrary to the green belt policies in the harrow Borough Local Plan.

LBH/27950	Erection of glasshouse building and revised layout of garden centre, with parking	GRANTED 10-JUN-85
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LBH/33091	Extension to existing glasshouse	REFUSED 03-SEP-87
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**Reason for Refusal:**

The proposed development would be excessive and result in an over intensification of use of this Green Belt site contrary to the policies in the Harrow Borough Local Plan.

P/1009/11	New single storey detached building at existing garden centre and erection of new canopy to existing garden centre building	REFUSED 30-JUN-11
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**Reason for Refusal:**

The proposed single storey detached building would result in an inappropriate development in the Green Belt which by reason of unacceptable siting, massing and bulk would significantly reduce the openness of the site, to the detriment of the character, appearance and openness of the Green Belt, contrary to Planning Policy Guidance 2: Greenbelts (1995), policy 3D.9 of The London Plan and saved policy EP32 of the Harrow Unitary Development Plan (2004) and no very special circumstances have been demonstrated by the applicant whereby the harm by reason of inappropriateness is outweighed by other considerations.

P/1334/11	New timber shed to west of car wash equipment	GRANTED 18-JUL-11
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**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported with a Design and Access Statement, which is summarised as below:
  - The application purposes the erection of external display bedding canopies within the confines of the existing Garden Centre, which itself is a long established historical destination well situated to the main settlements in the area.
  - The limited size and unobtrusive siting, design and appearance of the development is consistent with and sympathetic to its location and does not give rise to any detrimental impact on adjoining occupiers or the visual amenities of the area, including Pinner Deer Park.
  - The proposed makes efficient use of previously developed land provisioning a modern and accessible facility for visitors. The proposed new Garden Centre and support growth in the rural economy in a sustainable location.
  - No new retail floor space is being created by the development as the canopy will cover existing Garden Centre sales space.
  - The external display bedding canopies will provide additional plant and customer protection all year round enabling the Garden Centre to more effectively trade against their competitors in the surrounding area.

- The proposal is not inappropriate development as it does not harm the openness of the Green Belt nor conflict with the purposes of including land within it. In addition, there are material considerations both individually and when considered cumulatively that would provide the very special circumstances that justify granting permission for the proposed application.
- Taking all these factors into account, it is considered that permission can be granted for this development on its merits and having regard to all material considerations.

**g) Consultations**

**Highways Engineer:**

No objections.

**Hatch End Association:**

No comments received

**Headstone Residents Association:**

No comments received

**English Heritage:**

No comments received

**Advertisement:** None

Expiry: n/a

**Notifications:**

Sent: 68

Replies: 1 letter of support Expiry: 14.-OCT-11

Summary of Responses:

- Building will not affect us.
- Have noise of trains day and night, increase traffic will only increase more noise.

**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, 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) Impact on Green Belt**

Planning Policy Guidance 2 on Green Belts indicates a general presumption against inappropriate development, which would have a harmful impact upon the character and openness of the Green Belt. Paragraph 3.2 of PPG2 records that inappropriate development is, by definition, is harmful to the Green Belt. It is for the applicant to show why permission should be granted. Following on from Paragraph 3.4 of PPG2, sets out the criteria where the construction of new building inside a Green Belt maybe appropriate, this includes:

- Agriculture and forestry (unless permitted development rights have been withdrawn)
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the open the openness of the Green Belt and which do not conflict with the purposes of including land in it.
- Limited extensions, alterations or placement of existing dwellings.
- Limited infilling in existing villages (under the circumstances described in the box following paragraph), and limited affordable housing for local community needs under development plan policies according with PPG3.
- Limited infilling or development of major existing developed sites identifies in adopted local, which meets the criteria in paragraph C3 or C4 of Annex C.

Paragraph 3.5 of PPG 2 goes onto state that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

Policy 7.16B of The London Plan, and saved policies EP32 and EP34 of the Harrow UDP follow on from the principles set out in PPG2. Saved policy EP20 requires that all new 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 site is located within a designated Green Belt as defined in the Harrow UDP. The grounds forming part of the Garden Centre and its associated parking area are predominately hard-surfaced and there are existing single storey buildings and structures on the site, and therefore the land itself can be termed as previously developed land. However due to the nature of the Garden Centre, the impact of the hard-surfaced areas are off-set by the soft planting areas. Notwithstanding this, the Green Belt designation of the land is a fundamental consideration when assessing development proposals for this site.

The proposed canopy extension would be attached to the existing canopy of the main building. Given that the proposed structure would be largely open on all sides, would be light weight in appearance and would largely retain the existing planting beds in that location, the proposal is considered not to have significant harm upon the openness of the green belt. Furthermore, the area of land that the canopy would cover is hard-surfaced and as such, the proposal would not encroach upon green belt land.

Based on the above factors, it is considered that the proposed canopy would not encroach upon the openness of the Green Belt. It is also considered that the proposals would not amount to inappropriate development in the Green Belt.

**2) Character and Appearance of Area**

The proposed canopy extension would be in keeping with the style and material of the existing canopies. It is considered that the proposed canopy extension would not give rise to any conflict with policies 7.4B and 7.6B of The London Plan and saved policy D4 of the Harrow UDP.

**3) Residential Amenity**

In assessing the impact of the proposal on residential amenity, the nearest residential development is sited some 125m from where the proposed canopy extension would be located. Taking into account the separation distance and given that the proposed canopy extension would be only single storey high, it is considered that the proposal would have no adverse impact upon the residential amenities of nearby residents.

**4) Accessibility**

The proposed canopy extension would not involve any alterations to the existing ground level. It is considered that the proposal would meet the objectives of saved policy C16 of the Harrow UDP and the adopted Supplementary Planning Document on Access for All.

**5) Trees and Biodiversity**

**Trees**

The subject site is not subject to a Tree Preservation Order and the proposal would not affect any of the trees on the site. It is therefore considered that the proposal would not have an unreasonable impact in terms of saved policy D10 of the Harrow UDP.

**Biodiversity**

The application site is located adjacent to a designated Site of Importance for Nature Conservation (SINC). Taking into account that the proposal would be sited on land that has already been largely hard surfaced, the impact of the proposal on the adjacent SINC would be negligible.

**6) Archaeological Importance**

The application site is sited within an Area of Archaeological Importance. As stated, above the proposal would be largely sited on land that has already been hard surfaced and therefore the proposals are unlikely to effect any archaeological interest on this site.

NB: English Heritage have not provided comments on this application.

**7) Parking**

The application site benefits from ample off street parking provision. The proposed development is unlikely to result in an over intensification of the site and therefore is unlikely to have any harm in respect of saved policy T13 of the Harrow UDP.

**8) S17 Crime & Disorder Act**

The proposed development is considered not to have a material impact upon community protection.

**9) Consultation Responses**

The proposed canopies would be located of land which is already being used for retail purposes. The proposal would not increase the retail floor space and therefore the level of traffic generated is unlikely to be affected by the proposal.

**CONCLUSION**

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPG 2, 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 proposed canopy would be a lightweight addition to the existing building and given that the canopy would be open on all sides, it would maintain a sense of openness in line with the objectives set out under Green Belt policies. Furthermore, the area of land that the canopy would cover is hard-surfaced and as such, the proposal would not encroach upon green belt land. Based on these factors, the proposal would not amount to an inappropriate form of development in the green belt and therefore considered to be acceptable. 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 canopy 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 policies 7.4B and 7.6B of The London plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

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

2011-005/03A; 2011-005/07A; 2011-005/011; 2011-005/012; 2011-005-004C; Design and Access Statement

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

**INFORMATIVES**

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

The decision to GRANT planning permission has been taken having regard to Government guidance contained within PPG 2, 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 proposed canopy would be a lightweight addition to the existing building and given that the canopy would be open on all sides, it would maintain a sense of openness in line with the objectives set out under Green Belt policies.

Furthermore, the area of land that the canopy would cover is hard-surfaced and as such, the proposal would not encroach upon green belt land. Based on these factors, the proposal would not amount to an inappropriate form of development in the green belt and therefore considered to be acceptable. This application is recommended for grant.

### **National Guidance**

Draft National Planning Policy Framework

PPS1: Delivering Sustainable Development (2005)

PPG 2: Green Belts (1995)

PPS4: Planning for Sustainable Economic Growth (2009)

PPG13:Transport (2011)

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

7.4B– Local Character

7.6B – Architecture

7.8C/D – Heritage Assets and Archaeology

7.16B – Green Belt

7.19C/D – Biodiversity and access to nature

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

D4 The Standard of Design and Layout

D20 , D21, D22 Sites of Archaeological Importance

T13 Parking Standards

EP20 Previously Developed Land

EP25 Noise

EP26 Habitat Creation and Enhancement

EP27 Species Protection

EP28 Conserving and Enhancing Biodiversity

EP26 Habitat Creation

EP32 Acceptable Land Users

EP34 Extension To Buildings In The Green Belt

C16 Access to Buildings and Public Spaces

### **Supplementary Guidance/ Documents**

Supplementary Planning Document: Access for All (2006)

### **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.

Plan Nos: 2011-005/03A; 2011-005/07A; 2011-005/011; 2011-005/012; 2011-005-004C; Design and Access Statement



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**Item: 2/05**  
**GARAGES ADJACENT TO MAYFIELD P/1629/11**  
**HOUSE, 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 Expiry: 19-AUG-11  
a petition with 29  
signatures in objection)

**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.

3 WEST DRIVE GARDENS, HARROW, HA3 P/2823/11  
6TT

WARD: HARROW WEALD

EXTENSION OF TIME TO PLANNING PERMISSION P/2316/08DFU DATED 17/10/2008 FOR 'TWO-STOREY, THREE BEDROOM DETACHED DWELLING HOUSE WITH NEW VEHICULAR ACCESS'

**Applicant:** Mr Neil Gargle  
**Agent:** RKA  
**Case Officer:** Nicola Rankin  
**Statutory Expiry Date:** 09-DEC-11

## RECOMMENDATION

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

### REASON:

Full consideration has been given to any changes in adopted policy, site circumstances or other material considerations since the previous planning application (P/2316/08). There are no identified physical changes on the site or the site surroundings since the grant of the original permission, dated 16 Dec 2002. This report concludes that the proposed redevelopment is still supported by the current National Planning guidance, and the policies of The London Plan 2011 and the Harrow Unitary Development Plan (2004). The proposal is therefore recommended for grant, subject to the following conditions:

### National Planning Policy

Draft National Planning Policy Framework [NPPF]  
Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 3: Housing (2011)  
Planning Policy Statement 5: Planning for the Historic Environment (2010)

### The London Plan 2011

3.1 – Ensuring Equal Life Chances for All  
3.3 – Increasing Housing Supply  
3.4 – Optimising Housing Potential  
3.5 – Quality and Design of Housing Developments  
3.8 – Housing Choice  
5.2 – Minimising Carbon Dioxide Emissions  
7.1 – Building London's Neighbourhoods and Communities  
7.4 – Local Character  
7.6 - Architecture  
7.8 – Heritage Assets and Archaeology  
London Housing Design Guide: Interim Edition (2010)

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

C16 - Access to buildings and Public Spaces

D4 - The Standard of Design and Layout

D5 - New Residential Development - Amenity Space and Privacy

D9 - Streetside Greenness and Forecourt Greenery

D10 - Trees and Development

D14 - Character and Appearance of Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

EP12 - Control of Surface Water Run-Off

EP43 – Green Belt and Metropolitan Open Land Fringes

EP20 - Use of Previously-Developed Land

T6 - The Transport Impact of Development Proposals

T13 - Parking Standards

## **Local Supplementary Planning Documents and Guidance**

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document - Sustainable Building Design (2009)

Supplementary Planning Document – Accessible Homes (2010)

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

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

- 1) Principle of Development (PPS1, PPS3, 3.3, 3.5, 3.8, EP20)
- 2) Impact on Character and Appearance of the Conservation Area (D4, 7.4B, 7.6B, SPD)
- 3) Residential Amenity (D5, 7.6B, SPD)
- 4) Access, Traffic, Parking and Drainage (T6,T13, EP2)
- 5) Accessibility (3.1B,3.5C,3.8B, 7.1C, SPD)
- 6) Trees and Development (D10)
- 7) Sustainability (5.2, SPD)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

## **INFORMATION**

This application is being reported to Committee as a petition has been received which in the opinion of the Divisional Director of Planning Services, should be referred to the Planning Committee as set out under category 13 of the Scheme of Delegation.

### **a) Summary**

Statutory Return Type:	Minor Dwellings
Tree Preservation Order:	Yes
Conservation Area:	West Drive
Council Interest:	None

**b) Site Description**

- The site is to be formed from part of the original curtilage of 3 West Drive Gardens.
- The rear boundary of No. 3 abuts the Green Belt, Area of Special Character and the Site of Nature Conservation Importance as designated in the UDP.
- The east end of West Drive Gardens comprises substantial detached dwellings on wedge shaped plots spread around the head of the cul-de sac.

**c) Proposal Details**

The application seeks an extension of time of planning permission P/2316/08, dated 16 October 2008 for:

- Two storey detached dwelling with single storey front and rear elements; pitched roof over the front and cat slide roof over the rear of the proposed dwelling.
- The dwelling would comprise of five habitable rooms, with a footprint of approximately 80m<sup>2</sup>.
- West flank wall set a minimum of 1 metre from the west side boundary.
- Eastern front corner of dwelling set 1 metre from the eastern boundary.
- Distance of approximately 14 metres between proposed front main wall of the dwelling and the front wall of the property.
- Gravel hard surfacing proposed on front garden and provision for parking for 2 vehicles; approximately half of the garden would be soft landscaped.
- The rear garden would have a minimum depth of 23 metres; the rear site boundary abuts the flank of the rear garden of No. 11 West Drive.
- An area is designated for the storage of refuse bins to the west of the proposed dwelling.

**d) Relevant History**

EAST/1244/02/OUT	OUTLINE:DETACHED HOUSE & GARAGES & GARAGE FOR EXISTING HOUSE	GRANTED 16-DEC-02
P/2337/05/DFU	TWO STOREY DETACHED HOUSE (REVISED)	REFUSED 16-MAR-06 APPEAL ALLOWED 09-JUL-07

**Reason for Refusal:**

1. The design and appearance of the proposal will be detrimental to the visual and residential amenities of the neighbouring properties by reason of the scale and siting of the proposed house.

P/0527/08/DFU	TWO STOREY THREE, THREE BEDROOM DETACHED DWELLINGHOUSE WITH NEW VEHICULAR ACCESS	WITHDRAWN
P/0527/08DFU	TWO STOREY, THREE BEDROOM DETACHED DWELLINGHOUSE WITH NEW VEHICULAR ACCESS	WITHDRAWN

P/2316/08	TWO STOREY THREE, THREE BEDROOM DETACHED DWELLINGHOUSE WITH NEW VEHICULAR ACCESS	GRANTED 16-OCT-08
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**f) Pre-Application Discussion**

- None

**g) Applicant Statement**

The Heritage Statement, dated 11<sup>th</sup> October 2011 states that:

- The proposal is for the erection of a two storey detached dwelling with single storey front and rear elements located within part of the original curtilage of 3 West Drive Gardens.
- The approved drawings cited in the decision notice remain unchanged and confirm that the approved building work provide ground floor accommodation with separate living room, dining room and kitchen/family room. On the first floor will be bedrooms, master bedroom including en-suite.
- The approved drawings confirm that the accommodation is of a suitable size to enable wheelchair access and turning in each of the habitable rooms downstairs.
- The application site and surrounding dwellings have no singular character or style.
- In this respect there is no prevailing character which the proposed new dwelling must respect. However there are a number of key design principles that the existing dwellings have that the proposed dwelling has incorporated, including:
  - Detached
  - Two storeys in height
  - Pitched roof
  - Front and rear gardens set back from the road
  - Off Street parking
  - Landscaped Garden and setting
  - Views between the dwellings to the mature trees (located within the Green belt) to the rear
- There is no CA Statement for the West Drive Conservation Area (part of the wider Weald Character Area). However given that the design of the proposal respects the key features of the surrounding built form, it is considered that the proposal is in accordance with PPS5, particularly policy HE9, which requires proposals to preserve heritage assets. In this respect, it is considered that the proposed design will have a positive impact on the character and appearance of this part of the CA and therefore complies with policy HE9 of PPS5.
- In addition the proposal is in accordance with policy HE7 of PPS5 in that it has taken account of the scale, height, mass, alignment, materials and residential use of the surrounding built form within this part of the CA.
- The proposal maintains the distance within the neighbouring properties of approximately 3.8 metres and 2.3 metres (between numbers 1 and 3 West Drive gardens) which is considered appropriate and also retains the character of the CA as a heritage asset.

- Policy D14 and D15 of the Harrow UDP were adopted in 2004 and, in this respect, there has been no change to the adopted Development Plan since planning permission was originally granted in 2008. The emerging Core Strategy is undergoing public examination and in this respect has some weight attached to it. However, no policies within the emerging Core Strategy are considered to override the original decision to grant planning permission and warrant a different decision being made, particularly given that there is no harm caused to the CA as a heritage asset.
- The Residential Design Standards SPD was adopted in 2010 and is a material consideration in the determination of this planning application. However the general aims and objectives of this SPD (where it relates to an application proposal) include respecting the prevailing character of the surrounding street and the use of materials as well as height, scale and mass issues.
- In this respect the proposed dwelling is in accordance with this part of the SPD given the separation distance between the application site and the surrounding dwellings; the height, scale, bulk and mass of the proposed dwelling and the use of materials. All these elements reflect the proportions and materials of the surrounding residential dwellings which further confirm its appropriateness.

A letter of response in relation to the objections on this application was received from RKA architecture on behalf of the applicant on 30<sup>th</sup> November 2011. The response stated the following:

- This letter addresses the points raised by Mr Peter Causer who has prepared a response on behalf of a number of residents. There are a number of rebuttal points in response to this letter, which are set out below:
- Firstly, Mr Causer confirms that he has written "on behalf of residents of *Harrow Weald Park Estate*". However he has not confirmed specifically who he writing on behalf of.
- In paragraph 3 on page 1 of his letter he refers to a restrictive covenant, which, he has quite rightly indicated, is not a land use planning consideration. However, this covenant existed when the previous planning application (ref: P/2316/08) was originally granted and therefore his comments has no relevance to the current proposal to extend the time limit of this permission.
- In paragraph 4 on page 2 Mr Causer considers that, following and Inspector's decision to grant planning permission for residential development, "*the LPA felt that it had no option but to approve the scheme in view of the 2007 appeal decision*". This is completely false and untrue given that, as the decision maker, The London Borough of Harrow, as Local Planning Authority, have the ultimate power and jurisdiction to determine whether to grant or refuse planning permission. Whilst the Inspector's appeal decision is a material consideration, their role as LPA is to weigh the up merits of the proposal when considered against policies in the adopted Development Plan and against other material considerations
- Paragraph 7 of page 2 summarises the Inspector's conclusion, namely that the principle of a residential dwelling on the application site would not cause harm to *neighbouring* amenity and would therefore be appropriate. In this respect the Inspector accepted the principle of the new development on this site in terms of its acceptable impact on the street scene; on grounds of amenity;

and against other land use planning policy issues, including those set out in the adopted Development Plan.

- Paragraph 2 of page 3 makes a bold assumption on the thoughts of the Inspector in making the decision. Mr Causer states that *“It is likely that she [the Inspector] would have felt constrained by the national policy direction to make sufficient use of land and encourage development on “brownfield” land”*.
- This is a major assumption on the thought process of the Inspector in coming to her decision. However this assumption is not backed up by any factual information and merely an interpretation of the decision. The Inspectors decision to allow the appeal is the main material consideration here and no weight can be given to the views the Inspector might or might not have been thinking when that decision was made.
- Paragraph 1 of page 4 confirms the updated paragraphs within PPS 3 relating to new residential development on garden land and the Ministerial Statement justifying this amendment to PPS3.
- However it is worth noting that the Ministerial Statement confirms that *“The combination of a national target for brownfield land, alongside the definition of gardens as brownfield land, has meant local authorities feeling forced into granting permission for unwanted development on garden land.”* And considers them to be “significant”.
- However it is clear that this development is not “unwanted” given that planning permission has been granted by London Borough of Harrow in 2008. If the development was not wanted, then planning permission could have been refused.
- Paragraph 7 of Page 4 summarises the changes to National Planning Policy more recent Ministerial Statements that encourage residential development to both meet the acute housing shortage and also to contribute toward the wider economic growth of the UK. The NPPF supports sustainable development and the proposal is within a sustainable location, where planning permission has recently been granted. In these respects, there has been no material change since 2008 and the proposal is therefore appropriate.
- In addition the material facts of the case have not changed, namely that the design remains acceptable; there are no issues in respect of overlooking or amenity on the neighbouring properties and all other issues, including highways, the proposal remains acceptable.
- Paragraph 2 of Page 5 raises a number of amenity and design issues in respect of the proposed new dwelling. However these issues were not sustained by the Local Planning Authority in determining the 2008 application and given that there are no changes to the proposal it is not considered that any of these issues are relevant or material.
- In summary, the objection letter by Mr Causer has not raised any relevant material considerations which could be upheld in a decision notice and at a subsequent appeal. It is for these reasons, and those set out in this letter, that you are respectfully requested to grant the renewal of planning permission for the new dwelling.

**h) Consultations:**

- **Conservation and Design Officer:** No objections
- **Conservation Area Advisory Committee:** *There is insufficient information to determine the application given the linked proposal for an extension to 3 West Drive Gardens. The buildings could appear very cramped on the plot together. It is unclear where both would sit on the plot.*
- **Tree Officer:** No objections.
- **Highway Engineer:** No objections.
- **Drainage Engineer:** No objections, subject to conditions.
- **Vehicle Crossing Officer:** No objections.
- **Landscape Architect:** No objections.

**Site Notice:**

Impact on Character and  
Appearance of Conservation Area

Expiry Date:  
02-DEC-11

**Advertisement:**

Impact on Character and  
Appearance of Conservation Area

Harrow Observer  
Harrow Times

Expiry Date:  
24-NOV-11

**Notifications:**

Sent: 55

Replies: 45

Expiry: 18-NOV-11

**Neighbours Consulted:**

- 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 17, 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31 – 31A, 32, 34A, 36, 37, 41, 42, 46, 48, 53, 59, 61, 71, West Drive
  - 1, 5, 7, 8, 9, 10, 11, 12, 14, 20, West Drive Gardens
  - 124 Uxbridge Road
  - The Eagles
  - 2, 4, 6, 8, 10, 31 Lakeland Close
  - Land around Lake Adjacent to No. 31
- 1 petition of objection received with 11 signatures

**Summary of petition reasons:**

1. The design and appearance of the proposal will be detrimental to the visual and residential amenities of the neighbouring properties by reason of the scale and siting of the proposed house.
2. Planning Policy Statement 3, which existed at the time of the original permission was granted, has been amended to remove 'private residential gardens' from the definition of previously developed land. This application should take account of this amended policy.
3. Policy EP20 of the HUDP seeks to secure all new development on PDL. The proposal site no longer falls in this category and has direct relevance to this application as material consideration.
4. Any development will not be in character with the existing properties of substantial houses in their own grounds
5. The development is totally unsuitable in a Conservation Area.

**Summary of Response:**

1. The development is out of proportion with the local environment and could only be contemplated at the height of the housing price cycle. It should not be renewed because it is not viable now housing prices/demand have decreased.
2. The design and appearance of the proposal will be detrimental to the visual and residential amenities of the neighbouring properties by reason of the scale and siting of the proposed house.
3. Planning Policy Statement 3 (PPS3) which existed at the time of the original permission was granted has been amended to remove private residential gardens from the definition of previously developed land. This is such an application and the amended policy should be considered.
4. Policy EP20 of the Harrow Unitary Development Plan seeks to secure all new residential development to take place on previously developed land. As the land upon which the proposed development no longer falls into that category, Policy EP20 has direct relevance to this application and is a material planning consideration.
5. All properties within this Conservation area will be materially harmed both in character and the amenities of the adjoining occupiers.
6. The development will not be in character with the substantial houses, with garages, on their own plots.
7. The development will be harmful to the existing townscape character of substantial houses on large plots with significant spaces between them.
8. The development will be harmful to the open character of the Green belt.
9. The development would appear visually obtrusive when viewed from 1 and 3, West Drive Gardens, and from 11 West Drive, with loss of privacy for the occupiers and it would introduce an increased level of activity adjacent to the, otherwise tranquil rear garden areas, all of which would be to the considerable detriment of the residential amenities of the occupiers.
10. Overdevelopment of any part of the Harrow Weald Park Estate would jeopardise its unique environment and history. Approval of this application would serve to destroy the surroundings that we publicly and actively protect.
11. There is a restrictive covenant on the land restricting development to one house per plot. The result is that the estate has retained a very pleasant and spacious character.
12. There have been other planning cases in the Borough, since PPS3 was amended, that have been refused after considering the provisions of PPS3 and EP20. It is noted that in a recent appeal decision at 18 Paines Close, Pinner, the inspector took account of the changes to PPS3 and held that Harrows UDP Policy EP20, which seeks to secure that all new build development takes place on previously developed land, had direct relevance to that case. He accordingly dismissed the appeal. It is considered that, in the light of the 2010 changes to PPS3, policy EP20 is equally relevant to this case.
13. The proposed new house has been designed and positioned on the site to avoid a material loss of light and privacy to neighbours but would cause harm through loss of outlook.
14. The proposal would build up the street frontage and significantly close down views between the houses, to the Green belt and land at the rear of the site.

15. Application P/2316/08/DFU was only granted by the Development Control Committee (DCC) as they were constrained by the Inspectors decision in the successful appeal to the previous application that had been refused by the Committee (P/2337/05/DFU). As the earlier application had been unanimously refused by the DCC and the latter application was approved whilst constrained by the appeal decision, we ask that the DCC now consider the details and reasons for their earlier refusal when determining this application.
16. The proposed development would be obtrusive from all aspects from the home and garden of No. 11 West Drive. The proposed development would materially impact on the privacy of the bedroom of the occupiers of No. 11 West Drive.
17. It would appear that the applicant is allowing the existing garden to run wild, possibly in the hope that the Council will prefer a house to the existing eyesore which is worsening over time.

### **Draft National Planning Policy Framework**

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.

### **APPRAISAL**

#### **Changes in National, Regional and Local Policy**

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

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

Since the previous planning application was approved, Planning Policy Statement 5: Planning for the Historic Environment (2010) has been adopted. PPS5 is the replacement for Planning Policy Guidance (PPG) Notes 15 (Planning and the Historic Environment, 1994) and 16 (Archaeology and Planning, 1990).

In addition to this, Planning Policy Statement 3: Housing (2011) has also been adopted since the previous decision. National and Local planning policy seek to maximise the potential use of previously developed 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'. PPS3 (2011), therefore redefined the status of such gardens as being undeveloped land. Among the objectives of PPS3 is to provide housing in suitable, sustainable locations and make efficient and effective use of land. As such, there is no presumption against the use of garden land providing it meets other policy objectives because it can relieve the pressure for development elsewhere, for example, on areas of public and private open space, The Green Belt and the wider countryside.

Since the original planning permission, the 2004 version of The London Plan was consolidated and altered in 2008, which has now been replaced by The London Plan 2011. The Council has also adopted Supplementary Planning Documents including the Residential Design Guide (2010), Accessible Homes (2010) and Sustainable Building Design (2009).

Since the previous planning application was approved, there have been no changes to the saved policies of the Harrow Unitary Development Plan (2004). As such, the planning policies which were considered as part of planning reference P/2316/08 remain relevant in the assessment of this current proposal to extend the time limit for the implementation of planning permission P/2316/08.

The implications of these changes to national, regional and local planning policy is addressed in detail in the below appraisal.

- ***Relevant changes in material considerations***

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

- 1) **Principle of Development**

The principle of a detached dwelling within the curtilage of 3 West Drive Gardens was established on appeal, ref: APP/M5450/A/06/2014521, dated 09-Jul-2007. Following this, the Council considered a further revised application under ref: P/2316/08. The only difference between this (P/2316/08) and the appeal scheme was a revised orientation, a reduction to the single storey elements at the front and rear of the dwelling and the addition of a ground floor east facing window. When the planning application (P/2316/08) was considered in 2008, it was found to be acceptable and it was considered that the proposed development would not adversely affect the character and appearance of the West Drive Conservation Area or the amenities of neighbouring occupiers. Furthermore, it was considered that the associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual or other impacts that would warrant refusal of planning permission.

The revised PPS 3 (2011) has implications with respect to 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 development to take place on previously developed land (PDL), with the exception of ancillary development necessary to support appropriate open space, metropolitan open land and green belt uses'. Nevertheless, the supporting text to policy EP20 emphasises the need to relieve development pressures on Greenfield sites by using PDL and vacant and under-used land and property in the Borough (reasoned justification paragraph 3.70). As outlined above, PPS 3, among other things aims to promote the efficient use of land with an emphasis on good design which respects the character of the area and contributes to local distinctiveness. As such, it does not imply that all proposals for development on garden land should be rejected if the merits of the scheme would meet other planning objectives.

The Council has previously received appeal decisions for schemes where residential development is proposed on garden land and the relevant Planning Inspectors have considered these schemes against PPS3 (2011), including appeal ref: APP/M5450/A/AA/2148709, dated 15 August 2011 and appeal ref: APP/M5450/A/11/2151373, dated 27 October 2011. In these appeal decisions the inspectors noted that although private residential gardens are now excluded from the definition of previously developed land, they are in sustainable and accessible locations suitable for development in policy terms because they reduce the pressure for development, for example on open land and the countryside. In appeal decision APP/M5450/A/AA/2148709, dated 15 August 2011, the inspector stated that:

*"I do not dispute that it would fail to comply with the specific requirements of policy EP20 to prevent development on greenfield sites. Nevertheless it would help to relieve development pressures on open land the availability of which, the supporting text to the policy acknowledges, is limited and is needed for other purposes. In balancing the above factors, I consider the proposal would satisfy a range of objectives which outweigh, in the specific circumstances of this case, the constraint imposed by policy EP20. Consequently, I find there are material considerations that justify permitting development."* (p.3)

The proposed new dwellinghouse would be located on the private residential garden of No. 3 West Drive Gardens which is defined as 'previously undeveloped land'. The Council therefore need to consider whether in this case there are any policy 'benefits', material considerations and specific site considerations that would justify allowing a departure from adopted policy, in accordance with S.38 (6) of the Planning and Compulsory Purchase Act (2004).

3 West Drive Gardens is located on a large, irregular wedge shaped plot. The size of the plot is unique in this area and there are no other comparable examples. The proposal would introduce a two storey property in the side garden area between Nos. 1 and 3. The side garden area between No. 3 and No.1 West Drive Gardens is one of the largest in the area. It is considered that there is sufficient space for the introduction of a new dwelling on this site with provision for ample amenity space, without significantly compromising the ratio of building to garden land at the existing dwellinghouse. In this respect, it is considered that the proposal would be a more effective use of urban land which is essential to relieve pressure on greenfield sites. Saved policy EP20 specifically emphasises the need to relieve development pressures on greenfield sites by using vacant or under-used land in the Borough. Notably, the target in PPS3 is to provide at least 60% of new housing on PDL that means other sites will also be required.

In view of these factors, it is considered that the established principle of a new residential dwelling is still acceptable on this land, provided that the development would either make a positive contribution to the character and appearance of the West Drive Conservation Area or leave the character and appearance unharmed. This is discussed below.

## **2) Impact on Character and Appearance of the Conservation Area**

West Drive Gardens is within a residential area built on part of the Harrow Weald Park Estate and lies just outside the boundary of the Green Belt, the Harrow Weald Ridge Area of Special Character and Site of Nature Conservation Importance (SNCI) as designated on the Harrow Unitary Development Plan (2004) proposals map. The area is characterised by 1920s and 1930s detached and semi-detached houses of varying size and design with some more recent infill.

The principle policies for assessing the standard of design and layout at the time of the planning permission P/2316/08 was saved policy D4 of the Harrow UDP. This policy would still apply in this case. The Council has also adopted a Supplementary Planning Document: Residential Design Guide (2010) since the previous application.

In addition to this, The London Plan (2011) policies, 7.4B regarding Local Character and 7.6B relating to Architecture are the design led policies that would be most relevant to the proposed development.

In the previous decision, reference was made to saved policies D14 and D15 which would still apply in this case. New conservation policy has also been introduced since the previous application, namely PPS5 policies HE7.2, HE7.4 and HE9.1 and policy 7.8D of The London Plan 2011. Policy HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'. HE7.4 states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'. Policy HE9.1 states 'There should be a presumption in favour of the conservation of designated heritage assets'. Policy 7.8D regarding heritage assets specifies that "development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale materials and architectural detail."

In appeal decision APP/M5450/A/06/2014521, dated 09/07/2007 for a proposed two storey dwelling on the land adjacent to 3 West Drive Gardens, the inspector considered that the proposed development would not be out keeping with the character and appearance of the area and made the following observations on the proposed development:

*"West Drive Gardens runs east to west across West Drive with a circular turning head at either head. The houses grouped around the western are more densely spaced than that on the eastern side where No. 3 is located. The gaps between the buildings are not identified as an important feature of the Conservation Area: the spacing between properties in West Drive Gardens, and indeed the Conservation Area as a whole, is varied, and the gap between No. 3 and No. 1 is one of the largest in the area. In my opinion the development of a detached house in this gap would not be out of keeping with the general grain of development in the area and would not disrupt any regular spacing pattern".*

The Council accepts the view of the inspector with regards to the spacing of the dwellings on West Drive Gardens. Having regard to the available space on the side garden of No. 3 when viewed in the context of the wider area, a proposed dwelling in this location would not be inappropriate and would indeed more closely reflect the spacing of the dwellings on the western arm of West Drive Gardens. Nevertheless, the proposed development would still have a larger plot area than a number of the other surrounding dwellings, whilst also retaining a spacious plot for the existing dwellinghouse which would also still be larger than a number of the adjacent dwellings. There is no distinctive regular spacing pattern between the dwellings on the eastern arm of West Drive Gardens and as such it is considered the proposed dwelling would not appear out of place and would not compromise or adversely impact on the footprint: plot ratio that is characteristic of the area. Significantly, in appeal decision APP/M5450/A/06/2014521 on this site, the inspector noted that: *The gaps between buildings are not identified as an important feature in the conservation area*".

In assessing the proposed development against PPS5 and policies 7.4B, 7.6B and 7.8D of The London Plan, it is considered that the proposal would not have any adverse impact on the character and appearance of the West Drive Conservation Area. In the appeal decision APP/M5450/A/06/2014521 on this site the inspector stated that "*I am satisfied that the proposed two storey detached house would be acceptable in terms of design and articulation of materials in relation to the surrounding properties and that an acceptable pallet of materials could be found to blend in with those found in the area*". Planning permission P/2316/08 which varied from the appeal decision in proposing a revised orientation and a reduction of the single storey elements at the front and rear of the dwelling was also found to be acceptable and was considered that it would maintain the character of the cul-de-sac. However, the overall design of the proposal did not significantly change under P/2316/08 from the appeal decision. There have been no material changes in the circumstances on the site, or significant changes to the character and appearance of the area that would warrant a different view on the design and appearance of the proposed development and its impact on the character and appearance of the area. The proposed development is therefore considered to be acceptable in accordance with the objectives set out under policies HE7.2, HE7.4 and HE9.1 of Planning Policy Statement 5, policies 7.4B, 7.6B and 7.8D of The London Plan 2011 saved policies D4, D14 and D15 of the Harrow UDP 2004 and the adopted SPD-Residential Design Guide (2010).

To the north of the application site is the Green Belt and Harrow Weald Ridge Area of Special Character and Site of Nature Conservation Importance (SNCI). The original proposal made reference to saved UDP policy EP43 in relation to the impact of the proposal. This policy still applies in this case and there has been no change in site circumstances that would warrant a revised evaluation on the effect of the proposal on the Green Belt or SNCI. The land to the north of the appeal site is well screened by a belt of trees and it is considered that there are no significant views from the Harrow Weald park Estate to the north. Since the previous application, this tree belt remains in place and would be unaffected by the proposal. Accordingly, it is considered that there have been no material changes in site circumstances that would warrant a different conclusion with regard to this aspect of the scheme.

As such, the proposal would not result in any damage to any of the architectural, historic or structural features which contribute to the Area of Special Character.

In its present state, in the context of the surrounding wider area, the site is a large underused residential site. Overall, it is considered that the proposed dwelling would respond positively to the prevailing character, density of development and 'urban grain' of West Drive Gardens without adversely changing it and these principles are expounded in PPS3. It would not adversely affect or harm the character and appearance of the West Drive Conservation Area and would comply with national, regional and local planning policies as outlined above.

### **3) Residential Amenity**

The principle policies at the time of the local planning authority's assessment P/2316/08 for new residential development was D5, this policy has been saved as part of the revised UDP and would therefore still apply in this case. Criteria 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".

London Plan (2008) policy 3A.5 was referred to in the original decision. Since the original decision, a number of policies in the recently adopted The London Plan (2011) would apply in this case, these being 3.3B – Increasing Housing Supply; 3.4A – Optimising Housing Potential; 3.5B/C – Quality and Design of Housing Developments and 3.8B – Housing Choice.

Since the original planning permission, the Council has adopted a new Supplementary Planning Document on Residential Design Guide (SPD), which sets out detailed guidance for new residential development and has adopted minimum space standards for flats and new housing. These space standards mirror the minimum space standards set out in The London Plan policy 3.5 (Table 3.3), which was adopted in July 2011.

The minimum space standards set out in the Council's adopted Residential Design Guide SPD and policy 3.5C of The London Plan 2011 are for flats and two/three storey houses. The requirement for a three bedroom, 4 person house is 87m<sup>2</sup>. The proposal would comfortably exceed this requirement, being 119.29m<sup>2</sup> and is therefore considered to be acceptable in this regard.

In approving the previous development, the impact of the proposal on the occupiers of the existing neighbouring properties was considered to be acceptable. In the previous application, it was found that no two-storey element of the new dwelling would transgress the 45° splays taken from the adjacent front and rear corners of No. 1 and No. 3 West Drive Gardens. Given this and the oblique angle of the facing flank wall, it was found that there would be no unreasonable level of overshadowing or loss of outlook to the occupiers of No. 3 as a result of the proposed new dwelling. No. 3 obtained planning permission for a single storey side and single and two storey rear extensions under planning permission ref: P/0535/08DFU, dated 15<sup>th</sup> may 2008. This planning permission has now lapsed. However, works for the extensions commenced and have been completed upto DPC level on site. A subsequent planning application has been submitted under Planning application ref: P/2681/11 for the same development which is currently still under consideration.

With regard to No. 1 West drive Gardens, in appeal decision APP/M5450/A/06/2014521, the inspector acknowledged that "*because of the orientation of the properties some loss of early morning sunlight would result, but I do not consider that this would be sufficient to withhold planning permission*". The inspector also considered that although the new dwelling would be clearly seen from the bottom of the garden of No. 1, this would appear as a normal suburban relationship. These comments are also relevant to planning permission P/2316/08.

The site circumstances of the site remain unchanged since the previous planning approval and there are no additional residential developments close to the site. Accordingly, there have been no material changes in policy circumstances on the site, or in the surrounding area that would warrant a revised evaluation on the effect of the proposal on residential amenity.

In conclusion, based on the above factors, it is considered that the proposed development would be in accordance with the objectives set out under policies 3.3B, 3.4A, 3.5B/C and 3.8B of The London Plan 2011, saved policy D5 of the Harrow UDP 2004 and the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **3) Access, Traffic, Parking and Drainage**

The principle policy for assessing parking standards at the time of the original application was policy T13. This policy has been saved and would therefore still apply.

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

In order to ensure that water does not discharge onto the public highway and increase the risk of localised flooding, a condition is attached to ensure that the materials used for the hardsurfacing of the front driveway would be permeable or that water run-off could be directed to a permeable or porous area within the curtilage of the site. Subject to compliance with this, the hardsurfacing would comply with saved policy EP12 of the HUDP (2004).

### **4) Accessibility**

Since the original decision the Council has adopted a new Supplementary Planning Document: Accessible Homes (2010) which is supported by saved policy C16 of the Harrow Unitary Development Plan (2004). It is noted that none of the London Plan policies were referred to in the decision for the original application. However, there are a number of policies from the recently adopted London Plan (2011) that would apply in this case.

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 7.1C 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.

The previous application was assessed against the Council's SPD in relation to Accessible Homes (2006) and the proposal was found to comply in whole to the requirements. As the principle guidance was carried over from the 2006 version of the SPD and the proposed scheme was shown to meet the Lifetime Home standards previously, it is considered to be acceptable in regard to The London Plan policies stated above, saved policy C16 of the Harrow UDP and the Council's adopted Accessible Homes SPD (2010).

**5) Trees and Landscaping**

Various trees to the north east of the existing dwelling are subject to TPO 680. However there are no protected trees in the immediate vicinity of the proposed development. As the site circumstances have not changed since the previous application, the proposal is considered to be acceptable subject to the imposition of conditions to provide a landscaping scheme.

**6) Sustainability**

There was no reference to sustainability policies in the previous decision. Since the original planning permission, the Council has adopted a new Supplementary Planning Document on Sustainable Building Design (SPD), which sets out the detailed guidance for new development with regards to sustainability. The London Plan (2011) policy 5.2 also requires compliance with Code for Sustainable Homes Level 4 for new development. A condition has been added to this application for extension of time to the original planning permission to ensure compliance with this requirement and therefore the sustainability of the proposal.

**7) S17 Crime & Disorder Act**

It is considered that the design of the proposed development would not lead to an increase in the perceived or actual threat of crime and is therefore considered to be acceptable in this regard.

**8) Consultation Responses**

1. The development is out of proportion with the local environment and could only be contemplated at the height of the housing price cycle. It should not be renewed because it is not viable now housing prices/demand have decreased.
  - This is considered in section 2 of the above appraisal. Houses prices and demand are no a material planning consideration.

2. The design and appearance of the proposal will be detrimental to the visual and residential amenities of the neighbouring properties by reason of the scale and siting of the proposed house.
  - This is considered in sections 2 and 3 of the above appraisal.
3. Planning Policy Statement 3 (PPS3) which existed at the time of the original permission was granted has been amended to remove private residential gardens from the definition of previously developed land. This is such an application and the amended policy should be considered.
  - This is considered in sections 1 and 2 of the above appraisal.
4. Policy EP20 of the Harrow Unitary Development Plan seeks to secure all new residential development to take place on previously developed land. As the land upon which the proposed development no longer falls into that category, Policy EP20 has direct relevance to this application and is a material planning consideration.
  - This is considered in sections 1 and 2 of the above appraisal.
5. All properties within this Conservation area will be materially harmed both in character and the amenities of the adjoining occupiers.
  - This is considered in sections 2 and 3 of the above appraisal.
6. The development will not be in character with the substantial houses, with garages, on their own plots.
  - This is considered in section 2 of the above appraisal.
7. The development will be harmful to the existing townscape character of substantial houses on large plots with significant spaces between them.
  - This is considered in section 2 of the above appraisal.
8. The development will be harmful to the open character of the Green belt.
  - This is considered in section 2 of the above appraisal.
9. The development would appear visually obtrusive when viewed from 1 and 3, West Drive Gardens, and from 11 West Drive Gardens, with loss of privacy for the occupiers and it would introduce an increased level of activity adjacent to the, otherwise tranquil rear garden areas, all of which would be to the considerable detriment of the residential amenities of the occupiers.
  - This is considered in section 3 of the above appraisal.
10. Overdevelopment of any part of the Harrow Weald Park Estate would jeopardise its unique environment and history. Approval of this application would serve to destroy the surroundings that we publicly and actively protect.
  - This is considered in section 2 of the above appraisal.
11. There is a restrictive covenant on the land restricting development to one house per plot. The result is that the estate has retained a very pleasant and spacious character.
  - Restrictive covenants are not a material planning consideration.
12. There have been other planning cases in the Borough, since PPS3 was amended, that have been refused after considering the provisions of PPS3 and EP20. It is noted that in a recent appeal decision at 18 Paines Close, Pinner, the inspector took account of the changes to PPS3 and held that Harrows UDP Policy EP20, which seeks to secure that all new build development takes place on previously developed land, had direct relevance to that case. He accordingly dismissed the appeal. It is considered that, in the light of the 2010 changes to PPS3, policy EP20 is equally relevant to this case.

- The site circumstances of each case must be considered on their individual merits.
13. The proposed new house has been designed and positioned on the site to avoid a material loss of light and privacy to neighbours but would cause harm through loss of outlook.
- This is considered in section 3 of the above appraisal.
14. The proposal would build up the street frontage and significantly close down views between the houses, to the Green belt and land at the rear of the site.
- This is considered in section 2 of the above appraisal.
15. Application P/2316/08/DFU was only granted by the Development Control Committee (DCC) as they were constrained by the Inspectors decision in the successful appeal to the previous application that had been refused by the Committee (P/2337/05/DFU). As the earlier application had been unanimously refused by the DCC and the latter application was approved whilst constrained by the appeal decision, we ask that the DCC now consider the details and reasons for their earlier refusal when determining this application.
- This is considered in sections 1, 2 and 3 of the above appraisal.
16. The proposed development would be obtrusive from all aspects from the home and garden of No. 11 West Drive. The proposed development would materially impact on the privacy of the bedroom of the occupiers of No. 11 West Drive.
- The rear elevation of No. 11 West Drive is sited approximately 25 metres from the rear elevation of the proposed development. Given this distance, the proposal is considered to not materially impact on the privacy and residential amenities of the occupiers of this site. All other aspects concerning the impact on the surrounding locality are considered under section 1 of the above appraisal.
17. It would appear that the applicant is allowing the existing garden to run wild, possibly in the hope that the Council will prefer a house to the existing eyesore which is worsening over time.
- The decision of the Council is firmly based on objective national, regional and local planning policies. The current state of the site with regard to overgrown vegetation and building materials would not be a valid material planning consideration and as such has not altered the opinion of the Council.

## **CONCLUSION**

Full consideration has been given in the above appraisal to any changes in adopted policy, site circumstances or other material considerations since the original outline approval. There are no identified physical changes on the site or the site surroundings since the grant of the original planning consent. There are no material implications as a result of the relevant policy changes, which are outlined above. This report concludes that the proposed redevelopment is still supported by the current National policies and the policies of The London Plan 2011 and the Harrow Unitary Development Plan (2004). The proposed extension of time application is therefore considered to be acceptable as there are no policy changes or other material considerations that would warrant the proposal now being viewed unfavourably. The proposal is therefore recommended for grant, subject to the following conditions:

**CONDITIONS:**

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

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

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

(a) the buildings

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 policies D4, D14, D15 of the HUDP (2004).

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E to F in Part 1 of the Schedule to that Order shall be carried out without the prior written permission of the local planning authority.

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

(a) amenity space

(b) parking space

and to safeguard the amenity of the neighbouring residents in accordance with saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

4 The first floor window(s) in the ground floor east facing window of the proposed development shall:

a) be of purpose-made obscure glass,

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

REASON: To safeguard the amenity of the future occupiers of the development in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved policies D4, D14, D15 of the HUDP (2004).

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

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

7 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.

8 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) or door(s) other than those showed on the approved plans shall be installed in the first floor elevations and roof of the development hereby permitted without the prior permission in writing of the local planning authority.

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

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained to ensure that the necessary construction and design criteria for the development proposals follow approved conditions. The applicant should contact Thames Water Utilities Limited 0845 850 2777 and Harrow Drainage Section at the earliest opportunity on 020 8424 1586.

REASON: To ensure that adequate drainage facilities are provided in accordance with Sewers for Adoption and in accordance with saved policy EP12 of the HUDP and guidance in PPS 25 & PPS 25 Practice Guide.

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

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

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

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

12 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 in accordance with saved policy EP12 of the Harrow Unitary Development Plan (2004) and guidance in PPS 25 & PPS 25 Practice Guide.

13 The dwellinghouse shall be constructed to meet at least Level 4 of Code for Sustainable Homes. To this end the applicant is required to provide clarification demonstrating compliance with code level 4 prior to occupation of the dwellinghouse.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with the Supplementary Planning Document Sustainable Building Design (May 2009) and the London Plan (2008) 5.2.

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

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

15 The development hereby permitted shall be carried out in accordance with the following approved plans: 07NNH P10 REV E; 07 NNH P11 REV H; DESIGN AND ACCESS STATEMENT

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

**INFORMATIVES:**

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

### **National Planning Policy**

Draft National Planning Policy Framework [NPPF]

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2011)

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

### **The London Plan 2011**

3.1 – Ensuring Equal Life Chances for All

3.3 – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.5 – Quality and Design of Housing Developments

3.8 – Housing Choice

5.2 – Minimising Carbon Dioxide Emissions

7.4 – Local Character

7.6 – Architecture

7.8 – Heritage Assets and Archaeology

London Housing Design Guide: Interim Edition (2010)

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

C16 - Access to buildings and Public Spaces

D4 - The Standard of Design and Layout

D5 - New Residential Development - Amenity Space and Privacy

D9 - Streetside Greenness and Forecourt Greenery

D10 - Trees and Development

D14 - Character and Appearance of Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

EP12 - Control of Surface Water Run-Off

EP43 – Green Belt and Metropolitan Open Land Fringes

EP20 - Use of Previously-Developed Land

T6 - The Transport Impact of Development Proposals

T13 - Parking Standards

### **Local Supplementary Planning Documents and Guidance**

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document - Sustainable Building Design (2009)

Supplementary Planning Document – Accessible Homes (2010)

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

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

Item 2/06 : P/2823/11 continued/...

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

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

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

6 All building materials shall be stored within the site.

7 The applicant is advised that he/she is responsible for the costs in returning the redundant crossing back to footway by the council. The applicant is also advised to ensure that there is a hard apron on their boundary where it meets the new crossing (at least 1 metre into the property) to prevent stone/gravel being introduced on to the public highway.

Plan Nos: 07NNH P10 REV E; 07 NNH P11 REV H; DESIGN AND ACCESS STATEMENT

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**Item: 2/07**  
**10-16 BYRON ROAD, WEALDSTONE, HA3 P/1446/11**  
**7ST**

Ward: MARLBOROUGH  
CHANGE OF USE FROM MIXED OFFICE AND TRAINING CENTRE USE (CLASS B1/D1) TO CLASS D1 WITH ANCILLARY OFFICE ACCOMMODATION

**Applicant:** Kehoe Rail Services Ltd  
**Case Officer:** Andy Parker  
**Statutory Expiry Date:** 09-SEP-11

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## **RECOMMENDATION**

GRANT temporary permission for the development described in the application and submitted plans, subject to conditions. The decision to **GRANT** temporary 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. The proposed development would bring an underused building into operational use without negatively impact upon economic activity, employment opportunity or commercial choice in the Wealdstone Preferred Industrial Location. The educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers.

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

### **National Planning Policy**

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]

### **The London Plan [2011]**

2.17 Strategic Industrial Locations  
3.18 – Educational Facilities  
4.1 Developing London’s Economy  
4.2 – Offices  
6.3 – Assessing Effects of Development on Transport Capacity  
6.9B – Cycling  
6.13 – Parking  
7.2C – An Inclusive Environment  
7.3B – Designing Out Crime  
7.4B– Local Character

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

SEM1 – Development and the Borough's Regeneration Strategy

D4 – The Standard of Design and Layout

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

**Adopted Supplementary Planning Documents**

Supplementary Planning Document – Access for All [2006]

**Other Relevant Documents**

London Borough of Harrow Employment Land Review [2010]

Harrow Sustainable Community Strategy [2009]

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

- 1) Loss of Designated Office Space and the Provision of New Educational Facilities (PPS4, London Plan policies 4.2, 3.18C/D/E/F; UDP policies SEM1, EM14, C7)
- 2) Character of the Area (London Plan policy 7.4B; UDP policies D4)
- 3) Parking and Highway Safety (PPS13; London Plan policies 6.3A/B/C, 6.9B, 6.13; UDP policy T13)
- 4) Accessibility (London Plan policy 7.2C, D4, C16, SPD – Access for All)
- 5) S17 Crime & Disorder Act (London Plan policy 7.3.B; UDP policy D4)
- 6) Consultation Responses

**INFORMATION**

This application is being reported to committee as the proposal constitutes a change of use of more than 400m<sup>2</sup> of floorspace and therefore falls outside of Category 1 (d) of the Scheme of Delegation.

**a) Summary**

Statutory Return Type: Change of Use

Council Interest: None

**b) Site Description**

- This application concerns a two storey building located on the western side of Byron Road immediately to the south of its junction with Oxford Road.
- The building has a total floor area of 2604m<sup>2</sup>.

- The southern boundary of the site abuts the rear gardens of terraced properties nos.97-117 (odd) Masons Avenue a Borough Distributor Road.
- There are also residential properties to the east and north of the site which are located on the opposite side of Byron Road and Oxford Road respectively.
- The adjoining two storey premises to the west 10 Oxford Road is currently being used for educational purposes.
- The surrounding area has a mix of industrial, residential and commercial uses.
- The ground floor provides a reception and ancillary offices, boardroom, kitchen plant room, kitchen, store rooms, male and female toilets and a toilet for people with disabilities training rooms, maintenance area.
- At ground floor level within the existing building there is a covered parking area and plans indicate 19 designated car parking spaces including 2 spaces for people with disabilities.
- The forecourt to the east and north of the existing building is used as an informal parking area which can accommodate 11 vehicles.
- Access to the parking spaces is from Byron Road and Oxford Road.
- The existing building is currently used as a training depot for railway maintenance staff. The training area of the building occupies a floor area of 355m<sup>2</sup>. The remaining floor space which includes ancillary office accommodation floor has a floor area of 2249m<sup>2</sup> and is currently underused.
- The site has a level entrance and lift facilities for people with disabilities.
- The application site lies within the Palmerston Road / Oxford Road Business, Industrial and Warehousing Area, which is part of the Wealdstone Preferred Industrial Location as set out in the Councils Unitary Development Plan (2004).
- Wealdstone Preferred Industrial Location is one of the Preferred Industrial Locations under the Strategic Industrial Locations within The London Plan. (2011).
- Wealdstone District Centre lies to the west of the application site, which contains Harrow and Wealdstone Station.
- The site is located within Proposal Site 37 as set out in the Council's Unitary Development Plan (2004).
- The site is located within a 5 minute walk of Harrow and Wealdstone Station.

**c) Proposal Details**

- It is proposed to change the use of the building from a mixed B1/D1 use (Use Class B1) to a(Use Class D1).
- Plans indicate that the existing covered parking area would remain.
- 6 designated spaces are proposed in the forecourt of the premises.
- Plans indicate that 40 cycle parking spaces and 4 motor cycle spaces would be provided.
- 26 cycle parking spaces would be located within the forecourt to the north and east of the existing building. A further 14 spaces would be provided within the existing covered area.

**d) Relevant History**

EAST/15/01/OUT	OUTLINE:DEMOLITION OF EXISTING INDUSTRIAL UNIT & ERECTION OF 3 STOREY TERRACE OF 15 FLATS WITH PARKING	REFUSED 09-MAR-01
EAST/1260/01/FUL	EXTENSIONS TO PROVIDE LIFT & STAIRS;USE FOR OFFICES, WAREHOUSE, WORKSHOP & TRAINING PURPOSES	DEEMED REFUSAL 04-JUN-03
EAST/404/02/FUL	EXTENSIONS TO PROVIDE LIFTS AND STAIRS, NEW RECEPTION AREA; USE FOR OFFICES, WAREHOUSE, WORKSHOP AND TRAINING PURPOSES (REVISED)	GRANTED 03-JUN-03
P/2880/03/DFU	ALTERATIONS TO BOUNDARY WALL AT OXFORD ROAD/BYRON ROAD JUNCTION	GRANTED 15-MAR-04

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- The building is currently being used as a training depot for railway maintenance staff and has been in use since planning permission was granted in 2003.
- The building is located close to Wealdstone town centre which provides good facilities for public transport facilities. The building's location provides good accessibility to local shopping facilities which would be convenient for the future occupiers and their custom would provide a boost for the local economy.
- There are no specific tenants for the building at present.

**g) Consultations**

Traffic and Highways Engineer:

One of the key considerations of this application is its proximity to Harrow & Wealdstone station which means that the site is highly sustainable in public transport terms and exhibits a Public Transport Availability Level (PTAL) of 3-4. The site is located within a 5 minute walk of this station. It is therefore considered that the site is an appropriate location for a D1 educational use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

**Policy Comments:**

Although Policy EM14 applies, the loss of B1 use is considered acceptable in this instance, justified by the continuing high levels of vacancy in Harrow's office stock, the limited impact upon local employment compared to previous low employment yield of the premises [although this is based on under-occupation], the Council's intent through the LDF to direct B1 office use towards Harrow Metropolitan Centre in the first instance, and the possibility that a blanket D1 use may have a positive effect on the economy. It is noted that the site currently benefits from a mixed use planning permission incorporating B1 and D1 and that it is currently in occupation as a D1 use.

Having accepted all of the above regarding the suitability of the building for its intended D1 use and the wider context of surplus local supply, then it is considered that the educational use is preferable to other uses [such as residential], which would prejudice legitimate industrial type activities on neighbouring sites.

**Departure**

Advert Date: 27/10/11

Expiry: 17-NOV-11

**Site Notice Posted**

Date: 21/10/11

Expiry: 14-NOV-11

**Notifications:**

Sent: 46

Neighbour Replies: 1

Expiry: 24-AUG-11

**Neighbours Consulted:**

Unit 6 Warehouse Lbh Property, The Palmerston Centre 10C, 10,10A 12-12A 10B Oxford Road;

Substation adjacent to 10 Byron Road,

1-3, 5, 6, 7 Flat 6, 6, 8, 8A, 9, 10 11, 12-16, 13,15, 17, 17A, 18, 18A, 19, 20, 20A, 21, 23, 25 Byron Road

101, 103, 105, 107, 109, 111, 113, 115, 117, 117A Evangelical Church Masons Avenue

**Summary of Responses :**

- The use of the current building causes disturbance during the day and the evening.
- Noise comes through the existing windows.
- The building should be soundproofed to avoid noise disturbance.

**APPRAISAL**

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

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

The site is located on the western side of Byron Road, and to the north of Masons Avenue, a London Distributor Road. As such, the area experiences a relatively high degree of vehicular traffic. The surrounding area has a mix of uses, with industrial, residential and commercial uses sitting alongside each other.

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

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

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

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

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 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).

Given the current economic climate, the demand for office space within the Borough has seen a steady decline. This is reflected in the Council's monitoring reports on B1 office space in the Borough, which shows an increase almost every year in the past ten years in the amount of vacant office floor space, despite the decreasing overall provision of office floor space. The Council's Policy Team state that it is indisputable that there is a surplus of office stock in the Borough and consider that the building may not meet the needs of Harrow's present day local office market. The London Plan strategy for outer London is the consolidation of local office markets into town centre locations.

The applicants have provided a letter dated 14<sup>th</sup> November in support of the application. This states that premises has been actively marketed 10-16 Byron Road since July 2007 without success. This marketing has included the internet and mail shots.

The proposed 'D1' use of the premises does not fall within the London Plan description of activities that are appropriate in Preferred Industrial Locations. However, the Council's Policy Team consider that the existing permission for a 'B1/D1' use justifies the suitability of the site for a single 'D1' use having regard to the Council's intent to direct office development towards Harrow Metropolitan Centre.

The applicants have applied for a blanket use within Class D1. However, given the land use designation it is considered that it is only an educational use which would be appropriate as this is the only use within this use class which would make a significant contribution towards economic prosperity. It is therefore recommended that this use is restricted by condition to Use Class D1(c) education use and for no other purpose, including any other purpose in Class 'D1'.

With regard to the proposed education use and in relation to the supporting text in Chapter 1 'Context and Strategy' of The London plan (2011), which explains the major issues facing London over the period 2031, there is a recognition that a growing and ever changing economy will have to be planned for (para.1.17), with growing demand for education (para.1.18). The projected jobs growth is lower than earlier versions of The London Plan (para.1.22), thus giving more weight to the need to foster job creation in those sectors, such as education, where growth might be expected to take place (para.1.24).

There is a recognition also that employment in London is skewed towards occupations needing a higher level of skills and qualifications given the nature of the sectors in which London specialises (para.1.28). In addition, to physical infrastructure, a growing and increasingly diverse population will create demand for more social infrastructure, including schools, colleges and universities (para.1.40).

The site is located in a highly accessible location and though no demonstrable need for educational facilities has been submitted by the applicant, it recognised that adult learning is an expanding area of growth. The relatively good accessibility (the site has a public transport accessibility level [PTAL] rating of 3/4) of the site will appeal to potential students and it is considered that there will be adequate demand in this location for such facilities.

The site location provides good accessibility to local shopping facilities which would be convenient for the future occupiers and their custom would provide a boost for the local economy.

The London Plan (2011) policy 2.17 also seeks to resist any proposal that would compromise the integrity or effectiveness of strategic industrial locations. 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.

The site is located within Proposal Site 37 of the UDP. This states that this site could be developed for a number of business/industrial uses. Residential use, in the form of live work space accommodation is also considered to be appropriate on the Byron Road frontage, ideally as part of the comprehensive development of the whole site, principally for business industrial use. In this respect the Council's Policy Team consider that and an educational use would be preferable to other uses (such as residential), which is identified as potentially an acceptable use under this Proposal Site 37 and which could prejudice legitimate industrial type activities on neighbouring sites.

For the reasons outlined above, it is considered that the material considerations would outweigh the Development Plan presumption against the application.

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

The change of use of the building does not involve any external alterations to the property. Given the low level of the existing use the number of persons using the site is likely to increase as a result of the change of use of the existing B1 offices to D1 educational use.

However, the site is located within an area which does not display any uniformity of character and the roads surrounding the site are generally busy and display high levels of ambient noise. The use of the site for educational use would not detract from the appearance of the area.

As discussed above, the area has a mix of uses with residential properties to the south, east and north of the site.

The use of the property for educational use is likely to result in a greater number of trips to and from the property. However, given the mixed nature of uses in the area and the busy nature of the road surrounding the application site, it is considered that any disturbance from the site would not be discernible from the surrounding mix of uses.

A letter of objection has been received from an adjoining resident that the existing use of the premises causes noise and disturbance at unsociable hours. There are currently no restrictions on the hours of opening. To ensure that development does not result in unreasonable disturbance at times when neighbouring residents would reasonably expect to experience quiet, a condition is recommended with respect to the hours of use of the building. Further conditions are recommended restricting the use of the building to the D1 (c) use for similar reasons.

It is considered therefore that subject to this condition the proposed use would not have an undue impact on the amenities of the neighbouring occupiers.

### **3) Traffic and Highway Safety**

One of the key considerations of this application is its proximity to Harrow & Wealdstone station which means that the site is highly sustainable in public transport terms and exhibits a Public Transport Availability Level (PTAL) of 3-4. The site is located within a 5 minute walk of this station. The Council's Highways Engineer therefore considers that the site is an appropriate location for a D1 educational use given the requirements of national, strategic and local planning policies for such facilities to be located in areas that minimise reliance on use of the private car.

It is considered that the site's accessibility and proximity to local services results in a satisfactory location for a college facility. In respect of highway capacity and safety, the low level of car trips associated with the proposed D1 education use would be imperceptible, and in any event significantly lower than a mixed B1/D1 use as is the current situation. Furthermore, any trip movements would be spread throughout the day with teaching classes proposed from 8am to 5.30pm on a weekday and 9am to 5.30 pm on a Saturday. As such, it is considered there is no foreseeable reason on transport impact grounds to prevent the change of use proposed.

The site has 19 designated car parking spaces and an informal car parking for approximately 11 cars is provided on the existing forecourt to the east and north of the existing building. The report in respect of the 2003 application ref: EAST/404/02/FUL states that this forecourt parking area could accommodate 11 spaces.

The existing parking provision is well above the maximum provision of 1 space per 300-600m<sup>2</sup> of floor space suggested in the UDP. However, the proposed parking layout in respect of this current application indicates that within the forecourt of the premises to the north and east of the existing building it is now proposed to accommodate 26 cycle spaces and 4 motor cycle spaces. This would reduce the space available in this area for car parking from the 11 informal car parking spaces previously approved to the 6 designated spaces now proposed. As such, there would therefore be some reduction in on site parking provision within this forecourt area. However this would still be in excess of that required and there is therefore no objection to the level of proposed parking provision.

It is expected that car-borne travel to the site will be limited given the sustainability of the location together with the stringent parking controls in the area, all of which contribute to a travel mode shift away from the private car. The Council's Highways Engineer considers a condition requiring a travel plan is necessary. This would be adopted following occupation of the site. The requirement for the Travel Plan, which would complement and be appropriate for this proposed change of use, would be secured by way of planning condition.

Given the nature of the use, it is likely that students and staff would be likely to use cycle transport more frequently than the currently authorised use of the premises. The Council's cycle parking standards recommended that cycle storage at a level of 1 space per 10 students / staff members should be provided. No details of staff and student numbers have been provided. However given the size of the building the proposed cycle provision of 40 spaces is considered to be more than adequate. A condition is therefore recommended which requires that details of this cycle provision to be provided prior to development commencing in order to ensure the provision of safe cycle storage points, facilitate non car-borne methods of travel and reduce the level of vehicular activity on the highway.

Subject to the above conditions, it is considered that the development would not have an undue impact on highway safety or traffic and the proposed development would accord with the policies 6.3A/B/C, 6.9B and 6.13 of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

#### **4) Accessibility**

The London Plan policies and the saved policies of the UDP require all new development to make provision for all users of the building. The premises has a level entrance and plans indicate that the existing parking provision for people with disabilities is to be retained. The applicant is not proposing any external alterations to the building.

Having regard to the fact that part of the site would be accessible, it is considered that the proposed change of use would not give rise to any conflict with the objectives of saved policy C16 of the Harrow UDP and the Council's SPD.

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

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

**6) Consultation Responses**

None

**CONCLUSION**

The decision to **GRANT** temporary planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, including any comments received in response to publicity and consultation as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The proposed educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers, subject to imposition of the attached conditions.

**CONDITIONS**

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

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

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

REASON: To safeguard the amenities of neighbouring residential properties and highway safety, in accordance with saved policy D5 and T13 of the Harrow Unitary Development Plan 2004.

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

a) 0800 hours to 1730 hours, Monday to Friday inclusive,

b) 0900 hours to 1730 hours on Saturdays

and at no time on Sundays and Bank Holidays

REASON: To safeguard the amenities of neighbouring residential properties to the north, east and south of the site, in accordance with saved policy D5 of the Harrow Unitary Development Plan 2004.

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

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

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

REASON: To ensure that the use of the site is not over intensive and to permit an assessment of the student/staff numbers in the future in light of the circumstances then prevailing as a measure to ensure that disturbance/disruption to the neighbouring residential properties is kept to a minimum in order to comply with saved policy D4 of the Harrow Unitary Development Plan 2004.

6 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in order to comply with saved policy D5 of the Harrow Unitary Development Plan 2004.

7 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 neighbouring residents in order to comply with saved policy D5 of the Harrow Unitary Development Plan 2004.

8 Notwithstanding the details on the approved drawings, prior to the use commencing, full details, including scaled metric plans and elevations including specification of the external appearance of the cycle store for 40 cycle storage shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle storage as approved shall be for the sole use of the D1 (c) use on the site and shall be retained for the duration of the educational use of the site.

REASON: To ensure the satisfactory provision of safe cycle storage points, to provide facilities for all potential users of the site and in the interests of highway safety, in accordance with policy 6.9B of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004.

9 Storage shall not take place anywhere within the application site except within the building(s).

To safeguard the amenity of neighbouring residents in order to comply with saved policy D5 of the Harrow Unitary Development Plan 2004.

10 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Unnumbered Site Plan; 001;002; 003;004; 005

REASON: For the avoidance of doubt and in the interests of proper planning in order to comply with saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

## **INFORMATIVES**

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

The decision to **GRANT** planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, including any comments received in response to publicity and consultation as the proposed development would bring into operational use a vacant commercial unit without negatively impacting upon economic activity, employment opportunity or commercial choice in the locality or the Borough. The proposed educational use would provide an additional community facility to this area which is within a sustainable location and would not adversely impact upon the amenity of adjoining occupiers. The Listed Building, to which the application relates, would benefit from active operational use, ensuring that the property does not fall into disrepair and thereby benefiting the Heritage Asset.

### **National Planning Policy**

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]

### **The London Plan [2011]**

2.17 Strategic Industrial Locations

3.18 – Educational Facilities

4.1 Developing London's Economy

4.2 – Offices

6.3 – Assessing Effects of Development on Transport Capacity

6.9B – Cycling

6.13 – Parking

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.4B – Local Character

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

SEM1 – Development and the Borough's Regeneration Strategy

D4 – The Standard of Design and Layout

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

**Adopted Supplementary Planning Documents**

Supplementary Planning Document – Access for All [2006]

**Other Relevant Documents**

London Borough of Harrow Employment Land Review [2010]

Harrow Sustainable Community Strategy [2009]

**INFORMATIVES**

**1 INFORMATIVE:**

The applicant is reminded of the duties set out in the Equality Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

**2 INFORMATIVE:**

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

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

Plan Nos: Unnumbered Site Plan; 001;002; 003;004; 005

## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**Item: 3/01**  
**81 IMPERIAL DRIVE, NORTH HARROW, P/1923/11**  
**HA2 7DU**

Ward: WEST HARROW

TWO STOREY SIDE EXTENSION AND REAR DORMER

**Applicant:** Mr V Patel  
**Agent:** Mr C Shorter  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 26-OCT-11

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### RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans, for the following reason(s):

1. The proposed two storey side extension and rear dormer by reason of unacceptable design, prominent siting, excessive size, bulk, and massing would be unduly obtrusive and overbearing in the streetscene and detract from the appearance and proportions of the dwellinghouse as originally constructed to the detriment of the appearance and character of the property and the area, contrary to London Plan policies 7.4B and 7.6B and saved policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).

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

National Planning Policy Framework (Draft)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

7.4B – Local Character

7.6B – Architecture

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

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

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

### **INFORMATION**

This application is reported to committee as a petition has been received in support of the application and as this goes against the Planning Officer's recommendation. As the petition was received prior to changes to the Scheme of Delegation, the petitioner would have a reasonable expectation that the application is reported to Planning Committee.

**a) Summary**

Statutory Return Type:

21- Householder Development

Council Interest:

None

**b) Site Description**

- Detached property on the south-eastern side of Imperial Drive, North Harrow.
- It is located on a corner plot at the junction with Alfriston Avenue. There is an existing single storey side extension, a single storey rear extension in the form of a conservatory and a large detached outbuilding in the rear garden.
- Property to the north-east, no.79 has a two storey side and single storey rear extension with an outbuilding at the rear of the garden.
- Property to the south-west, no. 83 is also a corner property located 13m away across Alfriston Avenue.
- Property to south-east, no.1 Alfriston Avenue has a single storey side extension in the form of a garage with a utility room abutting the access road.
- The surrounding neighbourhood is characterised by a mixture of two storey semi-detached dwellinghouses and detached dwellinghouses.
- The land slopes to the rear of the site.

**c) Proposal Details**

- Proposed two storey side extension. It would project the full depth of the dwellinghouse (8.346m) and would have a width of 2.726m. It would be set away from the road boundary with Alfriston Avenue by a minimum of 0.18m. It would have a hipped roof, which would follow the ridgeline of the original dwellinghouse.
- The rear dormer would have a height of 2.5m and a width of 3.91m. It would have a pitched roof over. It would be set up from the eaves by 0.61m, and 0.34m down from the ridge.

**Revisions to Previous Application:**

- Scale and design of dormer has been amended
- Omission of single storey side extension
- Two storey side extension has been amended to remove the set back and the two storey spayed aspect. The width of the two storey aspect of the extension has been reduced from 3.29m to 2.726m.

**d) Relevant History**

P/1331/04/DFU	SINGLE AND TWO STOREY	REFUSED
	DETACHED HOUSE	12-JUL-04

**Reasons for Refusal:**

1. The proposed house, by reason of its size and siting in relation to nos. 79 and 81 Imperial Drive, would give rise to undue overshadowing of the adjacent gardens of those properties, to the detriment of the amenity of neighbouring occupiers.
2. The proposed house, by reason of its siting in relation to existing property in Imperial Drive, would be unduly overlooked at the rear, and would as a result fail to secure satisfactory privacy amenity for future occupiers.

3. The proposed forecourt parking area would be likely to necessitate an increase in existing vehicular crossover width, to the detriment of the safety and convenience of pedestrians using the adjoining highway.
4. The proposed forecourt parking area would be likely to necessitate an increase in existing vehicular crossover width, resulting in the loss of streetside greenery, and does not provide adequate opportunity for soft landscaping in front of the new dwelling, to the detriment of the visual amenity and character of the locality.
5. The proposed house, by reason of its size and prominent siting, would appear as a discordant, obtrusive and overbearing feature in the streetscene, with excessive bulk particularly at roof level, to the detriment of the visual amenity and character of the locality.
6. The proposed house, by reason of its siting and degree of spatial setting, would appear as an overdevelopment when viewed in the streetscene and from surrounding residential property, to the detriment of the amenity of neighbouring occupiers and the character of the locality.

P/2599/06	CONVERSION OF DETACHED REAR GARAGE TO PLAYROOM AND EXTENSION TO PROVIDE TANDEM GARAGE/WORKSHOP	REFUSED 23-FEB-07
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**Reasons for refusal:**

1. The proposed garage abutting the back of the footway by reason of its siting and bulk would be unduly obtrusive, overbearing, dominant on the streetscene resulting in a loss of outlook to the adjacent property in Alfriston Avenue to the detriment of visual and residential amenities of neighbouring occupiers contrary to Policies SD1 and D4 of the Harrow Unitary development Plan and Supplementary Planning Guidance: Extensions a Householders Guide.
2. The proposed garage does not provide adequate forecourt and /or manoeuvring area would necessitate exceptionally wide extension to crossover, therefore the development would be likely to give rise to conditions prejudicial to highway safety and the free flow of traffic on the adjoining highway contrary to Policy T13 of the Harrow Unitary Development Plan.

P/1336/07	CONVERSION OF DETACHED REAR GARAGE TO PLAYROOM AND EXTENSION TO PROVIDE GARAGE/WORKSHOP WITH ACCESS FROM ALFRISTON AVENUE	GRANTED 22-AUG-07
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P/0801/09	SINGLE AND TWO STOREY SIDE EXTENSION; REAR DORMER; EXTERNAL ALTERATIONS	REFUSED 01-JUL-09 APPEAL DISMISSED
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**Reason(s) for Refusal:**

1. The proposed extensions by reason of unacceptable design, excessive size, bulk, and massing would be unduly obtrusive and overbearing in the streetscene and detract from the appearance and proportions of the dwellinghouse as originally constructed to the detriment of the appearance and character of the property and the area, contrary to Policy D4 of the Harrow Unitary Development Plan and Supplementary Planning Guidance – ‘Extensions: A Householders Guide (2008)’.
2. The proposed full length glass door and Juliette Balcony would give rise to actual and perceived overlooking of the rear gardens of the adjacent properties and result in an unreasonable loss of privacy to neighbouring occupiers, contrary to Policy D5 of the Harrow Unitary Development Plan and Supplementary Planning Guidance – Extensions: A Householders Guide (2008).

**e) Consultations:**

- N/A

**Notifications:**

Sent: 3	Replies: 1 Petition containing 25 signatures in support of the application	Expiry: 27-SEP-11
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**Summary of responses:**

- The proposed extension is similar to two other properties on corner plots on the Ridgway and Elm Drive within 300m of the dwellinghouse.
- The proposal would be more acceptable as it would be well set in from the boundary (a maximum of 2.7m of the boundary). Therefore, it will not be overbearing as the whole extension would look inline with the roof and there will be planting of trees in the space between the boundary to soften the appearance of the extension.
- Eco friendly in the use of less materials, insulation, less foundations required and provides an opportunity for solar panels.
- Neighbourhood planning concerns should rely on those who live locally rather than opinions of planners whose interests lie elsewhere.

**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 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) Character and Appearance of the Area**

Policy 7.4 of the London Plan (2011) requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan (2011) requires buildings to make a positive contribution to a coherent public realm, streetscape and wider cityscape. Saved policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals and will take into consideration inter alia the site and setting, context, scale and character when assessing planning applications. It states that new development should take into account the character and landscape of the locality (paragraph 4.10) and that developments should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street (paragraph 4.11).

The Council has published a Supplementary Planning Document on Residential Design (2010) which supports saved policy D4 and sets down the detailed guidance for residential extensions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30<sup>th</sup> September to 28<sup>th</sup> October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15<sup>th</sup> December 2010. It therefore carries significant weight as a material planning consideration.

Para 6.37 of the SPD notes that side extensions have considerable potential to cause harm both to the amenity of adjacent residents and the character of the streetscene. In order to avoid such negative impacts, proposed side extensions should reflect the pattern of development in the streetscene. The visual impact of side extensions, particularly first floor and two storey will be assessed against the pattern of development in the immediate locality and the potential to dominate the appearance of the streetscene. Corner sites are considered to be particularly important.

Paragraph 6.46 of the SPD requires a minimum set back of the first floor front wall by at least 1m behind the main front wall and a subordinate pitched roof for a two storey side extension.

Paragraph 6.52 of the SPD requires side extensions to reflect the pattern of development in the street scene, in particular where the character is one of openness and space on the corner plots. It recommends that extensions have subordinate roofs, which should be sited a minimum of 1m from corner boundaries.

The proposed two storey side extension would not be set back from the main front wall and would not be subordinate to the original house; rather it would be a continuation of the form of the original house and would create an integral part of the house, therefore it would not comply with para 6.46 of the SPD. The ridgeline would be continued along the length of the proposed extension. It is considered that the continuation of the ridgeline for the full length of the dwelling would be unacceptable as the development would not represent a subordinate extension to the original house. This impact would be made worse by the highly prominent siting adjacent to Alfriston Avenue. In addition, the proposal would not comply with para 6.52 of the SPD as it would only be sited 0.18m from the boundary.

Therefore, it is considered that the proposed two storey side extension would be unduly bulky, particularly due to site circumstances, as the ground level of the site is higher than that of the road, making it even more prominent and obtrusive in the streetscene.

The Inspector, in the previous appeal decision for the site APP/M5450/D/2118490 noted that “the size of the proposed two storey side extension, while striving to maintain the style of the original building, would be out of keeping with the general disposition of buildings along Imperial Drive. It would mean a substantial dwelling standing directly at the back of the footpath on Alfriston Avenue, in contrast with the no. 83 on the opposite side of the road. The slope of Alfriston Avenue, down from Imperial Drive, means that both the single-storey and two storey elements would appear rather higher, and therefore bulkier, than would be expected of an extension of this nature. That would also contrast markedly with no. 83, which stands significantly below the level of Imperial Drive on the opposite side of Alfriston Avenue and is the equivalent of a storey lower than no. 81”. This reason has not been overcome by the current proposals. Although, the splayed aspect has been removed. The development would still result in an extension which would not be subordinate and would instead dominate its surroundings as discussed above.

The Inspector, in reaching his decision, considered other two storey extensions in the street, as this formed part of the appellant’s case. Two examples of similar extensions were also given in the petition for the current application. The Inspector made the following comment about the other examples nearby noted in the Appeal Decision “While I can understand why they have been drawn to my attention, none has characteristics so similar to this proposal as to outweigh the design objections I have found. Indeed, some seem to me to support my reasoning above – and the fact that poor design exists elsewhere cannot be justification for allowing another example”. As such, it is considered that just because there are other examples of poorly designed extensions in the area which may have been approved in the past it does not mean that new proposals for a similar design will be acceptable.

In addition, the Inspector considered that the “proposed extension is poorly designed because it would appear both an overdevelopment of its site and overbearing in the street scene; as well as going against the generally spacious character of the area, it would create an inappropriately narrow and visually unbalanced entrance from Imperial Drive into Alfriston Avenue. As such, the proposal goes against what is sought by Saved Policy D4 of the Harrow Unitary Development Plan (UDP) and the supporting supplementary planning guidance”. The current application, as described above, is not sufficiently set in from the side boundary. As such, the Inspector’s concerns have not been overcome as it would still be overbearing due to the lack of setback from the site boundary with Alfriston Avenue.

Para 6.68 of the SPD states that generally, dormers should be subordinate features in the roof, should not overlap or wrap around the roof hips, and should never rise above the ridge. Para 6.70 of the SPG state that rear dormers “should be set in at least 1000mm from the edge (or verge) of the roof and 500mm from a shared (party) wall, and set back at least 1000mm above the roof eaves, measured externally along the roof slope”.

The rear dormer would not comply with this para of the SPD as it would not be set in by 1m from the edge of the roof on either side, nor would it be set up sufficiently from the rear roofslope. Therefore, it is considered that insufficient space would be maintained around the dormer and it would represent dominant, bulky feature in the rear roofslope, which would have an unacceptable impact on the character of the house and that of the area. This impact would be made worse by the highly prominent location of the site.

The Inspector in the previous application considered the proposed dormer to be “inappropriately large and box-like for the character of the house, something exaggerated by the window design within it. This adds to the objections under Policy D4. It is possible that a smaller dormer might be considered acceptable externally, although I realize that the sought-for internal layout might constrain any amendment”. This concern has not been overcome by the current proposal as the proposed dormer is unacceptably large and bulky and does not comply with the SPD as discussed in the paragraph above. The dormer has been reduced in the current application. However, it still remains unduly bulky and dominant in the roof slope and as such would be visually intrusive in the street scene due to its prominent siting.

Overall it is considered that the proposal would represent an inappropriate, poorly designed, incongruous and visually obtrusive form of development. It is considered that the proposal would unduly impact on the character and appearance of the dwellinghouse and that of the area contrary to Policy 7.4B and 7.6B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

## **2) Residential Amenity**

Policy D5 of the UDP seeks to ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

There would be a distance of approx 20m from the proposed first floor rear windows and windows in the rear elevation of the dormer to the dwellinghouse at 1 Imperial Drive. This is considered to be a sufficient distance to mitigate any overlooking and is therefore considered to be acceptable.

Due to the 13m (approx.) separation distance between the subject site and no.83, which is located across Alfriston Avenue, it is considered that the residential amenity of this site would be not unduly affected by the proposed two storey side extension.

The proposal would comply with Policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: “Extensions: A Householders Guide” (2008), and therefore it is considered that the proposal would have an acceptable impact on neighbouring amenity.

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

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

#### **4) Consultation Responses**

- The fact that there are a couple of other examples of two storey side extensions in nearby streets, does not mean that two storey side extensions which do not comply with the SPD are considered to be part of the overriding character of the area. These nearby extensions were most likely constructed prior to the SPD.
- The impact of the proposal on the character of the area and its siting in relation to the boundary has been assessed in the character of the area section above.
- There is currently no mature vegetation on the boundary, therefore this cannot be considered as a site circumstance.
- Environmentally friendly design and materials is encouraged. However, this does not overcome poor design as a reason for refusal. Solar panels are not part of this application and therefore have not been considered.
- Character of the area is an important planning concern. The Council has a Supplementary Planning Document: A Residential Design Guide (2010), which provides guidance on extensions. We use this guidance and other material planning considerations to formulate our decision on planning applications. This allows for a fair, consistent approach to planning across the Borough (subject to site circumstances), which ensures amongst other things, high quality design and preservation of the character of the area.

#### **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for refusal.

#### **INFORMATIVES**

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

The decision to REFUSE permission for the development described in the application and submitted plans. The decision to REFUSE 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.

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

National Planning Policy Framework (Draft Edition)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

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

7.4B – Local Character

7.6B – Architecture

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Plan Nos: 2011/05/01 Rev 01; Site Plan

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**11-15 ST ANNS ROAD, HARROW, HA1 1LQ**

**Item: 3/02**

**P/2698/11**

Ward: GREENHILL

CHANGE OF USE OF GROUND FLOOR FROM A SHOP TO A RESTAURANT (CLASS A1 TO A3); USE OF FRONT FORECOURT FOR SITING OF 8 TABLES AND 24 CHAIRS WITH MOVABLE BOLLARDS

**Applicant:** Mr Umar Farooq  
**Agent:** P R Architecture Ltd  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** | 29-NOV-11

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### **RECOMMENDATION**

**REFUSE** planning permission for the development described in the application and submitted plans for the following reason

### **REASON:**

The change of use to Use Class A3 would result in a loss of retail frontage and would create a harmful concentration of non-retail use within the designated shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality to the shopping centre as a whole, and to the shopping parade, contrary to saved policies SEM2 & EM16 of the Harrow Unitary Development Plan (2004).

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

- 1) Retail Policy (PPS4, The London Plan 2.7, 2.15, 4.7, 4.8, Saved UPD policies SEM2, EM16)
- 2) Design, Amenity and Transport Impacts (Saved UPD policies D4, D5, T6, T13, EM25, C17, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

### **INFORMATION**

This application is referred to the planning committee as a petition with 139 signatures supporting the proposal was received on 4 November 2011. As the petition was received prior to changes to the scheme of delegation, the petitioners would have a reasonable expectation that the application is referred to the Planning Committee.

#### **a) Summary**

Statutory Return Type: Minor retail, distribution and servicing  
Site Area: 66 m<sup>2</sup>  
Council Interest: Seating area would be on public highway

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

- The application property is the ground floor of a four-floor building on the south side of St Anns Road, a pedestrianised street in the Harrow Metropolitan Centre.

- The property has a 5.65m return frontage on Havelock Place, a service Road.
- The property has the benefit of a Certificate of Lawfulness for use as a coffee shop (Use Class A1) with 3 tables and 8 chairs.
- At the time of the site visit on 28 September 2009, the premises had 17 tables and 38 chairs.
- The property forms part of the Primary Frontage of Harrow Metropolitan Centre within the parade comprising 1-59 (odd) St. Anns Road.
- The upper floors of the property are in commercial uses, although details of layout have not been supplied.

**c) Proposal Details**

- Change of Use of Coffee Shop from A1 (retail) to A3 (restaurant)
- Use of part of pavement for seating, with eight movable tables and 24 chairs, delineated by 1.1m high removable bollards and rope barriers. Area to be used would be a total of 11.7m long (including area set aside for access to the premises) and would be 3m wide (forward of St Anns Road frontage).
- The proposed hours of use are 08:00 – 19:00 Monday to Saturday, and 09:00 – 18:00 on Sunday and Bank Holidays

**Revisions to previous proposal**

Following the previous refused application (P/1643/09), the following amendments have been made:

- Change of Use of the ground floor to A3 included in application
- Number of tables on the forecourt increased from four to eight
- Number of chairs on the forecourt increased from 16 to 24
- Depth of external seating area increased from 2.5m to 3m

**d) Relevant History**

P/2984/08	Certificate of lawful proposed use: use of ground floor units as a sandwich bar and coffee shop.	GRANTED 06-NOV-08
P/0743/09	Change of use of ground floor shop (Use Class A1) to restaurant (Use Class A3) and provision of 10 tables and 40 chairs with "safety rail barriers and movable bollards" on adjoining pavement area.	REFUSED 06-JUL-09

**Reason for Refusal:**

The proposed change of use would create a harmful concentration of non-retail use within the designated shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality and viability to the shopping centre as a whole, and to the shopping parade, contrary to policies SEM2 & EM16 of the Harrow Unitary Development Plan.

P/1643/09	USE OF PUBLIC HIGHWAY FOR PLACING OF MOVEABLE TABLES (4) AND CHAIRS (16) WITH "SAFETY RAIL BARRIERS AND MOVEABLE BOLLARDS" IN CONNECTION WITH COFFEE SHOP (CLASS A1)	REFUSED 01-OCT-09 APPEAL DISMISSED 09-SEP-10
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**Reason for Refusal:**

The proposal would result in an unacceptable intensification of the coffee shop use and would effectively result in a material change of use to Use Class A3. The consequent loss of retail frontage would create a harmful concentration of non-retail use within the designated primary shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality to the shopping centre as a whole, and to the shopping parade, contrary to policies SEM2 & EM16 of the Harrow Unitary Development Plan.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Coffee shop is popular and provides reasonable competition
- Proposal would enhance the vitality of the town centre

**g) Consultations**

**Town Centre Manager:** Support the proposal as this will help the café society use of St Anns Road. No view on change of use from A1 to A3 is taken, as planning policy will advise if the application can be accommodated within the Council's targets for A1 use in primary shopping areas.

**Planning Policy:** There has been no change in the development plan policy since the Inspector's Decision. The latest proposal results in a further intensification on the scheme dismissed on appeal.

**Advertisement** Departure from the Development Plan Expiry: 10-NOV-11

**Notifications:**

Sent : 32	Replies :	Expiry:03-NOV-
	1 Objection	11
	1 Support	
	Plus petition with 139 signatures in support	

**Neighbours consulted:**

St Anns Road; 11-15 , 18, 18a, 19, 20, 22, 24, 26-28, NatWest House (1-9), Sheridan House offices  
Kiosk opposite 1-9 St Anns Road  
The Original Pastie House, Havelock Place

**Summary of Responses:**

**Objections:**

- Why have they applied for permission when they are putting tables and chairs outside on a regular basis? Tables and chairs leave no room for public to walk. What arrangements for fume extraction are in place? People will be forced to breathe smoke.

**Supports:**

- The restaurant should be able to put tables and chairs outside. There is plenty of room. All the local coffee shops should be allowed to compete on a level playing field.
- Proposal would improve ambience of this pedestrian precinct.

**Petition in Support:**

- Please find enclosed list of persons who are in support of planning application P/2698/11. This restaurant is extremely popular and offers a great meeting place to the residents of Harrow. Most of the other cafes offer ready made sandwiches only and do not offer the personal service that these owners provide.
- We are fully in support of the application and believe that Harrow should be supporting the small business if we are to have a diverse choice in central Harrow. St Anns Road is a pedestrian precinct and it would add a great ambience to have outside seating during the summer months.
- I trust that you will look favourably on this application and await your decision.
- We the undersigned wish to register our support for the above planning application. The provision of a restaurant with outside seating would greatly enhance the facilities in St Anns Road and has our full support.

**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 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) Retail Policy**

A similar proposal for the placing of four tables and 16 chairs at this site was refused by the Council on 01 October 2009 on retail policy grounds. No objection was raised to the placing of tables and chairs on the highway.

The change in intensity of the use that would have resulted was considered to represent a material change of use from Use Class A1 (shop) to Use Class A3 (restaurant).

At that time, it was noted that the proposal would have increased the proportion of non-retail Primary frontage in Harrow Metropolitan Centre from 17.04 to 18.24%, which would have exacerbated the concentration of non-retail uses in the primary frontage.

Furthermore, the proposal would have resulted in a harmful concentration of non-retail uses in the parade between No. 7 St Anns Road and Havelock Place.

The Council's decision to refuse was supported by an Inspector at a subsequent appeal which was dismissed on 9 September 2010. The Inspector concluded that:

'What is proposed both in terms of the extent of the area involved and the likely intensity of its use by the number of tables and chairs present would, to my mind, have a significant impact on the character of this section of St Anns Road. Any further increase (in non-retail primary frontage) would exacerbate a situation where policy is already compromised. Therefore there is a fundamental conflict with EM16.

'In the case of the appeal premises adjacent properties are in non-retail use so that this proposal would not only increase the overall percentage of frontage in non-retail use but would but it would also extend a run of such uses on this particular section of St Anns Road. This would serve to emphasise a concentration of non-retail uses and undermine the objective of UDP policy to achieve an appropriate mix of uses. Consequently the vitality of the centre would be harmed.'

Although there has been a slight reduction in the proportion of primary frontage in non-retail use (to 16.72%) since the previous application, this is still above the 15% limit described in saved policy EM16 of the UDP.

Given that there has been no material change in site circumstances or the development plan policies since the application was previously determined by the Council and Inspectorate, it is considered that a different conclusion cannot be reached.

The current application indicates, that 9 tables and 30 chairs would be inside the coffee shop, with a further 8 tables and 24 chairs on the pavement.

Given the size of the premises and the substantial amount of seating, it is considered that the premises is clearly geared for A3 use in operation with the take-away aspect of business being intended as a subsidiary contribution to the overall business. The use of the footway to provide a further seating area would provide a total number of 17 tables and 54 chairs. This would intensify the non-retail nature of the business, and would lead to an unacceptable intensification of coffee shop (A3) use, rather than the use as a primarily retail and take-away facility.

Policy SEM2 requires the Council to promote and sustain the health of town centres and local parades and to resist proposals which would prejudice their vitality and viability.

Policy EM16 of the Harrow Unitary Development Plan (2004) will permit change from A1 to non-retail use, subject to consideration of the existing locality, which will include, amongst other things, the appropriateness of the use to a town centre, the length of existing non-retail frontage, servicing arrangements and retention of a frontage appropriate to a shopping area. This policy goes on further to state that A2 and A3 uses can compliment A1 uses within shopping frontages, and can bring vitality to the area. However, the cumulative growth in non-retail uses can also undermine its vitality and viability, and could have an adverse impact on the character of the centre.

Currently, the total length of non-retail primary frontage in Harrow Metropolitan Centre (including any outstanding permissions) is 16.72% (October 2011 Shop Front data). The change of use of No. 11-15 St Ann's Road from retail (A1) to coffee shop (A3) would increase this by 1.21% to 17.95%, which is above the 15% maximum contained in policy EM16. It is acknowledged that the existing percentage in non-retail use already exceeds the recommended maximum. It is considered that any further changes of use away from retail would exacerbate the loss of retail function and consequent detriment to the vitality and viability of the Harrow Metropolitan Centre.

Furthermore, the change of use would further exacerbate a concentration of non-retail uses within the immediate locality in this section of St Ann's Road.

The site is at the end of a row of ground floor units. The two adjacent units comprise a coffee shop at No. 7 (with planning permission for Use Class A3) and a building society at No. 9 (Use Class A2). This proposal would therefore result in the provision of three non-A1 units in a row. It is considered, therefore, that a harmful concentration of non-retail uses would be created in the parade.

Criterion B of Policy EM16 is designed to decrease the potential for such a situation and the proposal would clearly contravene this policy and result in an increased exasperation of non-retail uses within a very contained area.

The proposal fails with regard to both saved policy SEM2 and criterion B of saved policy EM16 and would therefore be contrary to Policies SEM2 EM16 of the Harrow Unitary Development Plan (2004) and is considered to be unacceptable in this respect.

The views of the Town Centre Manager and the petitioners have been taken into consideration.

With regard to the support the previous appeal proposal had had from customers, the Inspector concluded:

'The appellant says that this proposal arises from requests from customers, and that the use would be seasonal. Neither of these matters, nor anything else raised, alters my conclusion that there are compelling objections to this proposal through conflict with policy and adverse effect on the character and vitality of the centre.'

In this case, it is still considered that the need to safeguard the vitality of the retail function of the Metropolitan Centre as a whole outweighs the benefit to the owner and customers of the current coffee shop from the proposal to change the unit from an A1 to an A3 use.

**2) Design, Amenity and Transport Impacts**

The proposal includes the use of part of the footway in front of the premises as a seating area.

In principle the use of the footway for the siting of tables and chairs within a delineated area is considered acceptable. There are other premises in the vicinity with outside seating areas, and a sufficient width of pavement would remain for the pedestrian footfall in this pedestrianised street.

Notwithstanding the above, the area set aside for the tables and chairs is shown as being contained by a demountable rope barrier. The Access for All SPD notes that any application for the use of outdoor areas for seating should include the ability to mark out the appropriate enclosure using features such as planters and/or fencing which can act as a tapping rail for white cane users, without compromising the aesthetics of the environment, and a provision to ensure that all features (with the exception of chairs) are fixed in the same place each day. The lack of an appropriate tapping rail indicates that the proposal could be prejudicial to people with visual impairments. Had the principle of proposed change of use been considered acceptable, this aspect could have been addressed through the use of a suitable condition.

In terms of the amenity of neighbouring occupiers, it is considered that the proposed use would not have a significant detrimental impact on the amenities of nearby occupiers, especially as the upper floors of this property are in commercial use.

Had the proposal otherwise been considered acceptable, conditions could have been added to restrict the level of noise from amplified music at the site to protect the amenities of current and future occupiers of upper floors.

The proposed hours of use, 08:00 – 19:00 Monday to Saturday, and 09:00 – 18:00 on Sunday and Bank Holidays, are considered acceptable.

There is a service road at the rear of the property which would allow for the collection of refuse from the enclosed storage area at the rear. Had the proposal otherwise been considered acceptable, this would have been considered a suitable arrangement for the storage and disposal of refuse.

Notwithstanding the above, it is considered that the overriding harm that would result from the change of use of the premises from A1 to A3 use outweighs the acceptable impact the proposal would have in terms of design, amenity and highway impacts.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses**

**Objections:**

- Why have they applied for permission when they are putting tables and chairs outside on a regular basis? – Planning permission can be sought retrospectively. *This matter has been referred to the Council planning enforcement and highways licensing departments.*
- Tables and chairs leave no room for public to walk. *It is considered that the proposal would have left sufficient highway space for pedestrian movements.*
- What arrangements for fume extraction are in place? *Had the proposal been acceptable, this would have been addressed through the use of a suitable planning condition.*
- People will be forced to breathe smoke. *Smoking is currently permitted in open spaces.*

**Supports:**

- The restaurant should be able to put tables and chairs outside. There is plenty of room. *This has been addressed in the Design, Amenity and Transport Impacts section of the appraisal.*
- All the local coffee shops should be allowed to compete on a level playing field. *Retail competition on one site has to be balanced against the vitality of the Metropolitan Centre as a whole.*
- Proposal would improve ambience of this pedestrian precinct. *It is considered that the proposal would result in a harmful concentration of non-retail uses in this parade and in the Metropolitan Centre as a whole.*

**CONCLUSION**

The proposal would result in a loss of retail frontage and would create a harmful concentration of non-retail use within the designated shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality to the shopping centre as a whole, and to the shopping parade.

Having regard to the policies and proposals of national planning policy, The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan, 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 refusal.

**INFORMATIVES**

**1 INFORMATIVE**

**SUMMARY OF REASONS FOR REFUSAL OF PLANNING PERMISSION:**

The decision to REFUSE planning permission has been taken as the proposal would result in a loss of retail frontage and would create a harmful concentration of non-retail use within the designated shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality to the shopping centre as a whole, and to the shopping parade, 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:

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:

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

Harrow Unitary Development Plan:

SEM2 – Hierarchy of Town Centres

D4 – The Standard of Design and Layout

D5 – Residential Amenity

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

EM16 – Change of Use of Shops – Primary Shopping Frontages

EM25 – Food, Drink and Late Night Uses

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

Supplementary Planning Document, Access for All (2006)

Plan Nos: Location Plan; 01B; 02A; Design and Access Statement

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.