

Planning Committee

ADDENDUM

DATE: Tuesday 3 September 2013

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE : 3 September 2013

1/01	<p>NOTIFICATIONS:</p> <p>Six comments have been received since writing the report to the Planning Committee. These comments can be summarised as follows:</p> <ul style="list-style-type: none"> - Increase in traffic on and leading to Camrose Avenue, Tenby Road and the surrounding residential roads. - If the capacity was increased, it would be highly detrimental to these residential streets - The surrounding roads and infrastructure do not support a venue of this capacity - There is not enough parking for 5,176 people - An automatic escalator is required at Canons Park tube station - First official correspondence received in August - Disgusted with the way that residents have been treated as a whole - Increase in traffic on match days and on week days - Parents now have to supervise their children on the street - Increase in disturbing noise levels - Foul and abusive language can be heard from the facility – this disrupts bedtime routines for children and playtime in the garden - Increase in rubbish - This has reduced the value and appeal of the area - Had Harrow Council fully informed the residents of its intention to allow Barnet FC to occupy the facility as its home ground, the majority of residents would object - Edgware Scout Club could be very adversely affected by this development as the parking problems will end up with Harrow Council introducing parking controls - The levels of noise will interrupt users of the Scout Centre who may decide to move somewhere quieter taking their financial support with them - Elected Members should take note of local residents who appear to be against it and remember 2014 is not far away - There was traffic chaos on a service road parallel to Camrose Avenue after a football match on 20/07 - We have not seen much action in relation to the violations from the Hive - Would like a specific plan with regards to parking during matches and litter control - The stands that have been erected are an eyesore - The noise levels of the cheering and chanting together with the tannoy system has devastated quiet peaceful weekends - Problems with litter, traffic and parking - This will impact on future house prices
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Officer response to consultations;

The comments that have been received in relation to traffic congestion, parking, stadium capacity, noise levels, additional litter, property values, the use of the stadium as Barnet FC's home ground and the visual impacts of the stands have been discussed within the report to the Planning Committee. Other issues raised are:

- An automatic escalator is required at Canons Park tube station – this is not material to the current scheme

First official correspondence received in August – Four rounds of consultation have taken place in relation to the current planning application. 425 notification letters were sent as part of the first and second rounds of consultation. The level of consultation was increased to 2517 notification letters for the third and fourth rounds of consultation. In addition to this, advertisements were included in local newspapers and site notices were erected on site to advise members of the public of the current planning application.

Additional information submitted by applicant

On 27th August, the Applicant provided a further two-page lighting report for consideration. This report seeks to provide a comparison assessment of the glare or light intensity produced by the permitted and proposed floodlights at The Hive. The report states that an assessment of the source intensity readings has been undertaken in respect of 15m floodlights and 28m floodlights. It states that this assessment has been undertaken at two locations; at properties on Camrose Avenue and at properties on Aldridge Avenue, and provides the results of this assessment.

The report concludes that:

- the light intensity or glare from the floodlights as built has significantly less impact than the floodlights as approved under planning application reference P/0002/07;
- The 28m high floodlights are a significant improvement over the fall-back position of the approved 15m floodlights;
- If the 28m floodlights have to be replaced by 15m floodlights in accordance with the consented proposals, the glare will be a greater impact on the amenity

The report has been referred to the Councils Environmental Protection team who continue to raise concerns in respect of the impacts that the lights will have. In particular, the Councils Environmental Protection team has advised that the report does not contain a rationale or details of methodology. The report does not contain sufficient detail for it to be a standalone document or provide references to other documents where information can be cross-referenced. The report lacks the rationale for the field testing/light sampling undertaken (i.e. where, when, why, how and numbers of test locations were selected for testing) It is not satisfactory for the report to simply provide data without rationale and methodology.

Furthermore, the Councils Environmental Protection team have advised that the report does not cover the aspect of nuisance and the change of the amenity when the floodlights are in use. Unlike previous reports, this particular report does not use Lux light levels but use 'Kandels'. Whilst this is acceptable for measuring light intensity, the assessment of light difference has not been carried out. Whilst the report clarifies the decision for designing 28m floodlights, it does not provide details of how "light nuisance" would be mitigated.

	<p>Officers, advised by the Environmental Protection team in the Council remain unable to conclude that the proposed floodlights would not give rise to adverse impact upon the amenities of nearby residents – required in order to meet the policy requirements for floodlighting set out in Policies DM1C or DM48A.</p>
<p>1/02</p>	<p>A further consultation response was received from the occupier at Flat 3, 44 Oakley Street, London, SW3 5HA on 28 August 2013. This can be summarised as follows:</p> <ul style="list-style-type: none"> • The FRA seems to miss the basic point that the flood risk of concern is that from the proposed development, not the risk to it. • Paragraph 3.3.3 of the FRA states that “LB of Harrow holds no records of highways flooding at or within the vicinity of the site”. However the site has flooded at least once within the last 3 years (to a depth of 0.15m). • It is envisaged that lowering the car park floor will provide 13.8 cubic metres compensatory storage to offset the proposed buildings additional footprint (para 4.3). This total storage volume capacity provided by the car parks granular sub base is later said to be 27.5 cubic metres (para 5.4.3.2). The same paragraph says that it flows from the car park into the public sewer would be controlled using a hydrobrake of 101mm diameter. This proposal appears at risk from malfunctioning of this Hydrobrake or blockages to it. Although the final sentence of paragraph 5.4.4 refers to three surface sweepings per year, the whole scheme seems vulnerable to leaves/debris/poor maintenance clogging the flow and therefore rendering ineffective this car park basin. Notwithstanding the above I defer to the judgement and technical knowledge of the Council’s officers and trust that they will have scrutinised the FRA with precautionary consideration for the consequences of this decision. • The CIL calculations appear to be incorrect. • The buildings are described as being in A2 use. Can you confirm this is the case. <p>The Council’s response to these further comments is as follows:</p> <ul style="list-style-type: none"> • The Council’s Drainage Engineer is satisfied that with the revised Flood Risk Assessment (FRA) provided in relation to this application. It is considered that the proposal would not have an undue impact on flood risk. • The CIL payable on this calculation was calculated by the Council to be £16,240 for 464 square metres additional floor space. • The buildings are partly occupied and partly vacant A2 use. <p>A further statement was received by the agent for this application. This can be summarised as follows:</p> <ul style="list-style-type: none"> • There is a blank flank wall to No 4 Claremont Road. Therefore, there are no issues of overlooking or loss of privacy to these neighbours (nearest flank of proposed building 21m away). • Members should note the presence of several flatted development blocks along the High Street which form an important component of the character and appearance of the area. On the opposite corner of Claremont Road and High Street is the recently completed 3 storey block known as "The Clocktower" development with balconies and rear parking off Claremont Road. To the east /

	<p>adjacent to this block is Pengelly Court also a 3 storey block and adjacent to the scout hut to the north of the application site is Minstrel Court again a three storey large block of flats (ref: High Street Streetscene Drwg No. 12/3284/4). There are also flats further to the north and others recently completed and with planning permission (Fruition Homes) further along the High Street. There is a strong prevailing character of flatted development in this locality along the High Street.</p>
2/03	<p>Add Following Condition (Number 4)</p> <p>The use of the building as a House in Multiple Occupation shall not commence until the applicant/ owner/ developer has first submitted to, and approved in writing by, the Local Planning Authority, details to demonstrate that the internal walls and floors provide reasonable resistance to sound from other parts of the same building and from adjoining buildings in line with Part E of the Building Regulations. The development shall be completed in accordance with the approved details and shall thereafter be retained.</p> <p>REASON: To protect the residential amenities of the occupiers of the development and that of the neighbouring buildings against unreasonable noise transmission, in accordance with policy 7.15B of The London Plan 2011 and policy DM 1 of the Development Management Policies Local Plan 2013.</p>
2/04	<p>Additional consultation response:</p> <p>Hertsmere Borough Council: No objections subject to conditions regarding maintenance and external appearance.</p> <p>The associated application in Hertsmere Borough was granted on 27 August, subject to conditions.</p> <p>Officer Response to Hertsmere Borough Council comment:</p> <p>The submitted drawings indicate that the installations will be painted to harmonise with the surroundings of each site. Notwithstanding this, it is considered appropriate for the details of the external appearance of the installations to be submitted and approved prior to the commencement of development. A suitable condition is therefore recommended to safeguard the character and appearance of the area.</p> <p>Updated response from Highways Authority:</p> <p>No objections, subject to a 6m height in locations 7, 9, 10 and 11. A license would be required under the Highways Act post planning permission.</p> <p>Officer response to updated Highways Authority Response:</p> <p>The application indicates that the gateways would be 5.5 metres in height. This height is considered acceptable on secondary roads, given the types of traffic using those highways and access roads that the gateways would span. However, with regard to the major roads, which are Heathbourne Road, The Common and Common Road, a height of 6 metres is recommended to avoid potential conflict with 'extra height' vehicles. A suitable condition is therefore recommended.</p>

	<p>Additional Notification responses:</p> <p>An additional 9 letters of support have been received.</p> <p>Amend Condition 2 to read:</p> <p>2 Other than as required by conditions 5 and 6, the development hereby permitted shall be carried out in accordance with the following approved plans: 850_001; 850_07; 850_08; 850_09; 850_10; 850_11; 850_12 Rev A; 850_41; Design and Access Statement REASON: For the avoidance of doubt and in the interests of proper planning.</p> <p>Add conditions:</p> <p>5 Notwithstanding the details shown on the approved plans, the development shall not commence until details of the external colours and finishes of the poles have been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and thereafter retained. REASON: To ensure a satisfactory form of development and to safeguard the character and appearance of the area, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).</p> <p>6 Notwithstanding the details on the approved plans, the height of the poles and gateways spanning the sites on Heathborne Road, The Common and Common Road at locations 7, 9, 10 and 11, shall be 6 metres. REASON: In view of the type of traffic that might use those roads and in the interests of highway safety, in line with the requirements of policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).</p>
2/06	<p>2 additional objections received:</p> <ul style="list-style-type: none"> • The neighbourhood is turning into a slum • There is refuse as a result of the amount of people • The number of residents at the property is excessive and as a result there is over crowding • Comments made in relation to the lack of enforcement action in 2007, which was an omission on the Council's part • At what point did construction of 'a store' change to 'residential accommodation'? Did Building Control Dept not notice or comment on this during construction? if not - why not? • Does the construction of the 6 flats coupled with the use of this building as residential meant that the property was in fact an HMO - being 7 units in all • There is an error in the report that went to committee on 1st August that is repeated in tonight's Agenda. The reference of the previous application which granted the 6 flats is NOT P/3088/06 but P308/06/DFU.

	<p><u>Officers response</u></p> <p>The application in front of the Council is not one that is able to consider what, if any harm is caused on the property, neighbours or wider environment. The current application is a test of the evidence submitted by the application, that on the balance or probabilities the outbuilding has been used for a continuous period of four years as a residential unit.</p> <p>The Planning Authority became aware of the unauthorised use of the outbuilding as a separate residential unit in 2007. At that time the landowner was instructed to cease the unauthorised use by removing both the kitchen and bathroom from the outbuilding. Unfortunately due to resources and the priority of the case at this time, the Council were regrettably unable to pursue this action and the use became "lawful" in planning terms due to the elapsed time.</p> <p>Building Control records do not indicate a change in use of the property. In any event, it is feasible that the works as a storage outbuilding may have been complete before being converted into a residential unit.</p> <p>The lawful use of the existing property is 6 flats, in additional to the outbuilding. This is not an HMO in planning terms.</p> <p>This typographical error is acknowledged, and the reference for the application granting permission to erect the outbuilding should read P/308/06/DFU.</p>
2/08	<p><u>Addendum Item 1:</u> Additional condition recommended following:</p> <p>6) Notwithstanding the details shown on drawing No. 2602-06/MP, the proposed development hereby approved shall not commence until there has been submitted to, and approved in writing by, the Local Planning Authority a revised plan showing detail of the proposed front elevation. The development shall be carried out in accordance with the approved drawings and thereafter be retained.</p> <p>REASON: The proposed plan 2602-06/MP of the front elevation does not provide satisfactory detail to ensure the development would not be harmful to the character of the property or the streetscene. A revised plan would ensure that the character of property and streetscene is safeguarded, thereby according with Policy DM1 of the Harrow Development Management Plan (2013).</p>
2/10	<p><u>Addendum Item 1:</u> Vary the description of the development on Page 1 to read the following</p> <p>Change of use of first floor of public house (use class C3) to multiple occupancy for up to 9 persons (use class Sui Generis).</p>

REFUSE Listed Building Consent for the development described in the application and submitted plans for the following reason:

REASON

The proposal is unacceptable by reason of the substantial overall harm to the special interest of the court house caused by the alteration, loss and relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character, that is unnecessary and not outweighed by the public benefits of bringing the building back into use. The proposals fail to preserve or enhance the special interest of the listed building and therefore conflicts with National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan policy 7.8 C and D (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

Consultations

Summary of Responses

Additional response from the London and Middlesex Archaeological Society received on 15th August, 2013:

- 'The Committee duly considered the revised plans (notification to LAMAS on the 26th July) and continued to have strong objections to this proposal. It was agreed that a sensible compromise should be sought between the Application proposal (to strip out all the fittings with photographs of the previous layout on display) and any proposal to re-instate the former Courtroom as it had been. Given that the use was redundant, this was not seen as realistic but the retention of certain key features was considered essential. It was agreed that I should discuss this further with you if that would be useful'
- An objection was received from **Rosslyn Crescent Management Company** on 30th August, 2013 since reading 'about the destruction of the court building interior in a recent article in the Harrow Observer' and then reading 'about the full extent of the damage' they are:
 - horrified that the Jaspur Foundation has completely ignored the building's Grade II listed status and seemingly done just what it fancied inside.
 - doubly disappointed given the care they seem to have taken over the outside.
 - craftsmanship and original items that can never be restored have been 'destroyed'.
 - wholeheartedly in favour of refusing listed building consent and believe the foundation should do what is necessary to return the court, as much as possible, to the way it was when they moved in
 - Surely the organisation understood what it was taking on when it bought the building?
 - Fact that this vandalism occurred raises questions about the council's involvement. Can't understand why, given the building's listed status and unique character and the difficulty of converting it, a planning officer did not visit during the work. I can't help feeling the council's planning department should

have monitored this development much more closely – the building is just one minute’s walk from the Civic Centre.

2) Consultation Responses

Officers response to the additional objections received:

Consultation responses’ concern over loss of historic fabric and character are addressed in the body of the report.

The Rosslyn Crescent Management Company states it is not understood why the Council did not monitor the work whilst it was happening. However, the Council was unaware that works requiring Listed Building Consent were being undertaken. Also, guidance had been provided to the applicants as to the requirement for Listed Building Consent for any works which affect the special character of this Listed Building.

3/02

Additional Statement from applicant:

Statement received 2 September: There is significant local demand for indoor cricket facilities. Academy is a hub site for the development of talented cricket players in partnership with Middlesex Country Cricket Club. The England Cricket Board has indicated that they wish to further develop cricket in Harrow.

England Badminton has identified Harrow as a priority area for badminton and is interested in using Park High School indoor sports facility.

The Academy has strong links with a number of Sports Associations and wishes to increase coaching opportunities for young people, particularly during school holidays.

There are substantial planning grounds for DEFERRAL of the application by the Planning Committee, with a report back to the October Planning Committee recommending a minimum 2 or 3 year temporary provision which would accord with the advice in Circular 11/95 relating to the use of planning conditions.

Additional responses to Consultation:

Middlesex Championship: The Middlesex Championship League have a number of clubs that are located and play within Harrow and they struggle to find decent indoor nets in the Harrow area. Lifting the planning restriction will allow Park High School to offer these much-needed indoor cricket nets to local clubs. The Middlesex Championship League formally supports Park High School in their application as rejection would have a detrimental impact on cricket in particular, and sport in general, in the Harrow Area.

Harrow Town Cricket Club: Each year we struggle to find suitable nets for training during the winter months. There is a shortage of such provision in the Borough, which has the largest number of cricket clubs in the Middlesex area.

Clarification on access to and egress from school:

The vehicular access to Park High School is via two residential culs-de-sac, with Burnell Gardens providing the access and Thistlecroft Gardens the egress.

**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)
1/02 158-160 High Street, Wealdstone, Harrow	Edmund Cleary	Richard Preston
2/01 Xanadu House, Potter Street Hill, Pinner	Michele Hope Maurice Felber	Raman Dhillon
2/11 57 Cecil Park, Pinner	Terence Upton	Mr Capper