



DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 9 NOVEMBER 2005

SUPPLEMENTAL COMMITTEE AGENDA

AGENDA - PART I

11. **Planning Applications Received:** (Pages 1 - 26)
Officer reports for the following planning applications, which were not available at the time the main agenda was printed, and were marked 'to follow' on the Planning Applications list, are now enclosed:
- Item 1/03: 74 Uxbridge Road, Harrow Weald (Page 1)
 - Item 1/04: Royal National Orthopaedic Hospital, Brockley Hill, Stanmore (Page 9)
21. **Variation of S106 Agreement, Heathfield School:** (Pages 27 - 34)
Report of the Group Manager (Planning and Development).

Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-

<u>Agenda item</u>	<u>Special Circumstances/Grounds for Urgency</u>
11. Planning Applications Received – Item 1/03 – 74 Uxbridge Road	A notification letter had not been sent to the residents who live nearest to the application site due to an oversight. The residents sent an objection letter to the Council after the notification period had elapsed. It raised fresh considerations which needed to be addressed. This delayed the completion of the report.

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| 11. | Planning Applications Received – Item 1/04 – Royal National Orthopaedic Hospital | The GLA submitted informal comments towards the end of last week and these raised issues that had to be addressed in the report. This has now been done. Committee consideration is required at the November meeting. |
| 21. | Variation of S106 Agreement, Heathfield School | The report was not available at the time the agenda was printed and circulated. Members are asked to consider it as a matter of urgency. |

**74 UXBRIDGE ROAD, HARROW WEALD
(TEXACO SERVICE STATION)**

1/03
P/1984/05/CFU/DT2
Ward: HARROW WEALD

REDEVELOPMENT: PART 2/PART 3
STOREY BLOCK TO ACCOMMODATE
HEALTH CENTRE AND 14 FLATS WITH
CAR PARKING

KENNETH W REED & ASSOCS. for LONDON REGIONAL PROPERTIES

RECOMMENDATION

Plan Nos: 1405/100; /10B; /11B; /12B; /13A

GRANT permission in accordance with the development described in the application and submitted plans, subject to the following condition(s):

- 1 Time Limit - Full Permission
- 2 Landscaping to be Approved
- 3 The development hereby permitted shall not commence until a scheme for:-
 - (a) The storage and disposal of refuse/waste
 - (b) and vehicular access theretohas 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 shall thereafter be retained.
REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.
- 4 Water Storage Works
- 5 Before the development commences a detailed site investigation shall be carried out to establish if the site is contaminated to assess the degree and nature of the contamination present and to determine the potential for the pollution of the water environment. The method of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of ground water and surface water, including provisions for monitoring, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the approved measures.
REASON: To prevent pollution of the water environment.
- 6 The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.
REASON: To prevent pollution of groundwater.
- 7 Water - Soakaways
- 8 Water - No Sewage or Trade Effluent
- 9 Disabled Access - Buildings

continued/

Item 1/03 – P/1984/05/CFU continued.....

- 10 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.
The boundary treatment shall be completed:
a: before the use hereby permitted is commenced
b: before the building(s) is/are occupied
c: in accordance with a timetable agreed in writing with the local planning authority
The development shall be completed in accordance with the approved details and shall thereafter be retained.
REASON: To safeguard the amenity of neighbouring residents and the character of the locality.
- 11 No demolition or site works in connection with the development hereby permitted shall commence before:-
(a) the frontage.
(b) 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 amenity and highway safety.
- 12 The development hereby permitted shall not commence until details of cycle parking facilities have been submitted to and approved by the Local Planning Authority. The facilities shall be provided as approved before occupation of the development.
REASON: To ensure that there is provision of satisfactory parking facilities.
- 13 The premises shall be used for the purpose specified on the application 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).
REASON: To safeguard the amenity of neighbouring residents.
- 14 The use hereby permitted shall not open to patients outside the following times:-
a) Monday - Friday 8:00 am - 6:30 pm
b) Saturday - 8:00 am - 12 noon
c) Not at all on Sundays
REASON: To safeguard the amenity of neighbouring residents.

INFORMATIVES:

- 1 Standard Informative 23 – Considerate Contractor Code of Practice
- 2 Standard Informative 32 – The Party Wall etc. Act 1996
- 3 Standard Informative 35 – CDM Regulations 1994
- 4 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan 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:

2004 Harrow Unitary Development Plan:

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| SD1 | Quality of Design |
| D4 | Standard of Design and Layout |
| D5 | New Residential Development - Amenity Space and Privacy |

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Item 1/03 – P/1984/05/CFU continued.....

D9	Streetside Greenness and Forecourt Greenery
D10	Trees and New Development
T13	Parking Standards
T14	Public Car Parking
T15	Servicing of New Developments
EP10	Sustainable Urban Drainage
EP20	Use of Previously Developed Land
EP22	Contaminated Land

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Residential Character (SD1, D4, D9, D10)
 - 2) Neighbouring Amenity (D5, SD3, C9, C16, T13, T14, T15, EP10, EP20, EP22)
 - 3) Consultation Responses
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INFORMATION

a) Summary

Car Parking	Standard:)
	Justified:) See Report
	Provided:)
Site Area:	0.21 ha.	
No. of Residential Units:	14	
Habitable Rooms:	49	
Density - hrph:	6 dph 233 hrh	
Council Interest:	None	

b) Site Description

- existing garage, petrol station and electricity sub station on northern side of Uxbridge Road at the junction with Clamp Hill and Kenton Lane
- the Leefe Robinson P.H. and car park are on its south western boundary and a detached Post Office and general shop is on the north eastern boundary of the site
- detached two storey property and long rear garden of 2 Clamp Hill is at the rear of the site
- on the opposite side of the road is a crescent of shops surrounded by residential development

c) Proposal Details

- part two/part three storey block to accommodate health centre and 14 flats with parking
- hip end building with projecting front gables, wall returns and two projecting rear wings
- design in traditional architectural vernacular; facing bricks and soldier course banding contrasting with cream render at ground floor level. Large white timber windows with articulation in both the horizontal and vertical roof plans. Plain clay roof tiles. White metal balconies at first and second storeys on north, east and west elevations

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Item 1/03 – P/1984/05/CFU continued.....

- off-street parking for 15 cars with access via existing vehicular crossover at southern entrance to site
- maximum building height of 12.8m, frontage width of 56m, maximum depth of 28.5m
- rear garden depth between 11 and 13.5m
- rear garden amenity space approximately 196m²

d) Relevant History

LBH/93/6	Demolition of existing buildings and erection of self-service petrol filling station w/car wash and service	GRANTED 03-APR-73
P/282/05/CFU	Redevelopment: 3 storey block to accommodate health centre and 14 flats with car parking	WITHDRAWN 15-MAR-05

e) Applicant's Statement

Revised proposal respects front building line on Uxbridge Road.

Proposal addresses previous concerns raised by LPA, namely:-

- Retention of existing access at western end of the site to the satisfaction of the Highways/Traffic Engineer
- 45° code on the horizontal and vertical plane are maintained to overcome loss of light and outlook to adjoining property to the north of the site, 1 Clamp Hill.
- Building height stepped down to two storeys on the eastern boundary and to three storeys towards the western boundary, bringing it more into keeping with the scale of existing development in the locality.
- No overlooking of adjoining gardens to the rear of the site, in particular, that of 1 Clamp Hill. The two rear wings do not have windows in the northern elevation.
- Existing landscaped, tree lined strip and fencing would remain to add screening and a noise buffer between the public house car park and the proposed development.
- Building is designed to respect the character of the area. Articulation of the horizontal and vertical plans, differences in heights of roof lines, treatment of fenestration and balconies and palette of building materials, provides definition and visual interest.
- 2m wide green buffer parallel to boundary with 1 Clamp Hill is to be retained and an acoustic fence is to be provided.
- The Doctor's surgery/health centre, an important community facility is to be provided. Visitors by car will be identified at the front of the site near to the entrance; medical practitioners would have separate parking facilities at the rear of the centre
- Location of bin storage and collection point at Clamp Hill is acceptable.
- Direct access to the garden from ground floor units.
- existing right of way to the electricity sub station to be maintained in accordance with legal covenants for the site.
- Proposal will be more neighbourly than the existing use of the site as a petrol station.

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f) Consultations

- TWU:** Advice is given on the need for proper drainage to ground, watercourses or surface water sewers, and for the applicants to adhere to the DETR guidelines on new connections that can achieve disposal on site without recourse to the public sewerage system.
- EA:** No objections providing the following conditions can be satisfactorily discharged:-
- a) a site contamination investigation on the basis of which details of measures to prevent groundwater and surface water pollution
 - b) details of construction of site foundations
 - c) no soakaways on contaminated ground
 - d) Details of construction of foul and surface discharge drainage system

Advertisement	Major Development	Expiry 08-SEP-05	
Notifications	Sent 47	Replies 6	Expiry 30-AUG-05

Summary of Responses: Overlooking and loss of privacy from proposed balconies, loss of daylight/sunlight, excessive height, bulk and massing of proposed building would be visually obtrusive and out of keeping with suburban scale of surrounding residential property, not clear whether it is only the return frontage of the 2m high wall that is to be retained, continuous wall should remain along with landscaped buffer and acoustic fencing that is proposed, existing trees should remain and be protected by TPO, increase in traffic congestion/harm to road safety

APPRAISAL

1) Residential Character

The current proposal is a revised scheme. An earlier application was withdrawn because it was an overdevelopment of the site. The physical scale of the building was felt to be too massive and overbearing in the streetscape of the locality, having a disproportionate relationship with surrounding development.

The height, scale, bulk and massing of the proposed development has now been reduced to address the scale of development in the locality. The form of the local townscapes varies, but it is predominantly two storeys. Accordingly, the height of the proposed building is set down from three storeys at the western end of the site to two storeys with dormer rooms in the roofspace, and then to two storey towards the eastern end of the site. The scale, bulk and massing has been reduced by the introduction of return walls, giving the building more articulation and visual interest. In these ways the proposal, which is on a prominent site, now has a more human scale in relation to the neighbouring post office and the houses at the rear of the site on Clamp Hill.

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The design and appearance of the revised scheme is also acceptable, as was that of the previous scheme. The plain clay roof tiles, facing brickwork, painted render and the horizontal emphasis of the windows are in keeping with the architectural vocabulary of the area. It is considered therefore that the revised scheme complies with the advice in Policy D4 in that it has taken into account the setting of the local townscape along with its scale and character.

2) Neighbouring Amenity

The height, scale, bulk and massing of the building in the previous proposal was also considered to be harmful to the residential amenity of the house at the rear of the site, resulting in loss of light, overlooking and loss of privacy to properties on Clamp Hill, in particular, the adjoining house on the northern boundary, 1 Clamp Hill.

In the revised scheme, along with the reduction in the height of the building towards the eastern end of the site, the rear wing that projects from that end of the building is also two storey. Furthermore, the layout of the site has been reconfigured. The proposed health centre is now the two storey eastern wing of the building, whose windows do not serve habitable rooms. Whereas in the previous proposal the doctor's surgery/health centre was at the centre of the development, with residential wings on either side of it. In such circumstances, 1 Clamp Hill would have suffered overlooking from living/dining rooms of flats at first and second storey level.

Similarly, the revised site layout means that the off street parking at the rear of the doctor's surgery/health centre will be reserved for staff solely, while visitors to the premises will be identified at the vehicular entrance at the front of the site. In this way, vehicular movement within the site will be minimised and confined largely to certain times of the day.

An existing vegetation buffer that runs along the rear of the site boundary would be retained and would be augmented by an acoustic fence. It is considered that these measures would be satisfactory mitigation of the effect of noise from vehicular movement on houses on Clamp Hill. In any event, it is concluded that the activity associated with a medical practice would be much more neighbourly than the existing use as a petrol filling station and is in line with the advice in Policy D5. This is also true in relation to the proposed location of the refuse bin stores, which would be behind a 2m high brick wall in the north-eastern corner of the site.

It is concluded that the proposed use of part of the site as a doctor's surgery/health centre would not be harmful to residential amenity and would provide an additional community facility. As such, the proposal would be consonant with the advice in Policy C9.

In view of the existing long standing use of the site as a petrol/service station and in the light of the advice from the Environment Agency, a condition is recommended to explore the level (if any) of contamination on site, before the development commences. Subject to this investigation, the proposal will be in line with the advice in Policy EP20, in that it is seeking to make use of land that has been developed previously.

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3) Consultation Responses
Addressed in report.

CONCLUSION

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

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OUTLINE: PARTIAL REDEVELOPMENT TO PROVIDE
NEW HOSPITAL AND ASSOCIATED FACILITIES,
HOUSING (INCLUDING STAFF), REVISED ROAD
JUNCTION, CAR PARKING AND OPEN SPACE

DRIVERS JONAS for ROYAL NATIONAL ORTHOPAEDIC HOSPITAL

RECOMMENDATION

Plan Nos: OP.050 00, OP.100.00, OP.200.01, OP.300.00, OP.020.00, OP.010.01,
OP.011.01, 2004 - 076/DWP5

Inform the applicant that:

- 1) The proposal is acceptable subject to:
 - A) the direction of the Greater London Authority, and
 - B) the completion of a legal agreement within one year (or such period as the Council may determine) of the date of the Committee decision on this application relating to:
 - i) Prior to occupation of the main hospital building, the layout, construction and maintenance of publicly accessible areas of open space, as agreed in writing by the Council, including the provision of a network of publicly accessible footpaths (not being a public right of way).
 - ii) A sum of £300,000 towards the improvement of bus services.
 - iii) The submission of a Travel Plan (to include car park management arrangements) prior to occupation of the hospital.
 - iv) The payment to the Council of a sum of £50,000 for traffic calming measures in Wood Lane, on implementation of the development.
 - v) Prior to the implementation of the development, submission to and approval by the LPA of a scheme which:
 - a) provides affordable housing of a level, type and mix set out in the officer appraisal, the social rented units to be managed by an RSL, subject to a nomination agreement with the Council;
 - b) ensures that the affordable housing units are available for occupation in accordance with a building and occupation programme to be submitted to and approved in writing by the LPA prior to the commencement of work on site.

All affordable housing units should be built to the most up to date Scheme Development Standards published by the Housing Corporation, and shall be provided in accordance with the definition set out in the HUDP.

- vi) The provision of replacement staff housing for that purpose solely.
- vii) Any submission of reserved matters pursuant to the planning permission or to the discharge of conditions imposed on the planning permission should comply strictly with the Parameter Plans.
- viii) The total built footprint of any future development shall not exceed the existing built footprint on the site, as set out in the schedule accompanying the application.
- ix) The submission of, and compliance with, a phasing plan prior to the submission of any application for approval of reserved matters pursuant to the planning permission that shall include full details of the phasing of the demolition of those existing buildings to be demolished as part of the development.
- x) The use of reasonable endeavours by the applicants to promote and recruit employees, contractors and sub contractors from within the Council's geographical area throughout the construction phase of the development.
- xi) Compliance with an Environmental Management Plan to be agreed in writing with the Council prior to the implementation of the development. This will mitigate the impact of the demolition of the buildings on the land and the construction of the development on the surrounding environment.
- Xii) Compliance with the Ecological Management Plan submitted with the application, or an amended plan as agreed in writing with the Council.
- xiii) Compliance with the Landscape Management Plan submitted with the application, or an amended plan as agreed in writing with the Council.
- xiv) The provision of 10% renewable energy in the development by one or a combination of the alternative renewable energy options set out in the Renewable Energy Statement that has been submitted with the application.
- xv) Prior to the demolition of the southern extensions to Eastgate House, the preparation of an appropriate standing building record of the building following any necessary survey that shall be submitted to the Council for its retention, and the use of all reasonable endeavours to retain key structural elements from the aforesaid demolition and to incorporate in these new structures where possible.
- xvi) The submission within eighteen months of the implementation date of details of works for the restoration and continued maintenance of the Ancient Monument, to include provision of paths and seating and the

erection of interpretation boards, and the submission and implementation of a plan for public involvement in any archaeological finds from the site.

- xvii) The payment to the Council of a Green Belt Management contribution of £250,000, prior to the implementation of the development.
- xviii) Access to the car parking area to the rear of the Zachary Merton building shall be provided prior to occupation, in accordance with details to be agreed in writing with the Council, and retained thereafter for general public use.
- xix) The provision of a replacement Hospital School and measures to ensure continuity of provision during, and post, construction.
- xx) To enter into highway agreements, prior to implementation, with the Council and other highway authorities as appropriate regarding works to:
 - the access off Wood Lane on the southern and western boundaries;
 - improvements to the main access from Brockley Hill; and
 - the construction of a new roundabout at the existing Brockley Hill / Wood Lane priority junction at the south east of the land.

- 2) A formal decision notice, subject to the planning conditions noted below, will be issued only upon the completion, by the applicant, of the aforementioned agreement

GRANT permission in accordance with the development described in the application and submitted plans, subject to the following condition(s):

- 1 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 2 Approval of the details shown below (the “reserved matters”) shall be obtained from the local planning authority before any development is commenced:
 - (a) siting of the building(s)
 - (b) design of the building(s)
 - (c) external appearance of the building(s)
 - (d) landscaping of the siteREASON: to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 3 Highway – Closing of Access (es)
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an access statement, identifying the applicants’ design approach to ensure buildings, facilities and services are accessible to disabled and non-disabled people.
REASON: To ensure that the development will be accessible to all users.

- 5 Before the development commences a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present and to determine the potential for the pollution of the water environment. The method of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the approved measures.
REASON: To prevent pollution of the water environment.
- 6 The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development is commenced.
REASON: To prevent pollution of the water environment.
- 7 Before the development is commenced, details of the nature of the material to be used as infill (e.g. source, type) shall be submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to the site from the risks associated with migrating landfill gas.
- 8 No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to the site from the risks associated with migrating landfill gas.
- 9 The construction of the foul and surface discharge draining system shall be carried out in accordance with details submitted to and approved in writing by the Local planning Authority before the development commences.
REASON: To prevent pollution of the water environment.
- 10 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
REASON: To secure the provision of archaeological excavation and the subsequent recording of the remains in the interests of national and local heritage.
- 11 No work on site shall take place until a detailed design and method statement for the foundation design and all new ground works has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the significant archaeological remains both within and outside the scheduled area remain in situ.

- 12 Details of the provision of children's play equipment and areas, including a play area to local enhanced equipped area for play standard (LEAP), and the approved scheme shall be implemented in accordance with the approved details. No phase of any development shall be occupied prior to completion of the relevant play area to which it is linked in accordance with the approved details and plans.
REASON: To ensure that suitable facilities are available to support future family housing.
- 13 The existing vehicular access to the site from the adjacent highway, Warren Lane (to the south-west corner of the site) shall remain closed to vehicular traffic, by means of a locked gate and retained thereafter. This access shall only be available for pedestrian and / or cycle access, through the use of an appropriately-sized access gate. Details of these arrangements shall be submitted to, and approved in writing by, the Local Planning Authority and carried out as approved. No emergency vehicular use of this access shall be made without the prior written permission of the Local Planning Authority.
REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.
- 14 The housing development hereby permitted shall include the provision of 100% Lifetime Homes and 10% wheelchair housing.
REASON: To ensure that the development will be accessible to people with disabilities, in compliance with London Plan and UDP policies.
- 15 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.
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.
- 16 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 which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. 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.
- 17 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 2

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.

- 18 The plans and particulars submitted in accordance with the approval of landscaping condition shall include:
- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

- 19 The erection of fencing for the protection of any retained tree 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.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

- 20 None of the existing trees on the site shall be lopped, topped, felled or uprooted without the prior written permission of the local planning authority. Any topping or lopping which is approved shall be carried out in accordance with British Standard 3998 (Tree Work).

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

- 21 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an access statement, identifying the applicants' design approach to ensure buildings, facilities and services are accessible to disabled and non-disabled people.

REASON: To ensure that the development will be accessible to all users.

- 22 Development shall not begin until surface water drainage works have been carried out in accordance with details to submitted to and approved in writing by the Local Planning Authority. Prior to submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs) in accordance with the principles of sustainable drainage systems set out in Appendix E of PPG25, and the results of the assessment shall be provided to the Local Planning Authority with the details. Where a SuDs scheme is to be implemented, 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; and
 - b) specify the responsibilities of each party for the implementation of the SuDs scheme, together with a timetable for that implementation; and
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The scheme shall be implemented, maintained and managed in accordance with the approved details.
- 23 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 works shall thereafter be retained.
REASON: To ensure that adequate drainage facilities are provided.
- 24 The development 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.
- 25 Development shall be carried out in strict compliance with the Parameters Plans submitted with the application and shown on drawing nos.: OP. 050 00, OP. 100 00, OP. 200 01 & OP. 300 00
REASON: The proposed development is the subject of an Environmental Impact Assessment and any material amendment may have an impact that has not been assessed through that process
- 26 Improvements to the accesses in Wood Lane and Brockley Hill, construction of a new roundabout at the junction of Brockley Hill and Wood Lane and traffic calming measures in Wood Lane, shall be carried out in accordance with details to be agreed in writing with the Council, and completed prior to occupation of the development.
REASON: To ensure satisfactory access to the site and safeguard the amenities of neighbouring residents.

INFORMATIVES:

1

INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan 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:

Harrow Unitary Development Plan:

Strategic Policies

S1, SEP1, SEP2, SEP4, SEP5, SEP6, SD1, SD2, SD3, ST1, ST2, ST3, SH1, SH2, SC1, SI1

Environmental Protection And Open Space Policies

EP7, EP8, EP9, EP10, EP12, EP14, EP20, EP21, EP22, EP24, EP25, EP26, EP27, EP28, EP29, EP30, EP31, EP32, EP33, EP35, EP37, EP38, EP41, EP42

Design And The Built Environment

D4, D5, D10, D12, D19, D20, (D21, D22)

Transport

T6, T7, T9, T10, T11, T12, T13, T14, T15

Recreation, Leisure And Tourism

R6, R7

Housing

H4, H5, H7, H18

Community Services And Accessibility

C8, C16, C17

Implementation, Resources And Monitoring

I3

2

Standard Informative 23 – Considerate Contractor Code of Practice

3

Standard Informative 32 – The Party Wall etc Act 1996

4

Standard Informative 35 – CDM Regulations 1994

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Green Belt / Principle of Redevelopment (S1, SEP6, EP20, EP31, EP32, EP33, EP34, EP35, EP37, EP38, EP41, R6, R7)
- 2) Health Care Provision / Suitability of the Proposed Use (EP35, C8)
- 3) Environmental Impact Assessment/Ecology (SEP1, SEP2, SEP3, SEP4, SEP5, SEP6, EP7, EP9, EP10, EP12, EP15, EP16, EP17, EP18, EP20, EP22, EP24, EP25, EP26, EP27, EP28, EP29)
- 4) Access Traffic and Transport (ST1, ST2, ST3, T6, T7, T9, T10, T11, T12, T13, T14, T15)
- 5) Design and Visual Impact (SD1, D4, D10)
- 6) Archaeology / Impact on Eastgate House (SD2, D12, D19, D20, D21, D22)
- 7) Neighbouring Amenity (D5)
- 8) Affordable Housing (SH1, SH2, H4, H5, H7, H18)
- 9) Consultation Responses

INFORMATION

a) Summary

Conservation Area:	No	
Car Parking	Standard:	See report
	Justified:	See report
	Provided:	See report
		Residential:

Site Area: 33.7 ha.
Council Interest None
Major Developed Site in the Green Belt

b) Site Description

- The application site occupies an area of 33.7 hectares (ha) towards the north eastern borough boundary with LB Barnet
- The site is bounded to the east by the A5 at Brockley Hill and Watling Street and to the south by Wood Lane. Brockley Hill Farm and Green Belt land extend northwards
- To the west the site is bounded by the former BAE Systems site on Warren Lane, by the higher land of Stanmore Hill and by the farm land and buildings of Stanmore Common, that lie within the Harrow Weald Ridge.

Existing land uses

The existing site comprises more than a hundred buildings with a total footprint of 38,349sqm, buildings set in woodland and grassland. The buildings are mostly in use as hospital facilities or as uses ancillary to the hospital, e.g. staff accommodation, plant and storage buildings, offices and teaching / research centres.

Ecology

The site is a Major Developed Site within the Harrow Green Belt. It is also in the Harrow Weald Ridge, one of two Areas of Special Character (AOSC) within the borough. The open space within the site has staff and visitor car parking and habitats comprising grassland, orchards, scrub and woodland, agricultural fields, standing water and scattered trees, many of which are protected by Tree Preservation Orders (TPO's) and are mostly at the southern end of the site. Most of the undeveloped land containing many of these ecological habitats is towards the north of the site. Approximately half the site is a designated Site of Nature Conservation Importance.

- The site also has a variety of fauna that are classified as protected species. They include Southern Wood Ants, bats and badgers that are also designated as UK Biodiversity Action Plan (BAP) species. Birds, reptiles and invertebrates also inhabit the site.

Archaeology and Built Environment

- Two Scheduled Ancient Monuments are located in the site; part of a Roman pottery kiln along the eastern boundary of the site adjacent to Brockley Hill and an 18th Century stone obelisk located in the western part of the site. An additional SAM containing a Roman settlement is located beyond the eastern boundary adjacent to Brockley Hill. An Archaeological Priority Area is located adjacent to the south eastern boundary of the site. It extends in a linear form parallel to the western edge of Brockley Hill.
- Two locally listed buildings are located within the site. Eastgate House, in the south eastern corner of the site and partly remaining walls and gate piers to the east and

south of that building. Three additional locally listed buildings are located just outside the site boundary, adjacent to site entrance in Brockley Hill.

- The Little Common Conservation Area is approximately 130m to the west of the site.

Access and Transport.

- The main vehicular access is at Brockley Hill. There are also three access/egress points from Wood Lane to the south and at Warren Lane to the west. These roads are narrow and unsuitable for large volume traffic. Pedestrian access to the site is limited; the London Outer Orbital Path (LOOP) runs north-south along the western boundary and a shorter, less frequently used public footpath is linked to it on the northern boundary. There are no on-site cycle facilities and no public rights of way to the Green Belt within the site or the green areas to the north of the site.
- There are no public transport facilities on site apart from a shuttle bus service that the hospital provides to and from the nearest London Underground stations, Stanmore (Jubilee Line) 2.3km to the south of the site and Edgware (Northern Line) 3km to the south east of the site. There are also bus stops outside the main entrance to the site at Brockley hill and at Stanmore Hill.

Topography and Character of the Site and the Surrounding Area

- The site is at the top of the Harrow Weald range, site levels vary between 115 and 150 AOD (Above Ordnance Datum)
- The land is quite undulating and is generally higher in the south than in the north, sloping gently from Wood Lane and from Brockley Hill in a westerly direction downhill towards the centre of the site where it forms a natural depression
- It is here that the new hospital buildings would be located
- Surface water run off is anticipated to flow towards the centre and north, draining into the pond near to the northern site boundary
- The surrounding land is open in character and is quite rural, particularly to the north, where agricultural fields and horse pasture is prevalent and to the west where various habitats are located in woodland and heathland areas.
- The south of the site is also open in character but gives way to the urban fringe of Stanmore, about 1km from the southern boundary.
- On the eastern periphery of the site beyond the A5 at Brockley Hill and the A41 at Edgware Way, the urban fringe of Edgware emerges at a distance of some 2.5km.

c) Proposal Details

- Outline application, means of access only to be determined at this stage.
- Development comprises: groundworks, partial demolition of existing hospital buildings and redevelopment for new hospital and associated uses (Class C2) educational facilities (Class D1), re-use of Zachary Merton building as the Ronald McDonald parent accommodation hostel (Sui Generis), staff accommodation, private and affordable housing (Class C3) reuse of Spinal Injuries Unit for Trust Offices (Class B1), partial demolition and reuse of Eastgate house for housing (Class C3), relocation of helipad, landscaping , parking and highway works.
- "Parameter Plans" submitted, and form part of the application, for three separate "Development Zones". These plans seek to fix the land use mix, maximum building footprint, maximum building height and maximum parking standards for each zone. They have also been used as a basis for the Environmental Impact Assessment, to enable any likely significant environmental effects to be assessed.
- Illustrative drawings indicate how the site might be developed in the context of the Parameter Plans, showing three sectors: east (affordable housing), central (hospital

use) and west (private housing, including use of the Zachary Merton building as a parents hostel).

- Table 1 below indicates the gross floor areas of buildings that are to be demolished, buildings to be retained, and proposed buildings.

Retained RNOH Estate	New Build Hospital	Replacement & Education Uses	New Staff Housing	New Residential	Total Retained and New Build
4827m ²	20,121m ²	4841m ²	3060m ²	4805m ²	37,654m ²

d) Relevant Planning History

None relevant.

e) Applicant's Statement

- The application is submitted in recognition of the need for the comprehensive modernisation of the site to meet the clinical and operational needs of the hospital. The Trust is mindful that the location of the site is within the Harrow Green Belt. The approach therefore, has been to preserve and enhance the openness of the site, recognising its designation in Policy EP35 of the Harrow UDP as a Major Developed Site (MDS) and the advice in PPG2 that redevelopment of such sites may be possible providing the open character of the site is maintained. Central to this is the need to ensure that the overall footprint of the retained and proposed buildings does not exceed that of the existing buildings.
- Roughly 60% of the Trust's Estate on site is over 60 years old and many of the buildings do not meet the standards of health care expected from a national centre of excellence. The layout of the estate causes operational problems involving patients and staff having to travel backwards and forwards within the site. This is not good in terms of patient care and is not efficient management of staff time.
- New care responsibilities include the need to increase the number of bed spaces for patients with increased levels of usage, an improvement in facilities so that more treatment can be provided and a contribution to the reduction of NHS waiting times can be made and the need to provide a new four part hospital that is configured to offer multi disciplinary assessment, a short stay treatment centre, a specialised neuromusculoskeletal medical and surgical centre and independent living.
- Similarly, existing staff accommodation is in a poor condition and is not well related to the hospital buildings. New, high quality accommodation would be located much closer to the modern medical facilities and associated hospital buildings that are necessary.
- The new hospital will be financed through the PFI process. The housing elements would be developed separately and help fund and maintain landscape, Green Belt and other improvement works.
- A proportion of the housing will be affordable. A mix of housing will be provided that would meet or exceed the Council's UDP requirements of 30%, with a view to meeting the GLA's target of 50%, as set out in the London Plan, if it is commercially viable.
- The proposal has the support of the Strategic Health Authority (SHA), Primary Care Trusts and the British Orthopaedic Association. The outline application is the first stage in the process of securing Government approval for the whole project. If outline consent is given, the Trust can then proceed to invite bids for the reconstruction and

design process under the terms of the PFI (Private Finance Initiative). The eventual preferred partner will then make an application for full planning permission, which will include the reserved matters.

- Planning permission for the means of access only is sought at this stage. However, the proposal identifies a number of principles that are to be fixed at the outline stage and then dealt with in detail as reserved matters in due course. They are:
 - Maximum footprint of built development
 - Maximum floorspace areas
 - The amount and mix of land uses across the site
 - Means of access and principal highway works
 - Maximum parking levels
 - Maximum building heights
 - Limits of developable areas
 - Extent of buildings to be retained
 - Minimum amount of public open space in the Central Development Zone for Institute Education and future visitor amenity buildings
- These principles are set out in the parameter plans that have been submitted. They and the remainder of the documents forming part of the OPA are listed in full. They are accompanied by a series of supporting documents that are not to be considered for determination and accompany the outline application only for illustrative or explanatory purposes.

f) **Consultations**

Environment Agency

No objections are made, subject to the imposition of suggested conditions.

English Nature

Concerned that relatively large areas of broadleaved woodland and grassland would be lost should planning permission be granted. Suggests conditions/planning obligations to ensure adequate mitigation (minimising negative effects of the development) and compensation (provision of replacement habitat).

The mitigation measures identified in the EIA are satisfactory, especially the proposed protection of the populations of southern wood ant. It is not certain however, that the proposals for the compensation of habitat loss are adequate. It is recommended therefore that the principle of no net loss of habitat of SINC quality is adopted.

While the principle of green roofs is laudable, this cannot be seen as compensation for habitat loss. It is recommended therefore that consideration is given to the biodiversity of retained semi improved habitat and newly created open ground resulting from the demolition of existing buildings. As the subsoil in some areas would seem suitable, creation of areas of open heath land may be appropriate for example.

English Heritage (Archaeology)

Notes that the applicant has undertaken an archaeological evaluation and suggests conditions and planning obligations to ensure that the archaeological position is maintained.

Thames Water

Increased flow from the development may lead to sewage flooding. Impact studies of the existing infrastructure will be required so that the magnitude of any new additional capacity required in the system can be determined and a suitable connection point chosen. Recommends that storm flows are attenuated or regulated into the receiving network through on or off site storage, and that petrol/oil interceptors are fitted in all car parking/washing /repair facilities.

The Greater London Authority

The redevelopment of the Royal National Orthopaedic Hospital is supported by the London Plan's health policies. The design is welcomed and is an appropriate response to the site's location in the green belt. Tests for allowing redevelopment of a major developed site in the green belt are met. Affordable housing needs to be provided at 50% or a financial appraisal produced to justify a lower proportion. In relation to transport, taxi facilities, improvements to bus stops and cycle parking need to be provided, as well as limiting car parking. Various mitigation measures are proposed in relation to biodiversity impacts. An access statement needs to be produced. The application is acceptable in relation to sustainability subject to appropriate safeguards for the provision of renewable energy.

Recommends that Harrow Council be advised that the proposal is acceptable in strategic planning terms. The involvement of the GLA is requested at various reserved matters stages and in future applications.

Advertisement	Character of Conservation Area	Expiry	18-AUG-05
Notification	Sent 305	Replies 4	Expiry 05-AUG-05

Summary of Responses:

- Housing is an inappropriate use of greenbelt land and outweighed by the long-term loss to the community of open space and biodiversity.
- Inadequate consultation with local groups.
- Ecology survey is inadequate and EIA regulations flawed.
- Reconfiguration of buildings on site and addition of housing means that traffic congestion will increase and highway conditions will worsen.

APPRAISAL

1 Green Belt / Principle of Redevelopment

The RNOH site is identified in the HUDP as a Major Developed Site in the Green Belt and is therefore subject to criteria set out in Annex C of PPG 2. Redevelopment is not "inappropriate development" provided that it does not have a greater impact than the existing use on the openness of the Green Belt, contributes to Green Belt objectives, does not exceed the height of existing buildings or occupy a larger building footprint.

The parameter plans consolidate development into three distinct zones, separated by wide expanses of open space, in contrast to the current site layout which is characterised by a considerable number of buildings dispersed over a large area. The majority of

development is located in the central zone, comprising the replacement hospital and associated staff accommodation, linked to the retained Aspire and Mike Heaffey centres. Housing would occupy the western zone, in an “arcadian” style, with a maximum of 14 detached buildings set in generous landscaped setting. A mix of housing is also proposed for the eastern zone, close to the main site entrance, in a single terrace adjacent to the retained part of Eastgate House, reflecting the more “urban” character of this part of the site. The proposals result in a much more open character, reducing the impact of the current hospital layout on the openness of the Green Belt.

A number of Green Belt objectives would be achieved. Public access would be improved through the creation of a footpath network across the site, linking to adjacent pedestrian routes and increasing opportunities for informal recreation. The landscaped strategy retains, improves and creates new habitats, supported by an Ecological Management Plan, and the layout of new buildings avoids the most sensitive areas of nature conservation interest.

Maximum building heights, are determined by retained buildings within the site (the Spinal Injuries unit in the central zone and Eastgate House to the east). No proposed buildings exceed these maximum heights. The proposed layout also uses the significant changes in site levels to mould buildings into the landscape, minimising the visual impact, especially longer distance views of the Harrow Weald Ridge.

As indicated above, the existing hospital estate comprises a building footprint of 38,349 sq.m. The proposals would result in a slight reduction, to 37564 sq.m., over 85% of which would be devoted to hospital related development. The remaining footprint is available for new residential accommodation, as permitted by PPG2, creating land value that would help fund those parts of the proposal outside the PFI process, and which contribute to meeting planning and Green Belt objectives.

It is concluded that, by virtue of the improved building layout, contribution to Green Belt objectives, height and footprint limitations, the proposals meet the criteria for the redevelopment of Major Developed Sites in the Green Belt set out in PPG2 and that, as a result, the principle of comprehensive development is acceptable.

2) Health Care Provision / Suitability of the Proposed Use

Policy C8 of the HUDP seeks to ensure appropriate health and social care provision in the borough and supports the provision of new or extensions to existing facilities provided that certain criteria is met. It also makes specific reference to the potential development of the RNOH site and to the controls that will be necessary to avoid any significant adverse impact on the Green Belt.

Modern hospital provision as proposed in the application would deliver significant benefits to Harrow residents and, as a national centre of excellence, to the wider community. The site is more than large enough to accommodate the scale of building involved without affecting the amenities of neighbouring residents and, there is an existing Green Travel Plan in place to minimise travel by private car. Improvements to public transport form part of the S106 heads of terms.

The RNOH is a well-established, specialist facility, supported by the HUDP, and comprehensive redevelopment for hospital use is considered suitable in Green Belt terms.

3) Environmental Impact Assessment

The proposal falls within the category of development for which an Environmental Impact Assessment is required, i.e. Schedule 2, Category 10b of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999). The terms of reference of the EIA were considered in an earlier scoping report that identified nine separate categories that would need to be addressed in the EIA.

The Environmental Statement provides a detailed assessment of the likely significant effects of development on a range of environmental topics, both in the short term, during construction, and on a more permanent basis. The information contained in the statement is comprehensive and the methodologies used in its preparation are appropriate. It is considered that all the potential environmental effects of development have been properly identified and assessed through the EIA process.

The EIA indicates that development would have some adverse environmental effects, particularly during the demolition and construction phases. These include a partial loss of semi natural habitat (woodlands, scrub and grassland types), some loss of breeding habitat for birds and bats, the part loss of Eastgate House, noise and disturbance within and adjacent to the site and visual intrusion from construction plant and machinery. A range of mitigation measures is proposed to avoid or reduce these effects. Additional measures, suggested by English Nature and the GLA, will be incorporated, as appropriate, into the Ecological Management Plan, compliance with which will be secured through the S106 agreement.

Redevelopment of the site in accordance with the parameter plans would, however, bring important long term social and environmental benefits:

- improved health care provision in modern energy efficient buildings
- improvements to the character and openness of the Green Belt and landscape quality of the site
- increased public access to the countryside
- additional affordable housing
- improved setting to a Scheduled Ancient Monument
- improved and safer site access and additional capacity at the Wood Lane / Brockley Hill junction.

4) Access, Traffic and Transport

In traffic generation terms the proposal is considered acceptable however there will be small increase in traffic generation related predominantly by the residential element of the development. In order to cater for this increase and to rationalise existing access arrangements into the site, it is proposed to concentrate access arrangements for both the new hospital and residential element onto Wood Lane with a substantially reduced use of the existing access from Brockley Hill. This was also desirable on safety grounds and is supported by the London Borough of Barnet who is the authority responsible for the A5 (Brockley Hill).

The proposed installation of a roundabout at the Brockley Hill / Wood Lane junction will mitigate the effects of any marginal increase of traffic using Wood Lane as a result of this concentration of access points and monies have been secured to traffic calm Wood Lane to reduce vehicular speeds and enhance road safety. The access into the residential

element at the western end of the site from Warren Lane will be limited to pedestrian use only with vehicular access provided from Wood Lane.

Maximum parking provision for the hospital, as set out in the parameter plan, will not exceed the number of spaces currently available on site, recognising the established level and pattern of hospital use. Taken in conjunction with the proposed Travel Plan, car park management arrangements and improvements to public transport services, this level of provision is considered satisfactory. Private parking for the residential elements of the scheme will be provided at a maximum of 1.5 spaces per dwelling, consistent with UDP and London Plan standards.

In order to improve the sustainability of the site in transport terms it is proposed that monies secured would, together with the contribution already in place as a consequence of the proposed redevelopment of the former BAE systems site, allow bus services to be extended to RNOH and BAE. Both sites will therefore be improved in transport sustainability terms.

The Travel plan is currently being developed by the hospital and the main elements are included in the Heads of agreement within this report.

5) Design and Visual Impact

Although the application is in outline form, and the indicative masterplan, elevations and other documents submitted in support of the proposals are for illustrative purposes only, the main design elements - the broad site layout, height and massing – have been fixed in the parameter plans for each of the three identified development zones. They provide for the removal of the majority of outdated and unsuitable buildings scattered across the site and their replacement with modern, well designed facilities in a more coherent layout, and a built form that uses the topography of the site to minimise the overall visual impact. The design approach in the different development zones represents an appropriate response to their particular characteristics and should ensure a scale and form of development that enhances the character and appearance of the area. In conjunction with the substantial improvements to the landscape, the proposals provide the opportunity for an exemplar development that will add significantly to the quality of the built and natural environment.

6) Archaeology / Impact on Eastgate House

The applicants have taken a proactive approach in their submitted documents on the management of the archaeological remains and any impact on the scheduled areas has been carefully avoided. Preliminary excavations have concluded that the area of greatest significance relates to the main scheduled ancient monument, the Roman pottery kiln, which is largely outside the site boundary. Some temporary access works are proposed in this area, but any works which disturb the ground will require Scheduled Monument Consent from the Secretary of State and so this will be dealt with separately. The conditions suggested by English Heritage on archaeological evaluation are recommended for imposition.

The repair and restoration of the second ancient monument, the stone obelisk located on the western part of the site, will be secured through the S106 agreement, and its setting will be enhanced by reducing the amount of development in close proximity, and by providing new paths, seating and information about its history in the form of an updated plaque.

Most of the locally listed Eastgate House is to be retained and its reuse for residential purposes is considered appropriate for the building, as it has a domestic scale and appearance. About a third of the building would need to be demolished however, mainly to allow for the required roundabout and road works at the Wood Lane/Brockley Hill junction. Although this is regrettable it is considered that, on balance, this wing of the building is the least architecturally interesting, the least historic and has been altered to such an extent to damage its value, so its loss is considered acceptable.

The setting of Eastgate House will also be improved by removing much of the parking that currently surrounds the building, and by introducing soft landscaping immediately around the house. The bulk and height of the proposed residential blocks immediately adjacent is considered appropriate, and the curved form of these blocks would add architectural interest, and create a good group form with Eastgate House, at the main entrance to the site.

7) Neighbouring Amenity

No material harm is envisaged to the amenity of neighbouring land uses. The site occupies an area of land towards the north eastern boundary of the Harrow Green Belt and residential uses are largely confined to scattered and relatively small clusters of housing and agricultural buildings (some of which are semi derelict) on either side of Wood Lane. The nearest concentration of housing is in the Little Common area of Stanmore, further to the south west of the site along Wood Lane. No vehicular access is to be provided from Warren Lane.

It is concluded that the proposal is consistent with the advice in Policy D5 of the UDP. Temporary disruption caused by the construction of the proposed new traffic roundabout on the A5 at Brockley Hill is likewise not going to be significant in amenity terms.

8) Affordable Housing

The application proposes that a certain level of affordable housing is provided in accordance with the Council's UDP policy and that the principles are set down in the S106 agreement to ensure that the agreed level is provided in the future. As this is an outline application the level of affordable housing has been proposed in relation to the number of units that may eventually be developed, the number of habitable rooms and the amount of floorspace.

The applicants propose that the majority of the affordable housing be provided as family homes for rent and that the additional staff housing be considered as key worker affordable housing for occupation by hospital staff. Working on agreed assumptions as to the type of development that might be brought forward it is estimated this would result in approximately 23 additional key worker cluster flats for use as staff housing and 23 x 3, 4 and 5 bedroom family homes for rent. In percentage terms this would equate to 32.39% of the total anticipated new homes, 37.29% of the total habitable rooms and 25.64% of the total floorspace. 10% of the units would be provided to full wheelchair standard.

This proposal would meet the Council's policy requirements, which seek a minimum of 30% affordable housing and an overall target of 50%, the exact level to be determined in relation to economic viability. It provides family housing for rent to meet the highest priority housing needs as well as key worker housing. The ratio of social rented housing to

intermediate housing on habitable rooms is estimated to be 65:35 and this is in line with the Council's overall target ratio of 70% social rented housing to 30% intermediate housing.

As this is an outline application with no details of the numbers and types of housing units to be provided, the proposed affordable housing contribution (32.39% of total units, 37.29% of habitable rooms) will be prescribed within the legal agreement along with the target mix of housing units to be provided. This is to ensure that future developers provide affordable housing to meet the Council's highest priority needs. Whilst the numbers of homes to be provided will vary the percentage of affordable to private should remain as proposed in this application.

Other issues significant to the provision of family housing, such as the provision of play facilities suitable to meet the needs of varying ages of children, will be agreed on submission of detailed planning applications for the housing sites when the actual types and numbers of units are known.

Officers are currently in discussion with the applicants and the GLA regarding a financial justification to confirm that the level of affordable housing proposed is the maximum the site can support and that the proposal is therefore in accordance with UDP policies and the London Plan. The outcome of these discussions will be reported at the meeting.

9) Consultation Responses

As addressed in the report.

CONCLUSION

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



Meeting:	Development Control Committee
Date:	9th November 2005
Subject:	Variation of S106 Agreement, Heathfield School
Responsible Officers:	Group Manager, Planning & Development Services
Contact Officer:	Tim Wood
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No

Section 1 : Summary

This report refers to a request for variation of the S106 agreement relating to the use of the premises out of school hours.

Consideration of this report was deferred at the meeting on 27th July 2005 pending public consultation.

Decision Required

Recommendation (for decision by the Development Control Committee):

Refuse the request to vary the S106 Agreement as applied for.

Reason: The proposed hours of use and numbers of users would give rise to increased disturbance and general activity and would detract from the amenities of the occupiers of neighbouring residential properties.

Reason for Report

To determine the request to vary the S106 Agreement

Benefits

N/A

Cost of Proposals

N/A.

Risks

None

Implications if recommendations rejected

The user of the premises will continue in accordance with the requirements of the existing S106 agreement.

Section 2 : Report

2.1. Brief History

Planning permission for the construction of a new swimming pool and sports hall at Heathfield School was granted by the Council in November 1998 (WEST/666/97/FUL). The report to Committee is appended. It was resolved to grant planning permission subject to a legal agreement to restrict the use of the sports hall and swimming pool in the following ways:

1. The swimming pool and sports hall shall not be used outside the following hours:
Monday – Friday 9.00am – 9.00pm
Saturday – 9.00am – 12.00 noon
Sunday – 10.00am – 1.00pm
2. Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school within the following hours:
Monday – Friday – 8.30am – 4.30pm
3. Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school and parents of pupils of the school within the following hours:
Monday – Friday – 4.30pm – 9.00pm
Saturday – 9.00am – 12.00 noon
Sunday – 10.00am – 1.00pm
4. Within the hours in paragraph 3 no more than 40 adults in aggregate (staff and parents with children) may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.

5. Within the hours in paragraph 3 the swimming pool and sports hall shall not be used when any part of the remainder of the site school building is being used for purposes attracting other visitors to the site.
6. The swimming pool and sports hall shall not be let out to any other body or organisation without the prior written consent of the Local Planning Authority.

The S.106 Agreement was completed on 12th November 1998. The primary purpose of the S.106 Agreement was to restrict the use of the swimming pool and sports hall outside of normal school hours in the interest of the amenities of neighbouring residents. In particular residents had indicated that they suffer considerable disruption and noise nuisance from cars arriving at the school when children are picked up and set down.

On 12th April 2001 a request was then made by the Girls Day School Trust to vary the S.106 Agreement relating to the use of the school to allow the Kings Trust Sports Camps (a registered charity) the use of the sports hall and swimming pool between 09.15 and 16.30 hours during the following dates:

2nd – 5th April 2002
5th – 9th August 2002
12th – 16th August 2002
19th – 23rd August 2002

On 5th July 2001, the Development Control Committee agreed to permit the activity camps at the school on the days specified. The sports camp events took place on those days.

The Trust again wrote to the Council on 15th May 2002 stating that it hoped that a similar camp could be held in 2003 either run by the Kings Trust or by another operator. Additionally, they would let the facilities to third parties (such as swimming clubs) outside school hours in term time, and also make facilities available all day on Saturdays and from Mondays to Saturdays during the school holidays. On 11th December 2002, the Development Control Committee considered this report and agreed to permit the activity camps and additional hours of use at the school on the days specified in 2003. This authority expired on the 30th June 2004. This was once again renewed on 27th July 2005.

A further request to vary the Agreement was made in June 2004, as follows:

- i) allow the continued use of the facilities by third parties outside school hours between the hours of 16.30 and 21.00 on weekdays during term time, 09.00 and 21.00 weekdays during school holidays and between 09.00 hours and 18.00 hours on any Saturday, and for 1 year.
- ii) allow the additional use of the facilities by third parties between 09.00 hours and 18.00 hours on any Sunday, and

- iii) vary the maximum number of users (as set out in Clause 4.3 of the Second Schedule to the Agreement) from 40 to 60.

At the Development Control Committee on 26th July 2004 concern was expressed regarding the potential impact of additional activity on neighbouring residents, and only part i) of the proposed variations was allowed, for a one year period only.

2.2 Proposed Further Variations to S106 Agreement

The changes now proposed are scheduled below:

- 1. No part of the Land outside the parts edged with a bold black line on the Plan shall be development by the construction of any new buildings, structures, roadways, pathways or car parking spaces. The Land always to remain open land free of any new built or other development.

Proposed: No change.

- 2. The two "Horsa" huts located on the south western corner of the site shall be removed no later than 5 years from the date of the commencement of the development.

Proposed: Remove as this requirement has been complied with.

- 3. The number of pupils attending the school shall not exceed 700 at any one time.

Proposed: No change

- 4. The swimming pool and sports hall shall not be used outside the following hours:

Monday – Friday	8.30am – 9.00pm
Saturday	9.00am – 12.00pm
Sunday	10.00am – 1.00pm

Proposed: Amend the hours to:

Monday – Friday	8.00am – 9.00pm
Saturday	8.00am – 7.00pm
Sunday	10.00am – 4.00pm

- 4.1 Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school within the following hours:

Monday – Friday	8.30am – 4.30pm
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Proposed: Amend the opening hour on Monday to Friday inclusive to 8.00am.
Add 'during term time' after 'used'.

4.2 Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by staff and pupils of the school and parents of pupils of the school within the following hours:

Monday – Friday	4.30pm – 9.00pm
Saturday	9.00am – 12 noon
Sunday	10.00 – 1.00pm

Proposed: Delete this sub-clause as the hours of operation are controlled by clause 4.

4.3 Within the hours in Clause 4.2 no more than 40 adults in aggregate (staff and parents with children) may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.

Proposed: Delete and substitute the following words:-

Within the hours of operation no more than 60 adults in aggregate may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.

4.4 Within the hours on clause 4.2 the swimming pool and sports hall shall not be used when any part of the remainder of the school building is being used for purposes attracting other visitors to the site.

Proposed: Delete and substitute the following words:

Within the following hours the swimming pool and sports hall shall not be used when any part of the remainder of the school building is being used for purposes attracting other visitors to the site.

Monday – Friday	4.30pm – 9.00pm
Saturday	8.00am – 7.00pm
Sunday	10.00 – 4.00pm

4.5 The swimming pool and sports hall shall not be let out to any other body or organisation without the prior written consent of the Local Planning Authority.

Proposed: No change

The School Trust has also submitted a detailed justification for the proposed changes which are summarised as follows:-

- there has been an absence of any formal complaints about the use of the pool or sports hall
- the temporary variation should be made permanent
- the reasoning behind the agreement should be reconsidered taking account of the above and the wider potential benefit of shared use of the facilities
- the control exercised by the school means that use of the facilities does not involve exuberant revellers, late night or 24 hour activity, external speaker systems, piped or amplified music
- the only evidence presented to the Committee of disturbance is that from adults supervising children in the sports camps, not from within the sports hall or pool

It is acknowledged that the expansion in the scope of the use of the facilities would bring about benefits to the wider community.

The use of the facilities would increase marginally in the morning and additionally Monday to Friday 4.30 to 9.00 for general public and from Saturday 12.00pm to 7.00pm and Sundays 1.00pm to 4.00pm. Additionally, at all times outside term time for the general public and for a maximum of 60 adults (40 previously).

However, the removal of restrictions to allow use by the general public, rather than the current groups, could have significant impact on the amenity of neighbouring residents.

A copy of the proposed alterations has been sent to surrounding residents (102 in total). Two letters of objection have been received objecting to the continued and additional use outside school hours, noise, traffic nuisance. A petition from 'Friends of Heathfield Sports Club' has been submitted which contains 189 names from 135 households in support of the proposals.

Despite the wider benefits that may result from the community use of the proposal, it is considered that those additional hours and numbers proposed would result in activity in and around the site which would have a detrimental impact on the amenity of neighbours which would outweigh those benefits.

2.2 Options Considered

Approval or refusal of request

2.3 Consultation

None

2.4 Financial Implications

None

2.5 Legal Implications

The School Trust has applied to vary the original 106 agreement under section 106A (3) of the Town and Country Planning Act 1990 and therefore has a right of appeal to the secretary of state against a refusal by the Committee.

2.6 Equalities Impact

None

Section 3 : Supporting Information/Background Documents

3.1 Planning applications referred to in report.

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