



# **Planning Committee Supplemental Addendum**

**Date:                    Wednesday 20 January 2021**

**HARROW COUNCIL**

**SUPPLEMENTAL ADDENDUM**

**PLANNING COMMITTEE**

**DATE: 20<sup>th</sup> January 2021**

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| <b>1/01</b> | <p><b><u>Addendum Item 1:</u></b></p> <p>Following the decision of the committee in December to defer this application for a site visit, the decision to move to a virtual site visit was made taking into consideration the ferocity of the new strain of Covid, current lockdown restrictions, advice from Public Health and Community and Public Protection colleagues, and the successful move by neighbouring Councils to online site visits.</p> <p>The virtual site visit used a mixture of computer-generated images (CGI) and video footage from key perspectives filmed by experienced officers. This ensures Committee members can visualise the site from a number of locations and understand the impact of the proposed development on the locality. Officers are confident that this will enable the Planning Committee to properly determine the applications before them.</p> <p>This virtual site visit took place at the scheduled briefings by Officers to Councillors on Monday 18<sup>th</sup> January 2021 and Tuesday 19<sup>th</sup> January 2021.</p> <p><b><u>Addendum Item 2:</u></b></p> <p><b>Consultation Responses Update – Section 4 of the report (pages 33-70).</b></p> <p>Since the agenda and addendum was published, a further consultation response has been received in objection to the proposal.</p> <p><b>Summary of Comments:</b><br/>I note that the scheme is recommended for Grant even though every resident in the area is strongly opposed to it. This decision will happen for purely political reasons and frankly is an utter disgrace</p> <p><b><u>Addendum Item 3:</u></b></p> <p><b>Conditions update (pages 129-141)</b></p> <p><b>Add the following Condition:</b></p> <p><u>Permitted Development Restriction</u></p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted</p> |
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|      | <p>Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within in Part 20 of Schedule 2 to that Order or any new provision allowing extensions to the detached blocks of flats hereby approved, shall be carried out without the prior written permission of the local planning authority.</p> <p>REASON: To ensure the impact of any such extension can be fully considered on the character and appearance of the locality, the adjacent heritage designations and the residential amenity of neighbouring occupiers.</p>  |
| 1/02 | <p><b><u>Addendum Item 1:</u></b></p> <p>Officers nominated this site for a committee site visit. The decision to move to a virtual site visit was made taking into consideration the ferocity of the new strain of Covid, current lockdown restrictions, advice from Public Health and Community and Public Protection colleagues, and the successful move by neighbouring Councils to online site visits.</p> <p>The virtual site visit used a mixture of computer-generated images (CGI) and video footage from key perspectives filmed by experienced officers. This ensures Committee members can visualise the site from a number of locations and understand the impact of the proposed development on the locality. Officers are confident that this will enable the Planning Committee to properly determine the applications before them.</p> <p>This virtual site visit took place at the scheduled briefings by Officers to Councillors on Monday 18th January 2021 and Tuesday 19th January 2021.</p> <p><b><u>Addendum Item 2:</u></b></p> <p>Consultation Responses Update – Section 4 of the report</p> <p>Since the agenda was published, a consultation response from the Waitrose Store has been received relating to the reconfiguration of the car park and suggested revisions to the wording of Conditions 3 (Construction Logistics Plan), 14 (Noise and Ventilation) and 17 (Landscaping).</p> <p>Summary of comment:</p> <p>If built the proposed development would require the reconfiguration of the Waitrose Car Park which cannot happen without the developer obtaining planning permission for the works, therefore having a direct impact on the operation of the existing foodstore, not addressed in the application.</p> <p><b>Officer response:</b></p> <p>The above has been addressed within table 4.8 in the Officers Report to Committee. It is noted that Waitrose has a restrictive condition (17) under permission WEST/324/95/FUL which requires the car parking spaces to be permanently marked out and used for no other purpose at any time, without the written permission from the Council. As the restrictive condition is outside of the site boundary and the developer does not own the site under which the condition has been imposed, the developer cannot be obligated to relieve any restrictive conditions outside of their site ownership / development boundary. The onus is therefore on Waitrose would to ensure that they are not in breach of planning conditions relating to their site.</p> |

Should Waitrose wish the developer (Aitch Group) to cover the cost and management of resolving the above planning matters, the onus will be on both parties to resolve this civil matter. These matters lie outside the remit of the current planning application. An informative to this effect is therefore recommended to remind the applicant of this duty to cooperate with Waitrose on this matter.

**Addendum Item 3:**

**INFORMATIVE:**

The applicant is reminded that development proposals at the subject site would result in the reconfiguration of the Waitrose car park. Discussions should therefore be undertaken between both parties to resolve liability issues pertaining to the successful operation of the existing store should development at the subject site come forward.

**Addendum Item 4:**

**Wording of Condition 3 revised to include measures to ensure minimal disruption to the trade and operation of the Waitrose Store:**

No development shall take place, including demolition, until a construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in construction the development;
- d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- e) wheel washing facilities; and
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- g) measures for the control and reduction of dust
- h) measures for the control and reduction of noise and vibration;
- i) measures to minimise disruption to the trade and operation of the Waitrose Store.

The construction of the development shall be carried out in accordance with the plan so agreed.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers.

**Replacement of Condition 14 with the following wording:**

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall take into account the noise generated from the existing Waitrose Store and include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that potential adverse noise impacts to residential premises within the development are mitigated.

**Revision of Landscaping condition (17) to include details of how the boundary between the site and existing foodstore are included to protect amenity and ensure safety and security of the car park**

**Landscaping**

Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a scheme for detailed hard and soft landscaping of the development has been submitted to and approved in writing by the Local Planning Authority. To include:

- a) A scheme for detailed hard and soft landscaping of the development, to include details of the planting, hard surfacing materials, raised planters and external seating and so on. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes, plant container sizes (all at time of planting) and proposed numbers / densities and an implementation programme. Planting which may provide benefits in terms of improving air quality are encouraged. The hard-surfacing details shall include samples to show the texture and colour of the materials to be used and information about their sourcing/manufacturer. The hard and soft landscaping details shall demonstrate how they would contribute to privacy between the communal garden/open space areas and the adjacent co-living units.
- b) Green roofs, hard and soft landscape details and planting plans, the roofs at first, third and fourth floor and the roof area with PV panels to be incorporated into the green roof areas where feasible, including written specification of the planting and the biodiverse roof details, planting plans, and associated features (e.g. invertebrate shelters), details of the proposed irrigation or any watering system to be installed for regular watering in dry / drought conditions for the landscaped areas maintenance and proposed ongoing plant replacement, for any plant failures, during the lifetime of the built development;
- c) Full scale metric cross sections and elevations for all communal open amenity spaces (at a scale of not less than 1:100) including the proposed details for level changes.
- d) Details of all furniture, boundary treatment, specification for the proposed supports and fixings for plants, landscape structures and any pergolas and climbing plant frames, including proposed material and source / manufacturer, irrigation for planting and detailed drawings of such; for all communal areas, raised beds and bespoke furniture;
- e) Details of the two access points on the eastern boundary of the site including step depths, access ramps and / or any relevant details associated with the safe access to and from the Grange Farm Development;
- f) Suitable wayfinding signage and mitigation should be secured to ensure the safe function of pedestrian, play and servicing road through the middle of the site and to avoid conflicts between the different user groups; and
- g) how the boundary between the site and existing foodstore seek to protect amenity and ensure safety and security of the existing Waitrose car park

REASON: To ensure that the development achieves a high standard of design, layout and amenity and make provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm

**2/01****Addendum Item 1:**

Following the decision of the committee in December to defer this application for a site visit, the decision to move to a virtual site visit was made taking into consideration the ferocity of the new strain of Covid, current lockdown restrictions, advice from Public Health and Community and Public Protection colleagues, and the successful move by neighbouring Councils to online site visits.

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| 2/02 | <p><b><u>Addendum Item 1:</u></b></p> <p>Officers nominated this site for a committee site visit. The decision to move to a virtual site visit was made taking into consideration the ferocity of the new strain of Covid, current lockdown restrictions, advice from Public Health and Community and Public Protection colleagues, and the successful move by neighbouring Councils to online site visits.</p> <p>The virtual site visit used a mixture of computer-generated images (CGI) and video footage from key perspectives filmed by experienced officers. This ensures Committee members can visualise the site from a number of locations and understand the impact of the proposed development on the locality. Officers are confident that this will enable the Planning Committee to properly determine the applications before them.</p> <p>This virtual site visit took place at the scheduled briefings by Officers to Councillors on Monday 18<sup>th</sup> January 2021 and Tuesday 19<sup>th</sup> January 2021.</p> <p><b><u>Addendum Item 2:</u></b></p> <p>Policy D13 of the Publication Version London Plan (2020) has been considered in regards to its relation to the health and safety impacts of stray balls from the golf course and the proposed cottages. The policy wording is below:</p> <p><b><i>Policy D13 Agent of Change</i></b></p> <p><i>A The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby.</i></p> <p><i>B Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.</i></p> <p><i>C New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.</i></p> <p><i>D Development proposals should manage noise and other potential nuisances by:</i></p> <ol style="list-style-type: none"> <li><i>1) ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area</i></li> <li><i>2) exploring mitigation measures early in the design stage, with necessary and</i></li> </ol> |

*appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations*

*3) separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.*

*E Boroughs should not normally permit development proposals that have not clearly demonstrated how noise and other nuisances will be mitigated and managed.*

The 'Agent of Change' concept is introduced in the NPPF, under the chapter / section relating to ground conditions and pollution (paragraphs 178-183). The section focuses on pollution in its traditional sense – land contamination, noise, light, air. Sports clubs are specifically identified as a community facility where there maybe agent of change issues – noise and light pollution being the most obvious issues.

The NPPG (paragraph: 009 Reference ID: 30-009-20190722, 22 July 2019) provides further guidance, identifying the types of nuisance to include noise, but also dust, odours, vibration and other sources of pollution.

In both documents the emphasis is on the new use (the 'agent of change') identifying any potential adverse effect and providing suitable mitigation.

London Plan *Policy D13 Agent of Change* reflects the principles of the NPPF / NPPG, but the clear emphasis is on 'mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development' (paragraph A). The remaining paragraphs of the policy repeat the phrase 'noise and other nuisance-generating' uses / developments with respect to mitigating the impact on such existing uses (paragraph B), the impact of new such uses on 'residential or other noise-sensitive uses' (paragraph C) and means of managing noise and other potential nuisances (paragraph D) through design, separation, screening, internal layout, sound-proofing, insulation and other acoustic design measures. The clear emphasis of Policy D13 is therefore on noise and other nuisances. 'Nuisance' isn't defined in the London Plan, but is defined in the Oxford Dictionary as 'a thing, person or situation that is annoying or causes trouble or problems'. Arguably a wayward golf ball is more of a 'hazard' being 'something that can be dangerous or cause damage'. So a nuisance is a persistent, ongoing issue whereas a 'hazard' is something that maybe an issue, but conversely, may not.

The practical applicability of Policy D13 in the context of the potential for golf balls to hit the proposed houses is weak, given the above. However, it is noted that the NPPF does make specific reference to 'sports clubs' and whilst the emphasis is on noise / light pollution in the context in which 'agent of change' is used in the NPPF, the golf club is a sporting club and golf balls hitting the proposed houses is something that could present an issue with the ongoing use of the golf course. Consequently, therefore it would be sensible to apply Policy D13 to the proposed development, even if on a precautionary basis.

In regards to mitigation, The Design and Access Statement states that the risk of golf balls hitting the proposed houses was addressed in the previous application that pre-dates Policy D13 / NPPF 2019 and this has been confirmed by the agent. The mitigation measure was to move the proposed dwellings from the site of the former (now demolished) cottages to avoid stray golf balls from the 4<sup>th</sup> tee.

It is also noted that the golf club are also the applicant and own the land. There could

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|      | <p>be non-planning mechanisms to avoid any complaints / issues with respect to wayward golf balls i.e. a condition on land registry title.</p> <p>Therefore, it is considered that the applicant has taken appropriate precautionary mitigation measures as to the risk of stray golf balls and the proposal addresses the health and safety concerns and the application accords on D13.</p>   |
| 2/04 | <p><b><u>Addendum Item 1:</u></b></p> <p>Condition 4 to be added to the list of conditions:</p> <p style="text-align: center;"><u>Management Plan</u></p> <p>The use hereby approved shall not be commenced until a Premises Management Plan has first been submitted to the Local Planning Authority to be agreed in writing. The plan shall include the following: details of how the residents are referred to the home to include their minimum/maximum occupancy, the levels of staffing and their proposed hours and sleeping arrangements, details of supervision arrangements for the occupants, visiting times for third parties and the inspection regime. The use shall be carried out in accordance with the plan so agreed and shall be retained as such thereafter.</p> <p>REASON: To safeguard the amenity of neighbouring residents in accordance with Policies DM1 and DM 29 of the Local Plan (2013).</p> |

**AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS**

| Agenda Item | Application Address                            | Speakers   |
|-------------|--|--|
| 1/01        | Canons Park Station Car Park (P/0858/20)       | Shirley Sackwild (Objector)<br>Mike Turner (Objector)<br>Steve Skuse (Agent for Applicant)<br>David Wakeford (Applicant)<br>Cllr Ameet Jogia (Back Bench)<br>Cllr Amir Moshenson (Back Bench)<br>Cllr James Lee (Back Bench) |
| 2/01        | Land South of Anmer Lodge (P/3109/20)          | Theo Demolder (Objector)<br>Lotte Hirst (Agent for Applicant)  |
| 2/02        | Bankfield Cottages, Ass House Lane (P/3983/20) | Cllr Stephen Greek (Back Bench)<br>Jack Cruickshank (Applicant)  |

