

SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: 194 HIGH ROAD, HARROW, HA3 7AZ

Reference: P/0052/12

Description: REDEVELOPMENT TO PROVIDE A THREE STOREY BUILDING COMPRISING 9 FLATS AND A TWO STOREY BUILDING COMPRISING 4 FLATS; PROVISION OF 13 PARKING SPACES CYCLE STORAGE REFUSE AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING PROPERTIES ON SITE (REVISED APPLICATION)

Ward: WEALDSTONE

Applicant: Mr William Brown

Agent: W J Macleod Ltd

Case Officer: Gerard Livett

Expiry Date: 17 April 2012

RECOMMENDATION

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

REASON

The decision to GRANT planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations. The development would contribute to the delivery of housing within the borough. The redevelopment of the site would result in housing that responds appropriately to the local context, and would provide adequate living conditions for future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers and the development would not result in any adverse impacts upon highway safety or convenience.

INFORMATION

The application is reported to the Planning Committee because it for 13 new flats and is outside the scope of the scheme of delegation. The application therefore falls outside category 1(b) of the Council's scheme of delegation

Statutory Return Type: Smallscale Major Dwellings

Council Interest: None

Gross Floorspace: 993 sqm

Net additional Floorspace: 555 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £19,425 (based on an additional floor area of 555 sq.m.), provided it can be demonstrated that the use of 196 as two flats is lawful and that the use of 194 High Road as an HMO is lawful. Otherwise, the CiL would be £ 34,755 (based on a floor area of 993 sq.m.) if planning permission granted after 01/04/12.

Site Description

- The application site is a corner site on the south-east section of the junction of High Road and Risingholme Road
- The application site is currently occupied by a pair of extended two-storey semi-detached dwellings on the High Road frontage, with an abandoned storage yard on the Risingholme Road frontage
- No 194 High Road is accessed from High Road and has a pair of detached lock-up garages in the rear garden. This property is a House in Multiple Occupation, however there is no planning history relating to this
- No 196 High Road has its main entrance door on the Risingholme Road elevation, and a parking area accessed from Risingholme Road. This property has been divided into two flats. However, there is no planning history relating to this.
- Both pairs of houses have been extended but are in some disrepair with untended gardens.
- The former yard to the rear has been abandoned and there is evidence of fly tipping at the site.
- The immediate area is characterised by a variety of building types and styles.
- The properties on Risingholme Road are two-storey dwellings, as are those on the eastern side of High Road to the north of the site.
- To the south, at the junction of Spencer Road, is a pair of two-storey semi-detached dwellings, although the ground floor of No. 192 High Road is a dentist surgery with a single-storey extension on the High Road Frontage. Further south on High Road are a mix of building types.
- On the opposite (west) side of High Road is the St Joseph's Church and Salvatorian College
- High Road is a London Distributor Road (Road Tier 2)

Proposal Details

- The application proposes the demolition of the existing buildings on the site and the construction of two blocks of flats.
- Block A, on the High Road frontage, would be a three-storey building that would be 19.9m wide, 15.8m deep (maximum) and with a hipped roof with ridge height of 11m. This block would have nine two-bedroom flats, three on each floor.
- Block B, on the Risingholme Road frontage, would be a two-storey building that would be 16m wide, 10.5m deep and with a hipped roof with a ridge height of 8.4m. This block would contain four one-bedroom flats, two on each floor. The ground floor flats in this block would have their own separate entrances, one either side of a central shared access for the upper flats.
- The vehicular access to the site would be from Risingholme Road, between the two blocks. This would provide 12 parking spaces on a hard surfaced area between the two buildings. There would also be a communal garden area for each of the flatlets

buildings.

- A single parking space (3.3m wide) would also be provided with access from High Road.
- Block A would have a refuse storage area and a cycle storage area attached to the south side of the building.
- Refuse and cycle storage for Block B would be provided in a detached enclosure on the Risingholme Road frontage.

Revisions to Previous Application

Following the previous decision (P/1974/11) the following amendments have been made:

- Overall dimensions of Block A changed from 19.9m wide, 15m deep and with a hipped roof with ridge height of 12.2m to 19.9m wide, 15.8m deep (maximum) and with a hipped roof with ridge height of 11m.
- Design of Block A changed to change proportions of wall/window; new windows introduced on Risingholme Road elevation, front projections at ground and first floor introduced
- Overall dimensions of Block B changed from 15.5m wide, 11.9m deep and with a hipped roof with a ridge height of 9.2m to 16m wide, 10.5m deep and with a hipped roof with a ridge height of 8.4m.
- Re-alignment of Block B such that its rear wall is now 7.8m from nearest rear garden in Spencer Road rather than 6m.
- Number of parking spaces between Blocks A and B reduced from 13 to 12. Previous overlooking of Block B from car parking area removed.

Relevant History

HAR/3249/B – Use of land for storage of builders materials (adjacent to 1 Risingholme Road)

Granted – 01/01/1954

HAR/3249/C – Erect brick boundary wall (196 High Road)

Granted

26/02/1954

HAR/3249/D – Front extension to existing buildings

Granted – 12/09/1960

LBH/3580 – Demolish existing garage and erect a double garage (194 High Road)

Granted – 04/09/1968

LBH/6161 – Erection of storage building and toilet extension (adjacent to 1 Risingholme Road)

Refused – 03/06/1971

LBH/6161/1 – Erection of single-storey toilet and bathroom extension (196 High Road)

Granted – 01/10/1971

P/1974/11 – Redevelopment to provide a three storey building comprising 9 flats and a two storey building comprising 4 flats; provision of 14 parking spaces cycle storage refuse and landscaping following demolition of existing properties on site

Refused – 08/11/2011

Appeal lodged 05/01/2012

Reasons for Refusal:

1. Insufficient justification has been provided to demonstrate that the existing dwellinghouses are beyond repair and maintenance and in the absence of such a justification, the proposal would result in unnecessary use of energy in the demolition and construction processes, contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (2005), policy 5.3 of The London Plan (2011), saved policy H10 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Sustainable Building Design (2009).
2. The proposal, by reason of poor design, the excessive height and bulk, inappropriate fenestration and failure to address the Risingholme Road frontage of Block A, represents an overdevelopment of the site that would appear overly bulky and would detract from the character and appearance of the streetscene, to the detriment of the visual amenities of the area, contrary to policies 3.4, 7.4B and 7.6B of The London Plan (2011), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010).
3. The proposal, by reason of inadequate room sizes and internal layout and overlooking of ground floor flats from the amenity spaces, would provide a cramped and substandard form of accommodation, to the detriment of the residential amenities of future occupiers, contrary to PPS3, policies 3.5 and 7.6B of The London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).
4. The proposal, by reason of inadequate amenity space for Block B, and the proximity of Block B to the rear gardens of properties in Spencer Road, would result in overlooking of the rear windows of Block B and the rear gardens of properties in Spencer Road, to the detriment of the residential amenities of the future occupiers of Block B and of existing occupiers of Spencer Road, contrary to policy 7.6 of The London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document: Residential Design Guide (2010).

Pre-Application Discussion (HA\2011\ENQ\00205)

- The pre-application discussions focussed on the reasons for refusal of the previous scheme and considered revised plans.
- The revised plans submitted for pre-application consideration, which are the same as those accompanying the current application, have addressed the reasons for refusal.

Applicant Submission Documents

- **Design and Access Statement:** Site is occupied by two semi-detached houses, one divided into two flats and one used as an HMO. At the rear is a yard last used by a fencing company. Both properties are in poor condition. The site has mixed surroundings, including residential, a dentist and a college.

Site is well served by local buses and is within walking distance of Harrow and Wealdstone station.

High Road was traditionally two-storey terraced houses but has been in part redeveloped to provide three / four storey office buildings and blocks of flats.

Site is within walking distance of a range of shops and services.

Design brief required a redevelopment of thirteen small flats within a two-storey and a three-storey building of traditional design that would complement the character of the area.

Design principles meet all national and local requirements.

Design of front block takes advantage of larger buildings nearby, with rear block being smaller in scale to reflect properties on Risingholme Road. Design allows for a parking

area between the two blocks and private amenity space.

Flats are designed to meet requirements of modern living, while meeting required space standards. Flats would comply with Lifetime Homes Standards and one could be adapted to meet wheelchair standards

Refuse storage would meet Council requirements.

Proposal would comply with "Secured by Design."

Landscaping could be dealt with by way of a suitable condition.

Affordable housing is not viable at this scheme.

Cycle parking would be provided

Two existing crossovers would be retained and two stopped up.

Proposal would comply with Secure by Design

- **Energy Demand Statement and Code Level 3 Pre-Assessment:** Proposal would meet Code Level 3 with respect to CO₂ emissions
- **Affordable Housing Statement:** We have carried out pre-application discussions with the Housing Enabling Officer at the London Borough of Harrow as we consider that this site is not capable of economically supporting an affordable housing element.
- **Planning Statement:** Proposal complies with relevant national policies, 2008 London Plan policies and saved UDP policies. Previous reasons for refusal have been overcome.
- **Sustainability Statement:** Landscaping would support wildlife. Low flush toilets would be provided. Building materials would be responsibly sources; flats would be energy efficient and constructed to code level 4; housing would be aimed at first time buyers
- **Tree Report:** Trees on site are typical of suburban environment, including some self-seeded trees. Most of these trees are of poor quality. Proposal presents opportunity to improve planting at the site.

Consultations

Environment Agency: Surface water run-off management required to prevent increased risk of flood risk

Drainage Engineers: No objection. Conditions regarding foul and surface water drainage and surface water storage and attenuation are required.

Housing Enabling: Affordable housing is not viable at this scheme based on current cost model.

Planning Arboricultural Officer: The arboricultural report is acceptable. No objections provided the development is carried out in accordance with the submitted tree report and tree protection measures

Highways Authority: The level of 1:1 parking provision for 13 flats is considered necessary at this location as such provisions will reduce the likelihood of any undue detrimental impact on existing parking demand in the vicinity of the site which is not protected by a Controlled Parking Zone. The provision falls within acceptable UDP and London Plan standards. Secure cycle provision should equate to 13 spaces.

Traffic generation from the site would be marginal and unlikely to impact with any significance on the local road network and is therefore considered acceptable. The use of an existing access point of Risingholme Road is acceptable (however some kerb revisions will be necessary) and the closure of the 2 existing access points off the same road is welcomed on vehicular and pedestrian safety grounds. The singular access point off the High Road, which will serve the proposed disabled parking bay, is not considered to be prejudicial to pedestrian /vehicular movement or safety and hence is acceptable in this context.

Advertisement

Notifications

Sent: 36

Replies: 0

Expiry: 02-02-2012

Addresses Consulted

High Road: 181, 191, 192, 193, 193A, 194, 194A, 195, 196, 196A, 196B, 197, 198, 200, 202; St Joseph's Church, Salvatorian College, Service Station

Risingholme Road: 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14

Spencer Road: 117, 119, 121, 125, 127, 129

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.

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Accessibility
- 7) Sustainability
- 8) Affordable Housing
- 9) S17 Crime & Disorder Act
- 10) Consultation Responses

1) Principle of the Development

PARAGRAPH 3 OF Planning Policy Statement 1: Delivering Sustainable Development (2005) states that 'Sustainable development is the core principle underpinning planning' and accordingly this Policy Statement PROVIDES THE PROCEDURAL CONTEXT FOR MAKING PLANNING DECISIONS, HIGHLIGHTS SUSTAINABLE DEVELOPMENT AS A KEY OBJECTIVE OF THE PLANNING SYSTEM AND provides guidance on the significance of design issues in achieving this key objective. Following on from this, policy 5.3 of The London Plan (2011) requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. Furthermore, saved policy H10 of the Harrow Unitary Development Plan (2004) states that 'The Council will consider favourably proposals for the extension, alteration and/or adaptation of residential dwellings, in preference to redevelopment, providing this would not lead to an unacceptable impact on adjacent property or the local environment'.

With this proposal, a redevelopment of the front part of the plot is proposed such that the

existing dwellinghouses would be demolished and replaced with a new building to contain nine flats. It is recognised that the existing dwellinghouses are not in their optimum condition and that their replacement with new dwellings that would comply with Level 4 of the Code for Sustainable Homes (as required by condition) would assist in the long-term goals of the Harrow Core Strategy and The London Plan of delivering new homes that incorporate high standards of sustainability. On balance, it is considered that it has now been demonstrated that the benefits of the scheme, outlined below, would outweigh any harm that would result from the demolition of the existing buildings on the site, in accordance with Core Policy CS1.E of the Harrow Core Strategy (20120).

The land at the rear of the site and fronting Risingholme Road was formerly used as a storage yard, most recently for fencing materials. This land is therefore previously developed and is suitable for redevelopment.

It is therefore considered that the previous first reason for refusal has been overcome.

2) Character and Appearance of the Area

The Development Plan for Harrow, which comprises The London Plan (2011), the Harrow Core Strategy (2012) and saved policies of the Harrow Unitary Development Plan (2004), requires that all development proposals should achieve a high standard of design.

The development plan is in accordance with national planning policy guidance, which also places an emphasis on good design.

Planning Policy Statement 1: Delivering Sustainable Development (2005) states, at paragraph 13 (iv):

‘Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.’

PPS1 goes on to state, at paragraphs 33 and 34:

‘Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

‘Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.’

The approach that requires a high standard of design is also reflected in Planning Policy Statement 3: Housing (2010), which states, at paragraphs 12 & 13:

‘Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

‘Reflecting policy in PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.’

This approach is amplified in policy 7.4B of The London Plan, which requires that

buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale proportion and mass.

The London Plan policy 7.6B requires that buildings should be of the highest architectural quality, of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

These national and regional policies support Core Strategy policy CS1.A/B and saved policy D4 of the Harrow Unitary Development plan which require all development proposals to achieve a high standard of design and layout.

Detailed guidance on design is provided in the Council's adopted Supplementary Planning Document: Residential Design Guide (SPD).

The amended design of Block A, which would front High Road and would provide nine two-bedroom flats, relates more appropriately to the development context in the vicinity. Although this building would be three-storeys high, compared to the two-storey dwellings to the north and south on High Road and in Risingholme Road, its revised roof height is now comparable to the existing buildings on the site, and internal arrangements allow for three full floors of accommodation. The design is such that the roofspace is unsuitable for additional flats.

SPD paragraph 4.40 notes that special attention should be paid to fenestration details, and that this should include consideration of window proportions and the external perception of storey heights.

The arrangement and sizes of the windows of the proposed Block A have been amended to address previous concerns and now relate to the scale of the building proposed. The introduction of ground and first floor projections increase the articulation of the building.

A previous concern was that Block A only addressed the High Road frontage, with only small service windows on the Risingholme Road frontage. In this revised proposal, a significant number of windows on all three floors, as well as the entrance door to one ground floor flat, would be included on this elevation. These windows would serve habitable rooms as well as bathrooms and would increase natural surveillance and assist in providing active frontages on both public facing elevations.

On balance, it is considered that the previous second reason for refusal has been overcome.

The design of Block B, which would front onto Risingholme Road, is also considered to be more sympathetic to the pattern of development in the vicinity.

It is noted that the first floor flats in this block would have parts of the living room over bedrooms on the ground floor and bathrooms over the living area. Whilst this is contrary to the advice contained in paragraph 5.12 of the Council's adopted Supplementary Planning Document: Residential Design Guide (2010) it is acknowledged that sound insulation measures would be required as part of a Building Regulations application, and this should be sufficient to address concerns relating to noise transmission. Furthermore, the overlap of the rooms would be minimal and it is considered that due to this, on

balance, it would be unreasonable to refuse the application on this basis.

The proposal would have a large hard surfaced car parking area between the blocks. However, this there would also be adequate space for communal amenity areas. There is ample opportunity to provide landscaping in an around this area to soften the impact of the hardstanding and to provide a setting for the new development. The proposal would also present an opportunity to increase the level of streetside greenness on this part of Risingholme Road and High Road, as required by policies 7.4B and 7.5B of The London Plan (2011) and saved policy D9 of the Harrow Unitary Development Plan (2004). This matter can be dealt with by suitable landscaping conditions which are suggested.

3) Residential Amenity

The Council requires that new residential development should provide a good standard of accommodation. Paragraph 4.54 of the SPD: Residential Design Guide states that the minimum space standards for new homes set out in The London Plan will be applied to all new residential development in Harrow.

These standards are set out in Table 3.3 which supports Policy 3.5 of the London Plan.

In terms of the Gross Internal Area for each flat, these minimum requirements would be met, and in most cases exceeded.

The proposed floor areas of each flat are given in the table below.

Flat	Provided floor area (m ²)	London Plan requirement (m ²)
1 (GF Block A) (3p2b)	77	61
2, 5, 8 (GF, FF and 2F Block A) (3p2b)	61.5	61
3, 6 (GF and FF Block A) (3p2b)	74.7	61
4 (FF Block A) (3p2b)	77.5	61
7 (2F Block A) (3p2b)	72.7	61
9 (2F Block A) (3p2b)	69.5	61
10, 11, 12, 13 (Block B) (2p1b)	62.5	50

Furthermore, it is noted that the individual room sizes would comply with the requirements of the Interim London Housing Design Guide (LHDG).

It is considered that the proposal would provide a reasonable standard of accommodation as required by PPS3 (2010), The London Plan (2011) and the Harrow Unitary Development Plan (2004).

It is therefore considered that the relevant part of the previous refusal reason number three has been overcome.

Saved policy D5 of the Harrow Unitary Development Plan, which is amplified by the adopted SPD on Residential Design requires that new residential development should 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 and as a visual amenity.

The previous concerns regarding the potential overlooking of a ground floor window of Block B from the car park have been addressed through changes in the alignments of Block B and the car parking area.

Although the Harrow UDP does not have minimum sizes for garden areas, the reasoned justification, at paragraph 4.30, states that the form and amount of usable amenity space that should be provided in new development will depend on the character of the surrounding area and the configuration of the site.

With this application, two areas of amenity space are proposed: one to the rear of Block A and one to the rear of Block B. No internal fences are shown on the submitted drawings, so the assumption is that these would be communal areas of amenity space.

While this could be considered acceptable, no provision has been made for measures to safeguard the privacy, in terms of overlooking from the amenity area, of the ground floor flats. Therefore, a suitable condition relating to the protection of the privacy of the occupiers of the ground floor flats is recommended.

The previous application expressed concern regarding the proximity of Block B to the rear gardens of properties in Spencer Road. With the previous application, this would have been 5m, whereas the current application has increased this to 7.8m. It is considered that the concerns relating to overlooking of the rear windows of Block B and the rear gardens of properties in Spencer Road been addressed and the previous reason for refusal number four has been overcome.

4) Traffic and Parking

The proposal would provide twelve parking spaces between blocks A and B with access off Risingholme Road. A further space with access from High Road is also proposed. This arrangement is considered acceptable.

This level of parking provision for the proposed 13 flats is considered necessary at this location as such provisions will reduce the likelihood of any undue detrimental impact on existing parking demand in the vicinity of the site which is not protected by a Controlled Parking Zone. The provision falls within acceptable UDP and London Plan standards.

Traffic generation from the site would be marginal and unlikely to impact with any significance on the local road network and is therefore considered acceptable. The use of an existing access point of Risingholme Road is acceptable (however some kerb revisions will be necessary) and the closure of the two existing access points off the same road is welcomed on vehicular and pedestrian safety grounds. The singular access point off the High Road, which would serve the proposed disabled parking bay, is, subject to suitable visibility spays being provided, not considered to be prejudicial to pedestrian / vehicular movement or safety and hence is acceptable in this context.

The proposal includes details of 13 secure cycle parking spaces, which is also acceptable and in accordance with London Plan policy 6.9 which requires one secure cycle space per dwelling.

5) Development and Flood Risk

The proposal would increase the amount of development, in terms of buildings and hard surfaces at the site. This could increase surface water run-off at the site. Suitable

conditions regarding drainage have been recommended, as required by PPS25 and saved policy EP12 of the Harrow Unitary Development Plan and policy 5.13 of The London Plan.

6) Accessibility

The Council now requires that all new dwellings should comply with the requirements of Lifetime Homes and Inclusive Design. This requirement is detailed in adopted Supplementary Planning Document, Accessible Homes, which supports saved policies D4 and C16 of the UDP and The London Plan policies 3.1, 3.5, 3.8, 7.2 and 7.6. These policies also require that ten percent of all new housing should either be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

It is considered that the basic requirements of Lifetime Homes would be met. In addition, one of the ground floor flats is shown as being capable of adaptation for residents who are wheelchair users. While two wheelchair units would have been preferable, the provision of one wheelchair standard home as ten percent of 13 units is acceptable.

It is therefore considered that the proposed flats would comply with the relevant Lifetime Homes criteria, and that the second part of the previous third reason for refusal has been overcome.

7) Sustainability

The applicant has indicated that the proposal would be built in to Level 3 of the Code for Sustainable Homes in the Energy Demand Statement and Code Pre-Assessment, although the Planning Statement indicates that the proposal would comply with Code Level 4.

Policy 5.2 of the London Plan (2011) now requires that residential buildings should comply with Level 4 of the Code for Sustainable Homes. It is considered that the requirements of The London Plan could be adequately addressed by the imposing of a condition on the proposed development which would satisfactorily address sustainability matters and ensure that the development will achieve the Level 4 of the Code for Sustainable Homes.

There are approximately seven trees on this site proposed for removal. Most of these are self-seeded and/or low quality trees, and this loss could be mitigated with a satisfactory landscape/planting scheme.

The Hornbeam at the front of the site is fairly attractive and is to be retained, as are the Silver Birches at the front of the site.

The neighbouring Sycamore has outgrown its position and could easily be replaced with something of a suitable size/species

The trees on the side boundary are all self-sown and, although they currently act as a semi-screen for the rather unappealing boundary fencing on the Risingholme Rd boundary, a satisfactory planting scheme could mitigate any loss.

The Council's planning arboricultural officer is of the opinion that the submitted tree report is adequate, and suitable conditions regarding the protection of retained trees and provision of landscaping have therefore been recommended.

The rear part of the site on Risingholme Road is a yard used for storing fencing materials. This land may be contaminated. Therefore, suitable conditions regarding this issue have been recommended, as required by saved policy EP22 of the Harrow Unitary Development Plan.

8) Affordable Housing

Policy 3.13 of the London Plan (2011) notes that boroughs should normally require affordable housing provision on a site which has capacity to provide ten or more homes. London Plan policy 3.12 also requires boroughs to seek the maximum reasonable amount of affordable housing when negotiating on schemes.

In this case, the site would provide 13 homes, and an element of affordable housing would normally be required to be provided.

The applicants have submitted an affordable housing statement which concludes that affordable housing is not viable at this site.

The Council's Housing Enabling department has been in negotiation with the agent, and have submitted details of detailed cost models and an affordable housing toolkit. This toolkit indicates that affordable housing is not viable at the site.

Given this information, a reason for refusal based on the non-provision of affordable housing would not be reasonable.

9) S17 Crime & Disorder Act

The applicant has indicated how the development would comply with the principles and practices of Secured by Design.

However, the proposed development would remove the existing street frontage activity associated with 196 High Road and its frontage on Risingholme Road.

It is considered that the proposal would have a neutral impact with respect to crime and disorder, subject to a suitable community safety condition being applied.

10) Consultation Responses

N/A

CONCLUSION

The proposal is considered to comply with the development plan and would contribute to the delivery of housing within the borough. The redevelopment of the site would result in housing that responds appropriately to the local context, and would provide adequate living conditions for future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers and the development would not result in any adverse impacts upon highway safety or convenience. It is considered that this scheme has addressed the previous reasons for refusal and is now acceptable.

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

CONDITIONS

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

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

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

Site Plan; 11/3253/10; 11/2353/11; 11/3253/12; 11/3253/13; 11/3253/14; 11/3253/15; Design and Access Statement; Energy Demand Statement and Code Pre-Assessment; Planning Statement; Sustainability Statement; Tree Report.

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

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

a: the building

b: 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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

4 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority sections through all external reveals of the windows and doors on the front and both side elevations. The sections shall ensure that there is a minimum of 90mm for all external reveals of the windows and doors on the front and both side elevations. The development shall be completed in accordance with the approved details and shall thereafter be retained.

Reason: To ensure a high quality finish to the external elevations in accordance with policy 7.6B of the London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

5 Notwithstanding the approved plans, no ventilation, extraction systems or associated ducting shall be introduced onto the exterior elevations of the building without the prior written permission of the Local Planning Authority.

Reason: To ensure an appropriate standard of development which provides a high quality appearance in the interests of the visual amenity of the area in accordance with policy 7.6B of the London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

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

Reason: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area in accordance with policy 7.4B of the London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

7 Notwithstanding the details shown 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 for the site. Hard

landscape works shall include specification and colour of all proposed hard landscaping and soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

Hard ground surface landscape works 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.

The landscaping shall be implemented in accordance with the approved details.

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

8 The development hereby permitted shall not commence until a scheme to safeguard the privacy of the occupiers of the ground floor flats has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the approved details have been implemented on site and shall therefore be retained.

REASON: To safeguard the privacy and amenities of the occupiers of the ground floor flats, as required by saved policy D5 of the Harrow Unitary Development Plan (2004).

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

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

11 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved tree report plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

12 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, 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 completed in accordance with the approved levels and thereafter 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, as required by saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004).

13 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 surface water run-off generated by the 1 in 100 year critical storm shall not exceed 6.4 l/s as detailed in Section 5.3.2 of the Flood Risk Assessment received 21-Sep-2010). The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided and to prevent the risk of flooding, as required by PPS25, policy 5.13 of The London Plan (2011), saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004) and Harrow Strategic Flood Risk Assessment (2010).

14 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 thereafter be retained.

REASON: To prevent the increased risk of flooding, as required by PPS25, policy 5.13 of The London Plan (2011), saved policies D4 and EP12 of the Harrow Unitary Development Plan (2004) and Harrow Strategic Flood Risk Assessment (2010).

15 Notwithstanding the details in the approved energy strategy, the development hereby permitted shall not commence until details of how the development will comply with Level 4 of the Code for Sustainable Homes have been submitted to, and approved in writing by, the Local Planning Authority.

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

REASON: To ensure compliance with level 4 of the Code for Sustainable Homes, as required by policies 5.2 and 5.3 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

16 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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

17 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, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

18 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, as required by saved policy T6 of the Harrow Unitary Development Plan (2004).

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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

20 If remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and

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

21 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

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

23 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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

Development Plan (2004).

24 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with policy 7.3B of The London Plan (2011), saved policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998.

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 and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 (listed below), and to all relevant material considerations. The development would contribute to the delivery of housing within the borough. The redevelopment of the site would result in housing that responds appropriately to the local context, and would provide adequate living conditions for future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers and the development would not result in any adverse impacts upon highway safety or convenience.

National Planning Policy:

Draft National Planning Policy Framework (2011)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2011)

Planning Policy Guidance 13: Transport (2011)

Planning Policy Statement 23: Planning and Pollution Control (2004)

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

The London Plan (2011) policies:

3.1B – Ensuring Equal Life Chances for All

3.3D/E – Increasing Housing Supply

3.4 – Optimising Housing Potential

3.5B/C – Quality and Design of Housing Developments

3.8B – Housing Choice

3.9 – Mixed and Balanced Communities

3.10 – Definition of Affordable Housing

3.11 – Affordable Housing Targets

3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13 – Affordable Housing Thresholds
5.2B – Minimising Carbon Dioxide Emissions
5.3B/C – Sustainable Design and Construction
5.13 – Sustainable Drainage
5.21B – Contaminated Land
6.9B – Cycling
6.13C/D - Parking
7.2C – An Inclusive Environment
7.3B – Designing Out Crime
7.4B – Local Character
7.5B – Public Realm
7.6B - Architecture

Harrow Core Strategy (2012)

Core Policy CS1B/E/I/J/K – Overarching Policy

Core Policy CS2D/L – Harrow and Wealdstone

Saved Harrow Unitary Development Plan (2004) policies:

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

EP12 – Control of Surface Water Run-Off

EP22 – Contaminated Land

H7 – Dwelling Mix

H10 – Maintenance and Improvement to Existing Housing Stock

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Residential Design Guide (2010)

Supplementary Planning Document, Accessible Homes (2010)

Supplementary Planning Document, Sustainable Building Design (2009)

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

Interim London Housing Design Guide (2010)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

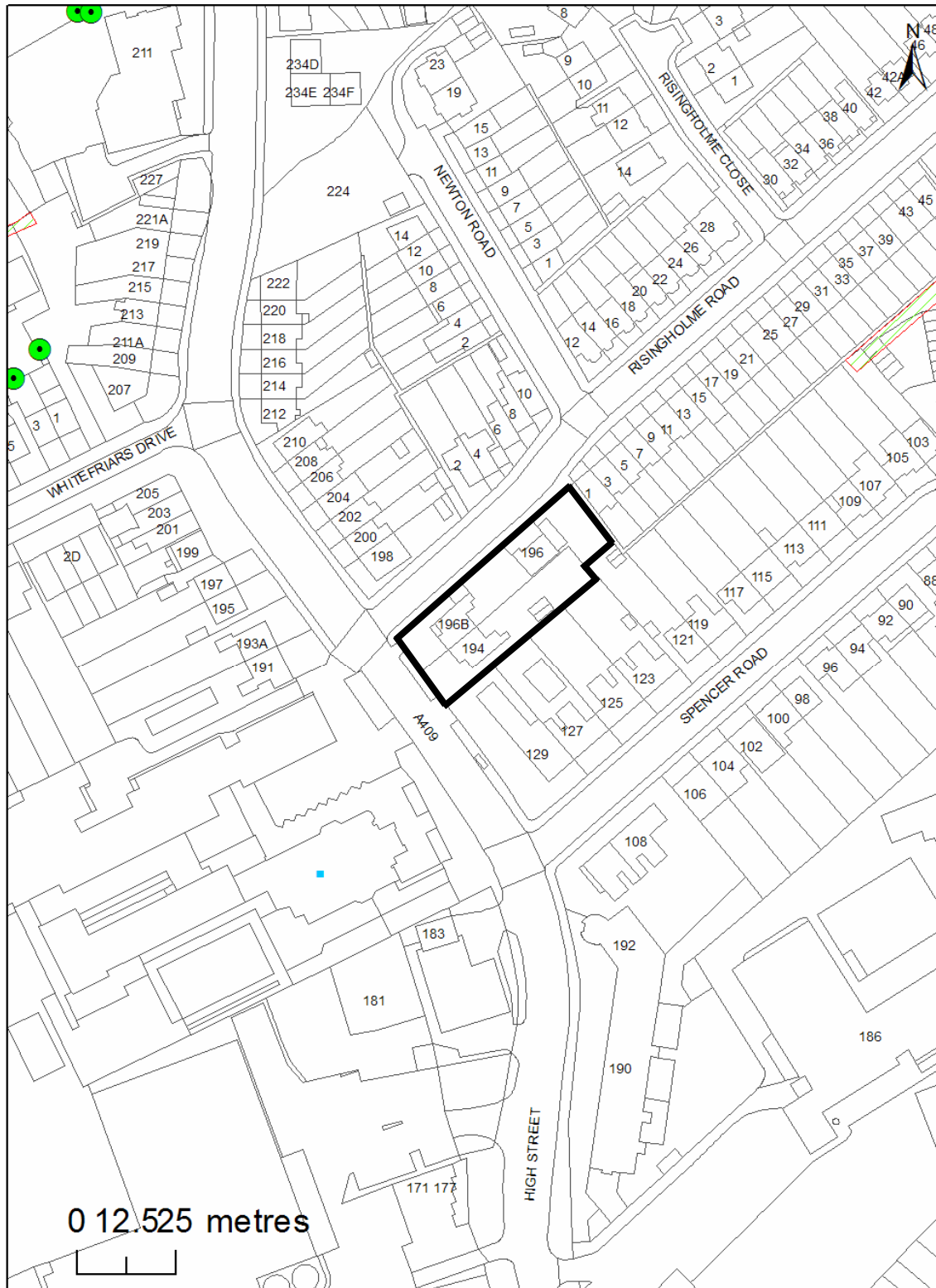
4 COMPLIANCE WITH PLANNING CONDITIONS

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; 11/3253/10; 11/2353/11; 11/3253/12; 11/3253/13; 11/3253/14; 11/3253/15; Design and Access Statement; Energy Demand Statement and Code Pre-Assessment; Planning Statement; Sustainability Statement; Tree Report

194-196 HIGH ROAD,



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Item No. 1/02

Address: UNITS 1-3, 9-17 HIGH STREET, EDGWARE, HA8 7EE

Reference: P/3418/11

Description: DEMOLITION OF EXISTING BUILDINGS; REDEVELOPMENT TO PROVIDE 31 FLATS AND 110SQM OF CLASS A2 OR CLASS A3 FLOORSPACE IN A PART 4/5/6 STOREY BUILDING; ASSOCIATED ACCESS, PARKING, AMENITY SPACE, LANDSCAPING AND REFUSE STORAGE

Ward: EDGWARE

Applicant: Newberry Ltd.

Agent: Waind Gohil Architects

Case Officer: Olive Slattery

Expiry Date: 30 March 2012

RECOMMENDATION A

GRANT planning permission subject to conditions, and the completion of a Section 106 Agreement by 28 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 / and the legal agreement.

REASON

The proposal would result in the redevelopment of an existing underutilised premises / site, which would serve to reduce flood risk on the application site and the adjacent sites, and would make an important contribution to the delivery of housing in the Borough. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and a Section 106 Agreement. The proposal would result in a building of modern, contemporary design that would respond positively to the local context, including the setting of the adjacent Grade II Listed Building. The proposal would provide appropriate living conditions for the future occupiers of the development. The layout and orientation of the building and separation distances to neighbouring properties are considered to be satisfactory to protect the amenity of the neighbouring occupiers.

The decision to **GRANT** planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if the Section 106 agreement is not completed by the 28 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 potentially 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, Core Policy CS.1 of the Harrow Core Strategy 2012 and saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

INFORMATION

This application is reported to Planning Committee as it is a major application (31 flats) recommended for approval and therefore falls outside Schedule 1 of the Scheme of Delegation

Statutory Return Type: E(12) - Smallscale Major Dwellings

Council Interest: None

Density - 542 habitable rooms per hectare,

Affordable Units – None

Gross Floorspace – 456m²

Net Additional Floorspace - 2140m²

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable if decision issued prior to 1st April 2012

Site Description

- The application site is located on the south-western side of High Street, Edgware.
- High Street, Edgware is a London Distributor Road and is also the borough boundary with the London Borough of Barnet.
- The site lies approximately 200 m south of Edgware District Centre.
- It comprises an irregular shaped plot of land, which increases in width towards the rear.
- The site is currently occupied by a single storey building which contains three units with a combined floor area of 481 m². Unit 1 has a B1 use and is currently vacant. Unit 2 has an A1 use and is currently vacant. Unit 3 has an A1 use and is vacant.
- This building is set back 8.4 from the pavement along the highway and is sited towards the north-western site boundary.
- The surrounding area has a variety of building styles of varying heights and sizes, and a variety of land uses. As such, the character of the surrounding area is mixed.
- Grosvenor House is a 'T-shaped' building comprised of four and seven stories, which is sited to the south-east of the application site. This building is predominantly in B1 use, but also has D1 uses on the lower floors.
- To the north-west of the site lies No. 19 High Street, Edgware. This is a two storey, Grade II Listed Building with a hipped roof profile. It has a retail unit at ground floor level with ancillary residential accommodation for the public house located on the upper floor. This building is linked at first floor level to No. 21 High Street, containing The White Hart public house.
- The site is within Flood Zone 3A, and Edgware Brook runs adjacent to the rear

boundary of the site. This brook separates the site from Edgware Town Football Club, which is a designated area of open space, as per the Harrow the Harrow Core Strategy 2012. Outline Planning permission was granted under Planning reference P/1941/07UN for the development of 189 dwellings on this site.

- The site is within an Archaeological Priority Area
- The site has a Public Transport Accessibility Level (PTAL) of 5.

Proposal Details

- The application proposes to redevelop the application site by demolishing the existing building and constructing a building in mixed use to contain 31 residential units and one Class A2 or A3 unit.
- The proposed building would be sited towards the shared boundary with Grosvenor House. It would be comprised of two main blocks; a five storey block at the front and a six storey block at the rear. These blocks would be linked by a four storey element which would be narrower than the two main blocks.
- The fourth floor of the front block (Block A) and the fifth floor of the rear block (Block B) would be 'frameless' and would be set in by 2.5m and 1.5m from the respective front and rear walls of the proposed building.
- The proposed building would have a maximum height of 16m at the front and 17.2 m at the rear, and the proposed four-storey link would have a 13.4m height.
- A green roof is proposed over Block A and the single storey element, which would be sited towards Grosvenor House.
- The proposed building would be set back between 0.8m and 1.4m from the pavement along the highway. Stepped and ramped access to the proposed A2/A3 unit would however abut the pavement.
- At ground floor level, the flank walls of the proposed building would abut the shared boundary with Grosvenor House.
- The south-eastern corner of Block A would also abut the shared boundary with Grosvenor House. However, as the building extends towards the rear, the separation distance between the building and the shared boundary would gradually increase at upper floor levels. A minimum distance of 10.5m would be provided between the proposed Block A and Grosvenor House. A minimum distance of 13.7m would be provided between the proposed four-storey link and Grosvenor House. A minimum distance of 9.3m would be provided between the proposed Block B and Grosvenor House up to third floor level. The fourth and fifth floors of Block B would be set much further away from Grosvenor House.
- At the rear of the site, a buffer zone of 8 m would be provided between the proposed building and Edgware Brook.
- A 6.5m distance would be provided between the north-western flank wall of the proposed building and the adjacent north-western Grade II Listed Building.
- This gap would provide vehicular access to the proposed undercroft car parking area and the two car parking spaces towards the rear of the site. A total of 15 on-site car parking spaces would be provided. An existing cross-over would be utilised.
- A cycle store for 25 bicycles and refuse storage would be sited in the proposed undercroft car parking area.
- The proposed 31 units would comprise:
 - 13 x 1 bed flats;
 - 14 x 2 bed flats;
 - 1 x 3 bed flat;
 - 1 x 3 bed maisonette;
 - 2 x 2 bed maisonettes

- All but four of the units would have private external amenity space provided in the form of balconies. The remaining four units would have direct access to a communal amenity area at first floor level, which would nestle between Block A, Block B and the proposed four storey link.
- Solar panels are proposed over the roof of Block B and the four-storey elements of the proposed building.

Revisions to Current Application:

- The revisions to the originally submitted proposal can be broadly summarised as follows:
- As part of the originally submitted scheme, 34 flats were proposed. This has been reduced to 31.
- As part of the originally submitted scheme, 150 m² of A2/A3 floorspace was proposed.. This has been reduced to 110 m².
- The design of the building has been revised. Although the principle of the overall design has been retained (two main blocks and a linked element), the scale and massing of the building has been reduced, and the overall form of the proposal has been simplified and rationalised.
- The originally proposed 'pop-out' element on the north-western elevation has been removed.
- The chamfered elevation of Block B has been removed.
- The stepping-in plan at the rear of the building has been rationalised. Unlike the originally submitted scheme, a buffer zone of 8 m would be provided between the proposed building and Edgware Brook.
- The distance between the upper floors of the proposed building and the shared boundary with Grosvenor House has been increased.
- The set back of the fourth floor of Block A from the main front wall of the building has been increased from 1.5m to 2.5m.
- The internal plan has been rationalised.
- Level access from the pavement to the A2/A3 unit was originally proposed. However, ramped and stepped access to the proposed A2/A3 unit is now proposed

Relevant History

EAST/287/00/FUL- Redevelopment: Single storey building to provide 3 units for car hire, dry cleaners and hire service shop
 Granted: 09-May-2000

Unit 1

P/1476/11 – Change of use from car hire office to the sale and fitting of tyres (Class B1 to Sui Generis); New roller shutter to replace existing window/door to front elevation
 Granted: 05-Sep-2011

P/1451/11 – Use of part of car park area at rear as a hand car wash (Sui Generis);
 New canopy structure to east of main building
 Granted:08-Sep-2011

Unit 2

No particular history

Unit 3

P/0963/10 – Change of use from shop to MOT testing centre and motor vehicle workshop

Pre-Application Discussion (Ref. HA\2010\ENQ\00077)

- Advice provided on 8th February, 2011 and 31st March, 2011

Applicant Submission Documents

- Design and Access Statement
- Housing Statement
- Valuation Report
- Flood Risk Assessment
- Ecological Appraisal
- Landscape Strategy Document
- Air Quality Assessment
- Daylight Assessment
- Renewable Energy Strategy

Consultations

- London Borough of Barnet – No objections
- The Environment Agency –
 - The initial objection to the proposal has been removed following the submission of a revised FRA, receipt of correspondence from the Local Planning Authority that the development passed the Sequential and the Exception Test and receipt of correspondence from the Local Planning Authority that the flood warning and evacuation plan is satisfactory.
 - No objections, subject to appropriate conditions
- Drainage Officer –
 - The revised Flood Risk Assessment and the Flood Warning and Evacuation Plan are satisfactory.
 - No objections, subject to compliance with the Flood Risk Assessment and appropriate conditions
- The Housing Department –
 - The proposals together with the background scheme specific financial appraisal show that even without the inclusion of affordable housing the current proposals are not viable. The inclusion of affordable housing of any tenure has the effect of decreasing scheme value thereby worsening the viability position.
 - Where schemes of this type and size do not propose to provide any affordable housing it is considered good practice to include a review clause in order to ensure that actual uplifts in scheme value can be captured and contribute towards affordable housing provision elsewhere if not appropriate on the development site.
 - No objections subject to a review clause in a S106 Agreement
- Conservation Officer – No objections. The proposal would preserve the setting of the listed building and so comply with PPS5 policy HE10 and D11, Core Strategy policy CS.1(D) and London Plan policy London Plan policy 7.8 (C) and (D)
- Highways Authority – No objections, subject to appropriate conditions in relation to the

submission of a full Servicing and Delivery plan, a Construction Logistics Plan and an Enterprise scale framework Travel Plan prior to the commencement of development.

- Landscape Architect
 - The hard and soft landscape scheme appears to be well designed and comprehensive, and the inclusion of the proposal for green and brown roofs and a living wall is welcomed.
 - The proposed building and hard surfacing would however dominate the site and a reduction of this for more amenity and green soft landscape space should be seriously considered. The shared amenity space is extremely small for 34 flats and the shady aspect (north-west facing) would not be ideal.
 - No objection in principle, subject to a number of conditions
- Tree Officer – No objections
- Waste Management Policy Officer –
 - The following are required
 - 5 No. 1100 litre grey bins for residual waste
 - 5 No. 1280 litre blue bins for recyclable waste
 - Separate provision for the A2/A3 unit should also be provided - with provision for recyclable waste/organic waste/residual waste as appropriate.
 - The access route should be reviewed by a Highways Engineer for swept areas etc.
- English Heritage – No objections. The site was subject to a small archaeological investigation in 1999 and no archaeological remains were encountered. The present proposals are therefore unlikely to have an effect on any significant heritage assets of archaeological interest.
- Bio-diversity Officer – The biodiversity mitigation and enhancements associated with this scheme are commendable: a thorough biodiversity report translated into living roofs and walls, bird and bat boxes, inclusion of wildlife attracting plants as part of soft landscaping and the recycling of water.

Advertisement

Major Development and The Setting of a Listed Building
Site Notice Posted on 07/02/2012

Expiry 02/02/2012
Expiry 28/02/2012

Notifications

Sent: 57

Replies: 1

Expiry: 26/01/2012

Addresses Consulted

Grosvenor House

Ground Floor, Grosvenor House – Office 1, 2, 3,

First Floor, Grosvenor House – Office 1, 2, 3, 4, 5, 6, 7, 8

Second Floor, Grosvenor House – Office 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Third Floor, Grosvenor House - Office 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12

Fourth Floor Office, Grosvenor House

Fifth Floor, Grosvenor House - Office 1, 2

Sixth Floor, Grosvenor House Office
Spring Villa Road; No's 4, 5
Spring Villa Park
Edgware Town Football Club
17 High Street, Edgware – Units 1, 2 and 3
High Street, Edgware; No. 2, 2A, 2B, 4 – 6, 8, 8A, 8B, 10, 10A, 10B, 12A, 12 – 14, 18 – 24, 19, 21, 25 – 27, Flat at 25 – 27
Premier Lodge, Burnt Oak Broadway
360 Burnt Oak Broadway
Tennis Courts adjacent to Football Ground
Garratt Road; 1, 3, 5, 4, 6, 7, 8, 9, 9A, 10, 11, 13, 15, 17, 17A, 19, 21A, 21B, 23, 25
Catholic Social Centre, Garratt Road
Elmer Gardens; 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Summary of Responses

- Concerns in relation to the proximity of the southern-most elements of the scheme to Grosvenor House and the potential on the existing offices and any residential units that may be approved there.
- The impact on the future residents should be of concern in terms of outlook and poor amenity.
- The building is simply located too close to the boundary

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.

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

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

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Design, Character and Appearance of the Area and the Grade II Listed Building
- 3) Housing Provision and Density
- 4) Residential Amenity and Accessibility
- 5) Traffic and Parking
- 6) Ecology and Archaeology
- 7) Sustainability
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

1) Principle of the Development

In this instance, the principle of the proposed development is three-fold:

- Development and Flood Risk:

The application site is adjacent to the Edgware Brook. Harrow's Strategic Flood Risk Assessment (2009) shows that the site is within Flood Zone 3A (High Probability). The proposal seeks the provision of a mixed use development. In terms of Planning Policy Statement 25 – Development and Flood Risk (2010), the proposal seeks the provision of a 'more vulnerable' use (residential) and a 'less vulnerable' use (business) from a 'less vulnerable' use (shops and business). As such and in accordance with PPS 25, it is therefore necessary to apply a sequential risk-based approach to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the mixed use development proposed under the current Planning application.

A Sequential Test has been carried out by the Applicant and submitted to the Local Planning Authority for consideration. In accordance with Core Policy CS1 (V), this has been carried out across the Borough, but excludes the Harrow and Wealdstone Intensification Area. This examines alternative brownfield sites which are comparable to the application site, in terms of their potential capacity for development, their suitability for a mixed use development and their public transport provision. Further to this site, the sites which have been considered are located in areas which have a lower risk of flooding than the application site and which are identified within the Harrow Annual Monitoring Report 2001 – 2011 and the emerging Site Allocations DPD 2011. Following consideration of seven potential alternative sites, the Sequential Test concludes that there are no reasonably available sites within the above-mentioned identified parameters and the search area. Having considered the information contained within the Sequential Test, this conclusion is deemed by Officers to be acceptable.

Given the conclusion of the Sequential Test, the applicant has carried out an Exception Test, which has been submitted for consideration to the Local Planning Authority. Annex D of PPS 25 sets out the following criteria which must be satisfied to pass the Exception Test:

- a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;
- b) the development must be on developable previously-developed land or, or if its not on previously developed land, that there are no reasonable alternatives sites on developable previously- developed land;
- c) a FRA must demonstrate that the development will be safe without increasing flood risk elsewhere, and where possible will reduce flood risk overall;

In relation to criterion (a) above, the applicant has advised of a number of wider sustainability benefits to the community that outweigh flood risk, that would arise from the proposed development. These include the provision of housing in a highly sustainable location, the development of an underutilised site, the development of a building which would enhance the streetscene and would therefore support the objectives of the wider regeneration of Edgware and Burnt Oak District Centres, and the provision of biodiversity improvements on the site. These benefits are accepted and are worthy of merit, both individually and cumulatively. However, it is the proposal to reduce flood risk on the application site and the adjacent sites, and to increase the resilience of the High Street to flood events that is deemed by Officers to be the 'wider sustainability benefit' which is

most worthy of merit, particularly since the scheme provides the opportunity to enhance/reinstate the capacity of an area of functional floodplain on a previously-developed site, in accordance with Core Policy CS1(U). The technical information which supports this assertion has been provided within the submitted Flood Risk Assessment, as expanded upon below.

The site is previously developed, thereby satisfying criterion (b) above.

Following an initial objection from the Environment Agency, a revised Flood Risk Assessment and associated drawings (as detailed above) was submitted to the Council for consideration. This revised FRA provides robust technical information to demonstrate that the proposed development would not expose future residents to an unacceptable risk of flooding and that the site has the capacity to incorporate sustainable measures for the reduction of flood risk. On the basis of the revised FRA, receipt correspondence from the Local Planning Authority that the Sequential and the Exception Test has been passed and receipt of correspondence from the Local Planning Authority that the flood warning and evacuation plan is satisfactory, EA have advised that, subject to appropriate conditions, they are satisfied that the proposal would not give rise to an increased risk of flooding on the site and elsewhere, and have therefore withdrawn their objection. The scheme will create more capacity within the river channel to reduce flood risk and ensure access to the river for routine and emergency maintenance. As such, the application is considered acceptable in this context.

▪ Loss of Existing Land Uses:

The site does not have any specific designation within the Harrow Unitary Development Plan. Planning Policy Statement 1: Delivering Sustainable Development 2005, Planning Policy Statement 3 – Housing 2011, The London Plan 2011, the Harrow Core Strategy 2012 and the Harrow Unitary Development 2004 recognise the finite availability of land within which to deliver development plan objectives and therefore encourage the re-use of previously developed land for development. The application site comprises previously developed (or 'Brownfield') land and the principle of redeveloping the site therefore accords with the above policy context.

The site is currently occupied by a single storey building which contains three units with a combined floor area of 481 m². The units are in Classes A1 and B1 uses and are all currently vacant. It is considered that this site, even if operational, is underutilised. This is in part due to the low density of development on the site and also due to the fact that approximately 70% of the site has a lawful A1 use, which it is considered contributes relatively low levels of employment and vitality to the surrounding area, particularly given the location of the site outside of any designated centre. As such, there is no objection to the loss of the A1 use from this site.

Unit 1 occupies approximately 139 m² of floorspace. It is in B1 use and is currently vacant. The principle of the loss of the B1 use from this site has already been established as being acceptable, following the grant of permission for the "Change of use from a car hire office (B1 use) to the sale and fitting of tyres (sui generis)" under Planning application reference P/1476/11. This unit was vacant when this Planning permission was granted in September 2011, and there have been no change in site circumstances or in Planning policy that would warrant a different view to that previously considered. In recognition of the loss of employment land from this location, the Council will seek to secure a commitment for the development to provide recruitment and training initiatives on site, thereby offsetting any negative impacts the development may have on the

economic vitality of the area.

▪ Provision of a Mixed Use Scheme:

Policy EC11 of PPS4 (2009) requires planning authorities to give consideration to market and other economic information, to take account of the longer term benefits as well as the costs and to consider whether proposals help meet the wider objectives of the development plan. Having regard to the above considerations, the finite availability of land for housing throughout the borough and the current underutilised nature and limited economic capacity of the site, it is therefore considered that the proposed provision of 31 residential units on the site would contribute towards London Plan housing targets for the borough and is considered to accord with National Planning Policy, the policies of The London Plan, the Harrow Core Strategy and the UDP.

An A2/A3 unit is proposed as part of the mixed use scheme and this would have a floor area of 110m². Given its modest size, and the fact that these uses do not generally contribute significantly to the main shopping functions of town centres, it is considered that the proposed A2/A3 unit would not detract from the vitality of the nearby designated centres. It is considered that the proposed A2/A3 unit would provide an active frontage on to the high street, where there is a mix of uses, at ground and upper floor levels, in the immediate surrounding area.

Overall, it is considered that the proposed mixed use development on the site is likely to generate a greater value to the surrounding area, than the existing situation, in terms of vitality.

2) Design, and Character and Appearance of the Area and the Grade II Listed Building

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 area surrounding the application site has a variety of building styles of varying heights, scales and sizes, and a variety of land uses. As such, the character of the surrounding area is mixed. Grosvenor House, which is sited to the immediate south-east of the application site, is a T-shaped building comprised of four and seven stories. There is a two-storey, Grade II Listed building with a hipped roof profile sited immediately north-west of the application site. The difference between these adjacent buildings, in terms of design and scale, is indicative of the complexity of the design challenge facing the development.

The proposed building would be comprised of two main blocks; a five storey block at the front (Block A) and a six storey block at the rear (Block B). These blocks would be linked by a four storey element which would be narrower than the two main blocks. Although the originally submitted scheme followed similar massing principles, the applicant has submitted revised drawings showing a number of revisions, following a request from Officers. These revisions include the provisions of a narrower link between the two main blocks, a rationalisation of the overall bulk of the building and an increased distance between the rear block and the rear boundary of the site. It is considered that these revisions together with the varying heights of the proposed building serve to break up the bulk and mass of the building overall.

It is acknowledged that as a result of the current proposal, the site coverage would be significantly increased, when compared to the existing situation. However, due to the rationalised massing of the building, the upper floors would be set away from the side and rear site boundaries. It is therefore considered that a reasonable amount of setting space would be provided on the site, and this setting space would be comparable to the setting space provided on sites in the immediate surrounding area.

At present, the existing building on the application site is sited towards the shared boundary with the Grade II Listed Building. Although single storey in height and set back from the highway, it is considered that the design and siting of this building does little to preserve or enhance the setting of the Grade II Listed Building. The proposed building would be sited towards the south-eastern site boundary, which is the shared boundary with Grosvenor House. It is acknowledged that the proposal would give rise to a building of significantly increased height, size and scale, when compared to the existing building on the application site. However, in terms of its relationship with the Grade II Listed Building, the impact of the proposed building would be somewhat mitigated by the 6.5m distance which would be provided between the north-western flank wall of the proposed building and the Grade II Listed Building, and also by the acceptable design of the proposed building (as discussed below). In addition to this, the front façade of the proposed building would be set back 0.5 m behind the front façades of the adjacent buildings. This would serve to safeguard views from the south-east and would preserve the setting of the listed building in accordance with Planning Policy Statement 5: Planning for the Historic Environment (2010), Core Policy CS.1 (D) of The Harrow Core Strategy 2012 and saved Policy D11 of The Harrow Unitary Development Plan which states that only developments that do not affect the setting of Listed Buildings will be permitted.

Due to its overall height and scale, it is considered that Grosvenor House informs the height and scale of the proposed building. It is acknowledged that the height of the proposed building would be greater than the adjacent four-storey element of Grosvenor

House. However, it is considered that this is mitigated by the proposed 'frameless' fourth storey of Block A, which would be set back 2.5m from the main front façade of the building, thereby providing a 'floating' appearance' and an appropriate relationship with Grosvenor House.

The commercial properties in the immediate vicinity of the site provide the area with a mix of designs and there is not therefore a highly defined or predominant character in the immediate area. Much of the development in the locality is of limited quality and architectural merit. The provision of a building which attempts to mimic any prevailing design ethos in the area would therefore be inappropriate and the construction of a building in a contemporary style, of substance and recognised design ethos is therefore appropriate in the context of the surrounding development. The proposed building would have a high-quality, contemporary design. Following amendments to the originally submitted scheme, a regular grid is now proposed throughout each of the elevations. It is considered that this proposed grid system would provide clean lines and an uncomplicated rhythm. Whilst it is noted that this grid would not be identical to that of Grosvenor House, it is however considered that it would provide an appropriate reference to this adjacent building, whilst at the same time providing some independence. It is further considered that the simplicity of the proposed grid would, on balance, preserve the setting of the adjacent Grade II Listed Building. Whilst the design of the proposed building is deemed to be acceptable, it is however considered that the use of materials and the details of window openings are however integral to the defined sense of legibility and the overall appearance of the building. As such, appropriate, high-quality conditions requiring the approval of these details prior to the commencement of development are therefore suggested.

The finished floor level of the proposed A2/A3 unit would be set at a higher level than the adjacent pavement. This would be required in order to incorporate flood mitigation measures on the site. Whilst the proposed stepped and ramped access to the proposed A2/A3 are considered to be not ideal, it is however considered that it can be acceptable in this particular instance due to the flood risk constraints of the site.

Vehicular and pedestrian gates are proposed at the front of the site, which would give rise to a 'gated' development. Whilst this situation would not be ideal, it is acknowledged that these proposed gates would be required in order to deter crime, particularly as there is no access through the site. Subject to an appropriate condition requiring the approval of materials for these gates, the proposal would therefore be acceptable, on balance.

Refuse would be stored internally, within the undercroft parking area. This area would provide an appropriate location for refuse and ensure that bins do not detract from the appearance of the site or the locality.

It is acknowledged that the proposed development would be dominated by hard landscaping when viewed from the street. This is not uncommon in this particular area, given the location of the site along a busy London Distributor Road. Towards the rear of the site, however, the applicant has (following revisions to the originally submitted scheme), sought to increase the provision of soft landscaping. As required by the Environment Agency, an 8 m buffer zone would be maintained between the proposed building and Edgware Brook. This buffer zone along with a strip of land along the north-western site boundary would be soft landscaped, and would assist to soften the building into its surroundings. A detailed landscaping scheme was submitted as part of the application documents, which was noted by the Council's Landscape Architect to be well

designed and comprehensive. It included a raised communal garden and a living wall at first floor level, and green and brown roofs. However, when writing this report to Planning Committee, an updated landscaping scheme to take account of the revisions to the scheme had not been received. However, conditions are suggested to secure the submission of a detailed landscaping scheme and management plan prior to the commencement of development.

Overall, it is considered that the design, size and scale of the proposed building is consistent with the principles of good design and good planning, as required by PPS1, PPS3 and The Planning Act 2008. The resultant development would respect the neighbouring development by providing an acceptable transition between Grosvenor House and the Grade II Listed Building, would serve to preserve the local historic and architectural features of the Grade II Listed Building, would not be overdevelopment of the plot, and would not be detrimental to the character and appearance of the area. The proposal would therefore comply with PPS1, PPS3, policies 7.1, 7.4 and 7.6 of The London Plan (2011), Core Policies CS 1 (B) and CS 1(D) of The Harrow Core Strategy saved policy D4 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010), which requires a high standard of design and layout in all development proposals.

3) Housing Provision and Density

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

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

- 13 x 1 bed flats;
- 14 x 2 bed flats;
- 1 x 3 bed flat;
- 1 x 3 bed maisonette;
- 2 x 2 bed maisonettes
- A ground floor A2/A3 unit.

As part of a mixed-use development, the proposal would result in a density of 542 habitable rooms per hectare, based on a site area of 1,513m² and 82 habitable rooms. The density levels are within those recommended by Policy 3.4 and Table 3.2 of The London Plan 2011. Although the site is not within a designated Centre, it is however in a highly accessible location with a variety of land uses. Higher density developments are therefore considered appropriate in such locations. The mix of units within the development would provide an appropriate provision of housing for this location and would accord with saved policy H7 of the UDP.

The applicant has submitted a Three Dragons Toolkit to demonstrate that affordable housing provision as part of this proposal is not financially viable. The analysis of the Housing Department of the submitted Toolkit indicate that a cascade mechanism should form part of any S106 legal agreement to govern the provision of such housing should economic circumstances change. Though the provision of affordable housing would not

be financially viable at the current time, the use of a cascade system will ensure that should economic conditions change in the interim, affordable housing may be provided in future on site. The use of the cascade system provides the only viable method of potentially delivering any affordable housing on site whilst providing economic development and regeneration of the site.

4) Residential Amenity and Accessibility

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.

- Neighbouring Amenity:

The proposed building would be sited towards the shared boundary with Grosvenor House, which is the larger to the two adjacent properties. As such, the scale and siting of the proposed building has been informed by the scale of neighbouring buildings, and there has been consideration during the design process to try and minimise impacts on neighbouring amenity.

Grosvenor House is predominantly in B1 use, but also has authorised D1 uses on the lower floors. Although commercial premises are not as sensitive to noise and disturbance as residential premises, an environment within which office and other commercial premises can function practically and without undue distraction can reasonably be expected.

The flank wall of the front element of Grosvenor House, which faces towards the application sites, does not have any fenestration. However, the flank wall of the projecting rear element, which faces towards the application site, is mainly comprised of window openings. At ground floor level, the south-eastern flank wall of the proposed building would be sited directly adjacent to the shared boundary with Grosvenor House. Due to its single storey height, it is considered that this would not give rise to any undue loss of amenity to the occupiers of Grosvenor House. The upper floors of the proposed building would feature a number of window openings and external terraces.

Due to its proposed design, the distance between the upper floors of the proposed building and the projecting rear element of Grosvenor House varies. However, the minimum distance would be 9.5m. It is acknowledged that this particular distance is quite limited. However, together with the differences in heights of the windows at Grosvenor House and the proposed building, it is considered that this distance would be sufficient to mitigate any intervisibility.

It is noted that an objection has been received on the basis of the proximity of the proposed building to Grosvenor House, and concerns have been raised in relation to the potential impact on the occupiers of the existing offices and any residential units that may be approved in the future. It is important to note that residential development has not been approved on this adjacent site, and that the Council is not currently considering any Planning application for such a proposal. In this regard, the impact of this proposed development has been assessed solely on the basis of the current adjacent land use; B1 and D1. Furthermore, it must be noted that since this objection was submitted, revised drawings have been received which show the minimum distance between the upper floors of the proposed building and Grosvenor House increased from 6.7 to 9.5 m (minimum). These drawings also show an improved building design and a rationalisation

of the massing of the proposed building. Having particular regard to these revisions, it is considered that the proposal would not give rise to any undue overshadowing or overbearing impact for the occupiers of Grosvenor House, and the development is considered acceptable in this regard.

To the north of the site lies No. 19 – 21 High Street, Edgware. This is a two storey Grade II Listed Building with a hipped roof profile. It does not have any fenestration on the flank wall facing towards the application site. It is acknowledged that the proposed building would be significant in its size and scale, and it is considered that it would therefore have an impact on the amenity of the occupiers of No. 19 – 21 High Street, Edgware. However, this impact would be somewhat mitigated by the proposed separation distance between these buildings (6.5 m), and the acceptable design and massing of the proposed building. Unlike the existing situation on site, soft landscaping is proposed along the north-western site boundary and this would serve to further mitigate against the impact of the overall scale of the building. Having regard to these considerations and the land uses at No. 19 -21, it is considered that a reasonable relationship would be provided between the proposed development and No. 19 – 21 High Street, Edgware.

▪ Amenity of Future Occupiers:

All units have been designed to accord with the internal space standards set out in Table 3.3 of The London Plan and appendix 1 of the Harrow SPD – Residential Design Guide and all units would have dual aspect. As part of the application documents, the applicant submitted a report which identified 12 bedrooms that would require supplementary electronic lighting to achieve a reasonable standard of lighting. Each of these bedrooms would have been sited towards Grosvenor House. However, following concerns raised by Officers in relation to this amongst other issues, a revised, more rationalised scheme was submitted for consideration. This included the provision of a greater separation distances between the upper floors of the proposed building and Grosvenor House, the provision of enlarged window openings serving these afore-mentioned bedrooms and a more rationalised internal layout. Having particular regard to these revisions, it is considered that a reasonable standard of light would be provided for the intended occupiers of the proposed flats. Whilst it is noted that, in some case, there are some overlapping issues in terms of the vertical stacking of rooms, it is however considered that a refusal on this basis could not be sustained, particularly given the technical provisions of Building Regulations. The horizontal stacking of rooms between the units is well designed and outlook from habitable rooms would be adequate.

As part of the originally submitted scheme, private external amenity space was proposed for the majority of units and a communal amenity area was proposed at first floor level for the occupiers of the entire development. However, it was considered that this proposal would have resulted in a loss of privacy for the occupiers of the first floor flats, which would face towards this communal area. Following revisions to the originally submitted scheme, all but four of the units would have private external amenity space provided in the form of balconies and the remaining four units would have direct access to a communal amenity area at first floor level. For the purposes of maintaining this communal area, an access door is proposed from Block A. However, this communal area would not be available for the use of the occupiers of the entire development. Through the use of conditions to secure an appropriate soft landscaping scheme for this common amenity area, it is considered that this area would provide a high quality space, which would also provide a good level of outlook for the occupiers of the flats facing towards it at 1st, 2nd, 3rd and 4th floor levels. .

It is acknowledged that the proposed amenity spaces are not capable of providing adequate spaces for all of the potential occupiers of the units, notably young children, and that there is lack of usable amenity space proposed elsewhere on the site. In order to offset this, the Council will seek to secure monies through a s106 Agreement in order to secure a contribution to local open space improvements. The development would be directly related to the improvement of local parks and would be required given the deficiencies in quality of some of the usable amenity space on the site. Subject to the provision of monies through a s106 Agreement, the development would provide for adequate amenities for the occupiers of the building.

Overall it is considered, given the scale, siting and design of the proposed development, that the proposed scheme would not have an adverse impact on the amenities of the surrounding occupiers or the future occupiers of the proposed flats in accordance with policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

▪ Accessibility:

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 (2011) 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. An 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.

Ramped access from the pavement to the proposed A2/A3 unit is proposed. All the units are designed to Lifetime Standards. External door widths and turning circles in the proposed flats would be sufficient and the proposed lift in each block would extend to the undercroft carpark, therefore providing satisfactory access to the building. Two parking spaces of sufficient width and depth would be provided and would be located in close proximity to the proposed lift which would serve Block B.

It is considered that the applicant has suitably demonstrated that the proposal would be consistent with planning policies requiring the highest standards of accessibility and inclusion as set out above.

5) Traffic and Parking

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

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

The London Plan (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.

Fifteen on-site car parking spaces are proposed to serve the proposed development. Two of the proposed spaces would be allocated for disabled badge holders to cater for any such demand. In terms of the proposed 31 residential units, this would equate to a unit to parking ratio of approximately 1:0.5 which is considered appropriate given the site's relatively good public transport accessibility level and the comprehensive parking restraints in the locality. Extraneous parking resulting from the proposal would be dissuaded by the extensive on-street parking controls in the area. However, visitors to the site would have the opportunity to park in neighbouring town centre roads where 'pay and display' facilities exist.

It is noted that the proposed A2 / A3 unit would not be afforded any parking provision. This is considered to be acceptable owing to the stringent parking controls in the area. Patronage of this unit would be accommodated by public transport or the use of paid for on or off-street parking facilities. A proportion of these trips would, in any case, be linked to existing trips to this location, thereby limiting additional new trip generation.

As required by The London Plan 2011, a secure cycle store is proposed for 25 bicycles. Overall, it is considered that the proposed level of parking provision is acceptable.

As a result of the proposed development, it is expected that the net change in vehicular activity on site would not exhibit a measurable variance in activity when compared to the current situation and hence there are no specific concerns in highway terms. The high accessibility to public transport services and the extensively controlled and restricted surrounding road network would encourage the use of sustainable travel modes and the reduction of private car borne use.

A turning head would be created within the site to allow for service, refuse collection and emergency vehicles. A gated access into the site is proposed and no measurable stacking of vehicles onto the High Street (A5) is envisaged owing to this low trip generation and generous set back of the gated arrangement.

The frequency of servicing for the proposed development is expected to consist of infrequent visits during the working week. As these limited activities would be spread throughout the working day avoiding peak traffic periods there are no specific concerns with regard to the projected low level of activity.

From a parking and highway safety viewpoint, it is therefore concluded that the principle of the proposed development is acceptable. The revised design of the proposed development is satisfactory in operational terms and it is considered that it would not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity of the site. Notwithstanding this conclusion, a full Construction Logistics Plan, a full Servicing and Delivery plan and an Enterprise scale framework Travel Plan would be required and the submission of these is suggested by way of conditions. Subject to these suggested conditions, the impacts of the development on the road network and highway

safety would be ameliorated, thereby according with policies 6.3.A/B/C, 6.9, 6.13 of the London Plan 2011 and saved policies T6 and T13 of the UDP.

6) Ecology and Archaeology

Saved policies EP26 and EP27 of the HUDP are concerned with species protection, and habitat creation and enhancement.

Edgware Brook runs along the rear boundary of the site. Accordingly, a Biodiversity Report has been submitted to the Council for consideration. Whilst the report identifies a number of protected species within 1 km of the application site, it concludes that these would not present a constraint to the redevelopment of the site. Nonetheless, a number of biodiversity mitigation and enhancement measures are recommended; living roofs and walls, bird and bat boxes, inclusion of wildlife attracting plants as part of soft landscaping and the recycling of water. The subject planning application was referred to the Council's Biodiversity Officer who has advised that these measures are commendable and raises no objections to the proposed development.

The site is within an Archaeological Priority Area. The subject Planning application was referred to English Heritage, who has advised that the site was subject to a small archaeological investigation in 1999 and no archaeological remains were encountered. As such, English Heritage considers that the present proposals are unlikely to have an affect on any significant heritage assets of archaeological interest and raises no objections to the proposal.

7) Sustainability

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 a Renewable Energy Strategy in support of the proposed development. This concludes that in order to achieve Code Level 4 for Sustainable Homes (as required by London Plan policy 5.2), the use of solar PV panels would be most appropriate. These along with a green roof have been incorporated into the revised design of the proposed building.

8) 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 development proposes a high quality of design which it is considered would improve the appearance of the surrounding area, and would provide increased levels of security for the site. In particular, 2 m high security gates are proposed at the front of the site, which would prevent any through access. However, specific details of lighting levels and door and window security have not been submitted as part of the application documents. A condition is therefore suggested to request that these and other details relating to the security of the development be submitted before the occupation of the proposed building.

9) Consultation responses

- The concerns expressed in response to consultation in relation to the impact of the

proposed development on the amenity of the occupiers of Grosvenor House have been discussed in section 4 of the above appraisal.

CONCLUSION

The proposal would result in the redevelopment of an existing underutilised site, which would serve to reduce flood risk on the application site and the adjacent sites, and would make an important contribution to the delivery of housing in the Borough. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and a s106 Agreement. The proposal would result in a building of modern, contemporary design that would respond positively to the local context, including the setting of the adjacent Grade II Listed Building. The proposal would provide appropriate living conditions for the future occupiers of the development. The layout and orientation of the building and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers.

The decision to **GRANT** planning permission has been taken having regard to National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Apr 09], and any comments received in response to publicity and consultation.

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of 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 approved plans (to be confirmed).

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

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

a: all external materials for the main building on the site

b: the ground surfacing

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

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

4 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. This shall include details of security gates and railings along the ramped access to the A2/A3 unit.

The boundary treatment shall be completed before the building is occupied. The development shall be carried out in accordance with the approved details and shall

thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policies D4 and D5 of the Harrow Unitary Development Plan (2004).

5 Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

REASON: To safeguard the appearance of the building, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policy D4 of the Harrow Unitary Development Plan (2004).

6 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON : To ensure a high quality finish to the external elevations in accordance with policy 7.6B of the London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall provide an integrated system for all of the units for satellite TV and broadband facilities. The development shall not be occupied until details of external equipment required for this purpose is submitted and approved in writing by the local planning authority. The equipment shall be installed as approved and thereafter retained.

REASON: To safeguard the appearance of the building, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policy D4 of the Harrow Unitary Development Plan (2004).

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) Satellite dishes, antennae or other communications equipment are not permitted on any part of the buildings hereby approved.

REASON: To safeguard the appearance of the building, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policy D4 of the Harrow Unitary Development Plan (2004).

9 Prior to 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 development hereby permitted shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority an Enterprise Scale Travel Plan. The development shall be implemented and operated in accordance with the approved details.

REASON: To ensure that the proposal would have an acceptable impact on the highway safety, in accordance with saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

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

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

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

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

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

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

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

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding and saved Policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring 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).

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

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

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

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

20 Prior to the commencement of the development a scheme for the provision and management of a minimum eight metre buffer zone alongside the Edgware Brook shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- details of the regraded river bank;
- amended profile to show details of four metre access strip and new bank profile;
- details of the native species planting scheme;
- details demonstrating how the buffer zone will be managed and maintained over the longer term;
- details of the provision of further biodiversity improvements such as bat and swift bricks.

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

subsequent amendments shall be agreed in writing with the local planning authority.
REASON: To enhance the habitat value of the Edgware Brook, to create more capacity within the river channel to reduce flood risk and ensure access to the river for routine and emergency maintenance and to ensure that the integrity of the river bank is maintained, in accordance with saved policies EP12 and EP26 of the Harrow Unitary Development Plan (2004).

21 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: 6472/JMcK/001/02, Sanderson Associates, 22/02/12). In particular, finished floor levels in the residential units must be set no lower than 51.39 metres above Ordnance Datum (mAOD) and in the retail unit no lower than 51.09 mAOD.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004).

22 Prior to the commencement of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx>

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

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004), and Section 17 of the Crime & Disorder Act 1998.

23 The designated refuse storage area/enclosure, as shown on the approved drawings, shall be kept clear of obstacles and available for the storage of refuse bins at all times.

REASON: To ensure adequate provision for refuse storage to safeguard the appearance of the locality, in accordance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

24 Occupation of the building hereby permitted, shall not commence until the applicant has demonstrated that the development will achieve the appropriate level to meet Level 4 of the Code for Sustainable Homes. To this end, the applicant is required to provide certification and other details submitted to, and approved in writing, by the Local Planning Authority.

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

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, policy 5.2 of The London Plan (2011) and saved Policy D4 of the Harrow Unitary Development Plan (2004).

25 The window glass of the A2/A3 unit hereby approved shall not be painted or otherwise obscured without the prior written permission from the Local Planning Authority.

REASON: To ensure that an active shopfront is maintained in the interests of providing a lively and attractive shopping area, in accordance with saved policy EM18 of the Harrow Unitary Development Plan (2004)

25 The A2/A3 unit hereby permitted shall not be open to customers outside the following times:-

a: 9:00 hours to 18:00 hours, Monday to Sunday inclusive, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved policies D5, EP25 and EM25 of the Harrow Unitary Development Plan (2004)

26 In the case of implementation of the Class A3 use hereby permitted, the Class A3 use shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The Class A3 use shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building, in accordance with saved policies EP25, EM25 and D4 of the Harrow Unitary Development Plan (2004).

27 Before any part of the development hereby permitted is commenced, a scheme for the provision of 20% of the parking spaces with electric car charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to first occupation of the development.

REASON: To ensure adequate provision of electric car charging points, in line with the requirements of policy 6.13 of The London Plan.

28 The development hereby permitted shall not proceed above ground floor damp proof course level until details of biodiversity measures, specifically the creation of bird and bat habitats on the building, have been submitted and approved in writing by the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the ecology and biodiversity of the area and in the interests of habitat creation and enhancement in line with the requirements of saved UDP policies EP26 and EP28.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The proposal would result in the redevelopment of an existing underutilised site, which would serve to reduce flood risk on the application site and the adjacent sites, and would make an important contribution to the delivery of housing in the Borough. The loss of the commercial and employment land, and the other associated infrastructural impacts would be offset through the use of appropriate planning conditions and a s106 Agreement. The proposal would result in a building of modern, contemporary design that would respond positively to the local context, including the setting of the adjacent Grade II Listed Building. The proposal would provide appropriate living conditions for the future occupiers of the development. The layout and orientation of the building and separation distance to neighbouring properties is considered to be satisfactory to protect the amenity of the neighbouring occupiers.

The decision to **GRANT** planning permission has been taken having regard to the below National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, to meet the Vision of the Council in

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

National Planning Policy:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

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

Planning Policy Statement 25 – Planning for the Historic Environment (2010)

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

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

3.7 – Large Residential 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

5.1 – Climate change mitigation

5.2 – Minimising carbon dioxide emissions

5.3 – Sustainable design and construction

5.7 – Renewal energy

5.10 – Urban greening

5.11 – Green roofs and development site environs

5.12 – Flood risk management

5.13 – Sustainable Drainage

6.1 – Strategic approach

6.3 – 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

7.8 – Heritage Assets and Archaeology

7.13 – Safety, security and resilience to emergency

7.14 – Improving air quality

7.15 – Reducing noise and enhancing soundscapes

7.19 – Biodiversity and Access to Nature

8.1 – Implementation

8.2 – Planning obligations

Harrow Core Strategy [2012]

Core Policy CS1 – Overarching Policy

Core Policy CS8 – Edgware and Burnt Oak

Harrow Unitary Development Plan (2004):

EP12 – Control of Surface Water Run-Off

EP25 – Noise

EP26 – Habitat Creation and Enhancement

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D11 – Statutorily Listed Buildings

D20, D21, D22 – Sites of Archaeological Importance

H7 – Dwelling Mix

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

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

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

Other Relevant Guidance:

Planning Policy Statement 25 - Practice Guide Supplementary Planning Document:

The Harrow Annual Monitoring Report 2001 – 2011

The emerging Site Allocations DPD 2011

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)

Code of Practice: Refuse Storage and Collection of Domestic Refuse (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:

4 COMPLIANCE WITH PLANNING CONDITIONS

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

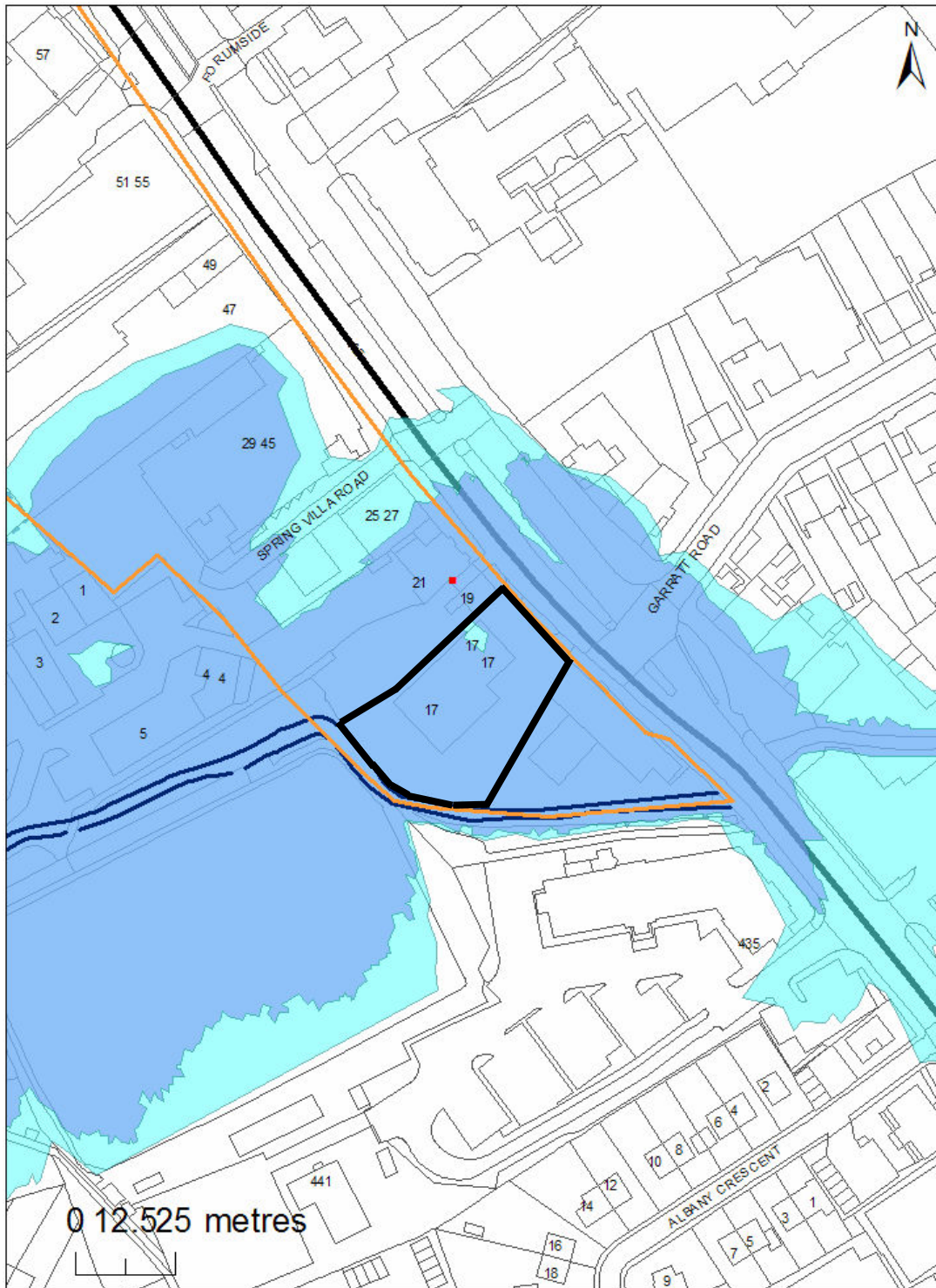
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of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

5 WATER RESOURCES ACT 1991, AND THE THAMES REGION LAND DRAINAGE BYELAWS, 1981

Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, 1981, our prior written consent is required for any proposed works or structures within eight metres of the top of the bank of the Edgware Brook.

Plan Nos: 193 001 Rev. B, 193 005 Rev. A, 193_010 Rev. A, 193_020 Rev. A, 193_021 Rev. A, 193_030 Rev. A, Ecological Appraisal (December 2011/A), Air Quality Assessment (14.12.2011), Renewable Energy Strategy (Rev. A), 193 532 Rev. A, 193 510 Rev A, 193 511 Rev C, 193 514 Rev A, 193 515 Rev A, 193 530 Rev A, 193 512 Rev A, 193 513 Rev A, 193 516 Rev A, 193 522 Rev A, 193 523 Rev A, 193 531 Rev A, 193 520 Rev A, 193 521 Rev A, Proposed Area Schedule_rev_D_28.02.2012, Flood Warning and Evacuation Plan (6472 JMCK/002/01), 193 SK 075 Rev A, Naturalised Buffer Zone Summary (February 2012), Sequential Test (February 2012), Sequential Test Appendices (February 2012), Flood Risk Assessment (6472/JMCK/001/02)

9-17 HIGH STREET, EDGWARE



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Item No. 1/03

Address: KRISHNA AVANTI PRIMARY SCHOOL, CAMROSE AVENUE,
EDGWARE

Reference: P/0046/12

Description: REMOVAL OF CONDITIONS 14 (USE CLASS RESTRICTION) AND 19
(RESTRICTION OF SCHOOL TO BE USED BY PUPILS AND STAFF ONLY) RELATING TO PLANNING PERMISSION P/1282/07 DATED
10/03/2008 FOR 'CONSTRUCTION OF ONE FORM PRIMARY SCHOOL, EXTERNAL WORKS, ACCESS & CAR PARKING'

Ward: EDGWARE

Applicant: The I-Foundation

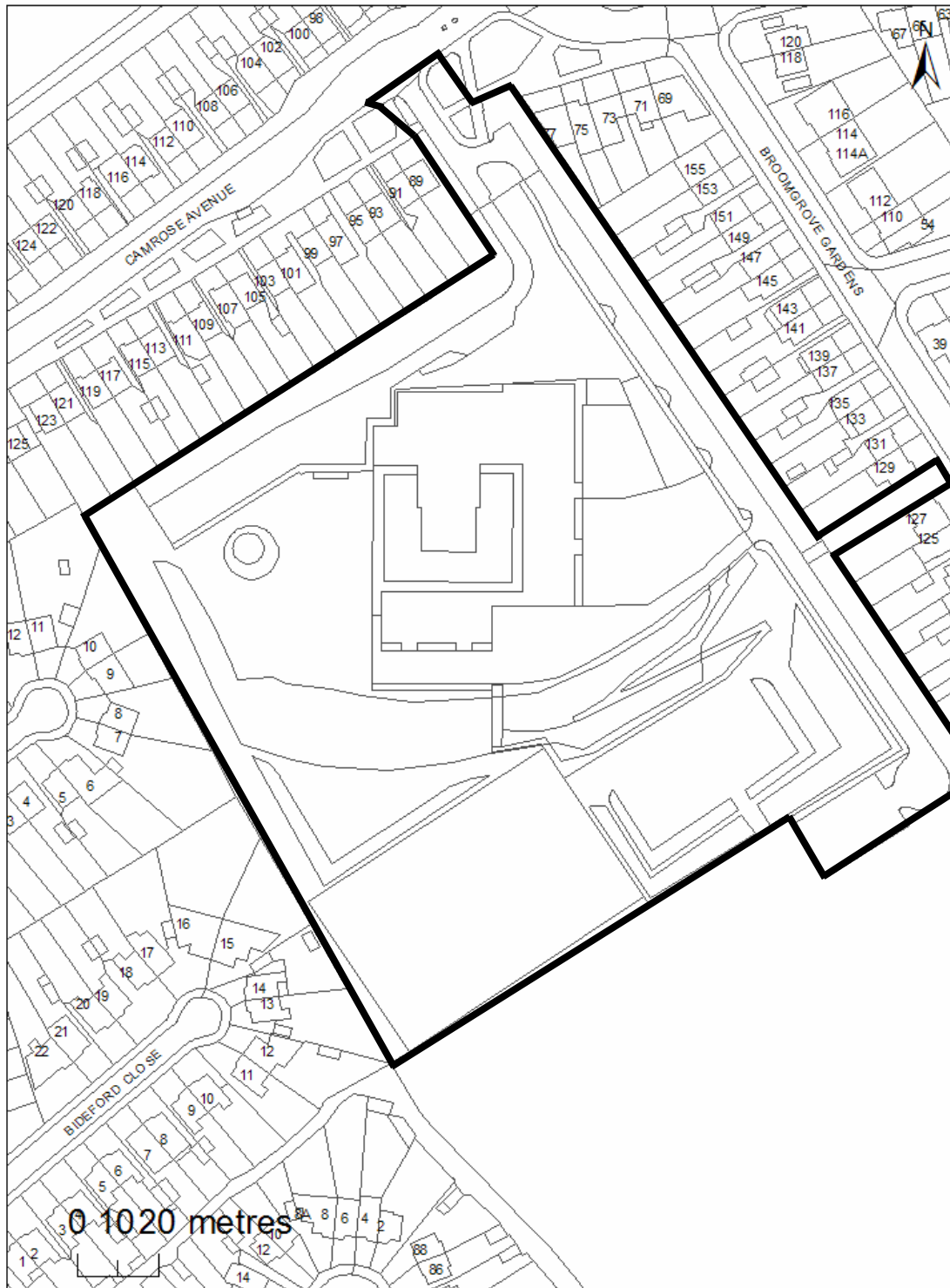
Agent: ABT Planning & Highways Consultancy

Case Officer: Nathan Barrett

Expiry Date: 1 May 2012

Report to follow

KRISHNA AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01

Address: ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, HA1 3NU

Reference: P/0467/12

Description: APPLICATION FOR MODIFICATION OF SECTION 106 AGREEMENT DATED 26/01/1995 RELATING TO LAND AT ORLEY FARM SCHOOL, SOUTH HILL AVENUE TO REPLACE SCHEDULE 2 PARAGRAPHS 2.1 TO 2.3 WITH NEW PROVISIONS RELATING TO THE LIMITATION ON STUDENT NUMBERS (UP TO 520) AND SUSTAINABLE TRAVEL PLAN, AND INSERTION OF NEW DEFINITIONS.

Ward: HARROW ON THE HILL

Applicant: Mr Timothy Brand

Agent: Freeth Cartright

Case Officer: Andrew Ryley

Expiry Date: 13 April 2012

RECOMMENDATION

GRANT Section 106 modification, subject to no additional comments received prior to the expiry of the consultation period on the 15th March 2012 and the completion of a Deed of Variation. 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 Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

1. Delete Schedule 2 paragraphs 2.1, 2.2, and 2.3 of Section 106 Agreement dated 26/01/1995 relating to development at Orley Farm School, South Hill Avenue, and insert new provisions relating to the limitation on student numbers (up to 520) and Sustainable Travel Plan, and insertion of new definitions as set out in the Schedule of Modifications annexed to this report.
2. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

REASON

The purpose of the obligation would be served equally well if the obligation had effect subject to the modifications specified in the application as the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of a Sustainable Travel Plan and associated traffic mitigation measures.

INFORMATION

This application is reported to the Committee as the Council has received a number of objections to the application, and it is in the opinion of the Divisional Director of Planning Services, controversial and of significant public interest. It therefore falls outside of proviso E of the Scheme of Delegation.

Statutory Return Type: 18

Council Interest: None

Site Description

- The application site comprises 18 hectare school site located on the northern and southern sides of South Hill Avenue occupied by a number of buildings and playing fields.
- The school was first established in 1901 and has been continually developed since the 1970's in the form of new buildings and sports facilities.
- The main section of the campus is the land north of South Hill Avenue. This portion of the site is occupied by a two storey Main Building, St Georges Hall, Gardner Building which is linked by a first floor walk way to the Music Building, Pre-Prep Building, Classroom Huts and a Cricket Pavillion.
- The southern portion of the site is occupied by a two storey building called Oakmead.
- Oakmead House and the Main Building/St Georges Hall are Locally Listed.
- The site is within the South Hill Avenue Conservation Area, Harrow on the Hill Area of Special Character and is adjacent to land designated as Metropolitan Open Land.
- Site is partly a Site of Importance for Nature Conservation.

Proposal Details

- This is an application to modify a Section 106 Agreement dated 26/01/1995, relating to land at Orley Farm School, South Hill Avenue.
- The original Section 106 Agreement, and as modified on a number of subsequent occasions, includes an obligation on the school to limit the number of pupils present to 470. This application seeks to amend this obligation, so as to increase the authorised number of students to 520.
- The original Section 106 Agreement also includes provisions in relation to the number of academic and non-academic staff that are permitted to either be employed or be present on site. This application seeks to remove these provisions i.e. said it would be no limit.
- In place of these provisions, this application seeks to insert a number of new clauses and obligations that relates to a Travel Plan, its implementation, monitoring and enforcement.
- As part of this, the application would insert a number of new definitions into the original Section 106 Agreement.

Relevant History

WEST/750/93/FUL – Single storey classroom, dining room, library extension part single/two storey extension to main school building
Approved – 27/01/1995

P/0279/10 – Two storey infill extensions to front and rear elevations, new entrance and external alterations to main building; covered outdoor play area; ground floor extension to Gardner building; two storey extension to music building; new entrance and single storey extension to pre-prep building; new dining and kitchen buildings following demolition of

existing structures west of main building; new changing pavilion adjacent to sports field; new Oakmead changing room; alterations to parking and access; hard and soft landscaping.

Application withdrawn - 20/04/2010

P/0513/10 – Detached two storey building to provide seven temporary class rooms to north west of playing fields for a period of eight years.

Application withdrawn – 20/04/2010

P/0440/11 – Variation of condition 12 attached to west/520/97/ful dated 26/01/1999 to allow the number of pupils attending the site to rise from 470 to 520.

Refused – 14/04/2011

Reason(s) for Refusal:

The applicant has failed to demonstrate that the additional pupil numbers have not and will not give rise to an adverse impact upon the amenities of neighbouring properties, and that the mitigation measures proposed would adequately address such impact. The proposed intensification would therefore be contrary to Planning Policy Statement 1 (2005) Policy 3C.17 of the London Plan (2008) and saved Policies T6; T13 and C7 of the Harrow Unitary Development Plan (2004).

P/0458/11 – Demolition of existing buildings; erection of single storey dining hall with monopitch roof to west of main building; erection of additional single storey pitched roof changing pavilion adjacent to cricket playing fields; extensions to main building to provide a new entrance area with canopy, part infill ground and part first floor rear extension, ground and first floor stairwell, and alterations to elevations; single storey rear extension to Gardner building; two storey rear extension to music building; single storey extension to pre-prep building; demolition of existing side extension and erection of new single storey side rear extension to Oakmead building; erection of new substation to east of Oakmead building; new pedestrian crossing and associated guardrails and lighting; alterations to parking and associated landscaping.

Refused – 28/04/2011

Reason(s) for Refusal:

1. The proposed single storey side/rear extension to the Oakmead Building, by reason of its depth behind the main rear elevation, its height, general bulk and resultant relationship with the existing fenestration at first floor level, would represent an inappropriate alteration which would fail to preserve or enhance the character and appearance of this Locally Listed Building, the South Hill Avenue Conservation Area and the Area of Special Character contrary to Policies HE7.2, HE7.4, HE7.5, HE9.1, HE9.2, and HE9.4 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies SEP5, D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) as well as the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

2. The proposed extension to the “Preprep Building”, by reason of its dominant and bulky design would represent an incongruous and unsympathetic extension to this building which would fail to preserve or enhance the character and appearance of the South Hill Avenue Conservation Area and the Area of Special Character contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved Policies SEP5, D4, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

3. The proposed “Changing Pavilion”, by reason of its bland utilitarian design and lack of architectural detailing, would fail to preserve or enhance the character or appearance of the South Hill Avenue Conservation Area and the Area of Special Character contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

5. The proposed two storey extension to the “Music Building”, by reason of use of unacceptable materials, general appearance and design, and resultant general bulk and massing, would result in an overly dominant and overbearing addition to the existing building which would fail to preserve or enhance the character or appearance of the South Hill Avenue Conservation Area and the Area of Special Character, contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

6. The proposed infill extension on the southern front elevation of the “Main Building”, by reason of its unacceptable use of materials and design, would result in the loss of a characteristic feature of this locally listed building which would fail to preserve or enhance the character and appearance of this Locally Listed Building, the South Hill Avenue Conservation Area and the Area of Special Character, contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

7. The proposed two storey infill extension on the northern elevation of the Main Building, by reason of its lack of ground floor setback behind the main rear elevation of this locally listed building, would fail to respect the architectural character or appearance of this Locally Listed Building, that of the South Hill Avenue Conservation Area and the Area of Special Character of which it forms a part contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

8. In the absence of an agreed variation to Planning Permission WEST/0520/97/FUL dated 26/01/1999 and the associated legal agreement restricting pupil and staff numbers and use for outside activities, the applicant has failed to demonstrate the need for the proposed development. As such the development would be contrary to saved Policy C7 of the Harrow Unitary Development Plan (2004).

P/0461/11 – Conservation area consent: demolition of two temporary wooden huts and side extension to Oakmead building.

Refused – 28/04/2011

Reason(s) for Refusal:

1. The demolition of the structures in the absence of an acceptable proposal for their

replacement or a clear and convincing justification for their loss, would result in inappropriate and detrimental impacts on the character and appearance of the South Hill Avenue Conservation Area, the Locally Listed Oakmead Building and the Area of Special Character contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), saved policies D12, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and Harrow on the Hill Conservation Areas SPD, Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May 2008).

P/1559/11 – Proposed enclosed extension and additional plant to existing electrical substation
Granted – 30/08/2011

P/2946/11 – Conservation area consent: demolition of two temporary wooden huts and side extension to Oakmead building (revised application)
Pending Consideration

P/2890/11 – Demolition of existing buildings; erection of single storey dining hall with monopitch roof to west of main building; erection of additional single storey pitched roof changing pavilion adjacent to cricket playing fields; extensions to main building to provide a new entrance area with canopy, part infill ground and part first floor rear extension, ground and first floor stairwell, and alterations to elevations; single storey rear extension to Gardner building; two storey rear extension to music building; single storey extension to pre-prep building; demolition of existing side extension and erection of new single storey side rear extension to Oakmead building; new pedestrian crossing and associated guardrails and lighting; alterations to parking, associated landscaping
Pending Consideration

Applicant Submission Documents

- Transport and Amenity Impact Assessment
- Transport and Amenity Impact Assessment: Addendum
- Transport and Amenity Impact Assessment: Q&A Summary

Consultations

Highways Authority: No objection. The proposed Travel Plan and traffic mitigation strategy would reduce the impact of traffic movements and parking issues associated with the school.

Environment Agency: No objection.

South Hill Estate Residents Association: Objection. This application has again failed to demonstrate that additional pupil numbers has not given, and will not give, rise to adverse impact on the amenities of neighbouring properties, namely properties within the South Hill Estate and the remainder of the Conservation Area; the applicant has again failed to demonstrate that the mitigation measures that proposes in an attempt to reduce adverse impact, will adequately do so.

This is the third set of applications submitted by the school since March 2010. With respect to the first set of applications made in March 2010, the Association previously raised concerns on certain aspects of the design proposals, but also expressed concerns

in relation to pupil numbers and a very adverse impacts on the residents of the South Hill Estate and other local residents caused by the huge increase in school traffic generated by the substantial increase in pupil numbers over several years prior to the planning application. It is noted that application was withdrawn, when it became clear that it was in breach of the 1999 planning condition and associated legal agreements, which limited pupil numbers.

With respect to the applications made in March 2011, the Association again raised concerns in relation to pupil numbers and traffic problems generated by the increase in pupil numbers that had taken place, and a further increase that was proposed/desired. It is noted that those planning applications were refused by the Council for the reasons set out in respect of decision letters issued.

In relation to the current application, and the documents accompanying it, including the Travel Report/Assessment in three parts, and the proposed Travel Plan and the proposed Section 106 agreements, the Association considers that the school and its agents have still failed to adequately mitigate the adverse effects on the residential amenity of the Conservation Area, and the properties within it, arising from the traffic and parking generated by, and associated with, the school. Moreover, the school has not properly provided information or evidence to indicate car movement numbers when the number of pupils was 470, the level of intensity permitted by the 1999 planning condition and associated Section 106 agreement. The adverse effects caused by the increase in the level of intensity of traffic, due to the increasing people numbers to around 500 at present, has been substantially increasing and has become intolerable at times. Despite the proposed Travel Plan and despite the proposed new Section 106 Agreement, the Association considers that the school will, in practice, find it impossible to properly mitigate the current traffic and parking problems even a current pupil numbers (30 great than the number approved), let alone if those numbers were allowed to rise to 520 (50 greater, i.e. over 10%).

The school has breached its obligations under the existing Section 106 Agreement and other controls. It is difficult therefore to place any reliance on the proposed new section 106 agreement, the obligations under which in any event will be impossible for the council or any other party to monitor and for the Council to enforce. And therefore it will be impossible to monitor the reinforced Travel Plan referred to in the proposed new Section 106 Agreement.

In relation to the travel documents submitted with the application, the Association has the following specific comments to make:

- travel documents refer to the 'moderate' increase in pupil numbers to 520, stating that they will not give rise to adverse impact on the amenities of residential properties. This is not the case, and the increase in pupil numbers is not considered to be moderate either from 470 and 520, nor from the present non-permitted number of around 500 to 520.
- The Association disagrees with the thrust of the transport assessment and associated documents, insofar that is not a moderate proportional increase in pupil numbers.
- The appeal decisions referred to in the transport assessments are not relevant to the current application.
- The figures given in the section of the report dealing with the '1995 Baseline' for the number of traffic movements are entirely 'guesstimates'.
- The figures the car movements and parking appearing in the tables reported have not been independently taken.

- However worthy the intentions of the Travel Plan may be in theory, the schools unsuccessful attempts in the past to discipline parents of pupils regarding car use and driving and parking habits, indicates that in practice the Travel Plan will not mitigate any noticeable degree of adverse impact car movements associated with the school.
- Concern raised in relation to the wording within the proposed draft Section 16 agreements, especially with regard to the use of the word such as reasonable endeavours etc. It is noted that the section 106 agreement focuses on South Hill Avenue at the morning peak time, but does not appear to cover all the Orley Farm Road, nor the afternoons as well.
- It is noted that the school would like to see a relaxation of the use of the premises by outside organisations, which may mean additional impacts on non-peak times, e.g. Sundays.

The statement of community involvement referred to in the planning application is misleading, does not appear to include comments made by the Association with regards to the previous two sets of planning applications.

Harrow Hill Trust: Objection. Support comments made by the South Hill Estate Residents Association, and do not wish to add to these as they cover those matters raised sufficiently in relation to the traffic impacts.

Also, objects to the hard surfacing of the grass verge on the north side of South Hill Avenue to the west of the school. The Conservation Area Policy Statement encourages the relation of such grass verges, and this part of the proposal would be inconsistent with the policy.

Concerns over the way the school has submitted applications for multiple developments.

Advertisement

Notification of Planning Application – Expiry 15/03/2012

Notifications

Sent: 218

Replies: 9 objections

Expiry: 15/03/2012

Addresses Consulted

Mount Park Road -

The Billiard Room; Flats 1-19 Bermuda House; Carlyon House; Hill House; Jacot; Little Arden; Little Dormers ; Merrick; The site; Fourways; Linklater House; Timbers; Broomhill; Little Rosham Court; Flats 1-6 Rosham Court; Egerton; No.s: 19-27 (odd); 72-80 (even); Southview; Domani; Oddacre; Ravensholt; The Hut; Oakhurst Heights; Magnolias; Park View; Land Adj. The Hut; Oakmead

Orley Farm Road

No. 1; Deepfield; Golden Manor; Hill House; Lauriston; Orley Rise; Rushmere; The Cottage; The Grange 19; Cornerways; Cross Stone; Green Court; Hillmorton; Hisfoot; St Donats; Waysmeet; White House;

Lower Road:- St Dominics School Playing Field

Sackville Close:- 1-6

Sudbury Hill:- Flats 1-15 Highlawn Hall; Garden House;

Fircroft Gardens:- 1-15 (odd); Garages adj. 15

Runnelfield:- No.s 1-14; 15

Hill Close:- Amaris; Clifton House; Clovelly; Craigmores; Lianda; The Cottage; The Steps; Tivon; Welland; Wessex

South Hill Avenue: – Flats 1- 9 Penair Lodge; Flats 1-10 Rowsham Court (96); Lobswood; Marylands; Sherwell; South Hill Lodge; Ved Nivas; Weathertrees; Westlands; Red Lodge; Helmsley; Hollin; No. 82; Ash Tree Cottage; Astley House; Bamford Cottage; Ebberston; Linden Cottage; Roasemead; Tall Trees; Jasmine; Red Lodge; Summerhill; Chestnut Lodge; Whitethorns; The Squirrels; Sunridge; Brentnor; Inglehook; Garages adj. Rossham Ct; Stepping Stones; Sans Souci; The Debt; gges adj. Penair Lodge; Rowsham Court; Allotments; Arden; Penair Lodge; The Cottage; Greenways; Oakmead, Flats 3-5 (odd) Oakmead; Kingwell; Leaflands; Rosegrange; The Grange; Brakelond; Collingwood; Dunsmore; Avendia; Orley Farm Cottage; New Julians House;

Wood End Road:- Harrow Cricket Club;

2 - 5 Arden Close

Summary of Responses

- School is already at a maximum capacity, and has exceeded its authorised number of pupils. The excess causes significant traffic problems in South Hill Avenue and Orley Farm Road, and connected roads, to the detriment of highway safety, especially for pupils walking to the school.
- Impact on traffic congestion in relation to the gate at Orley Farm Road, which is kept locked and only accessible to those with (electronic) key.
- Extensions to the school will lead to further increases in pupils, which will lead to more traffic.
- Comments that the application has been submitted on the basis that a new Section 106 Agreement will be entered into to control traffic, but that the School has ignored the previous restriction on the numbers of pupils (470), but that because of the Schools previous conduct, local residents do not have faith that any new restrictions would be adhered to.
- Extensive comments that the Transport Assessment documents submitted with the application are either inaccurate, misleading or comments within them are irrelevant.
- Summarises that the school has advanced no planning justification for the increase in pupil (and staff) numbers and that there is no explanation for the previous breach of the existing Section 106 Agreement.
- Current application should not have been accepted by the Council as the previous applications (P/0440/11 and P/0458/11) have been refused. The previous Section 106 Legal Agreement has been breached and therefore the Council should seek to enforce this first. The current application is a subterfuge to legitimise an illegal action by the school, and restrict the Council from taking further action to enforce this.
- Issue that because of the number of cars at peak times (both existing and proposed) that emergency vehicles such as fire engines and ambulances would not be able to

gain access along the road.

- The amendment this application refers to is flawed, as it assumes that the travel plan will be 'sustainable'.

APPRAISAL

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

The Harrow Core Strategy has recently been adopted and carries significant weight and is a material consideration in all planning decisions by the Council. The application will therefore be assessed having regard to the relevant London Plan policies, the Core Strategy and the relevant saved policies of the UDP.

MAIN CONSIDERATIONS

- 1) Principle of the Development and impact on traffic and parking
- 2) S17 Crime & Disorder Act
- 3) Planning Obligations
- 4) Consultation Responses

1) Principle of the Development and impact on traffic and parking

The London Plan (2011) policy 3.18B states that "Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand."

Saved Policy C7 of the Harrow Unitary Development Plan (2004) states that Council will seek to ensure that appropriate education facilities are provided.

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.

Planning permission WEST/750/93/FUL gave consent for a number of alterations and extensions to Orley Farm School. As part of the approved planning permission, the School entered into a Section 106 Agreement (dated 26/01/1995) with the Council, which set a limit on the number of pupils, academic staff and non-academic staff that could attend / be present on the site at any one time. Schedule 2 paragraphs 2.1 to 2.3 states the following:

2.1 The number of pupils attending the School shall not at any time exceed 470.

2.2 The number of academic staff employed at the School shall not at any time exceed 44.

2.3 The number of non-academic staff present at the School at any one time shall not at any time exceed 35.

The restriction on the number of students and staff was intended to ensure that the amenities of the adjacent residential occupiers, insofar as traffic movements to and from the site, were protected.

The School now wishes to increase the authorised number of students attending the school from 470 to 520. This application would remove paragraphs 2.1 to 2.3, and replace it with a new paragraph, that would set the limit at 520. It would remove the restrictions on the number of staff – both academic and non-academic – entirely.

The School seeks to justify this increase in the number of authorised students by inserting into the original Section 106 Agreement, new clauses and obligations in relation to a Travel Plan and traffic management scheme. The Travel Plan would be submitted by the school to the Council in writing for approval, and would set out a series of measures to reduce traffic movements to and from the school at peak times, and so therefore to reduce the current level of congestion that is experienced. It is envisaged that the Travel Plan would include specific targets, including modal shift targets to encourage people to use alternative means of transport other than the private car, and a monitoring report would be submitted on an annual basis identifying how these targets are being met, and that the Travel Plan would be reviewed on an fixed basis (and subject to further review and amendments when necessary).

The Council's Highway Authority has reviewed the submitted Transport and Amenity Impact Assessment documents, and has provided the following analysis of the traffic generation and parking issues, and has draft Travel Plan submitted by the School:

"Traffic Generation

In order to ascertain the potential impact of the proposed increase in pupilage, a 'before and after' baseline trip generation scenario has been adopted.

A 1995 baseline has been established whereby it is acknowledged that there was no formal School Travel Plan (STP) in operation at that time hence the associated activities were technically unrestrained with the agreed maximum 470 pupil intake.

As a worst case scenario, with the absence of a STP, there is currently the unfettered potential for the 470 pupils to proportionally generate an equivalent number of trips (470x2=940) during both the morning 'drop off' and afternoon 'pick up' periods. The

applicant has used this methodology by accepting that the parent 'drop off and drive away' cycle creates two journeys per individual trip.

It is understood that 496 pupils are attending at this moment and recent traffic surveys undertaken during and outside of term times indicate that the net difference in traffic activity approximates to 679 two-way car trips occur during the morning with just over 660 during the afternoon. Independent Officer observations confirm that these levels can be considered realistic.

A voluntary STP has been in place since 2008 and it is fair to assume this has had an influence in reducing the potential traffic generation to and from the site from a maximum of 940 vehicles to 679 / 660 AM/PM respectively. The percentage reduction from the theoretical 940 maximum is therefore 28% and 30% respectively. It is apparent that this reduction has been achieved predominantly by a significant mode shift toward more sustainable travel which is dominated by a significant current level of car share with an approximate 37% pupil/parent participation.

This percentage reduction in trips would not be reflected in the 1995 baseline scenario in the absence of an STP thereby resulting in a significant increase of vehicle movements as compared to the current scenario with trip generation levels being at or closely approaching the theoretical higher level of 940 movements.

The now proposed capped level of 520 students equates to a 5% increase to the existing 496 pupil figure and if this percentage increase is applied pro-rata, there would be a theoretical increase of school trips from 679 / 660 to 713 / 693 AM/PM trips respectively which gives rise to additional two-way trip movements of approximately 34 (AM) and 33 (PM) vehicles.

This rise in traffic flow is not considered to be at a level that would measurably cause detriment to existing traffic flows and with corresponding safety implications to the 'South Hill Estate' roads and Sudbury Hill when considering the mitigation measures put forward by the school. One of the main improvements that the school are proposing is to ease movement into and out of the area in general by substantially increasing the availability of the on-site circulation route which is currently available for morning 'drop use' only. This facility would now be extended to cover the afternoon 'pick up' period and would accommodate any additional vehicles within the site without predicted additional parking demand on-street. This availability would be controlled by a site management regime and be secured by appropriate condition.

It is also important to note that the 'South Hill Estate' is gated at several points and the gate at the juncture of the private and publicly adopted element of South Hill Avenue is controlled by the school during the morning and afternoon periods. This assists in encouraging an informal one-way system operating east to west along South Hill Avenue. This measure also allows for a better 'flow-through' the estate which dilutes overall traffic intensity at the Sudbury Hill junction which is welcomed and is to be maintained as part of existing school traffic management regime.

The 1995 baseline of 79 staff would potentially generate the same number of trips at both morning and afternoon periods. i.e. 79 for each period. There are currently 114 staff attending with a proposed increase to 120 staff hence there is potential for a maximum 41 additional one way trips occurring above the 1995 datum. As the STP covers staff travel, it is considered that this theoretical figure reduces with a monitored travel plan in place. On

that premise the additional traffic generated by an increase in staff numbers over and above the 1995 baseline number of 79 and current levels of 114 is not considered to be of measurable detriment to traffic movement and safety.

A further measure that lessens the overall trip generation impact of school activities is the staggering arrangement of 'drop off' and 'pick up' relating to the reception, Lower and Upper schools where differing times apply. This facilitates a 'more even' distribution of vehicles during both periods and is a useful and recommended tool to dilute use intensity. It is accepted there does not appear to be scope for further 'staggering' of the numerous school departmental functions in order to build further on this practice.

Parking

The locality around the school is in the main parked to capacity during peak operational times. This is particularly relevant to the north side stretch of South Hill Avenue fronting the school grounds where approximately 60 vehicles park during the morning peak with 80 to 90 vehicles parked during the afternoon period. In between these periods parking is light with approximately 20-25 vehicles spread out throughout the length of road between main school activity periods e.g. centred on mid-day. As far as can be reasonably gauged most of the parking in evidence is linked to the school itself.

The northern end of Orley Farm Road experiences parking generated by the school particularly during the afternoon 'pick up' period with up to 20 vehicles in place.

There are currently 58 staff, 6 visitor and 3 disabled parking spaces available within the school grounds. There is an established marshalling system in place which regulates site and off-site parking in the area and attempts to prevent / reduce injudicious parking by parents. The school are proposing to ease parking pressures on the area in general by substantially increasing the availability of the on-site circulation route which is currently available for morning 'drop use' only. The facility would now be extended to cover the afternoon 'pick up' period. This measure would remove up to 40 vehicles off the local streets which is welcomed and considered to be a significant reduction on existing parking pressures.

With regard to any potential additional parking demand created during the morning 'drop off' periods it is important to note that a significant on-street parking availability exists in the publicly adopted section of South Hill Avenue (west of the controlled gate) which takes the form of a series of residents parking bays which operate from 10-11am and 2-3pm Monday to Saturday. These bays are consistently underused at most times and can be considered as a suitable parking availability outside of these times of operation and within the reasonable vicinity of the school if demand arises. Some use of this facility would in fact reduce existing and future parking pressures closer to the school and has therefore been highlighted to the school as an addition to their Travel Plan revisions.

School Travel Plan (STP)

The main aims of the existing voluntary STP have been to reduce by 4% (year on year) the number of children that travel alone by car and to have no staff parked on the road without increasing parking provision from the initial 2008 STP.

The STP has helped to achieve the current mode shifts toward sustainable travel to and from the school. As an example in 2008, 29% of children car shared. In 2009 this figure

rose to 31% with a further increase to 37% in 2010.

A comprehensive revised STP has been produced with this application which endeavours to build on these previous successes. It is considered robust and would now be secured under legal agreement to ensure that all attempts are made to comply with SMART sustainability target aims.

Summary

Since the 1995 permission which capped school numbers to 470 pupils and 79 staff, it has been demonstrated that the raised quota of students/staff to current levels of 498/114 respectively has not materially increased vehicular activity to and from the school. In fact vehicular activity has reduced predominantly due to the success of car sharing being a major contributor to restraining private car use achieved via a successful School Travel Plan (STP).

The same conclusion also applies to this current application where a cap of 520 pupils and 120 staff is proposed. Accepting this relatively moderate increase of students and staff above that currently in place together with analysis made, it is considered that the proposed level of activity is acceptable with the caveat that the levels subject of this application are capped without further increase.”

It is noted that almost all of the objections and concerns raised by residents in response to this application are in relation to both the existing traffic impacts from the school’s current level of activity, and raising concern that the level of traffic and associated congestion, especially at peak times, would increase as a result of the number of authorised students going up to 520. A number of the consultation responses, including the South Hill Avenue Estate Residents Association, raised concerns in relation to the accuracy and soundness of the supporting documents submitted by the applicant.

The key issue here is what controls the Council currently have in place to seek to mitigate the traffic issues associated with the school, and could this situation be improved by way of this application.

As Council’s Highway Authority has highlighted, notwithstanding that there is a limit within the existing Section 106 Agreement in relation to the number of pupils (and academic and non-academic staff), there are no restrictions on the number of traffic movements to and from the site at any time of the day. Nor are there any controls in place in relation to parking along South Hill Avenue, as this is a private road, and is not maintained at public expense (and therefore is exempt from parking controls). It is understood that since 2008, the school has entered into a voluntary Travel Plan, and has had some success in reducing the level of traffic and congestion at peak times. However, residents are still concerned that this in itself is not sufficient, that the impact from traffic associated with the school is detrimental to their amenities, and moreover, that the school has increased the number of pupils beyond the limits previously imposed, which has exacerbated this.

The applicants Transports Consultants have reviewed the comments made by residents in response to the application. They have provided a response to these comments, which contends that the concerns raised by residents in relation to the traffic issues are not substantiated by specific evidence, data or analysis, and as such should be afforded limited weight. The Transport Consultant goes onto highlight the following:

- That the existing Section 106 Agreements (which they contend are not legally

enforceable) does not contain any controls over the movement of traffic or number of cars, but only seeks to limit the number of pupils to 470.

- That the proposed provisions in this application, through the Travel Plan, greater use of the on-site circulation loop, will ensure that the immediate roads are 'marshalled'.
- That the proposed scheme would result in less cars being parked on the roads around the site, and instead bring them into the site.

The key difference between this proposal, and the existing Section 106 Agreement as drafted, is that it would introduce a legal requirement for the school to prepare a Travel Plan to be submitted to the Council, and approved in writing. As set out above, the Travel Plan will include targets for the reduction in traffic movements and modal shift increase, would be reviewed by a fixed basis, and would entail monitoring reports being submitted to the Council annually. Whilst the concerns of the residents in relation to the schools previous conduct is noted (in so far as their alleged failure to suitably manage the traffic resulting from the school), the advice from the councils highway engineer, is that the package of measures proposed including the Travel Plan, would result in an improvement to the existing situation in so far as traffic generation and parking issues are concerned. It is on this basis, that it is recommended that the application granted, subject to the appropriately worded deed of variation being entered into.

2) 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.

No objection has been raised with respect to issues of crime and security. It is considered that the application is acceptable in this respect.

3) 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.

This application, if approved by Members, would result in a deed of variation to the original Section106 Agreement (dated 26/01/1995) being entered into by Orley Farm

School and the Council. This deed of variation would cover the matters referred to in the report above, in order to secure the Travel Plan and associated requirements. As such, the recommendation to members is such a Deed of Variation is entered into.

4) Consultation responses

These are considered in the report above. It is noted that a number of comments made relate to planning application P/2890/11, and are not relevant to the consideration of this application.

CONCLUSION

The proposed modification of the Section106 Agreement (dated 26/01/1995), whilst allowing an increase in the authorised number of students to 520, would result in new legally binding clauses in relation to a Travel Plan and associated traffic mitigation strategy being required from the school. It is considered that these measures, when taken as a whole, and subject to rigorous review and enforcement, would result in a reduction in the traffic issues currently associated with the school.

INFORMATIVES

1 REASON FOR GRANT OF SECTION 106A MODIFICATION APPLICATION

The purpose of the obligation would be served equally well if the obligation had effect subject to the modifications specified in the application as the impact of the proposed increase in pupil numbers in terms of traffic generation and parking can be mitigated through the provision of a Sustainable Travel Plan and associated traffic mitigation measures.

National Planning Policy

The 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 (2001)

The London Plan (2011)

3.18 – Education Facilities

6.1 – Strategic approach

6.2 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.3 Designing Out Crime

8.1 – Implementation

8.2 – Planning obligations

Harrow Core Strategy (2012)

CS1.B

CS1.D

CS3.A

Harrow Unitary Development Plan (2004) saved policies:

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

D4 The Standard of Design and Layout

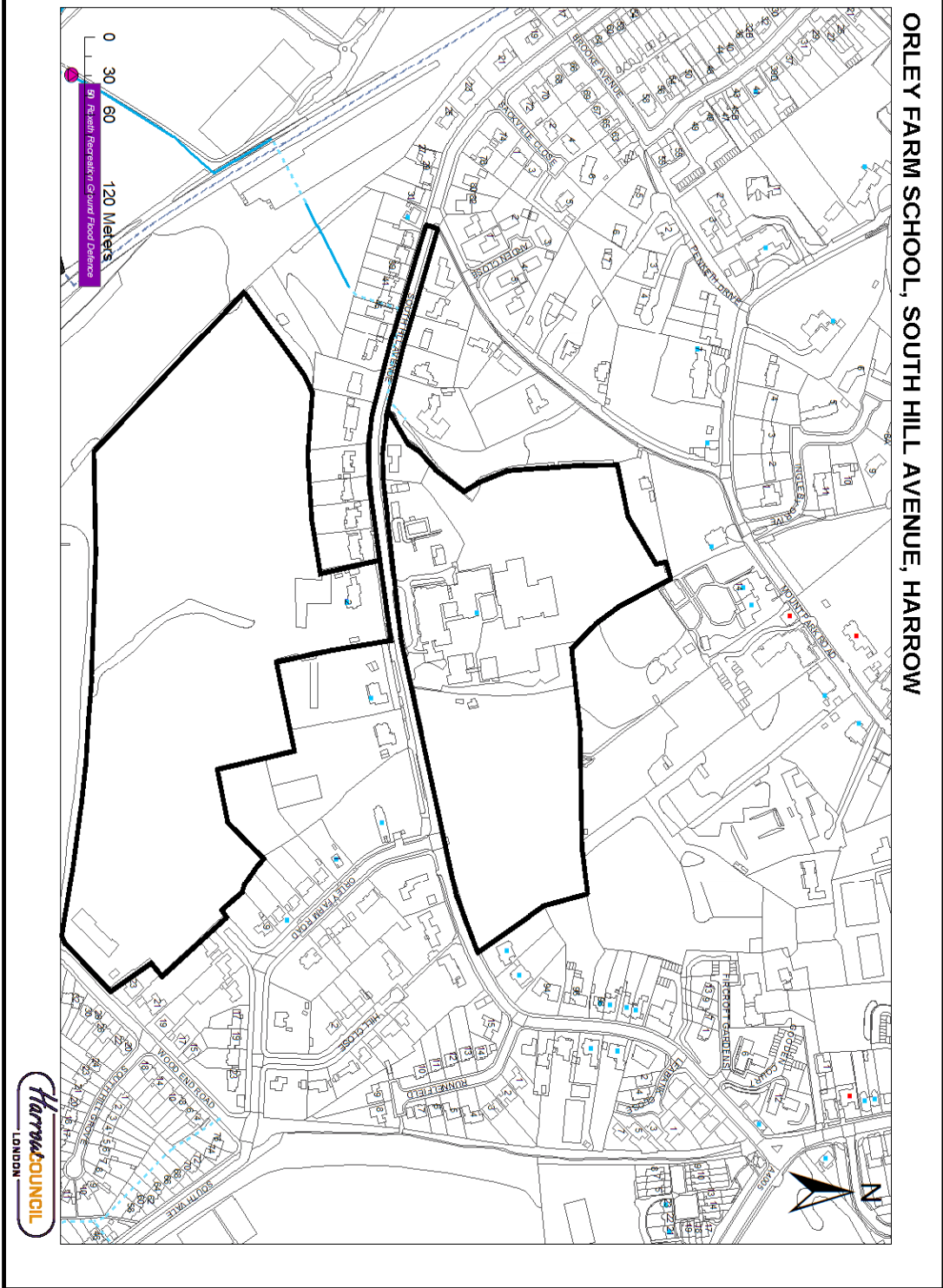
R4 Outdoor Sports Facilities

R5 Intensive Use Pitches
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Supplementary Planning Document

Harrow-on-the-Hill Conservation Areas: Appendix 4(E) – South Hill Avenue Conservation Area Appraisal and Management Strategy (2008)

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Item No. 2/02
Address: ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, HA1 3NU
Reference: P/2946/11
Description: CONSERVATION AREA CONSENT: DEMOLITION OF TWO TEMPORARY WOODEN HUTS AND SIDE EXTENSION TO OAKMEAD BUILDING
Ward: HARROW ON THE HILL
Applicant: Mr Timothy Brand
Agent: Sprunt
Case Officer: Andrew Ryley
Expiry Date: 16 December 2011

RECOMMENDATION

GRANT Conservation Area Consent for the demolition described in the application and submitted plans.

REASON

The demolition of the wooden huts and single storey side extension to Oakmead would not harm the character or appearance of the South Hill Avenue Conservation Area. The proposal, subject to conditions is, therefore, considered to satisfy the objectives of policies contained in the Harrow Unitary Development Plan (UDP) 2004, the Harrow Core Strategy 2012, The London Plan (2011) and Planning Policy Statement 5 (PPS5) which seek to preserve Designated Heritage Assets.

Item No. 2/03
Address: ORLEY FARM SCHOOL, SOUTH HILL AVENUE, HARROW, MIDDLESEX, HA1 3NU
Reference: P/2890/11
Description: DEMOLITION OF EXISTING BUILDINGS; ERECTION OF SINGLE STOREY DINING HALL WITH MONOPITCH ROOF TO WEST OF MAIN BUILDING; ERECTION OF ADDITIONAL SINGLE STOREY PITCHED ROOF CHANGING PAVILION ADJACENT TO CRICKET PLAYING FIELDS; EXTENSION TO MAIN BUILDING TO PROVIDE A NEW ENTRANCE AREA WITH CANOPY, PART INFILL GROUND AND PART FIRST FLOOR REAR EXTENSION, GROUND AND FIRST FLOOR STAIRWELL, AND ALTERATIONS TO ELEVATIONS; SINGLE STOREY REAR EXTENSION TO GARDNER BUILDING; TWO STOREY REAR EXTENSION TO MUSIC BUILDING; SINGLE STOREY EXTENSION PRE-PREP BUILDING; DEMOLITION OF EXISTING SIDE EXTENSION

AND ERECTION OF NEW SINGLE STOREY SIDE REAR EXTENSION TO OAKMEAD BUILDING; NEW PEDESTRIAN CROSSING AND ASSOCIATED GUARDRAILS AND LIGHTING; ALTERATIONS TO PARKING, ASSOCIATED LANDSCAPING.

Ward: HARROW ON THE HILL

Applicant: MR TIMOTHY BRAND

Agent: SPRUNT

Case Officer: ANDREW RYLEY

Expiry Date: 16 DECEMBER 2011

RECOMMENDATION A

GRANT planning permission, subject to conditions and the completion of a Deed of Variation by 31st 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 Deed of variation and to agree any minor amendments to the conditions or the legal agreement. The Deed of Variation would cover the following matters:

- i) Revision to the Schedule 2 paragraph 1 of Section 106 Agreement dated 26/01/1995 relating to development at Orley Farm School, South Hill Avenue, to allow for development to take place on land restricted by this Agreement.
- ii) 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 London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan as well as to other material considerations including comments received in response to notification and consultation. The development would be of a high quality design that would respect and complement the special architectural and historic interest of the existing buildings, would preserve the character and appearance of the South Hill Avenue Conservation Area and would not unduly impact on the amenities of occupiers of any neighbouring land. Whilst strong objections and concerns have been raised in relation to the number of pupils authorised to attend the school, this does not form part of these applications and as such the assessment is on the basis of the physical extensions and alterations proposed.

RECOMMENDATION B

That if the Deed of Variation is not completed by 31st 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 the Deed of Variation to allow for development to take place on land restricted by paragraph 1 of the Second Schedule of the Section 106 Agreement dated 26/01/1995 relating to development at Orley Farm School, South Hill Avenue, would be in breach of the extant Agreement.

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.

Statutory Return Type: 25 / 18

Council Interest: None

Gross Floorspace: 3873 sq m

Net additional Floorspace: 887 sq m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £31,045
(should decision be made after 31 March 2012)

Site Description

- The application site comprises 18 hectare school site located on the northern and southern sides of South Hill Avenue occupied by a number of buildings and playing fields.
- The school was first established in 1901 and has been continually developed since the 1970's in the form of new buildings and sports facilities.
- The main section of the campus is the land north of South Hill Avenue. This portion of the site is occupied by a two storey Main Building, St Georges Hall, Gardner Building which is linked by a first floor walk way to the Music Building, Pre-Prep Building, Classroom Huts and a Cricket Pavillion.
- The southern portion of the site is occupied by a two storey building called Oakmead.
- Oakmead House and the Main Building/St Georges Hall are Locally Listed.
- The site is within the South Hill Avenue Conservation Area, Harrow on the Hill Area of Special Character and is adjacent to land designated as Metropolitan Open Land.
- Site is partly within a Site of Importance for Nature Conservation.

Proposal Details

- The application proposes a variety of works to Orley Farm School. These works include the demolition of two temporary wooden huts and an existing side extension to Oakmead building, two new buildings within the application site, extensions and alterations to a number of the existing buildings and other ancillary works.
- It should be noted that this planning application, notwithstanding a number of references within the supporting documents, would not entail an authorisation in the increase in the limit on the number of pupils lawfully allowed to attend the school. This application relates to the following extensions and alterations to the buildings only. A separate application relating to an increase in the authorised number of students has been submitted to the Council, and is to be considered independently of this application.
- The proposed extensions and alterations consist of the following:

Main Building

- The application proposes extensions to this building to provide a new entrance area with canopy, part infill ground extension, part first floor rear extension, ground and first floor stairwell and alterations to the elevations of the building.

- The proposed works will consist of a new entrance area in the East Wing, with new external landscaping to enable pedestrian access and an improved drop-off area to the school entrance. The new entrance to the main building would be fully accessible with a disabled access toilet adjacent to the entrance lobby; power for a stairlift would be installed to provide access between the entrance and the higher ground for the main building. At first floor level a new class base is proposed by in filling the space between the existing main building and East Wing over the new entrance.

Pre-Prep Building

- The application proposes a single storey extension to the pre-prep building to the north-west corner of the building.
- There will be a new entrance to the east side of the building,

Gardner Building

- The application proposes a single storey rear extension to the north side of the Gardner building.

Music block

- The application proposes a two-storey rear extension to the north side of the existing music block. The proposed extension will be contemporary in appearance consisting of a brick built structure, that links into the existing building. There would be a pitched roof with a large overhang to the side and rear of the building, and the rear elevation would be predominantly glazed.

Dining Hall – New

- The application proposes the demolition of the existing wooden huts, and erection of a single storey building with a mono pitch roof to the west of the main building, that would be a new dining hall for the school.
- The proposed building would be a largely timber structure, with timber cladding glazing above a redbrick base wall that defines boundaries of the north and east sides. The dining hall walls on the south west are intended to open to the gardens. A lightweight pergola with climbers would offer shading protection in the warmer months. It proposes the mono pitch roof will provide a small stand on the east elevation to mark the entrance; the proposed roof will be partly covered with a sedum roof.

Changing Pavilion – New

- The application proposes construction of a single storey building with a pitched roof to form a new changing room adjacent to the cricket playing fields.
- The proposed changing pavilion will be constructed with a timber frame with timber cladding, and would reflect the palette of materials being proposed on the dining hall and music room extension.

Oakmead House

- The application proposes demolition of the existing side extension on the west of this building, and its replacement with a new single storey side to rear extension. The proposed extension would have a pitched roof, and the depth would be the same as the existing main building.

Other works

- The application also proposes a number of ancillary works both within the school site itself, insofar as external works and the improvement of landscaping around the

existing and proposed buildings.

- The application proposes a new pedestrian crossing and associated guardrails and lighting adjacent to the existing entrances into the school, on South Hill Avenue.
- The application proposes a more formal footpath along the north side of South Hill Avenue.

Relevant History

WEST/750/93/FUL – Single storey classroom, dining room, library extension part single/two storey extension to main school building

Approved – 27/01/1995

P/0279/10 – Two storey infill extensions to front and rear elevations, new entrance and external alterations to main building; covered outdoor play area; ground floor extension to Gardner building; two storey extension to music building; new entrance and single storey extension to pre-prep building; new dining and kitchen buildings following demolition of existing structures west of main building; new changing pavilion adjacent to sports field; new Oakmead changing room; alterations to parking and access; hard and soft landscaping.

Application withdrawn - 20/04/2010

P/0513/10 – Detached two storey building to provide seven temporary class rooms to north west of playing fields for a period of eight years.

Application withdrawn – 20/04/2010

P/0440/11 – Variation of condition 12 attached to west/520/97/ful dated 26/01/1999 to allow the number of pupils attending the site to rise from 470 to 520.

Refused – 14/04/2011

Reason(s) for Refusal:

The applicant has failed to demonstrate that the additional pupil numbers have not and will not give rise to an adverse impact upon the amenities of neighbouring properties, and that the mitigation measures proposed would adequately address such impact. The proposed intensification would therefore be contrary to Planning Policy Statement 1 (2005) Policy 3C.17 of the London Plan (2008) and saved Policies T6; T13 and C7 of the Harrow Unitary Development Plan (2004).

P/0458/11 – Demolition of existing buildings; erection of single storey dining hall with monopitch roof to west of main building; erection of additional single storey pitched roof changing pavillion adjacent to cricket playing fields; extensions to main building to provide a new entrance area with canopy, part infill ground and part first floor rear extension, ground and first floor stairwell, and alterations to elevations; single storey rear extension to Gardner building; two storey rear extension to music building; single storey extension to pre-prep building; demolition of existing side extension and erection of new single storey side rear extension to Oakmead building; erection of new substation to east of Oakmead building; new pedestrian crossing and associated guardrails and lighting; alterations to parking and associated landscaping.

Refused – 28/04/2011

Reason(s) for Refusal:

1. The proposed single storey side/rear extension to the Oakmead Building, by reason of its depth behind the main rear elevation, its height, general bulk and resultant relationship with the existing fenestration at first floor level, would represent an inappropriate alteration which would fail to preserve or enhance the character and appearance of this Locally Listed Building, the South Hill Avenue Conservation Area and

the Area of Special Character contrary to Policies HE7.2, HE7.4, HE7.5, HE9.1, HE9.2, and HE9.4 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies SEP5, D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) as well as the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

2. The proposed extension to the “Preprep Building”, by reason of its dominant and bulky design would represent an incongruous and unsympathetic extension to this building which would fail to preserve or enhance the character and appearance of the South Hill Avenue Conservation Area and the Area of Special Character contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved Policies SEP5, D4, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

3. The proposed “Changing Pavilion”, by reason of its bland utilitarian design and lack of architectural detailing, would fail to preserve or enhance the character or appearance of the South Hill Avenue Conservation Area and the Area of Special Character contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

4. The proposed two storey extension to the “Music Building”, by reason of use of unacceptable materials, general appearance and design, and resultant general bulk and massing, would result in an overly dominant and overbearing addition to the existing building which would fail to preserve or enhance the character or appearance of the South Hill Avenue Conservation Area and the Area of Special Character, contrary to policies HE7.2, HE7.4, HE9.1, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

5. The proposed infill extension on the southern front elevation of the “Main Building”, by reason of its unacceptable use of materials and design, would result in the loss of a characteristic feature of this locally listed building which would fail to preserve or enhance the character and appearance of this Locally Listed Building, the South Hill Avenue Conservation Area and the Area of Special Character, contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

6. The proposed two storey infill extension on the northern elevation of the Main Building, by reason of its lack of ground floor setback behind the main rear elevation of this locally listed building, would fail to respect the architectural character or appearance of this Locally Listed Building, that of the South Hill Avenue Conservation Area and the Area of Special Character of which it forms a part contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), policies 4B.1 and 4B.12 of the London Plan (2008), saved policies

D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004) and the Harrow on the Hill Conservation Areas SPD Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May, 2008).

7. In the absence of an agreed variation to Planning Permission WEST/0520/97/FUL dated 26/01/1999 and the associated legal agreement restricting pupil and staff numbers and use for outside activities, the applicant has failed to demonstrate the need for the proposed development. As such the development would be contrary to saved Policy C7 of the Harrow Unitary Development Plan (2004).

P/0461/11 – Conservation area consent: demolition of two temporary wooden huts and side extension to Oakmead building.

Refused – 28/04/2011

Reason(s) for Refusal:

2. The demolition of the structures in the absence of an acceptable proposal for their replacement or a clear and convincing justification for their loss, would result in inappropriate and detrimental impacts on the character and appearance of the South Hill Avenue Conservation Area, the Locally Listed Oakmead Building and the Area of Special Character contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), policies HE1.1; HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE9.5 of Planning Policy Statement 5: Planning for the Historic Environment (2010), saved policies D12, D14 and D15 and EP31 of the Harrow Unitary Development Plan (2004) and Harrow on the Hill Conservation Areas SPD, Appendix 4: South Hill Avenue Conservation Area Appraisal and Management Strategy (adopted May 2008).

P/1559/11 – Proposed enclosed extension and additional plant to existing electrical substation

Granted – 30/08/2011

P/0467/12 – Application for modification of section 106 agreement dated 26/01/1995 relating to land at Orley Farm School, South Hill Avenue to replace schedule 2 paragraphs 2.1 to 2.3 with new provisions relating to the limitation on student numbers (up to 520) and sustainable travel plan, and insertion of new definitions.

Pending consideration

Applicant Submission Documents

- Design and Access Statement
- Transport and Amenity Impact Assessment
- Transport and Amenity Impact Assessment: Addendum
- Transport and Amenity Impact Assessment: Q&A Summary
- Energy Strategy
- Statement of Community Involvement
- Arboricultural Report
- Bat Survey
- Flood Risk Assessment
- Stage D Access Report

Consultations

Highways Authority: No objection, in relation to the proposed footpath improvement works. The proposed path would provide an improved 'more pedestrian friendly' environment in overall terms for the whole community and allow for a better connection to

South Hill Avenue (adopted part) and Mount Park Road, thereby allowing dilution of "drop off/pick up" impacts which otherwise would tend to be concentrated at the main school entrance area and remaining parts of the private element of South Hill Avenue. So in summary the path is welcomed in terms of achieving the objective of helping to minimise and encouraging the spread of impacts associated with overall school activities. It would remain unadopted i.e. private in tenure.

Arboricultural Officer: No objection. Notes that the proposals appear to indicate the removal of a number of large mature trees, to facilitate the development. A tree survey has been carried out however this was for Arboricultural purposes and was not in relation to any of the plans/proposals, and as such a site-specific Arboricultural Impact Assessment / Constraints Plan should be secured by way of planning condition.

Biodiversity Officer: No objection, but details of proposed bat and bird boxes should be secured by way of a planning condition so that their location can be agreed with a suitably qualified ecologist or the Bat Conservation Trust and RSPB.

Drainage Engineer: No objection, subject to conditions.

Environment Agency: No objection. Note and are very pleased with the proposed drainage scheme at this site. The green roofs will greatly enhance biodiversity and water quality in the development site. Also pleased that permeable paving is proposed at this site, this will also improve water quality of the water draining from the site.

Sport England: No objection.

South Hill Estate Residents Association: Objection. This application has again failed to demonstrate that additional pupil numbers has not given, and will not give, rise to adverse impact on the amenities of neighbouring properties, namely properties within the South Hill Estate and the remainder of the Conservation Area; the applicant has again failed to demonstrate that the mitigation measures that proposes in an attempt to reduce adverse impact, will adequately do so.

This is the third set of applications submitted by the school since March 2010. With respect to the first set of applications made in March 2010, the Association previously raised concerns on certain aspects of the design proposals, but also expressed concerns in relation to pupil numbers and a very adverse impacts on the residents of the South Hill Estate and other local residents caused by the huge increase in school traffic generated by the substantial increase in pupil numbers over several years prior to the planning application. It is noted that application was withdrawn, when it became clear that it was in breach of the 1999 planning condition and associated legal agreements, which limited pupil numbers.

With respect to the applications made in March 2011, the Association again raised concerns in relation to pupil numbers and traffic problems generated by the increase in pupil numbers that had taken place, and a further increase that was proposed/desired. It is noted that those planning applications were refused by the Council for the reasons set out in respect of decision letters issued.

In relation to the current application, and the documents accompanying it, including the Travel Report/Assessment in three parts, and the proposed Travel Plan and the proposed Section 106 agreements, the Association considers that the school and its agents have

still failed to adequately mitigate the adverse effects on the residential amenity of the Conservation Area, and the properties within it, arising from the traffic and parking generated by, and associated with, the school. Moreover, the school has not properly provided information or evidence to indicate car movement numbers when the number of pupils was 470, the level of intensity permitted by the 1999 planning condition and associated Section 106 agreement. The adverse effects caused by the increase in the level of intensity of traffic, due to the increasing people numbers to around 500 at present, has been substantially increasing and has become intolerable at times. Despite the proposed Travel Plan and despite the proposed new Section 106 agreement, the Association considers that the school will, in practice, find it impossible to properly mitigate the current traffic and parking problems even a current pupil numbers (30 great than the number approved), let alone if those numbers were allowed to rise to 520 (50 greater, i.e. over 10%).

The school has breached its obligations under the existing section 106 agreement and other controls. It is difficult therefore to place any reliance on the proposed new section 106 agreement, the obligations under which in any event will be impossible for the council or any other party to monitor and for the Council to enforce. And therefore it will be impossible to monitor reinforced the travel plan referred to in the proposed new Section 106 agreement.

In relation to the travel documents submitted with the application, the Association has the following specific comments to make:

- travel documents refer to the 'moderate' increase in pupil numbers to 520, stating that they will not give rise to adverse impact on the amenities of residential properties. This is not the case, and the increase in pupil numbers is not considered to be moderate either from 470 and 520, nor from the present non-permitted number of around 500 to 520.
- The Association disagrees with the thrust of the transport assessment and associated documents, insofar that is not a moderate proportional increase in pupil numbers.
- The appeal decisions referred to in the transport assessments are not relevant to the current application.
- The figures given in the section of the report dealing with the '1995 Baseline' for the number of traffic movements are entirely 'guesstimates'.
- The figures the car movements and parking appearing in the tables reported have not been independently taken.
- However worthy the intentions of the Travel Plan may be in theory, the schools unsuccessful attempts in the past to discipline parents of pupils regarding car use and driving and parking habits, indicates that in practice the Travel Plan will not mitigate any noticeable degree of adverse impact car movements associated with the school.
- Concern raised in relation to the wording within the proposed draft Section 16 agreements, especially with regard to the use of the word such as reasonable endeavours etc. It is noted that the section 106 agreement focuses on South Hill Avenue at the morning peak time, but does not appear to cover all the Orley Farm Road, nor the afternoons as well.
- It is noted that the school would like to see a relaxation of the use of the premises by outside organisations, which may mean additional impacts on non-peak times, e.g. Sundays.

The statement of community involvement referred to in the planning application is misleading, does not appear to include comments made by the Association with regards to the previous two sets of planning applications.

Objection in relation to the architectural style of the proposed changing pavilion, which remains very unattractive and in particular does not complement the existing attractive pavilion is not sympathetic to the character and appearance of the Conservation Area. The relation to the proposed dining hall, as previously set out, this will require planting of lush and mature vegetation to sufficiently screen this building from Self Hill Avenue, and at the eastern side of the south-eastern corner of the building.

In summary, the association considers that the applicant has failed to demonstrate that the increase in pupil numbers has, and will have, no adverse impact on the amenities of the residential properties in the environs of the school and has also failed to demonstrate that the mitigation measures proposed would adequately address that impact. It is considered that the poor quality of the design of the cricket changing pavilion will neither preserve nor enhance the character or appearance of the Conservation Area.

Harrow Hill Trust: Objection. Support comments made by the South Hill Estate Residents Association, and do not wish to add to these as they cover those matters raised sufficiently. However, would also wish to comment on the proposed changing facilities to be sited on the main playing field. Considers that the design is even more utilitarian than the previous scheme, and is not appropriate to the Conservation Area. Comments that the large glazing fronting onto the cricket field would not seem appropriate on the basis that it may be broken by cricket balls.

Also, objects to the hard surfacing of the grass verge on the north side of South Hill Avenue to the west of the school. The Conservation Area Policy Statement encourages the relation of such grass verges, and this part of the proposal would be inconsistent with the policy.

Concerns over the way the school has submitted applications for multiple developments.

Advertisement

Character of a Conservation Area – Expiry 21/11/2011

Notifications

Sent: 218

Replies: 9 objections

Expiry: 21/11/2011

Addresses Consulted

Mount Park Road -

The Billiard Room; Flats 1-19 Bermuda House; Carlyon House; Hill House; Jacot; Little Arden; Little Dormers ; Merrick; The site; Fourways; Linklater House; Timbers; Broomhill; Little Rosham Court; Flats 1-6 Rosham Court; Egerton; No.s: 19-27 (odd); 72-80 (even); Southview; Domani; Oddacre; Ravensholt; The Hut; Oakhurst Heights; Magnolias; Park View; Land Adj. The Hut; Oakmead

Orley Farm Road

No. 1; Deepfield; Golden Manor; Hill House; Lauriston; Orley Rise; Rushmere; The Cottage; The Grange 19; Cornerways; Cross Stone; Green Court; Hillmorton; Hisfoot; St Donats; Waysmeet; White House;

Lower Road:- St Dominics School Playing Field

Sackville Close:- 1-6

Sudbury Hill:- Flats 1-15 Highlawn Hall; Garden House;

Fircroft Gardens:- 1-15 (odd); Garages adj. 15

Runnelfield:- No.s 1-14; 15

Hill Close:- Amaris; Clifton House; Clovelly; Craigmore; Lianda; The Cottage; The Steps; Tivon; Welland; Wessex

South Hill Avenue: – Flats 1- 9 Penair Lodge; Flats 1-10 Rowsham Court (96); Lobswood; Marylands; Sherwell; South Hill Lodge; Ved Nivas; Weathertrees; Westlands; Red Lodge; Helmsley; Hollin; No. 82; Ash Tree Cottage; Astley House; Bamford Cottage; Ebberston; Linden Cottage; Roasemead; Tall Trees; Jasmine; Red Lodge; Summerhill; Chestnut Lodge; Whitethorns; The Squirrels; Sunridge; Brentnor; Inglehook; Garages adj. Rossham Ct; Stepping Stones; Sans Souci; The Debt; gges adj. Penair Lodge; Rowsham Court; Allotments; Arden; Penair Lodge; The Cottage; Greenways; Oakmead, Flats 3-5 (odd) Oakmead; Kingwell; Leaflands; Rosegrange; The Grange; Brakelond; Collingwood; Dunsmore; Avendia; Orley Farm Cottage; New Julians House;

Wood End Road:- Harrow Cricket Club;

2 - 5 Arden Close

Summary of Responses

- School is already at a maximum capacity, and has exceeded its authorised number of pupils. The excess causes significant traffic problems in South Hill Avenue and Orley Farm Road, and connected roads, to the detriment of highway safety, especially for pupils walking to the school.
- Impact on traffic congestion in relation to the gate at Orley Farm Road, which is kept locked and only accessible to those with (electronic) key.
- Extensions to the school will lead to further increases in pupils, which will lead to more traffic.
- Comments that the application has been submitted on the basis that a new Section 106 Agreement will be entered into to control traffic, but that the School has ignored the previous restriction on the numbers of pupils (470), but that because of the Schools previous conduct, local residents do not have faith that any new restrictions would be adhered to.
- Extensive comments that the Transport Assessment documents submitted with the application are either inaccurate, misleading or comments within them are irrelevant.
- Summarises that the school has advanced no planning justification for the increase in pupil (and staff) numbers and that there is no explanation for the previous breach of the existing Section 106 Agreement.
- Current application should not have been accepted by the Council as the previous applications (P/0440/11 and P/0458/11) have been refused. The previous Section 106 Legal Agreement has been breached and therefore the Council should seek to enforce this first. The current application is a subterfuge to legitimise an illegal action by the school, and restrict the Council from taking further action to enforce this.
- Comments received that whilst no objection in principle to the extensions to the

school, would expect the works to be undertaken sensitively and with regard to local residents amenity, which has not been the case previously.

- The consideration of these applications is vexatious because previous schemes have been refused, and is a waste of taxpayers money. The school has not been able to manage the level of traffic it generates and is a registered charity, so regard does not need to be had insofar as it would if this were a 'struggling business'.
- Issue that because of the number of cars at peak times (both existing and proposed) that emergency vehicles such as fire engines and ambulances would not be able to gain access along the road.
- Concern raised that this application does not explicitly set out that it is seeking to increase the authorised number of pupils from 470 to 520, and that this information is 'buried' within the supporting documents. As the description of development does not contain a specific reference to the increase in pupil numbers, it may attract less comment than previous applications.
- Concern raised over the scale of extension proposed in what is a rural area.

APPRAISAL

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

The Harrow Core Strategy has recently been adopted and carries significant weight and is a material consideration in all planning decisions by the Council.

Core Policy CS1.B requires the Council to resist proposals that harm the character of suburban areas and developments on garden land. It goes on to state that all developments shall; respond positively to the local and historic context in terms of design, siting, density and spacing; reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.

Core Policy CS1.D states that proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged.

The application will therefore be assessed having regard to the relevant London Plan policies, the Core Strategy and the relevant saved policies of the UDP.

MAIN CONSIDERATIONS

- 1) Principle of the Development
- 2) Character and Appearance of the Conservation Area/Locally Listed Building and Area of Special Character/Adjacent Metropolitan Open Land
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Accessibility
- 7) Sustainability
- 8) Impact on Trees and Biodiversity

- 9) S17 Crime & Disorder Act
- 10) Planning Obligations
- 11) Environmental Impact Assessment (EIA)
- 12) Consultation Responses

1) Principle of the Development

The London Plan (2011) policy 3.18B states that “Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.”

Core Policy CS 31 (Harrow on the Hill and Sudbury Hill) states that “The Council will work with institutions and landowners where necessary to support public access to sport and recreation facilities. Appropriate proposals for enhancement of such facilities will be supported.

Saved Policy C7 of the Harrow Unitary Development Plan (2004) states that the Council will seek to ensure that appropriate education facilities are provided.

Government policy on the provision of new and enhanced sports facilities is set out in Planning Policy Guidance (PPG) Note 17: Planning for Open Space, Sport and Recreation (2002). This emphasizes that “open spaces, sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.” PPG17 encourages local planning authorities to “add to and enhance the range and quality of existing facilities.” Similarly, policy 3.19 of the London Plan (2011) is supportive of the provision of new and enhanced sports facilities, especially where they serve a local need. Saved policies R4 and R5 of the Harrow Unitary Development Plan (2004) recommend that the Council should seek further provision of outdoor sports facilities and intensive use pitches.

The application is for the extension and refurbishment of the existing Orley Farm School, including enhanced sports facilities. The proposals are considered to be consistent with national and local planning policies that seek the provision of new and improved facilities, and therefore is considered acceptable in principle on this basis. The merits of the scheme are discussed below.

2) Character and Appearance of the Conservation Area/Locally Listed Building and Area of Special Character/Adjacent Metropolitan Open Land

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.

National Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out how local planning authorities should consider proposals that affect heritage assets.

The following policies are relevant:

HE1.1 Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development.

HE7.2 states 'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations'.

HE7.4 states 'Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping'.

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

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.

The London Plan (2011) policy 7.8BC/D states that "Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail."

Core Policy CS1 (Overarching Policy) C/D states that "Proposals that would harm identified views or impede access to public viewpoints will be resisted. Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged.

Core Policy CS3 (Harrow on the Hill and Sudbury Hill) A states that "Development will be managed to maintain the special character of Harrow on the Hill and its setting. Sensitive uses and alterations which secure investment and safeguard the future of statutory and locally listed buildings will be supported. The character or appearance of Harrow Hill's Conservation Areas will be preserved or enhanced in accordance with the management strategies for the area."

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 Harrow Unitary Development Plan (2004) policies D12, D14 and D15 set out that there is a need to preserve the character and appearance of the Conservation Area and the character and setting of the Locally Listed buildings. Saved Policy EP31 of the Harrow Unitary Development Plan (2004) relates to areas of Special Character and seeks to ensure that architectural and historic features which contribute to the character of the area are not lost and that redevelopment schemes preserve or improve the character and appearance of the area.

Guidance within the Harrow on the Hill Conservation Areas SPD (adopted May, 2008), Appendix 4 the South Hill Avenue Conservation Appraisal and Management Strategy states:

1. The Council will require that all new development respects the historic character and layout of the area. Applications for development will be assessed using the specific policies contained in this document as well as the wider policies and objectives contained in the Harrow Unitary Development Plan, forthcoming Local Development Framework and the Harrow on the Hill Supplementary Planning Document.

3. To ensure that the character of the conservation area is both preserved and enhanced, proposals for development should: a) Respect existing properties and areas of open space in terms of bulk, scale and siting.

b) Not impede significant views (as defined on the map entitled 'Key Views' within the Conservation Area Appraisal), diminish the gap between buildings or intrude into areas of open space.

d) Respect and complement the existing buildings in terms of design, detailing, scale and materials in any proposals for extensions or alterations.

4. Alterations to buildings that result in a detrimental impact on the appearance of elevations that face a highway, including alterations to chimneys and rooflines, will be resisted.

6. The Council will seek the retention and improvement of both public and private green spaces.

The application proposes a variety of works to both the existing buildings and proposes new buildings. The current planning application has been submitted following the refusal of planning application P/0458/11, which broadly speaking contained the same nature of works. The current application has been submitted in order to address the concerns identified in the previous application. Similarly, application P/0461/11 sought Conservation Area Consent for the demolition of the existing wooden huts and a side extension to Oakmead.

As previously considered, the proposed demolition of the existing temporary buildings themselves would not detract from the character and appearance of the conservation

area, however saved policy D14 of the Harrow Unitary Development Plan (2004) states that replacements for buildings of neutral character should be assessed against any redevelopment.

With regard to demolition works involving the Oakmead locally listed building, these require confidence that alterations and extensions associated with the demolition would not be inappropriate (Saved Policy D12). Supporting Paragraph 4.46 of policy D12 suggests (in relation to locally listed buildings) that *“Since they contribute greatly to the quality of the environment, their protection and continued wellbeing is sought. The Council will endeavour to protect these buildings from demolition and detrimental alterations and also endeavour to protect their setting.”*

The local list description for the Oakmead Building reads:

‘1902, by Arnold Mitchell. Asymmetrical, 2.5 storeys, red brick with tile roof. 2 storey canted bay left, with main entrance flanking right. Large trans-mullioned 1st storey window further right. Gabled projecting 2-window wing right with attic windows in gable. Dentilled and modillioned eaves cornice. Doric columned bell-cote astride ridge with weather-vane. Single storey 2 window hipped tile wing right. Further right is bell-coted stable.’

The existing single storey side addition (proposed to be demolished) is an attractive original addition to the building that is mentioned within the local list description.

The Council’s Conservation Officer has advised that the changes made to the proposed development in relation to the previous scheme are acceptable. The Council’s Conservation Officer has advised that:

1) Oakmead – At present the scale and siting of the existing addition make it wholly subservient to the original building and ensure that it does not detract attention from the decorative focal point that is the main block of the building. In relation to the previous scheme, there were some concerns about the proposed scale of the extension since it would go beyond the main rear elevation of the building by approximately 2.8m and have a large flat roofed section at 5m in height. The current scheme has reduced the scale of the proposed extension to one that is now considered acceptable.

2) Changing pavilion – In relation to the previous scheme, it was considered the proposed design for this could be improved to better reflect the architectural interest and quality of the existing pavilion. This is because previously it would have been quite a plain design. The new scheme has amended the design of the changing pavilion, to one that is more striking and modern and would enhance the Conservation Area's character.

3) Dining Room – The demolition of the existing buildings to accommodate this is considered acceptable since they are not of great special interest. The design of the dining room sympathetically considers the need to maintain the green setting to the locally listed main school building. However, the height of the previous scheme was raised as a concern - has been reduced from approximately 6.27m to 5.92m, and is therefore considered acceptable.

4) Music extension – Concern was previously raised in relation to the scale of this extension in relation to the original building particularly in terms of depth, but also its height. The existing building would have been almost doubled. The new scheme has reduced scale of extension proposed and appears as more of a seamless extension, and

is now considered acceptable.

5) Front infill extension to main building – now a glazed wall infill to front extension making it more lightweight and reversible.

The Council's Conservation Officer has noted that there were some minor areas of concern that were raised that do not appear to have been altered – these being, an issue with the proposed 'fanlights' to the pre-prep building, and the lack of windows on the west and north elevations on the proposed dining hall. However, the Council's Conservation Officer has advised that, notwithstanding those minor areas of concern raised, that the proposed development would preserve the character of the South Hill Avenue Conservation Area, Area of Special Character, and the locally listed buildings affected, subject to the imposition of suitable planning conditions. Therefore, it is considered that the proposal would comply with PPS5 policy HE1, HE7.2, HE7.4, HE9.1, HE9.2, HE9.4, the draft National Planning Policy Framework, the PPS5 supporting Practice Guide saved Harrow Unitary Development Plan (2004) policies EP31, D12, D14 and D15, Core Strategy policy CS1 C/D and CS3, the London Plan (2011) policy 7.8C/D and the South Hill Avenue Conservation Area Appraisal and Management Strategy (CAAMS).

Saved policy EP44 of the Harrow Unitary Development Plan (2004) seeks to protect Metropolitan Open Land (MOL) from inappropriate development. Part of the application site – the playing fields to the east of the buildings, and a small section within the north-west tip of the site – are designated as MOL under policy EP44. However, no development is proposed to be sited within these areas, and as such the application is considered acceptable in relation to this matter. The openness would therefore be maintained.

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.

As with planning application P/0458/11, in relation to this proposal, it is considered that the proposed scheme would not have an adverse impact on the amenities of the surrounding occupiers, insofar as it relates to overlooking, loss of light and overbearing impact, in accordance with The London Plan (2011) policy 7.6B, saved policy D5 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

4) Traffic and Parking

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

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

The London Plan (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.

It is noted that the majority of representations received are in relation to the potential traffic impacts from an increase in pupil numbers. As this is not being considered as part of this application, limited weight can be given to those comments. This application relates to the proposed alterations and extensions to the buildings themselves, and other ancillary works, and not on the basis that the pupil restriction would be removed. A further application (P/0467/12) is being considered on the basis of a proposed increase in the authorised number of pupils, and the accompanying report for this application considers these matters.

Notwithstanding this, the current application does propose to improve the existing footpath between the School entrances along South Hill Avenue, to where it links up with Mount Park Road. Whilst this is linked to the increase in the number of pupils insofar as it forms part of the package of measures to improve the traffic impacts here, it is part of this application because of the nature of the physical works. It is considered that notwithstanding any decision the Council may reach on the (separate) proposals to increase the restriction on the number of students, that the proposal to improve the existing footpath is welcome.

The Council's Highway Authority has no objection to the proposal and supports the principle of the development.

The Council's Conservation Officer also has no objection in principle, but has highlighted that the South Hill Avenue Conservation Area Appraisal and Management Strategy states that the special interest of this Conservation Area relates to 'the distinctive green streetscape that provides a pleasant backdrop to the buildings' and under the problems/pressures table it states 'the erosion of grass verges would severely detract from the area because, as integral features of the area, they furnish it with its Garden Suburb' feel.' It states 'the Council will make every effort to retain the soft landscaping'.

It is noted that a large proportion of the existing footpath consists of mud/gravel, and that the grass verges highlighted in the South Hill Avenue Conservation Area Appraisal and Management Strategy are not prominent in many locations. As such, it is considered that the proposal put forward by the School represents an opportunity to improve this footpath, and to increase the level of grass verges where appropriate. As such, planning conditions are recommended that would require specific details of the proposed footpath works, to ensure that the grass verges shown as being proposed are actually installed and that the area of grass verges either side of the gravel path are maintained thereafter.

5) Development and Flood Risk

Saved policy EP12 of the Harrow Unitary Development Plan (2004) states that development likely to result in adverse impacts, such as increased risk of flooding, river channel instability or damage to habitats, will be resisted. The reasoned justification (3.47)

goes on to state that susceptibility of land to flooding is a material planning consideration. Given the uncertainty inherent in estimating flood risk and increased risk arising from climate change, Planning Policy Statement (PPS) 25: Development and Flood Risk advises local planning authorities to apply the precautionary principle to the issue of flood risk, avoiding risk where possible and managing it elsewhere.

The Environment Agency (EA) have welcomed the proposed development on the basis that it includes a number of opposite measures to reduce the risk of surface water run off and flooding. The Council's Drainage Engineers have no objection, subject to the use of planning conditions. As such, the application is considered acceptable on this basis, and suitable planning conditions are recommended.

6) Accessibility

The London Plan (2011) policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

The application has been submitted in part to improve the existing facilities, and these include measures to improve access around the site and into some of the buildings. The applicant has submitted a detailed report, referred to as a Stage D Access Report, that sets out how matters of disabled access into buildings and around the site would be catered for. As such, the application is considered acceptable on this basis.

7) Sustainability

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 Strategy in support of the application. The Energy Strategy sets out that the project would be developed in phases over a number of years, during which time both legislation that technology will advance, and requirements which are to reduce energy consumption and carbon dioxide emissions will become more stringent. As such, the applicant proposes that an energy study will be undertaken for each building or group of buildings, and whilst BREEAM for Education 2008 states that this should be carried out prior to Design Stage C, in this case, because of the long project period with changing legislation and technology, these energy studies will be carried out at the detail design stage. The applicant highlights that the energy studies will be carried out take into consideration the current energy legislation and guidance, which includes building regulations, local planning requirements and BREEAM for Education, or equivalent current at the time of assessment.

The applicant's Energy Strategy goes on to list various measures that might be applicable to fit each of the different proposals within the application. These measures focus on improving thermal insulation and airtightness, improving existing lighting, proposals for energy generation measures, such as solar thermal hot water heating, and other measures, for example rainwater harvesting to the flushing toilets.

It is considered that, on the basis of the applicant's Energy Strategy, the application is compliant with The London Plan (2011) policies listed above, and is therefore acceptable on this basis. It is noted that the proposed building for the development would be carried

out in a number of phases, and over a number of years, and as such, it is considered appropriate to secure further details of energy and sustainability measures on a regulated basis, i.e. not requiring details of all of the measures at this time. As such, and appropriately worded planning condition is recommended, which would put the onus on the applicant to demonstrate the energy and sustainability measures for each part of the development as it is built out.

8) Impact on Trees and Biodiversity

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) and its supporting Good Practice Guidance highlight that planning decisions should be based on up to date information about the environmental characteristics of the area and they should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment. Saved Harrow Unitary Development Plan (2004) policy EP28 states that biodiversity will be increased through development proposals. It is noted that part of the site parts of the site are designated as a Site of Importance for Nature Conservation on the proposals map.

The Council's Arboricultural and Biodiversity Officers have no objection in principle to the application, but have requested further details in relation to an Arboricultural assessment and details of bat/bird box provision respectively. As such, the application is considered acceptable, subject to the conditions recommended that seek further details of these.

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.

No objection has been raised with respect to issues of crime and security. It is considered that the application is acceptable in this respect.

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 Original Section106 Agreement (dated 26/01/1995) sets out a restriction on where future development can take place with regards to a plan that identifies such areas. Previous applications where such development infringes on this restriction have been subject to a Deed of Variation that allows the development to take place, notwithstanding the obligation. Similarly, should Members be minded to grant planning permission for this development, it will require a further Deed of variation to allow an exemption to be made with respect to this obligation, as otherwise it would be in breach of the said obligation. As such, the recommendation to members is such a Deed of Variation is entered into.

One might question whether the original obligation as drafted is still of value, given that previous applications for development have been granted and exemptions have been made, as is the case here. It is considered that the clause is still of value, because schools do have 'Permitted Development' rights to undertake certain extensions and alterations without the requirement for planning permission. However, in this case, the clause as drafted prevents this from happening, and therefore the Council retain control over this matter and can seek to ensure that matters such as residential amenity is protected.

11) 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 some 18 hectares – because the red line of the full application site includes the playing fields etc – 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.

12) Consultation responses

A representation has been received that states that any building work should be undertaken sensitively. Whilst this is noted, as members will be aware, the impacts of the actual construction of a development largely falls outside of the planning process. However, a planning condition is recommended that requires a Construction Management Plan to be submitted.

Comments made in relation to the number of applications submitted at this site are noted. It is the case that a set of applications was submitted in March 2010, and was subsequently withdrawn. A further set of applications submitted in March 2011 will refuse planning permission by the Council. It is not inappropriate for the applicant to submit a further set of applications to try and address the issues and concerns previously raised.

CONCLUSION

The decision to grant planning permission has been taken having regard to national planning policy, The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan as well as to other material considerations including comments received in response to notification and consultation. The development would be of a high quality design that would respect and complement the special architectural and historic interest of the existing buildings, would preserve the character and appearance of the South Hill Avenue Conservation Area and would not unduly impact on the amenities of occupiers of any neighbouring land. Whilst strong objections and concerns have been raised in relation to the number of pupils authorised to attend the school, this does not form part of these applications and as such the assessment is on the basis of the physical extensions and alterations proposed. As such approval is recommended, subject to the following conditions:

CONDITIONS

P/2946/11

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 demolition hereby permitted shall not commence before a contract for the carrying out of the works of redevelopment of the site has been made, and submitted to and approved in writing by the Local Planning Authority, and all the approvals required by the conditions attached to planning permission reference P/2890/11 have been obtained.

REASON: To safeguard the appearance of the locality and the South Hill Avenue Conservation Area, in accordance with the objectives set out under saved Policies D4, D14 and D15 of the Harrow Unitary Development Plan 2004 and Policies 7.4B and 7.8C/D/E of The London Plan 2011.

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

12228_00_00-D7, 12228_00_01-D5, 12228_00_02-D5, 12228_00_03-D5, 12228_00_04-D5, 12228_00_06-D5, 12228_00_08-D5, 12228_00_09A-D5, 12228_00_10-D4, 12228_00_11-D4, 12228_00_12-D4, 12228_00_13-D4, 12228_00_14-D4, 12228_00_18-D1, 12228_02_D7, 12228_02_01-D8, 12228_02_02-D7, 12228_02_03-D8, 12228_02_04-D9, 12228_02_05-D10, 12228_02_06-D8, 12228_02_07-D7, 12228_02_09-D5, 12228_02_10-D7, 12228_02_11-D6, 12228_02_13-D9, 12228_02_14-D8, 12228_02_23-D5, 12228_02_51-D6, 12228_02_52-D4, 12228_02_53-D5, 12228_02_56-D7, 12228_90_04-D2, 12228_90_02-D3, 12228_90_06-D3, 12228_90_07-D2, 12228_90_08-D2, 12228_90_09-D2, 12228_90_10-D2, 12228_90_12-D3, 12228_90_13-D2, 12228_90_14-D2, 12228_90_16-D1, 12228_90_17-D2, Design and Access Statement.

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

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The demolition of the wooden huts and single storey extension to Oakmead, subject to the implementation of the related planning permission P/2890/11, will not harm the character or appearance of the South Hill Avenue Conservation Area. The proposal is

therefore considered to satisfy the objective of policies contained in the Harrow Unitary Development Plan (UDP) 2004, the Harrow Core Strategy 2012, The London Plan (2011) and Planning Policy Statement 5 (PPS5) which seek to preserve Designated Heritage Assets as outlined below:-

National Planning Policy

The draft National Planning Policy Framework (2011)

Planning Policy Statement 1 - Delivering Sustainable Development (31 January 2005)

Planning Policy Statement 5 - Planning and the Historic Environment (23 March 2010)
policies HE1, HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE12.3.

London Plan (2011)

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and Archaeology

Harrow Core Strategy (2012)

CS1.B

CS1.D

CS3.A

Harrow Unitary Development Plan (2004)

D4 The Standard of Design and Layout

D12 Locally Listed Buildings

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

Supplementary Planning Document: Harrow-on-the-Hill Conservation Areas: Appendix 4(E) – South Hill Avenue Conservation Area Appraisal and Management Strategy (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.

Plan Nos: 12228_00_00-D7, 12228_00_01-D5, 12228_00_02-D5, 12228_00_03-D5, 12228_00_04-D5, 12228_00_06-D5, 12228_00_08-D5, 12228_00_09A-D5, 12228_00_10-D4, 12228_00_11-D4, 12228_00_12-D4, 12228_00_13-D4, 12228_00_14-D4, 12228_00_18-D1, 12228_02_D7, 12228_02_01-D8, 12228_02_02-D7, 12228_02_03-D8, 12228_02_04-D9, 12228_02_05-D10, 12228_02_06-D8, 12228_02_07-D7, 12228_02_09-D5, 12228_02_10-D7, 12228_02_11-D6, 12228_02_13-D9, 12228_02_14-D8, 12228_02_23-D5, 12228_02_51-D6, 12228_02_52-D4, 12228_02_53-D5, 12228_02_56-D7, 12228_90_04-D2, 12228_90_02-D3, 12228_90_06-D3, 12228_90_07-D2, 12228_90_08-D2, 12228_90_09-D2, 12228_90_10-D2, 12228_90_12-D3, 12228_90_13-D2, 12228_90_14-D2, 12228_90_16-D1, 12228_90_17-D2, Design and Access Statement

CONDITIONS

P/2890/11

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 (including brickwork bond)

b: 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 and character of the area, and to enhance the appearance of the development in accordance with Planning Policy Statement 5 - Planning and the Historic Environment (23 March 2010) policies HE1, HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE12.3, The London Plan (2011) policy 7.8, Harrow Core Strategy policies CS1.B, CS1.D and CS3.A and policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall not commence until full details of the footpath improvements works along South Hill Avenue, including, but not limited to, details of the increased provision of grass verges along South Hill Avenue and their maintenance, and details of the proposed reinforcement of driveways, have been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Planning Policy Statement 5 - Planning and the Historic Environment (23 March 2010) policies HE1, HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE12.3, The London Plan (2011) policy 7.8, Harrow Core Strategy policies CS1.B, CS1.D and CS3.A and policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004).

4 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).

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

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

6 Prior to the commencement of development details of the means of protection of the Preserved Trees shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall include details of

(i) type of protective fencing

- (ii) height of protective fencing
- (iii) location of protective fencing

The construction of the development shall be carried out in strict accordance with the approved details.

REASON: To protect retained trees on the site to maintain their longevity in accordance with saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

7 Prior to the first occupation of any of the approved buildings, details of proposed bat/bird boxes, including their locations, shall be submitted to and approved in writing by the local planning authority. No occupation shall take place of the approved buildings, until the approved details have been implemented, and thereafter shall be retained.

REASON: In the interests of improving biodiversity within the site in accordance with saved policy EP28 of the Harrow Unitary Development Plan (2004).

8 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 London Plan (2011) policy 5.13 and saved policy EP12 of the Harrow Unitary Development Plan (2004).

9 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).

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

REASON: To ensure the delivery of a sustainable development in accordance with PPS1 and its supplement Planning and Climate Change, Policies 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).

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

- 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).

12 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2011, reference GAT/3 Rev A, by Clark Smith Partnership and Appendix B supplementary information relating to re-worked landscaping areas dated February 2011 and the following mitigation measures:

1. Limiting the surface water run-off for all new development areas and reworked landscaped areas to greenfield run-off rates.
2. Provision of on site surface water to accommodate the critical duration 1in 100 year storm (plus a 30% allowance for climate change) to attenuate run-off from all new development areas and re-worked landscaped areas.
3. Surface water storage to be achieved using sustainable drainage techniques including green/brown roofs and permeable paving.

REASON: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To prevent flooding elsewhere by ensuring that sufficient storage of surface flood water is provided. 3. To ensure surface water flood storage is achieved with appropriate sustainable drainage techniques, all in accordance with the objectives set out under saved policy EP12 of the Harrow Unitary Development Plan (2004).

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

12228_00_00-D7, 12228_00_01-D5, 12228_00_02-D5, 12228_00_03-D5, 12228_00_04-D5, 12228_00_06-D5, 12228_00_08-D5, 12228_00_09A-D5, 12228_00_10-D4, 12228_00_11-D4, 12228_00_12-D4, 12228_00_13-D4, 12228_00_14-D4, 12228_00_18-D1, 12228_02_D7, 12228_02_01-D8, 12228_02_02-D7, 12228_02_03-D8, 12228_02_04-D9, 12228_02_05-D10, 12228_02_06-D8, 12228_02_07-D7, 12228_02_09-D5, 12228_02_10-D7, 12228_02_11-D6, 12228_02_13-D9, 12228_02_14-D8, 12228_02_23-D5, 12228_02_51-D6, 12228_02_52-D4, 12228_02_53-D5, 12228_02_56-D7, 12228_90_04-D2, 12228_90_02-D3, 12228_90_06-D3, 12228_90_07-D2, 12228_90_08-D2, 12228_90_09-D2, 12228_90_10-D2, 12228_90_12-D3, 12228_90_13-D2, 12228_90_14-D2, 12228_90_16-D1, 12228_90_17-D2, Design and Access Statement, Transport and Amenity Impact Assessment, Transport and Amenity Impact Assessment: Addendum, Transport and Amenity Impact Assessment: Q&A Summary, Energy Strategy, Statement of Community Involvement, Arboricultural Report, Bat Survey, Flood Risk Assessment, Stage D Access Report

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

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to national planning policy, The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan as well as to other material

considerations including comments received in response to notification and consultation. The development would be of a high quality design that would respect and complement the special architectural and historic interest of the existing buildings, would preserve the character and appearance of the South Hill Avenue Conservation Area and would not unduly impact on the amenities of occupiers of any neighbouring land. Whilst strong objections and concerns have been raised in relation to the number of pupils authorised to attend the school, this does not form part of these applications and as such the assessment is on the basis of the physical extensions and alterations proposed.

National Planning Policy

The draft National Planning Policy Framework (2011)

Planning Policy Statement 1 - Delivering Sustainable Development (31 January 2005)

Planning Policy Statement 5 - Planning and the Historic Environment (23 March 2010)

policies HE1, HE7.2, HE7.4, HE9.1, HE9.2, HE9.4 and HE12.3.

PPS9 – Biodiversity and Geological Conservation (2005)

PPS17 – Planning for Open Space, Sport and Recreation (2002)

The London Plan (2011)

3.18 – Education Facilities

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

5.13 – Sustainable Drainage

6.1 – Strategic approach

6.2 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.3 Designing Out Crime

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and Archaeology

7.17 Metropolitan Open Land

7.21 Trees and Woodlands

8.1 – Implementation

8.2 – Planning obligations

Harrow Core Strategy (2012)

CS1.B

CS1.D

CS3.A

Harrow Unitary Development Plan (2004) saved policies:

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy
D10 Trees and New Development
D12 Locally Listed Buildings
D14 Conservation Areas
D15 Extensions and Alterations in Conservation Areas
EP12 Control of Surface Water Run-Off
EP31 Areas of Special Character
EP44 Metropolitan Open Land
R4 Outdoor Sports Facilities
R5 Intensive Use Pitches
T13 Parking Standards

Supplementary Planning Document

Harrow-on-the-Hill Conservation Areas: Appendix 4(E) – South Hill Avenue Conservation Area Appraisal and Management Strategy (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

4 COMPLIANCE WITH PLANNING CONDITIONS

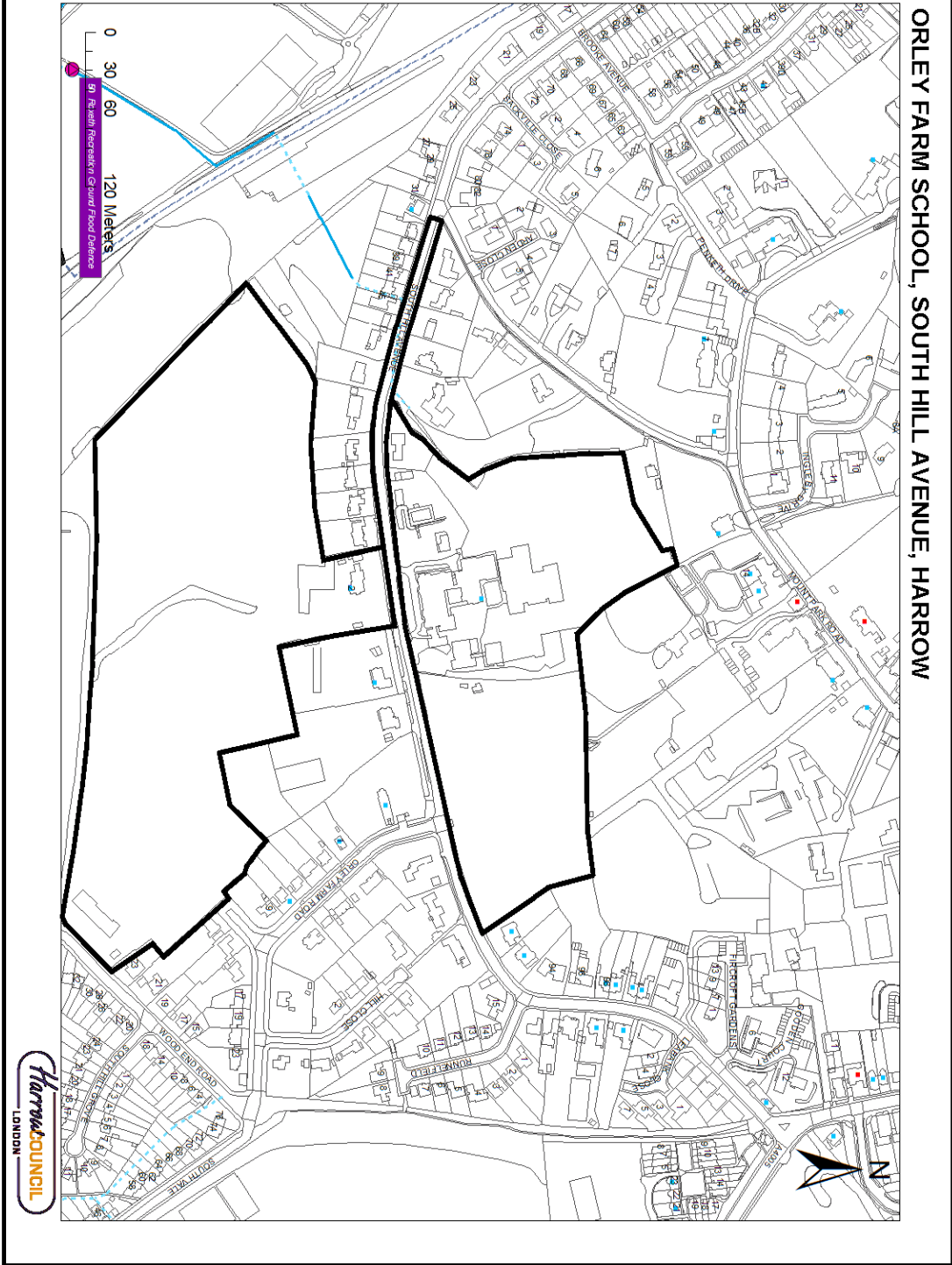
IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

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

then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plans: 12228_00_00-D7, 12228_00_01-D5, 12228_00_02-D5, 12228_00_03-D5,
12228_00_04-D5, 12228_00_06-D5, 12228_00_08-D5, 12228_00_09A-D5,
12228_00_10-D4, 12228_00_11-D4, 12228_00_12-D4, 12228_00_13-D4, 12228_00_14-
D4, 12228_00_18-D1, 12228_02_D7, 12228_02_01-D8, 12228_02_02-D7,
12228_02_03-D8, 12228_02_04-D9, 12228_02_05-D10, 12228_02_06-D8,
12228_02_07-D7, 12228_02_09-D5, 12228_02_10-D7, 12228_02_11-D6, 12228_02_13-
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12228_02_53-D5, 12228_02_56-D7, 12228_90_04-D2, 12228_90_02-D3, 12228_90_06-
D3, 12228_90_07-D2, 12228_90_08-D2, 12228_90_09-D2, 12228_90_10-D2,
12228_90_12-D3, 12228_90_13-D2, 12228_90_14-D2, 12228_90_16-D1, 12228_90_17-
D2

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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.