



STRATEGIC PLANNING COMMITTEE

THURSDAY 2 OCTOBER 2008

SUPPLEMENTAL COMMITTEE AGENDA

AGENDA - PART I

- Enc. 11. **Planning Applications Received:**
Report of the Head of Planning.

Item 1/03 - Wood Farm, Wood Lane, Stanmore (Pages 1 - 12)

AGENDA - PART II - NIL

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

<u>Agenda item</u>	<u>Special Circumstances / Grounds for Urgency</u>
11. Planning Applications Received. Item 1/03 Wood Farm, Wood Lane, Stanmore	This additional information was not available at the time the agenda was printed and circulated. Members are requested to consider this item, as a matter of urgency.

This page is intentionally left blank

SUPPLEMENTARY REPORT

STRATEGIC PLANNING COMMITTEE 2 OCTOBER 2008

ITEM 1/03, WOOD FARM, WOOD LANE, STANMORE P/2203/06

1. This application was deferred at the last committee meeting on 10 September for 'further investigation by officers into submissions made by objectors'. In particular an email from a local resident received by officers at the committee meeting.
2. This email raises many points. For the sake of clarity these are set out below with responses in bold. Some of the points made may not be material planning considerations but replies are included so as to provide a complete response. This supplementary report is in addition to the main report under item 1/03 and members are requested to note it.

In italics are elements in the e-mail dated 11th September 2008 from Carole Lis, in bold are officer's comments.

Dear Members of the Strategic Planning Committee

As you will be aware, you will be debating the most controversial and contested planning application, possibly in the history of Harrow Council tomorrow evening. Having read the Agenda there are numerous inaccuracies and misleading information for members which you, I am sure, will wish to be corrected before the matter goes any further. In particular:-

The Report recommends GRANT for the Wood Farm application, subject to various conditions which are more in keeping with run of the mill housing developments than a vital green belt site.

The Report quotes, page 95, main considerations and policies as

1) Cessation of agricultural use (EP32 and EP36).

This is not true. In May this year Anna Cohen, Biodiversity Officer at Harrow, wrote to the tenant to inform them that they could not continue to disc the land at the height of bird nesting season (4/5ths had already been covered) in order to sow a wheat crop. There is a letter from the tenant explaining that, with the high prices of wheat, they wished to sow a wheat crop. Anna Cohen said they could continue in the Autumn. As the tenant has re-established agricultural use then they should

continue with their agricultural lease. Indeed a letter from Steve Bolsover to Harrow's planning department requesting confirmation the planning application will be withdrawn now that agriculture is being carried out has, to my knowledge, received no response.

Anna Cohen wrote to the applicant in April 2008 in reference to ploughing on the site and the effect this might have on bird nesting patterns. She advised that the work should be stopped immediately as farmers are under rules of cross compliance which prohibit them from ploughing and vegetation clearance between 1 March and 1 August (nesting season).

The applicant responded through its agents (Smiths Gore Farm Management) confirming that no further cultivation will be carried out until the end of the recommended close period of 31 July. The agent did not state categorically that the applicant would be sowing wheat crop on the land, but rather that the applicant “may well look to crop the land in the autumn ...”

The Committee Report summarises the report that was carried out on behalf of the applicants on the farming potential of the site as part of their overall proposal, which was carried out by Smiths Gore Farm Management

That report concluded that the site could no longer support a viable agricultural use. However, the authorised use as a farm has not been abandoned, hence the need for the current application to include a change of use from agricultural to country park/ open space. Some wheat is now being cultivated on the site. Were the land to be more actively farmed this might be detrimental to the existing species on the site.

The Council is not aware of any letter from Steve Bolsover requiring confirmation that the application will be withdrawn. In any event, the application can only be withdrawn by the applicant. The Council did, however, received a letter from Steve Bolsover dated 25 September 2006 indicating the willingness of Harrow Nature Conservation Forum to take over the management of the application site if the Council terminated the Agricultural Tenancy on the land.

2) Page 98. Footprint of existing buildings 3829 sqm.

Footprint of proposed houses 2043 sqm.

The above existing footprint is false. The only footprint on this site is that of the farmhouse and cottages on the West of the site. The other buildings are agricultural and temporary and do not constitute footprint. Therefore, if the farmhouse is to be refurbished, only the footprint of the cottages can be utilised if they are pulled down.

The planning records for the site show that planning permission was given over a long period of time for a variety of buildings relating to the use of the

site for agricultural purposes. None of these buildings were given temporary permissions. It is also likely that some of the existing buildings were built as Permitted Development.

Therefore they are permanent physical structures that must be included in the overall existing footprint of the site, even though they are scattered across it. The figures for the footprint are those given in the planning application by CP Holdings, which officers have verified.

It is falsely stated "Proposal complies with national guidance and local planning policy". It does not. PPG2 expressly states that exceptional circumstances are necessary for development in the Green Belt and, if proven, only then can such planning applications as hospitals, schools, cemeteries, etc., be built. Housing is not an acceptable form of development in the Green Belt. This application does not comply with Harrow's own Unitary Development Plan, Green Belt Strategy or LAA either.

The statement that the "Proposal complies with national policy guidance and local planning policy" was made by the applicant and is merely repeated in the Committee Report. The officer's appraisal of the proposed scheme acknowledges that the proposal constitutes inappropriate development in the Green Belt as defined in paragraph 3.4 of PPG2.

However, PPG2 also recognises that inappropriate development can, where very special circumstances exist, outweigh the inappropriateness of the development. The criteria for exceptional cases that are departures from the adopted Land Use Plan, such as Wood Farm, are set out in paragraph 3b of ODPM Circular 11/05 and the justification in the appraisal section of the Committee Report is consistent with these criteria.

The footprint of the proposed development accounts for 1.27 hectares of land, which is slightly more than 5% of the overall planning application site area of 25.14 ha and is concentrated in a small, loosely set out cluster in the northeast corner of the site. In addition to the extension to the country park of some 23.87 Ha (25.14 – 1.27Ha), a further area in the region of 5.12 ha is to be returned to the sole control of the Council for future open space/nature conservation uses via the S106 agreement.

The report also shows how the small cluster of dwellings, in terms of its footprint, scale, height, bulk, massing and layout would not have adverse effects on the adjacent land uses, notably, the substantive part of the Little Common Conservation Area to the west, which includes the Listed Building and buildings within its curtilage within the Hindu Temple site (itself set in lavish grounds) and the woodland setting of Pear Wood to the east of the site.

The final para of page 98 is in need of firm rebuttal. There are no "wider environmental benefits" from this application at all. The impact of this development right on the boundary of the Ancient Woodland of Pear Wood in the East, Stanmore Country Park in the South and Cloisters Wood in the West, as well as the linking effect of biodiversity up through the cricket pitch to Stanmore Common in the North will be disastrous for all those sites.

The report stresses that the release of a substantial area of land for use as a country park will provide much more green space and recreational space and the opportunity for better monitoring of bio diversity and greater care for protected species than is possible at the moment, where the site is inaccessible, in a neglected state, and may be subject to intensive agricultural use.

Page 99, g) Consultations:

Notifications sent: 441

Replies: 5

This is totally misleading. There were, at last count, almost 500 letters of objection to Harrow Council on the planning application alone. There was subsequently a similar number of objections to the sale of the land, i.e., almost 1,000 objections. In addition, despite Harrow Heritage Trust's 8,200+ signature petition to Harrow Council requesting they protect our Green Belt by not putting housing on it, this too has been overlooked.

Please would members refer to the ukplanning website and see for themselves the huge number of written objections to the planning application, the most Harrow has ever received for any application that I am aware of!

It is agreed that the Strategic Planning Committee Report is incorrect here. 448 letters of objection were received 2 years ago when the application was submitted, and were scanned on to the UK Planning website. However the original copies were not returned to the case officer, and so he inadvertently omitted to reflect these in the report.

Page 100. Farming potential. As mentioned above, the tenant has already started to prepare soil for agricultural purposes. The price of wheat renders the original report meaningless.

This issue is addressed above, but there is no suggestion that the provision of housing is a very special circumstance. The very special circumstance is the release of a substantial area of private land for public use as a country park.

The reason given that the revised scheme cannot be regarded as inappropriate development in the Green Belt is critically flawed and without any basis. There are no benefits to the Green Belt in this scheme, quite the reverse. "Very Special Circumstances" are not, as Harrow would suggest, based on the provision of luxury housing for profit.

This issue has been addressed above.

Page 101. There is a huge impact on the Area of Special Character by the very provision of housing, extensive garaging and the provision of a mini "Old Redding lookout point" and car parking on the brow of the ridge.

The impact on the Area of Special Character will be negligible and will be outweighed by the benefits that the addition to Stanmore Country Park of approximately 69 acres of land currently held under agricultural tenancies will bring. This has already been explained by *inter alia* reference to the footprint of existing and proposed buildings. It is intended that the new development will be screened off. The car park is not on the brow as suggested, but is near the visitor centre, with a backdrop of mature trees to screen it off.

There is deliberation about the decrease to 10 dwellings for this application but it makes no mention of the large swathe of land being included on the Western part of the site in this application. What is that land being sold for as it exceeds the current cottage's garden and extended amenity area?

This is incorrect - the area to be sold is shown on the plan attached to the committee report. This is the only area which it is proposed to sell. Vacant properties fronting Wood Lane will transfer to Council ownership.

Page 102. The dressing up of the housing is of no relevance to its inappropriateness.

This issue has been addressed above.

6) Impact on Ecology and Trees

It is quite incredible that the Report to committee can blatantly state:-

"Broadly, the key conclusion is that the effect on habitats, some of them protected species in Law, principally bats, barn owls, a wide variety of birds, grass snakes and badgers, would not be harmful!"

There is no equivalent habitat quality which is why our only site for nesting Skylark is on that ridge. Furthermore, the bird survey which was carried out by

Peter Peretti and myself last year (with C P Holding's permission) has not been taken into account in this Report. It was given to Anna Cohen for submission to GIGL, etc., but has not been received by them. Other ecology reports are flawed, i.e., bat report does not have any surveys on the trees which are to be taken down for this development.

There is a six page Biodiversity Report from Anna Cohen (the Council's then biodiversity officer) giving her opinion on the proposed scheme and ecology surveys conducted by the applicant. She recommended approval of the scheme subject to a condition requiring further mitigation studies to be carried out by the applicant before development commences on the site. No objections to the surveys were made by Natural England.

Page 103. A travel plan for 10x two car large families will be very interesting!

The proposed travel plan is yet to be submitted to the Council. When submitted, the Council will review it in accordance with government guidance.

Page 104. No other consultation responses apart from those already raised - wrong again.

I am not aware that English Heritage has been notified of this matter. The housing proposal is for development on the boundary of the Ancient Woodland of Pear Wood, just inside the curtilage of which lies the Grimsdyke earthworks. Furthermore, in order to secure the Southern Wood Ant at its only site in Greater London, satellite nests have recently been established just over the boundary in Pear Wood. Both of these areas are extremely vulnerable to the kind of development being proposed and is against National and Local Government Policies.

English Heritage advised the Council in July 2008 that they had no objections to the proposal and that it could therefore be determined according to national and local policy guidance and on the basis of specialist local conservation advice. Grimsdyke earthworks will not be affected. Pear Wood forms part of the Stanmore Country Park but with restricted access. It is not intended that access to Pear Wood will be affected by the development.

The following are just a few of the additional anomalies in this matter.

1. *There is no mention of the planning application's contents on the uk planning website which is against policy.*

All information for P/2203/06/CFU has been on UK Planning website since

September 2006. The only information that was not visible was the application form. This was inadvertently marked sensitive and hence could not be viewed by the public. This has since been rectified and is now visible. It should however be noted that the fact that the application was not on the website does not affect its validity.

2. This application is a departure from Harrow's Unitary Development Plan and also fails to comply with numerous local government policies, including its own Green Belt Management Strategy and its recent addition of the LAA biodiversity indicator NI197.

This point has been addressed above.

3. The Council has in the past refused applications for appropriate Green Belt uses on this site and yet is now prepared to effectively grant themselves planning permission for inappropriate use.

Previous applications were not refused but were withdrawn by the applicant. Whilst the Council owns the freehold of the site, the application was made by the tenant. Accordingly, the Council is not granting itself planning permission.

4. Arguments by the applicant for 'very special circumstances' under para 1.6 of PPG2 are miss-applied. Luxury housing for profit cannot possibly be described as a 'special circumstance'. Such matters of special consideration do, as you know, apply to hospitals, sports facilities, educational establishments, etc.

It is not correct that only uses related to sports facilities, educational establishments will qualify as "very special circumstances" justifying a grant of planning permission. The case for very special circumstances as set out in PPG2 and Circular 11/2005 has been made clearly and robustly in the officer report. As above it is not suggested that building homes is a very special circumstance.

5. The applicant relies on the erroneous assumption that housing is necessary for the rehabilitation of the land. The argument must be flawed. The Council owns the freehold of the site which could be returned to Public Open Space by determination of the lease which, without planning permission, would have very little value to the multi-millionaire property company, the lessee, and therefore, little cost to the Council.

An agricultural tenancy granted under the Agricultural Holdings Act 1986 (under which both existing tenancies were granted) can only be terminated in very limited circumstances. It is untrue that the Council can simply determine

the leases and recover possession.

6. *The site is hugely important in the Metropolitan context, standing on the northern rim of the London Basin. Doubtless the luxury houses could be sold for extremely high prices in anticipation of the magnificent view to the south, but it is the view of the site from the south which is in the public interest. This alone ought to be sufficient grounds for refusal.*

7. *This part of the Green Belt, consisting of Stanmore Country Park, Stanmore Common Bentley Priory Nature Reserve, and the adjacent sites are, without doubt, of the greatest importance to the Borough, and to Greater London. It would constitute the greatest folly to squander them to developers profit, to the detriment of future generations. They have scenic, recreational, psychological and biodiversity value, all of which would be seriously diminished by development of the kind proposed here.*

Harrow's proposals as landowner enable the land to be enjoyed by the public whilst allowing specific areas to have limited public access. The area where it is proposed to build the homes is already built upon. It is not considered that a small enabling development of ten houses would have a detrimental effect - in fact it will enhance the current situation. What is currently neglected, ill-used and inaccessible land will be available for public use and benefit. Views to the south of the site will be largely uninterrupted as a result of the scheme. The accumulation of capital through property development and the profit motive are not planning matters.

8. *The Council contends that, by selling 3 acres of the most ecologically sensitive part of Wood Farm site, it can reclaim the lease on the remaining "dump" to add to Stanmore Country Park. However, there are two parcels of land which the Council intends to sell, one on the East of the site on the boundary with the Ancient Woodland of Pear Wood and the other on the West of the site on the Boundary with Cloisters Wood. We requested a copy of the Council's own map showing the land which they intend to sell and the map supplied is that provided by the developer to Harrow Council. It shows the site on the boundary with the ancient Woodland of Pear Wood with the housing development for 10 houses. However the second area, bordering Cloisters Wood, whilst taking in two existing properties, encompasses a large swathe of additional land, not currently marked with development.*

This is wrong - there are no plans to sell any land on the site other than that identified in the planning application.

9. *Harrow Council is maintaining that they need to grant planning permission for this land in order to bring the area back into public open space and to clean up the "mess" from dumping. Harrow Council has had the opportunity to bring this site*

back into public open space for the past 70 years and yet has not, until now, taken any action to do so. Indeed I am in possession of a London Borough of Harrow Memorandum ref PN/P/2/B/BW dated 3 July 1987 from Assistant Controller (Forward Planning) E J West, to The Principal Landscape Architect, Steve Woad, which states:-

"At its meeting of 16 June 1987 the Estates and Strategic Planning Sub-Committee authorised the completion of leases to the tenant of Wood Farm, a condition of which would be payment to the Council of approx. £40,000 in exchange for agreement to tipping on a part of the land." Obviously this could have been put back to public open space before the leases were granted and Harrow was compliant with the ensuing disastrous dumping fiasco over the next 3-4 years which has had a huge impact on the site. The leasee had a Farming Potential survey carried out 4-5 years ago which stated the land to be uneconomic to farm. However in May this year 4/5ths of the tipped area was covered by a tractor and disc machine with a view to sowing a crop. Anna Cohen, the biodiversity officer at Harrow Council (recently left Harrow's employment) wrote to the tenant advising them to refrain from activity at the height of the bird-breeding season and continue in the Autumn. Needless to say, Skylark did not breed, to our knowledge, this year. However the tenant has sent a letter to Harrow saying it was now economic to sow a wheat crop and, as such, should be held to their agricultural tenancy. Harrow Nature Conservation Forum wrote to the Planning Department asking for their confirmation that, as agricultural use had been confirmed as viable, the housing application would be withdrawn. There has been no response

We cannot comment on decisions made some 21 years ago by previous administrations - dwelling on what might have happened then will result in paralysis and the loss of an opportunity to benefit future generations in Harrow.

For information, under the agricultural tenancies granted in 1987, the tenant was permitted to tip permitted materials as agricultural improvement works. Unfortunately non-permitted materials were tipped. The tenant thereafter carried out restoration works which were signed off by the Environment Agency on 6 November 2006 when it also accepted a surrender of the tipping licence.

10. In spite of the above dumping, the 20 years of land recovery has produced a unique habitat where many species not present elsewhere in the Borough are thriving.

Please see replies given elsewhere.

11. The housing development proposed for the Ancient Woodland of Pear Wood boundary will be disastrous for the biodiversity not only on the Wood Farm site but as this site links through all the sites of Pear Wood in the East, Stanmore Country

Park in the South, Cloisters Wood to the West and the linkage through Stanmore Cricket pitch up a short distance to Stanmore Common in the North, the whole of these linked areas will suffer immense harm.

The Ecological Survey Report commissioned by CP Holdings states that no skylarks, great crested newts, bats or badgers were found on the site. Harrow's biodiversity officer scrutinized the report, and recommended planning permission be granted. It is intended to keep Pear Wood plus an additional 10 acres as a wildlife preserve.

12. As you will see, the development has been "on hold" for two years pending ecological surveys. Despite numerous requests for a sight of the surveys since early this year, Harrow refused to copy them to me. I went in to the council offices myself to copy them in May this year but was told the biodiversity officer had a day off and they had been taken home with her. The surveys were only posted on the ukplanning site in June, many months after the Council received them.

The Council has noted these comments.

13. The surveys are incomplete in many respects. The bat survey has not included all the trees which it is proposed to cut down for this development. The reptile surveys were a disaster. We were allowed access to the site ourselves on a limited basis to take our own surveys last year. During those site visits we noted that the small square tiles being laid for reptiles were mostly not in contact with the land and many were blowing around the site. In addition only one side of a large pond has had survey work for great crested newts, etc. and yet, having qualifications on this species myself, all sides should have been surveyed, as, without doing so, it is impossible for their presence to be ruled out, particularly when there are other ponds in the vicinity. We conducted our own bird survey during May and June 2007 which showed some species not recorded by the ecologists and this survey was handed to the biodiversity officer for input into the statistics. Our survey has not been passed on to GIGL nor has the information contained therein been given to Natural England.

This is the only site we know of in Harrow for breeding Skylark and yet this information has not being made available by Harrow Council to GIGL nor Natural England.

Please see the reply given above.

14. There has been no agreement by Harrow Council to take into account of the numerous requests for debate and a public meeting. Indeed the Stanmore Society wrote to Harrow Council at the end of July requesting a public meeting and the matter to be deferred pending that meeting. There has been no response at all from

Harrow just a pursuit of pushing this item through with a granting of permission tomorrow. I would point out that Harrow Council, as TRUSTEE in this matter, would as far as we can establish, be in breach of its obligations to its electorate. It is effectively granting itself planning permission for land it owns on our behalf.

It is incorrect to suggest there has been no response to public comments - the Leader of the Council wrote to over 300 residents explaining the benefits of the scheme, should it receive the necessary permissions.

As stated previously, the applicant is CP Holdings Limited and is a separate person in law from the Council. Therefore, the assertion that the Council is granting itself planning permission is incorrect.

The Council's duty as a LPA is to consider the planning application on its merits taking into account all valid planning objections to the application. There is no power for the LPA to hold a public debate into a planning application lodged by a developer. A public debate is usually held where an applicant has lodged an appeal against refusal and the appeal is set down for a public inquiry.

I would ask committee members to REFUSE permission for this application for all of the above reasons. It goes against all of Harrow's stated policies and, as such, should not even be up for planning approval!

This page is intentionally left blank