

Item No. **02**

Address: THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL, BROCKLEY HILL,
STANMORE, HA7 4LP

Reference: P/3213/12

Description THE LAYING OF A SERVICES DUCT AND ASSOCIATED EXCAVATION
WORKS AND THE APPROVAL FOR TREE REMOVAL

Ward CANONS

Applicant: THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL, NHS TRUST

Agent: DRIVERS JONAS DELOITTE

Case Officer: OLIVE SLATTERY

Expiry Date: 18 MARCH 2013

RECOMMENDATION

1. Authority to 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.

REASON

The proposal would enable the redevelopment of the wider Royal National Orthopaedic Hospital site. This is an identified area objective for the Stanmore and Harrow Weald area within the Harrow Core Strategy and the development plan. The submission of a Unilateral Undertaking, is considered to be a sufficient mitigation strategy which would offset the transient and adverse impacts that may arise from the proposed development, thereby ensuring that the long-term strategic objectives for the redevelopment of the RNOH site and the development plan are realised.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is reported to Planning Committee as it is a major application (1.72 ha) recommended for approval and therefore falls outside Schedule 1 of the Scheme of

Continued/..1

Delegation

Statutory Return Type: E(12) Smallscale Major Development

Council Interest: None

Net Additional Floorspace: None

GLA Community Infrastructure (CIL) Contribution: None

Site Description

- § The Royal National Orthopaedic Hospital (RNOH) is a 41.45 hectare site which is located at the north-east of the London Borough of Harrow.
- § The RNOH site comprises a range of aged hospital buildings and staff accommodation (predominantly of post-war construction), car parking and open space.
- § The RNOH site is set in woodland and grassland, within the Green Belt and the Harrow Weald Ridge Area of Special Character.
- § The current application relates to a central part of this RNOH hospital site only.
- § The site outlined in red is 1.72 ha and is irregular in shape.
- § Two of the hospital buildings, known as the ASPIRE building and the Mike Heaffey Centre, are located to the east of the application site, whilst a wooded area is located to the west. The southern site boundary is the western-most part of the wider RNOH site fronting Wood Lane.
- § The extreme western part of the application site is a Site of Nature Conservation Importance (SNCI) of Borough Importance (Grade 1) and the extreme northern part of the site is SNCI of Local Importance within the adopted Harrow Biodiversity Action Plan.
- § The site is subject to a Tree Preservation Order.

b) Proposal Details

- § This application seeks Planning approval for the laying of a services duct and associated excavation works and for tree removal.
- § This application has been submitted in order to allow for the timely commencement of the comprehensive, phased redevelopment of the wider RNOH site. This proposal is currently being considered by the Local Planning Authority, under Planning application reference P/3191/12. Further details in relation to this wider proposal for the RNOH site are provided at a further stage in this report.
- § The proposed pipeworks would accommodate the following services - mains gas, mains cold water, fire mains water, low voltage electricity, surface water drainage, foul water drainage, medical gases, CCTV and lighting ducts.
- § The installation of the services duct requires excavation works. This will result in non-survivable root damage to 23 trees and thus this application seeks to remove these trees. 19 of these trees are statutorily protected by TPO's.
- § In addition to this, the removal of 53 trees is proposed to enable the installation of drainage. 30 of these trees are statutorily protected by TPO's.
- § Furthermore, in order to allow for the timely commencement of the New West Service Road (WSR) works and the temporary car park (both form part of the proposal for the redevelopment of the wider RNOH site), 95 additional trees are proposed for removal, of which 73 trees are statutorily protected.
- § In summary, the proposal is to remove 171 trees from the site, 122 of which are statutorily protected. The submitted Arboricultural report states that 16 of these trees require removal in any case, due to their poor condition.

Continued/. 2

§ 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.

Relevant History

P/1704/05/COU - Outline: Partial redevelopment to provide new hospital and associated facilities, housing (including staff), revised road junction, car parking and open space
GRANTED - 15-JAN-07

P/0963/09 - Demolition of graham hill unit and construction of three storey Ronald McDonald House (Sui Generis)
GRANTED - 04-FEB-10

P/0083/10 - Extension to the time limit for implementing outline planning permission p/1704/05/cou dated 15/01/2007 for partial redevelopment to provide new hospital and associated facilities, housing (including staff), revised road junction, car parking and open space
GRANTED – 04-June-2010

P/3191/12 - Hybrid application for the comprehensive, phased, redevelopment of the site. The application is accompanied by an Environmental Statement. The development comprises two elements:

§ Outline Element:

To include up to 56,871sqm (Gross Internal Floor Area) of New Hospital (Use Class C2), Rehabilitation Unit (Use Class C2) and Parent Accommodation (Sui Generis); Up to 40,260sqm (Gross Internal Floor Area) of residential development (Use Class C3) providing up to 347 residential units of which up to 36 units will be for staff accommodation (including ancillary floorspace i.e. garages and undercroft parking); A multi storey car park to provide up to 805 car parking spaces; An additional 138 surface car parking spaces; Up to 455 residential car parking spaces; Up to approximately 19.2 hectares of public and private open space; Partial change of use of Eastgate House from office (Use Class B1) to private residential (Use Class C3) and associated landscaping and ancillary works.

§ Detailed Element (Full):

- Permanent realignment of the existing service road; Provision of a new access point to the Aspire National Training Centre and provision of 75 car parking spaces for the Aspire National Training Centre; Demolition of four structures

- Temporary permission (5 years) for the construction of an area of hard standing to accommodate 121 car parking spaces; Erection of a 3m high fence to enclose the existing boiler house; Works to the existing estates compound

CURRENTLY UNDER CONSIDERATION

Continued/.3

Applicant Submission Documents

Planning Statement
Addendum to Planning Statement
Arboricultural Report
Ecological Assessment

Consultations

Tree Officer – No comments received to date
Biodiversity Officer – No comments received to date
Conservation Officer– No comments received to date

Any comments that are received prior to the Planning Committee will be reported via the addendum.

Advertisement

Major Development and the Character of a Conservation Area: 27/12/2012
Expiry: 18/01/2013

Date Site Notice Posted: 20/12/2012
Expiry: 18/01/2013

Notifications

Sent: 32
Replies: 0
Expiry: 18 January 2013

Any comments that are received prior to the Planning Committee will be reported via the addendum.

Summary of Responses:

§ None received

APPRAISAL

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning

Continued/.4

and Compulsory Purchase Act 2004].

While this application has been principally considered against the saved policies in the Harrow Unitary Development Plan (2004), regard has also been had to relevant policies in the Development Management Policies and Site Allocations DPDs (Pre-submission Draft) which form part of the emerging Local Development Framework for the Borough and will eventually replace the Harrow Unitary Development Plan (2004) when adopted.

These documents have been subject to two rounds of consultation; between 13 May 2011 and 24 June 2011 on the Council's Preferred Options Development Management Policies, and between 27 July 2012 and 7 September 2012 on the Pre-submission Draft document. The DPDs have been sent to the Secretary of State for Examination in Public. This is expected to be held in January 2013. A 4 week consultation was carried out between 11 October 2012 and 8 November 2012 on the Council's Proposed Minor Modifications to the DPDs. These proposed modifications are in response to representations received as a result of the Pre-submission Consultation.

BACKGROUND:

The RNOH site benefits from an outline planning permission for the redevelopment of the site to provide a new hospital and enabling residential development. This outline planning permission was originally granted in 2007 (reference: P/1704/05/COU), and was renewed in June 2010 (reference: P/0083/10).

The RNOH Trust has recently received approval from the Department of Health and the Treasury for the proposed first phase of the hospital's redevelopment, under the Private Finance Initiative (PFI) process. However, in reviewing the brief for the new hospital, it has become clear that the original development parameters secured under the above extant planning permission do not fit the Trust's recently developed models of care and revised phasing strategies. The Trust therefore seeks a new consent for the redevelopment of the site. They have submitted a 'Hybrid' Planning Application (P/3191/12) to the Council and this application is in the early stages of consideration. The 'Hybrid' Planning Application seeks the comprehensive, phased, redevelopment of the site. It is accompanied by an Environmental Statement and is comprised of an Outline Element and a Detailed Element:

§ Outline Element:

- Up to 56,871sqm (Gross Internal Floor Area) of New Hospital (Use Class C2), a rehabilitation unit (Use Class C2) and parent accommodation (Sui Generis);
- Up to 40,260sqm (Gross Internal Floor Area) of residential development (Use Class C3) providing up to 347 residential units of which up to 36 units will be for staff accommodation (including ancillary floorspace i.e. garages and undercroft parking);
- A multi storey car park to provide up to 805 car parking spaces; An additional 138 surface car parking spaces; Up to 455 residential car parking spaces;
- Up to approximately 19.2 hectares of public and private open space;
- Partial change of use of Eastgate House from office (Use Class B1) to private residential (Use Class C3);
- Associated landscaping and ancillary works.

§ Detailed Element (full):

Continued/.5

- Permanent realignment of the existing service road;
- Provision of a new access point to the Aspire National Training Centre;
- Provision of 75 car parking spaces for the Aspire National Training Centre;
- Demolition of four structures
- Temporary permission (5 years) for the construction of an area of hard standing to accommodate 121 car parking spaces; the erection of a 3m high fence to enclose the existing boiler house and works to the existing estates compound

Subject to securing the necessary planning and reserved matters consents, the construction of the first main phase of the hospital development is programmed to start in January 2014. Due to PFI funding constraints, this January 2014 target date must be achieved if the redevelopment of the RNOH is to be realised.

MAIN CONSIDERATIONS

- 1) Principle of Development
- 2) S17 Crime & Disorder Act
- 3) Consultation Responses

1) Principle of Development

As per the Harrow Unitary Development Plan (2004), the RNOH is one of four major developed sites in the Green Belt. As such, the site is of strategic planning importance. The Harrow Core Strategy (2012) identifies the site as a previously developed site which, it is anticipated will contribute towards the Borough's housing allocation. Subject to a proposal not having a greater impact on the openness of the Green Belt, the redevelopment of this site to provide enabling residential development is supported by the Harrow Core Strategy. In addition to this, the Harrow Core Strategy recognises the national significance of the RNOH as a leading medical institution. The pre-submission draft of the Site Allocations DPD and the Development Management Policies DPD also identifies the site as a previously developed site in the Green Belt. Proposals to secure the future of the RNOH are therefore acceptable in principle, where there is no conflict with Green Belt policy and the special character of Harrow Weald Ridge would be preserved.

As set out above, the Royal National Orthopaedic Hospital Trust ("the Trust") have submitted a 'Hybrid' Planning Application (P/3191/12) to the Council for the comprehensive, phased, redevelopment of the site. This application is in its early stages of consideration. However, if Planning permission was granted for this scheme, there would be significant time constraints in relation to its implementation due to the PFI funding process. In addition to these time constraints, there would also be ecological constraints due to the bird nesting season, which starts in March and ends in August. As statutory protection is given to birds' nests, it is not possible to remove trees during these months. However, the removal of trees (including TPO trees) is required in order to realise the redevelopment of the site as currently proposed. Tree removal after the bird nesting season would place the scheduled programme of works at risk and could potentially derail the entire redevelopment of the hospital site. Thus, if the first phase of the hospital's redevelopment is to go ahead, the removal of trees and the laying of services must be carried out before the bird nesting season (i.e. - before the start of March). The hybrid planning application will not be decided by this stage, and so this particular 'enabling proposal' seeks to resolve this issue.

Continued/.6

The proposal is to remove 171 trees from the site which is outlined in red. This is essential to allow the first phase of the hospital's redevelopment to be realised. In the context of the site's Green Belt location, the removal of such a significant number of trees (171) is not considered to be appropriate, particularly as the hybrid planning application is still under consideration. However, in assessing the proposal to remove trees, it is necessary to have regard to all material planning considerations which pertain to this particular site. In this instance, there is an extant scheme on this site, which allows for the removal of a significant number of trees, and this is a material Planning consideration. Accordingly, were this particular application refused, the applicant could revert to a fallback position (i.e. pursue the extant scheme) which also involves the removal of a significant number of trees. Further to this, it is necessary to acknowledge that 49 of the trees which are proposed for removal are not statutorily protected. These could therefore be removed from the site without permission.

In addition to these material considerations, it is also necessary to set out the best and worst case scenarios of the current proposals. The best case scenario is that the redevelopment of the hospital would take place as this would realise the aspirations of the Harrow Development Plan. Appropriate replacement tree planting and landscaping would be delivered through appropriate planning conditions which would be attached to the hybrid planning application. As such, the negative impacts that would arise due to the loss of trees would be transient over the build period but the long-term gain would be the provision of a modern, fit-for-purpose hospital.

The worst case scenario is that the trees would be removed from the site but the redevelopment of the hospital would not take place. This could happen because a) the hybrid application is refused or b) the hybrid application is approved but the development does not go ahead. To address this possibility, The Trust has provided a Unilateral Undertaking which legally obliges it to provide the Council with full details of appropriate tree replacement measures and to implement these details within a specified time period. It is acknowledged that the replacement trees would take time to mature. However, a Unilateral Undertaking would nonetheless secure the long-term amenity value of the site.

The application site is located in close proximity to the Little Common Conservation Area. However, the trees sited between this Conservation Area and the site which is outlined in red would be retained and it is considered that this would buffer any undue impact on this Conservation Area.

The rationale behind this application is the statutory protection which is given to birds' nests. Having particular regard to this and the ecological value of the wider site, the applicant has submitted an Ecological Assessment as part of the application documents. This report concludes that subject to its recommendations being carried out and a scheme of habitat creation and enhancement being implemented as part of the wider redevelopment of the site, the ecological designations, habitats of nature conservation interest and protected species would not be adversely affected by the current proposals.

2) S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of

Continued/..7

development proposal. It is considered that the current proposal does not adversely affect crime risk.

3) Consultation responses

At the time of writing this report to the Planning Committee, there were no comments received in response to neighbour notification. Any comments received will be reported and addressed via the addendum.

CONCLUSION

The removal of a significant number of trees including protected trees from the site has a potentially detrimental impact on the character and amenities of the RNOH site and the wider Green Belt. However, the impacts of this development, and the mitigation strategies provided, must be balanced against the aspirations of the development plan to provide the redevelopment of the RNOH, a long-term strategic planning objective. If this objective is to be realised, the target commencement date of January 2014 must be achieved. This target date can only be achieved if the current 'enabling' proposal is implemented. On balance, it is considered that the delivery of a new hospital on this site is a long-term, strategic planning gain which would deliver a number of the objectives of the Harrow Core Strategy. It is considered that this would outweigh the more short-term negative and transient impacts arising from the removal of trees from the identified part of the wider RNOH site. In light of the national, regional and local strategic benefits arising from the overall redevelopment of the site which are unlikely to be realised without the 'enabling' works applied for in this application, and subject to the above-mentioned unilateral agreement which would legally require The Trust to carry out tree replacement measures within a specified time period, it is considered that this application should be supported.

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

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Arboricultural Report (Ref: CC32 – 1011), Planning Statement, Ecological Assessment (Ref: ECO1903.t1W-EcoAss.DV1, 32-1011.04-C (date 15.11.12), U9010, Addendum to Planning Statement, U9020

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

INFORMATIVES:

Continued/.8

1 **INFORMATIVE:**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The proposal would enable the redevelopment of the wider Royal National Orthopaedic Hospital site. This is an identified area objective for the Stanmore and Harrow Weald area within the Harrow Core Strategy and the development plan. The submission of a Unilateral Undertaking, is considered to be a sufficient mitigation strategy which would offset the transient and adverse impacts that may arise from the proposed development, thereby ensuring that the long-term strategic objectives for the redevelopment of the RNOH site and the development plan are realised.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

National Planning Policy

National Planning Policy Framework 2012

The London Plan [2011]:

7.2.– Improving Health and Addressing Health Inequalities

3.17 – Health and Social Care Facilities

5.13 – Sustainable Drainage

7.3 – Designing out Crime

7.4 – Local Character

7.8 – Heritage Assets and Archaeology

7.16 – Green Belt

7.19 – Biodiversity and Access to Nature

7.21 – Trees and Woodlands

The Harrow Core Strategy 2012

CS1 – Overarching Policy

CS7 – Stanmore & Harrow Weald

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

EP12 – Control of Surface Water Run-Off

EP26 – Habitat Creation

EP27 – Species Protection

EP29 – Tree Masses and Tree Spines

EP31 – Areas of Special Character

EP35 – Major Developed Sites in the Green Belt

D4 - Standard of Design and Layout

D10 – Trees and New Development

D14 – Conservation Areas

2 **CONSIDERATE CONTRACTOR CODE OF PRACTICE**

The applicant's attention is drawn to the requirements in the attached Considerate

Continued/.9

Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

The planning application has been developed positively and in partnership with the applicants. A **planning performance agreement** was entered into with the applicants covering both pre and post submission stages, which enabled the Council to provide a dedicated resource to process the application. Officers of the Council supported extensive pre-application engagement with the community and have worked with the applicants and key stakeholders, including statutory consultees, to ensure that the development is consistent with and supported by the policy objectives for Harrow as set out in the emerging Area Action Plan DPD and the Development Plan. Regular meetings between the officers from the Council and the applicant's team have taken place to resolve and address outstanding issues. Senior elected members within the Council have received briefings and updates throughout the pre application stages from officers and the applicants via the cross party "Major Developments Panel."

Plan No.'s: Arboricultural Report (Ref: CC32 – 1011), Planning Statement, Ecological Assessment (Ref: ECO1903.t1W-EcoAss.DV1, 32-1011.04-C (date 15.11.12), U9010, Addendum to Planning Statement, U9020

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