



## **PLANNING COMMITTEE**

**WEDNESDAY 2 DECEMBER 2009**

# **ADDENDUM**

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**HARROW COUNCIL**

**ADDENDUM**

**PLANNING COMMITTEE**

**DATE : 2<sup>nd</sup> December 2009**

<b>1/01</b>	<p><b>CONDITIONS</b></p> <p><b>DELETE the following conditions:</b></p> <p>2. The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:</p> <ul style="list-style-type: none"> <li>(a) the extension/building(s)</li> <li>(b) the boundary treatment</li> </ul> <p>The development shall be completed in accordance with the approved details and shall thereafter be retained.</p> <p>REASON: To safeguard the appearance of the locality and Green Belt in accordance with policy D4 and EP32 of the HUDP and policy 3D.9 of the London Plan</p> <p>7 Prior to commencement of development, details of tree protection measures for retained trees shall be submitted to, and approved in writing by the Local Planning Authority. The erection of fencing for the protection of all retained trees shall be undertaken in accordance with the approved 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.</p> <p>REASON: The existing trees represent an important amenity feature, which the local planning authority considers should be protected.</p> <p>19 The development hereby permitted shall not be occupied until a scheme for:-</p> <ul style="list-style-type: none"> <li>(a) The storage and disposal of refuse/waste</li> <li>(b) and vehicular access thereto</li> </ul> <p>has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.</p> <p>REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.</p> <p>20 The development hereby permitted shall not commence beyond ground level damp</p>
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proof course until a fully detailed energy strategy including sustainable water measures has been submitted to and approved in writing by the local planning authority. The approved strategy shall subsequently be implemented in full, prior to first occupation of any part of the development hereby permitted.

REASON: In the interests of sustainability, water conservation and climate change mitigation, in accordance with London Plan policies 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6 and 4A.7.

22 Prior to the development proceeding beyond ground level damp proof course, details of side screens to the western end of balconies on the southern elevation of Block Three at first, second and third floors, shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the approved details and retained as such thereafter.

REASON: To prevent overlooking of neighbouring units, in the interests of the privacy of these neighbouring units.

**PLAN NOS**

**DELETE the following:**

and P-36, 86.01.01P, 86.01.02P, Design and Access Statement (includes CABE building for life assessment), Transport Statement, Renewable Energy Strategy Report, Sustainability Building Design Report, Ecological Appraisal, Site Waste Management Plan, Sewerage and Utilities Statement, Phase 2 Site Investigation – Site 1 and 2, Flood Risk Assessment submitted 24th August 2009; Addendum to Flood Risk Assessment submitted 15th October 2009; P-01 rev A, P-03 rev B, P-04 rev B, P-07 rev B, P-08 rev A, P-09 rev B, P-11 rev A, P-12 rev B, P-13 rev B, P-14 rev B, P-15 rev B, P-16 rev B, P-17 rev A, P-18 rev A, P-19 rev A, P-20 rev A, P-21 rev A, P-25 rev A, P-27 rev A, P-29 rev A, P-32, P-33, P-34, P-35 submitted 30th October 2009

**INSERT the following:**

P-05, P-06, P-22, P-23 and P-24 submitted 11<sup>th</sup> August 2009, Design and Access Statement (includes CABE building for life assessment), Transport Statement, Renewable Energy Strategy Report, Ecological Appraisal, Site Waste Management Plan, Sewerage and Utilities Statement, Phase 2 Site Investigation – Site 1 and 2, Flood Risk Assessment submitted 24th August 2009; Addendum to Flood Risk Assessment submitted 15th October 2009; P-30, P-31 submitted 5<sup>th</sup> October 2009; P-01 rev A, P-15 rev B and P-16 rev B submitted 30th October 2009; P-62 submitted 19th November 2009; Sustainability Building Design Statement Revision A, Code for Sustainable Homes Water Use Calculator submitted 25th November 2009; 86.01.01-P and 86.01.02-P rev B submitted 25th November 2009; Proposed External Materials Schedule Rev A (26-11-09) and samples submitted 26th November 2009; Refuse strategy schedule (dated 19-11-09), drawings P-07 Rev C, P-08 Rev B, P-09 Rev C, P-10 Rev B, P-11 rev B, P-12 rev C, P-13 rev C, P-14 rev C, P-17 rev B, P-18 rev B, P-19 rev B, P-20 rev B, P-21 rev C, P-25 rev B, P-26 Rev A, P-27 rev B, P-28 Rev A, P-29 rev A, P-32 Rev A, P-33 Rev A, P-34 Rev A, P-35 Rev A, P-36 Rev A, P-40, P-41, P-42 Rev A, P-43 Rev A, P-44 Rev A, P-45 Rev A, P-46 Rev A, P-47 Rev A, P-48 Rev A, P-49 Rev A, P-50 Rev A, P-51 Rev A, P-52 Rev A, P-53 Rev A, P-54.

1/02

In the interests of clarity it is recommended condition 4 be **REPLACED** with a new condition 4 to read as follows:

*4. Any plant and machinery which may be used by reason of granting this permission for*

	<p><i>the temporary market use, shall be so installed and used as to prevent the transmission of noise into any neighbouring residential premises. In addition, no music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises in the vicinity of the premises to which this permission refers.</i></p> <p><i>REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.</i></p> <p>Having received confirmation from the applicants that no new hard-surfacing was proposed on site as part of the temporary market use of the site conditions 5 and 6 are no longer considered necessary. <b>DELETE conditions 5 and 6</b></p> <p>In the interest of alleviating the impact of the proposed market use on traffic congestion on Headstone Drive it is considered appropriate to allow the site to be open to stall operators two hours before the market is open to customers. It is therefore recommended that condition 7 be <b>AMENDED</b> as follows:</p> <p><b>7. The use hereby permitted shall not be open to market stall operators outside the following times:-</b></p> <p><i>a: 07:00 hours to 16:00 hours, Wednesday to Saturday inclusive,</i>  <i>b: 08:00 hours to 16:00 hours on Sundays.</i></p> <p><i>In addition the use hereby permitted shall not be open to customers outside the following times:-</i></p> <p><i>a: 09:00 hours to 15:00 hours, Wednesday to Saturday inclusive,</i>  <i>b: 10:00 hours to 15:00 hours on Sundays.</i></p> <p><i>Without the prior written permission of the local planning authority.</i></p> <p><i>REASON: To safeguard the amenity of neighbouring residents and to minimise the impact and congestion on the public highway.</i></p>
1/03	<p><b>RECOMMENDATION:</b></p> <p><b>REMOVE</b></p> <p><i>1. The proposed development is, by reason of its scale, character and design, inappropriate to this site, its setting and its context. The proposal is therefore considered to be contrary to 'saved' Policy D4 of the Harrow Unitary Development Plan and policies 4B.1 and 4B.2 of the London Plan (consolidated with alterations since 2004) 2008 and the guidance at paragraph 34 in PPS1.</i></p> <p><b>REPLACE</b></p> <p><i>1. The proposed development is, by reason of its scale, massing, character and design, inappropriate to this site, its setting and its context. The proposal is therefore considered to be contrary to 'saved' Policy D4 of the Harrow Unitary Development Plan and policies 4B.1 and 4B.2 of the London Plan (consolidated with alterations since 2004) 2008 and the guidance in PPS1.</i></p>
1/05	<p><b>AMEND</b> bullet point one under c) Proposed Details to read:</p> <ul style="list-style-type: none"> <li>• Retention of 12 unfinished and unoccupied flats at first and second floor level (8x1 bed flats and 4x2 bed flats).</li> </ul>
2/03	<p><b>8) Development Within Floodplains</b></p> <p><b>REPLACE:</b></p>

	<p>EA objection. Awaiting FRA</p> <p><b>WITH:</b> The site is located within a designated flood plain. The applicant has submitted a Flood Risk Assessment (FRA) in relation to the proposed development following an objection from the Environment Agency. The Environment Agency have confirmed that the FRA is acceptable and have removed their objection. It is therefore considered that the proposed extension would not increase the risk of flooding on the site or elsewhere and the proposal would therefore comply with UDP policy EP11.</p> <p><b>ADD document to plan list:</b> Flood Risk Assessment (ref: 11648/21/NDH/11-09/2914)</p>
2/05	<p><b>ADD Condition:</b> 5) The use hereby permitted shall not commence until the car parking spaces shown on the approved plan number COU_03 have been marked out. 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 in the interests of highway safety.</p>
2/07	<p><b>AMEND</b> <i>description to correct typographical error:</i> USE OF FORECOURT AREA FOR SITING OF TABLES AND CHAIRS WITH PLANTERS AND SURROUNDING BARRIERS IN CONNECTION WITH RESTAURANT USE</p> <p><b>b) Site Description</b> <b>ADD:</b> The forecourt of the site is maintained by the Council's Highways department.</p> <p><b>APPRAISAL</b> <b>INSERT</b> <i>prior to section 1:</i> The forecourt of the site is shown to be within the red line on the submitted site plan. Notice was served on the Council as a party with a land ownership interest. As the forecourt is adopted and maintained by the Council's Highways department a licence under S115E of the Highways Act 1980 would be required to be obtained from the Council to place tables and chairs on the forecourt. An application was made for such a licence to the Council's Highway's department earlier this year and as part of the consultation process an objection to the proposed development was raised by the Metropolitan Police's Licensing Department on 23 May 2009, on the basis that the frontage of the site lies within the Borough's Alcohol Exclusion Zone (AEZ) implemented under S.12 of the Criminal Justice Act. Whilst noting that licensed premises are exempt from the Act, the Police state that the consumption of alcohol on the frontage will result in the AEZ regulations being ignored/flouted and that they could not support the application for a licence. As a result of this objection the Applicant did not pursue the licence application and to date no decision has been issued by the Highways Department. Notwithstanding this objection by the Police to the licence application, it is considered that this relates to other legislation and that the consumption of alcohol on the frontage of the property could be controlled by other means. The Council's Environmental Health Department have confirmed that if planning permission were granted the alcohol licence would need to be varied by altering the site plan and that during this process consultation would be carried out, including with the Police. The Highways Department has confirmed that a licence for the placing of tables and chairs</p>

on the forecourt would also not be granted without the prior grant of planning permission for the proposed development. Should the Police's objection to such a licence not be resolved by other means it is unlikely that such a licence would be approved and therefore the proposed development could not be implemented. However, were the alcohol licence to be varied successfully and the seating area was then to form part of the licensed premises it would, according to the Police's earlier correspondence, be exempt from S.12 of the Criminal Justice Act and therefore the restrictions of the AEZ.

**ADD:**

**INFORMATIVES**

1 INFORMATIVE:

The Applicant is advised that a Licence under S115E of the Highways Act 1980 must be obtained from the Council before implementation of this planning permission.

2/08

**b) Site Description**

**ADD:**

The forecourt of the site is maintained by the Council's Highways department.

**f) Applicant's Statement**

**ADD:**

A land ownership search was carried out and as a result ownership Certificate B was signed and notice was served on all parties (excluding the Council who the search did not list as registered land owners) with an ownership interest in the land.

**APPRAISAL**

**INSERT prior to section 1:**

The forecourt of the site is shown to be within the red line on the submitted site plan. Notice was not served on the Council as a land search by the Applicants did not list the Council as owners. Investigation of the Council's records show that the forecourt is not owned by the Council but is adopted and maintained by the Council's Highways department. As a result a licence under S115E of the Highways Act 1980 would need to be obtained from the Council to place tables and chairs on the forecourt. To date no application has been made for such a licence to the Council's Highway's Department, although it is noted that a licence would not be issued without the prior grant of planning permission for the proposed development.

**INFORMATIVES**

**ADD:**

3 INFORMATIVE:

The Applicant is advised that a Licence under S115E of the Highways Act 1980 must be obtained from the Council before implementation of this planning permission.

2/10

**c) Proposal Details**

**ADD:**

- Insertion of a small window adjacent to the front door of the new dwellinghouse.

**d) Relevant History**

**REPLACE with:**

P/1595/07/DFU	Two storey front and first floor side extensions; External alterations; Conversion to two dwellinghouses.	REFUSED 10-JUL-2007
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	P/1489/09	Two storey front and first floor side extensions; External alterations; Conversion to two dwellinghouses.	WITHDRAWN 24-AUG-2009
	<p><b>Plan Nos.</b> <b>REPLACE</b> 1679-5 Rev.B <i>with</i> 1679-5 Rev.C</p>		
2/12	<p><b>REPLACE</b> drawing No. 2494 – 202 REV A <b>WITH</b> drawing No. 2494 – 202 Rev B.</p>		
2/16	<p>One further objection received.</p> <p>Summary of response: Concern that the two storey rear extension may impact day light and noise to neighbouring properties to the rear Overlooking and loss of garden space between properties</p> <p>Under section 7 of the report on page 205: Residential amenity of neighbouring properties addressed in section 2 of the report.</p>		
2/17	<p><b>Two</b> letters of objection were received from after the committee report was finalised. The comments received are as follows:</p> <ul style="list-style-type: none"> <li>• A letter from architect accompanying application is misleading. We were unable to attend the two exhibitions by HCHA as we were not notified in the first instance and were on holiday for the second exhibition</li> <li>• We were originally told by HCHA that the new development would only be 2-3 storeys in height</li> <li>• The Council failed to notify us of the original application;</li> <li>• HCHA did not provide local residents with any contact details so we could express our views on the proposal;</li> <li>• We were never provided with any plans or documentation showing the proposal. We recently received a drawing from the Council showing the architects impression of the development which are misleading and do not show the properties on Courtfield Crescent;</li> <li>• We request complete removal of the fourth floor of the development as this element would result in a loss of privacy to our property;</li> <li>• The minor amendments proposed in the current application do not fulfil our expectation of the action that needs to be taken as the bulk of the building remains the same and our property is overlooked by the same number of balconies.</li> <li>• The changes will have no impact whatsoever on the bulk of the 4 and 3 storey blocks that are completely out of character with the two-storey residential area</li> <li>• Why was the closeness of the 4-storey block never recognised;</li> <li>• Amendments proposed have come too late in the process and the developer has ignored the concerns of local residents and the local authority suggestions from the outset;</li> <li>• Residents of numbers 5, 8 and 9 Courtfield Crescent were not consulted;</li> <li>• Site notice and an advertisement are not adequate as it is the Council's policy to consult neighbours.</li> <li>• The original design and access statement did not contain the minutes of the meeting held on the 18<sup>th</sup> of July 2008, yet this appears on the Council's web site on the 16<sup>th</sup> of October 2009. In any case residents who attended this meeting never received a copy and therefore cannot be taken as an accurate record of the meeting;</li> </ul>		



	<ul style="list-style-type: none"> <li>• The design of the blocks are not suited for elderly care;</li> <li>• HCHA has been asked by residents to downsize the development and remove the fourth floor. Regrettably this has not happened and the Council are not pursuing this;</li> <li>• The amendments to the roof parapets should be set back from the roof ridge as they are overbearing;</li> <li>• Internal changes have already been built and these should have been applied for before building works began;</li> <li>• The moving of the entrance / void facing Becket Fold appears to have been made to accommodate the future intended development of the Becket Fold properties;</li> <li>• The horse has bolted and the building already built. Previous buildings made up built area of 2000m<sup>2</sup> and volume of 5500m<sup>3</sup> compared to 4700m<sup>2</sup> built area and 14000m<sup>3</sup> volume for new scheme, a massive increase.</li> <li>• Council should exert greater pressure on Harrow Churches to downsize the development. HCHA should listen to residents and consider downsizing the development.</li> </ul>
3/01	<p>The Council has received notice that the applicant has appealed the non-determination of the application.</p> <p><b>AMEND</b> recommendation on page 217 to:- The Committee resolves that, had the application not been appealed under the grounds of non-determination, it would have been refused for the following reason:-</p> <p>1. The proposal results in an unacceptable loss of retail frontage and a harmful concentration of non-retail uses within this part of the Pinner District Centre, leading to a loss of vitality of the shopping parade and the Pinner District Centre as a whole, contrary to saved policy EM16 of the Harrow Unitary Development Plan (2004).</p>

**AGENDA ITEM 9**

**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)
2/17 Challiner Court, Fern Court, Price Court & Hines Court, Richards Close, Harrow	Khimji Pindoria	Kay Collins

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