

SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: LAND REAR OF HEADSTONE DRIVE, WEALDSTONE

Reference: P/1265/12

Description CONSTRUCTION OF 7 X 2 STOREY BUILDINGS FOR STORAGE AND OFFICE USE (CLASS B8/CLASS B1); PHOTOVOLTAIC PANELS ON ROOF; NEW VEHICLE ACCESS FROM WALTON ROAD; PROVISION OF 12 PARKING SPACES, LANDSCAPING, REFUSE AND CYCLE STORAGE (REVISED APPLICATION)

Ward MARLBOROUGH

Applicant: HEADSTONE DEVELOPMENTS LTD

Agent: PPM PLANNING LIMITED

Case Officer: FERGAL O'DONNELL

Expiry Date: 03 AUGUST 2012

RECOMMENDATION A

GRANT planning permission subject to conditions and the completion of a Section 106 agreement by 10 October 2012. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement. The Section 106 agreement Heads of Terms would cover the following matters:

- i) Public realm improvements: Payment of £5,000 towards public realm improvements
- ii) Harrow Employment and Training Initiatives: Contribution of £10,000 towards local training and employment initiatives prior to commencement of development
- iii) The submission of a Recruitment Training and Management Plan
- iv) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- v) Planning Administration Fee: Payment of £1,000 administration fee for the monitoring of and compliance with this agreement.

REASON

The development would provide new employment floorspace in the locality supporting jobs growth and prosperity and would accord with the strategic aims of the development plan. The scale of the development has been reduced significantly since the previous refused planning application on the site P/2274/11 and it is considered that the reduction in the scale of the development, coupled with the use of appropriate conditions would ensure that concerns around the safety of pedestrians and vehicular activity along the access way to the site and noise and disturbance arising to neighbouring occupiers would

be adequately ameliorated. The development would have an appropriate appearance within the locality, provide a highly sustainable building and would not increase flood risk in the area. As such it is considered that the development would accord with the National Planning Policy Framework 2012 in ensuring that the economic, environmental and social roles are retained or improved as result of development.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, 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, and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 10 October 2012 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in absence of a legal agreement to provide appropriate provision for infrastructural facilities that directly relate to the development, would fail to adequately mitigate the impact of the development on the appearance of the wider area and provide for necessary infrastructure improvements arising directly from the development, thereby being contrary to policy 7.4.B of The London Plan 2011 and saved policies EM22 and D4 of the Harrow Unitary Development Plan 2004

INFORMATION:

This application is being reported to committee as the proposal constitutes development of non-residential floorspace exceeding 400m² and 0.1ha site area and therefore falls outside of Category 1(d) of the Scheme of Delegation.

Statutory Return Type: Smallscale Major Development

Council Interest: None

Site Area: 0.21ha

Gross Proposed Internal Floorspace: 1,166sqm

Net Additional Floorspace: 1,166sqm

GLA Community Infrastructure (CIL) Contribution: £40,810 (based on an additional net floor area of 1,166sqm)

Site Description

- The application site comprises a parcel of land to the rear of the properties at View Close, Harrow View and Headstone Drive.
- The site is surrounded by residential uses on all but the eastern side with some mature trees on the boundaries of the site adjacent to these residential properties.
- The site comprises one part of three parts of land which appear to have been "left over" after the development of the residential properties surrounding it. The site is 0.21ha in size.
- Immediately adjacent to the application site is a further small area that has been sectioned off. This area appears to be used for some low intensity security type services.
- The other parcels of land to the east of the application site are used, firstly, as a scout centre and a nursery, and the third parcel of land is used as a scrapped car lot.

- The site itself appears to have been formerly used as a car park. However, this use now appears to have ceased and the site is not publically accessible. It appears to be used on an informal basis as a breakers yard.
- The site and the neighbouring parcels of land are accessed by vehicles via the service road which serves the residential properties along Headstone Drive (No.'s 142 to 206 – even). The site can be accessed by pedestrians from the Harrow View side.
- The service road exits onto Walton Road, approximately 50 metres from the junction of Headstone Drive and Walton Road and between the rear garden of No.142 Headstone Drive and No.1 Walton Road. There is no through access onto Harrow View.
- The service road varies in width from around 3 metres up to approximately 4.5/5 metres in width in areas which serve as informal passing places but some of which are within the ownership of the residential properties along Headstone Drive.

b) Proposal Details

- It is proposed to develop the site by providing 7 two-storey commercial / industrial units on the site. The units would have B1 use (business) on the upper floor and B8 use (storage / distribution) on the lower floor.
- The units would be arranged in a U-shape creating an internal forecourt area and would provide a total of 1,166sqm of floor space over two floors.
- The forecourt area would serve as a landscaped area and also provide 12 car parking spaces, cycle spaces and refuse storage areas.
- The site would be accessed by vehicular traffic in the same way as currently, via the Walton Road entrance onto the service road and with pedestrian and cycle access from Harrow View.
- The buildings on the site would have rounded green roofs. They would be 5.75 metres in height to the eaves and 6.85 metres in height overall. Solar panels are proposed on the roofs.

Relevant History

LBH/2860/2

DEMOLITION OF 4 LOCK-UP GARAGES TO PROVIDE EXTENSION TO CAR PARK

Granted: 31-Jan-1974

EAST/1174/02/FUL

CHANGE OF USE: CAR PARK (SUI GENERIS) TO LORRY PARK, CAR PARK FOR RESIDENTS & TEMPORARY STORAGE (B1), BOUNDARY FENCING

Refused: 14-Jul-2003

Reason for Refusal:

The proposal represents an over-intensive use of the site and one which would be inappropriate, by reason of the associated disturbance and general activity that would detract from amenities of the occupiers of nearby residential properties.

P/2274/11

CONSTRUCTION OF 11 X 2 STOREY BUILDINGS FOR STORAGE AND OFFICE USE (CLASS B8/CLASS B1); PHOTOVOLTAIC PANELS ON ROOF; NEW VEHICLE ACCESS FROM WALTON ROAD; PROVISION OF 18 PARKING SPACES, LANDSCAPING, REFUSE AND CYCLE STORAGE

Reasons for Refusal:

1 The proposed intensification of the use of the service road to the rear of Headstone Drive to provide access to the site, by reason of its substandard access with Walton Road, its narrow and variable width, poor lighting and the absence of adequate natural surveillance in the area, would not provide an adequate access to the site for vehicles and pedestrians, would result in potentially hazardous vehicular movements occurring at the junction of Walton Road and along its length, to the detriment of the safety of pedestrian and vehicular traffic in the locality, contrary to policies 6.3.A/B/C, 7.3.B and 7.13.B of The London Plan 2011 and saved policies D4 and EM22 of the Harrow Unitary Development Plan 2004.

2 The proposed development, by significantly increasing the number of vehicles entering and exiting the service road to the rear of Headstone Drive adjacent to the neighbouring residential properties and by changing the vehicular use profile of the road from private motor vehicles to commercial vehicles, would result in an increase in levels of noise, disturbance and activity and could potentially inhibit the use of service road for residential enjoyment, to the detriment of the amenity of the neighbouring residential properties at No.1 Walton Road and along Headstone Drive, contrary to policy 6.3.A/B/C of The London Plan 2011 and saved policy EM22 of the Harrow Unitary Development Plan 2004.

Applicant Submission Documents

- Planning Statement;
- Employment Land Assessment;
- Transport Statement;
- Energy Strategy Report;
- BREAAAM Design Stage Assessment;
- Design and Access Statement;
- Statement of Community Involvement;
- Flood Risk Letter (dated 17 April 2012)

Consultations

Environment Agency

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

We recommend the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.

If you have identified drainage problems at this site through your Strategic Flood Risk Assessment or Surface Water Management Plan, you may want to request a formal Flood Risk Assessment from the applicant in line with Flood Risk Assessment Guidance Note 1

Drainage Team

No objections subject to conditions

Highway Authority (summarised as follows):

The principle of the development, the traffic generation, car parking, access and refuse

arrangement are considered to be acceptable subject to appropriate conditions

Advertisement: Major Development

Expiry: 14 June 2012

Site Noticed Erected: 29 May 2012

Expiry: 19 June 2012

Notifications

Sent: 327

Replies: 6

In addition, a petition has been received including 22 signatories from 11 different addresses

Expiry: 06 June 2012

Neighbours Consulted:

Harrow View: Flats 1-8 at Harley Court, Flat 1-12 Beverley Court, 178-219, 184A, 188A, 188B, 191A, 194A, 194B, 211A, 213, 215A, 217A, 217B, 219, 219A, 220-226 (even)

Headstone Parade, Headstone Drive: 1, 1A, 2, 2A, 3, 3A, 4, 4A

Headstone Drive: Kodak Site, Caryl Thomas Clinic, Flats 1 & 2, 118-206 (even), 159-177 (odd), 150A, 164A, 170A, 182A, 188A, 190A

Headstone Gardens: The Quadrant, 38A, 38-52 (even), 40A, 57A, 57-91, 65A

Harley Road: 2-64 (even)

View Close: 1-18, 12A, 13A

Walton Road: 1, 1B, 2-16, 17-27 (odd)

Walton Close: 1-18, 10A

Summary of Responses:

- Detriment to the value of the surrounding properties
- Development would introduce crime risk on unsecured lands
- Local parking spaces would be occupied by users of the properties / inadequate parking spaces
- Size of buildings would result in a loss of light / privacy / Right to Light issues
- Danger to pedestrians and children
- Legal ownership of the alleyway
- No demand in this area for the type of units proposed
- Public safety concerns relating to access, noise and traffic
- Application not in the interests of the public at large

Summary of Responses from Petition:

- Development would infringe on neighbouring vistas
- Noise disturbances that may arise
- Development would introduce crime risk on unsecured lands
- Local parking spaces would be occupied by users of the properties / inadequate parking spaces

APPRAISAL

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

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

Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

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) Employment, Principle of Development and Land Uses
- 2) Character and Appearance of the Area
- 3) Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) Development and flood Risk
- 7) Sustainability
- 8) Statement of Community Involvement
- 9) S17 Crime & Disorder Act
- 10) Consultation Responses

1) Employment, Principle of Development and Land Use

The principle of the use of the land for employment land uses has been considered recently in planning application P/2274/11, and though concerns were raised in relation to uncertain demand and the marketability of the units within a tightly constrained location, given the existing low return of this site, it was recognised that the use of the site for more intensive uses could have a positive impact in terms of the economic activity and employment provided.

Since the determination of this previous application on the site, the National Planning Policy Framework [NPPF] has superseded the previous Planning Policy Statements and Guidance documents at national level and at a local level the Council has adopted the Harrow Core Strategy 2012. The NPPF sets out a presumption in favour of "sustainable development" which it defines as meeting the needs of the present without compromising the ability of future generations to meet their own needs. In line with recently Ministerial comments, the adopted NPPF places significant emphasis on securing economic growth in order to create jobs and prosperity and ensuring the planning system is well equipped to support these aims. The Harrow Core Strategy has adopted a spatial aim for the borough and seeks to consolidate the Harrow and Wealdstone Intensification Area as a centre of economic development and employment. The site lies just outside of the Harrow and Wealdstone Intensification Area but is currently vacant and is providing a low return. In light of the increased emphasis on economic development within the NPPF, it is considered that adopted national policy would add further weight to the previously accepted principle of use of the site for employment purposes. The development of the site for employment use would also be supported by saved policy EM12 of the Harrow UDP which states that the Council will seek to encourage the development of small industrial units and workshops, subject to site specific criteria. It is therefore considered that the principle of the proposed development would accord with national planning policy and the adopted development plan.

2) Character and Appearance of the Area

Good design lies at the heart of national planning policy guidance. London Plan policies 7.4.B, 7.5.B and 7.6.B and saved policy D4 of UDP set out a number of design objectives that new developments should seek to achieve, with the underlying objective of requiring new development to be of high quality design. Policy 7.4.B and saved policy D4 of the UDP pay particular reference to design being correct in its context and respecting the public and local realm. Policy CS1.B of the recently adopted Core Strategy requires all new development to respond positively to local context in terms of design, siting, density and spacing and reinforce the positive attributes of local distinctiveness.

The site is located within a predominately residential location. The site itself is unusual, in that it appears to have been left over when the estates surrounding the development were constructed. The site and the neighbouring properties to the east are more commercial in nature and it is within the context of these sites that the development site could be more appropriately compared.

In seeking to respect the residential character of the surrounding area, the primary material to be used would be brick. The rounded roofs of the units and the forecourt setting provided would nonetheless distinguish the units as commercial properties. It is considered that this would be appropriate for the type of development proposed. The development would be consistent with the two-storey scale of the surrounding development and, as the units would have rounded rather than pitched roofs, the units would be marginally lower than the surrounding residential development albeit of a scale that clearly marked them out as commercial units. The green roofs proposed and areas between the buildings and the site boundaries would introduce an element of greenery to the site which would be a positive aspect of development. It is considered that the proposed development would respond satisfactorily to the residential and commercial context of the site and would remove an area of poorly maintained land. The proposed buildings on the site would therefore complement the mixed character and appearance of the area and no objection is raised in this respect.

The use of the service way by larger vehicles and potentially smaller HGV type vehicles would have an impact on the character of the area also, potentially changing the use profile of this service lane which is currently used at a relatively low intensity and primarily by private motor vehicles. The service road does have some commercial activity already along it but its primary role appears to be to provide access to garages and parking areas to the homes along Headstone Drive. Nonetheless, given the low generation of vehicular traffic that would be expected from this use (this is discussed in further detail in sections 3 and 4 of the Appraisal below), it is considered that the proposed development would not measurably alter the character of the area.

Trees and New Development

There are a number of trees adjacent to the site. The Council's Arboricultural officer has commented on the application and subject to the use of appropriate conditions, it is considered that the trees could be retained and the development does not therefore raise any objections in this respect.

3) Amenity

The buildings on the site would be located adjacent to the residential properties at View Close and Harrow View. The buildings would be sited between 3.75 and 3.9 metres from the boundaries of these properties. There are trees at the rear of many of the residential properties and many others have outbuildings on the rear boundaries. Though these

elements are not present on all properties abutting the site, the proposed buildings are relatively modest in scale and the rear gardens of the properties abutting the site are also relatively generous. Given the depth of the gardens abutting the site, the presence of physical screens such as the outbuildings and trees, the modest physical scale of the development and the location of the site to the north and west of those residential properties in closest proximity to the site, it is considered that the proposed buildings on the site would not have undue overbearing or overshadowing impacts upon the neighbouring properties. Windows are proposed on the ground floor of the unit and false reveals on the first floor. However, as these would be sited almost 4 metres from the rear boundaries of the neighbouring properties and the commercial use of the units would mean that overlooking would be limited, it is considered that there would be no undue loss of amenity to the neighbouring occupiers. The proposed B1 uses on the site would also, by definition, not be harmful to neighbouring residential properties.

The development is designed in such a way so as to orientate operations towards the courtyard in the centre of the site. The buildings themselves would therefore act as a physical buffer to noise arising from the development. It is considered that hours of operation could be controlled by condition, and therefore noise and disturbance arising from the site itself would not have an undue impact on the amenities of the neighbouring occupiers. Air source heat pumps are, however, proposed adjacent to the rear boundaries of the neighbouring occupiers. Though these units can cause noise, it is considered that these units can operate successfully in residential areas without undue detriment to residential amenities. Subject to conditions therefore in relation to the noise emanating from these units, it is considered that there would be no undue impact arising to neighbouring occupiers from disturbance or noise from the operations within the site, thereby acceding with policy 7.15.B of The London Plan 2011 and saved policies EP25 and EM22 of the Harrow Unitary Development Plan 2004.

In considering the previous application on the site, planning application P/2274/11, concern was raised in relation to the use profile of the service road access to the site and the impact this would have on the neighbouring properties in terms of disturbance and general convenience. As is discussed below, the Highway Authority has commented on the application. The applicant asserts that the proposed development would provide an additional 50 vehicles entering or exiting the site over the course of the working day. The Highway Authority, in considering the evidence produced for trip generations for this type of use consider this to be a broadly fair assertion. Though the site has a relatively low use profile at the current time, such additional levels of vehicular traffic would have a very low measureable impact in highway terms. Likewise, such low levels of vehicular movements, about 50% below the number of trips previously proposed in planning application P/2274/11, would be likely to have a negligible impact on disturbance or convenience arising to the neighbouring properties. Though disturbance would be most keenly felt at No.1 Walton Road at the entrance to the access road, even here it is considered that the marginal increase in vehicular activity associated with the proposed development would not be unreasonable.

The applicant has suggested the use of a Grampian style condition to overcome the poorly surfaced access way to the site and though this may lead to higher vehicle speeds, it is considered that the improvement of the road surface, given the relatively marginally increase in vehicle numbers along the access way would benefit many of those properties adjoining the access way. Accordingly, though the impacts of additional traffic and the noise and disturbance this may create to neighbouring occupiers are noted, it is considered that these impacts would be of a minor scale and no unreasonable impacts

upon the amenities of the neighbouring occupiers would arise. Accordingly, it is considered that the reduction in the scale of the operations at the application site, in comparison with the previous application on the site P/2274/11, would be sufficient to ameliorate the impacts previously considered unacceptable, thereby according with saved policy EM22 of the Harrow Unitary Development Plan 2004.

Refuse stores would be located well away from residential properties and would not therefore have an undue effect on residential amenity.

4) Traffic, Safety and Parking

In the previously refused application, P/2274/11, it was considered that the level of the proposed intensification of use of the service road access to the site, in association with the substandard access to the site would have a detrimental impact upon pedestrian and vehicular safety. In seeking to address this reason for refusal, the applicant has reduced the scale of the proposed development on the site, thereby reducing the level of traffic throughout the course of the working day by almost 50% (from 72 to 50 vehicles in and out of the site during the working day).

The Council and the applicant are in agreement that the condition of the existing service road is poor. In this respect, the applicant has suggested that they would accept a Grampian type condition requiring them to improve the service road, prior to the commencement of development. As the applicant's have indicated that they have the legal rights to do this work, such a condition would be reasonable.

In the previous planning application, P/2274/11, concerns were raised in respect of the variable width of the service road and the distances that would need to be reversed were vehicles to meet along this access road and egress onto Walton Road, given the level of the increase in the number of vehicles along the access road (the applicant had previously stated that 72 vehicles would go into or out of the access way as a result of the development proposed in planning application P/2274/11).

As discussed above, the applicant has stated that the current proposal would be likely to result in 50 additional vehicle movements into or out of the access way leading from the site to Walton Road, which the Highway Authority consider to be broadly fair. In terms of the level of traffic generated by the proposed development, as a result of the reduction in the level of vehicles that would use the access road in comparison with the previous application, it is considered that the proposal would now be of a scale that would be de-minimis in measureable highway impact terms as compared to overall traffic flows in the area. The access environment would benefit from a measured improvement to the service road for both vehicular and pedestrian movements, which could be secured by condition. Though concerns remain in relation to the variable access width of the access way to the site, given the reduction and low level of traffic that would be likely along the access way, it is considered that incidents of vehicles meeting along the access way would be low. Improvements along the access way, which would be secured by condition, could also improve passing points along the access way. Furthermore, the proposed use of the site would also provide betterment to the public environment by allowing refuse and similar scale vehicles to enter and exit the access way in forward gear, as opposing to the current situation whereby these vehicles reverse into the access way and exit in forward gear.

Given the low frequency of additional vehicular movements along the access way, and the benefits that would be provided to the public realm in terms of the improvements to

the access way and the fact that refuse and other similar scale vehicles could enter and exit the service way in forward gear, despite the concerns in relation to the variable width of the access way, it is considered that the traffic generated by the development would not have an unreasonable impact on pedestrian or vehicular safety.

The total number of on-site parking spaces equates to 12 for the combined B8/B1 uses. This should include for a minimum of 2 disabled spaces and 5 to be provided. This level of provision exceeds Council UDP and London Plan maximum parking standards. However, as the space provision would not only facilitate employee/business purpose demand but also servicing needs it is considered that on balance this higher level of provision for the 'dual purpose' use is justified at this location given the likely reduced impact, in parking terms, on the neighbouring access road and adjacent residential roads. This level of provision is therefore welcomed and should include for 20% of the spaces to be provided for Electric vehicles with a further future 10% passive provision in line with London Plan standards. These electric charging points could be secured by condition.

As discussed above, a turning facility within the site would allow for refuse vehicles to enter and exit the access way in forward gear, to the betterment of the public realm. The refuse arrangements are considered to be acceptable in highway terms.

As such, and subject to conditions relating to the betterment of the service road, the provision of electric charging point and the submission of a Construction Logistics Plan, it is considered that the reduction in the number of vehicles using the access way would be sufficient to overcome concerns in relation to pedestrian and vehicular safety and provide betterment to the public realm, thereby acceding with policies 6.3.A/B/C and 6.13.C/D/E of The London Plan 2011 and saved policies T6, T13 and EM22 of the Harrow Unitary Development Plan 2004

5) Accessibility

The applicant has not addressed how access arrangements would be set up to ensure access for all persons. However, it is considered that access to the building for all persons could be secured by condition and no objection is therefore raised in this respect. The development would therefore accord with policy 7.2.C of The London Plan 2011, saved policies D4 and C16 of the Harrow Unitary Development Plan 2004 and the adopted SPD: Access for All 2006.

6) Development and Flood Risk

A small part of the southern part of the site is located within Flood Zone 2, as designated by the Harrow Strategic Flood Risk Assessment (SFRA). This zone is defined as having a medium risk of flooding. The Environment Agency have commented on the application and referred the Council to the EA flood risk matrix. The Council's Drainage Team have also commented on the application and determined that the sequential tests or an FRA are not required for this development. However, they have suggested conditions in order to ameliorate any potential flood risk. Subject to such conditions, the development would accord with the policies of the development plan. No objection is therefore raised in respect of flood risk.

7) Sustainability

The applicant has submitted Sustainability and Energy Strategy for the development. The proposed development will aim for an 'excellent' BREAAAM standards though it is acknowledged that some aspect of the design may vary throughout the build phase, reducing the sustainability of the site to 'very good' levels. Nonetheless, the design of the

building would meet London Plan policies and no objection is therefore raised in this respect. A condition is attached to this application to ensure the development meets the stated targets and accord with the provisions of the development plan.

8) Statement of Community Involvement

The applicant has submitted, within the Planning Statement and Design and Access Statement, information relating to pre-application discussions with local residents. The involvement included the distribution of flyers and a presentation meeting with neighbours and interested parties. The applicant has therefore fulfilled their obligations as set out in the NPPF and Localism Act.

9) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. The site itself does not raise specific design issues in this respect. Some concern was raised in respect of the previous application in relation to surveillance issues along the access way. However, given the reduction in the scale of the proposed development from the previous situation and the prevailing situation, it is considered that any crime risk along the street would not be exacerbated. Rather, the relatively minor increase in activity in the area may create a deterrent to crime in the area. The development of the site would also bring into frequent operational use an underused plot of land, which would act as a further deterrent to anti-social behaviour. As such, and on balance, it is considered that the proposed development would not increase crime risk or safety in the locality, thereby according with policies 7.3.B and 7.13.B of The London Plan 2011 and saved policy D4 of the Harrow Unitary Development Plan 2004. Nonetheless, to ensure the site is secure, a condition is recommended in relation to Secured by Design issues.

10) Consultation responses

Detriment to the value of the surrounding properties

The value of surrounding properties is not a material consideration in the determination of planning applications

Development would infringe on neighbouring vistas

Views or vistas, other than those considered to be of public or strategic importance, are not a material planning consideration

Disturbances that may arise

This issue has been addressed in Section 3 of the Appraisal above

Development would introduce crime risk on unsecured lands

The full use of the site would be likely to act as a deterrent to any crime or security issues. In addition, a condition is attached to this permission requiring the development to accord with Secured By Design procedures. As such, it is considered that the development would not result in any crime or safety issues

Local parking spaces would be occupied by users of the properties / inadequate parking spaces

The development would provide an over provision of parking spaces above UDP or London Plan standards. In this instance, such an over provision is considered to be appropriate given the 'land-locked' nature of the site and the absence of nearby parking spaces.

Size of buildings would result in a loss of light / privacy / Right to Light issues

These issues have been discussed in Section 3 of the Appraisal above. In relation to the Right to Light, the Right to Light falls outside of planning legalisation and cannot be considered as part of this application

Danger to pedestrians and children

This issues has been discussed in Section 4 of the Appraisal above

Legal ownership of the alleyway

The applicant has confirmed that they have the legal right to access the application site

No demand in this area for the type of units proposed

The Council Annual Monitoring Report, produced as part of the Local Development Framework process, confirms that there is demand for small and start up industrial units, above all other types of industrial / commercial units. Notwithstanding this, the NPPF states that any additional provision of employment spaces should be encouraged and welcomed

Public safety concerns relating to access, noise and traffic

These issues has been discussed in Sections 3 & 4 of the Appraisal above

Application not in the interests of the public at large

As discussed in Section 1 of the Appraisal above, the development would be supported by strategic policy for the borough and adopted planning policy, including the recently adopted Harrow Core Strategy 2012. As the adopted planning policy has been the subject of rigorous public scrutiny, it is reasonable to state that the development would therefore be in the interests of the public at large. Additionally, the impact of development of the amenities of the local properties have been considered in Section 3 of the Appraisal above, whereby it was found that the development would have an acceptable impact on the surrounding properties, subject to appropriate conditions.

CONCLUSION

The development would provide new employment floorspace in the locality supporting jobs growth and prosperity and would accord with the strategic aims of the development plan. Though the shortcomings of the access way to the site and the risks to vehicular and pedestrian safety that these shortcomings pose are recognised, it is considered that the scale of the proposed development is of such so as to be relatively minor impact on the surrounding area. It is considered that conditions of development would ameliorate any impacts arising to a satisfactory extent and coupled with the strategic policy support for such development, it is considered that the development would represent a sustainable form of development. As such it is considered that the development would accord with the National Planning Policy Framework 2012 in ensuring that the economic, environmental and social roles are retained or improved as result of development.

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

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

a: the proposed building

b: the ground surfacing

c: the boundary treatment

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

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

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

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

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

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

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

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

6 Prior to the development hereby approved being brought into use, details of a scheme for external lighting to the site shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that lighting within the site does not cause unacceptable nuisance to residents in the adjacent dwellings, thereby according with saved policy D4 of the Harrow

7 No demolition or site works in connection with the development hereby permitted shall commence the boundary of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of highway safety and the amenities of the neighbouring occupiers, thereby according with policies 6.13.C/D/E and 7.6.B of The London Plan 2011 and saved policies D4 and T13 of the Harrow Unitary Development Plan 2004

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

REASON: To ensure that the proposed development does not give rise to noise or odour nuisance to neighbouring residents, thereby according with saved policies EP25, R15 and D4 of the Harrow Unitary Development Plan 2004.

9 The development hereby permitted shall only be used within the following hours:

0800 and 2000hrs on Mondays to Fridays;

0800 and 1800 hours on Saturdays;

and at no time on Sundays or Bank Holidays.

No deliveries shall take place outside of these hours.

REASON: To safeguard the neighbouring occupiers from undue levels of noise and disturbance, thereby according with policy 7.15.B of The London Plan 2011 and saved policies EP25 and D4 of the Harrow Unitary Development Plan 2004

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

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

11 The air source heat pumps hereby approved shall not be installed on the site until a Noise Report for the air source heat pumps, demonstrating that the noise emitted from the site would not exceed the existing background noise levels at the nearest residential property to each air source heat pumps, has been submitted in writing for approval by local planning authority. The air source heat pumps shall be installed in accordance with the approved Noise Report and thereafter retained in that condition.

REASON: To ensure that the air source heat pumps do not result in unreasonable levels of noise nuisance, thereby according with the provisions of policy 7.15.B of The London Plan 2011 and saved policies EP25 and D5 of the Harrow Unitary Development Plan 2004.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development

- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

13 No development shall take place until a construction method statement and plan for the formation and layout of the access road leading from Walton Road to the application site has been submitted in writing for approval to the local planning authority. The formation and layout of the access road shall be completed in accordance with the approval details and thereafter retained in that form.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policy D4 and T13 of the Harrow Unitary Development Plan 2004.

14 The development hereby permitted shall be carried out in accordance with the Transport Statement and Framework Travel Plan. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the development an assessment of the methods contained within the Transport Statement and Framework Travel Plan shall be undertaken submitted to the local planning authority for approval in writing.

REASON: To ensure the satisfactory provision of facilities for all users of the site and in the interests of highway safety, in accordance with policy 6.3.A/B/C of The London Plan 2011 and saved policy D4 and T13 of the Harrow Unitary Development Plan 2004.

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

REASON: To ensure the development provides for all potential users of the units, thereby according with policy 7.2.C of The London Plan 2011 and saved policies D4 and C16 of the Harrow Unitary Development Plan 2004.

16 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 Energy Strategy Report and BREAAAM Design Stage Assessment; which thereafter shall be submitted to the Local Planning Authority for written approval.

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

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012,

policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan 2004

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk accordance with the National Planning Policy Framework 2012, policy 5.12.B/C/D of The London Plan 2011 and saved policy EP12 of the Harrow Unitary Development Plan 2004

19 Before the commencement of development on site, details of the green roofs shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include:

a: Plant selection comprising predominately native species appropriate to and applicable for aspect and use to encourage biodiversity

b: An agreed mix of species to be planted within the first planting seasons as agreed in writing by the Local Planning Authority, following practical completion of the building works.

The development shall be carried out in accordance with the details approved, and shall thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the green roof would have an acceptable appearance on the character and appearance of the locality in the longer term, thereby according with policies 5.3.B/C and 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policies D4 of the Harrow Unitary Development Plan 2004

20 PLANLIST - 5026/2/01; 5026/2/02; 5026/2/05; 5026/2/20; 5056/2/26 B; 5026/2/27 A; 5026/2/28; 5026/2/29; 5026/2/30; 5026/2/31; 5026/2/32 A; 5026/2/35 A; 5026/2/36 B; 5026/37 A; 5026/2/40; 5026/2/41; 5026/2/42 A; 5026/2/45 A; 5026/2/46 A; 5026/2/50 A; 5026/2/60; 5026/2/70; 5026/2/80; 5026/2/100; 5026/2/110; Planning Statement; Employment Land Assessment; Transport Statement; Energy Strategy Report; BREAAAM Design Stage Assessment; Design and Access Statement; Statement of Community Involvement; Flood Risk Letter (dated 17 April 2012)

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The development would provide new employment floorspace in the locality supporting jobs growth and prosperity and would accord with the strategic aims of the development plan. The scale of the development has been reduced significantly since the previous refused planning application on the site P/2274/11 and it is considered that the reduction in the scale of the development, coupled with the use of appropriate conditions would ensure that concerns around the safety of pedestrians and vehicular activity along the access way to the site and noise and disturbance arising to neighbouring occupiers would be adequately ameliorated. The development would have an appropriate appearance within the locality, provide a highly sustainable building and would not increase flood risk in the area. As such it is considered that the development would accord with the National Planning Policy Framework 2012 in ensuring that the economic, environmental and social roles are retained or improved as result of development.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, 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, and any comments received in response to publicity and consultation.

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

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

5.3.B/C – Sustainable Design and Construction

5.7.B – Renewable Energy

5.9.B/C – Overheating and cooling

5.11.A – Green Roof and Environs

5.12.B/C/D – Flood Risk Management

5.15.B/C – Water Use and Supplies

6.3.A/B/C – Assessing the Effects of development on transport capacity

6.5 – Funding Crossrail and other strategically important transport infrastructure

6.7 – Better Streets and surface transport

6.9 – Cycling

6.10 – Walking

6.12.B – Road Network Capacity

6.13.C/D – Parking

7.2.C – An Inclusive Environment

7.3.B – Designing out Crime

7.4.B – Local Character

7.5.B – Public Realm

7.6.B – Architecture

7.13.B – Safety, Security and Resilience to emergency

7.15.B – Reducing Noise and Enhancing Soundscapes

The Harrow Core Strategy 2012

CS1.B/O/Q/S/U – Overarching Policy

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

EP12 – Control of Surface Water Run-Off

EP25 – Noise

D4 – The Standard of Design and Layout

EM12 – Small Industrial Units and Workshops

EM22 – Environmental Impact of New Business Development

C16 – Access to Leisure, Recreation, Community and Retail Facilities

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006

Supplementary Planning Document: Sustainable Building Design 2009

Other Relevant Documents

Harrow Sustainable Community Strategy 2009

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.

5 CONSTRUCTION METHODS

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

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

6 THAMES WATER ADVICE

Waste Comments

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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

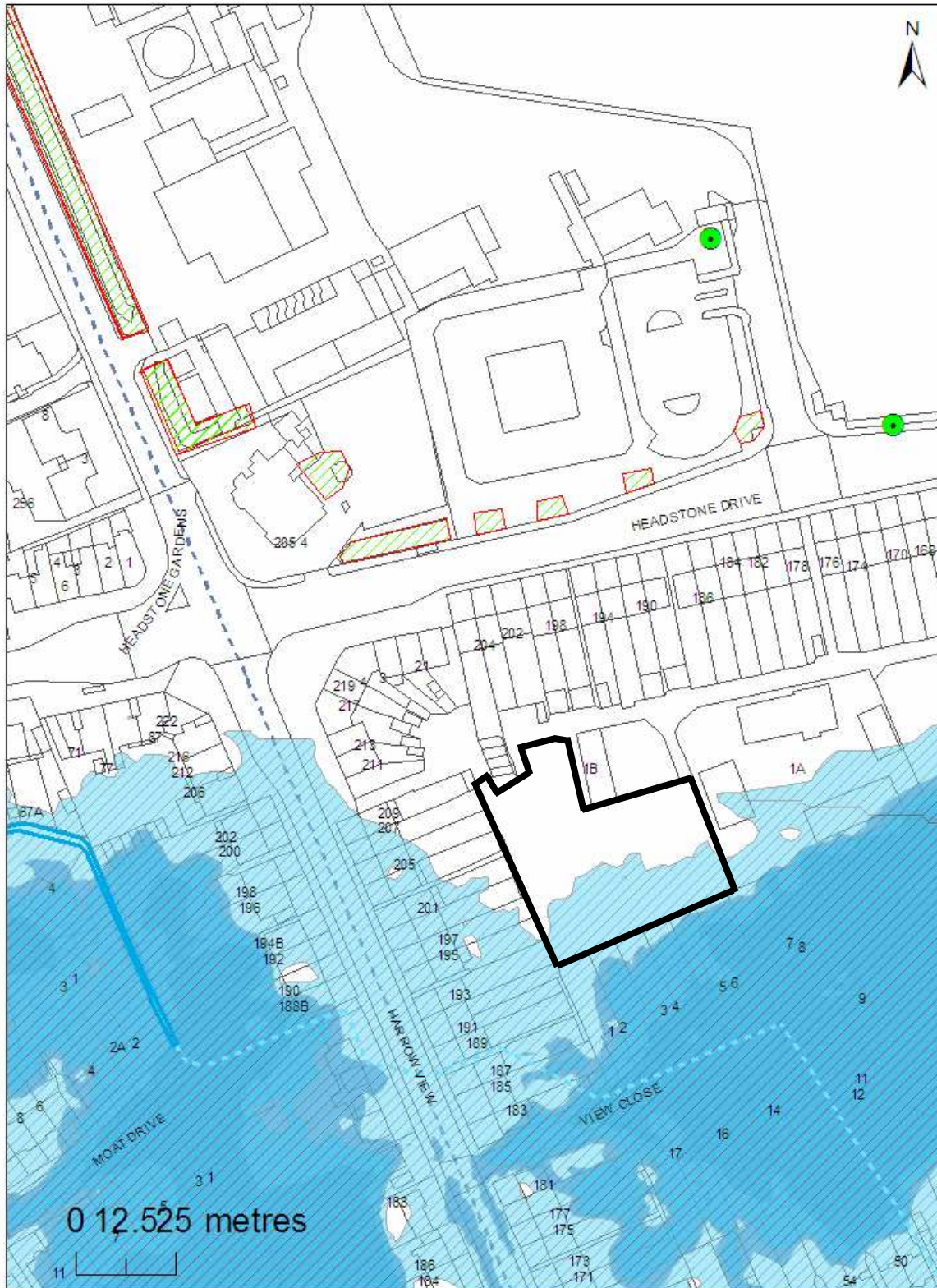
Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Plan Nos: 5026/2/01; 5026/2/02; 5026/2/05; 5026/2/20; 5056/2/26 B; 5026/2/27 A; 5026/2/28; 5026/2/29; 5026/2/30; 5026/2/31; 5026/2/32 A; 5026/2/35 A; 5026/2/36 B; 5026/37 A; 5026/2/40; 5026/2/41; 5026/2/42 A; 5026/2/45 A; 5026/2/46 A; 5026/2/50 A; 5026/2/60; 5026/2/70; 5026/2/80; 5026/2/100; 5026/2/110; Planning Statement; Employment Land Assessment; Transport Statement; Energy Strategy Report; BREAAAM Design Stage Assessment; Design and Access Statement; Statement of Community Involvement; Flood Risk Letter (dated 17 April 2012)

LAND REAR OF HEADSTONE DRIVE, HARROW



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Item No. 1/02

Address: ST BERNADETTES PRIMARY SCHOOL, 49 CLIFTON ROAD, HARROW

Reference: P/0817/12

Description: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND REDEVELOPMENT TO PROVIDE NEW SINGLE AND TWO STOREY BUILDING; ASSOCIATED LANDSCAPE WORKS TO INCLUDE JUNIOR HARD PLAY AREA (ENCLOSED) SOFT PLAY AREAS AND REPLACEMENT CAR PARKING CYCLE STORAGE; PROPOSED NEW VEHICULAR ACCESS GATE FROM CLIFTON ROAD; NEW BOUNDARY FENCING; HEAT PUMPS.

Ward: KENTON EAST

Applicant: The Governing Body, St Bernadettes Catholic Primary School

Agent: DHP

Case Officer: Abigail Heard

Expiry Date: 10/08/12

RECOMMENDATION

GRANT planning permission subject to conditions:

REASON

The proposed school will form an invaluable piece of social infrastructure improving facilities for local people. The school is considered to be of a good sustainable design which makes a positive contribution to the character and appearance of the area whilst respecting the environment. The school is not considered to have a significantly harmful detrimental impact on the amenities of any neighbouring occupiers and will not significantly increase flood risk in the area. The proposal is not considered to result in unacceptable additional pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users. 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 guidance contained within the National Planning Policy Framework 2012.

INFORMATION

The application is reported to the Planning Committee because it is a major planning application and therefore falls outside category 1(d) of the Council's scheme of delegation.

Statutory Return Type:**Council Interest:** None**Gross Floorspace:** 2779 sq m**Net additional Floorspace:** 211 sq m**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** n/a**Site Description**

The application site is currently occupied by a 446 pupil 2 form-entry school

The application site forms a trapezoid shaped level piece of land amounting to 0.8 hectares and is bound to the south and west by the rear gardens of houses in Clifton Road, Winchester Road, Malvern Gardens and Radley Gardens and to the east and north by Queensbury public park

61% of the site is currently occupied by buildings or is hard landscaped

The school accommodation comprises the original 1960's building which has been extended in a similar style several times to provide additional classroom space and two ageing double temporary classroom buildings towards the rear of the site.

A caretakers house is located to the front of the site and this is currently utilised by the School.

Proposal Details

This application seeks permission for the demolition of the existing school and erection of a new school.

The proposed school will be located to the east of the site and extend to two storeys in height

The school will be finished in a mixture of red and yellow brickwork with aluminum window frames and a blue grey curved panelled roof

The development will result in the provision of additional accommodation for the future possible addition of a 26 FTE place nursery, although the planning statement advises that there will be no increase in pupils with immediate effect as the provision of a nursery would be subject to separate statutory proposals and consultations at a later date.

Parking on site will remain in the same position as is currently the case with 13 parking spaces provided 2 of which are proposed to be accessible.

33 secure covered cycle racks are to be provided as part of the proposed development

The existing vehicular site access is proposed to be marginally relocated northwards.

A new segregated pedestrian entrance is proposed as part of the development with a zebra crossing (within the school grounds) which leads to the main school entrance.

Gas absorption heat pumps are proposed to provide some energy to the building with photovoltaic tiles

The building will be constructed to BREAM excellent standard.

Relevant History

P/0904/08DFU – 3m high weldmesh fencing along northern and eastern boundaries with Queensbury recreation ground

Granted – 13/05/08

East/1034/02/FUL – Installation of replacement windows and wrought iron gates and fencing

Granted – 02/12/02

East/45227/92/FUL – Replacement of existing mobile classroom

Granted - 29/09/92

LBH/36003 – Single storey classroom building and replacing two existing classrooms
Granted - 18/07/88

LBH/959/7 – Continued use of two additional classrooms units
Granted – 15/02/78

LBH/959/6 – Extension kitchen to provide wash up
Granted – 30/01/76

LBH/959/5 – Erection of 12 ft High chain link fence
Granted – 20/10/75

LBH/959/4 – Erection of first floor
Granted – 11/12/73

LBH/959/3 – Continued use of two additional temporary classrooms
Granted – 04/02/71

LBH/959/2 – Erection of Single storey extension to provide kitchen and games store
Granted 30/10/70

LBH/959/1 – Erection of Single Storey temporary classroom units
Granted – 25/01/66

HAR/4545/D – Erection of 2 additional temporary classrooms
Granted - 14/04/65

HAR/4545/C – Additions to School Premises
Granted – 02/12/55

HAR/4545/A – Erection of Caretakers Cottage
Granted 23/08/51

HAR/4545 – Erection of gym and caretakers cottage
Granted – 22/02/51

Pre-Application Discussion (PAM/ENQ/00007)

The principle of the proposed school is considered acceptable

Corridors appropriate widths

Construction Plan should accompany any planning application

Details on the community use would need to be included in the travel plan

Tree survey is required

Landscaping requires significant consideration

Bin storage requires screening

Applicant Submission Documents

Planning Statement

Gas absorption Heat pumps specification

Consultations

Highways Authority

Subject to further details submitted with regard to the trips attributed to the community use outside of school hours and an increase in cycling spaces to 50 the redevelopment of the school is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity.

Advertisement

Major Development – Expiry 09/07/12

Notifications

Sent: 116

Replies: 0

Expiry: 09/07/12

Addresses Consulted

17 – 55 (odds) Radley Gardens

Flat A, B and C 17 Radley Gardens

2 – 48 (evens) Malvern Gardens

28a, 28b and 35b Malvern Gardens

58 – 90 (evens) Clifton Road

St Bernadettes School House, Clifton Road

Queensbury Recreation Ground

73 – 87 (odds) Winchester Road

77 – 147 (odds) St Pauls Avenue

Summary of Responses

None Received

APPRAISAL

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) S17 Crime & Disorder Act
- 9) Consultation Responses

Principle of the Development

The existing school has a number of temporary classrooms which require significant investment to make them fit for purpose and furthermore the classrooms in the existing school are undersized. In addition to this the existing school is expensive to maintain (poor insulation) and poorly arranged internally. The proposed school is sustainable (BREEM standard excellent) and will result in a significant improvement in education facilities for local people and in a building which is fit for its current purpose. The principle of the development is therefore considered acceptable and the proposal will comply with policy CS1 of Harrow Core Strategy 2012 which states that 'The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements'. Further to this the proposal is also considered to comply with policy C7 and C2 of the Harrow Unitary Development Plan 2004 and policy 3.18 of the London Plan 2011 which seeks to ensure inter alia that development proposals which enhance education and skills provision are supported.

In addition to the above it is proposed that the local community will be able to use the proposed school hall, meeting rooms and ICT facilities outside of school hours, improving the availability of social infrastructure for local people. The development is therefore considered to comply with policy 3.16 of the London Plan 2011 which states that 'Wherever possible, the multiple use of premises should be encouraged'.

There is also provision for a nursery as part of the redevelopment. There is a lack of nursery provision within the borough and this additional facility will form an important local facility.

2) Character and Appearance of the Area

The current school buildings are subservient within the streetscene with the prominent element being the large fences which enclose the school. This is due to the orientation and piecemeal development of the existing school. The proposed development is considered to make a positive contribution to the character of the area, indeed the school addresses the street (the entrance is clearly recognisable due to the design of the building) and furthermore given its height and design will form a landmark building giving the area an increased sense of place.

The northern elevation will be highly visible from Queensbury park given the open character of the park. The original northern elevation was considered bland, amended plans have however been received showing additional fenestration which is considered to address previous concerns.

A number of mesh fences currently enclose the schools boundary and this type of boundary fencing is proposed to enclose the new school. Whilst it is not the most attractive boundary treatment it is required to ensure the safety of the children and furthermore it is considered that given the new consolidated design of the school that the fencing will be less prominent than is currently the case. In addition to this the landscaping scheme is considered to further soften the impact of the fencing on the character of the area.

There will be an increase in the number of trees on the site as part of the development proposals and this is considered to make a positive contribution to the character of the area.

In light of the above it is considered that the application will comply with Core Policy 1 B of Harrow Core Strategy, policy D4 of the Harrow Unitary Development Plan and policies 7.4, 7.5 and 7.6 of the London Plan 2012.

3) Residential Amenity

Policy 7.6 of the London Plan 2012 states that 'Buildings and Structures should not cause unacceptable harm to the amenity of the surrounding land and buildings particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate'

The proposed school will be bulkier and have a greater mass than the existing school, due to the fact that the existing facilities will be consolidated into a single building. However, the proposed school will be sited further from the boundary with the rear gardens of Malvern gardens and the properties on Clifton Road than is currently the case. The proposed building is over 30 metres from the rear garden boundaries of Malvern Gardens and at least 30 metres from residential dwellings on Clifton Road as such it is not considered that it will have a detrimental impact on the amenities of the neighbouring occupiers in respect of overlooking, overshadowing or having an overbearing impact.

The caretakers school house will clearly be impacted by the new school, however, given that part of the reason for the school house is to overlook the school for security reasons this is not considered to be significantly harmful as to warrant refusal of the application.

The junior hard play area will be located closer to the rear boundary of the dwellings on Malvern Gardens than is currently the case. However, on balance, given the fact that the children play up to the rear boundaries currently, the additional noise and disturbance is not considered significantly harmful as to warrant refusal of the application.

Whilst the School have advised there is no intended increase in pupils attributed to the development they have stated that there is provision for a future nursery for 26 children. The additional pupils are given the numbers proposed not considered to result in a significant intensification of the use of the site that would be to the detriment of the amenities of the neighbouring occupiers.

The additional facilities for the use of the local community outside of school hours will result in additional vehicular trips and noise and disturbance to neighbouring occupiers. As such to reduce this impact a condition is recommended to be added to the permission restricting the hours of use.

In light of the above it is considered that the proposed development will comply with policy 7.6 of the London Plan 2012.

In addition to the above the phasing plan as proposed appears acceptable, a construction management plan will also however need to be submitted to further mitigate the impact of the development on neighbouring occupiers.

4) Traffic and Parking

The voluntary school travel plan which is currently in place is considered effective, indeed since its implementation there has been a reduction in private car use by 6% and the school has made a commitment to further developing this plan.

The car parking levels as proposed are considered acceptable and a condition is recommended to be added to the permission indicating that storage for 50 cycles shall be provided as part of the redevelopment. The proposed development is therefore considered to comply with policy 6.9, 6.10 and 6.13 of the London Plan 2012, policy CS1 R of Harrow Core Strategy 2012 and policies T9, T10, T11 and T13 of the Harrow Unitary Development Plan 2004 which seek to ensure development proposals incorporate infrastructure for methods of sustainable transport.

The changes to the vehicular and pedestrian access are considered to improve highway safety. Furthermore the formalization of the car park will allow refuse trucks and emergency vehicles to leave the site in a forward gear which is considered to be a significant improvement on the existing situation. The development will therefore comply with the aims and objectives of policy 6.3 of the London plan and policy T6 of the Harrow Unitary Plan 2004.

The highways authority has raised concerns with regard to the limited information concerning trip generation attributed to the additional facilities for use by the local community outside of school hours. It is considered that this out of school hours use will result in significantly less trips than within school hours (as the building will not be used to capacity) and furthermore a condition is recommended to be added to the permission restricting the hours of use to between 7 am and 10pm in order to ensure that the development does not have a detrimental impact on the amenities of any neighbouring occupiers. The impact of the development is therefore not considered significantly harmful as to warrant refusal of the application.

5) Development and Flood Risk

The proposed development is not located within a floodrisk area. The proposed school will result in a building with a smaller footprint than is currently the case, however, by virtue of the hard play areas there will be a nominal increase in hardsurfacing and potentially a small increase in surface water. It is not considered, however, that this would cause a significant flood risk as to warrant the refusal of the application. It is, however, recommended that a planning condition is attached to the permission recommending that details of a sustainable urban drainage are to be submitted to the LPA prior to commencement and that the development is carried out in accordance with the approved details. The development is therefore considered to comply with London Plan policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy EP12 of the Harrow Unitary Development Plan which seek to ensure that development does not increase flood risk and sustainable urban drainage is incorporated into development schemes.

6) Accessibility

Saved Policies D4 and C16 of the Harrow Unitary Development Plan (2004) and policy CS1 E seek to ensure that all buildings and public spaces are accessible to all. Furthermore, The London Plan (2011) policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The school has provided two accessible parking spaces and ensured that the school is accessible for all users in respect of corridor and door widths, level entrances and the provision of a lift. The new pedestrian access to the school is also more accessible than is currently the case given the flat approach and proposed zebra crossing.

7) Sustainability

London Plan policy 5.2 of The London Plan 2012 seeks to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions and subsequently states that 'Major Development proposals should include a detailed energy assessment to demonstrate how the targets for CO2 emission are to be met. Whilst a full energy statement has not been submitted at this stage a BREAAAM pre assessment has been submitted as part of the application and the planning statement indicates that the development will reach BREAAAM standard excellent. It is therefore recommended that a planning condition requiring that a detailed energy assessment demonstrating compliance with BREAAAM standard of excellence is submitted prior to commencement of development to ensure that the proposal complies with policy 5.2. Furthermore achieving a BREAAAM standard of excellent will clearly mean that the school will be of a sustainable design and construction and subsequently the proposal is considered to comply with London Plan policy 5.3, core policy CS1 T, policy D4 of the Harrow unitary development plan and the Councils adopted SPD Sustainable Building Design.

Policy 5.7 of the London Plan states that 'Major Development proposals should provide a reduction in expected CO2 emissions through the use of on-site renewable energy generation, where feasible' the information submitted indicates that gas absorption heat pumps and solar photovoltaic tiles will be incorporated into the development and this will result in at least 20% of the energy used on site being from renewable sources. It is therefore considered that the proposed development will comply with policies 5.2 and 5.7 of the London Plan 2012.

Policy 5.11 of the London plan seeks to ensure development proposals provide site planting in order to increase biodiversity, for sustainable urban drainage and to improve the character and appearance of the area. Whilst there will be a reduction in the area of soft landscaping on the site it is considered that the additional diversity of plant species than is currently the case will make a positive contribution to the character of the area in accordance with policy 5.11.

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) and core policy CS1 E of the Harrow Core Strategy 2012 seek to ensure that developments should address security issues and provide safe and secure environments. The proposed design and layout offers adequate natural surveillance and numerous security measure including CCTV, high fencing form part of the proposals. In addition to this the proposed development will result in an increase in natural surveillance of Queensbury park which will help to prevent antisocial behaviour and reduce crime.

9) Consultation Responses

Currently a response has only been received from the Council's Highways Officer, any further consultation responses received will be updated at the meeting.

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 proposed school will form an invaluable piece of social infrastructure improving facilities for local people. The school is considered to be of a good sustainable design which makes a positive contribution to the character and appearance of the area whilst respecting the environment. The school is not considered to have a significantly harmful detrimental impact on the amenities of any neighbouring occupiers and will not significantly increase flood risk in the area. The proposal is not considered to result in unacceptable additional pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users. In light of the above it is recommended that the application is approved subject to the following conditions;

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the 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 buildings
- b: the ground surfacing
- c: the boundary treatment

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

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

4 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 policies 7.4 and 7.6 of The London Plan 2012 and saved policies D4 and T13 of the Harrow Unitary Development Plan (2004).

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works 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).

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all communal landscape areas 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).

7 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).

8 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).

9 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).

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

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

11 Prior to the commencement of development details of the means of protection of the Trees to be retained on site 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).

12 Prior to the occupation of the development a Sustainability Strategy, detailing the method of achievement of BREEAM Excellent (or successor) for the new school, 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 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 Policies 5.2, 5.3, 5.7, 5.10 and 5.11 of The London Plan (2011), saved Policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Document Sustainable Building Design (2009).

13 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall;

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- (b) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with saved Policy EP12 of the Harrow Unitary Development Plan (2004), policy.

14 The development hereby permitted shall not commence until a scheme for the provision of 50 cycle parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not commence until the cycle parking scheme has been implemented in accordance with the approved details and thereafter retained.

REASON To encourage occupants of the development to use methods of transport other than the private car in accordance with policy T11 of the Harrow UDP and Policy 6.9 of the London Plan 2012.

15 The buildings here by permitted shall not be occupied until the car parking, vehicular and pedestrian access, turning and loading areas as show on the approved plans have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the Local Planning Authority. The car parking spaces shall be permanently marked out and used for no other purpose at any time, without the written permission of the Local Planning Authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety in accordance with policy T6 of the Harrow Unitary Development Plan 2004.

16 The use hereby permitted shall not be open to the public (including school pupils) outside the hours of 7am – 10pm unless otherwise approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of the neighbouring occupiers in accordance with policy 7.6 of The London Plan 2012.

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The proposed school will form an invaluable piece of social infrastructure improving facilities for local people. The school is considered to be of a good sustainable design which makes a positive contribution to the character and appearance of the area whilst respecting the environment. The school is not considered to have a significantly harmful detrimental impact on the amenities of any neighbouring occupiers and will not significantly increase flood risk in the area. The proposal is not considered to result in unacceptable additional pressure on local roads and will not be to the detriment of highway safety. The proposed school is accessible to all and will provide a safe and secure environment for users. 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 guidance contained within the National Planning Policy Framework 2012.

The following policies in the London Plan, the Harrow Unitary Development Plan and Harrow Core Strategy are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011):

- 3.16 – Protection and Enhancement of Social Infrastructure
- 3.18 – Education Facilities
- 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
- 5.14 – Water Quality and Wastewater Infrastructure
- 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
- 7.5 - Public Realm
- 7.6 – Architecture
- 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

Harrow Core Strategy (2012)

- CS1: Overarching Principles
- CS9: Kingsbury & Queensbury

Harrow Unitary Development Plan (2004)

- D4 The Standard of Design and Layout
- C2: Provision of Social and Community Facilities
- C7 New Education Facilities
- C16 Access to Buildings and Public Spaces
- T6 – The Transport Impact of Development Proposals
- T9 – Walking
- T10 – Cycling
- T11 – Cycle and Motor Cycle Parking in public places
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-off

Other Relevant Guidance:

- The Harrow Annual Monitoring Report 2001 – 2011
- The emerging Site Allocations DPD 2011
- 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:

<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: To follow.

ST BERNADETTE'S PRIMARY SCHOOL, CLIFTON ROAD, HARROW



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01

Address: LAND ADJACENT TO 47 MASONS AVENUE, WEALDSTONE

Reference: P/1021/12

Description: USE OF VACANT LAND FOR THE PARKING OF VEHICLES IN CONNECTION WITH THE PROVISION OF MOT TESTING SERVICES WITHIN THE EXISTING VEHICLE REPAIR GARAGE AT 14-16 MASONS AVENUE, WEALDSTONE, HA3 5AP.

Ward: MARLBOROUGH

Applicant: MR DHAFER AL-AMILI

Case Officer: CIARAN REGAN

Expiry Date: 06/06/2012

RECOMMENDATION

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

REASON

The proposed use of this vacant land for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue, Wealdstone would, subject to the provision of necessary, reasonable and relevant conditions, not result in any unduly significant harm to the character and appearance of the area or cause any unreasonable loss of amenity to any neighbouring residents or the occupants of neighbouring commercial premises and is therefore considered to be acceptable.

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan (2004), as well as to all relevant material considerations including any responses to consultation.

INFORMATION:

This application is reported to Planning Committee as the subject site is owned by the Council and is over 100sqm in area. As such, it falls outside the scope of the exception criteria set out at Part 1(h) of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type:	18 - Minor Development
Council Interest:	Harrow Council is the Freeholder
Site Area:	374sqm (0.037ha)
Gross Proposed Internal Floorspace:	N/A
Existing Gross Internal Floorspace:	N/A
Net Additional Floorspace:	N/A
GLA Community Infrastructure (CIL) Contribution:	N/A

Site Description

- The application site lies immediately to the west of No. 47 Masons Avenue, a two-storey, end-of-terrace dwellinghouse and immediately to the east of land at No. 27-33 Masons Avenue. which is used in part to store cars in connection with the existing use of 14-16 Masons Avenue (on opposite side of the road) as a vehicle repair garage and MOT station.
- Masons Avenue is a predominantly residential street although the area in the immediate vicinity of the application site is more mixed with commercial premises predominating to the west and north of the site. As a rough guide, to west of the George Gange Way flyover (closer to Wealdstone town centre) the street is largely characterised by range of commercial premises (at street level at least) whereas to the east of the flyover two-storey Victorian terraced dwellings predominate.
- The site sits within a designated Business Use Area and backs onto 37-39 Palmerston Road to the north which is within a designated Industrial and Business Use Area.
- A consecutive row of premises on the west side of the flyover, from Nos 11 to 27-33 Masons Avenue (inclusive) are also sited within the designated Industrial and Business Use Area. These same premises lies within the boundary Wealdstone town centre whereas the subject site lies outside just to the east.
- The site is currently vacant and substantially overgrown with self-seeded undergrowth. There is evidence of fly-tipping within the site, some of which would appear to relate to car workshop activities. The front of the site along Masons Avenue is enclosed by timber hoarding and there is an extended dropped kerb all along the site frontage with Masons Avenue.
- Access to the site can also be gained via wide metal gates in the west boundary of the site where it abuts the adjoining site at No. 27-33 Masons Avenue.

Proposal Details

- The application seeks the use of this Council-owned vacant land for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue, Wealdstone, HA3 5AP.
- The applicant has stated on their application form that between 8 and 10 vehicles would be parked on the site at any time and that the current hours of business of the vehicle repair garage are Monday-Friday - 09:00-18:00 hrs; Saturday - 09:00-18:00 hrs and Sunday and Bank Holidays - 09:00-14:00 hrs. (These hours have never been subject to planning control).

Revisions to previous application

- N/A

Relevant History

14-16 Masons Avenue

P/0402/11

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: USE OF PART OF GROUND FLOOR VEHICLE REPAIR GARAGE AS A MOT STATION

GRANTED: 27/04/2011

Pre-Application Discussion

- None

Applicant Submission Documents

- None

Consultations

Highway Authority:

The site is already served by an extensive dropped kerb across its frontage with Masons Avenue. Masons Avenue is a heavily trafficked narrow street with existing on-street parallel parking bays located either side of the existing (dormant) vehicular access to the site. These on-street parking bays would, to a degree, impact upon sight line inter-visibility at the entrance to the site when in use. The adjacent bays serve a vital provision for residents and potential visitors to the area so the option of removal is unviable in order to enhance visibility splays.

The preferable option would be for the site to be accessed via the established gated access provision next door hence negating the need to reopen the dormant site access as proposed. It is understood that the applicant is agreeable to this arrangement and, as the adjacent land is Council-owned and hence under our control, this is considered acceptable subject to application of a condition requiring the demonstration of an acceptable parking layout permitting all parked vehicles to enter and leave the site in forward gear with a low frequency of activity.

As a result it is unlikely that any material detriment would arise in terms of highway /pedestrian safety and to the free flow of traffic as a result of the proposal.

Newspaper Advertisement: N/A

Site Notice: N/A

Neighbourhood Notifications:

Masons Avenue:

Land adjacent to 14-16; Land adjacent to 47; 10a; 10; 10b; 12; 12a; 30; 47; 49; 51; 53; 55; Unit 1 - 27-33; Unit - 2, 27-33; Unit 3 - 27-33

The Bridge:

First floor of 21 and 23, 21-23 The Bridge; 21-23 The Bridge; Bridge House, 25-27 The Bridge; 29-33 The Bridge

Palmerston Road:

9-11, 37, 39, Raymac House - 59a; Ground Floor Office, Raymac House - 59a; First Floor Offices, Raymac House - 59a

Sent: 28

Replies: 2

Expiry: 15/05/2012

Summary of Responses:

- A comment was made in relation to the process for the marketing and leasing/sale of the land.
- The applicant may use the site as an extension of his garage and for the re-spraying of vehicles.
- The use will create late night noise and disturbance.

- The use will cause harmful smoke pollution.
- I would like to know exactly what the application is for and how many cars will be stored here and an assurance from the Council that my family and I will not be affected by any of the issues mentioned above.

APPRAISAL

MAIN CONSIDERATIONS

- 1) Character and Appearance of the Area
- 2) Impact upon Residential Amenity
- 3) Parking and Highway Safety
- 4) S17 Crime & Disorder Act 1998
- 5) Consultation Responses

1) Character and Appearance of the Area

No physical building works are proposed. The intention of the applicant is to clear the site of undergrowth and use it for the short-term storage of cars awaiting MOT testing at the existing vehicle repair garage at 14-16 Masons Avenue (across the road). Consequently, there will be no unduly significant detrimental impact upon the character and appearance of the area.

The development would therefore comply with policy 7.4B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

2) Impact upon Residential Amenity

The nearest residential property to the site is No. 47 Masons Avenue. The vacant nature of the subject site currently acts as a *de facto* buffer between No. 47 and the activities of the three commercial premises occupying the site on the opposite side at No. 27-33 Masons Avenue. At the same time, the extent of undergrowth (which includes some small self-seeded trees) within the vacant site, particularly along the side boundary with No. 47 provides a natural landscaping screen between it and the three commercial premises occupying No. 27-33.

The proposed change of use and the inevitable clearing of the site as a pre-requisite to its proposed use would result in the loss of the informal buffer and landscaping function that the site currently provides. However, the three commercial premises at No. 27-33 are, (1) a catering company typically specialising in large formal gatherings such as weddings, (2) a packaging company which mainly caters to the takeaway food industry but also complements the catering company business and (3) a tyre store used by the existing vehicle repair garage at No. 14-16 Masons Avenue. As such, it is considered that the business' operating from the three commercial premises at No. 27-33 are limited in number and are of such a scale/intensity and type (use) that they would not cause any unduly significant harm, in terms of noise and disturbance, to the residential amenity of the occupants of No. 47 Masons Avenue or any other nearby residential property for that matter.

It should also be acknowledged that the character of this part of Masons Avenue is quite long established as a transitional area on the edge of Wealdstone Town Centre where small scale business/industrial premises and residential properties are sited quite close to one and other and so residents should, to a degree, already expect to experience a slightly higher level of noise and disturbance than say would typically be experienced in an entirely residential street in a suburban location.

Consequently, subject to the imposition of appropriate conditions, it is considered that no significant harm to the residential amenities of the occupants of No. 47 (or any other nearby dwellings) or to the amenities of the occupants of neighbouring commercial premises would occur. Appropriate conditions would include restrictions on the movement of vehicles to and from the site between evening and early morning hours and the prior agreement of a maximum number of vehicles to be parked on the site any at time along with the requirement to demonstrate a safe and practical parking layout.

It is also noted that the rear garden and side boundary of No. 47 (next to the site) is fully enclosed by a 1.8m high close boarded fence and so unduly significant loss of privacy would ensue.

In summary, subject to necessary, reasonable and relevant conditions, the proposed use would not cause any unreasonable loss of amenity to any neighbouring residents or the occupants of neighbouring commercial premises and would therefore comply with policy 7.6B of The London Plan (2011) and saved policies EP25 and D5 of the Harrow Unitary Development Plan (2004).

3) Parking and Traffic

The site is already served by an extensive dropped kerb across its frontage with Masons Avenue. Masons Avenue is quite a heavily-trafficked narrow street with existing on-street parking bays located either side of the proposed vehicular access to the site. These on-street parking bays would, to a degree, impact upon sight line inter-visibility at the entrance to the site when in use. The adjacent bays serve a vital provision for residents and potential visitors to the area so the option of removal is unviable in order to enhance visibility splays.

The preferable option would be for the site to be accessed via the established gated access provision at the adjoining site (No. 27-33) hence negating the need to re-open the dormant site access as proposed. The applicant has provided a signed statement confirming that they are agreeable to this arrangement and, as the adjoining site is Council-owned and as none of the three current commercial tenants have a long-term lease (i.e., with at least 7 years or more remaining on it), this is considered an acceptable solution subject to the imposition of a condition requiring the demonstration of an acceptable parking layout permitting all parked vehicles to enter and leave the site in forward gear with a low frequency of activity.

In summary, it is considered unlikely that any material detriment would arise in terms of highway/pedestrian safety or to the free flow of traffic as a result of the proposed use and that it would therefore comply with policies 6.3 and 6.13 of The London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

4) S17 Crime & Disorder Act 1998

The proposed use of this vacant site is likely to benefit local community safety as during working hours there will be an active human presence on the site where currently there is none. It will however be important that the site is properly secured outside of the garage's normal hours of business so as to ensure that any vehicles parked overnight do not attract criminal and/or anti-social activity. To this end a condition and an informative have been imposed which requires the applicant to provide details of adequate site security measures prior to the commencement of development and which advises contacting the Borough's local Crime Prevention Design Advisor in order to get good advice on the best means of

securing the site overnight. Subject to this condition, it is considered that the proposed development would not adversely impact upon community safety issues and would therefore comply with policy 7.3B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004)

5) Consultation Responses

- A comment was made in relation to the process for the marketing and leasing/sale of the land. (This is not a planning consideration)
- *The applicant may use the site as an extension of his garage and for the re-spraying of vehicles.* (The proposed use of the site is specifically for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue, Wealdstone and for no other use)
- *The use will create late night noise and disturbance.* (The movement of vehicles to and from the site would be restricted to acceptable hours by a condition)
- *The use will cause harmful smoke pollution.* (The proposed use of the site is specifically for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue, Wealdstone and for no other use)
- *I would like to know exactly what the application is for and how many cars will be stored here and an assurance from the Council that my family and I will not be affected by any of the issues mentioned above.*(This is not a planning consideration)

CONCLUSION

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

CONDITIONS

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

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

2 No development shall take place until measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Any such measures should follow the advice on the Secured by Design website: <http://www.securedbydesign.com>. Following implementation the measures 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 7.3 of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004).

3 Notwithstanding what is shown on the approved plan, no development shall take place until a parking layout for the site has been submitted to, and agreed in writing with, the Local Planning Authority. The parking layout shall include details of a landscape buffer on the boundary with No. 47 Masons Avenue and shall demonstrate that vehicles can adequately manoeuvre within the site so as to enter and exit in a forward gear. The development shall only be implemented in accordance with the agreed parking layout. The

parking spaces shown on the agreed parking layout shall be permanently marked out and used for no other purpose, at any time, without the further written permission of the Local Planning Authority.

REASON: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with policy 6.3 of The London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

4 The planting for the landscape buffer shall be carried out prior to the first use of the site for the parking of vehicles. Should any of the planting die, be removed or become seriously damaged within a period of 5 years from the completion of the development, they shall be replaced during the next planting season with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: In order to protect the visual amenities of the occupiers of adjacent residential properties in accordance with policies 7.4 and 7.6 of The London Plan (2011) and saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

5 The movement of vehicles to and from the site shall only occur via the adjoining land at 27-33 Masons Avenue and via the existing direct vehicular access to Masons Avenue which serves that adjoining land.

REASON: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with policy 6.3 of The London Plan (2011) and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

6 No vehicles shall be moved onto or off the site outside of the following times:

Monday-Friday: 09:00-18:00 hrs;

Saturday: 09:00-18:00 hrs

Sunday and Bank Holidays: 09:00-14:00 hrs

REASON: To safeguard the amenity of neighbouring residents and businesses in accordance with policy 7.15 of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: DF/PA12/100

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The proposed use of this vacant land for the parking of vehicles in connection with the provision of MOT testing services within the existing vehicle repair garage at 14-16 Masons Avenue, Wealdstone, HA3 5AP would, subject to the provision of necessary, reasonable and relevant conditions, not result in any unduly significant harm to the character and appearance of the area or cause any unreasonable loss of amenity to any neighbouring residents or the occupants of neighbouring commercial premises and is therefore considered to be acceptable. The decision to grant permission has been taken having regard to the policies, proposals and guidance in the National Planning Policy Framework (2012), The London Plan (2011), Harrow Unitary Development Plan (2004) and Harrow Core Strategy (2012) which are set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

National

National Planning Policy Framework (2012)

Regional

The London Plan (2011): Policies 4.4, 7.3, 7.4, 7.6 and 7.15

Local

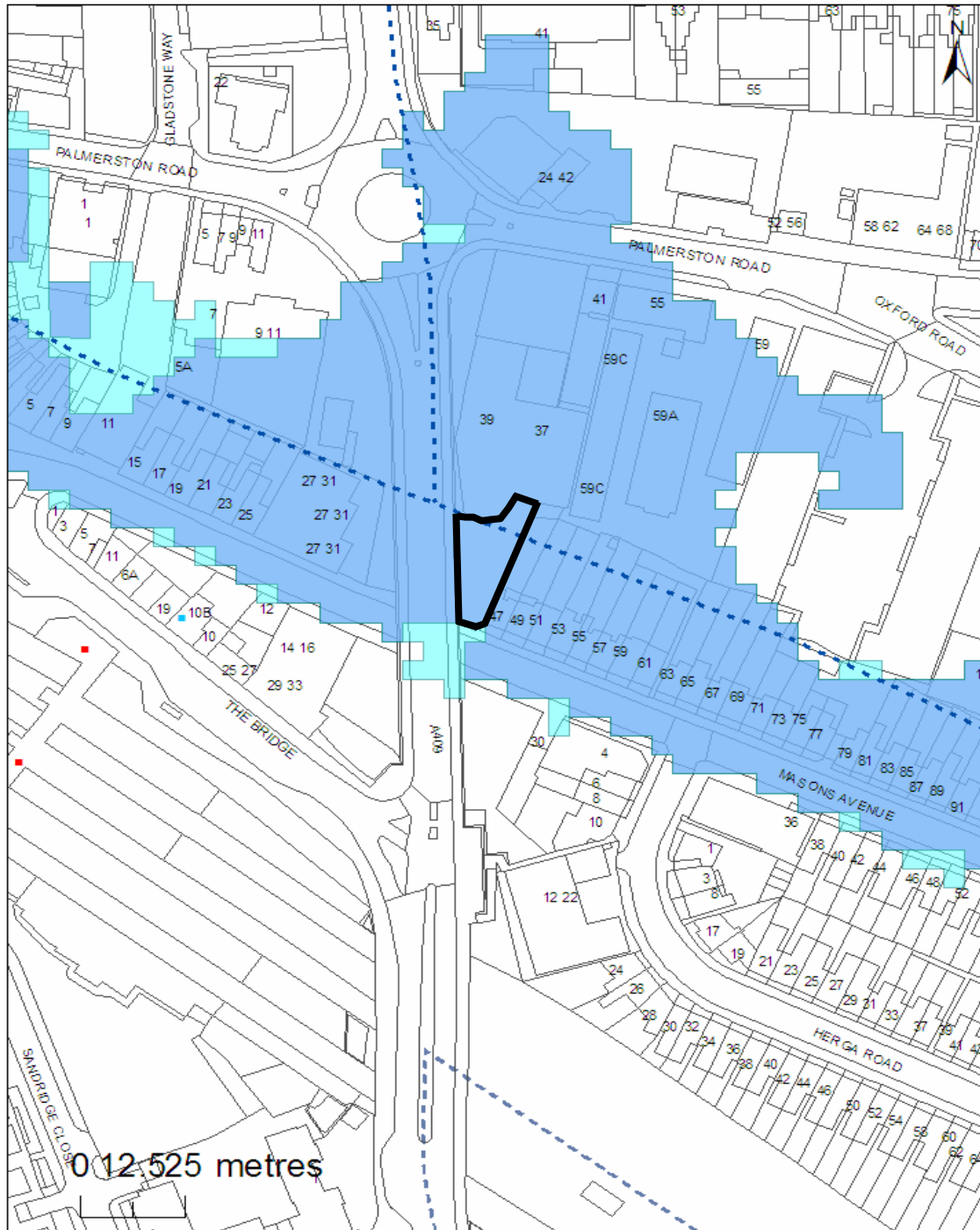
Harrow Core Strategy (2012): Core Policies CS1.E, CS1.O, CS1.P and CS2.E

Harrow UDP (2004): Saved Policies D4, D5, T6, T13, EM13 and EP25

- 2 INFORM51_M - Compliance With Planning Conditions Precedent
- 3 INFORM47_M - Community Safety 1
- 4 INFORM23_M - Considerate Contractor Code of Practice
- 5 INFORM32_M - The Party Wall etc Act 1996

Plan Nos: DF/PA12/100

LAND ADJACENT TO 47 MASONS AVENUE, WEALDSTONE



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ITEM NO. 2/02
ADDRESS: 11 CRYSTAL WAY, HARROW
REFERENCE: P/3355/11
DESCRIPTION: PROVISION OF NEW THREE STOREY OFFICE BUILDING ADJACENT TO 11 CRYSTAL WAY TO PROVIDE ANCILLARY OFFICE ACCOMMODATION FOR 11 CRYSTAL WAY; PROVISION OF PARKING AND LANDSCAPING FRONTING ELMGROVE ROAD; PROVISION OF ADDITIONAL PARKING AT REAR OF UNIT 11
WARD: GREENHILL
APPLICANT: MEDIK OSTOMY LTD
AGENT: YOOP ARCHITECTS
CASE OFFICER: GERARD LIVETT
EXPIRY DATE: 30 MAY 2012

RECOMMENDATION

GRANT planning permission 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 including any responses to consultation.

The proposal is considered to comply with these policies and would provide additional office accommodation for an existing industrial use at this Preferred Industrial Location and the design of the building, including the living walls, would make a positive contribution to the character and appearance of the area. 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 is for the provision of 500m² of office floorspace and is outside the scope of category 1(d) of the Council's scheme of delegation.

Statutory Return Type: Minor Offices, R & D, Light Industry

Council Interest: None

Gross Floorspace: 500 sqm

Net additional Floorspace: 500 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £17,500

Site Description

- The application site comprises part of a car parking area accessed from Elmgrove Road and is within the wider area of the Crystal Way Industrial Estate
- The Industrial Estate comprises eleven two-storey (equivalent) warehouse style units which are accessed and serviced from a service road that runs through the Estate via a separate entrance from Elmgrove Road
- Number 11 Crystal Way is set forward of the other units and closer to Elmgrove Road. This unit has an office (pedestrian) entrance accessed from the car park area
- The car park has a hedgerow and several trees that are covered by TPO number 279
- On the south side of Elmgrove Road are two-storey terraced dwellinghouses
- Crystal Way Industrial Estate, and the adjacent Hawthorne Centre form part of a Strategic Industrial Location as defined on the Core Strategy Proposals Map
- The area is subject to residential parking controls

Proposal Details

- The application proposes the construction of a part two, part three-storey office building in the car park area forward of number 9 Crystal Way and adjacent to 11 Crystal Way. The building would essentially be two-storey with two separate office pods at roof level.
- The proposed building would be 28m wide and a total of 9m deep. The two-storey element would be 7.5m high, and the pods would project an additional 1.5m above this level.
- The main building would be articulated with three projecting elements, one at each end and one in the middle of the building. These projections would be 1.8m forward of the two recessed areas.
- Each of the three forward projections would have a 1.5m overhang area with timber panels that would provide a living wall
- Each of the two second floor pods would be 6.8m wide and 5.9m deep.
- The resultant building would provide office accommodation, shown on the drawings as three units on each of the lower floors and one unit in each of the second floor pods.
- The office accommodation would be ancillary to the existing warehouse and distribution use at 11 Crystal Way

Revisions to Current Application

- Revised plans have been received which illustrate the proposed development in the context of existing buildings

Relevant History

LBH/19302/W

Outline: erection of 45,800 sq.ft. Light industrial buildings; 23,000 sq.ft. Warehousing; 12,000 sq.ft. Offices, associated parking areas and access road & sheltered housing
11/05/82

Granted – 20-04-82

LBH/22334

Outline: industrial, warehousing, and housing development (variation of condition 14 of outline permission LBH/19302W dated 20-4-82

Granted – 22-12-82

LBH/22262

Details pursuant to planning permission LBH/19302W dated 20/4/82, light industrial, warehousing and ancillary office buildings, parking and access road
Granted – 07-12-82

P/0591/12 – Certificate of lawful development (proposed): Use of area for supply of pharmaceutical goods ancillary to the main use of the building
Granted – 25-04-12

P/0592/12 – Change of use of part light industrial unit to dispensing pharmacy (Class B1 to Class D1)
Granted – 10-05-12

Pre-Application Discussion (Ref. HA\2011\ENQ\00043)

- With regard to the potential impacts of the development, the proposed buildings would occupy what is now an open “buffer area” between the road and the wall of the industrial buildings. The infilling of this with commercial premises and associated landscaping loss could have detrimental impacts on the separation between the two uses and cause unacceptable harm to the amenities of the adjoining residential occupiers.
- It is noted that the front of the site is subject to a group Tree Preservation Order. The loss of trees in this area, without adequate replacement, would be unlikely to be acceptable.
- Additionally, the presentation of a primary frontage for the proposed buildings would also be likely to generate additional traffic which, whilst relating to a business activity, could cause harm to neighbouring residential amenity

The submitted scheme differs from that discussed at the pre-application stage insofar as that scheme would have had three forward projecting bays with gable frontages and hipped roofs and two two-storey flat-roofed sections between the gables, as opposed to the two-storey flat-roofed building with second floor pods currently proposed.

Applicant Submission Documents

- Design and Access Statement:
- Proposed building is in a business area and adjacent to a residential area.
- Building is required for additional office accommodation for the existing clinical supplies business at 11 Crystal Way
- Proposal has taken on board comments from pre-application discussion
- Roof-top meeting rooms add interest to the building, as does articulated front elevation
- Mature trees and screening will be retained where possible
- Arboricultural Report:
- Five trees could potentially be affected by the development
- Proposal would result in a modest (3%) inclusion into the root protection area of one Lime tree. No pruning works would be required
- Removal of hard standing would require a tree protection plan
- One low quality Birch is recommended for removal
- Construction methodology and tree protection measures would need to be implemented

Consultations

Environmental Health: Scheme to safeguard neighbouring residents from noise, dust

and other environmental effects would need to be a pre-commencement condition

Drainage Engineers: Conditions regarding surface water drainage and surface water storage and attenuation would be required

Thames Water: Approval from Thames Water would be required for building over or close to a sewer

Highways Authority: Overall level of parking provision is acceptable. No concerns regarding on street parking as area is subject to residential parking control. Two cycle spaces should be provided. Small scale 'Enterprise' travel plan would be required.

Landscape Architect: Details of hard and soft landscaping required

Planning Arboricultural Officer: Arboricultural Impact Assessment is acceptable. Tree protection measures would be required.

Notifications

Sent: 64

Replies: 4

Expiry: 15-02-2012

Addresses Consulted

Hawthorn Centre, Elmgrove Road: 5, 6, 7, 8, 14, 15, 16, 17

Phoenix Industrial Estate, Rosslyn Crescent: H2, H3, H4

Elmgrove Road: 77-119 (odd); 2, 6, 7

Lexus House, Rosslyn Crescent

Miller House, Rosslyn Crescent (all units)

Crystal Way: 1-11

Summary of Responses

- Building would be too high for this area, block out light and make the road feel claustrophobic
- Overlooking of neighbouring properties and invasion of privacy
- Increase in traffic from extra employees
- Increased parking stress
- New building is unnecessary given availability of office space in borough
- Building work would cause inconvenience
- Borough needs to be kept a calm place to live
- Disturbance to wildlife in area
- Two-storey building would be preferable
- Increase in risk to damage to parked vehicles from extra traffic
- Increased risk to people using the underpass

APPRAISAL

National Planning Policy Framework

The Government has now published a National Planning Policy Framework [2012] that consolidates national planning policy. This has been considered in relation to this application.

Harrow Core Strategy

The Harrow Core Strategy was adopted on February 16th 2012 and along with The London Plan (2011) and the saved policies of the UDP is now considered part of the development plan for Harrow.

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) Protected Trees and Sustainability
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

1) Principle of the Development

The application property is within a Strategic Industrial Location as defined on the Harrow Core Strategy Proposals Map and is a Preferred Industrial Location as described in Table A3.1 attached to policy 2.17 of The London Plan.

This London Plan policy notes that development proposals in Strategic Industrial Locations should be refused unless, amongst other criteria, the proposal falls within general industrial, light industrial, storage and distribution, waste management, recycling, some transport-related functions, utilities, wholesale markets and other industrial related activities. Proposals can also be considered acceptable if they are for employment workspace to meet identified needs for small and medium sized enterprises or new emerging industrial sectors.

This London Plan policy is supported by core policy CS1.N of the Harrow Core Strategy which notes that this location will be promoted for appropriate economic development uses.

The policy presumption is that any proposal for general B1 office accommodation could not be supported at this Preferred Industrial Location. However, the proposal would provide additional office accommodation for the existing storage and distribution use at Unit 11, Crystal Way, and would fall within the exemptions of policy 2.17 of The London Plan noted above.

This is notwithstanding the availability of office space elsewhere in the borough as it would consolidate economic activity of an existing small and medium scale enterprise, allowing for an increase in the number of full-time equivalent jobs from 26 to 34 at the applicant's company, rather than providing general office accommodation with no identified end user at this Strategic Industrial Location.

This consideration of the economic development aspects of the proposal, and the long-term benefits of providing ancillary office accommodation for an industrial type use, indicates that the benefits of the proposal are considered acceptable.

Notwithstanding the above, it is noted that there is a development plan presumption against the provision of general office accommodation at this Preferred Industrial Location, and therefore a condition linking the office use to the storage and distribution use at Unit 11, Crystal Way is recommended.

The benefit of the provision of ancillary office accommodation needs to be balanced against any potential harm to the character and appearance of the area, the impact on the residential amenities of neighbouring occupiers, the impact on highway safety and parking

and the impact on the nearby protected trees.

2) Character and Appearance of the Area

Policy 7.4B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004) require that all new development proposals should have a high standard of design and layout. The criteria against which design is measured include site and setting, context, scale and character.

As noted in the previous section, the development site is within an industrial estate on the north side of Elmgrove Road.

The existing warehouse style buildings on the estate immediately to the rear of the application site are approximately 5.1m high above natural ground level. The building at No. 11 Crystal Way – set to one side and forward of these buildings – is approximately 6.7m high. This is in part due to a change in levels and in part because the building is higher than its neighbours.

The two-storey element of the proposed building would be as high as the neighbouring building at No. 11, and would be approximately 0.75m higher than the warehouse units immediately to the rear. The roof pods would project approximately 1.5m above the second floor roof level. The front of the proposed new building would not project forward of the existing warehouse at 11 Crystal Way.

Representations have been received noting that a three-storey building would be out of character with the area, and one objector was of the opinion that the building would have a total of four floors. It should be noted that the building would have two full floors (ground and first), and two single-room pods at second floor level.

It could be considered that the extra height of the two-storey element compared to the warehouses behind is modest, but that the pods would add extra height that would be incongruous and create three-storey elements in a two-storey environment.

However, it should be noted that the existing warehouses fronting Elmgrove Road are featureless industrial buildings, whereas this proposal would introduce an active frontage, with windows and doors. Furthermore, the proposal includes three living wall elements that will add to the interest of the building when seen from the street. The living walls would comply with saved policy D9 of the UDP, which seeks to enhance streetside greenness and forecourt greenery, and policies 5.10B and 5.11B of The London Plan regarding urban greening and living roofs.

When the fenestration and living walls, and the relatively restrained size of the pods, are taken into consideration, the conclusion is that, on balance, the harm caused by the additional height is outweighed by the benefit of the introduction of an active frontage and living walls that would improve the character and appearance of the area.

Notwithstanding this, conditions regarding the provision of hard and soft landscaping at the site and the provision and maintenance of the living walls are recommended.

3) Residential Amenity

Policy 7.6B of The London Plan and Saved policy D5 of the UDP require that new development should respect the privacy of neighbouring properties.

In this case, representations have been received from occupiers of properties on the opposite side of Elmgrove Road that the proposal would result in loss of light and overlooking of those properties.

The front of the proposed building would be on the opposite side of Elmgrove Road and some 30m from the nearest residential frontage. Given the maximum height of the proposed building (8.3m) and the separation from the residential properties, the proposal would not cause loss of light to those properties.

With regard to overlooking, it is considered that a separation distance of 30m is adequate to prevent any significant mutual overlooking, and is comparable to the traditional level of overlooking that can be expected between houses on opposite sides of a suburban street.

The front of the proposed building would be approximately 9m from the footway on the northern side of Elmgrove Road, and as such it is considered that the proposal would not significantly diminish the openness of the street at this point, especially as the building would project no further forward than the existing warehouse at 11 Crystal Way.

Therefore, any objection on the grounds of overlooking or loss of light could not be reasonably sustained.

4) Traffic and Parking

Saved policy T6 of the UDP requires the Council to consider the transport impact of development proposals, and policy 6.3 of The London Plan requires the Council to consider the impact of proposals on transport capacity. Saved policy T13 of the UDP, and policy 6.13 of The London Plan give maximum parking standards for new development, and policy 6.9 of The London Plan seeks to promote cycling.

The proposal is for a 3 storey office building (500m² Gross Floor Area) within an industrial site. 24 parking spaces are proposed, with six fronting onto Elmgrove Road and 18 to the rear of the proposed building accessed from Crystal Way.

If the maximum parking standards in the UDP and The London Plan are applied, then the development would require a token provision of one or two spaces (and possibly 3 if the UDP 'net site area' calculator is strictly applied) for the new development.

Even if the existing development at 11 Crystal Way is taken into consideration, there would be an over-provision of parking proposed. The new building footprint would displace a number of existing parking spaces at the front of the site, but these can be readily accommodated at the rear of the site.

Although the submitted drawings indicate that there would be more parking places provided at the site than the maximum standards recommended by The London Plan, the area at the rear of the site is currently hard surfaced and dedicated for service vehicles and parking. No change, other than the marking out of parking spaces, is proposed for this service yard. At the front of the site there are currently 10 car parking spaces, of which four would be lost.

If the wider site is taken into consideration, there would be a net reduction in four parking spaces associated with an increase of floorspace of 500m², which means that the level of over-provision of parking space would be lower following the development. This is considered acceptable and would justify, in some way, the excess of parking provided overall.

It is also noted that the rear service yard off Crystal Way is a hardstanding area at present and there is no obvious alternative use that could be applied to the said area to replace any excess parking provision if a reduction in parking provision were to be sought. On this basis combined with the re-provision of parking facilities it is considered that the overall quantum proposed is acceptable in this case. The location is within an extensive Controlled Parking Zone so there are no concerns within untoward vehicular displacement onto the public highway.

Representations have been received noting that the new building would result in additional vehicular movements in Elmgrove Road, with a potential impact on highway safety.

It is stated on the application form that there would be 35 staff associated with the site. It is noted that the site is within an area of reasonable public transport provision, and it is suggested that a small scale 'Enterprise' travel plan would be secured post permission by an appropriate condition. This would assist in reducing the transport impact of the proposal.

In secure cycle provision terms there should be 2 spaces provided, as required by policy 6.9 of The London Plan. A condition requiring details of these cycle spaces is recommended.

Given the tenure of the location it is not envisaged that servicing the site would demand a measurable change to the current servicing regime for the area in general and the industrial estate in particular.

It is considered that the proposal would make adequate provision for on-site parking and additional transport movements associated with the proposal would have a minimal impact, if any, on road safety in the area.

Notwithstanding the above, it is considered appropriate to impose a condition requiring details of the construction method and servicing during construction to be submitted to and approved by the local planning authority.

5) Development and Flood Risk

Policies 5.12 and 5.13 of The London Plan and saved policy EP12 of the UDP seek to reduce surface water run-off and to promote sustainable drainage.

It is therefore recommended that suitable drainage conditions regarding surface water drainage be added to prevent any additional surface water run-off from the site.

6) Accessibility

Policy 7.2 of The London Plan requires development to provide an inclusive environment, and saved policy C16 of the UDP requires buildings to be readily accessible to all. These policies are supported by Supplementary Planning Document: Access for All (2006) which gives detailed guidance on how an inclusive environment can be created.

The proposal would provide level access to the building and parking spaces (at least one of which is capable of being 3.3m wide) at the front of the building. It is therefore considered that the proposal would be accessible.

7) Protected Trees and Sustainability

Saved policy D10 of the UDP requires developers, where appropriate, to assess the impact of the development on existing trees and measures to safeguard those trees. There is a C (low) category Birch tree that would need to be removed to facilitate the development. This tree has already been compromised by car park works and its removal is acceptable.

The proposed new building would impact on approximately 3% of the root protection area of a category B Lime tree, which is considered to be a minor incursion, and no special foundation techniques would be required.

Notwithstanding this, construction activity could lead to direct or indirect damage to trees or their root protection areas, and therefore tree protection fencing is recommended to safeguard the retained trees. Ground protection measures are also recommended.

No pruning of the retained trees would be required as the proposed building would be outside their canopy spreads.

Removal of existing hardstanding would be undertaken with care.

The applicants have provided an arboricultural method statement which, if implemented, would provide the necessary safeguard to the retained protected trees on and near the site. A condition requiring the development to proceed in accordance with this method statement is therefore recommended.

As noted in section 2 of the appraisal above, the proposal includes three living walls. This would assist in promoting the sustainability of the proposal as required by policy 5.3 of The London Plan.

8) S17 Crime & Disorder Act

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

9) Consultation Responses

- Building would be too high for this area, block out light and make the road feel claustrophobic – *this has been addressed in the Character and Appearance of the Area and Residential Amenity sections of the appraisal.*
- Overlooking of neighbouring properties and invasion of privacy – *this has been addressed in the Residential Amenity section of the appraisal.*
- Increase in traffic from extra employees – *this has been addressed in the Transport and Parking section of the appraisal.*
- Increased parking stress – *this has been addressed in the Transport and Parking section of the appraisal.*
- New building is unnecessary given availability of office space in borough – *this has been addressed in the Principle of Development section of the appraisal.*
- Building work would cause inconvenience – *this has been addressed in the Transport and Parking section of the appraisal.*
- Borough needs to be kept a calm place to live – *it is considered that this would represent a modest increase in activity at this established industrial location. Furthermore, the proposed use of the building is Use Class B1, which is by definition activity that can be comfortably accommodated in a residential area*
- Disturbance to wildlife in area – *the proposed living walls would increase wildlife habitats*
- Two-storey building would be preferable – *the proposal is effectively for a two-storey building with two pods above*

- Increase in risk to damage to parked vehicles from extra traffic – *there would be no change to existing road layouts. No additional on street parking would be permitted. Damage caused to parked cars by vehicles using the public highway that does not form part of the site, is covered by other legislation, including the Road Traffic Acts.*
- Increased risk to people using the underpass – *this has been addressed in the Transport and Parking section of the appraisal.*

CONCLUSION

The development would provide additional office accommodation for an existing industrial use at this Preferred Industrial Location and the design of the building, including the living walls, would make a positive contribution to the character and appearance of the area. 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.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including comments received in response to 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 and Documents:

077/PL/001; 077/PL/002; 077/PL/003; 077/PL/004; 077/PL/005; 077/PL/006 Rev B; 077/PL/007; 077/PL/008; 077/PL/009 at a scale of 1:250; 077/PL/009 at a scale of 1:500; Design and Access Statement; Arboricultural Report

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

3 The development hereby permitted shall only be used as ancillary accommodation for the existing industrial premises at number 11 Crystal Way.

REASON: To safeguard the industrial nature of the Preferred Industrial Location, as required by policy 2.17 of The London Plan (2011), Core Policies CS1.N and CS2.E of the Harrow Core Strategy (2012) and saved policies EM12, EM14 and EM22 of the Harrow Unitary Development Plan (2004).

4 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).

5 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, both of the ground level soft landscaping and the living walls.

The details of the living wall shall include a maintenance programme for the living wall.

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 London Plan policy 5.11 and saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, 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).

7 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)

8 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 policies D4 and D10 of the Harrow Unitary Development Plan (2004).

9 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 guidance in the National Planning Policy Framework, 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).

10 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 guidance in the National Planning Policy Framework, 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).

11 The development hereby permitted shall not proceed beyond damp proof course until details of the secure cycle store 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 ensure adequate cycle facilities are provided, as required by policy 6.9 of The London Plan (2011) and saved policy T6 of the Harrow Unitary Development Plan (2004).

12 The development hereby permitted shall not be occupied until a small scale enterprise travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall include information regarding sustainable modes of transport and methods for reducing dependence on car use.

REASON: To encourage sustainable transport use and to reduce dependence on the car, as required by policies 6.9 and 6.13 of The London Plan (2011) and saved policy T6 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 REASON FOR GRANT OF PLANNING PERMISSION

The development would provide additional office accommodation for an existing industrial use at this Preferred Industrial Location and the design of the building, including the living walls, would make a positive contribution to the character and appearance of the area. 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.

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation.

National Planning Policy:
National Planning Policy Framework (2012)

The London Plan (2011) policies:

- 2.7 – Outer London Economy
- 2.17B/C – Strategic Industrial Locations
- 4.1 – Developing London’s Economy
- 4.2B – Offices
- 4.4B – Managing Industrial Land and Premises
- 5.3B/C – Sustainable Design and Construction
- 5.10 – Urban Greening
- 5.11 – Green roofs and development site environment
- 5.13 – Sustainable Drainage
- 6.9B – Cycling
- 6.13C/D - Parking
- 7.2C – An Inclusive Environment
- 7.3B – Designing Out Crime
- 7.4B – Local Character
- 7.6B - Architecture

Harrow Core Strategy (2012)

- Core Policy CS1.A/B/N – Overarching Policy
- Core Policy CS2.D – 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
- EM12 – Small Industrial Units and Workshops
- EM14 – Land and Buildings in Business, Industrial and Warehousing Use – Designated Areas
- EM22 – Environmental Impact of New Business Development
- EP12 – Control of Surface Water Run-Off
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Access for All (2006)

Harrow Strategic Flood Risk Assessment (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.

5 MAYOR OF LONDON COMMUNITY INFRASTRUCTRE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £17,500 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

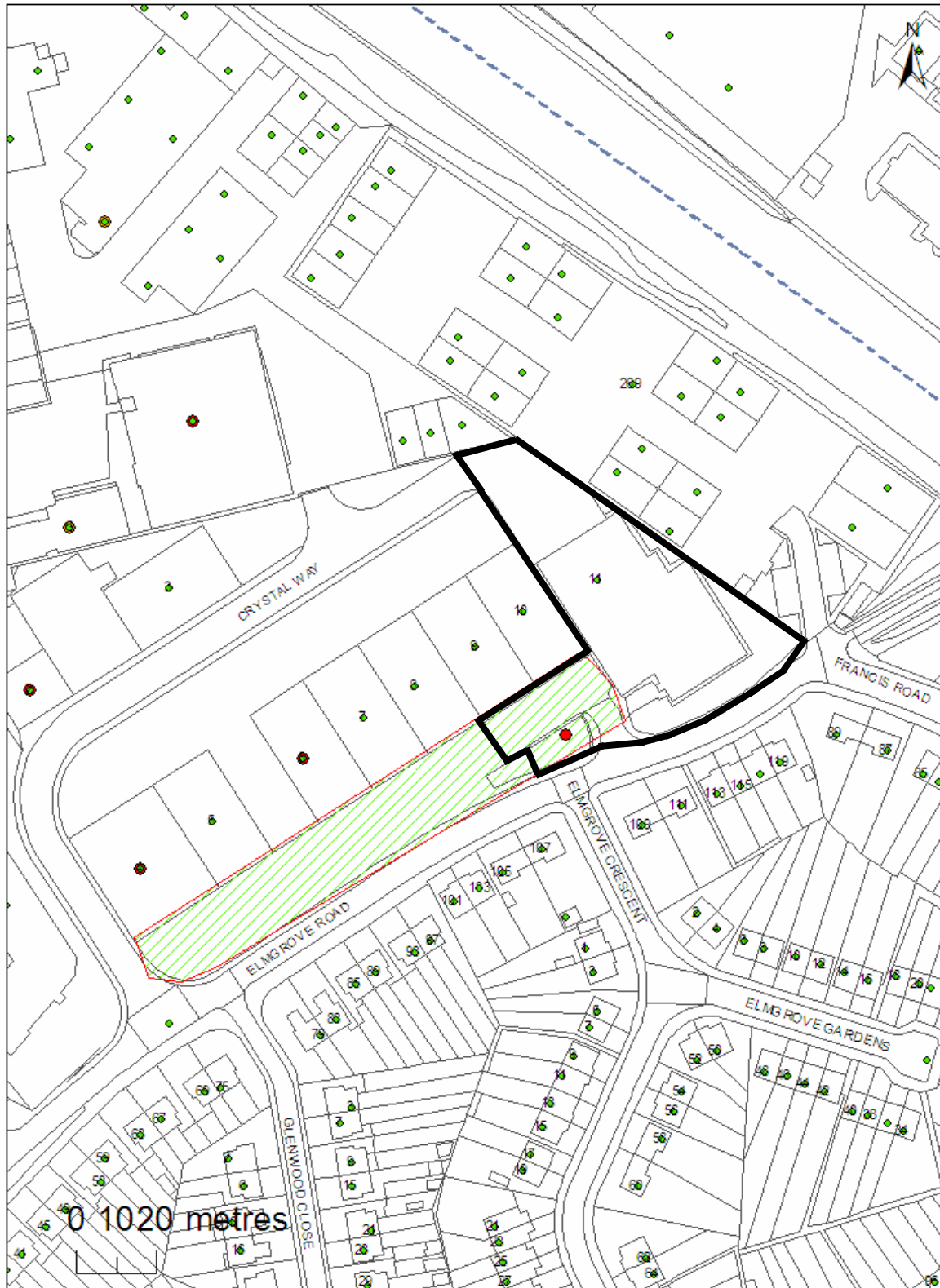
Your proposal is subject to a CIL Liability Notice indicating a levy of £17,500 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 500 sqm

You are advised to visit the [planningportal](http://www.planningportal.gov.uk) website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Plan Nos: 077/PL/001; 077/PL/002; 077/PL/003; 077/PL/004; 077/PL/005; 077/PL/006 Rev B; 077/PL/007; 077/PL/008; 077/PL/009 at a scale of 1:250; 077/PL/009 at a scale of 1:500; Design and Access Statement; Arboricultural Report

11 CRYSTAL WAY, HARROW



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Item No. 2/03
Address: 108 MARSH ROAD, PINNER
Reference: P/1022/12
Description CHANGE OF USE FROM SHOP TO BEAUTY PARLOUR (CLASS A1 TO CLASS SUI GENERIS) (RETROSPECTIVE APPLICATION)
Ward PINNER
Applicant: Mr KOBIE BROWN
Agent: VISHAL ASSOCIATES
Case Officer: NICK EAGLE
Expiry Date: 05 JUNE 2012

RECOMMENDATION A

GRANT planning permission for the development described in the application and submitted plans, subject to condition(s).

REASON

The decision to Grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed development is considered to be acceptable in terms of character and appearance of the area, and would not adversely affect the amenities of neighboring occupiers or the vitality of secondary shopping parade Marsh Road. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant impacts that would warrant refusal of planning permission.

INFORMATION:

This application is reported to Committee as the application is a departure from the Development Plan. The unit is a secondary shopping frontage shop, the UDP policy EM17 requires that no more than 50% of the frontage is in non-retail use. The current non-retail frontage is 53.91% and so the application is in breach of this policy and as such a departure from the Development Plan.

Statutory Return Type: Change of use
Council Interest: None
Site Area: 134.70sqm
Gross Proposed Internal Floorspace: 66.90sqm

Net Additional Floorspace: 66.90 sqm
GLA Community Infrastructure (CIL) Contribution: N/A

Site Description

- The site is located on the eastern side of Marsh Road, within a secondary shopping parade in Pinner District Centre.
- The property is a semi-detached property with a beauty and treatment shop (sui generis use) on the ground floor and residential premises above. This arrangement of commercial / retail uses on the ground floor and residential above follows throughout the parade.
- The rear of the site extends approximately 5 metres beyond the rear wall of the building and a private service road runs to the rear of the site. Beyond the service road is a repair garage.

c) Proposal Details

- The application proposes Change Of Use From Shop To Beauty Parlour (Class A1 To Class Sui Generis) (Retrospective Application)
- Staffing numbers would be no more than 4, and the hours of operation are between 09:00 and 18:00 Monday to Saturday.
- There is a gross internal floor area of 66.90m².

Relevant History

P/0079/12

Single storey rear extension to retail unit (use class a1)
Invalid application.

WEST/319/99/FUL

Change of use: retail to doctor's surgery (class a1 to d1) on ground floor with parking at rear.

Refuse 21/05/1999

WEST/92/96/FUL

Change of use: class a1 to a3 (retail to take-away) on ground floor.

Refuse 19/04/1996

The appeal below which is shown on the council records is actually associated with the adjoining property as outlined in the extract taken from the appeal decision below:

App/M5450/99/1027355

Change of use to doctor's surgery (class a1 to d1) on ground floor with parking at rear.
Allowed 13/12/1999

The application to which this appeal relates indicates that part of the surgery would extend into the neighbouring property at 108 Marsh Road, and that 4 parking spaces would be provided to the rear of the building. **A revised drawing 032/1B has since been submitted, indicating that the surgery would be confined to the building at 110 Marsh Road**, and that 3 parking spaces and a pedestrian access would be provided to the rear of the building. The Council gave consideration to the revised layout in its representations, and the appeal is being considered on that basis.

The council had no objection to the principle of the proposed change of use of the premises which are in the secondary frontage of Pinner District Centre, and the proposal would comply with HUDP policy S14 and with government advice concerning the location of medical facilities in town centre. The Council's objections related to the effect on the highway resulting from the proposed change of use and the parking provision of the site.

Applicant Submission Documents

- Design and Access Statement;
- Background:
- The site lies in a busy shopping parade on Marsh Road in Pinner.
- It is zoned as a second shopping parade. It currently is a self contained unit trading as a Beauty Parlour since May 2003. Prior to this use this was acquired as an established beauty parlour.
- Immediately adjoining the Beauty Parlour is a Dental Studio to the south and a cosmetic Surgery to the North.
- Immediately on the opposite side of the road are a number of pay and display bays and a pay and display parking area adjacent to the British Rail Pinner Station.
- It is not proposed to alter the existing shop in any way.
- This particular business is an established beauty Parlour by the current owner since May 2003.
- The premise has good level access with a dropped threshold to shop unit.
- On- site parking is available at the rear of the property accessed by a service road to the rear of the property.
- It is serviced by Pinner Road which is a busy main distributor road providing good access for service and emergency vehicle.
- A supplementary document was also received containing an email from a Licensing Enforcement Officer from Harrow Council it stated as follows:
- Unfortunately we do not keep records beyond 7 years. However I have located your licensing record from May 2003 to 30 May 2012. While trying to search for your licensing record I have come across your Council Tax Record that is showing you Mrs Kobra Browne T/A Beauty and Beyond paying Council Tax on 25 June 1999.

Consultations

Policy and Research

No objection subject to an advertised departure from the plan.

Highway Authority:

No objection.

Notifications

Sent: 41

Replies: 0

Expiry: 15 May 2012

Neighbours Consulted:

Monument House, 215 Marsh Road- (Lbh Property Prn): Second Floor Office 40271010, First Floor Office 40271004, Office 40271003, Ground Floor Office 40271001, Ground Floor Office 40271002, Second Floor Office 40271005, Office 40271006, Office 40271015, Office 40271016,

Monument House, 215 Maras Road- Second Floor Office 40271008 Alexander Moore and C, Second Floor Office 40271011 Aztec Computing, Office LbhProperty Database Pm 40271012, Office Lbh Property Database Pm 40271016, Second Floor Office 40271009 Cowan, Second Floor Office Lbh Property Pm 40271011.

Summary of Responses:

- None.

APPRAISAL

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

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

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

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) Retail Policy
- 2) Character and Appearance of the Area
- 3) Amenity
- 4) Traffic, Safety and Parking
- 5) Accessibility
- 6) S17 Crime & Disorder Act
- 7) Consultation Responses

1) Retail Policy

The proposal seeks the change of use of the ground floor of No. 108 Marsh Road from a retail unit (Class A1) to a Beauty Parlour (Class Sui Generis), the application is a retrospective application. The property is located within a secondary shopping parade in Pinner District Centre and the relevant saved policy of the UDP relating to the change of use of shops is therefore policy EM17.

Saved policy EM17 recognises that secondary shopping frontages provide suitable locations for a variety of retail and non-retail uses appropriate to shopping centres, stating that they will be able to accommodate a greater proportion of non-retail uses than primary frontages. However, it further states that it is important to retain retail character in these areas for the benefit of the overall shopping function of the Centre. Accordingly, saved policy EM17 of the HUDP states that "In the Secondary Shopping Frontage of Harrow Metropolitan Centre and of the District Centre's, the change of use of shops (Class A1) to Non-Retail uses will normally be permitted provided that:

The use is appropriate to a Town Centre;

The use is primarily for visiting members of the public;

The use requires an accessible location;

The length of the secondary frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 50% of the total;

The premises can be adequately serviced without causing harm to highway safety and convenience;

A window display or other frontage appropriate to the shopping area is maintained;

A harmful concentration of non-retail uses is not created or added to;

a & b) It is considered that the proposal would comply with criterion (a) and (b) above as the beauty parlour generates customer activity within the Centre, provides a service for visiting members of the public, and would not 'present dead frontage to the streetscene' and would therefore be appropriate to a Town Centre.

c) It is considered that the beauty parlour is an accessible location, and as such this proposal would thereby comply with criterion (c) above.

d) The application was assessed by the planning and research team who made the following comment:

It is noted that the change of use happened 9 years ago.

The shop is located in Pinner's designated secondary frontages. UDP policy EM17 requires that no more than 50% of the frontage is in non-retail use. The current non-retail frontage is 53.91% and so the application is in breach of this policy. EM 17 permits this limit to be breached where there is a long standing problem of high vacancies in the frontages. There is no such issue here, as at the most recent survey there were no vacancies.

However, although in breach of policy EM17, in this instance the nature of the use is suitable to a town centre location, as it provides walk in retailing services similar to that of a hairdressers and helps contribute to the vitality of the centre. There would therefore be little material harm in granting the application as an advertised departure from the development plan, subject to any other concerns being addressed.

It is also noted that the current percentage for the secondary frontage has the application property 108 Marsh Road already listed as Sui Generis, as such the current non-retail percentage of 53.91% will not be increased.

It is evident that the proposal is not in strict accordance with Criterion (d) however in this instance given the above it is considered to be acceptable.

Criterion (e) requires that the premises can be adequately serviced without causing harm to highway safety and convenience. To the rear of the property is an access road, which serves the rear of the parade and a number of other uses with two car park spaces available. The single entrance door providing access to the unit would be retained to the proposal, and it is considered that this rear access would be adequate to service the beauty parlour use and the servicing of the property would not be detrimental to highway safety.

Criterion (f) requires a window display or frontage appropriate to the centre to be maintained. The existing unit has an appropriate window display for a town centre and no alterations to the existing shopfront are proposed. However, in order to ensure that this is

not altered in the future, an appropriate condition is attached, preventing the shopfront window glass of the unit from being painted or otherwise obscured without the prior written permission from the Local Planning Authority.

A harmful concentration of non-retail uses would not be created or added to as a result of the proposal given the above, thereby complying with Criterion (g) above.

In summary, the proposal would satisfy each of the above criteria, and would therefore comply with saved policy EM 17 of the Harrow Unitary Development Plan (2004).

2) Character and Appearance of the Area

No alterations to the character and appearance of the building are proposed as part of the retrospective application for the change of use. The application form states that the use has existed since 01/05/1999. The design and access statement states that it has been trading as a Beauty Parlour since May 2003. Prior to this it was acquired as an established beauty parlour.

Further evidence in the form of an email from a Harrow Council Licensing Enforcement Officer stated that they had business licensing records for the Beauty Salon from May 2003 to 30 May 2012. Council Tax Record also showed Mrs Kobra Browne T/A Beauty and Beyond paying Council Tax on 25 June 1999.

Given the above it is considered that the retrospective application for the change of use would not detract from the character and appearance of the area, thereby complying saved Policy D4 of the HUDP (2004).

3) Amenity

Saved policy EP25 states that 'noise-generating development will not be permitted in noise-sensitive areas, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses'.

As discussed above, the applicant has demonstrated that the use has existed for a significant amount of time. It is noted that there is existing residential accommodation above the beauty parlour. The hour of operation as follows:

Monday- Saturday: 09:00 - 18:00

The hours of operation and the nature of the use are considered to be established in the street frontage given the evidence supplied as part of the retrospective application. As such it is considered the change of use does not significantly adversely impact on the environment, health and quality of life in general of the surrounding neighbouring amenities.

The change of use is considered to comply with saved policy EM25 of the Harrow Unitary Development Plan (2004).

4) Traffic, Safety and Parking

The Highways Authority was consulted as part of the application, they commented as follows:

There are no specific concerns with this retrospective Change of Use from A1 to a beauty parlour due to the location which is likely contribute to linked trips to the site given the established use attractions along Marsh Road. As a result it is unlikely that given the

scale of the proposal there would be a measurable change in use profile which would, in any event, be controlled by the stringent waiting restrictions in the area which promote parking restraint.

Hence in summary there is no objection to the proposal.

It is considered that the proposal would not be detrimental to highway safety, and therefore would be acceptable in this regard.

5) Accessibility

In terms of accessibility, it is noted that the building has a level threshold and there are no changes proposed to the width of the existing door opening serving the unit, which is 1 m in width. This entrance door would not therefore reasonably impede most potential users from entering the property. The proposed development would therefore be in accordance with the aims and objectives of policy 7.2 of The London Plan (2011), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the adopted SPD – Access for All (2006).

6) S17 Crime & Disorder Act 1998

It is not considered that this application would have any detrimental impact upon community safety and is therefore acceptable in this regard.

7) Consultation responses

None received.

CONCLUSION

In summary, the proposed development is considered to be acceptable in terms of character and appearance of the area and would not adversely affect the amenities of neighboring occupiers or the vitality of secondary shopping parade within Penning District Centre. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant visual, transport, or other impacts that would warrant refusal of planning permission.

CONDITIONS:

1 The development hereby permitted shall be maintained in accordance with the following approved plans and documents: Plan No. 108/AKP/VA/1, Location Plan, Design and Access Statement.

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

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

a: 09:00 hours to 18:00 hours, Monday to Friday inclusive,

b: 09:00 hours to 18:00 hours, Saturday

without the prior written permission of the local planning authority.

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

3 The maximum number of full and part time staff on site at any given time will be 4.

REASON: To safeguard the amenities of neighbouring occupiers of the business and residents of the flats above the building in accordance with saved policies D5 and EP25 of

the Harrow Unitary Development Plan (2004).

4 The shopfront window glass of the unit hereby approved shall not be painted or otherwise obscured without the prior written permission from the Local Planning Authority. REASON: To ensure that a shopfront is maintained in the interests of providing a lively and attractive shopping area, in accordance with saved policy EM18 of the Harrow Unitary Development Plan (2004).

5 PLANLIST: 108/AKP/VA/1, Location Plan, Design and Access Statement.

INFORMATIVES:

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to Grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposed development is considered to be acceptable in terms of character and appearance of the area, and would not adversely affect the amenities of neighboring occupiers or the vitality of secondary shopping parade Marsh Road. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development would therefore not have any significant impacts that would warrant refusal of planning permission.

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

3.1 B – Ensuring Equal Life Chances For All

6.13 C/D – Parking

7.2 C – An Inclusive Environment

The Harrow Core Strategy 2012

CS1 – Overarching Policy

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

EM17 – Change of Use of Shops – Secondary Shopping Frontage

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

EP 25 – Noise

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Document – Access For All (2006)

Adopted Supplementary Planning Documents

Supplementary Planning Document: Access for All 2006

2 INFORMATIVE:

The applicant is advised that this permission does not pertain to the installation of advertisements, whether it be illuminated or non-illuminated, and any implementation of

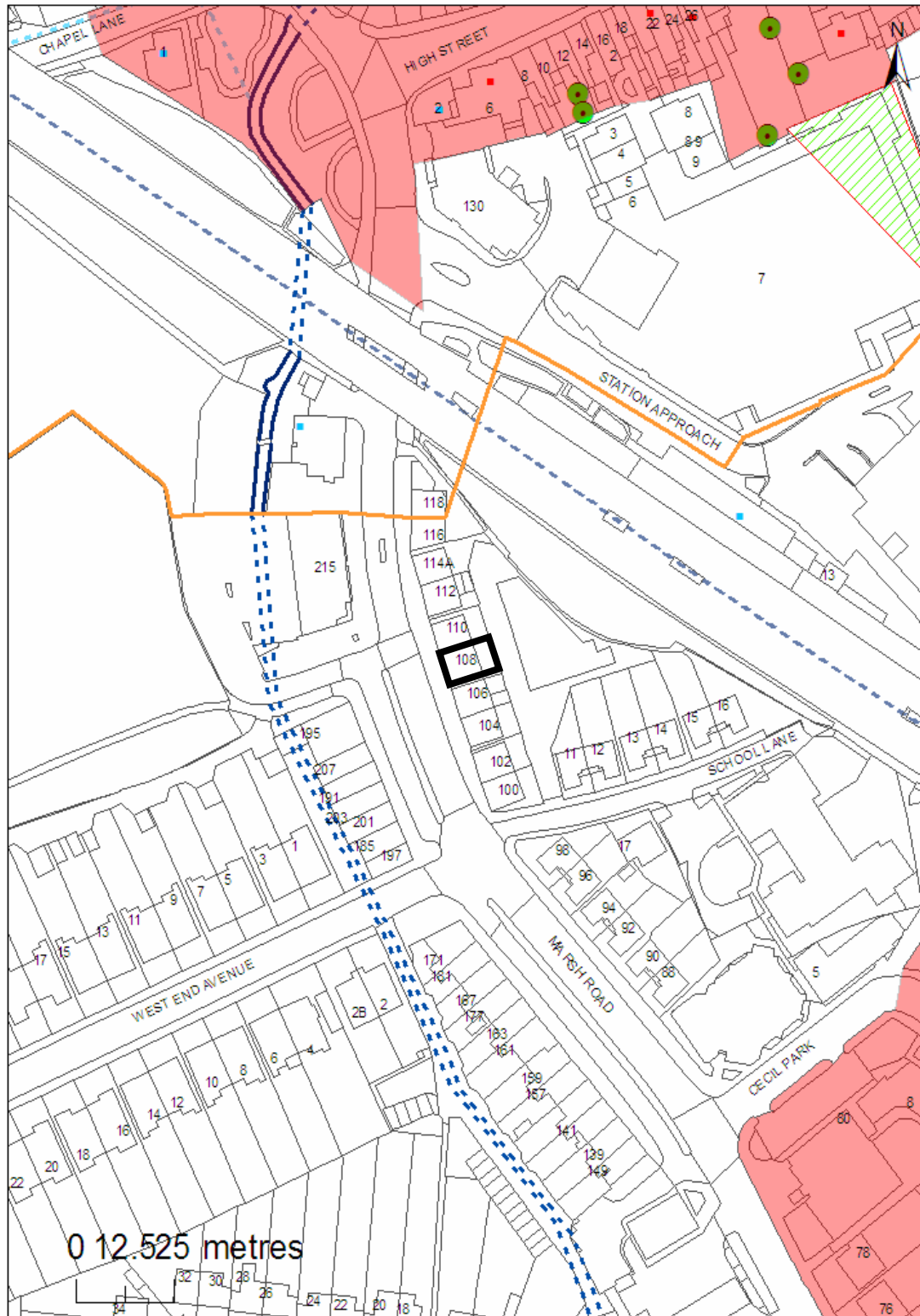
signage is likely to require planning permission.

3 INFORMATIVE:

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

Plan Nos: 108/AKP/VA/1, Location Plan, Design and Access Statement

108 MARSH ROAD, PINNER



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Appeal Decision

site visit held on Wednesday 10 November 1999

by Frederick F Steyn BArch RIBA

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street,
Bristol BS2 9DU

☎ 0117 967 8927

APPEAL
2672
ALLOWED

13 DEC 1999

Appeal: T/APP/M5450/A/99/1027355/P2

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Dr J Taghipour against the Council of the London Borough of Harrow.
- The site is located at 110 Marsh Road, Pinner.
- The application (ref: WEST/319/99/FUL), dated 19 April 1999, was refused on 21 May 1999.
- The development proposed is a change of use of an existing retail unit to a doctor's surgery.

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule.

Procedural matter

1. The application to which this appeal relates indicated that part of the surgery would extend into the neighbouring property at 108 Marsh Road, and that 4 parking spaces would be provided to the rear of the building. A revised drawing 032/1B has since been submitted, indicating that the surgery would be confined to the building at 110 Marsh Road, and that 3 parking spaces and a pedestrian access would be provided to the rear of the building. The Council has given consideration to that revised layout in its representations, and the appeal is being considered on that basis.

Development plan policies

2. The development plan for the area is the Harrow Unitary Development Plan (HUDP). Policy T13 indicates that the Council will normally require developers to meet the current parking standards. Paragraph 6.43 of the supporting text to that policy includes the statement that the Council will take into account the specific circumstances of the location in deciding whether to make variations up or down from the standard. Policy S14 relates to changes of use from retail in secondary shopping centres.

Principle of the proposed change of use

3. The Council has not objected to the principle of the proposed change of use of the premises which are in the secondary frontage of Pinner District Centre, and the proposal would comply with HUDP policy S14 and with government advice concerning the location of medical facilities in town centres. The Council's objections relate to the effect on the highway resulting from the proposed change of use and the parking provision on the site.

The main issue

4. The main issue is the effect of the proposal on the free flow of traffic and safety along Marsh Road.

Inspector's reasons

Consideration of the main issue

Parking provision on the site and availability of nearby parking

5. There is at present no parking facility for the appeal site, including the retail unit and the residential accommodation above, and three spaces are proposed to the rear of the premises. The Council is concerned that the existing rear access way is habitually blocked by cars, but it seems to me that the provision of those parking spaces and their regular use would be a disincentive to indiscriminate parking in the vicinity by others. Notwithstanding, there seems to be no certainty how many of those parking spaces would be available for use by patients. There is, however, a public car park within very easy walking distance of the appeal premises, and there are some short term parking spaces on the opposite side of the road from the site. There is a yellow line along Marsh Road outside the site, prohibiting parking from Monday to Saturday between the hours of 0800 and 2000, and it seems to me that the strong likelihood is that most patients would use the nearby parking facilities rather than risk a fine by parking on the restricted area outside the site for any length of time.
6. There is no provision in the Council's car parking standards for a relaxation of the parking requirement for a change of use from Use Class A1 (Shops) to D1 (Non-residential institutions), which includes medical and health services. No details of parking standards for shops have been provided, but the standards require 4 spaces for a single person medical practice. While I am unable to make a comparison between the requirement for retail and medical use, it seems to me that it is likely that there would normally be some requirement for parking associated with retail use. What is clear is that the site would be served by three parking spaces where none exist at present. Given that gap and the availability of other nearby parking facilities, it seems to me that the shortfall in the normal parking requirement would not be contrary to the thrust of HUDP policy T13.

Likelihood of vehicles stopping outside the site

7. The appeal site is on the inside of a bend in Marsh Road, and the Council is concerned that patients may be brought to the surgery by car or taxi, and deposited along the restricted part of the road outside the surgery. A further concern is that patients might park outside for short visits to the surgery, such as for fetching prescriptions. I am mindful of the incidence of traffic injury and fatal accidents in built up areas, as set out in paragraph 16.1 of the Institution of Highways and Transportation's document, Transport in the Urban Environment, and also that driver-errors are compounded by adverse features of road design and obstructions due to parked or stationary vehicles. It is clear that the possibility of patients being deposited or parking for short periods outside the site cannot be discounted, even though it appears that the area is regularly patrolled. However, it seems that the facilities provided in the surgery would be somewhat limited due to the restricted floor area of the premises, and the appellant's submission that most patients would have appointments seems to be in line with current medical practice. There would not, as a result, be likely to be many patients needing to be at the surgery at any one time. I therefore consider that the incidence of vehicles being stopped outside the surgery to set down patients or for other purposes would be likely to be sporadic at worst.
8. The road is not particularly narrow outside the appeal site. Further, the road does not curve sharply in the vicinity of the appeal unit, and forward visibility is available over a

APPEAL DECISION

considerable distance when approaching the site. Stops outside the site would undoubtedly be undesirable, and would be contrary to rule 217 of the Highway Code that a stop should not be made on a bend. However, given the width and degree of curvature of the road, I consider that occasional halted vehicles would be more likely to cause inconvenience, rather than significant hazards, to oncoming vehicles.

9. The Council submits that it has been consistent concerning use of the appeal site by refusing an application for a food takeaway in 1996 for similar reasons to those given for refusing this appeal proposal. There is, however, no strong evidence that the incidence of vehicles stopping outside the proposed surgery would be likely to approach that which would result from a takeaway, or that more cars would be likely to stop than for some other uses which could be carried out lawfully in the present retail unit.

Conclusion on the main issue

10. I conclude that the proposal would not cause significant harm in respect of the free flow of traffic and safety along Marsh Road.

Suggested conditions

11. The Council's suggested condition concerning use of the premises seems to me to be reasonable and necessary, as other uses in the same Use Class might have harmful effects. I also consider the condition concerning the provision of the parking spaces to be necessary to ensure that they would be available for use. I am of the view that it would be reasonable for a condition to be imposed requiring the works shown on the approved drawing to be carried out, to ensure that rear access for patients would be possible from the parking area on the site. Given the limited size of the premises and the availability of nearby public parking, I do not consider that it would be necessary to impose a condition restricting the number of practitioners to one.

Other matters

12. All other matters raised in the written representations have been considered, but none are sufficient to outweigh the considerations I consider to be material.

Conclusions

13. For the reasons given above I conclude that the appeal should succeed and I hereby exercise the powers transferred to me accordingly.

Informatives

14. This decision only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.
15. The conditions require further matters to be agreed by the local planning authority. There is the right to appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period, or grant a conditional approval.

Frederik Steyn

Schedule:

Appeal: T/APP/M5450/A/99/1027355/P2

The appeal is allowed and planning permission granted for a change of use of an existing retail unit to a doctor's surgery in accordance with the terms of the application No: WEST/319/99/FUL dated 19 April 1999 and drawing 032/1B, subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (ii) The premises shall be used as a doctor's surgery and for no other purpose, including any other purpose in Class D1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
- (iii) The use hereby permitted shall not commence until all the works detailed on drg. No. 032/1B have been carried out, unless otherwise agreed in writing by the local planning authority.
- (iv) The use hereby permitted shall not commence until the car parking area and pedestrian access shown on drg. No. 032/1B have been constructed and surfaced with impervious materials, and drained in accordance with details to be submitted to and approved in writing by the local planning authority. The car parking spaces shall be permanently marked out and shall at no time be used for purposes other than parking, and the pedestrian access shall be kept unobstructed at all times.

SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01
Address: 16 ALLINGTON ROAD, HARROW
Reference: P/0531/12
Description: REAR DORMER WITH JULIETTE BALCONY (RETROSPECTIVE APPLICATION)
Ward: HEADSTONE SOUTH
Applicant: MR PRADEEP SHAH
Agent: N/A
Case Officer: CIARAN REGAN
Expiry Date: 19/04/2012

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

REASON

1. The rear dormer, by reason of its siting and excessive bulk and massing, has created an unattractive, incongruous and over-dominant expanse of end gable wall which is particularly visually prominent in the street scene to the detriment of the character and appearance of the dwellinghouse and the surrounding area, contrary to policies 7.4B and 7.6B of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

INFORMATION:

This application is reported to Planning Committee as the proposal is potentially controversial and is of significant public interest subject. It is therefore excluded by proviso E of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type:	21 - Householder
Council Interest:	None
Site Area:	200sqm approx. (0.02ha)
Gross Proposed Internal Floorspace:	N/A
Existing Gross Internal Floorspace:	N/A
Net Additional Floorspace:	N/A
GLA Community Infrastructure (CIL) Contribution:	None

Site Description

- End of terrace two-storey dwelling set back 3m from the back of the footpath on north side of Allington Road.

- The streetscene is characterised by terraced houses.
- The property has a flat roofed garage at front which has been converted to a habitable room.
- The garages at the front of the dwellinghouses on Allington Road project 2.6m forward of the front building line thereby creating a 2.6m wide recessed area at the front of the property.
- The property originally had a 12m deep rear garden (it is 9m deep now following completion of a single-storey rear extension).
- The property has been extended with a single storey rear extension and roof alterations to form a rear dormer; a window in the gable end; and two rooflights in the front roofslope.
- Since the last application was considered it has come to light that the dimensions of the extensions built on site exceed those for which a Certificate of Lawfulness was granted. An additional roof light was also inserted into the front roof slope but, of itself, this does not require planning permission providing it does not project more than 15 centimetres above the surface of the roof (which it does not appear to).

Proposal Details

- The retention of a rear dormer with Juliette balcony finished with tile hanging.
- 6.86m wide x 3.89m deep x 2.79m high.

Revisions to previous application

- N/a

Relevant History

P/2506/10

SINGLE STOREY FRONT EXTENSION

REFUSED: 23-Jun-2010

DISMISSED AT APPEAL:

24-Feb-2011

Reason for Refusal:

1. The proposed front extension, by reason of poor design, would be visually obtrusive in the streetscene and would be out of character with the pattern of development in the area, to the detriment of the visual amenities of the area and of neighbouring occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

P/0968/10

SINGLE STOREY FRONT EXTENSION

REFUSED: 23-Jun-2010

Reason for Refusal:

1. The proposed front extension, by reason of poor design, would be visually obtrusive in the streetscene and would be out of character with the pattern of development in the area, to the detriment of the visual amenities of the area and of neighbouring occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008), saved policy D4 of the Harrow Unitary Development Plan (2004) and adopted Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

P/1580/09

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: SINGLE STOREY REAR EXTENSION; ALTERATIONS TO ROOF TO FORM REAR DORMER; WINDOW IN GABLE END; ROOFLIGHT IN FRONT ROOFSLOPE.

GRANTED: 07-Oct-2009

WEST/676/01/VAR

VARIATION OF CONDITION 5 OF PLANNING PERMISSION HAR/20512/C TO ENABLE USE OF GARAGE AS HABITABLE ROOM)

GRANTED: 14-Sep-2001

HAR/20512/H

38 TERRACED HOUSES/59 GARAGES

GRANTED: 14-Apr-1965

Pre-Application Discussion

- None

Applicant Submission Documents

- None

Consultations

Newspaper Advertisement: N/a

Site Notice: N/a

Neighbourhood Notifications:

Allington Road: Nos: 14, 18, 20, 22 and 24

Kingsfield Avenue: Nos: 65 and 67

Sent: 7

Replies: 2

Expiry: 04/04/2012

(One of the two replies received is a petition in support of the application signed by 61 persons. The other reply is a letter of objection.)

Summary of Responses:

In objection:

- Loss of privacy
- The rear dormer does not appear to have an acceptable relationship with the neighbouring properties and the wider street / back garden scene.

Petition in support:

- The application should be approved and should be considered by the Planning Committee so that issues related to the approval of application ref. P/1580/09 (see details above) together with minor amendments made to the dormer/extension can be openly discussed and so that Members can undertake a site visit to examine the dormer and its impact before making a decision if necessary.

APPRAISAL

MAIN CONSIDERATIONS

- 1) Character and Appearance of the Area
- 2) Impact upon Residential Amenity
- 3) S17 Crime & Disorder Act 1998
- 4) Consultation Responses

1) Character and Appearance of the Area

This retrospective application has been submitted as the rear dormer has not been constructed in accordance with the plans that were approved for the Lawful Development Certificate (P/1580/09) and therefore this development is not a lawful development but rather, requires planning permission.

The most obvious way in which the development, as built, fails to comply with 'permitted development' regulations (for extensions and/or alterations to dwellinghouses) is in the fact that it has raised the height of the original roof, thereby increasing the overall height of the original dwellinghouse. It is also apparent that the bright orange colour of the newly laid concrete pantile roof is less than sympathetic to the neighbouring dwellings in the terrace and the surrounding area in general. This matters because one of the conditions of permitted development (assuming all other relevant permitted development limitations have already been adhered to) is that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The submitted plans indicate that the original 8.1m height of the dwellinghouse has been increased to 8.25m, an increase of 15 centimetres (or 6 inches).

The dormer does not comply with the design guidance contained in the Council's adopted SPD: Residential Design Guide (2010) as it was designed not with this SPD in mind but rather with the intention of maximising the size of the rear dormer that could be built while still adhering to the permitted development regulations. Therefore it is evident, for example, that it has not been set in from either the gable end (here the SPD states there should be a 1m set-in) or the party wall boundary (here the SPD states there should be a 0.5m set-in) with the adjoining dwelling at No. 14 Allington Road, but rather, it extends the full width of the dwelling. The SPD also advises that, (admittedly ideally) rear dormers should be set down from the roof ridge by 500mm.

It should also be appreciated that being the dwelling at the end of this terrace together with the fact that there is a significant break in the street scene due to the existence of a car parking area at the side, the side gable of the property is quite prominent in the street scene.

Intrinsic to the character and appearance of this terrace of five dwellings is the regular, even step down of the roof ridges from No. 8 at the far end down to No. 16 at the opposite end. This original pattern of stepping down the heights of the dwellings is not pronounced. Rather, the ground-level falls only gently along the terrace such that the step down of the roof ridges appears to be little more than 15 centimetres each time. While the dormer has raised the roof ridge of No. 16 by 15 centimetres, there does still remain a clear visual break between it and the dwelling at No. 14 next door because, looking at the development directly side on, the new ridge, while higher, has been set approximately 55

centimetres (21 inches) to the rear behind the line of original ridge. This has meant that the profile of the front roof slope remains as it was originally (i.e., the front roof slope has not been vertically raised). As such, even though the overall height of the dwelling has increased, the difference in the height of the front roof slopes between Nos 16 and 14 has not changed, therefore nor has the intervening run of lead flashing where the edges of the front roof slopes meet changed, nor indeed has the original step down of the eaves at the front been altered.

The greater visual harm is the altered appearance of the dwelling's end gable wall. The dormer has effectively been created by simply building up the gable end at the rear. As such the characteristic pitched roof side profile of the original dwellinghouse has been lost and an over dominant and unattractive large expanse of wall with an oddly-shaped side profile has been created in its place. This is particularly visually prominent in the street scene due to the adjacent car parking area which creates a large gap in the street scene. In short, the harm occurring from the non-compliance of the rear dormer with the SPD is readily visible within the public realm.

The applicant has cited personal circumstances and hardship which he wishes to be taken into account. While the circumstances are fully understood and can be considered as a material consideration it should be noted that national guidance contained within 'The Planning System: General Principles' advises that 'Unless otherwise specified, a planning permission runs with the land.', and that, 'Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. In such circumstances, permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations, however.' (emphasis added). Accordingly, only very limited weight can be given to this consideration. As such, it is considered that these circumstances, however genuine, are not sufficient to outweigh the harm that has been identified.

It has also been noted that the front roof slope has been retiled with concrete pantiles. These are less than sympathetic in appearance and ideally a better matching colour would have been used. However, the roof will weather over time and consequently it will not stand out from the other original roofs in the terrace and beyond as much in the future. As such, any currently perceived harm will recede to create an acceptable situation over time.

In summary, it is considered that the existing rear dormer for which retrospective planning permission is sought fails to comply with policies 7.4B and 7.6B of The London Plan (2011), core policy CS1.B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010) and should therefore be refused.

2) Impact upon Residential Amenity

The objector to the application has suggested that the rear dormer has resulted in the loss of privacy to neighbouring properties. However, a degree of overlooking is not uncommon in built-up urban areas and therefore any perceived additional overlooking of any neighbouring land arising from the presence of the rear dormer (which only has windows in its rear elevation, one of which is an obscure-glazed shower/WC-room window) is not considered to be harmful in planning terms.

In summary, the impact of the rear dormer upon residential amenity is considered satisfactory and would comply with policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

3) S17 Crime & Disorder Act 1998

The rear dormer has no adverse impact upon community safety issues and so complies with policy 7.3B of The London Plan (2011) and saved policy D4 of the Harrow Unitary Development Plan (2004)

4) Neighbour Consultation Responses

Insofar as they have raised relevant planning matters, these have been addressed in full in the preceding sections of the appraisal above.

CONCLUSION

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

INFORMATIVES

1 The decision to refuse permission has been taken having regard to the policies, proposals and guidance in the National Planning Policy Framework (2012), The London Plan (2011), Harrow Unitary Development Plan (2004) and Harrow Core Strategy (2012) which are set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

National Planning Policy Framework (2012)

The London Plan (2011)

- 7.3 - Designing out crime
- 7.4 - Local character
- 7.6 - Architecture

Harrow Core Strategy (2012)

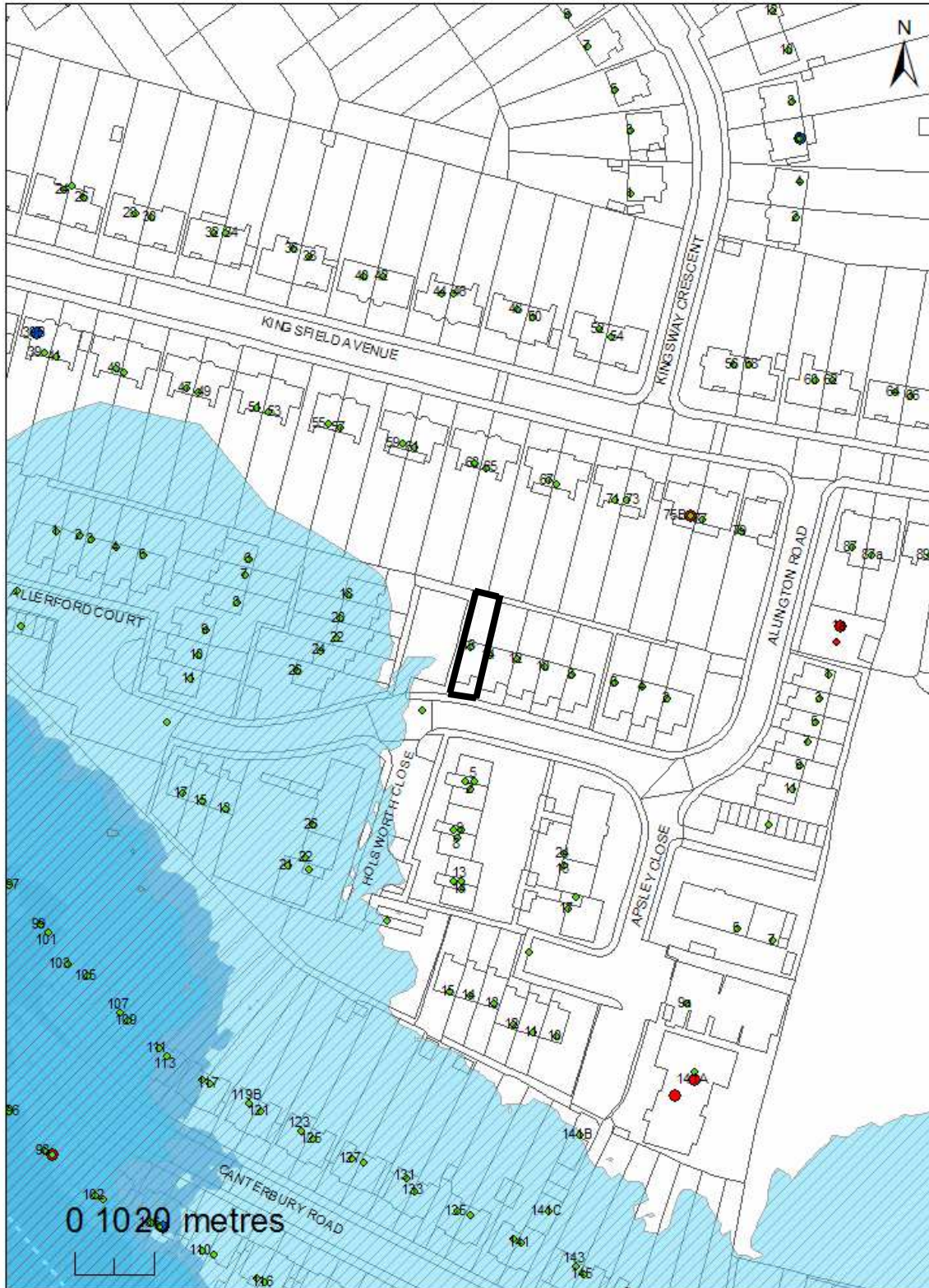
Core Policies CS1.B

Harrow Unitary Development Plan (2004) (saved policies only)

- D4 - The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- Supplementary Planning Document: Residential Design Guide (2010)

Plan Nos: 642/09/1 Rev. A and 642/09/2 Rev. E.

16 ALLINGTON ROAD, HARROW



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Appeal Decision

Site visit made on 15 February 2011

by **R M Barker BEng(Hons) CEng MICE FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 February 2011

Appeal Ref: APP/M5450/D/11/2143997

16 Allington Road, Harrow, Middlesex, HA2 6AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2506/10, dated 19 September 2010, was refused by notice dated 15 November 2010.
 - The development proposed is described as *GF Front extension*.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the proposed development on the street scene.

Preliminary Matters

3. The submissions of the local planning authority and the appellant refer to Supplementary Planning Guidance *Extensions – A Householders Guide* (SPG). However since those statements were drafted but before the appeal was lodged (on the 7 January 2011) the Council adopted Supplementary Planning Document *Residential Design Guide* (SPD) on 15 December 2010. I have been provided with a copy of the SPD. The SPD incorporates and replaces (with revisions) the previous guidance (SPG) and reflects the advice in the previous SPG, which formed the basis of the local planning authority's decision, and in so far as this appeal is concerned there is no material difference in the guidance and no one would be prejudiced by its use. I have dealt with the appeal on this basis using this extant guidance.

Reasons

4. The host dwelling sits at the end of a terrace of five similar properties. Another comparable terrace of three lies directly adjacent, to the east. These terraces set the character of this part of Allington Road. They bring a satisfactory regularity to the pattern of the street; a rhythm that is informed by the recessed area at the entry to each dwelling.
5. In my judgment the proposed extension, which would infill this recess, would have a materially adverse effect on the current harmony of these terraces, in which the articulation of the front elevations highlighted above plays an integral part.

<http://www.planning-inspectorate.gov.uk>

6. The appellant draws attention to an extension that has been constructed at a nearby property, no. 3 Allerford Court. I do not have all the details of that case and that Court has a different character to the street in this appeal. However from my inspection it does confirm my view that such an extension would have a harmful effect on the street scene. I must consider this appeal on its individual merits.
7. In view of all the above I conclude that the proposed development would have an unacceptably harmful effect on the street scene contrary to the London Plan Policy 4B.1 and the Harrow Unitary Development Plan saved Policy D4 that seek high quality layout and design which respects local character and context. Furthermore the proposal would not accord with detailed guidance in the SPD, paragraphs 6.6 and 6.35, which highlight the need to be aware of potential impact on the character of an area and in particular on the street scene.
8. Consequently for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R.M Barker

INSPECTOR

Item No. 3/02
Address: WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW
Reference: P/0063/12
Description: INSTALLATION OF 8 X 10M HIGH LIGHTING COLUMNS TO PROVIDE FLOODLIGHTING TO TENNIS COURTS AND 6 X 14M HIGH LIGHTING COLUMN TO PROVIDE FLOODLIGHTING TO MULTI USE GAMES AREA
Ward: HARROW ON THE HILL
Applicant: MS S HAMMOND
Agent: HOWARD FAIRBAIRN MHK
Case Officer: SARAH MACAVOY
Expiry Date: 06/04/2012

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

REASON

1. The proposed floodlighting columns, by reason of their height, bulk and siting in close proximity to residential properties would be unduly obtrusive and would result in unacceptable harm to the visual amenities of the properties along Whitmore Road and Shaftesbury Avenue in close proximity to the proposed floodlighting columns and to the character of the area, contrary to National Planning Policy Framework (2012), London Plan (2011) policies 7.4B and 7.6B, Harrow Core Strategy CS1.B and the Unitary Development Plan (2004) policy D4.
2. The proposed flood lighting columns, when in use would result in unacceptable light overspill onto the neighbouring residential gardens to the detriment of the residential amenities of the properties along Whitmore Road and Shaftesbury Avenue in close proximity to the proposed floodlighting columns contrary to London Plan (2011) policy 7.6B and the Unitary Development Plan (2004) policy D5.

INFORMATION

The application is reported to the Planning Committee because Whitmore High School is a Council owned site and the application therefore falls outside category 1 (h) of the Scheme of Delegation.

Statutory Return Type: Minor development
Council Interest: Council Owned
Gross Floorspace: N/A
Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The site is a school on a large triangular site to the north of Porlock Avenue, to the south of houses on Whitmore Road, and to the east of houses on Shaftesbury Avenue.
- The school is comprised of a two and three-storey building to the east of the site incorporating classrooms, library, kitchen and dining facilities, main hall, sports hall, and a fitness centre.
- A variety of outdoor space is provided, including multi-purpose tennis/netball courts, a multi-purpose football pitch and athletics track, and open and covered play space.
- The main access to the site is off Porlock Avenue and a second, emergency access runs along the eastern boundary.
- To the south west of the site is an electricity substation and McDonald's restaurant to the west and north are residential dwellings.
- To the south (on the opposite side of Porlock Avenue) are residential dwellings, and more dwellings lie to the east.
- The School is located opposite the Metropolitan Open Land relating to Harrow School playing fields.

Proposal Details

- The application proposes 8 x 10m high columns to the Whitmore High School Tennis Courts and 6 x 14m high columns to the Multi Use Games Area (MUGA).
- The block of flats at 1-6 Kelvin Court, Shaftesbury Avenue and 122 – 156 Shaftesbury Avenue have rear gardens backing onto the tennis/netball courts at Whitmore High School.
- The residential properties at 123 – 143 Whitmore Avenue have rear gardens backing onto the MUGA.
- The floodlights would be located just 5m (approx.) from the closest residential boundaries and 35m (approx.) to the rear of the dwellinghouses along Shaftesbury Avenue and 42m (approx.) to the rear of the dwellinghouses along Whitmore Road.
- The lighting would be used Monday to Friday between the hours of 0700 and 2100 and Saturdays, Sundays and Bank Holidays between the hours of 0900 and 2100.
- The proposed lighting to the MUGA will be illuminated to a level of 200 Lux.
- The proposed light to the tennis/netball courts will be illuminated between 200 and 400 Lux.

Revisions to Previous Application

- N/A

Relevant History

LBH/43521

Application under regulation 4(5) of the town and country planning regulations 1976: three tennis courts with 10m high floodlighting

Granted - 05-Nov-1991

P/0892/08COU

Outline: redevelopment to provide new two and three storey building along with indoor and outdoor sports

and recreational facilities, internal roads and footpaths, access and parking, and ancillary

facilities
Granted - 23-May-08

P/0392/10

Variation to conditions 4, 6, 9, 13, 17, 19, 20 and 21 of outline planning permission ref: p/0892/08 dated 23 may 2008 for redevelopment to provide new two and three-storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities.

Granted - 27-Apr-2010

P/0458/10

Revisions to vehicular and pedestrian access off Porlock Avenue of application ref p/0892/08/cou dated 23/5/2008 for 'outline: redevelopment to provide new two and three-storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities'.

Granted – 21-Jun-2010

P/1159/10

Variation to condition 16 of planning permission ref: p/0892/08 dated 23.05.2008 for 'outline: redevelopment to provide new two and three storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities' to allow revisions to car parking layout and the implementation of the revised layout prior to the occupation of the development

Granted – 15-Jun-2010

P/3389/10

Variation of condition 23 attached to outline permission p/0892/08cou dated 23/05/2008 to allow an extension of opening hours of the site for community purposes until 2300 on Fridays and Saturdays

Granted - 22-Mar-2011

P/1243/11

Non-material amendment to planning permission p/0892/08cou dated 23/05/2008 to reinstate the area allocated for a sports pitch at rear with an artificial playing surface

Approved - 16-Jun-2011

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- Lighting diagrams, plans and supporting letter

Consultations

External:

- Sport England: The application proposes the installation of eight lighting columns to provide floodlighting to tennis courts and six lighting column to provide floodlighting to the existing multi use games area. Floodlighting is now an integral part of many sports facilities, particularly hard-surfaced areas such as synthetic turf pitches and tennis courts, and practice facilities such as golf driving ranges. Floodlighting and the intensification of use it can bring can, however, be intrusive in some locations. This

can be an issue in both urban and rural areas. It is Sport England's policy (Planning Policy Objective 20) to support the installation of floodlighting of sports facilities where this will lead to a significant increase in opportunities for sport. Sport England will promote policies and practices that:

- Allow for the installation of floodlighting of sports facilities where it will lead to a significant increase in the opportunities for sport
- Are not overly-restrictive in relation to hours of use
- Take account of the need to protect residential amenity by seeking to minimise the impact of light pollution from lighting systems through sensitive siting and design, and of the intensification of use.

Floodlighting complements the provision of synthetic surfaces which are less susceptible than natural grass to adverse weather conditions and drainage problems, and can accommodate higher levels of use. Floodlighting can considerably extend the hours of use outside the summer months and is often critical to the viability of many facilities which rely on income from mid-week evening lettings to cover operating costs. Floodlighting is therefore essential if these sports facilities are to be used to their full capacity and justify the level of capital required to provide them. Clearly, without floodlighting, opportunities for sport would be significantly restricted. This being the case, Sport England makes no objection to this application.

- Environment Agency: "As the red line boundary shows this site to be over one Hectare we would usually request a Flood Risk Assessment. However, as the proposals only involve the installation of lighting we do not think it is necessary in this instance and have no comments to make".

Internal:

- Lighting Engineer: With reference to the planning application P/0063/12 for the Muga: soccer/hockey pitch lighting and Muga: tennis/netball lighting at the above development, the following points are noted:-
 - the developer has proposed the use of Thorn Champion 3272 flood lights utilising 2000w metal halide lamps at 14.5m mounting height, which incorporate asymmetric reflectors and flat glass to minimise any overspill light beyond the soccer pitch.
 - a metal halide lamp option (Ra 65), which will provide improved colour rendering.
 - a total of 14 flood lights will be installed in twin or triple configuration on 6 x 14.5m base hinged raise & lower flood lighting columns.

Recommended lighting levels for outdoor Muga: soccer/hockey are:-

Hockey:-

Horizontal illuminance 200 - 500 Eav Lux, Uniformity 0.70 Emin/Eav

Soccer:-

Horizontal illuminance 75 - 500 Eav Lux, Uniformity 0.50 - 0.70 Emin/Eav

The average maintained horizontal illuminance levels detailed on the documents submitted by Christy Lighting Ltd Design Proposal, Whitmore High School Floodlighting to Sports Pitches Proposal dated 25/03/12, 20/04/12 & 24/04/12 indicate horizontal illuminance levels 292 Eav Lux, with uniformity of 0.69 Emin/Eav.

As defined in CIBSE "Lighting Guide - Sport" LG4, this would be equivalent to Lighting Class 2, Mid-level competition such as regional or local club competition, which generally involves medium size spectator capacities with medium viewing distances.

The developer has confirmed that the design has been undertaken in conjunction with the Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution, including the vicinity where the games area is situated @ E1 Zone - "Intrinsically dark landscapes".

The maximum recommended vertical illuminance into house windows is 2 Eav Lux within Environmental Zone E1.

The vertical illuminance calculations provided indicate that the proposed schemes comply with this requirement.

However, the isolux contour for horizontal overspill would appear to indicate levels ranging from 0.5 - 274 Lux to the site boundary at the closest properties, Nos 121 to 145 situated in Whitmore Road.

For information, some typical lighting levels used in everyday applications would range from 0.5 Lux Moonlight, 10 Lux Residential Road: high use well lit footpaths, 15/30 Lux Suburban Pedestrian Shopping street (General), 50 Lux Outdoor working area.

Tennis/Netball Courts:-

- the developer has proposed the use of the Thorn Champion 3272 flood lights utilising 2000w metal halide lamps at 10m mounting height, which incorporate asymmetric reflectors and flat glass to minimise any overspill light beyond the Tennis Courts.
- a metal halide lamp option (Ra 65), which will provide improved colour rendering.
- a total of 12 flood lights will be installed in single or twin configuration on 8 x 10m base hinged raise & lower flood lighting columns.

Recommended lighting levels for outdoor Tennis Courts are:-

Horizontal illuminance 200 - 500 Eav Lux, Uniformity 0.60 - 0.70 Emin/Eav

The average maintained horizontal illuminance levels detailed on the documents submitted by Christy Lighting Ltd Design Proposal, Whitmore High School Floodlighting to Sports Pitches Proposal dated 25/03/12, 20/04/12 & 24/04/12 indicate horizontal illuminance levels 471 - 592 Eav Lux, with uniformity of 0.71 - 0.87 Emin/Eav on the individual courts

As defined in CIBSE "Lighting Guide - Sport" LG4, this would be equivalent to Lighting Class 3, Low-level competition such as local or small club competition, which generally does not involve spectators. General training, physical education (schools sports) and recreational activities will also come into this category.

and

As defined in CIBSE "Lighting Guide - Sport" LG4, this would be equivalent to Lighting Class 1, Top-level competition such as international and national competition, which generally involves large spectator capacities with long potential viewing distances.

Top-level training can also be included in this class.

Again, the developer has confirmed that the design has been undertaken in conjunction with the Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution, including the vicinity where the games area is situated @ E1 Zone - "Intrinsically dark landscapes".

The maximum recommended vertical illuminance into house windows is 2 Eav Lux within Environmental Zone E1.

The vertical illuminance calculations provided indicate that the proposed schemes comply with this requirement.

However, the isolux contour for horizontal overspill would appear to indicate levels ranging from 0.5 - 60 Lux to the site boundary at the closest properties, 1-6 Kelvin Court and Nos 122 to 152 situated in Shaftesbury Avenue.

I assume that no allowance has been made in the overspill calculations for the limiting effect of the tree line, as there are very few existing trees which will provide any appreciable screening.

Additionally, there is the visual impact/daytime appearance of the installation which needs to be considered, 10 - 14.5m flood lighting columns may well be somewhat oppressive with the properties in close proximity to the proposed Muga: soccer/hockey and Muga:Tennis/Netball Courts, which would be adversely affected by this development.

For comparison, the existing street lighting installation in Whitmore Road, Porlock Avenue and Shaftesbury Avenue utilises 8m columns, although the lighting levels are considerably less than that required for sports activity.

It should also be acknowledged that any new introduction of lighting in what is currently an unlit area will initially have an effect on the location, as it is a change within the environment.

This could be mitigated by a possible lower mounting height columns, reduction in classification/lighting level and restricting hours of operation, (I understand that there are operational restrictions until 10.00pm) or a combination of options.

It is noted that the developer has confirmed the use of base hinged raise & lower flood lighting columns, which could possibly be lowered when not operational reducing the daytime aesthetic impact.

Any further reduction of overspill lighting/visual impact by the use of luminaire baffles/louvres and/or additional screening by trees during landscaping would lessen the impact. In practice, there may not be available space for additional trees adjacent to the rear property gardens.

- Highways Authority: "There are no concerns or objections".
- Biodiversity Officer: "Although the installation of floodlights might concern local residents I think any impact on biodiversity, particularly bats, will be insignificant. Trees in gardens partly enclosing the proposal area seem to be young and buildings (from

what I can tell from aerial photos) unsuitable for bat roosts. Additionally, I could find no records of bats in the area from the limited data I hold. There are no SINC's in the immediate locality and what open spaces there are seem to comprise young trees and amenity grassland which constitute poor habitat for bats. I think a few garden dwelling robins and blackbirds might sing into the late evening when the floodlights are in use. Thus, I believe, biodiversity is not a significant factor here and will not be grounds to deny granting planning permission".

Advertisement

N/A

Notifications

Sent: 125

Replies: 1

Expiry: 21/3/2012

Summary of Responses

- Noise
- Light pollution and extended daylight in neighbouring gardens.

APPRAISAL

MAIN CONSIDERATIONS

- 1) Character and Appearance of the Area and Impact on the Adjacent Metropolitan Open Land
- 2) Impact on Outdoor Sports facilities
- 3) Residential Amenity
- 4) Biodiversity
- 5) S17 Crime & Disorder Act
- 6) Consultation Responses

1) Character and Appearance of the Area and Impact on the Adjacent Metropolitan Open Land

The Harrow Core Strategy was adopted on 16 February 2012 and now forms part of the Development Plan for Harrow.

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4B and 7.6B of The London Plan 2011 which seek to ensure that development respects local character and provides architecture of a proportion, composition and scale that enhances the public realm.

The tall (10m and 14m), bulky floodlights would be unduly obtrusive in relation to the neighbouring residential properties along Shaftesbury Avenue and Whitmore Road, which have rear gardens located just 5m (approx.) from the closest proposed floodlighting columns to the residential boundaries. There are very few trees between the MUGA or the tennis/netball courts and the boundaries with the neighbouring properties and none that would provide sufficient screening of the proposed floodlights. As such, it is considered that the proposed floodlights would have an unacceptable impact on the visual amenities of the neighbouring residential properties and the character of the area, contrary to the NPPF (2012), Harrow Core Strategy policy CS1.B; London Plan Policy

7.4B and 7.6D and saved policy D4 of the Harrow Unitary Development Plan (2004).

Although, Whitmore High School is located opposite to the MOL relating to Harrow School playing fields, the MUGA and the tennis/netball courts are considered to be located a sufficient distance away from the MOL (minimum distance 140m) to ensure that the proposal would have no undue impact on the MOL. As such, it is considered that the openness of the MOL would be maintained. Therefore, it is considered that there would be no undue impact on the MOL as a result of the proposals in accordance with London Plan policy 7.17 and saved policy EP43 of the Harrow Unitary Development Plan.

2) Impact on Outdoor Sports Facilities

Saved policy R4 of the Harrow Unitary Development Plan (2004) seeks further provision of outdoor sports facilities that are limited in supply. The supporting text for this policy states that "The Council seeks the improvement of pitches, courts and facilities, especially where this would lead to increased opportunities for sport in areas where there is a shortage of facilities, provided there is no detrimental effect on the environment or residential amenity".

It is noted that Sport England does not object to the proposal as it would increase the opportunities for sport. It is acknowledged that the proposal, by increasing the hours that the MUGA and tennis/netball courts could be used for would increase the opportunities for sport on the site, in particular during the winter months. However, this cannot be at the expense of residential amenity. Residential amenity, as discussed in the paragraph below, would be adversely affected by the proposal.

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.

Both the MUGA and the tennis courts are located adjacent to residential rear gardens. In particular, the block of flats at 1-6 Kelvin Court, Shaftesbury Avenue and 122 – 156 Shaftesbury Avenue have rear gardens backing onto the tennis/netball courts at Whitmore High School and the residential properties at 123 – 143 Whitmore Avenue have rear gardens backing onto the MUGA. The 10m and 14m floodlights would be located just 5m (approx.) from the closest residential boundaries and 35m (approx.) to the rear of the dwellinghouses along Shaftesbury Avenue and 42m (approx.) to the rear of the dwellinghouses along Whitmore Road.

As well as having an unacceptable impact on the visual amenities of the neighbouring residential sites as discussed in section 1 above, the proposed floodlights would have an unacceptable impact in terms of light overspill onto the adjacent residential properties' rear gardens as shown on the light contour diagrams submitted with this application.

In the case of the immediately adjacent properties to the tennis/netball courts, the isolux contour plan for horizontal overspill indicates levels ranging from 0.5 - 60 Lux to the site boundary at the closest properties, 1-6 Kelvin Court and No's 122 to 152 situated in Shaftesbury Avenue. The proposal floodlights, when in use would spill light into approximately half the length of these properties rear gardens. The light generated by the floodlights would also spill into the rear gardens of 38 – 40 Shaftesbury Avenue which are not even located adjacent to the proposed tennis/netball courts and into the McDonald's

restaurant site located on Shaftesbury Circle. However, due to the commercial, late night use of the McDonald's site, it is considered that there would be no undue impact on this site. However, the light spill over into the neighbouring residential properties would have an unacceptable impact on the residential amenities of the neighbouring sites.

In relation to the floodlighting proposed to the MUGA, the isolux contour plan for horizontal overspill indicates levels ranging from 0.5 - 274 Lux to the site boundary with the closest properties to the MUGA, Nos 121 to 145 Whitmore Road. There would be spill over from the proposed floodlights from the MUGA into approximately half the length of the rear gardens of the adjacent properties to the MUGA as well as into the rear gardens of other properties in Whitmore Road located further away from the proposal and also into a few properties along Shaftesbury Avenue. This would have an unacceptable impact on the residential amenities of the neighbouring sites.

The impact of the floodlights would be particularly harmful during the winter months when it gets dark between 3pm and 4pm, which would mean that the floodlights could be used for approximately 6 hours in the evenings every night of the week. This would have an unacceptable impact on the residential amenities of the neighbouring occupiers.

A neighbour has raised an objection in relation to noise. It is acknowledged that the proposed floodlighting would extend the time, particularly in the winter months that the MUGA and courts could be used hence increasing disturbance. However, if this application was considered to be acceptable, any undue impact in terms of disturbance could have been controlled by way of a planning condition on any planning permission restricting the hours that the floodlight could be switched on for.

It is therefore considered that the proposed floodlighting columns would have an unacceptable impact on the residential amenities of properties along Shaftesbury Avenue and Whitmore Road in close proximity to the site, contrary to London Plan Policy 7.6B and saved Policy D5 of the Harrow Unitary Development Plan (2004).

4) Biodiversity

The Council's Biodiversity Officer has not objected to the proposal and as such it would have no unreasonable impact on biodiversity. The proposal would therefore comply with the NPPF (2012), Harrow Core Strategy (2012) policy CS1.E, London Plan (2011) Policy 7.19, saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004) and the Harrow Biodiversity Action Plan (2009).

5) S17 Crime & Disorder Act

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

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

6) Consultation Responses

- Light pollution and overspill into neighbouring gardens– *Addressed in the report above.*
- Noise pollution from additional late night use – *Addressed in the report above*

CONCLUSION

It is considered that the proposal would have an unacceptable impact on the character of the area and would have an unacceptable impact on the residential and visual amenities of the occupiers of the neighbouring residential dwellinghouses.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for refusal.

INFORMATIVES

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

National Planning Policy

National Planning Policy Framework (2012)

London Plan (2011)

7.4 Local Character

7.6 Architecture

7.17 Metropolitan Open Land

7.19 Biodiversity and Access to Nature

3.19 Sports Facilities

Harrow Unitary Development Plan (2004)

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

EP43 Green Belt and Metropolitan Open Land Fringes

EP26 Habitat Creation and Enhancement

EP27 Species Protection

R4 Outdoor Sports Facilities

Harrow Core Strategy (2012)

CS1.B/E

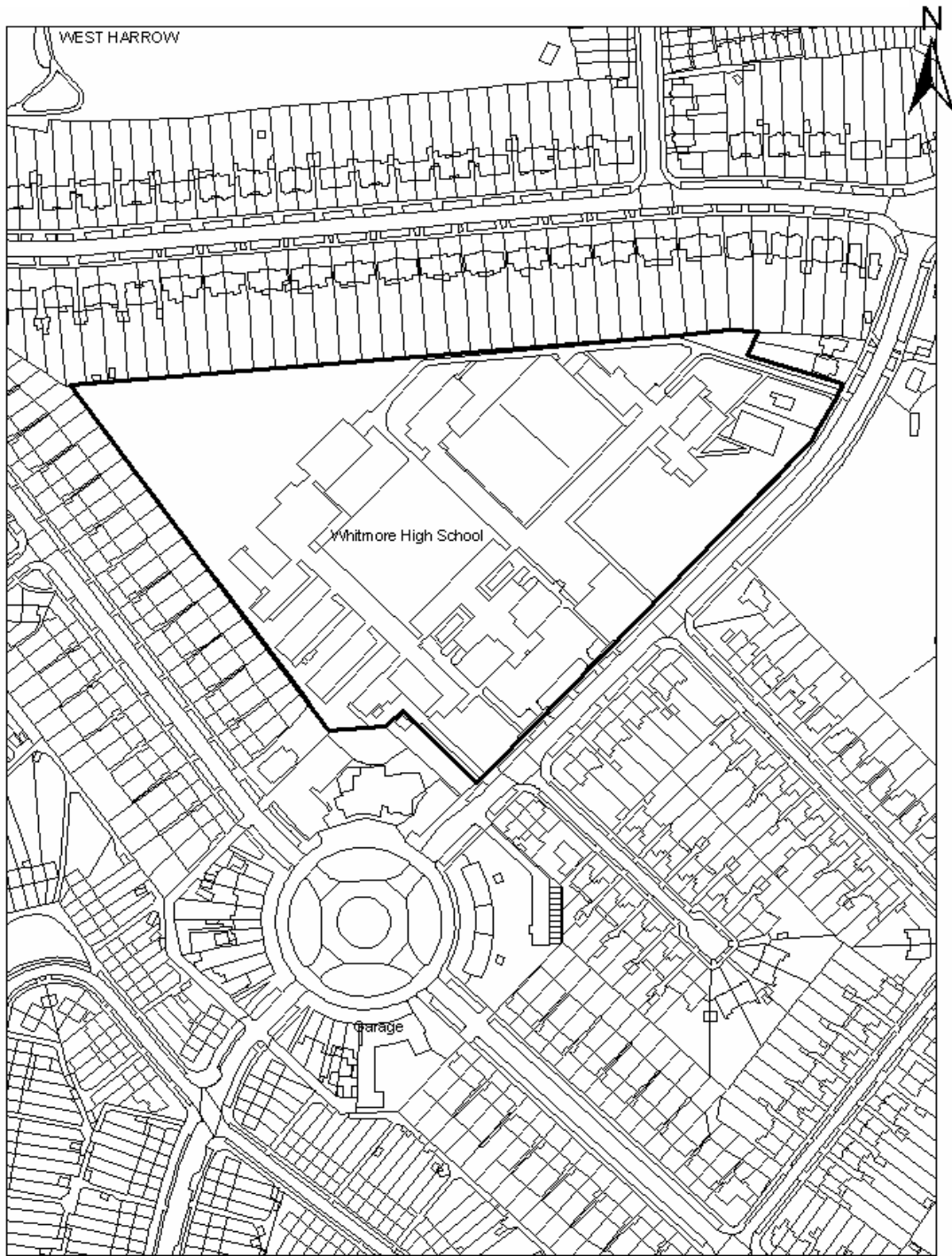
The Harrow Biodiversity Action Plan (2009)

2 The applicant is advised that there are several inconsistencies in the information provided including different lighting levels described in the supporting statement written by Howard: Fairbairn: MHK and the contour plans, different hours of operation of the lights applied for in the supporting statement written by Howard: Fairbairn: MHK and the application form and the contour plans refer to a soccer pitch and a MUGA. However, these inconsistencies have not affected the determination of this decision. The lighting levels for this application were taken off the submitted contour plans and the hours of operation were taken off the application form. It is clear that the soccer pitch is the MUGA and the MUGA is the tennis/netball courts.

Plan Nos: photos; 5440-AMD-AWP-01; 5440-FL-100; 5440-FL-101 Rev A; 5440-FL-102; Supporting statement written by Howard: Fairbairn: MHK; Guidance notes for the reduction of obtrusive light prepared by the Institution of Lighting Engineers; Lighting diagrams/contour plans prepared by Christy Lighting Ltd

WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW

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SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

Item No. 5/01

Address: LAND OUTSIDE NORTH HARROW METHODIST CHURCH, PINNER ROAD, HARROW

Reference: P/1639/12

Description: PRIOR APPROVAL FOR SITING AND APPEARANCE: 15 METRE HIGH TELECOMMUNICATIONS MAST WITH THREE ANTENNAS AND ASSOCIATED EQUIPMENT CABINET

Ward: HEADSTONE NORTH

Applicant: VODAFONE (UK) LTD

Agent: SINCLAIR DALBY LTD

Case Officer: GERARD LIVETT

Expiry Date: 03 AUGUST 2012

RECOMMENDATION

PRIOR APPROVAL of details of siting and appearance IS required

PRIOR APPROVAL of details of siting and appearance for the development described in the application and submitted plans is **GRANTED**.

REASON

The decision to grant prior approval has been taken as the proposal would provide additional mobile telephone coverage and would not be out of character with the pattern of street furniture in the area.

The decision has been taken having regard to the National Planning Policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004, as well as to all relevant material considerations including any responses to consultation.

INFORMATION

The application is reported to the Planning Committee because the proposal is considered to be controversial and is excluded from the scheme of delegation by virtue of proviso E.

Statutory Return Type: Notification under Circular

Council Interest: Highway Land

Gross Floorspace: N/A

Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises the footway outside the North Harrow Methodist Church

and Hall on the west side of Pinner Road, opposite the Junction with Southfield Park

- The footway is 6.5m wide at this point
- Pinner Road is a London Distributor Road (Road Tier 2)

Proposal Details

- The application proposes a 15m high telecommunication mast with three antennae and two associated equipment cabinets
- The mast would be 1.2m from the roadside edge of the footway and the rear of the main equipment cabinet would be 0.8m from the rear of the footway
- The proposal would leave a clear 4.8m of footway width
- The larger equipment cabinet would have a footprint of 1.5m², and the smaller (to house a meter) would be attached to the north side of the equipment cabinet and would have an area of 0.1m²

Revisions to Previous Application

Following the previous decision (P/0066/12) the following amendments have been made:

- The location of the proposed mast has been changed from the junction at the southwest quadrant of the junction of Pinner Road, George V Avenue and Headstone Lane
- Height of mast increased from 13.8m to 15m

Relevant History

P/0066/12 – Prior Approval For Installation Of A 13.8M High Telecommunications Monopole Mast And Ancillary Radio Equipment Cabinet
Recommended for refusal – 29/02/2012

Reasons for Refusal:

1 The proposed telecommunications mast, by reason of its excessive height and prominent location, would be visually intrusive in the streetscene, to the detriment of the visual amenities of the area, contrary to saved policies D4 and D24 of the Harrow Unitary Development Plan (2004).

2 The proposed telecommunications mast, by reason of its location and proximity to residential properties and Nower Hill School, would give rise to a fear of health impacts, to the detriment of the residential amenities of nearby occupiers, contrary to saved policy D24 of the Harrow Unitary Development Plan (2004).

Pre-Application Discussion (Ref.)

- Current location would be less visually intrusive than the previous proposal.

Applicant Submission Documents

- The current proposed location has been agreed following discussions with the local planning authority.
- Alternative sites have been considered but are not suitable
- Proposal would provide additional telecommunications coverage
- Proposal would comply with national and local planning policy
- Rear of footway is not practical for cabinets due to presence of underground services
- Location close to carriageway chosen to match existing lampposts

Consultations

Highways Authority:

Advertisement

- None

Notifications

Sent: 39

Replies: To be reported

Expiry: 06-Jul-2012

Addresses Consulted

Pinner Road: North Harrow Methodist Church, North Harrow Methodist Church Hall; 547, 547a, 549, 549a, 551, 551b, 553, 553a, 553b, 555, 555A, 555B, 557, 440, 442, 444, 454, 454a, 456, 458, 460,
Osbourne Court, Southfield Park, Flats 1-12

Summary of Responses

- At the time of drafting this report, one response had been received. Any further comments will be reported via the addendum
- Proposed mast and antennas would make the road look ugly and break up the residential atmosphere. Work to install the mast would significantly add to noise levels of an already busy road.

APPRAISAL

National Planning Policy Framework

The Government has now published a National Planning Policy Framework [2012] that consolidates national planning policy. This has been considered in relation to this application.

Harrow Core Strategy

The Harrow Core Strategy was adopted on February 16th 2012 and along with The London Plan (2011) and the saved policies of the UDP is now considered part of the development plan for Harrow.

MAIN CONSIDERATIONS

- 1) Compliance with ICNIRP
- 2) Telecommunications Development
- 3) Character of the Area and Visual / Residential Amenity
- 4) Traffic and Highways
- 5) S17 Crime & Disorder Act
- 6) Consultation Responses

1) Compliance with ICNIRP

The proposal includes an ICNIRP declaration confirming compliance with the public exposure guidelines.

Paragraph 46 of the National Planning Policy Framework notes that local planning authorities must determine applications on planning grounds, and that they must not seek to prevent competition or determine health safeguards.

This means that local planning authorities cannot refuse applications for telecommunications development on health grounds, be they actual or perceived,

provided the operator has demonstrated compliance with international standards on public exposure to non-ionizing radiation.

Criterion E of saved policy D24 of the Harrow UDP requires the operator to comply with public exposure guidelines (criterion E).

Supporting paragraph 4.75 of saved policy D24 notes that public concern over health impacts can be a material consideration and that in certain circumstances residents' fears about their perceived health effects and risks may constitute harm to their residential amenity. However, this approach is no longer supported by the National Planning Policy Framework.

2) Telecommunications Development

The National Planning Policy Framework, at paragraphs 42-46, contains a presumption in favour of high quality communications infrastructure.

Paragraph 43 notes that local planning authorities should support the expansion of electronic communications networks, but that they should aim to keep the numbers of radio and telecommunications masts to a minimum consistent with the efficient operation of the network. Site sharing should be encouraged, and new equipment should be sympathetically designed.

Paragraph 44 notes that local planning authorities should not impose a ban on new telecommunications development in certain areas.

Paragraph 45 notes that applications should be supported by the necessary evidence to justify the proposed development.

Paragraph 46 notes that local planning authorities must determine applications on planning grounds, and that they must not seek to prevent competition or determine health safeguards.

Saved policy D24 of the Harrow UDP supports the approach taken in the NPPF and states that proposals for telecommunications development will be considered favourably subject to five criteria.

The applicant has provided a list of alternative sites and has outlined why none of the alternative sites, use of an existing structure or the sharing of other existing facilities is suitable (criteria A and B).

The proposal would have no impact on the setting of a Listed Building or of a Conservation Area (criterion C).

Criterion D requires that the installation be sited and designed to minimise visual impact, and, where practicable, to accommodate future shared use. The impact of the proposal with regards to visual impact is addressed in the following section of the appraisal.

The submitted drawings indicate that the proposed mast would be shared between O2 and Vodafone, which complies with this part of Criterion D of saved policy D24 of the UDP and paragraph 44 of the NPPF.

In terms of any potential health hazards, the applicant has also provided an ICNIRP declaration confirming compliance with the public exposure guidelines (criterion E).

The proposed mast would be 30m from the nearest residential frontage (at Osborne Court), which is considered a sufficient distance to allay and potential concerns regarding

health impacts.

This application is in response to the recent refusal of prior approval in February 2012. After engagement with the applicant, the re-siting of the mast in this location is considered to be the most appropriate solution and preferable to the previous proposal, in order to meet the service requirements of the operator. The previous proposal would be more visually intrusive and closer to residential frontages and a school compared to the proposal currently under consideration.

It is considered that the benefit of the proposal, in terms of provision of the operator's service, would outweigh any potential visual intrusion of the mast in the streetscene or detrimental impact of the fear of health impacts.

Therefore, prior approval of the siting and design of the equipment is recommended for approval.

3) Character of the Area and Visual / Residential Amenity

The application site is on a relatively straight section of Pinner Road, which is a London Distributor Road, and would be outside the North Harrow Methodist Church and opposite the junction with Southfield Park.

The mast itself would be considerably taller than the lamp-posts in Pinner Road. However, this extra height would be accommodated within a line of lamp-posts on the west side of Pinner Road. The location of the proposed mast is considered to be more suitable, in terms of visual impact, than the previous location at the junction with George V Avenue.

Although the mast, at 15m in height, would be taller than the previously-proposed 13.8m high mast, the additional height has been justified on operational grounds. Although this mast would be clearly visible in the streetscene, it is considered that it would not be so intrusive as to warrant refusal.

The mast and associated equipment cabinets have been sited such that they would not be directly in front of the main entrance doors to the North Harrow Methodist Church. The equipment would be opposite the junction of Pinner Road and Southfield Park and would therefore not be directly in front of any residential property.

The proposed location of the telecoms mast is considered to be suitable in terms of the provision of telecommunications services and the minimisation of visual intrusion in the streetscene and to nearby residential occupiers.

4) Traffic and Highways

The proposed mast and cabinets would be located approximately 1.2m from the carriageway edge of the footway of Pinner Road. The normal arrangement for such equipment is that it should be located as close to the rear of the footway as possible. However, in this case, the presence of other underground services means that this would not be practicable for technical reasons.

The proposed location on the footway would be comparable to existing lamp-posts and would retain a clear pavement width of approximately 4.8m between the rear of the footway and the equipment. This is considered adequate to allow for the free movement of pedestrians.

The mast would be opposite the junction of Southfield Park, but it would not interrupt any sight lines for vehicular traffic using Pinner Road or turning into or from the junction with Southfield Park.

5) S17 Crime & Disorder Act

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

6) Consultation Responses

Proposed mast and antennas would make the road look ugly and break up the residential atmosphere – *it is considered that the proposed mast would be more in keeping with the existing street furniture when compared to the previous location*

Work to install the mast would significantly add to noise levels of an already busy road – *any work would be of a temporary nature which is considered acceptable*

Additional responses to be reported via the addendum.

CONCLUSION

The proposal would provide additional mobile telephone coverage and would not be out of character with the pattern of street furniture in the area.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including comments received in response to consultation as set out above, prior approval **is** required, and it is recommended that prior approval be **granted**.

INFORMATIVES

1 REASON FOR GRANT OF PRIOR APPROVAL

The decision to grant prior approval has been taken as the proposal would provide additional mobile telephone coverage and would not be out of character with the pattern of street furniture in the area.

The decision has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of the Harrow Unitary Development Plan 2004, as well as to all relevant material considerations including any responses to consultation.

National Planning Policy Framework (2012)

The London Plan:

7.4 – Local Character

7.5 – Public Realm

7.6 – Architecture

Harrow Core Strategy:

CS1.B/C – Local Character

Harrow Unitary Development Plan

D4 – The Standard of Design and Layout

D24 – Telecommunications Development

2 TELECOMMUNICATIONS DEVELOPMENT

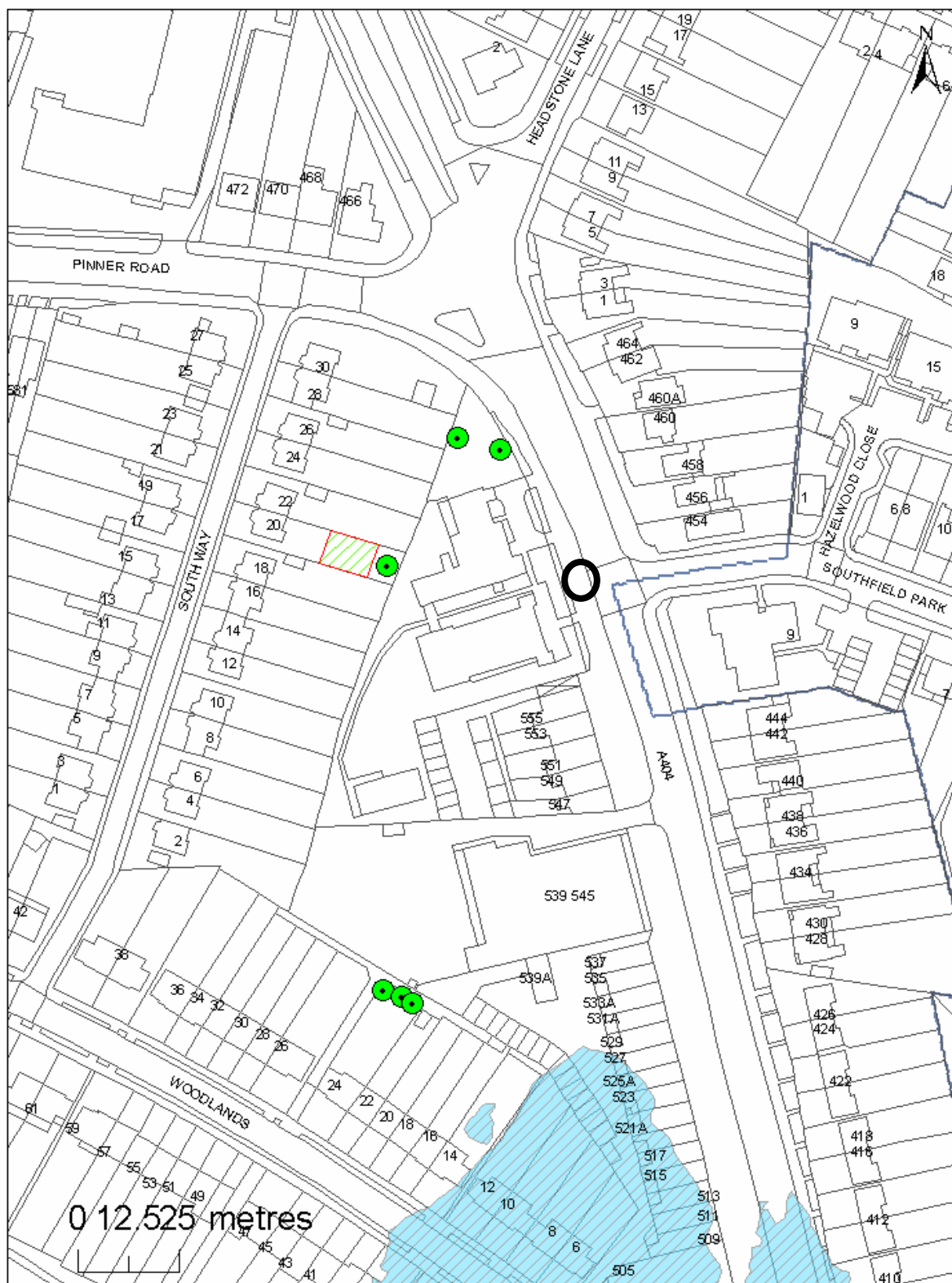
The applicant is advised that this decision relates only to the planning requirements imposed by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.

3 HIGHWAY WORKS

The applicant is advised that a notification to the local highway authority will be required under the New Roads and Street Works Act 1991 for opening the highway (footway) for installation and any associated ductwork.

Plan Nos: 100 Rev A; 200 Rev B; 300 Rev B; ICNIRP Declaration; Site Specific Supplementary Information; General Background Information on Radio Network Development for Planning Applications dated 2009; Cornerstone Supporting Technical Information for 02 and Vodafone dated 23rd May 2012

NORTH HARROW METHODIST CHURCH, PINNER ROAD, HARROW



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