

Planning Committee

ADDENDUM

DATE: Wednesday 11 March 2015

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 11th March 2015

1/01	<p>ADDENDUM INFORMATION</p> <p>1. Consultation response from Environment Agency (EA) dated 2 March 2015. The EA have removed their previous objections raised in their letter dated 10 February 2015 subject to the following conditions being imposed:</p> <p>ADD: <u>Condition 20</u></p> <p>No development shall take place until a scheme for the re-naturalisation of the River Pinn and the protection and enhancement of a 4 metre buffer zone alongside the River Pinn shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:</p> <ol style="list-style-type: none"> 1. Removal of hard bank protection and re-grading of banks to a shallow profile and in-channel habitat enhancements (e.g. planting of native species, introduction of low level berms to vary channel width, bed profile variation). 2. Plans showing the extent and layout of the buffer zone. 3. Details of how the channel and buffer zone will be designed and managed to foster natural characteristics, maximise ecological value and so as not to increase the risk of flooding on or off site. 4. Details of proposed planting scheme for the buffer zone, banks and channel (to be of native species only). 5. Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. 6. Details of any proposed footpaths, fencing, lighting etc. If fencing is required, it shall be set back to the edge of the 4m buffer zone to provide an uninterrupted river corridor and access points should be provided as outlined in 'Proposed Landscape Plan, P-LD-D 023'. 7. Details demonstrating that the river bank will not encroach into the existing channel to an extent where the conveyance of high flows could be compromised. 8. Details demonstrating that the profile of the river bank will be sufficiently shallow to ensure bank stability and minimise the risk of bank collapse. <p>REASON: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside the River Pinn is particularly valuable for wildlife and it is essential this is protected. This development is within very close proximity to the river and the protection and enhancement measures are necessary to</p>
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mitigate for this as far as possible and to prevent harm to the habitat in accordance with the National Planning Policy Framework 2012 and policy DM11 of the Development Management Policies Local Plan 2013.

Condition 21

No development shall take place until a scheme which minimises the impact of shading on the river and a lighting scheme which protects the river and buffer zone from light spill, shall be submitted to and agreed in writing by the Local Planning Authority. Shading and light spill to the watercourse and adjacent 4 m buffer zone shall be minimised. To achieve this, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor. Light spill onto the River Pinn, and within 4 metres of the top of bank, shall be maintained at background levels (Lux level of 0-2).

REASON: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Minimising light spill to the River Pinn and within 4 metres of the top of the bank will reduce this disruption. Excessive shading restricts the growth of bankside and aquatic vegetation which has a negative impact on river habitat quality and biodiversity. Mitigation against such shading is required in accordance with the National Planning Policy Framework 2012 and policy DM11 of the Development Management Policies Local Plan 2013.

Condition 22

No development shall take place until a scheme for inclusion of green roofs has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include planting details and extent of the green roof.

REASON: Green roofs will improve the biodiversity of the site and help to mitigate for the close proximity of the development to the River Pinn corridor. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and policies DM11 and DM12 of the Development Management Policies Local Plan 2013.

2. **ADD** the following informative

INFORMATIVE: Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Pinn designated a 'main river'.

3. **AMEND** the following sections in the Officers report:

Page 3 under 'Proposed Details':

- The commercial floor space would be 200sqm not 209sqm
- The first floor of the building would comprise four 2 Bed units (not three as indicated on report)

4. The following representation was received from a local resident (summarised):

- Committee report fails to address the objection in regard to securing a legal obligation to prevent another coffee franchise.
- Request that this is verbally reported the planning committee and request that the committee include such an obligation if they are minded to approve this application.
- Concerned that the vitality and viability of the village is suffering significantly with

shop closures, pub losses and such applications as this.

In response to the above comments, Officers would respond as follows:

- With points one and two above, it is not legally feasible to restrict any single operator(s) against taking occupation of the ground floor commercial element of the development by way of a legal agreement or a condition. This would constitute unreasonable behaviour on part of the LPA.
- The proposed development would provide an up to date new premise in a town centre location. The proposal to include a flexible commercial ground floor use would ensure that the development is not restricted to a single use class and the flexible space would allow the owners to market the premises to a wider audience.

5. **ADD** the following plans to plan list Condition No.19:

E-W-D-021 (REV A), X-P-D-018, X-AA-D-019, E-N-D-022, E-S-D-023, P-LD-D-023 (REV B)

REMOVE the following drawing number: P-SL-D-028 (REV A)

1/02

RECOMMENDATION A – UPDATE:

Page 40 - **ADD** the following to the proposed heads of terms:

- A financial contribution of £2810 towards the planting of new trees.

INFORMATION UPDATE:

Page 41

Gross Floorspace Residential: 943sqm

Gross Floor Space Non Residential: 180sqm

Net Additional Non Residential floorspace: -54sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £33,005

Harrow Community Infrastructure Levy (CIL) Contribution (provisional): £103,730

CONSULTATIONS UPDATE

Page 45

Arboricultural Officers: The trees at the above site are a mixture of B/C (low-good quality) retention category trees mainly comprising Poplar & Ash - collectively they have some value in terms of greenery / natural screening provided re adjoining gardens/properties on College Hill & Adderley Rd (W and N boundaries). As individual trees though they are relatively low quality and species such as Ash & Poplar, would overshadow the small-sized rear gardens and would outgrow their location and/or become a nuisance for future occupiers - consequently they are not considered suitable candidates for TPO protection.

A section of the above group would require removal but most of the screening on the N boundary would be retained and there is likely to be little impact on the view from the N boundary / College Hill gardens. The loss of screening on the western boundary would be more noticeable, as most trees will require removal due to the proximity of the development to the W boundary. Replacement planting wherever possible is important on the western boundary as this is likely to be impacted the most.

Further planting on the north side will increase shading issues re the already small gardens so would not be appropriate

The tree survey and impact assessment provided is acceptable and the development

should be carried out in accordance with the suggested Method Statement & tree protection plan

The proposal would result in the loss of two street trees and as such a financial contribution for their replacement would be required. The Council's policy is for two replacement trees for the loss of a highway tree.

Landscape Architect: The loss of tree screening on the western boundary would be more noticeable than on the northern boundary, as outlined in Rebecca Farrar's email dated 1 March 2015 and the development site would be dominated by new flats, houses and hard surfacing leaving little space for new soft landscape. New and replacement planting would need to be as dense and extensive as possible, including, where at all possible, new tree planting together with shrub planting, to provide screening, soften the buildings and parking spaces, provide street scene impact and enhance the biodiversity of the area. It must be noted however that further planting to the north side of the houses, adjacent to the retained trees would increase the shading in the already small gardens - as noted in Rebecca's email. Conditions on hard and soft landscaping and levels would be required.

NEIGHBOUR NOTIFICATION UPDATE

Page 46

Since the initial committee report was produced three further letters of objection have been received including a petition with 22 signatures. The comments of the petition are summarised as follows:

- The flats would be an overdevelopment on a small footprint.
- Light pollution would affect our homes
- The proposal will result in noise pollution.
- The flats would be an eyesore and not in keeping with the surrounding architecture.
- The development will result in additional parking pressures on the surrounding roads.
- The bike shed and communal areas do not have security features and will result in anti social behaviour.

The comments contained within the two additional letters of objection are summarised as follows:

- Although the original six houses proposed is now four, the proposal is still an overdevelopment of the land.
- The proposal will result in a considerable amount of increased traffic and cars.
- The proposal will result in increased flooding
- The church and church hall are locally listed and should be retained.
- The removal of trees will result in damage to the outbuilding in our garden.
- The development would not be in keeping with the character of the development in the surrounding area.
- The flank walls of the houses would be overbearing for the occupiers of Adderley Road.
- There would be increased noise and disturbance as a result of parking spaces at the rear of the site.
- The proposed development would completely alter the outlook from the rear gardens in Adderley Road.
- The appearance of the proposed apartment block is out of character with the area.
- The amendments to the plans were not discussed with the neighbouring residents.
- It is unfair that the proposed plans will be passed before the committee on the

proviso of a legal document being pursued and paid for by the developers, yet we only have 3 minutes to put our views across.

A further condition is added to the development to ensure that proposal addresses secure by design measures to reduce the risk of crime for the future occupiers of the site and the surrounding residents. The revised plans have been subject to two further statutory consultations to notify residents of the proposed changes. The section 106 agreement is considered necessary to ensure the development would be acceptable and to safeguard the residential amenities of the neighbouring occupiers. The other comments above have already been considered within the committee report.

APPRAISAL UPDATE

(Page 47)

On the 10th March 2015 the Mayor adopted the Further Alterations to the London Plan (FALP). From this date the FALP are operative as further alterations to the London Plan and forms part of the development plan for Harrow.

CHARACTER AND APPEARANCE OF THE AREA UPDATE

Page 51: Change Adderley Close to Adderley Road (first paragraph)

RESIDENTIAL AMENITY UPDATE

Page 54: Change Adderley Close to Adderley Road (second paragraph)

AMENDED CONDITIONS:

Page 64

AMEND condition 3 as follows (page 64):

Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans and documents: Preliminary Code For Sustainable Homes Assessment by AJ Energy Consultants Ltd (dated March 2015); Energy Strategy by AJ Energy Ltd (dated March 2015); Quinquennial Inspection Report (February 2013); Design and Access Statement (February 2015); 010/P(Site Location Plan); 100/P; 101/P; 102/P; 103/P; 104/P; Planning Statement (February 2015); Heritage Statement (February 2015); Document titled Report No. 2242 by A Billingham; Preliminary Ecological Assessment-Report No: RT-MME-117553-01 (dated August 2014); Transport Statement (February 2015); Report on Daylight and Sunlight Ref: K140586/G8/psd (dated: August 2014, Updated March 2015); Daytime Bat Survey-Report No: RT-NME-117811-01 (August 2014); Arboricultural Survey and Impact Assessment - Report No: RT-MME-117553-02 Rev A (August 2014); Letter from Diocese of London, dated 8th September 2014; Document titled: Proposals for a Declaration of Closure and Regular Public Workshop and Appropriation to an Alternative Use by Diocese of London; Site Plan; 200/P Rev C; 201/P Rev C; 202/P Rev C; 203/P Rev C; 204/P Rev B; 205/P Rev B; 206/P Rev B; 207/P Rev B; 300/P Rev B; 301/P Rev C; 302/P Rev B; 303/P Rev C; 304/P Rev B; 305/P Rev B; Document titled St Michaels and All Angels Housing (Accommodation Schedule); Community Facilities Statement (January 2015)

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

AMEND Condition 7 as follows (page 65):

The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Survey and Impact Assessment - Report No: RT-MME-117553-02 Rev A (August 2014). This will include that arboricultural

supervision is undertaken throughout the project and the development shall be carried out in accordance with the Method Statement and Tree Protection Plan. The tree protection measures shall be erected 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, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

AMEND Condition 12 as follows (page 66):

The development hereby permitted shall be undertaken in accordance with the details outlined in the submitted Sustainability Statement by AJ Energy Consultants Ltd (dated March 2015); and Energy Strategy by AJ Energy Ltd (dated March 2015) unless otherwise agreed in writing with 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 and Energy 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 policy 5.2 of The London Plan (2011) and policy DM 12 of the Harrow Development Management Policies Local Plan 2013.

AMEND Condition 20 as follows (page 67):

Prior to the commencement of the development, a detailed lighting strategy for the proposed development shall be submitted and approved in writing by the Local Planning Authority. The lighting strategy shall be implemented in accordance with the approved details and thereafter retained.

REASON: To ensure that the proposed development does not give rise to undue disturbance to neighbouring occupiers, in accordance with policy 7.6B of the London Plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

ADD the following condition (page 68):

Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority.

Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. **Windows:** Ground floor or accessible windows certificated to PAS24:2012 (or STS 204) with Glazing to include one pane of laminated glass to BS EN 356 level P1A
2. **Doors:** External Doors certificated to PAS24:2012, STS 201, LPS 1175 SR2 or STS 202 BR2

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy DM 2 of the Harrow Development Management Policies Local Plan (2013),

and Section 17 of the Crime & Disorder Act 1998.

INFORMATIVES UPDATE:

(PAGE 68)

The London Plan (2011) (as amended March 2015) **ADD:**

3.11 – Affordable housing targets

ADD the following informatives:

• **INFORMATIVE:**

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel: 08459 200800

• **INFORMATIVE:**

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £33,005 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 £33,005 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 943sqm

You are advised to visit the planning portal website where you can download the appropriate document templates.

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

• **INFORMATIVE:**

Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £103, 730

AMENDED PLANS LIST:

(Page 70)

Plan Nos: Preliminary Code For Sustainable Homes Assessment by AJ Energy Consultants Ltd (dated March 2015); Energy Strategy by AJ Energy Ltd (dated March 2015); Quinquennial Inspection Report (February 2013); Design and Access

Statement (February 2015); 010/P(Site Location Plan); 100/P; 101/P; 102/P; 103/P; 104/P; Planning Statement (February 2015); Heritage Statement (February 2015); Document titled Report No. 2242 by A Billingham; Preliminary Ecological Assessment-Report No: RT-MME-117553-01 (dated August 2014); Transport Statement (February 2015); Report on Daylight and Sunlight Ref: K140586/G8/psd (dated: August 2014, Updated March 2015); Daytime Bat Survey-Report No: RT-NME-117811-01 (August 2014); Arboricultural Survey and Impact Assessment - Report No: RT-MME-117553-02 Rev A (August 2014); Letter from Diocese of London, dated 8th September 2014; Document titled: Proposals for a Declaration of Closure and Regular Public Workshop and Appropriation to an Alternative Use by Diocese of London; Site Plan; 200/P Rev C; 201/P Rev C; 202/P Rev C; 203/P Rev C; 204/P Rev B; 205/P Rev B; 206/P Rev B; 207/P Rev B; 300/P Rev B; 301/P Rev C; 302/P Rev B; 303/P Rev C; 304/P Rev B; 305/P Rev B; Document titled St Michaels and All Angels Housing (Accommodation Schedule); Community Facilities Statement (January 2015)

ADVANCE WARNING GIVEN OF REQUESTS TO MAKE REPRESENTATIONS ON PLANNING APPLICATIONS

Application	Objector	Applicant/Applicant's Representative (who has advised that they would wish to reply)
1/02 St Michaels Church, Harrow Weald	Ms Suzanne Fenn (on behalf of residents of Adderley Road)	Alun Evans (Agent)
2/02 4 Sweetmans Avenue, Pinner	Mr Bill Garvey	None
2/03 296 Kenton Lane, Harrow	Mr Shmeet Thakrar	Mr Jiten Patel (Agent)