

Planning Committee

ADDENDUM

DATE: **Thursday 27 September 2012**

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HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 27th September 2012

1/02	<p>Under Notifications:</p> <p>Amend number of replies to 6</p> <p>Under Summary of responses:</p> <p>ADD: Concerns regarding health and safety aspects of 24-hour operation Concerns regarding potential alcohol consumption</p> <p>Under section 9 Consultation Responses:</p> <p>ADD: Concerns regarding health and safety aspects of 24-hour operation – this is a matter that is dealt with under separate legislation Concerns regarding potential alcohol consumption – the premises would not have a bar and thus the consumption and/or sale of alcohol on the premises is not part of this planning application. Consumption of alcohol and/or sale of alcohol on the premises, if it did occur without the necessary license, would be enforceable under other legislation. Furthermore, further planning permission for a change of use could be required (depending on the circumstances – i.e. whether it would be an incidental use) and thus the merits of the application at that time could be considered.</p>
2/01	<p>On page 49 of the Committee Report under Consultations include the comments of Headstone Residents' Association, which are as follows: -</p> <p>(a) It is stated that the cabs will be on radio control and will not therefore be visible outside of the station. However, the main reason for the mini-cab office is to pick up passengers from the station. There is no parking available in this location so how can they service the station due to the volume of traffic during rush hours, the pelican crossing, and the traffic lights?</p> <p>There are parking problems in Argyle Road, Cambridge Road and Northumberland Road. The mini-cabs would create an obstruction. Furthermore, they cannot pick up from the end of Cambridge Road, as they would cause an obstruction for people leaving the road from the car park.</p> <p>(b) There was a similar case ref: P/0954/12 at 214 Harrow View which was refused as:</p>

	<p><i>‘the applicant had failed to demonstrate that the proposed development by reason of the increased vehicle generation and parking of minicabs within the existing highway network, in an area of existing high parking stress and in close proximity to a busy signalised junction that already experiences traffic volumes well above its designated capacity and hence congestion, would not lead to increased levels of traffic generation and congestion resulting in an unacceptable deterioration of highway safety, to the detriment of the existing highway (road and pedestrian) user’s safety and amenity’</i></p> <p>(c) There is an existing mini-cab office. Why is there a need for another one?</p> <p>(d) The Design and Access Statement notes that North Harrow tube Station has ‘disabled facilities’. This is misleading.</p> <p>(e) Wider neighbour consultation should have taken place.</p> <p>On page 49 of the Committee Report under Addresses Consulted</p> <p>The list should exclude No. 65 Cambridge Road and should include No.75, No.77 and 77a Station Road</p> <p>On page 53 of the Committee Report under Consultation Responses it should read as follows:</p> <p>Point (a) has been addressed in sections 3 and 4 of the appraisal above, and by the Highways Engineer on Page 49 of the Committee Agenda. With regard to Point (b), No. 214 Harrow View is a different site and this case should be considered on the individual site circumstances that relate to this particular application site. Point (c) is not a planning consideration. However, there is currently no other mini-cab office within North Harrow District Centre. Point (d) is noted. With regard to point (e) the extent of neighbour consultation complies with this Council’s publicity requirements.</p> <p>On page 54 of the Committee Report REPLACE condition 1 with the following condition:</p> <p>The use hereby permitted shall be discontinued and the land restored to its former condition within 2 year(s) of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.</p> <p>REASON: To enable the LPA to monitor the use and to permit reconsideration of the use at a future stage in order safeguard the amenity of neighbouring residents and in the interests of highway safety and in accordance with saved policies T6, T13 and EP25 of the Harrow Unitary Development Plan (2004)</p>
2/04	<p>‘Consultations’ (p.83) - additional comments have been received:</p> <p>Environmental Health Officer - has suggested conditions relating to the level of noise emitted by the extract duct and sufficient maintenance. A pre-commencement condition has been suggested requiring details of ventilation and filtration equipment to be submitted to and approved in writing by the Local Planning Authority. A condition that restricts delivery times/days has also been suggested.</p> <p>‘Summary of Responses’ (p.84) – an additional objection has been received:</p> <p>Email received 20/9/12 “Major Points Omitted by Council Officer” – please see “Consultation Responses” for full discussion.</p> <p>‘Consultation Responses’ (p.87) – the following responses are added in</p>

response to the additional objection received:

Responses to points raised by Mr Dyan in email received 20/9/12 "Major Points Omitted by Council Officer"

No reference to previous problems on the site	Please refer to Consultation Responses on p.87
Proposal includes a wholesale use	The proposal description, Design and Access Statement and plans submitted refer to a Change of use from A1 to A3/A5
Proposal increasing likelihood of traffic accidents – too close to busy roundabout. No reference made to parking standards T13.	The Council's Traffic and Parking Engineer and Transport Planners have been consulted and have no objection to the proposal and it is considered to comply with saved Policy T13 – please refer to Section 4: Traffic, Refuse and Access
Impact on the odour produced by the duct accentuated by the large trees preventing dispersal of fumes. Low level siting of duct into small courtyard contrary to DEFRA standards and guidance note.	Please see condition 5 and new conditions 8 and 9 which ensure that odour is adequately controlled. Odour control is primarily covered by Environmental Health legislation, therefore, all queries relating to odour control should be directed to this department.
Report has disregarded policies EM25 and EM20	With the conditions suggested, the proposal is considered to comply with Policies EM25 and EM20 – please see Sections 1: Change of Use and 3: Residential Amenity
Noise at night generated by customers	Please see Condition 2, which restricts night-time opening hours in order to safeguard residential amenity.
Petition signed by shop keepers and staff and people living remotely from the subject site	All responses received have been taken into account. The addresses of the individuals in support of the proposal can be viewed on the Council's website and include residents of the flats above the shops at Canons Corner.
Past approvals for take away restaurants have only been approved in district restaurants – Canons Corner unsuitable location	This is a local shopping parade which is currently not designated, but is proposed to be a neighbourhood parade in Harrow's Site Allocations Development Plan Document (DPD). The principle of the use is appropriate in policy terms in this location as the proposal accords

	with saved Policy EM20 – please see Section 1: Change of Use.
	<p>Conditions (p.87) <u>The following conditions are ADDED:</u></p> <p>8 Deliveries to the premises shall not take place on Sundays or Bank/Public Holidays. Deliveries to the premises shall only take place between the following hours on the following days:</p> <ul style="list-style-type: none"> • 07:00 to 23:00 Mondays to Fridays • 0800 to 18:00 Saturdays. <p>REASON: To safeguard neighbouring occupiers from undue levels of noise and disturbance, thereby according with saved policy EM25 Harrow Unitary Development Plan 2004.</p> <p>9 The use shall not commence on site until full details of the ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises have been submitted to and approved in writing by the Local Planning Authority. The Class A3/A5 use shall not be brought into use until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.</p> <p>REASON: To safeguard neighbouring occupiers from undue odour/fumes resulting from the use, thereby according with saved policy EM25 Harrow Unitary Development Plan 2004.</p> <p>Informatives (p.88) <u>The following informative is AMENDED:</u></p> <p>5 LITTER BIN OUTSIDE PREMISES</p> <p>INFORMATIVE: the applicant is requested to liaise with the Council's Highways Enforcement Section with regard to the provision of an additional litter bin, or appropriate alternative, outside the premises. The applicant is asked to ensure that this is emptied at regular intervals and that the Public Highway outside the premises is kept litter-free, preferably through regular litter-picking patrols.</p> <p><u>The following informative is ADDED:</u></p> <p>6 PROVISION OF ADDITIONAL TOILET FACILITIES FOR STAFF AND CUSTOMERS</p> <p>INFORMATIVE: the applicant is informed that additional toilet facilities for staff and customers are likely to be required under Environmental Health legislation. Please contact this department for more information.</p> <p>'3) Residential Amenity' (p.85) the following paragraph is added:</p> <p>Three conditions (Nos 5, 8 and 9) have been attached to this recommendation grant to ensure that the proposal would not give rise to undue noise, disturbance, odour or fumes that would compromise the residential amenity of surrounding occupiers. This includes a condition requiring additional details of the ventilation and filtration equipment on the premises to be submitted to, and approved in writing by, the Local Planning Authority, before development commences.</p>
2/05 & 2/06	<p>Amend:</p> <p>g) Consultations:</p>

The Society for the Protection of Ancient Buildings have submitted a detailed response with the following objections received 12th September, 2012:

- Deep concern over the general approach that has been adopted towards the listed building. The listing relates to the building in its entirety as it currently exists and we must therefore stress that the 18th and 19th century additions are of equal importance to the 16th century core. They are a crucial part of the building's historical development and should not be dismissed lightly.
- Although the 'Design and Access Statement' argues demolition of later additions will render the building 'less cluttered' in reality the coherence of the building will be destroyed. A desire to create a less cluttered appearance is not an acceptable justification for demolition.
- Lack of appreciation of the later additions is apparent in the documentation in that only the 16th century core appears to have been the subject of a full condition survey. There is an implied assumption that the additions were always to be demolished. This view needs to be challenged.
- Concerned that the structure of the 16th century core is to be stripped back to its basic components and incorporated in the new building within a new relieving structure. If such steps are taken very little of the fabric and interest of the listed building will remain and its historical development will become incomprehensible.

The **Council for British Archaeology** have submitted a detailed response in general support of the proposal but with the request for some amendments/conditions received 26th September, 2012:

- Accept that the early 17th century structure is the most important element and suspect that the proposal probably represents the only realistic solution for retaining any of this timber frame.
- But, having stripped back the various extensions and rendered surfaces to reveal the frame, a proper survey/analysis of the timbers will be crucial. Such a survey may be more important than the physical survival of the timbers given that the frame is no longer structurally viable.
- Given the importance of the survey of the remaining 17thC timber frame, copies of the results of this survey should be as widely available as possible. In addition to the 2 copies that the LPA would require (one for Planning and one for the Council's Library/Local History Studies), a copy should be sent to the London Metropolitan Archive. The survey should also be written up for LAMAS Transactions so it would be available through our archive.
- Concern about the location of the proposed new kitchen within the original 17th century frame due to practical reasons to do with ventilation and from the visual impact that kitchen fittings at both low and high level might have on the surviving timbers.
- There is a lack of clarity about the application proposals with English Heritage referring to a new metal frame off which the existing timbers will be hung, while the applicants refer to a timber supporting frame
- Removal of historically less important extensions (and again there seems some confusion about dates) is justified by "public" gain while any surviving fabric will be internal. This point is significant as the whole of the external skin will be new and will not be clearly differentiated from the proposed new extensions. Arrangement should be made for public access (say on the Open Day weekend each year) to help justify the public benefit argument.
- Concern over the design of the new extensions and a feeling that the overall appearance of the finished building could be improved. It may well be that relaxations from the Building Regulations should be sought if this would improve the character. Details such as the proposed dormers together with the

specification of materials will be important and will need to be conditioned even if refined.

The **Secretary of State**: Further to English Heritage's letter of support notification was received on 11/09/2012 that the Secretary of State has considered the proposal and does not intend to require the application concerned to be referred to him.

Amend APPRAISAL

1) Special Interest of the Listed Building to also include:

Why the previous approved scheme (now expired) is not feasible and the current proposal is the only feasible solution

A previous scheme was approved for works and extensions to 776 Kenton Lane which included proposals to repair and restore the house under Listed Building Consent reference P/2224/08 (approved 16/10/2008), linked to an enabling development proposal for a new house next door (reference: P/3505/10). This proposed to retain the late 18th/early 19th century extensions, and the late 19th century wing now proposed to be taken down. A standard condition required works to be commenced within 3 years of approval. These works were not commenced and therefore the approved scheme has expired.

Subsequent to this approval, a change in ownership occurred and a resubmission of the lapsed application was made. A more in-depth, specialist conservation investigation was conducted on site by English Heritage and a specialist historic buildings surveyor at this time which concluded that the scheme proposed could not be implemented because of the condition of the building and the inability of the current frame to provide a structural function. Following extensive discussion with English Heritage, the current proposal is considered to be the most effective way to preserve the special interest of this Listed Building subject to the conditions suggested.

The condition survey confirms that the late medieval timber frame is as English Heritage explain 'overwhelmingly the most important element of the listed building' as it 'possesses strong evidential value due to its rare original timber framing reflecting Middlesex techniques and traditions of the late medieval period. It has the potential to yield new information on a range of topics such as the original form and extent of the building, its use and the role of its fragmentary smoke bay. This core also illustrates rural Middlesex prior to suburbanisation...There is aesthetic value expressed in the craftsmanship and vernacular timber framed construction of the late medieval core'.

Crucially, the previous proposal to retain the early 19th century additions would prevent necessary access for vital repairs to the most significant part of the listed building (i.e. the late medieval timber framed core). Whilst largely intact at present, it is heavily decayed and requires urgent attention to save the historically significant fabric. It is clear that retaining the later additions as previously proposed would result in a great deal more of this rare late medieval core being lost as traditional carpentry repairs would require extensive replacement of fabric.

The condition survey, which has been reviewed and agreed by English Heritage, confirms that the early 19th century extensions to be removed are beyond economic or practicable repair and that, in any case, the 19th century additions to be taken down are of a lower order of significance than the medieval core. English Heritage states that 'Aesthetic values...of the late medieval core [have] been harmed by the

early 19th century gable extensions...and the architecturally indifferent and poorly constructed 1880 wing'. Removal of the later addition would therefore be an enhancement since, as English Heritage state, it would 'dramatically improve the setting of the principal (and most significant) part of the Listed Building'.

The current proposal is also to remove the external cement render and brick-infill panels. To clarify, this formed part of the previously approved (now expired) scheme and it remains necessary to remove all of this since the external cement render is very damaging to the Listed Building trapping water and causing rot and, without removing both this and the brick infill panels, the timber frame (the most important part of the listed building) cannot be accessed for repair.

In summary then, as English Heritage have stated in an additional email received 27th September, 'the approach proposed is considered the only feasible and appropriate option to save this important vernacular building'.

5) Consultation responses:

Apart from the matters addressed in the original Committee Report, the following matters are addressed as follows:

- ***The Council For British Archaeology*** request:
- *a proper survey/analysis of the timber frame once it has been revealed, particularly as some may be so rotten it cannot survive.* A relevant condition relating to recording of historic elements as required has already been recommended. They also requested copies of the survey results be made as widely available as possible so copies should be required to be sent to the Local Planning Authority, the London Metropolitan Archive and one for LAMAS Transactions. Amendments to the condition 5 set out below would ensure this would occur.
- *clarification as to proposals for the supporting frame off which the existing timbers will be hung.* Proposed condition 4 requires further details to be submitted to ensure the safety and stability of the building fabric to be retained which satisfies this request.
- *arrangements be made for public access (say on the Open Day weekend each year) to help justify the public benefit argument as part of this proposal.* It would not be possible to condition this and a legal agreement is not required to make this development happen. Therefore it would not be possible to require this to occur as part of the proposals.
- *some amendments to the design of the new extensions and to improve the overall appearance of the finished building e.g. details such as the proposed dormers together with the specification of materials will be important and will need to be conditioned even if refined.* The design matters are addressed within the original Committee Report and materials and window details are already conditioned. Amendment to condition 13 set out below would address the dormer details.
- ***The Society for the Protection of Ancient Buildings*** state:
- *Whole building is listed and the 18th and 19th century additions are of equal importance to the 16th century core* – The relative significance of the various parts has been assessed on site by a specialized historic building surveyor and English Heritage who agree that the late medieval core is by far the most significant part of the building and that the later additions whilst not of no interest are of relatively low significance. The Council for British Archaeology support this view.
- *Making the building 'less cluttered' by demolishing later additions is not an acceptable justification for demolition and only the historic core has been*

surveyed – The justification given for removing later additions relates most fundamentally to their being beyond practicable repair following careful survey and that their retention would not allow access for vital and urgent repairs to the medieval core.

- *Concerned that 16th century core is to be stripped back to its basic components and incorporated in the new building* – On site survey by a specialized historic building surveyor and English Heritage has confirmed that the medieval core is overwhelmingly the most significant part of the Listed Building, is a very rare survival and that the later additions are of little heritage value. It is in a very poor condition and it is only by removing later additions and brick infill and later cement render that this could be preserved.

P/2069/12 AMEND conditions to read:

4 The development hereby permitted shall not ~~commence~~ *be occupied* until there has been submitted to, and approved in writing by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policies D4 and D9.

P/2110/12 AMEND conditions to read:

5 Works are to be monitored throughout the period of demolition and reconstruction by the LPA in conjunction with English Heritage to ensure the safety and stability of fabric to be retained and enable recording of uncovered historic elements as required, *including the historic timber frame. Copies of the survey results to be made as widely available as possible including copies to the Local Planning Authority, the London Metropolitan Archive and London And Middlesex Archaeology Society Transactions.*

REASON: To allow for monitoring and recording in order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

13 Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details

- a. specification of materials including render, insulation
- b. window and joinery details
- c. roof tiles
- d dormers

REASON: In order to protect the special architectural or historic interest of the listed building in accordance with National Planning Policy Framework paragraphs 128, 131, 132, London Plan policy 7.8, Harrow Core Strategy policy CS1 part D, and saved Harrow UDP policy D11.

**ADVANCE WARNING GIVEN OF REQUESTS TO MAKE REPRESENTATIONS ON
PLANNING APPLICATIONS**

Application	Objector	Applicant/Applicant's Representative (who has advised that they would wish to reply)
2/04 5 Canons Corner, Edgware	Mr Dyan	Mr Shami

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