

Planning Committee

ADDENDUM

DATE: **Wednesday 16 January 2013**

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 16th January 2013

1/02	<p>Proposal Details</p> <p>At the end of this section, remove the following sentence:</p> <p>§ A Unilateral Undertaking has been submitted with the application to ensure the delivery of appropriate replacement trees in the event that the hybrid planning application is refused (and it would therefore not be possible to deliver the tree replacement works which form part of that application). The Unilateral Undertaking obliges the Trust to provide Harrow Council with tree replacement details for approval within 4 weeks of any refusal.</p> <p>Replace this sentence with:</p> <p>§ A Unilateral Undertaking has been submitted with the application to ensure the delivery of appropriate replacement trees in the event that the hybrid planning application is refused (and it would therefore not be possible to deliver the tree replacement works which form part of that application) OR trees in the event that the hybrid application is approved but the development does not go ahead. The Unilateral Undertaking obliges the Trust to submit to the Council for its approval in writing the Tree Replacement Details within 4 weeks of:</p> <ol style="list-style-type: none"> 1 <i>the refusal of the Hybrid Application by the Secretary of State;</i> 2 <i>the expiration of the statutory time period for an appeal against a Council refusal of the Hybrid Application without any such appeal being made; or</i> 3 <i>the expiration of the Hybrid Application Implementation Period; and</i> <p>to carry out the tree replacement in accordance with the approved Tree Replacement Details.</p> <p>Consultations:</p> <p>Natural England – No objections, subject to conditions</p> <p>§ This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on protected species.</p> <ul style="list-style-type: none"> - Bats – Advice to the LPA is that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy - Hazel Dormice – Advice to the LPA is to accept the findings, consider promoting biodiversity enhancements for dormice - Great Crested Newts - Advice to the LPA is to accept the findings and to consider promoting biodiversity enhancements for great crested newts
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Biodiversity Officer – No objections, subject to conditions

- § If all the recommendations are followed, works should result in a low-negligible impact on important habitats and species.
- § If works are to take place when bats are active April to October, hopefully there will be no need for illuminating the area. Should the need arise however it is important that any lighting which might be used is as 'friendly' to bats as possible with lamps illuminating minimum areas required. Light should be directed downwards with minimal spread and only turned on when absolutely necessary in order to minimise disturbance of any foraging bats.
- § In response to the comments from Natural England relating to bats, the Biodiversity Officer has advised that it is unlikely that there are any bats present. Nonetheless, an a number of conditions are recommended to ensure that safeguarding measures are implemented before and during works to avoid any breach of the Habitats Directive (2010), to ensure monitoring of the area over the next two years and to erect some bat boxes in suitable trees.

Tree Officer – No objections

- § The site was walked on 14/01/2013 to verify the tree grading. This appeared to be objective and an adequate assessment of the trees' amenity value. The proposed road's entry point (off Wood Lane) and the exit point (joining other internal roadways) are fixed and the more or less straight line between these points appears to be a 'best-fit'. In terms of tree constraints it seems there is little scope for manoeuvre. Therefore, in order to implement the line of the proposed road, I accord with the number of trees to be removed.
- § The loss of the 'C' grade trees is not significant. These could be replaced with good quality *native* tree stock elsewhere on site. Likewise, near-on 50% of the trees to be lost are exotic species. These could also be replaced notably with *native* species elsewhere on site. The latter could enhance the site's biodiversity value. It is unfortunate however, that 50% of the tree losses are 'B' grades trees. However, these could be replaced these elsewhere on site.
- § The loss of 171 trees is regrettable. However, the RNOH a large site that is relatively well tree'd. In a site-wide context, the proposed tree loss would not be significant. The edges of the proposed new road could be planted with native trees and hedges to mitigate the initial impact of the tree removal. The use of native species would enhance the site's biodiversity value. From a public amenity standpoint, the impact of tree loss - as viewed from Wood Land – would not be significant.

Landscape Officer -

- § It appears from the ecological report, that the impact on the habitats and fauna is not significant and would not be adversely affected by the proposals. During the works protective measures are proposed together with the proposal of habitat creation and enhancement at a later stage during the proposed wider redevelopment of the RNOH grounds, which should compensate for habitat losses.
- § There are proposed safeguarding measures for the control and prevention of spreading of Japanese Knotweed in the Ecological Assessment.
- § The trees proposed to be lost do not appear to be significant old or veteran trees or particularly notable trees. Although the woodlands adjacent to the works area – to the north and to the west of the proposed new road, are of moderate to high ecological value locally, the actual proposed loss to the woodland edges does not appear to be significant or of particular ecological interest. The scattered trees

within the proposed works are both native and non native and in the main young, semi mature and some mature. Many of the trees seem to be scattered and randomly placed with no particular layout, coherence or design theme. Although part of the proposal is to remove some attractive trees along the side of the western access road, in the main, the trees proposed to be removed do not provide particular visual enhancement or interest and it would be realistic, to propose replacements to mitigate the loss.

§ Tree replacements are to be proposed in the main RNOH application, to mitigate the loss of trees in the proposed Task 1 Works. This should provide adequate compensation and, by incorporation into the Landscape Masterplan, an opportunity to rationalise the layout of some of the trees and visual enhancement within the whole redevelopment site.

§ For the reasons above, I would have no objections to the proposed Task 1 Works.

Drainage Engineer – No Objections

Environmental Health – No objections

Highways Authority – No objections

Thames Water – No objections

Three Rivers District Council – No objections

Sports England – No objections

Advertisement

Major Development and the Character of a Conservation Area: 27/12/2012

Expiry: 18/01/2013

Amend Date Site Notice Posted to: 19/12/2012

Add: Site Notices posted in 20 different locations

Expiry: 18/01/2013

Notifications:

Amend the number of notification letters sent to 1,383

Amend the number of replies to 4

Summary of Responses:

Four comments have been received since writing the report to the Planning Committee. These can be summarised as follows:

Comment 1

- Notification of the Planning application was received just before Christmas. Despite the Christmas and New Year period, there has been no extension of the time limit for responses over and above the usual time frame – this makes it difficult for any individual or organization to view and comment on the huge amount of associated documentation.
- Is it usual practice to send notification letters with a deadline date for responses prior to the date Planning applications are lodged?
- It is a surprise that this Planning application has a recommendation to grant prior to the deadline date for comments to be received.

Comment 2

- Is it legal to bring an application to Planning Committee prior to the deadline for responses?

Comment 3

- Concerns that a decision is to be made before the deadline for responses to the main application.
- Concerns that the position of the services duct is part of an overall plan that assumes the main access to the hospital is from Wood Lane – the plans should be modified such that the majority of traffic to the site is from Brockley Hill.

Comment 4 – relates to the current proposal and the Hybrid Planning application which is still under consideration.

- Is it legal to bring an application to Planning Committee prior to the deadline for responses?
- Although in favour of the redevelopment of the hospital, object to the current proposal for the following reasons:
 - Impact on the rural appearance of Wood Lane and threat to wildlife
 - Lighting of the New access road will destroy valuable boundary woodland between the RNOH and the Grove Estate
 - Inadequate bat surveys provided
 - Destruction of acid grassland habitat on the WDZ and the EDZ
 - No justification as to why there would be no effect on Stanmore Common
 - No invertebrate assessment of site quality
 - Disturbance to a protected species (badger)
 - Loss of wood land
 - Replacement of trees using native species of genuinely local origin – too many suppliers are using non-local origin. Letting natural regeneration to occur will be cheaper and avoid the danger of disease importation or importation of an invasive species.
 - Removal of less woodland in the first place will avoid the use of new planting
 - Replacement of mature hedgerows is an environmental destruction
 - Destruction of trees is to make life easier
 - Increase in light levels will impact on bats. Nothing to stop further development of the site
 - This is a contaminated site
 - The plans are outdated
 - The opening of visual vistas means the loss of a continuous line of trees and tree spines
 - There is a problem of SUDS on the site
 - The supply of dead wood piles is a poor substitute for retaining dead wood fauna as many invertebrate species need standing dead timber and timber from all situations from full sunlight top being submerged in flowing water – there has been no assessment of existing dead wood potential on the existing tree stock
 - There is a lot of talk about views and opening up views – what people want is privacy
 - The online and even some hardcopy documents are hard to read and there is document duplication
 - The S106 money from such a development should be directed to the preservation and improvement of adjacent wildlife sites
 - The ecology study is a baseline one and there is no schedule for re-examination to determine if the mitigation is actually successful
 - Ecology Management is often not adhered to and the site degrades in quality, as a result
 - The new pond is effectively ecologically destroyed by having a road

surrounding it and by cutting it off from natural surroundings.

Section 1) Principle of Development

At the end of this section, add:

Since writing this report to the Planning Committee, the number of trees proposed for removal has been reduced from 171 to 170. Revised plans and documentation have been received to reflect this.

Since writing this report to the Planning Committee, a number of responses have been received in response to consultation. Summaries of these responses have been set out in this addendum. In particular, it is necessary to note that the Council's Tree Officer, Drainage Engineer, Landscape Officer, Environmental Health Officer and Highways Engineer have assessed the current proposal and have not raised any objections.

It is noted that a response has been received from Natural England who have raised no objections, subject to conditions including a detailed mitigation and monitoring strategy relating to bats. The Council's Biodiversity Officer has reviewed this response and has suggested a condition to address the concerns raised by Natural England. It is suggested that this condition be attached to any approval of Planning permission. It is further noted that the Council's Biodiversity Officer has recommended that bat boxes be implemented on site and that the site be monitored for bats over a two year period. These comments are noted. However, given the location of the site which is under consideration (red line boundary) and its context in relation to the wider RNOH site, it is considered that it would be more appropriate to consider these conditions as part of the Hybrid application.

It is further noted that four comments have been received in response to neighbour notification. The contents of two of these relate to the Hybrid Planning application. As this application is currently under consideration, it is not appropriate to respond to these particular comments at this time. However, these comments will be addressed in the report relating to the Hybrid application. Any responses received which relate to the current Task 1 application (P/3213/12) are addressed in section 3 below.

Section 3) Consultation Responses

At the end of this section, add:

Comment 1

- Notification of the Planning application was received just before Christmas. Despite the Christmas and New Year period, there has been no extension of the time limit for responses over and above the usual time frame. This makes it difficult for any individual or organization to view and comment on the huge amount of associated documentation – The Local Planning Authority were aware of this situation and provided neighbouring occupiers 30 days to respond to this application, as opposed to the statutory 21 days.
- Is it usual practice to send notification letters with a deadline date for responses prior to the date Planning applications are lodged? – This Planning application was received by the Council on December 13th and was made valid on December 19th. It is acknowledged that the letters sent to neighbouring occupiers were dated December 17th. However, formal consultation did not take place until

December 19th, which is the date that the application was made valid and available to view.

- It is a surprise that this Planning application has a recommendation to grant prior to the deadline date for comments to be received – Due to ecological constraints relating to this application (i.e. the bird nesting season), the Planning Officer has made a recommendation to the Planning Committee that:
 - 1) Authority be delegated to the Divisional Director of Planning to determine the Planning application **following the end of the consultation period on 18 January 2013**, subject to no additional adverse comments being received.
 - 2) Grant planning permission subject to conditions, and a Unilateral Undertaking.

Should the Planning committee agree with the Officers recommendation, Planning permission would not be granted until the consultation period has expired.

Comment 2

- Is it legal to bring an application to Planning Committee prior to the deadline for responses? - Yes, it is legal for the Planning Committee to consider an application before the consultation period expires. However, it is not legal for the Planning Committee to approve Planning Committee before the consultation period expires. Should the Planning committee agree with the Officers recommendation, and resolve to grant Planning permission subject to conditions and a Unilateral Undertaking, they would delegate authority to the Divisional Director of Planning to determine the Planning application **following the end of the consultation period on 18 January 2013**, subject to no additional adverse comments being received.

Comment 3

- Concerns that a decision is to be made before the deadline for responses to the main application – Addressed above
- Concerns that the position of the services duct is part of an overall plan that assumes the main access to the hospital is from Wood Lane. The plans should be modified such that the majority of traffic to the site is from Brockley Hill – The rationale behind this application has been provided in the report to Planning Committee. This report acknowledges the link between this Task 1 Works application and the Hybrid application. It is important to re-iterate that the Hybrid application is still under consideration. All concerns raised in relation to the Hybrid Planning application will be addressed in the report relating to the Hybrid application.

Comment 4 – relates to the current proposal and the Hybrid Planning application, which is still under consideration. As the Hybrid application is currently under consideration, it is not appropriate to respond to comments relating to this at this time. However, these comments will be addressed in the report relating to the Hybrid application. Only the responses received in relation to the current Task 1 application (P/3213/12) are addressed below.

- Is it legal to bring an application to Planning Committee prior to the deadline for responses? - Addressed above
- Although in favour of the redevelopment of the hospital, object to the current

proposal for the following reasons:

- Impact on the rural appearance of Wood Lane – The trees which are proposed for removal are generally contained within the RNOH site. Having regard to this and the context of the wider RNOH site, it is considered that the removal of these particular trees would not, on balance, unduly impact on the character of Wood Lane.
- Inadequate bat surveys provided and threat to wildlife – An ecological assessment has been submitted for consideration and this has been received by Natural England and the Council's Biodiversity Officer. Neither have objected to the current proposal, subject to appropriate conditions. Comments have been provided in relation to these conditions in this addendum.
- Lighting of the New access road will destroy valuable boundary woodland between the RNOH and the Grove Estate – There is no lighting proposed under this current Planning application
- No justification as to why there would be no effect on Stanmore Common – This has been addressed in the report to Planning Committee
- Loss of wood land – This has been addressed in the report to Planning Committee
- Replacement of trees using native species of genuinely local origin – too many suppliers are using non-local origin. Letting natural regeneration to occur will be cheaper and avoid the danger of disease importation or importation of an invasive species – Full details of any replacement trees must be provided and agreed in writing to the Local Planning Authority
- Destruction of trees is to make life easier - The rationale behind this application has been provided in the report to Planning Committee.
- The online and even some hardcopy documents are hard to read and there is document duplication – It is appreciated that there has been some duplication of information and that much of the information that has been provided is technical. However, all information has been made available to view on the Council website, in the Stanmore library and in the Civic Centre.
- The ecology study is a baseline one and there is no schedule for re-examination to determine if the mitigation is actually successful – a condition relating to bats has been suggested as part of this addendum
- Ecology Management is often not adhered to and the site degrades in quality, as a result – Were the application to be approved, the Ecological Assessment would be an approved document. The Applicant would be legally obliged to implement the recommendations of this report.

Conditions

Amend Condition 2 as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Arboricultural Report (Ref: CC32 – 1011 – Issue date January 2013), Planning Statement, Ecological Assessment (Ref: ECO1903.t1W-EcoAss.DV1, 32-1011.04-D (date 16.01.13), U9010, Addendum to

	<p>Planning Statement, U9020 Rev. F, U9023 Rev. B REASON: For the avoidance of doubt and in the interests of proper planning.</p> <p><i>At the end of this section, add condition 3:</i></p> <p>2. No development shall take place until each tree which is proposed for removal, and has been highlighted as medium or greater potential for harbouring bat roosts in the Aspect Ecology Biodiversity Report, has been surveyed for bats. Should any tree indicate the presence of bats, that particular tree shall not be removed and the advice of a suitably qualified ecologist shall be sought without delay.</p> <p>REASON: This condition is required to ensure that if bats are present then suitable measures are put into place for their protection in accordance with saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004) and 7.19 of the London Plan (2011) and to conform with all current legislation.</p> <p>REASON: This condition is required to ensure that if bats are present then suitable measures are put into place for their protection in accordance with saved policies EP26 and EP27 of the Harrow Unitary Development Plan (2004) and 7.19 of the London Plan (2011).</p> <p>Plan Nos to be amended as follows: Arboricultural Report (Ref: CC32 – 1011 – Issue date January 2013), Planning Statement, Ecological Assessment (Ref: ECO1903.t1W-EcoAss.DV1), 32-1011.04-D (date 16.01.13), U9010, Addendum to Planning Statement, U9020 Rev. F, U9023 Rev. B</p>
2/02	<p><u>Addendum Item 1:</u> On page 36 of the agenda, in the Development Description, remove the words <i>“[RESIDENT PERMIT RESTRICTED]”</i> REASON: To accurately reflect the development proposal</p> <p><u>Addendum Item 1:</u> On page 36 of the agenda, under the Head of Term (i) Public Realm Improvements of the Legal Agreement, remove the words <i>“and open space”</i> REASON: To ensure monies secured are related to the impact of development and thereby accord with Regulation 122 of the CIL Regulations 2011</p> <p><u>Addendum Item 2:</u> On page 44 of the agenda, under Section 4) Traffic, Safety and Parking, remove the sentence <i>“In addition, and although unlikely, in order to ensure no adverse impact on the controlled parking areas in the locality, a condition is attached to ensure no residents are eligible for on-street parking permits unless registered disabled.”</i> REASON: The Highway Authority have reviewed the application in light of a recent appeal decision received by the Council relating to a condition removing Resident Parking Permits and consider that in this instance, a condition restricting residents from getting parking permits should not apply to this development</p> <p><u>Addendum Item 3:</u> On page 46 of the agenda, under the heading ‘Conditions’ delete condition 7 and amend the number of the subsequent conditions accordingly to 7, 8 & 9 respectively. REASON: The Highway Authority have reviewed the application in light of a recent appeal decision received by the Council relating to a condition removing Resident Parking Permits and consider that in this instance, a condition restricts residents from getting permits should not apply to this development.</p>

2/03	<p>1. This application has been deferred as further consideration of the application is required. This application will be presented to the February Planning Committee.</p>
2/04	<p>Under conditions insert the following:</p> <p>5 The premises shall only be used for the education of students aged 16 years and above, as specified in the application [Class D1(c) education use] and for no other purpose, including any other purpose in Class D 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).</p> <p>REASON: To enable the Council to assess any change of use would potentially impact on the amenities of neighbouring residential properties to the north of the site, car parking and servicing of the site against saved policies D5 and T13 of the Harrow Unitary Development Plan (2004).</p> <p>6 The maximum number of students and staff in the premises [for the D1(c) Education use] shall not exceed 110 at any time.</p> <p>REASON: To ensure that the use of the site is not over-intensive and to permit an assessment of student/staff numbers in the future in the light of the circumstances then prevailing as a measure to ensure that disturbance/disruption or noise to the neighbouring residential properties are kept to a minimum in order to comply with saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).</p>
2/05	<p>Email received in respect of the deferral of the application from the previous committee, which is reproduced in full below:</p> <p>“At the last Council planning committee meeting regarding the above it was more or less agreed amongst the attendant Councillors (Labour, Conservative and Independent) that the above application should not be allowed. In the end, however, following intervention by one of the Council’s advisers, the decision was made to merely adjourn to a later date for further consideration. All agreed that the property development would never have been permitted under normal planning procedures. Health and safety alone would have prevented it The next meeting on this issue is imminent, namely Wednesday 16th January 2013, hence the urgency.</p> <p>The ‘consideration’ seems to come down to the financial cost to the Council of opposing the application should the applicant take her appeal to the national arbitrator located in Bristol. Although most of the Councillors on the Committee are unlikely to be blackmailed in this way, there is a possibility that the Labour contingent, as members of the governing Council, might take a negative attitude for financial reasons (to the Council). Such would be totally against the tenants of our socialist movement and its ethics. As our Labour Member of Parliament I would ask you to influence them not to follow this course. A local matter it might be, but the issue here is one of principal, and a humanitarian one at that.</p> <p>It is blatantly obvious from correspondence and telephone calls with the Council Planning Department that they are attempting to influence the decision in favour of the applicant which is, to say the least, totally undemocratic.”</p> <p>Officer response: This is an application for a Certificate of lawful Use (existing) in respect of the use of the property as 7 self contained and one non- self contained flats. The application was deferred by the Members of the Committee to allow further</p>

consideration of evidence, as detailed in the committee minutes, which also reflect the comment of one Member who suggested it would be in the interests of the committee to defer and allow more time to analyse and study the evidence provided.

Comments made in relation to the standard of accommodation not meeting normal planning procedures (policies) are noted. However, this is not an application for planning permission and the assessment is not made against Council policies and adopted standards, rather it is a legal test, based on the evidence submitted, that, “on the balance of probabilities” the property has been used in the manner described in the application for a period of 4 years prior to the date of the application. The recommendation of officers, and indeed the advice provided to Members of the committee is based on the consideration of evidence submitted, which officers consider, on the balance of probabilities, demonstrates that the property has been occupied in the manner described in the application for a period of 4 years prior to the date of the application.

Officers have a duty to advise members on the legal tests applicable to the matter and any risks involved so members can make an informed decision. However, the decision whether to approve or reject officers’ recommendation is a matter for the planning committee.

AGENDA ITEM 9

ADVANCE WARNING GIVEN OF REQUESTS TO MAKE REPRESENTATIONS ON PLANNING APPLICATIONS

No requests to make representations on planning applications have been received for this meeting.