## HARROW COUNCIL

# ADDENDUM

#### PLANNING COMMITTEE

# DATE: 19<sup>th</sup> JULY 2023

1/01			
	Comments Received from Tree Officer on Updated Arboricultural Report:		
	4 x existing trees have been damaged beyond the point of safe retention or recovery, as a result of construction works taking place without appropriate protection: T7, T11 Norway Maple x 2, T12 Red Maple, T13 Sycamore have suffered root loss and have been subject to heavy topping. These must all be replaced, as should Norway Maple T14 which was apparently removed to facilitate a new substation. These trees are all subject to TPO 649 / A1 and there is an automatic duty to replace such trees in the immediate locale, as soon as reasonably possible. 8 x Limes have been proposed on either side of the access road. For the purpose of record keeping it is suggested to deal with these replacements via TPO application, separate from any planning permission		
	Additional trees have suffered soil compaction within their RPA from construction traffic and construction of a new access road. Remediation works must be carried out to rectify this situation and allow these trees to recover and be retained in the long term. T3, T3, T5, T6, T9, T18 and T19 are the trees in question and which have suffered soil compaction The hardcore for the access road must be removed (with hand tools, under supervision) soil decompaction to improve aeration (forking or spiking the soil) Permanent ground protection must be installed under supervision (GreenFix, Cellweb or similar) A site-specific method statement including details of arboricultural supervision, should be submitted for approval.		
traffic / heavy vehicles etc adjacent to the main hospital road. Tre must be installed to mitigate this. This will be a matter of installin roadside. Protection fencing is also required for Scots Pine T15 G01 (SW corner) and T17 Silver Birch. These have all also bee disturbance / level changes within the RPA and must be protected further damage from construction vehicles etc. This should a	A further 6 x trees on the north of the site could be at risk of damage from construction traffic / heavy vehicles etc adjacent to the main hospital road. Tree protection fencing must be installed to mitigate this. This will be a matter of installing fencing along the roadside. Protection fencing is also required for Scots Pine T15 (S / SW boundary), G01 (SW corner) and T17 Silver Birch. These have all also been subject to ground disturbance / level changes within the RPA and must be protected hereafter to avoid further damage from construction vehicles etc. This should also form part of an amended tree protection plan along with the site-specific method statement		
	Replacement trees: 8 x Limes are proposed as replacements for the damage / topped Norway Maples – to be planted on either side of the access road. 12 – 14cm are proposed. Larger sizes would be preferred for more instant impact (16-18cm). But in principle I have no issues with species choice.		
	8 x additional new trees are proposed elsewhere within RNOH site, but outside the red line / development zone.		

4 x Oak, 3 x Field Maple, 2 x Cherry. Sufficient space allowance needs to be made for the Oaks and the Wild Cherries (which can reach considerable size). Finalised proposed locations of these 8 other replacement trees are yet to be provided

Additional planting for biodiversity in 6 groups (mixed native spp) is also proposed: I don't see any issues with the proposed mix.

### Comments received from Biodiversity Officer on updated PEA

There are issues with some of what is outlined in the Biodiversity Net Gain proposals and some aspects of the application as it stands are unacceptable. Accordingly, I have sought to address these points via conditions as below

Comments are otherwise

- Inclusion of suitably constructed green roofs as part of the building design would provide biodiversity and SuDS benefits but the applicant seems to largely have dismissed, with a proposals only for a small area of Sedum roof. This would not be te expectation elsewhere in Harrow, with Sedum roofs only acceptable on structures such as bike and bin shelters. There has been no evidence presented as to why this application should be treated any different. Whilst it is recognised that some of the upper roof surface will be slatted or grilled to provide ventilation routes for air source heat pumps and that a buffer should be provided around the specialist extraction plant this should not rule out consideration of the solid roof areas, where a bio-solar roof could be installed instead of the plain solar p.v. arrays that are proposed. Whilst there might be a sound basis for not implementing this in parts there are extensive roof areas elsewhere across the hospital site where biodiverse roof areas could be retro fitted. There is a need for a review of what is practicable in this respect in order to minimise the impacts of the development at ground level. No evidence having been presented by the applicant to show that this has been undertaken in accordance with the mitigation hierarchy.
- The BNG Metric sheet erroneously assigns high strategic value to habitats, presumably on the grounds that they are mentioned in Harrow BAP. This is not the same as being formally identified in a strategy, however, and with regard to proposed areas of creation cannot be applied to narrow or small areas subject to significant edge effects and disturbance pressures. The presented information will need to be discussed and what is acceptable agreed with the Council with regard to both baseline and post-development evaluations.
- It is suggested that a strip of habitat at the western end of the development site might be enhanced as neutral grassland but there is a question as to whether the existing soil would be suitable for this. Measures to strip or adequately bury topsoil would be required
- It is proposed that a number of trees could be planted elsewhere on the hospital site and that provided the tree cover did not exceed 20% the value of the existing neutral grassland habitat would be unaffected. This would not be acceptable

At a previous meeting to discuss the application, it was highlighted act that the hospital sits within extensive grounds of high biodiversity value with opportunities to consider how to protect and enhance this as part of the hospital's ongoing development – in accordance with the adopted master plan. The fact that the LPA seeks a minimum 20% uplift target with regard to habitat

biodiversity in relation to development in support of existing local policy DM21, also seems to have been forgotten.

What is presently proposed does not meet expectations and whilst the submitted BNG report highlights issues such as soil fertility in relation to habitat creation/enhancement and the need for measures to address this and also identifies the provision of wildlife shelters as part of the development it provides not definite details or certainty in relation to these.

The provided biodiversity net gain proposals and figures aren't accepted and will need to be reviewed and revised.

What has been proposed presently falls short in several ways. Although not ideal this may be remedied via conditions in this instance

This application should be subject to conditions relating to a Construction Environment Management Plan, Biodiverse Green Roof, Biodiverse Mitigation and Enhancement Plan and a Landscape and Ecology Management Plan.

In addition, should monitoring undertaken and reported by the applicant, or compliance monitoring undertaken by the LPA show that aspects of onsite mitigation or gain delivery are failing to achieve the milestones or outcomes identified within the BMEP, the LPA will have the right to undertake such rectification or separate offsetting as is needed to make up any shortfall at the applicant's expense, with the applicant either making a sum available to fund such works should they be needed under a Section 106 agreement secured in connection with a grant of permission or otherwise binding them to undertake or funding such remedial works as may be required.

#### Advisory

It will be appropriate to consider mitigation and gain measures in the context of the wider site, including opportunities which provision of roost and nesting facilities might form a large part of the overall delivery.

### Trees and Biodiversity

The development has already commenced on site which has resulted in damage to some of the protected trees on site. The RNOH Trust proposed replacement tree planting to compensate for the loss and damage caused. In total, it is proposed that 17 native trees would be replanted, and another 40 smaller trees are proposed to be replanted across the site for biodiversity net gain purposes. Whilst the loss of trees is regrettable, on balance having regard to the significant wider public health benefits of the proposal, provided suitable mitigation is secured a refusal on this basis is not considered to be justified. It is recommended that suitable planning conditions be secured for tree replacement.

With regards to biodiversity, the Preliminary Ecology Assessment has been updated. Overall, an 18% biodiversity net gain is proposed.

The applicant has acknowledged that the ongoing development has the potential to disturb roosting bats. However, ongoing mitigation for bats include tree protection

measures and an array of lighting during and post construction to manage any residual harm including suitable LUX levels, orientation and use of UV light.

Additional ecological enhancement is proposed including the installation of bat boxes and habitat management and creation.

As noted in the comments above from the Council's Biodiversity officer, there are significant shortfalls in relation to the biodiversity proposals. Nevertheless, it is considered that planning conditions and obligations set out above can be secured to sufficiently mitigate this and ensure the proposal complies with the relevant development plan polices.

#### **Residential Amenity**

Since the completion on the initial preliminary plant noise assessment, the applicant has installed a back up generator on site. The generator is sited to the east of the main building and would only be used in an emergency. It is likely to be operated for less than 18 hours per annum.

Whilst noise from the backup generator is not predicted to exceed 10dB above background noise during the daytime, exceedances of 1 to 4 dB are possible during the night time. As such, a planning condition is recommended for the installation of an acoustic screen to mitigate any potential noise impact for noise sensitive receptors (Wood Farm Close and Brockley Hill House).

### Site Levels

The applicant has provided additional information relating to the extent of earthworks. The sectional plan provided shows that upto 1.5 metres of depth has been excavated in order to construct the building. The Council's drainage engineers has advised that the excavations have no negative impacts on the proposed drainage strategy. The overall finished height of the proposal in relation to the surrounding land level and neighbouring buildings is considered to be acceptable.

### Planning Conditions Update:

### Remove conditions 2 (Surface Water Drainage) and 3 (Foul Water Drainage)

The Councils drainage Engineers have confirmed the applicant has provided sufficient information with the application and additional details are therefore not required.

### Add the following conditions

#### Permeable Paving

Notwithstanding the approved details and prior to the construction of the hard landscape works around the development, full details of the permeable paving and details relating to the long term maintenance and management of the on-site drainage shall be submitted to and approved in writing by the Local Planning Authority. Details thereby approved shall be retained thereafter. Reason To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development, in accordance with The National Planning Policy Framework (2021), policy CS1 of The Core Strategy (2012), policy SI13 of the London Plan (2021) and policies DM1 and DM10 of the Harrow Development Management Local Policies Plan (2013).

Remove condition 11 (Biodiversity Net Gain) and replace with the following conditions:

Construction Environment Management Plan

Within one month of the date of the decision, the applicant will provide to the LPA for approval in writing a detailed construction environment management plan, setting out how a responsible developer would identify and minimise the risk of development impacting on people, property the environment, wildlife, and ecological processes, ensuring that their contractors will be aware of and follow its prescriptions in full. The construction shall be carried out in accordance with the approved details.

### Biodiverse Green Roof

- a. Within 3 months of the date of the decision, the applicant will submit to the Local Planning Authority for approval in writing full details of a biodiverse, bio-solar roof finish to the main building, including technical specifications, drawings, roof build up, substrate, species mix and invertebrate shelter provision, taking appropriate account of any constraints.
- b. The applicant will calculate the biodiversity unit value of the approved provision (to inform biodiversity gain calculations below);
- c. The applicant will establish the biodiverse roof in accordance with the approved detailed design prior to the first occupation of the building and maintain it for the life of the building following the provisions to be included within a Landscape Ecology Management Plan and its updates (as required by a separate condition of this decision).

Biodiversity Mitigation and Enhancement Plan

- a.) Prior to the occupation of the building hereby approved, the applicant will undertake a review of the Biodiversity Metric assessment and the associated gain proposals in order to
  - I. Discuss, and agree with the Local Planning Authority in writing, the base line and post development biodiversity unit value of the development proposal, taking account of the Biodiverse Green Roof, and the acceptability of other proposals within the red and blue line areas,
  - II. Identify practicable measures as may be required to achieve the required biodiversity unit gain level or to agree alternatives which would otherwise benefit the site or offset unsatisfied obligations,
- III. Provide to the Council for approval in writing, a proportionate Biodiversity Mitigation and Enhancement Plan, setting out full details of
  - 1. the provision,
  - 2. how the identified measures are to be implemented

<ol> <li>annual monitoring and reporting to be undertaken by suitably qualified ecologists against identified milestones over the first 5 years and at 5-yeerly intervals thereafter over a minimum period of thirty years,</li> </ol>			
IV. Finalise details of any financial contribution and its application that may be required in order to fund (1) such rectification works as the Council may be required to undertake to address the failure of the mitigation or gain measures within the hospital site to achieve the value to which the applicants have committed themselves or (2) any separate off-setting measures as might be needed;			
b.) The applicant will implement the measures identified within the BMEP in accordance with the time frame it will provide.			
Landscape and Ecology Management Plan			
<ul> <li>a) Prior to completion of the development or, as agreed with the LPA, the applicant will provide to the LPA for approval in writing a proportionate Landscape and Ecology Management Plan (LEMP).</li> <li>b) The first LEMP will Identify monitoring and management works to be undertaken in order to deliver and maintain the specified target habitat condition and shelter provision whilst the areas are in process of establishment</li> <li>c) No more than 3 months before the end of the first LEMP and each subsequent LEMP, the applicant will provide to the LPA for approval in writing a follow-up plan to cover the next 5 years, until a minimum 30-year period has elapsed.</li> </ul>			
Reasons For the purposes of proper planning, to minimise uncertainty and to protect and enhance the natural environment in accordance with local plan policies DM 20 and DM21 and the provisions of the National Planning Policy Framework (2021).			
Within one month of the date of the decision, a revised Tree Protection Plan and site specific method statement including details of arboricultural supervision shall be submitted to the Local Planning Authority in writing to be agreed. The development shall be undertaken in accordance with the approved details.			
REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).			
The development hereby permitted shall not be occupied until a completed schedule of site supervision and monitoring of tree protection measures has been submitted and approved in writing by the local planning authority. This condition may only be discharged on completion and subject to satisfactory evidence of compliance through supervision and monitoring of tree protection throughout construction.			
REASON: In order to ensure compliance with tree protection measures as approved in accordance with policy DM 22 of the Harrow Development Management Policies Local Plan (2013)			

Prior to the completion of the building hereby approved, details of 16 replacement trees and their proposed locations shall be submitted and approved in writing by the Local Planning Authority. The applicant shall demonstrate the replacement trees shall be of equivalent size and biodiversity value to those lost using the CAVAT method. The trees shall be planted prior to the first occupation of the building. Any tree which dies within 5 years of planting shall be replaced with an equivalent tree in relation to size and biodiversity value.

REASON: To mitigate the damage and impact caused by the development to existing trees which represent an important amenity feature which the local planning authority considers should be protected, and as required by policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

## Amend condition 14 (Plant Screens) as follows:

Prior to the first occupation of the development, details of plant screens for the mechanical plant on the roof of the building and acoustic plant screens for the emergency generator shall be submitted and approved in writing by the Local Planning Authority. The details shall be implemented as agreed prior to the occupation of the building and shall thereafter be retained.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials and to safeguard the residential amenities of Neighbouring occupiers in accordance with Policy D3 of the London Plan (2021) and Policy DM 1 of the Local Plan (2013).

# Add the following Planning Obligations to be secured through section 106 agreement:

• A financial contribution (to be agreed) for ecological remedial works as may be required in the event the applicant is unable to demonstrate implementation of acceptable ecological mitigation and biodiversity net gain measures.

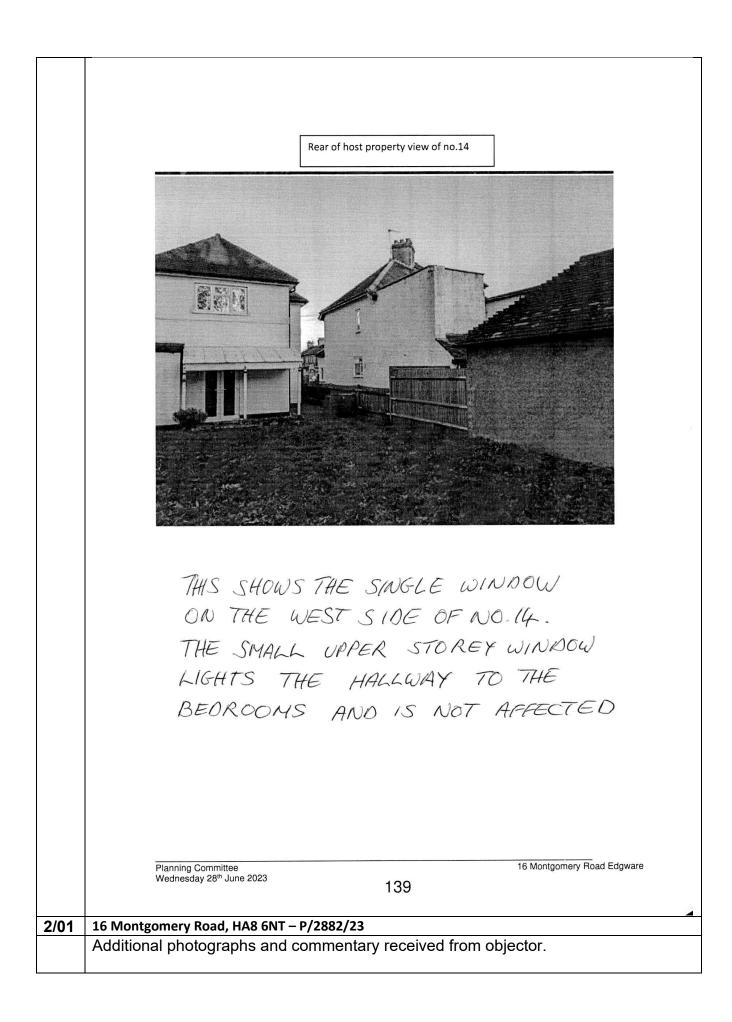
### Update Plan/document list as follows:

Existing Surface Water Drainage Strategy Overview Version PI; H2204-PL- 01A Location Plan; H2204-PL- 02.1 Existing Block Plan; H2204-PL- 02.2B Proposed Block Plan; H2204-PL- 03.1 Existing Plan; H2204-PL- 03.2B Proposed GF Plan 200; H2204-PL- 03.3B Proposed GF Plan 100; H2204-PL- 04.2C Proposed Roof Plan 200; H2204-PL- 04.3C Proposed Roof Plan 100; H2204-PL- 05C Proposed Elevations; H2204-PL-06A Proposed Site Sections; H2204-PL- 06.1 Proposed Site Sections 2; H2204-PL-08A Proposed External Buildings; H2204-PL- 07.1B Proposed View 1; H2204-PL-07.2B Proposed View 2; H2204-PL- 07.3B Proposed View 3; H2204-PL- 07.4B Proposed View 4; H2204-PL- 07.5A Proposed View 5; H2204-PL- 07.6B Proposed View 6; H2204-PL- 07.7B Proposed View 7 Arboricultural Method Statement by Arbtech, dated 12 December 2022; Circular Economy Statement Draft, dated 16/12/2022; Construction Management Strategy, dated November 2022; Supporting Letter Temple, dated 16<sup>th</sup> December 2022; Design and Access Statement, dated July 2023; Preliminary Ecological Appraisal, dated 17/12/2021; Energy Strategy, dated 15<sup>th</sup> December 2022; Fire Statement; Ground Investigation Report by Compass Geotechnical Ltd Ref: 222993B, dated July 2022; Planning Statement, dated December 2022; Preliminary Plant Noise Impact Assessment, dated December 2022; Site Waste Management Plan, dated 22<sup>nd</sup> November 2022; Sustainable Drainage Strategy Ref 22040-AMA-01-XX-CA-D-138001-S2-P02 Rev P02; Sustainability Statement, dated 14<sup>th</sup> December 2022; Transport Statement Doc No. D001, dated December 2022, Version 1.0; Tree Survey by Arbtech, dated 21<sup>st</sup> December 2021; Biodiversity Net Gain Assessment, dated 11/07/2022 Version 3.0; Biodiversity Metric Calculations; Urban Greening Factor Calculations; Air Quality Assessment, dated December 2022; Addendum to the Preliminary Plant Noise Impact Assessment – Backup Generator, dated July 2023; Arboricultural Report Version V1.0, dated 22/06/2023; Preliminary Ecological Appraisal Addendum, Version 2.0, dated 06/07/2023

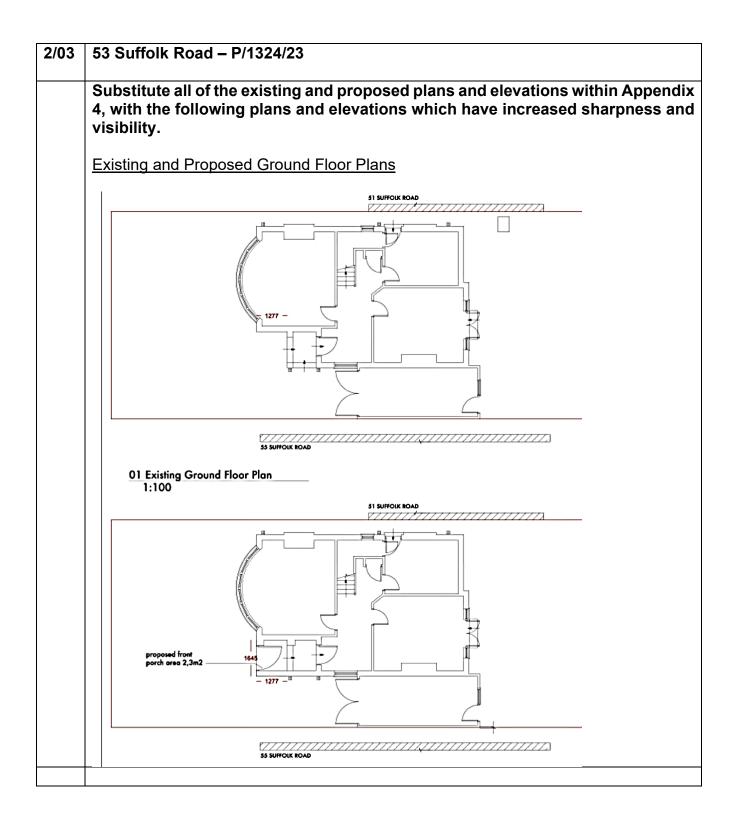
2/01 P 2884/22 THIS SHOWS THE ACTUAL SUN THROUGH THE WEST WINDOW OF NO. 14. IT WAS TAKEN BETWEEN 6 AND 6.30 PM ON JULY 7TH - WHICH IS NOT FAR FROM THE SOLSTICE, SO THE SUN WILL LOWER AS THE MONTHS GO ON. IF YOU EXTEND THE TOP OF THE WALL DF NO. 16 ON THE PHOTO IT IS OBVIOUS THAT ANY EXTENSION OF THE UPPER STOREY WILL OBLITERATE ALL SUNLIGHT TO MY HABITABLE ROOMS AND CONSIDERABLY REDUCE THE LIGHT AS THE SKY WILL BE MOSTLY HIDDEN BY BUILDING. AN EXTENSION OF THE GROUND STOREY ONLY WILL NOT AFFECT THE LIGHT.

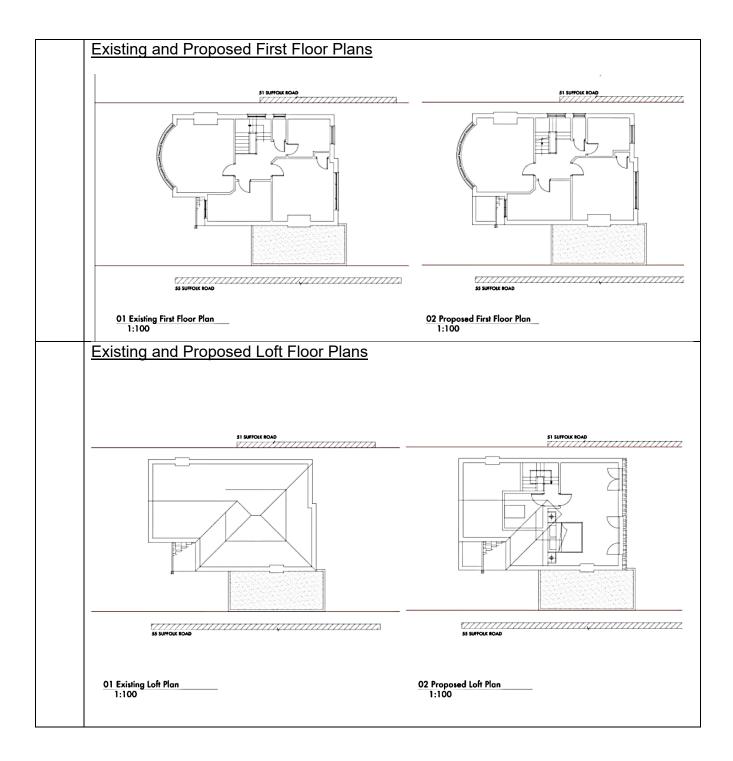


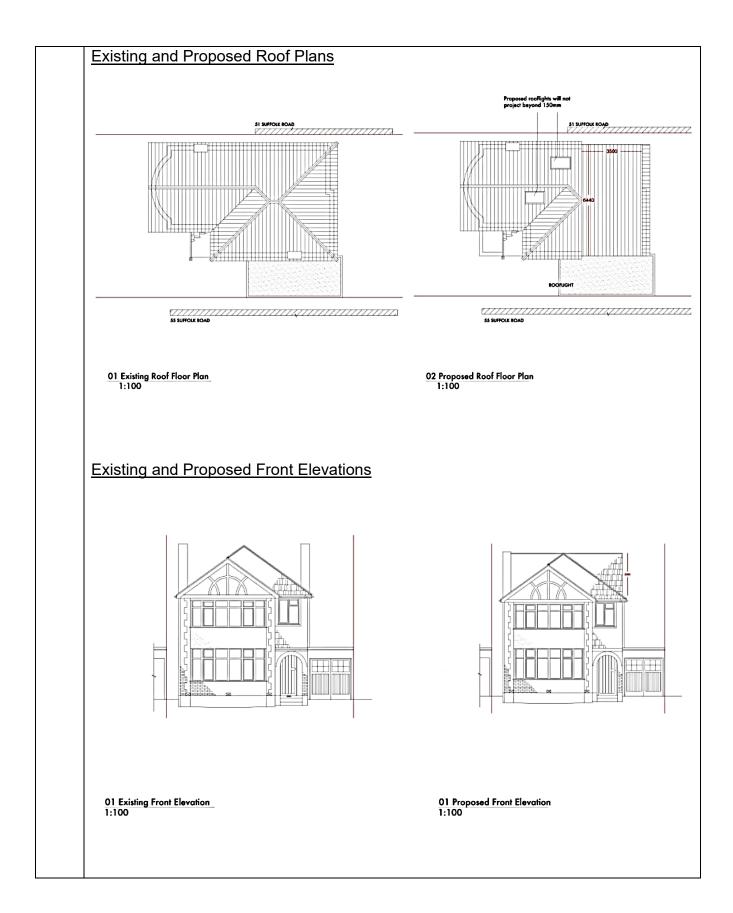




2/02	35 Manor Way, HA2 6BZ – P/0941/23		
	Additional comments were received from objector on 18/07/2023:		
The objector has questioned why the proposed development has been see boundary by 50cm, as this would do very little to alter the situation of block natural sunlight to the patio area and rear habitable rooms of their property the be caused by a three metre solid wall and roof. Additional comments inclu- keeping with surrounding properties, it will set a precedent the road, overbu- the current property in terms of the footprint, detrimental impact to their he wellbeing and enjoyment of outside space/patio and natural light. Feel like little or no regard to objectors, unfair approach. Request a site visit to their home. <i>Officer comments:</i>			
	The amendments were requested to set the proposed extension off the boundary which would in turn reduce the visual appearance of the proposed first floor extension when viewed from the neighbouring properties. The reasoning for this was explained at committee on 28 <sup>th</sup> June 2023, it was an officer recommendation and the committee resolved to defer the item accordingly. The amended plans and the relevant impacts are addressed in the report within the assessment in section 6.0. Other comments addressing material planning considerations have already been addressed within the original report.		
	Consultation responses, where they raise material planning considerations, are addressed and considered as per the planning legislation. The democratic process and Council constitution permits an objector to address the planning committee where an application is recommended for grant and in the interests of fairness the applicant is given the right to respond. The committee will listen and make their decision, based on the information presented to them in the officer's report, presentation and matters raised at the meeting. This is all in the interests of fairness.		
	A member site visit took place prior to the committee in June and the application site was visited. The relevant aspects of the proposal could be obtained from viewing the site from within the rear garden and from the highway as there is a gap between no 33 and no 35. Officers consider that another site visit is not necessary in these circumstances.		

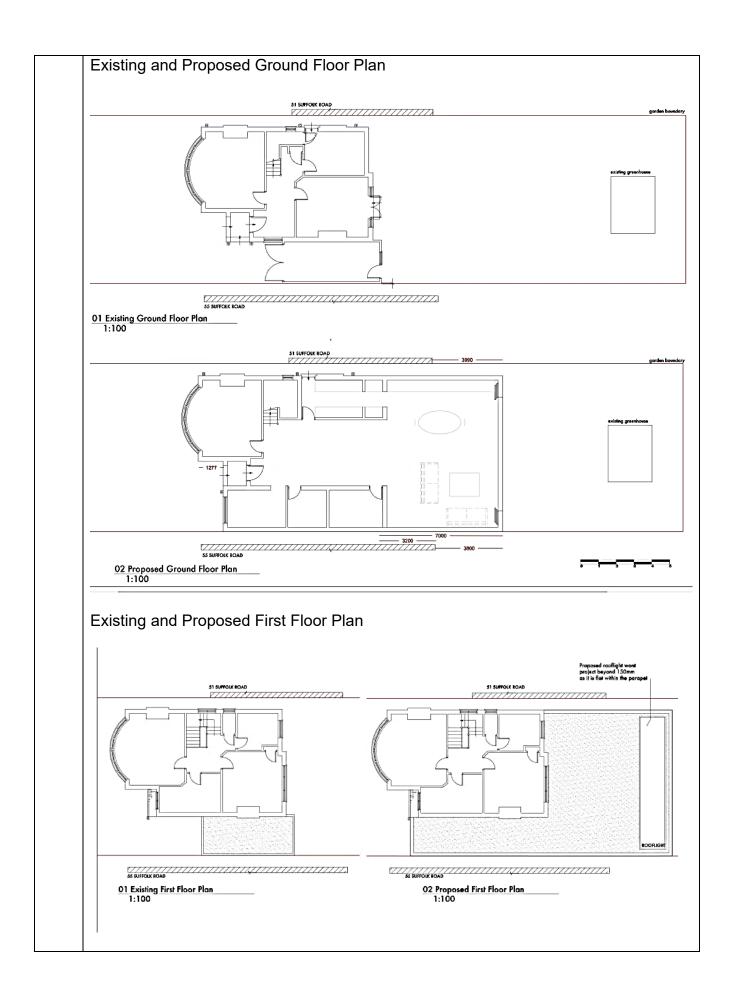


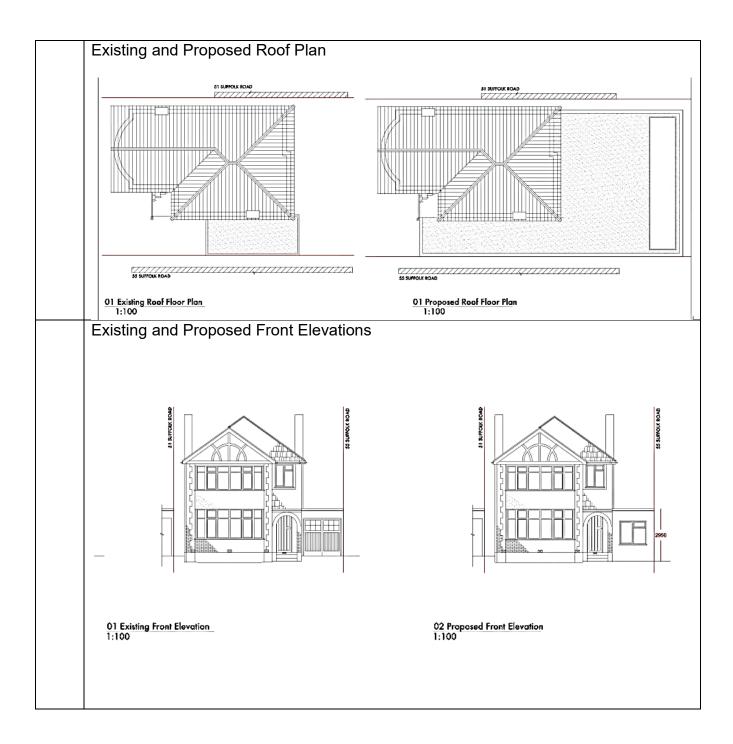






	Existing and Proposed Side Elevation	new extension would match the materials of the existing roof state files
	01 Existing Side Elevation 1:100	02 Proposed Side Elevation 1:100
2/04		roposed plans and elevations within Appendix evations which have increased sharpness and







2/07	7 Consultations:					
<ul> <li>Statutory Consultees:</li> <li>An additional consultation repsonse was received from the Estates Pro- Manager - NHS North West London:</li> <li>We've reviewed the application and this doesn't appear to create a impact or barriers to health that require mitigation.</li> </ul>						
<ul> <li>Public Consultations:</li> <li>An additional consultation response was received, from a neighbour, following or earlier responses from this address. This re-iterates previously raised issues and rai the following new issues:</li> <li>We consider this to be a commercial, not a residential use, as there will be s on a payroll. Officer's response: Not a material planning consideration.</li> </ul>						
	<ul> <li>Given the proposed average length of stay of children (residents) the development does not provide stable residency. Officer's response: Not a material planning consideration.</li> </ul>					
	• Fences are intended to be 2m high. Existing fences are not in good repair/broken and garden at 34 Kingsfield Avenue is overgrown. Officer's response: Fencing up to 2m high in the rear garden can be implemented without planning permission, under permitted development. The existing state of the fences and garden are not material planning considerations.					
	<ul> <li>Existing house is not registered as an HMO but houses multiple families. Officer's response: This was not apparent during the officer's site visit, so cannot be confirmed. It is noted that no complaints have been submitted to planning enforcement regarding this matter.</li> <li>Our children would be uncomfortable with anyone other than another family living next door. Officer's response: Not a material planning consideration.</li> </ul>					
	<i>Corrections:</i> Para 6.3.3 is incorrect as written and should read: <i>"This would <del>not</del> have been considered unacceptable due to bulk and poor design, and</i> <i>it was subsequently amended to include a fully hipped roof in combination with the two-</i> <i>storey side extension."</i>					
AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS						
Agenda Item		Application	Speakers			
2/02		35 Manor Way HA2 6BZ	Samantha Palihakkara (Objector)			