



**DEVELOPMENT CONTROL
COMMITTEE**

WEDNESDAY 27 JULY 2005

ADDENDUM

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LONDON BOROUGH OF HARROW

ADDENDUM

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 27TH JULY 2005

Section 1

1/01

Plan Nos:

Delete plan nos P-02 – P08 and substitute with:
P_201 Rev A, P_202 Rev A, p_203 Rev B.

5) Consultation responses

1 objection received

Summary: overlooking, overshadowing, lacks amelioration between surrounding dwellings, removal of green areas, great bulk and prominence, social problems of density.

1/02

Additional objection received raising issues of loss of vegetation and wildlife, over development, pollution and health.

d) Relevant History

P/2684/04/CFU

Add Appeal Dismissed 20-MAY-2005

1/03

- Statement of Community Policy received.
- Objection received from GLA on following grounds:
 - More details of marketing for confirmed industrial use required.
 - Viability information required to demonstrate that scheme provides maximum reasonable amount of affordable housing.
 - Layout of family housing and provision of childrens playspace and amenity space needs reconsideration.
 - Applicant needs to address London Plan energy policies more satisfactory with a view to increasing contribution of renewable energy technologies to meeting energy demands and reducing associated carbon dioxide emissions.
 - Detailed matters in relation to conditions for biodiversity and S106 agreement requirements in terms of transport and economic development need to be addressed.

- Discussions taking place with GLA and applicant with a view to resolving objection.
DEFER at Officers request to enable further discussions.

1/06

RECOMMENDATION

Delete reason for refusal 4.

e) Applicants' Statement

The proposal is considered to appropriate as it would involve the provision of residential use on a vacant brownfield site, it will significantly improve the amenity of the surrounding area, the design of the proposed building ensures that the outlook and privacy of both the future occupiers and the existing adjoining residents is protected, the proposal would comply with the BRE (British Research Establishment) guidelines in respect of daylight/sunlight/overshadowing, it would provide an acceptable level of car parking and cycle storage given the high accessibility of the site to public transport and local amenities, the matter of site contamination can be addressed, and overall it accords with relevant national, regional and local planning policy.

APPRAISAL

5) Residential Amenity

Delete last sentence in para.4...
This follows further consideration of these concerns and comparison with other approved developments.

1/07

Additional letter of objection, reiterating previous objections and commenting:
development taller than current houses, effect on privacy, will result in traffic hazard and grid lock.

Section 2

2/05

Amend Condition 4 as follows:

The use hereby permitted shall not be open outside the following times:
7.00 hours to 19.00 hours, Monday to Friday and at no times at weekends or bank holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and the character of the locality.

Amend Condition 5 at follows:

The use hereby permitted shall be discontinued within 3 years of the date of this permission...

This condition has been amended as the applicant intends to sign a 30 year lease for the building.

e) **Applicant's Statement**

The proposed use should be implemented in two phases, with a maximum of 52 pre-school children attending the nursery within the first 12 months of operation and a total of 70 children within 24 months of opening. Similarly the opening hours of the facility will be extended from 8am to 6pm to 7am to 7pm in phase 2, for the after school club and breakfast club. The nursery will have shared use of the car park and other spaces used by Whitchurch School. The associated car journeys do not necessarily represent additional journeys in the area as it is likely that parents of children in nearby schools (Whitchurch and Stanburn) will become users of the nursery.

2/10 Add 'resident permit restricted' to application description.

Add 'Inform33_m' to list of recommended informatives.

2/12 - **Plan Nos:**
2/13 Replace: LD3564/2 with LD3564/2A
LD3564/3 WITH LD3564/3A

2/15 Amend Description as follows:
OUTLINE: REDEVELOPMENT TO PROVIDE A TERRACE OF 4 TWO STOREY HOUSES WITH ROOMS IN THE ROOF, AND PARKING.

Change date for notification responses to 27.07.05.

2/16 - Amend
2/17 e) **Consultations**

Advertisement	Character of Conservation Area		Expiry 02-JUN-05
Notifications	Sent 4	Replies 0	Expiry 24-MAY-05

2/19 Additional objection received raising issues of staff/visitor parking, and safety of traffic movements.

d) Relevant History

P/61/05/CFU Refused 22-APR-2005

2/20 Amend Description:

Delete: "New External Staircase"
and "End Gable and Rear Dormer"

Section 3

3/01 **Notifications**

Replies: 15

Summary: Proposal would be an imposition and an eyesore, out of keeping with local environment, destroy the character of the area, boxes attract graffiti, close to bus stop and bench, same as previous application, trees may be destroyed, health issues are still under consideration, will affect price of properties, proliferation of apparatus, same objections as last time, health hazard, psychological intrusion, more clutter, no trees during autumn and winter to hide mast.

5) Consultation Responses

- Price of properties, health concerns – not planning issues
- Other: see Report

Main Items

14 Further information in respect of the previous appeal decision is attached.

18 **DEFER** at Officers' request to undertake neighbour consultation on proposed variations.

Unilateral Undertaking

11. The Secretary of State has considered the information received from the parties regarding former agreements affecting the application site. He agrees with the appellant and the new owner that a Deed of Release in the form suggested would secure the discharge of the covenants imposed by the former agreements. The Secretary of State is therefore satisfied that the Deed would meet his concerns in this respect. On that basis he is content with the wording of clause 3.2 of the Unilateral Undertaking.

EXTRACTS FROM ODPM DECISION OF 31ST MAY 2005 :

Matters arising since the Secretary of State's letter of 3 March 2005

7. The Secretary of State received comments from the new owners of the site, whom the appellant has authorised to make representations on his behalf, dated 17 and 24 March 2005, together with explanatory material. He also received a letter of 22 March from the London Borough of Harrow, enclosing details of previous agreements for the site. On 31 March 2005, the Secretary of State circulated this correspondence to all inquiry parties, inviting comments by 21 April 2005. Comments were received from Crest Nicholson dated 7 April and via e-mail from Mrs Lis dated 12 April 2005.

Unilateral undertaking

21. The Secretary of State has considered the planning obligations contained in the Unilateral Undertaking and he concludes that these are necessary and relevant to the proposed development. He agrees with the Inspector that all the provisions satisfy the tests set out in Circular 1/97 (IR85).
22. However, the Secretary of State notes that clause 3.2 on page 5 of the Unilateral Undertaking states that the obligations will not come into effect unless the Council has previously written to the Landowner confirming that any previous agreements are no longer in force and that the Council will not seek to enforce any of their provisions. The Secretary of State asks for any further information about the existence of any previous agreements that are relevant to the application site, and their status.

Conclusions

12. For the reasons given above, the Secretary of State is satisfied that amended condition 5 and the proposed Deed of Release meet the concerns identified in his letter of 3 March 2005. He sees no reason to change the views expressed in this letter that the principle of housing development on this site is well established and would be consistent with the development plan. He also considers that the proposal would make a significant contribution to meeting urgent housing need, on a previously developed site, with an acceptable proportion of affordable housing, and that it offers the potential for more jobs than existed when the site was in recent industrial use. In the opinion of the Secretary of State, condition 5, as amended, now defines an appropriate Developable Area, and therefore a planning permission could be granted for the proposal as it would satisfy the relevant criteria in Annex C to PPG2. For the reasons given in paragraph 10 above the Secretary of State has also accepted an amendment to condition 21 which will explicitly link this condition with the provisions of condition 5.

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AGENDA ITEM 10

**ADVANCE WARNING GIVEN OF REQUESTS TO MAKE REPRESENTATIONS ON
PLANNING APPLICATIONS**

Application	Objector	Applicant/Applicant's Representative
Item 1/02 19 & 21 and R/O 11-29 Alexandra Avenue, South Harrow	Mr Steve Terry	Mr Steve Murphy of Clearview Homes
Item 2/06 Norrap House, 35 Pinner Road, Harrow	Mr Derek Bishop	Dr Kapoor
Item 2/18 8 Langland Crescent, Stanmore	Mr Gerard Angeline	K H Hirani for N H Hirani (the applicant has not advised whether they wish to reply)

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