

Planning Committee Special meeting

ADDENDUM

DATE: **Thursday 1 August 2013**

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HARROW COUNCIL

ADDENDUM

SPECIAL PLANNING COMMITTEE

DATE : 1st August 2013

1/01	<p>RELEVANT HISTORY:</p> <p>EAST/148/01/OUT - Outline: football stadium, terraces, stand & clubhouse, floodlights to ground, artificial pitch & tennis courts, health & fitness facilities, parking, vehicular access from Camrose Avenue Granted - 11-Apr-2003</p> <p>P/1087/03/DVA - Variation of condition 13 of planning permission East/148/01/OUT to provide revised parking layout Granted - 29-Jul-2003</p> <p>P/898/03/CDP - Details of design and appearance of building and landscaping pursuant to condition 2 of outline planning perm. East/148/01/OUT for football stadium associated works Granted - 04-Aug-2003</p> <p>CONSULTATIONS:</p> <p>Since writing the report to the Planning Committee, formal responses have been received from:</p> <p>The Highways Authority (Additional comments) - The level of coach parking is to remain unaltered with the same quantum of 10 provided in a revised format which is acceptable in operational terms. The level of car parking for patrons also remains unchanged at 300 spaces + 17 staff and 5 disabled spaces.</p> <p>London Underground – The applicant is in communication with London Underground engineers with regard to the development above. Therefore, we have no comment to make on the application except that the developer should continue to work with LU engineers.</p> <p>Environmental Protection:- (Noise) I have looked at the proposal for the change in spectator numbers in each stand, but given the changes amount to less than 20% this would have very little noise effect as the total number of the stadium itself is unchanged and as such the displacement of such a minimal number of spectators is in my opinion not of any major concern.”</p> <p>Environmental protection – lighting – a verbal report will be provided to the</p>
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meeting

NOTIFICATIONS:

Five comments have been received since writing the report to the Planning Committee. These comments can be summarised as follows:

- The venue is too big for its space
- Traffic conditions and parking are already pushed to its limit on game days
- Extending the facilities is clearly taking it beyond a training ground
- This is a residential area with challenging traffic and parking conditions
- If professional football is to take place, the crowds and problems will be proportionally larger
- The gridlock caused during the recent pre-season friendly is obviously a sign to come during the football season - Suggest that further amendments should include on-site parking

The comments that have been received since writing the report to the Planning Committee do not raise any new matters for consideration

ADDITIONAL INFORMATION

Following the publication of the Planning Committee report, the applicants have submitted an updated light spill diagram and have conducted post installation measurements of the light spill from the floodlights. The measurement of floodlighting levels took place on the evening of 26th July. The measurements were undertaken by the contractor but were overseen by the Councils Environmental Protection team. Readings were taken at house numbers 32 & 64 Aldridge Avenue and on the mound between the houses on Camrose Avenue and the 3G pitch and also on the overspill car park behind the gardens of the houses on Camrose Avenue.

The applicants have submitted a report on the findings from the test which is currently under consideration by the Environmental Protection team. Following the tests, a report has been prepared from the applicants lighting consultants that provide some details of the output readings taken at the tests. This has been reviewed by the Councils Environmental Protection team who continue to raise concerns in respect of the impacts that the lights will have. The report quotes measured readings taken at points within and outside of the site – against levels quoted within the Guidance Notes provided by the Institute of Lighting Engineers (ILE). These guidelines are used routinely in the consideration of floodlighting in planning appeals – most recently in APP/M5450/A/13/2190773 at Whitmore High School. The report suggests that light emissions attributable to the floodlights falls within the levels provide for within the guidance for sites of this nature.

In considering the acceptability of the floodlights, the committee report refers to the visual impact and the potential for disturbance arising from the evening use. Planning permission already exists for floodlights of 15.8m height at the ground. The applicant's submission suggests that the greater height of the floodlights forming part of this application, would serve to reduce light spillage beyond the pitch area when compared with the consented scheme.

The public protection team nevertheless remain concerned that the difference in light levels experienced at the rear of properties on Aldridge Avenue between the lights

2/01	<p>being on, and being off, will be significant. Whilst further tuning of the individual lanterns direction is possible, the overall effect of the floodlights on residential amenity will, in their opinion, and in the absence of agreed controls be significant especially for evening matches/use of the stadium.</p> <p>In respect of Camrose Avenue, the floodlights on their own are noted to contribute a modest level of additional lighting to existing levels. However, the observed and recorded levels of lighting at the rear of these properties are already such that the additional light emissions would mean that overall light levels experienced at the rear of these properties would exceed the 10 Lux guideline in the ILE guidance.</p> <p>The conclusions above mean that the use of the floodlights will be clearly appreciable from within surrounding properties during low light and evening matches. The view of the Environmental Protection team, following the testing and consideration of the report prepared and submitted by Abacus is that the application remains unacceptable in this regard at the present time.</p> <p>UPDATED RECOMMENDATION:</p> <p>The main report to the planning committee recommends that planning permission be refused for the material minor amendment on the basis that the evidence submitted in support of the floodlights was inadequate to demonstrate that they complied with the policy requirements of the local plan. The further report and tests have not led to the Public Protection team, changing their recommendation to the Planning Authority that the planning application should be refused. Nevertheless, further information has been submitted and the recommendation accordingly is proposed to be amended to reflect this.</p> <p><i>The application has failed to demonstrate that the impact of the floodlights would not result in significant harm to the amenities of neighbours by virtue of unacceptable lighting levels within and adjacent to residential properties surrounding or near to the site. The proposals are therefore contrary to policies DM 1C and DM 48C of the Development Management Policies Local Plan (2013).</i></p> <p><u>Addendum Item 1:</u></p> <p>REPLACE Reason No. 1 on page one of the Committee Report to remove typographical errors. Reason 1 should read:</p> <p>The Local Planning Authority is satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probabilities, the outbuilding known as Flat G, 36 Hindes Road, Harrow, HA1 1SL has been in use as a self-contained unit for a continuous period of at least 4 years prior to the date of this application. The existing development is therefore considered to be lawful and as such the Local Planning Authority grant a Certificate of Lawful Existing Development.</p> <p><u>Addendum Item 2:</u></p> <p>In response to a question from Councillors relating to case law for the time frame as to when, on the balance of probabilities, four years of time has passed to claim immunity, the following extract from the Town & Country Planning Act (1990) as amended) relating to enforcement states;</p> <p>Section 171B(2) states that <i>'Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no</i></p>
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enforcement action may be taken after the end of the period of four years beginning with the date of the breach’.

On this basis it is considered reasonable that the date of the breach of planning control occurred on the 17th December 2007, as based on the Planning Enforcement Letter, held in the Council’s records.

Addendum Item 3:

In response to a question from Councillors regarding the absence of both Council Tax and a tenancy agreement for the period from 2012 – 2013, the following can be confirmed.

The London Borough of Harrow Council Tax Department confirmed that Council Tax was being charged to the tenant at the property know as 36G Hindes Road, Harrow, HA1 1SL. The Council tax bill charged covered the 2012 – 2013 year.

The applicant has provided tenancy agreements for the tenant for the years 2012 – 2013 and 2013 – 2014. The tenant is the same person across both years.