

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 20th May 2020

1/01	38-44 St Anns Road, Ref: P/0572/20
1/01	<p><u>Addendum Item 1:</u></p> <p>The Planning Policy Officer has confirmed that, given the scope and scale of the proposal, which comprises the extension and refurbishment of an existing building rather than wholesale redevelopment of the site, that it is not necessary to apply a requirement for zero net carbon development to this proposal. Under the GLA guidance, refurbishments / extensions don't have to meet London Plan targets, but should demonstrate that carbon reductions have been achieved where possible. In this particular instance, it is considered reasonable to allow such reductions to offset emissions from the new build elements.</p> <p>The proposed heads of terms for the S.106 have therefore been amended as follows:</p> <p><u>Travel Plan</u></p> <ul style="list-style-type: none"> i) A revised travel plan shall be submitted to the Council prior to the first occupation of the building), to be implemented as approved unless otherwise agreed in writing. ii) A travel plan bond of £10,000 will be required to secure the implementation of all measures specified in the revised Travel Plan. In addition a £5,000 monitoring fee is required to cover the cost of monitoring the travel plan. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site. iii) Should the travel plan not fulfil its agreed targets by year 5, the life of the travel plan may be extended, the cost of which will be met by the developer. <p><u>Employment and Training</u></p> <ul style="list-style-type: none"> iv) The developer to submit to the Council for approval, prior to commencement of the development, a Training and Recruitment Plan. The developer to implement the agreed Plan. The training and Employment plan will include: <ul style="list-style-type: none"> a) employment initiatives opportunities relating to the construction of the Development and details of sector delivery; b) the provision of appropriate training with the objectives of ensuring effective transition into work and sustainable job outcomes; c) the timings and arrangements for implementation of such initiatives and d) suitable mechanisms for the monitoring of the effectiveness of such

	<p style="text-align: center;">initiatives</p> <p>v) A financial contribution towards the management and delivery of the construction training programme based on the construction value of the development. This is usually calculated using the formula: £2,500 per £1,000,000 build cost.</p> <p>vi) The developer to use all reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development.</p> <p><u>Legal Fees</u></p> <p>iv) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.</p>
1/01	<p><u>Addendum Item 2:</u></p> <p>A consultation response was received from the Ministry of Defense (MoD) Safeguarding – RAF Northolt, re: 38 – 44 St Anne's Road (St Anne's House), P/0572/20. It was confirmed that MoD has no concerns with regards to the height of the proposed development.</p> <p>However, a concern was raised with regard to the potential for the flat roof to provide nesting and breeding habitat for birds which may interfere with the RAF aerodrome. A condition has been recommended to be attached to require the applicant to submit a Bird Hazard Management Plan, as follows:</p> <p style="padding-left: 40px;">No development shall take place until a Bird Hazard Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan shall include design measures to minimise any increase in the number of hazardous species, primarily large or flocking birds, as a result of the development proposed. In particular provision is put in place to prevent gulls from successfully breeding on the roof space (using appropriate licensed means). The development shall be carried out strictly in accordance with the details set out in the approved Bird Hazard Management Plan in perpetuity or until RAF Northolt is no longer operational.</p> <p>Reason: To minimise the potential of the works approved to provide a habitat desirable to hazardous large and/or flocking birds which have the potential to pose a considerable hazard to aviation safety which is exacerbated by the proximity of Northolt RAF.</p> <p>However, the requirements of this condition would appear to be in some respects contrary to the aims of policies relating to biodiversity and the Biodiversity Action Plan (BAP). Additional comments were sought from the Biodiversity Officer, who noted that:</p> <p><i>Given the existing expanse of flat roof nesting area available in the vicinity that does not seem to be used by gulls, neither the addition of a small amount of flat roof nor equipping it with potential bird hazard management will have any meaningful impact on the suggested hazard in the immediate vicinity.</i></p> <p><i>Harrow Centre does not seem to have many gulls at present and changes in waste handling are unlikely to mean that there will food to attract birds or boost their reproductive capacity.</i></p>

Of course, if there is some new requirement that all new/refurbished roofs within whatever radius or risk zone around an RAF airfield must make no net contribution to increasing the hazard overall risk that would take precedent but I am ignorant of such. If there is some demonstrable statutory safety requirement that would trump the BAP or consideration of the conservation status of gull species but I would want to see what this is (something on a par with a flood risk assessment)

Gulls tend to nest on the ridge of sloping roofs, on the slope where there are structures to enable a nest to be constructed or held in place or on a parapet ledge below a ridge at the edge of a building. Flat roofs are less likely to be used.

What provide good conditions for a gull nest is one where the subsurface is warmed by the sun (or the insulation is really bad). Accordingly, a flat roof finish with a waterproof layer over thick insulation is unlikely to be ideal. Unless there is some mass below (e.g. concrete) or above (e.g. paving slabs, shingle) that will be warmed by the sun during the day and help to incubate the eggs conditions will be less than idea.

Better yet a blue green roof, especially a bio-solar blue green roof will be likely to deter gulls. (I contacted an international expert on this topic and his experience is that gulls (and for the same reason pigeons) only occur on green roof where there is a shingle or slab edging to the system.

If there is to be shingle or slab edging to a living roof, then wires to discourage gulls from nesting here could be installed, either standalone or (I assume) as part of any guard rail.

Accordingly, our friends at Northholt (along with the guidance from the Mayor) should be strongly in favour of ensuring all new flat roof installations are blue-green or biosolar blue-green, helping towards net zero (mitigating the impact of their jets) and supporting biodiversity that isn't likely to increase risk of bird strike. I'd also suggest that this would be appropriate given the Council's recognition of the Climate and Biodiversity Crisis and that the new local plan and area action plans should reflect this.

Taking the above into consideration, and that the proposal does not appear to have the features that would make is attractive in particular for nesting, it appears that, on balance, there would be tension between the requirements of the suggest MoD condition and the BAP. Furthermore, taking into account the scope and scale of the proposal, in conjunction with the need to consider the reasonableness, proportionality and enforceability (amongst other things) of proposed conditions, it is considered that the recommended condition from MoD Northholt would not be proportionate.

A further concern was raised regarding the use of cranes during construction; and a condition was recommended to include details of any cranes to be used as part of a construction logistics. A condition for this has been added to the amended list of conditions below.

1/01

Addendum Item 3:

The proposed conditions have been amended as follows, following discussion with the agent under The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 which came into force on 1st October 2018; and to correct errors in the original.

Conditions

1. Time Limit 3 years - Full Permission

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

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Drawing and Documents

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

Planning Statement [dated February 2020]; Letter (Transport Assessment) from EAS dated 29nd January 2020; Design and Access Statement [dated January 2020]; Energy & Sustainability Statement [Ref: 9.242, dated January 2020]; Travel Plan [ref: 1975/2020, dated January 2020]; Delivery and Servicing Plan [ref: 1975/2020, dated February 2020]; M807_004.PL2; M807_047.PL2; M807_035.PL2; 040.PL2; 041.PL2; 042.PL2; 043.PL2; M807_030PL2; M807_036.PL2; M807_034.PL2; M807_033.PL2; M807_032.PL2; M807_031.PL2; M807_021.PL2; M807_022.PL2; M807_020.PL2; M807_016.PL2; M807_010.PL2; M807_015.PL2; M807_013.PL2; M807_012.PL2; M807_011.PL2

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

3. Materials

Notwithstanding the details shown on the approved plans, no development shall take place other than works of demolition until samples of the materials to be used in the construction of the external surfaces noted below have been provided at the application site (or otherwise submitted if this is not possible), and approved in writing by, the local planning authority:

- a) External materials, including the proposed cladding and render
- b) Window / door detailing for the entire building, including cross-sections of the depth of the windows reveals at 1:20 or 1:50 scale
- c) Railings and rainwater goods
- d) Hard landscaping, which must be comprised of permeable paving

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials

4. Demolition and Construction Logistics Plan (Pre-commencement)

No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in construction the development;
- d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- e) wheel washing facilities; and
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- g) measures for the control and reduction of dust
- h) measures for the control and reduction of noise and vibration
- i) How traffic would be managed to minimise disruption

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers, and to ensure that the transport network impact of demolition and construction work associated with the development is managed. To ensure that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development. This condition is a PRE-COMMENCEMENT condition as the proposed measures must be in place prior to commencement of works.

5. Construction Air Quality (Pre-commencement)

No development shall take place, including any works of demolition, until a scheme for air quality management plan for the construction phase of works has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail:

- a) Sensitivity of the area to air quality impacts arising from demolition and construction
- b) Assessment of risk for dust and other impacts affecting air quality from the proposed construction
- c) Site specific mitigation measures to address the identified risks
- d) Monitoring measures to be implemented

The demolition and construction of the development shall be carried out in accordance with agreed scheme so agreed.

REASON: To ensure that the development would not worsen air quality in the local area, and to protect the health and welfare of local residents. This condition is a PRE-COMMENCEMENT condition as the proposed

measures must be in place prior to commencement of works.

6. MoD Safeguarding Crane construction Details (Pre-Commencement)

No development shall take place, including any works of demolition, until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

7. Amended Plans, Lighting and Cycle Parking Details

Notwithstanding the details shown on the approved plans, the development herein approved shall not be occupied until the following has been submitted to, and approved in writing by, the local planning authority:

- a) Amended plans of the proposed ground floor to show two access points for the retail space, consistent with plan nos. 041.PL2 and 043.PL2.
- b) Full details of the proposed cycle storage, which shall be secure and sheltered which shall be accessible to occupants of the development only
- c) Details of external lighting proposed for the rear service area.

The works shall be completed in accordance with the approved details before first occupation of the development and shall thereafter be retained.

REASON: To protect the privacy and amenities of neighbouring and future occupiers, and to ensure the satisfactory provision of safe and satisfactory cycle storage facilities for all the users of the site and in the interests of highway safety and sustainable transport.

8. Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

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

9. Permitted Development

Notwithstanding the provisions of the Electronic Communications Code Regulation 5 (2003) in accordance with The Town and Country Planning

(General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Schedule 2, Part 16, Class A of that order shall be carried out in relation to the development hereby permitted without the prior written permission of the local planning authority.

REASON: In order to prevent the proliferation of individual telecommunication items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

10. Secure by Design Accreditation

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented where practical and the development shall be retained in accordance with the approved details.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime. the Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

11. Plant Machinery

The rating level of noise emitted from any plant, machinery and equipment on the site, shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the boundary of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with BS 4142:2014. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which the plant is or may be in operation. Before any plant is used, measurements of the noise from the plant must be taken and a report / impact assessment demonstrating that the plant (as installed) meets the design requirements, shall be submitted to the Local Planning Authority in writing to be agreed be approved in writing by the Local Planning Authority.

REASON: To ensure that the development achieves a high standard of amenity for future occupiers of this and the neighbouring buildings.

12. Energy and Sustainability

The development shall be undertaken in accordance with the Energy & Sustainability Statement. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the final completion of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Energy & Sustainability Statement [Ref: 9.242, dated January 2020] which thereafter shall be submitted to the Local Planning Authority in writing to be agreed the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development.

<p>2/01</p>	<p><u>Addendum Item 1:</u></p> <p>A consultation response was received from the Ministry of Defense (MoD) Safeguarding – RAF Northolt, re: 8 Headstone Road, P/3457/19. It was confirmed that MoD has no concerns with regards to the height of the proposed development.</p> <p>However, a concern was raised with regard to the potential for the flat roof to provide nesting and breeding habitat for birds which may interfere with the RAF aerodrome. A condition has been recommended to be attached to the permission, identical to that proposed for 38-44 St Anns Road, Ref: P/0572/20, as follows.</p> <p style="padding-left: 40px;">No development shall take place until a Bird Hazard Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan shall include design measures to minimise any increase in the number of hazardous species, primarily large or flocking birds, as a result of the development proposed. In particular provision is put in place to prevent gulls from successfully breeding on the roof space (using appropriate licensed means). The development shall be carried out strictly in accordance with the details set out in the approved Bird Hazard Management Plan in perpetuity or until RAF Northolt is no longer operational.</p> <p>Reason: To minimise the potential of the works approved to provide a habitat desirable to hazardous large and/or flocking birds which have the potential to pose a considerable hazard to aviation safety which is exacerbated by the proximity of Northolt RAF.</p> <p>As with the case of the planning application for 38-44 St Anns Road, Ref: P/0572/20, taking the account the comments received from the Biodiversity officer, that the proposal does not appear to have the features that would make is attractive in particular for nesting, the requirements for applying planning conditions, and the scope and scale of the proposal, it appears that, on balance, there would be tension between the requirements of the suggest MoD condition and the BAP; and the recommended condition is not considered to be proportionate.</p> <p>A further concern was raised regarding the use of cranes during construction; and a condition was recommended to include details of any cranes to be used as part of a construction logistics. A construction logistics plan has been submitted and approved as part of this application; however this did not provide details of cranes. Therefore, a further condition has been recommended to be attached to the permission, as follows:</p> <p style="padding-left: 40px;">10. No development shall take place, including any works of demolition, until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.</p>
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	<p>Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.</p>
2/05	Trinity House, Ref: P/2279/19
2/05	<p><u>Addendum Item 1:</u></p> <p>Consultation feedback from the Travel Plan officer was received, which requested the following amendments to the Travel Plan:</p> <p><i>We are satisfied with the majority of content; however the following additional information/ amendments are required.</i></p> <ul style="list-style-type: none"> • <i>The travel plan refers to section 6,7 and 8 but these are missing from the document.</i> • <i>Although a welcome pack is proposed, the measures are a little descriptive do not have enough weight. How are visitors to the building going to be encouraged to travel sustainably, especially outside of CPZ hours? Please add some additional measures.</i> • <i>Provision for accessibility of welcome pack and any printed material should be made available online</i> • <i>Please include our reference in the Travel Plan</i> <p>It was also clarified that it is not required in this case to include Travel Plan as part of the S106, as the development is under the threshold for a full Travel Plan. The Heads of Terms are therefore amended as follows:</p> <ol style="list-style-type: none"> i. Development to be Resident Permit Restricted: With the exception of disabled persons, no resident of the development shall obtain a residents' parking permit within the Controlled Parking Zone. An additional £1,500 contribution towards the cost of amending the traffic order. ii. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement. <p>As a consequence, the requested amendments to the Travel Plan are proposed to be dealt with by condition rather than through the S.106. the following condition should therefore be added to the list of Conditions under Appendix 1:</p> <p>15. <u>Revised Travel Plan</u></p> <p>The development hereby permitted shall not be occupied until there has been first submitted to, and approved in writing by, the local planning authority a revised Travel Plan to include targets to promote modal shift towards active travel. Details should include, in addition to those details already provided:</p> <ol style="list-style-type: none"> a) Inclusion of the missing sections 6,7 and 8. b) Revisions to the proposed welcome pack is proposed, to provide more detail and additional measures, including how are visitors to the building going to be encouraged to travel sustainably, especially outside of CPZ hours. c) Provision for accessibility of welcome pack and any printed

	<p style="text-align: center;">material, which should be made available online</p> <p>d) The planning reference number</p> <p>The travel plan shall be implemented as agreed unless otherwise agreed in writing by the local planning authority. REASON: To promote sustainable modes of travel for the future occupiers of the development, in accordance with Policy 6.9 of the London Plan (2015) and Policy DM 43 of the Harrow Development Management Policies Local Plan (2013).</p>
	<p>AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS</p> <p>No representations have been received for this meeting.</p>