

**HARROW COUNCIL**

**ADDENDUM**

**PLANNING COMMITTEE**

**DATE : 25<sup>th</sup> July 2018**

1/01	<p><b>Addendum Item 1:</b> "AGENT" details to "Richard Henley of HGH Consulting"</p> <p><b>Addendum Item 2:</b> Paragraph 4.9 – Addition of Historic England Comment</p> <table border="1" data-bbox="225 884 1503 1227"> <tr> <td data-bbox="225 884 391 976">Historic England</td> <td data-bbox="391 884 1503 976">Consultation not required in this instance.</td> </tr> <tr> <td data-bbox="225 976 391 1068">Transport for London</td> <td data-bbox="391 976 1503 1068">Comment not received.</td> </tr> <tr> <td data-bbox="225 1068 391 1227">Met Police Designing Out Crime Officers</td> <td data-bbox="391 1068 1503 1227">Comment not received.</td> </tr> </table> <p data-bbox="225 1227 391 2027">Thames Water</p> <p data-bbox="391 1227 1503 2027"> <p><b>Waste Comments</b> The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>. Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p> <p>"We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>."</p> <p>Thames Water would advise that provided the developer followed the sequential approach to the disposal of surface water we would have no objection to the proposed development.</p> <p>Officer Comment: Thames water comments are noted and the informative has been attached as requested.</p> </p>	Historic England	Consultation not required in this instance.	Transport for London	Comment not received.	Met Police Designing Out Crime Officers	Comment not received.
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### **Addendum Item 3:**

#### **Add Informative 11- Thames Water**

##### Waste Comments

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer\\_services@thameswater.co.uk](mailto:developer_services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

Thames Water would advise that provided the developer followed the sequential approach to the disposal of surface water we would have no objection to the proposed development.

### **Addendum Item 4:**

#### **Biodiversity Comments**

There would appear to be obvious opportunities for swift, other bird and bat nest boxes for the new building and for the installation of green/brown roofs and solar pv in accordance with Harrow, London and National policies. I'd be happy to discuss these further prior to identifying conditions to be attached to any grant of permission.

Given the air quality issues within the area, measures to deliver net benefit for biodiversity should also seek to deliver wider net benefits for the environment.

Additional weight is given to the case for green roofs/walls by the heavily urbanised setting in combination with the green links that run through it.

The Design and Access indicated various small plantings and I have copied Sally Reeves in to this note. There seems to be very little information about these.

I am not clear as to whether the building is currently in use. If not there is a possibility of its being utilise by roosting bats and breeding/roosting birds and any such occupancy should be assessed.

With the number of people likely to occupy the building if planning permission is granted there will be additional pressure on local green space and likely impacts on biodiversity interest as a result. Some suitable Section 106 agreement should be secured in relation to the green corridor along the Edgware Brook and/or works in Chandos Park.

**Addendum Item 5:**

**Condition 18 Biodiversity**

Notwithstanding the approved details, the development shall not be commended until details of ecology/biodiversity enhancements to the site have been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented as approved and retained thereafter.

REASON: In the interests of protecting biodiversity within the site. These works would need to be integrated in to the construction of the building and for this reason, this is a PRE-COMMENCEMENT Condition.

2/04

**Addendum Item 1:**

**Consultation Response update (Page 221)**

Increase the number of objections received (Para 4.3) from 232 to 233 following receipt of objection by the Harrow on the Hill Community Group.

**Addendum Item 2:**

**Environmental Health Officer Internal Consultation Response (Page 227)**

*Update the internal consultation response as follows:*

I've had a read through of the preliminary risk assessment, which outlines a low risk of contamination. I would recommend the following conditions:

- If, during development, contamination not previously identified is found to be present at the site then no further construction of that phase of the development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unanticipated contamination is to be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. This will ensure that risks from land contamination to the future users of the land neighbouring land are minimised, together with those to controlled waters, property ecological systems and the development can be carried out safely without risks to workers, neighbours and other offsite receptors in accordance with Harrow Planning Policy.
- Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any building within each relevant phase, site derived soils and imported soils within each phase shall be tested for chemical contamination. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

**Addendum Item 3:**

**Character of Conservation Area update (Page 235)**

*Additional paragraph after 6.4.25*

The proposed cottages would be within the setting of the Grade II Listed Old Pye House. The proposed eastern flank wall would be sited some 2.25m away from the adjacent

listed building. The proposed cottages would have a pitched roof profile with a maximum height of 4m. Section drawings have been submitted to demonstrate the relationship between the proposed cottages and the west facing gable end of Pye House. It is appreciated that part of the façade would be obscured by the proposed built form of the cottages, however, this would largely conceal the existing brickwork and attached structures. Views of the timber finished gable would largely be retained and the view from the window in the gable end from Pye House would not be masked. On balance, Officers consider that the impact of the proposed cottages would be acceptable and would not have an unduly detrimental impact on the Heritage assets.

#### **Addendum Item 4:**

##### **Residential Amenity ‘contamination’ update (Page 239)**

*Replace Paragraph 6.5.10 as follows:*

A number of objections have been made in relation to the contamination risks on the site and the proximity to the electric substation. A Phase 1 Preliminary Risk Assessment report has been submitted in support of the application. The Environmental Health Officer has reviewed the preliminary risk assessment and has advised that it outlines a low risk of contamination. Two conditions have been recommended to ensure any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property ecological systems and the development can be carried out safely without risks to workers, neighbours and other offsite receptors in accordance with Harrow Planning Policy

#### **Addendum Item 5:**

##### **Residential Amenity ‘adjoining occupiers’ update (Page 241)**

*Add a new paragraph after 6.6.9 as follows:*

The window openings have been increased in size and in number. A number of new window opening have been provided on the east facing elevation which serve habitable rooms and are in close proximity to the shared boundary Old Pye House and St. Mary’s Mission Hall (69-75 West Street). The new window openings are in close proximity to the existing outbuildings which are adjacent to the shared boundary between the application site and Old Pye House and St. Mary’s Mission Hall. Concern has been raised through an objection that the presence of habitable windows could prejudice any future development of the adjoining areas. The change of use of the Power House from office to residential was through Prior Approval (reference: P/0326/17) and under that legislative process, amenity of neighbouring occupiers was not a consideration. Given that the change of use to residential was therefore established under this context, officers consider that it would be unreasonable to afford the windows a degree of protection that would inhibit any future development on the adjoining sites, given the proximity and orientation of the window openings to the site boundary. An informative is therefore included to this effect.

#### **Addendum Item 6:**

##### **Conditions Update (Page 243)**

*Amend condition 2 ‘approved drawing and documents’ to read as follows*

Save where varied by other planning conditions comprising this permission and unless otherwise agreed in writing by the local planning authority, the development shall be carried out in accordance with the approved drawings and documents::

JM 051 PL 0002, JM\_051\_PL\_0201, JM\_051\_PL\_0051, JM\_051\_PL\_0050,  
JM\_051\_PL\_0049, JM\_051\_PL\_0053, JM\_051\_PL\_0052, JM\_051\_051\_0202, JM

051 PL 0105, JM\_051\_PL\_0101, JM\_051\_PL\_2100 Rev A, JM\_051\_PL\_0104, JM\_051\_PL\_0001, JM\_051\_PL\_2101, JM\_051\_PL\_0102 Rev A, JM\_051\_PL\_0100 Rev B, JM\_051\_PL\_0103 Rev A, JM\_051\_PL\_0201 Rev B, JM\_051\_PL\_4002, JM\_051\_PL\_4301, JM\_051\_PL\_4302, JM-051-PL-2102, Delivery and Servicing Management Plan (April 2018), Outline Construction Management Plan (April 2018), Transport Statement (April 2018), Design and Access Statement (April 2018), Biodiversity Letter from AA Environmental Limited (27 July 2017), Flood Risk Assessment (Draft Rev 1 April 2018), Heritage Statement (April 2018), Planning Statement (April 2018), Assessment of Façade Sound Insulation to a Residential Development (March 2017), Archaeological Desk Based Assessment (November 2017), Phase 1 Preliminary Risk Assessment (March 2018), Proposed Lift Overrun and Smoke AOVS (20 June 2018), Response to Conservation Officer Comments (4<sup>th</sup> July 2018)

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

### **Addendum Item 7:**

#### **Conditions Update (Page 248)**

*Add the following conditions*

##### Land Contamination 1

If during development, contamination not previously identified is found to be present at the site then no further construction of that phase of the development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unanticipated contamination is to be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land neighbouring land are minimised, together with those to controlled waters, property ecological systems and the development can be carried out safely without risks to workers, neighbours and other offsite receptors.

##### Land Contamination 2

Unless otherwise agreed in writing by the Local Planning Authority, prior to the first occupation of any building within each relevant phase, site derived soils and imported soils phase shall be tested for chemical contamination. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON: To ensure that risks from land contamination to the future users of the land neighbouring land are minimised, together with those to controlled waters, property ecological systems and the development can be carried out safely without risks to workers, neighbours and other offsite receptors.

##### Revised drawings

Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until revised detailed drawings showing the removal of the second floor doors from the southern elevation at 2<sup>nd</sup> floor level (facing the rear of properties on West Street) and their replacement with top hung windows and revised opaque privacy screens to a height of 1.8m in between the terraces on the north elevation on the second floor have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the details

so agreed and shall be retained as such thereafter

REASON: To protect the residential amenities of the neighbouring occupiers in accordance Policy DM1 of the Harrow Development Management Policies (2013). Details are required prior to commencement of development beyond damp proof course to ensure a satisfactory form of development.

**Addendum Item 8:**

**Informatives Update (Page 251)**

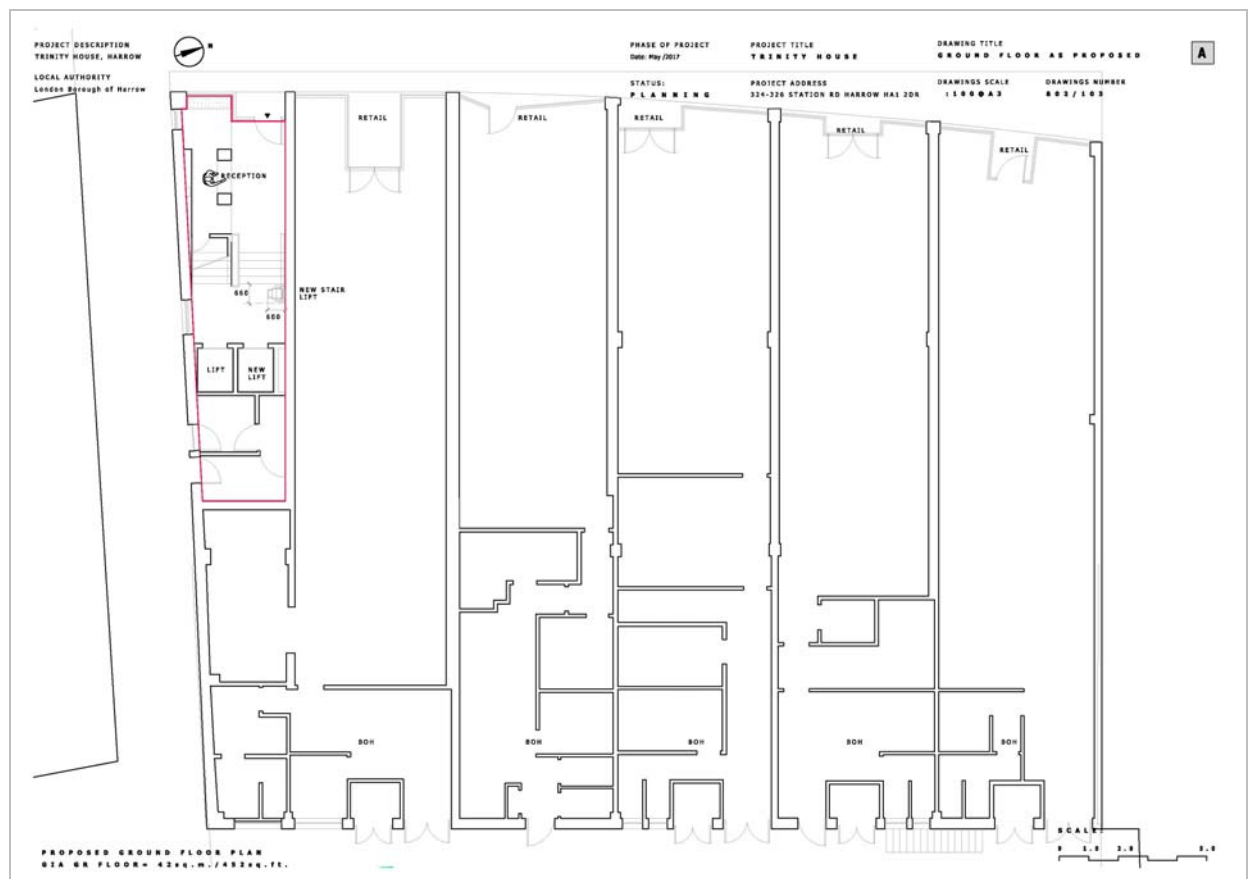
*Add the following informative:*

The applicant is advised that any windows in the flank elevations of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining properties.

**2/05 Please note the following:**

The published Agenda does not include proposed and existing ground and first floor plans as below from Pages 285 - 287:

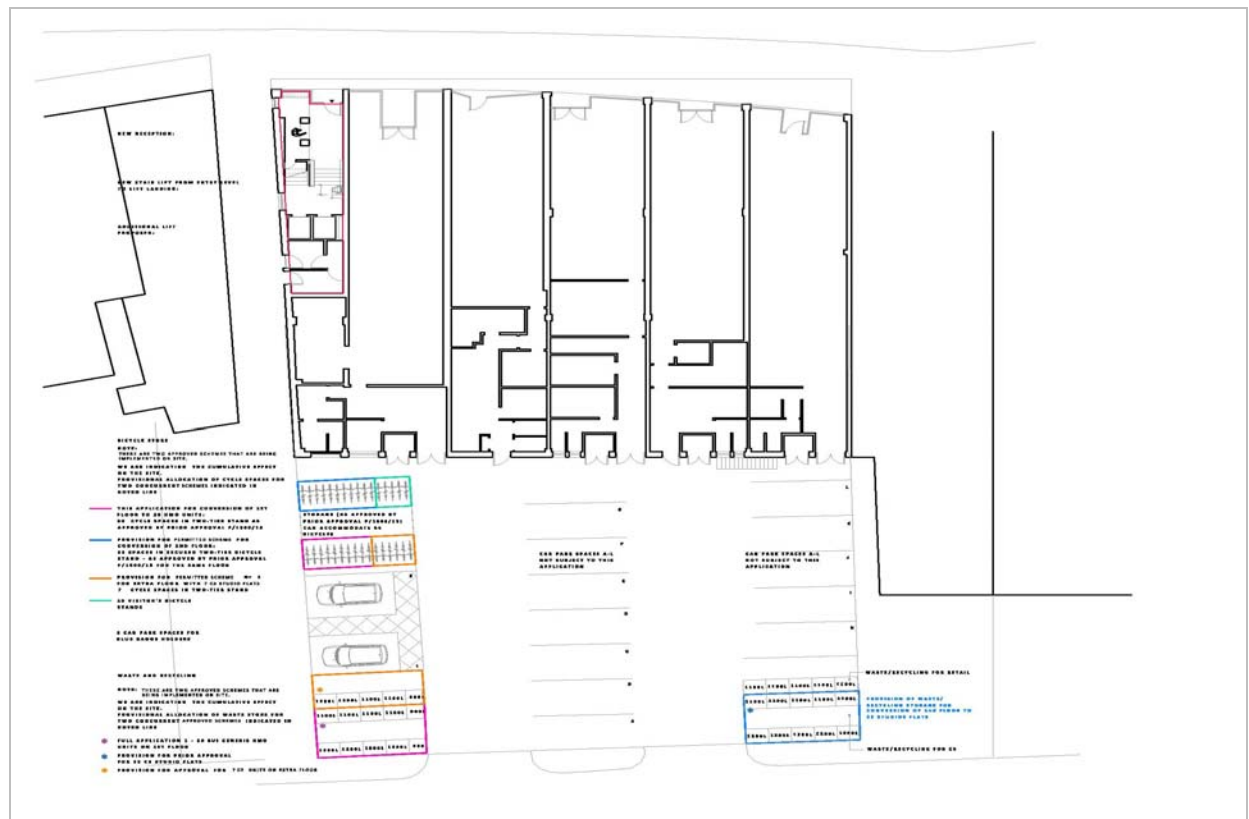
**Proposed Ground Floor Plan**



# Proposed First Floor Plan



# Proposed Site Plan



2/06	<p><b><u>Addendum item 1</u></b></p> <p>Page 299 - no of responses received 5 objections and 1 comment/support</p> <p>Summary of comment/support:</p> <p>Space should provide for 4 bins rather than 4</p> <p>Officer comment: Details of the refuse storage and strategy have been agreed with the Council's waste team who have confirmed that they are happy with the proposals.</p>
2/07	<p><b><u>Addendum Item 1:</u></b></p> <p>Page 338 – Planning History Ref: P/3896/17/PRIOR</p> <p>Reason for Refusal 1 of P/3896/17/PRIOR states firstly that the proposal includes external alterations to the building, and secondly that those works have been commenced on site without the benefit of planning permission and appear to have been implemented as a single building operation with the proposed prior approval works. Thus, it was considered that the proposal “[had] failed to clearly demonstrate” that it fell within the scope of Class O development.</p> <p>The importance of the words “<i>failed to clearly demonstrate</i>” in the reason or refusal must be noted here. There is a distinction between failing to comply with a condition and/or limitation of permitted development, and failing to demonstrate compliance. In the latter case, the possibility for compliance to be demonstrated is open, and can sometimes be addressed as part of a subsequent application.</p> <p>This reason for refusal on P/3896/17/PRIOR captured a number of related issues, the primary of which was that the proposal included external alterations were shown on the plans which do not fall within the scope of Class O and which appeared to be proposed as part of the prior approval development; and those alterations (plus additional ones observed on site) did not have separate planning permission. This reasoning still stands.</p> <p>However, on the point of implementation as a single building operation, the Local Planning Authority (LPA)'s understanding of this matter was specific to the circumstances of the case, and has been further developed since that time.</p> <p>Legal advice received immediately prior to the issuing of the decision on P/3896/17/PRIOR which stated that, in the opinion of Council's legal services, whether the external works and internal works should be considered as a single building operation depends on:</p> <ul style="list-style-type: none"> <li>• Whether the external works and the internal works can be regarded as one single indivisible development in which case the whole development will fall outside the scope of the permitted development rights under Class O and the developer will require express planning permission; and</li> <li>• The timing of the external and internal works, which is critical. If the external works are taking place at the same as the internal works of conversion, then it is <i>possible</i> to argue that the external works are presumably carried out to facilitate the change</li> </ul>



of use of the building to residential accommodation and as such the whole development is one single indivisible development.

However, the legal advice then concluded that given the lack of case law in this area, it would come down to a planning judgement.

In the judgement of the officer at that time, given that some external works were shown as part of the proposal in the submitted plans, and were being carried out in conjunction with internal works, and without planning permission having been sought, in the context of those particular circumstances the external works could reasonably be considered as possibly being one indivisible operation, and thus merited inclusion within a set of other points in this reason for refusal.

Bear in mind that this reason for refusal applied to P/3896/17/PRIOR, and not P/0326/17. Note also that the implementation of the prior approval change of use is not dependant on implementing changes to the doors and windows, so the two sets of work could be considered as separate, under different circumstances.

Further developments in the LPA's understanding of this matter have occurred since that time. Of particular note in another case of a Prior Approval Change of Use to residential units (ref: P/5642/17/PRIOR). The developer sought more significant alterations to doors and windows than in this case. A key point in this case was that the external alterations had been shown on the plan, but had been clearly annotated as indicative only and not intended to be part of the application for prior approval. A separate application for planning permission was also lodged for those alterations.

An appeal decision was referenced in this case [PINS ref: APP/V2635/A/13/2203764] in which the Inspector allowed that the applicant's submitted information in that case clearly indicated the intention of not including the operational details shown under the prior approval but rather confining the scope of the prior approval to the change of use only, with operation details to be dealt with separately. As such, the Inspector found that those details could be considered as separate from and not subject to the prior approval.

Officers reviewed the issue in light of all of the available information at that time, and agreed that where external alterations were considered to be clearly labeled as indicative only, and subject to separate planning permission, such details could be accepted as part of the plans submitted for prior approval, as additional information. Furthermore, the works had not started on site.

This is in contrast to the specifics of P/3896/17/PRIOR, thus the outcome is, accordingly, different.

With respect to this application, a third set of circumstances differing from the two above are present, and circumstances on site have evolved. The external amendments are clearly being dealt with under separate planning permission, which is presented to Committee under reference P/ P/1604/18. There is no ambiguity as to whether the external alterations are part of the prior approval proposal, as there was with P/3896/17/PRIOR. Furthermore, works have largely been completed on site. The plans presented are "as-built", and as those altered windows and doors are now built, the plans showing changes to the fenestration are a broadly accurate representation of the circumstances on site.

The officer's report has also included clarification by way of an informative that the external alterations shown are not considered as part of the non-material amendment to

	<p>the prior approval.</p> <p>The reasons for refusal for P/3896/17/PRIOR are not considered to have significant bearing on the material considerations for the application discussed here for non-material amendments to P/0326/17, for reasons outlined above.</p>
<p><b>2/10</b></p>	<p><b>Item 1</b></p> <p><b>Condition 3 to be replaced as follows:-</b></p> <p><b>Condition 3</b></p> <p><u>Glazing Flank Future</u></p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank elevations of the development hereby permitted other than those shown in the approved plans, without the prior permission in writing of the local planning authority.</p> <p>REASON: To safeguard the amenity of neighbouring residents</p>