



**DEVELOPMENT CONTROL
COMMITTEE
WEDNESDAY 27 JULY 2005
7.30 PM**

COMMITTEE AGENDA

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 3)

Chair: Councillor Anne Whitehead

Councillors:

**Bluston
Choudhury
Idaikkadar
Miles**

**Marilyn Ashton (VC) Thornton
Mrs Bath
Billson
Janet Cowan
Mrs Joyce Nickolay**

Reserve Members:

1. Ismail
2. Blann
3. Thammaiah
4. Mrs R Shah
5. O'Dell

1. Kara
2. Arnold
3. Seymour
4. John Nickolay
5. Versallion

1. Branch

**Issued by the Democratic Services Section,
Legal Services Department**

**Contact: Kate Boulter, Committee Administrator
Tel: 020 8424 1269 E-mail: kate.boulter@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 27 JULY 2005

AGENDA - PART I

Guidance Note for Members of the Public Attending the Development Control Committee (Pages 1 - 2)

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Chair at the start of the meeting.

2. **Right of Members to Speak:**

To agree requests to speak from Councillors who are not Members of the Committee, in accordance with Committee Procedure 4.1.

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from all Members present.

4. **Arrangement of Agenda:**

(a) To consider whether any item included on the agenda should be considered with the press and public excluded because it contains confidential information as defined in the Local Government (Access to Information) Act 1985;

(b) to receive the addendum sheets and to note any applications which are recommended for deferral or have been withdrawn from the agenda by the applicant.

Enc. 5. **Minutes:** (Pages 3 - 12)

That it be agreed that, having been circulated, the Chair be given authority to sign the minutes of the meeting held on 6 July 2005 as a correct record once they have been printed in the Council Bound Minute Volume.

6. **Public Questions:**

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).

7. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors.

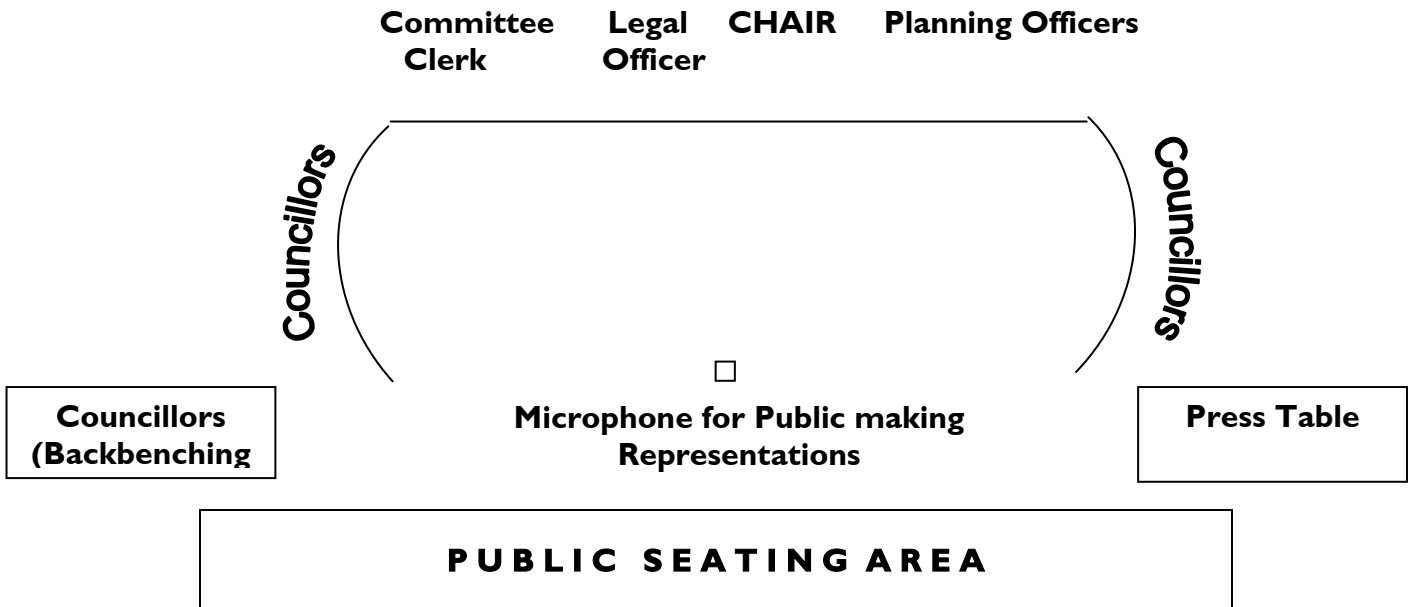
8. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.
9. **References from Council and other Committees/Panels:**
To receive references from Council and any other Committees or Panels (if any).
10. **Representations on Planning Applications:**
To confirm whether representations are to be received, under Committee Procedure Rule 17 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
11. **Planning Applications Received:**
Report of the Group Manager (Planning and Development) - circulated separately.
- Enc. 12. **Planning Appeals Update:** (Pages 13 - 16)
Report of the Group Manager (Planning and Development).
- FOR INFORMATION**
- Enc. 13. **Enforcement Notices Awaiting Compliance:** (Pages 17 - 20)
- FOR INFORMATION**
- Enc. 14. **Former BAE Systems Headquarters, The Grove, Warren Lane, Stanmore:** (Pages 21 - 24)
Report of the Director of Legal Services.
- Enc. 15. **Princess Alexandra Home, 40 Common Road, Stanmore:** (Pages 25 - 28)
Report of the Director of Legal Services.
- Enc. 16. **Whitchurch Institute:** (Pages 29 - 30)
Report of the Group Manager (Planning and Development).
- Enc. 17. **RAF Stanmore Park Play Area Adjacent to Chambers Walk:** (Pages 31 - 38)
Report of the Group Manager (Planning and Development).
- Enc. 18. **Heathfield School:** (Pages 39 - 46)
Report of the Group Manager (Planning and Development).
- Enc. 19. **2 Weald Lane, Harrow Weald:** (Pages 47 - 52)
Report of the Group Manager (Planning and Development).
- Enc. 20. **22 Walton Road, Harrow:** (Pages 53 - 58)
Report of the Group Manager (Planning and Development).
- Enc. 21. **46 Repton Road, Kenton:** (Pages 59 - 64)
Report of the Group Manager (Planning and Development).

- Enc. 22. **343 High Street, Harrow Weald:** (Pages 65 - 68)
Report of the Group Manager, Planning and Development.
23. **Any Other Business:**
(which the Chair has decided is urgent and cannot otherwise be dealt with).

AGENDA - PART II

**GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC
ATTENDING THE DEVELOPMENT CONTROL COMMITTEE**

Committee Room Layout



Order of Committee Business

It is the usual practice for the Committee to bring forward, to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate.

You will find a slip of paper on your seat for you to indicate which item you have come for. This should be handed to the Committee Administrator prior to the start of the meeting.

Although the Committee will try to deal with the application which you are interested in as soon as possible, often the agendas are quite long and the Committee may want to raise questions of officers and enter into detailed discussion over particular cases. This means that you may have to wait some time. The Committee normally adjourns around 9.00 pm for a short refreshment break for Members.

Rights of Objectors/Applicants to Speak at Development Control Committees

Please note that objectors may only speak when they have given 24 hours notice. In summary, where a planning application is recommended for grant by the Chief Planning Officer, a representative of the objectors may address the Committee for up to 3 minutes.

Where an objector speaks, the applicant has a right of reply. Planning Services advises neighbouring residents and applicants of this procedure. The Development Control Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are also set out in the "**Guide for Members of the Public Attending the Development Control Committee**" which is available in both the Environmental Information Centre and First Floor Reception or by contacting the Committee Administrator (tel 020 8424 1269). This guide also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions, and the rules governing these procedures at the Development Control Committee.

Addendum Sheet

In addition to this agenda, an Addendum Sheet is produced on the day of the meeting. This updates the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral. Copies of the Addendum are available for the public in the Committee Room from 6.30 pm onwards.

Decisions taken by the Development Control Committee

Set out below are the types of decisions commonly taken by this Committee

Refuse permission:

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

Grant permission as recommended:

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

Minded to grant permission contrary to officer's recommendation:

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

Defer for a site visit:

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, the application may be deferred until the next meeting, for an organised Member site visit to take place.

Defer for further information/to seek amendments:

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

Grant permission subject to a legal agreement:

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

(Important Note: This is intended to be a general guide to help the public understand the Development Control Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).

REPORT OF DEVELOPMENT CONTROL COMMITTEE

MEETING HELD ON 6 JULY 2005

Chair: * Councillor Anne Whitehead

Councillors: * Marilyn Ashton * Choudhury
* Mrs Bath * Janet Cowan
* Billson * Idaikkadar
* Bluston * Miles
* Branch (1) * Mrs Joyce Nickolay

* Denotes Member present
(1) Denote category of Reserve Members

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

934. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Thornton	Councillor Branch

935. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

936. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the provisions of the Local Government (Access to Information) Act 1985, the following item/information be admitted to the agenda by reason of the special circumstances and grounds for urgency stated:

<u>Agenda Item</u>	<u>Special Circumstances/Reasons for Urgency</u>
Addendum	This contains information relating to various items on the agenda and is based on information received after the agenda's dispatch. It is admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

(2) all items be considered with the press and public present.

937. **Minutes:**

RESOLVED: That the Chair be given the authority to sign the minutes of the meeting held on 15 June 2005, those minutes having been circulated, as a correct record of that meeting, once printed in the Council Bound Volume, subject to the following amendments:

- (i) Minute 920(ii) – Declarations of Interest
Amend to read: "Councillor Bluston declared a personal interest in the above application on the basis that he was Chair of the Council's Health and Social Care Scrutiny Sub-Committee and the Joint Scrutiny Committee for Harrow, Brent and Ealing on the new Northwick Park development. Accordingly he remained and took part in the discussion and decision-making on this item."
- (ii) Item 1/01 on the Schedule attached to the minutes – The Timber Carriage Public House, 19 Northolt Road, South Harrow
Add: "[Note (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reasons:

- (i) The design of the proposed development will not preserve or enhance the character of the nearby Conservation Area and will further add to the uninteresting and bland design of the surrounding development, adding nothing to the street scene, which will be detrimental to the visual amenities of the Conservation Area.
- (ii) The loss of a community facility, with its potential to be used by local residents as a meeting place, would be detrimental to the amenities of the area.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillor Bath wished to be recorded as having voted against the decision to grant the application.]”

938. **Public Questions:**

RESOLVED: To note that there were no public questions to be received at this meeting under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).

939. **Petitions:**

RESOLVED: To note that there were no petitions to be received at this meeting under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

940. **Deputations:**

RESOLVED: To note that there were no petitions to be received at this meeting under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).

941. **References from Council and other Committees/Panels**

941. **Petition Relating to Rayners Lane Estate Development: Reference from the Meeting of Council held on 21 April 2005:**

Officers referred the Committee to the Addendum, which contained a summary of the response which had been sent to the head petitioner.

RESOLVED: To note the petition and the response.

942. **Urgent Non-Executive Action - Land R/O 613 Kenton Lane:**

The Committee received the report of the Director of Legal Services outlining action taken following consultation with the Chair and Nominated Members of the Development Control Committee, since the meeting of the Committee held on 17 May 2005, under the Urgent Non-Executive Action Procedure.

RESOLVED: To note the following action, taken under the Urgent Non-Executive Action Procedure:

Subject: Land R/O 613 Kenton Lane, Harrow

Action Proposed: An enforcement report relating to the removal of the storage building be prepared by officers.

Reason for Urgency: The next meeting of the Development Control Committee was not until 15 June 2005.

Decision: Officer Recommendation agreed.

943. **Representations on Planning Applications:**

RESOLVED: To note that no representations on planning applications were received at this meeting under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

944. **Planning Applications Received:**

RESOLVED: That authority be given to the Group Manager (Planning and Development) to issue the decision notices in respect of the applications considered, as set out in the schedule attached to these minutes.

945. **Planning Appeals Update:**
The Committee received a report of the Group Manager (Planning and Development) which listed those appeals being dealt with and those awaiting decision.

RESOLVED: That the report be noted.

946. **Enforcement Notices Awaiting Compliance:**
The Committee received a report of the Group Manager (Planning and Development) which listed those enforcement notices awaiting compliance.

RESOLVED: That the report be noted.

Schedule 6 July 2005

(Note: The meeting, having commenced at 7.30 pm, closed at 10.02 pm).

(Signed) COUNCILLOR ANNE WHITEHEAD
Chair

SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT

LIST NO: 2/01 **APPLICATION NO:** P/754/05/CFU
LOCATION: Cloisters Wood, Wood Lane, Stanmore
APPLICANT: Gami Associates Ltd for Mr H Halai
PROPOSAL: Provision of New Gates across Entrance in Wood Lane
DECISION: DEFERRED at the request of the Committee to enable a Member site visit to take place before the application is considered.

LIST NO: 2/02 **APPLICATION NO:** P/895/05/DFU
LOCATION: 113 Alicia Gardens, Harrow
APPLICANT: Mr H Patel for Mr L Kerai
PROPOSAL: Single and Two Storey Side, Single Storey Front and Rear Extensions
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/03 **APPLICATION NO:** P/1154/05/CLB
LOCATION: Headstone Manor, Pinner View, Harrow Weald
APPLICANT: Francis Maude for Ian Wilson - Harrow Council
PROPOSAL: Listed Building Consent: Expose and Repair Hidden Window on East Elevation
DECISION: GRANTED Listed Building Consent in accordance with the works described in the application and submitted plans, subject to the condition and informative reported.

LIST NO: 2/04 **APPLICATION NO:** P/1024/05/CFU
LOCATION: 90 Osmond Close, South Harrow, Telephone Exchange
APPLICANT: Alan Dick UK Ltd for UK Broadband
PROPOSAL: 3 Communications Antennae, 2 Equipment Cabins and Ancillary Equipments
DECISION: REFUSED permission for the development described in the application and submitted plans for the following reason:

(i) The proposal represents a proliferation of telecommunications equipment which, by reason of siting and appearance, will add to the already overcrowded roof line to the detriment of the visual amenity in the street scene.

[Notes: (1) During discussion on the above item, it was moved and seconded that the application be refused. Upon being put to a vote, this was carried;

(2) Councillor Choudhury wished to be recorded as having abstained from the vote to refuse the application;

(3) the Group Manager (Planning and Development) had recommended that the above application be granted].

LIST NO: 2/05 **APPLICATION NO:** P/1189/05/CFU
LOCATION: Harrow College, Weald Campus, Harrow Weald
APPLICANT: Kenneth W Reed & Assocs for Harrow College
PROPOSAL: Hardsurfaced Seating Area at Rear of Refectory
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the condition and informatives reported.

LIST NO: 2/06 **APPLICATION NO:** P/833/05/CFU
LOCATION: Mount Pleasant Garage Flat, 105 Roxeth Hill, Harrow on the Hill
APPLICANT: J Driver Associates for Mrs M Driver
PROPOSAL: Demolition of Existing Building, Development of 3 x Single/2 Storey Terraced Houses with Rooms in Roof, Access, Parking
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Notes: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reasons:

- (i) The proposal represents an overdevelopment of the site by reason of excessive scale, height and density to the detriment of the Roxeth Hill Conservation Area and Area of Special Character.
- (ii) The shared vehicular access, between the proposed houses and the adjacent garages and tennis courts, will give rise to congestion to the detriment of the free flow of traffic and safety of the area.
- (iii) The close proximity of Cobblers, which is situated to the west of the proposal, will be detrimental to the residential amenity of the occupiers of the property by reason of disturbance and loss of privacy.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted against the decision to grant the application].

LIST NO: 2/07 **APPLICATION NO:** P/836/05/CCA
LOCATION: Mount Pleasant Garage Flat, 105 Roxeth Hill, Harrow on the Hill
APPLICANT: J Driver Associates for Mary T Driver
PROPOSAL: Conservation Area Consent: Demolition of Existing Building
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Notes: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reasons:

- (iv) The proposal represents an overdevelopment of the site by reason of excessive scale, height and density to the detriment of the Roxeth Hill Conservation Area and Area of Special Character.
- (v) The shared vehicular access, between the proposed houses and the adjacent garages and tennis courts, will give rise to congestion to the detriment of the free flow of traffic and safety of the area.
- (vi) The close proximity of Cobblers, which is situated to the west of the proposal, will be detrimental to the residential amenity of the occupiers of the property by reason of disturbance and loss of privacy.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted against the decision to grant the application].

LIST NO:	2/08	APPLICATION NO:	P/446/05/CCO
LOCATION:	Ad Astra, Priory Drive, Stanmore		
APPLICANT:	Munkenbeck/Marshall Architects for Mr & Mrs S Chandaria		
PROPOSAL:	Retention of 2 Air Conditioning Units with Gates and Fencing		
DECISION:	GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, and the following amendment to the conditions: <u>Condition 4:</u> Add: "Particular attention should be given to screen planting around the air conditioning enclosure fronting Priory Drive, in order to reduce the visual impact in the street scene."		

LIST NO:	2/09	APPLICATION NO:	P/776/05/CFU
LOCATION:	Three Chimneys, 59 The Common, Stanmore		
APPLICANT:	Rogerson Limited for Mr & Mrs Zimmerman		
PROPOSAL:	Demolition of Existing Dwellinghouse, Provision of Replacement Dwellinghouse		
DECISION:	GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, as amended in the Addendum, and the following amendment to the conditions: <u>Condition 2:</u> Add: "(d) the external face of the chimneys shall be constructed from the reclaimed chimney bricks on the existing house unless otherwise agreed in writing by the Local Planning Authority."		

LIST NO: 2/10 **APPLICATION NO:** P/2981/04/CFU
LOCATION: Oxhey Lane Farm, Pinner
APPLICANT: Geo-Plan Consultants Ltd for J Wiggett
PROPOSAL: Conversion of Existing Shop to Part of House, Replacement of Dairy with Farm Shop, Re-arrangement of Car Park, Extension of Barn to Accommodate Livery Stables
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/11 **APPLICATION NO:** P/971/05/CFU
LOCATION: High Loaning, 21 Potter Street Hill, Pinner
APPLICANT: Mr M Keane
PROPOSAL: Two Dormer Windows in Front Roof, Rooflights in Side & Rear Roof, Pitched Roof over Single Storey Side Extension
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informative reported.

LIST NO: 2/12 **APPLICATION NO:** P/432/05/DFU
LOCATION: 149 High Street, Wealdstone
APPLICANT: Shaun Phillips
PROPOSAL: Conversion of House and Two Self-Contained Flats (Resident Permit Restricted)
DECISION: REFUSED permission for the development described in the application and submitted plans for the following reason:

- (i) The proposal represents an overintensification of the property and offers no available outdoor amenity space to the upper unit to the detriment of the residential amenities of future occupiers.
- (ii) The space available for refuse storage is insufficient. Given that brown and green bins are now required to service two separate dwellings, a minimum number of four bins in total is required. This will be visually obtrusive in the street scene to the detriment of the amenities of the surrounding area and will potentially obstruct the access to the front of the property.

[Notes: (1) During discussion on the above item, it was moved and seconded that the application be refused. Upon being put to a vote, this was carried;

(2) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted for the decision to refuse the application;

(3) Councillors Bluston, Choudhury, Idaikkadar, Miles and Anne Whitehead wished to be recorded as having voted against the decision to refuse the application;

(3) the Group Manager (Planning and Development) had recommended that the above application be granted].

LIST NO: 2/13 **APPLICATION NO:** P/1246/05/CFU
LOCATION: 15 St John's Rd, Harrow
APPLICANT: Malcolm D Crus for Tresse Lit
PROPOSAL: Alterations to Building under Construction to Allow Installation of Additional Windows in Side Elevations
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the condition and informative reported.

LIST NO: 2/14 **APPLICATION NO:** P/1064/05/DFU
LOCATION: 34 Roxborough Road, Harrow
APPLICANT: David R Yeaman & Associates for Mr Simon Gorgin
PROPOSAL: Rear Dormer, Alterations and Conversion of House to Three Self-Contained Flats (Resident Permit Restricted)
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Notes: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reasons:

- (i) The proposal represents an overintensification of the property and will give rise to additional activity and disturbance generated by two additional households to the detriment of the residential amenities of neighbouring properties.
- (ii) The upper two flats will not have access to any outdoor amenity space to the detriment of the residential amenities of future occupiers.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillors Bluston, Choudhury, Idaikkadar, Miles and Anne Whitehead wished to be recorded as having voted for the decision to grant the application;

(4) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted against the decision to grant the application].

LIST NO: 2/15 **APPLICATION NO:** P/609/05/DFU
LOCATION: 9 Hughenden Avenue, Harrow
APPLICANT: H Patel for Mr & Mrs Ashar
PROPOSAL: Single Storey Front, Two Storey Side and First Floor Rear Extensions, Rear Dormer
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informative reported.

LIST NO: 2/16 **APPLICATION NO:** P/2942/04/DFU
LOCATION: Harrow School, Football Lane and Adjoining Accessways, Harrow on the Hill
APPLICANT: Kenneth W Reed & Assocs for Harrow School
PROPOSAL: 4 Areas of Road Works including Bollards, Barriers and Control Boxes; Hardsurfacing & Alterations to Garlands Lane (Revised)
DECISION: DEFERRED at officers' request.

LIST NO: 2/17 **APPLICATION NO:** P/1045/05/COU
LOCATION: 141 & 143 Headstone Lane, Harrow Weald
APPLICANT: Anthony Keating
PROPOSAL: Outline: Redevelopment to Provide a Detached Block of 7 Flats, Access and Parking
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Notes: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reasons:

- (i) The proposal represents an overdevelopment, which will be out of character in an area characterised by detached, semi-detached or smaller double storey terraced dwellings, giving rise to a loss of residential amenity to the surrounding area.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted against the decision to grant the application].

LIST NO: 2/18 **APPLICATION NO:** P/717/05/DFU
LOCATION: 4 King Henry Mews, Byron Hill Road, Harrow on the Hill
APPLICANT: Mr G Arden
PROPOSAL: Single Storey Rear Extension
DECISION: DEFERRED at the request of the Committee to enable a Member site visit to take place before the application is considered.

LIST NO: 2/19 **APPLICATION NO:** P/598/05/DFU
LOCATION: 25 King Henry Mews, Byron Hill Road, Harrow on the Hill
APPLICANT: Macleod & Fairbriar
PROPOSAL: Alterations and Revised Boundary Treatment to Flat Roof Adjoining Flat 6 to Provide Terrace with Railings
DECISION: DEFERRED at the request of the Committee to enable a Member site visit to take place before the application is considered.

SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

LIST NO: 4/01 **APPLICATION NO:** P/1152/05/CNA

LOCATION: 116-130 Woodford Crescent, Pinner

APPLICANT: London Borough of Harrow

PROPOSAL: Consultation: Two Storey Rear Extension to Form 8 Flats

DECISION: RAISED NO OBJECTIONS to the development set out in the application and submitted plans, subject to regard being had to the informative reported.

LIST DATE: 20-06-2005

APPEALS BEING DEALT WITH

WRITTEN REPRESENTATIONS	APPEAL REF:	OFFICER	QUESTIONNAIRE DUE/SENT	STATEMENT DUE	SITE VISIT DATE/TIME
311a Rayners Lane, Pinner	3337	KMS	Sent 02.06.05	05.07.05	
47 Buckingham Road	3342	MRE	Appeal forms rec'd	24.05.05 – awaiting start date	
9 Carrington Square	3344	GW	Appeal forms rec'd	02.06.05 – awaiting start date	
Land o/s North Harrow Methodist Church	3347	CM	Sent 30.06.05	28.07.05	
16 Harrow View, Harrow	3350	KMS	Due 14.07.05	11.08.05	
30 Cavendish Drive	3352	SL	Sent 08.07.05	12.08.05	
3 Anselm Road, Hatch End	3353	TEM	Appeal forms rec'd	27.06.05 – awaiting start date	
220 Shaftesbury Avenue, Harrow	3354	KMS	Appeal forms rec'd	28.06.05 – awaiting start date	
The Bothy, Old Redding	3355	CM	Due 20.07.05	17.08.05	
56 Potter Street, Pinner	3356	OH	Appeal forms rec'd	30.06.05 – awaiting start date	
9 Thorndyke Court	3357	PDB?	Appeal forms rec'd	05.07.05 – awaiting start date	
R/o 613 Kenton Lane	3358	AMH	Appeal forms rec'd	06.07.05 – awaiting start date	
2-4 Uppingham Avenue, Stanmore	3360	PDB	Appeal forms rec'd	06.07.05 – awaiting start date	

HEARINGS	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	LOCATION
45-51 Southfield Park, North Harrow	3248	TW	Sent 04.10.04	27.09.05	Ping Conf. Room
25A Masons Avenue, Harrow	3250	PDB	Sent 08.10.04	04.10.05	Ping Conf. Room
9-17 Road, Harrow	3261	TW	Sent 12.11.04	20.09.05	Ping Conf. Room
13-17 Manor Road, Harrow	3331	TW	Sent 16.06.05		
15 Gordon Avenue	3288	TW	Sent 11.04.05		
7/9 Stanmore Hill	3290	AMH	Sent 13.01.05		
Eastcliff, Brookshill Drive, Harrow Weald	3292	TEM	Sent 21.01.05		
Harrow Hospital	3303	TW	Sent 26.01.05		
81 Roxeth Hill (Enforcement)	3308	RJS	Sent 06.04.05	11.10.05	
The Gardens, r/o Pinner Road	3309	TW	Sent 02.03.05		
22 Devonshire Road	3311	AMH	Sent 1 5.03.05		
21-23 Woodhall Drive, Pinner	3316	JH	Sent 23.03.05		
Sunningdale, London Road, Harrow on the Hill	3318	RS	Sent 07.04.05		

Timber Carriage Public House, 19 Northolt Rd	3319	RS	Sent 07.04.05	
31 Northumberland Road, North Harrow	3328	PDB	Sent 24.05.05	
Portman Hall, Old Redding (enf)	3332	GDM	Sent 05.07.05	18.10.05 (offered)
239 Kenton Lane, Harrow	3335	MRE	Sent 28.06.05	
R/o 32 High Street, Pinner	3338	PDB	Due 19.07.05	
21 Church Road, Stanmore	3343	AB	<i>Appeal Forms rec'd 31.05.05 – awaiting start date</i>	
85 & 87 London Rd	3351	DT	<i>Appeal Forms rec'd 27.06.05 – awaiting start date</i>	
31 Northumberland Road, North Harrow	3359	PDB	<i>Appeal Forms rec'd 08.07.05 – awaiting start date</i>	

PUBLIC INQUIRIES		APPEAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION
294 Uxbridge Road, Hatch End		3297	JH	Sent 25.01.05	01.11.05 (1 day)	
R/O Chester Court, Sheepcote Road		3314	RS	Sent 15.03.05	21.03.06 (1 day)	

APPEALS AWAITING DECISION

WRITTEN REPRESENTATIONS	APPEAL REF:	OFFICER	STATEMENT SENT	FINAL COMMENTS DUE (L-PA & APPELLANT ONLY)	SITE VISIT DATE/TIME
Kings Head Hotel, Harrow on the Hill	3270	TW	01.12.04	Expired	12.07.05 @ 11:00
20 Fairview Crescent, Harrow	3263	KS	05.01.05	Expired	09.05.05 @ 11:45
45 St. Margarets Avenue, South Harrow	3296	KMS	06.01.05	Expired	09.05.06 @ 11:00
19&21 & R/O 11-29 Alexandra Avenue	3300	TW	15.02.05	Expired	09.05.04 @ 10:15
27 Tregenna Avenue	3301	PDB	03.03.05(q)	Expired	
21 Church Road, Stanmore (enforcement)	3320	KB	19.04.05	Expired	
Broomhill, Mount Park Road (enforcement)	3323	KB	29.04.05	Expired	
32-38 Greenford Road	3329	TEM	20.05.05	Expired	
1 South Close	3330	UE	27.05.05	Expired	
50 Roxborough Park	3326	CM	31.05.05	Expired	04.07.05 @ 10:30
R/O 123-135 Whitchurch Lane	3327	TW	26.05.05	Expired	
Churchill Court, 100A Roxeth Green Ave	3340 3341	PDB	02.06.05 (q)	26.07.05	
133 Christchurch Avenue, Kenton	3333	ML1	16.06.05	07.07.05	
Land opp 102 West End Lane.	3334	RJS	22.06.05		
Lnd Outside 72 Uxbridge Road, H/Weald	3336	CM	27.06.05	18.07.05	
48 South Parade, Mollison Way	3345	AMH	29.06.05 (q)	16.08.05	

Junction Elms Rd and Uxbridge Rd	3346	CM	30.06.05 (g)	18.08.05
Land o/s 2 Woodhall Avenue	3348	RJS	30.06.05 (g)	19.08.05
Garages, Summit Close, Edgware	3349	RJS	04.07.05 (g)	24.08.05
27 Corbins Lane	3339	OH	04.07.05	28.07.05

HEARINGS	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	LOCATION
274-278 Northolt Road, South Harrow	3237	TEM	Sent 20.09.04	28.06.05	
1-4 Chandos Parade	3240	TW	Sent 11.10.04	29.06.05	
PUBLIC INQUIRIES	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION
102 High Street (Discontinuance Appeal)	3239	FS	Sent 04.03.05	21.06.05 (2 days)	

DECISIONS (since 01.04.05)

APPEAL REF:	OFFICER	DECISION	DATE
4 Latimer Gardens	JH	DISMISSED	05.04.05
County House, 29 Peterborough Road	TW	ALLOWED	08.04.05
26 Radnor Road, Harrow	DEH	DISMISSED	08.04.05
67a Gayton Road, Harrow	CM	DISMISSED	11.04.05
5 Derwent Avenue, Hatch End	MRE	DISMISSED	18.04.05
36 Imperial Drive, North Harrow	OH	DISMISSED	18.04.05
61 Birkdale Avenue, Pinner	PDB	ALLOWED	19.04.05
54 Lyndhurst Avenue	KMS	DISMISSED	19.04.05
146 Headstone Drive, Harrow	KMS	DISMISSED	20.04.05
9 Dearne Close	JB	ALLOWED	20.04.05
44 Butler Road, Harrow	AMH	DISMISSED	22.04.05
12 Cuckoo Hill Drive, Pinner	OH	DISMISSED	22.04.05
45 Graham Road, Wealdstone	SK	ALLOWED	25.04.05
2 Oak Tree Close, Stanmore	OH	DISMISSED	26.04.05
184 Whitchurch Lane	TEM	ALLOWED	27.04.05
354-366 Pinner Road, Harrow	TEM	WITHDRAWN	29.04.05
7 Sancroft Avenue, Harrow	UE	DISMISSED	27.04.05
33 Eastleigh Avenue, Harrow	KS	DISMISSED	03.05.05
37 Arundel Drive, Harrow	MRE	DISMISSED	04.05.05
93 Eastcote Lane, Harrow	KMS	PART ALLOWED	04.05.05
Adj. 68 Boxtree Lane, Harrow Weald	CM	DISMISSED	06.05.05

Cottages, Cherry Tree Way	3258	TEM	WITHDRAWN	11.05.05
14 Bengarth Drive, Harrow Weald	3287	GDM	ALLOWED	12.05.05
19 Cunningham Park, Harrow	3313	PDB	ALLOWED	12.05.05
'Stella Maris', 39 Oakhill Avenue, Pinner	3310	TW	DISMISSED	12.05.05
56 Clifton Road, Kenton	3277	SK	DISMISSED	17.05.05
48 Talbot Road, Harrow	3262	CM	ALLOWED	18.05.05
60 Brampton Grove, Kenton	3247	CM	ALLOWED	18.05.05
16 & 17 Broadmead Close, Hatch End	3295	TBW	DISMISSED	18.05.05
102 Parkside Way	3285	PDB	DISMISSED	18.05.05
4 South Close, Off Village Way, Pinner	3305	KMS	DISMISSED	24.05.05
121 Blenheim Road	3307	JAB	DISMISSED	26.05.05
R/O 142 Greenford Road	3322	OH	WITHDRAWN	01.06.05
R/O 71/83 Canterbury Road, North Harrow	3312	RS	DISMISSED	17.06.05
R/O Rising Sun, Public House	3315	RS	ALLOWED	21.06.05
2 Dukes Avenue, Edgware	3317	TW	ALLOWED	21.06.05
1 Hathaway Close, Stanmore	3269	JH	ALLOWED	21.06.05
6 South Close, Pinner	3321	PDB	ALLOWED	21.06.05
11 St. Austell Close	3324	AMH	ALLOWED	21.06.05
4 Elm Park, Stanmore	3276	TEM	DISMISSED	22.06.05
1 & 2 Station Parade, Kenton Lane	3304	TW	ALLOWED	22.06.05
0/S 127 Marsh Road, Pinner	3306	TEM	ALLOWED	22.06.05
Outside Homebase, Harrow Weald	3257	TEM	ALLOWED	30.06.05
Land adjacent Leeffe Robinson Public House	3284	JH	ALLOWED	30.06.05
31 Elms Road, Harrow Weald	3275	TEM	ALLOWED	04.07.05
33 Bolton Road	3325	NB	DISMISSED	05.07.05

ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 July 2005

ADDRESS	EN/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
78 CECIL ROAD Demolish unauthorised structure	ENF/339/01/EAST LP/KW/PEN-12858	GDM	12-Sep-01	17-Oct-01	15-Feb-02	26-Mar-02	Yes Hearing. 19-Aug-03.	1 Month	26-Apr-02 27/9/03	Planning application received. Being determined. Refused 01-Aug-02. Legal to write to developer giving him a month to comply. Letter sent. 18.10.02. Prosecute for non-compliance. Appeal now entered against the refusal of permission held in abeyance until result. Prosecution statement with Borough Solicitor for checking. Letter for action sent by Borough Solicitor. Borough Solicitor forwarding papers to Court. Court case deferred till 7 Apr 04. Court case deferred to 28-APR-04. Court adjourned to 19 May 2004 for Committal hearing. Court issued a warrant with no bail as the defendant failed to attend. Borough solicitor to appoint investigator to provide information to the Police. Notification sent to owner at the site re Council's option to take direct action. Enf Officer to prepare prosecution statement.
482 KENTON ROAD KENTON Erection of two sheds and use of and garage for non domestic storage, BCN.	ENF/205/EAST LP/KW/PEN-13005/bw	NP	11-Sep-02	16-Sep-02 16-Jul-03	23-Jan-04			1 month		Section 330 Notices. Notice ready to be signed. One shed now removed. New Notice to be prepared. New authority now signed. Borough Solicitor preparing notice. Changes to the property require a new report to be prepared to the Development Control Committee. Borough Solicitor to serve breach of condition notice. BCN served 23 January 2004. Borough Solicitor corresponding with owners solicitor. Site visit to be carried out then Enf Officer and Borough Solicitor to discuss the likelihood of success in Court. Enf. Officer to visit.
9 WEST DRIVE GARDENS HARROW Roof alterations without planning	EAST/631/02/FUL ENF/480/02/EAST LP/MW/PEN/13018	GDM	20-Sep-02	20-Sep-02	11-Feb-03	21-Mar-03	Yes Hearing 03-Jun-03	10 months	21-Jan-04 21-Mar-04 26-APR-04	Notice to be served as soon as possible. Notice of appeal served. Appeal Dismissed Insp letter dated 20-Jun-03. Owners have offered to

ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 July 2005

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
permission										do works required, starting in Sept 2004. Site inspected in Sept 04, no works carried out. Borough Solicitor sent letter before action. Enf Officer to prepare prosecution statement.
93 STANMORE HILL STANMORE New Shop front	ENF/530/02/EAST	csw	Dec-02 14-JAN-04	13-Dec-02	19-Apr-04				12-DEC-04	Notice in draft. App now received to remedy. App refused, enforcement officer pursuing investigation. Borough Solicitor preparing notice. Report to Development Control Committee on 14 Jan 2004. Borough Solicitor preparing notice. Notice served. Site visited and notice appears not to have been complied with. Enf Officer wrote to owner. Enf Officer to draft prosecution statement.
8 KENTON ROAD HARROW Use of property as 5 self contained flats	ENF/326/02/EAST	GDM	15-Jan-03	21-Jan-03						To be the subject of a report to Committee. Reported to Development Control Committee on 5 November 2003, and subject to committee decision. Planning application submitted for change of use to 5 flats, P/719/04/DFU.
81 Roxeth Hill Harrow on the hill Erection of roof		AB / RD				14-Jan-05	Appeal submitted	3 Months	13-APR-05	AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Appeal part allowed.
46a Harrow View Harrow COU flat to bedits	ENF/314/03/P	GDM	14-JAN-04	25-May-04	2-Jul-04			6 Months	2-Jan-05	Notice served. Property is vacant, physical works offered to be done by end of March 2005, enf officer to inspect after that date. Property vacant, internal door locks removed, no further action required.
154 Eastcote Lane South Harrow Single storey rear extension and raised patio	ENF/317/03/P	NP	17-Mar-04	23-Mar-04	27-may-04	30-Jun-04		3 Months	01-Oct-04	S330 notice served. Notice served. Appeal received, appeal not valid. Section 78 appeal submitted, awaiting outcome. S78 appeal dismissed, owners asked to provide details of timescale for compliance with notice. Agent looking into how to alter development to comply with notice.
REGENT HOUSE, 21 CHURCH ROAD, STANMORE.	ENF/442/02/EAST	CJF AND	10-Jul-03	16-Jul-03	13-Jan-05	23-Feb-05		3 Months	24-May-05	Report to be placed before July DC Committee. S16 served.

ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 July 2005

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Four Air Con Units on a Listed Building		AB								Borough Solicitor drafting notice. Notice served. An incomplete application for the screening of the units was submitted in Nov 2004. The applicant is looking to provide further information to make this application valid. Appeal submitted.
Broomhill Mount Park Road Hoth	ENF/625/03/P	GDM	8-DEC-04		7-FEB-05	11-MAR-05		28 Days	09-APR-05	Notice served. Appeal submitted.
Compliance with condition 8 Portman Hall Old Redding Harrow	ENF/96/03/P	GDM	21-Apr-04	28-Apr-04	7-APR-05	8-MAY-05		3 Months	9-Aug-05	S330 notices served. Draft notice prepared. Opinion on draft enforcement notice being sought from Counsel. Notice served. Appeal submitted.
Erection of fence on roof										
Prosecutions for unlawful advertisements										

ENFORCEMENT NOTICES AUTHORISED, AWAITING SERVICE

1 NELSON ROAD HARROW	WEST/1209/02/VAR LP/PEN 13099	INP								Planning application P1779/03/CVA to allow clear opening fan light window allowed. No longer any breach of planning control. No further action required.
25 LAKE VIEW, EDGWARE. HA7 4SF	ENF/33/03/P	CSW	22-Apr-03	16-Jul-03						S330 notices served. Borough Solicitor preparing notice. Planning application lodged to vary condition. PP granted. Property changed hands. Enf Officer negotiating with new owner.
4 Elm Park Stanmore	ENF/297/03/P	INP	17-Mar-04	23-Mar-04 27-Jul-04						S 330 served. Reported to DCC again with retrospective planning application. Application refused. New report to be prepared by Enf Officer.
COU from 3 flats to 3flats and a dwelling house										
201-203 Headstone Lane	ENF/715/03/P	CSW	21-Apr-04	28-Apr-04						EO's and Borough Solicitor reviewing evidence with Chief

ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 July 2005

ADDRESS	EN/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
BCN, Access to front										Planning Officer.
Harrow Hospital 88 Roxeth Hill Harrow		GDM	9-NOV-04							
Erection of sales building 35 Orchard Grove Edgware		RJP	17-May-05							
33 Orchard Grove Edgware		RJP	17-May-05							
61 Oxleay Road Harrow		RJP	17-May-05							
343 High Road, Harrow Weald		RJP	27-July-05							
22 Walton Road, Harrow		RJP	27-July-05							
46 Repton Road, Kenton		RJP	27-July-05							
2 Weald Lane, Harrow Wealdstone		RJP	27-July-05							



Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	Former BAE Systems headquarters, The Grove, Warren Lane, Stanmore
Responsible Officer:	Director of Legal Services
Contact Officer:	Noreen Dunn
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public (Part I)

Section 1: Summary

Decision Required

The Director of Legal Services be authorised to complete a deed of release to secure the discharge of the covenants imposed by the following two agreements in respect of land at The Grove, Warren Lane, Stanmore, Middlesex:

1. s.52 Town & Country Planning Act 1971 Agreement dated 14 May 1978.
2. s.52 Town & Country Planning Act 1971 Agreement dated 13 July 1987.

The discharge of the two agreements to be effective upon the implementation of the s.106 Unilateral Undertaking by BAE Systems Electronics Ltd. In respect of land at The Grove, Warren Lane, Stanmore, Middlesex dated 12 November 2004.

Reason for report

To simplify matters to avoid future confusion over the precise extent of the building envelope as indicated by the Secretary of State. (see para. 2.1

Below)

Benefits

The Deed of Release would enable the new development to start with a clean slate and so keep matters simple.

Cost of Proposals

Time of Legal officers in drafting and completing the Deed

Risks

None

Implications if recommendations rejected

The concerns of the Secretary of State raised in his decision letter of 31 May 2005 would not be allayed and he would have to be so informed.

Section 2: Report

2.1 Brief History

Following public inquiry after a s.78 appeal over non-determination, the Secretary of State granted outline planning permission on 31 May 2005, subject to conditions. One of the material considerations taken into account in his decision was a s.106 Unilateral Undertaking dated 12 November 2004 submitted by the appellant.

The Secretary of State indicates that he agrees with the appellant and current owner that a Deed of Release would secure the discharge of the covenants imposed by the two previous s52 agreements and would meet his concerns in this respect. On that basis he is content with the wording of the Unilateral Undertaking of 12 November 2004.

The s.52 agreement of 1978 required the carrying out of certain landscape works and the provision of a bond to secure their implementation.

It restricted the build development outside the building envelope and allowed for the transfer of an area of land to the Council. This obligation has been satisfied and the Council is now owner of the relevant area.

The s.52 agreement of 1987 provided for the carrying out of landscape work secured by a bond and expanding the original building envelope.

There are minor differences between the build envelope under this 1987 agreement and the current grant of planning permission of 31 May 2005. The Unilateral Undertaking of 12 November 2004 reflects the build envelope that the Secretary of State has granted planning permission for.

As indicated by the Secretary of State the best course of action is to simplify matters by the Council entering into a simple deed of release to avoid future confusion over the precise extent of the building envelope.

2.2 Options considered

A simple letter of release would not suffice

2.3 Consultation

Not applicable

2.4 Financial Implications

This report is not seeking additional financial resources. The cost of officer time and associated costs spent on the Deed will be met from existing directorate budgets.

2.5 Legal Implications

The preferred way of altering amending or extinguishing an agreement under seal is by way of a subsequent deed under seal.

s.52 town & Country Planning Act 1971 is the predecessor of s.106 Town & Country Planning Act 1990

The Deed of Release would be conditional upon implementation of the Unilateral Undertaking of 12 November 2004 thereby leaving the current agreements in place in the event of the new development not proceeding.

2.6 Equalities Impact

Section 3: Supporting Information/ Background Documents

Inspectors Report to the First Secretary of State 9 December 2004

First Secretary of State's letters of 3 March 2005 and 31 May 2005

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Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	Princess Alexandra Home 40 Common Road, Stanmore
Responsible Officer:	Director of Legal Services
Contact Officer:	Noreen Dunn
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public Part 1

Section 1: Summary

Decision Required

Extend the time for completion of the legal agreement to 31 January 2006

Reason for report

DCC authority for completion of the legal agreement expires on 27 July 2005 however the agreement has not yet completed.

Benefits

One of the heads of term is the offer to the Council of a lease to enable the provision of public access to the part of the site bounded by Bentley Priory Open Space

Cost of Proposals

The Council's legal costs concerning the agreement will be recovered from the developer.

Risks

As contained in the report

Implications if recommendations rejected

Section 2: Report

2.1 Brief History

On 28 July 2004 Development Control Committee resolved to grant outline planning permission at the site to provide a replacement nursing and care home with a day care centre subject to completion of a legal agreement within one year of the resolution.

The s.106 agreement is to provide for:

- a) the offer to the Council of a lease to enable the provision of public access over that part of the site which is bounded by Bentley Priory Open Space, together with a sum for subsequent maintenance.
- b) an Action Plan in respect of the transfer of the residents to alternative facilities during the construction period.

The developer's solicitors only commenced negotiations in June 2005, despite a number of reminders from the legal officer that authority to complete the agreement would expire on 27 July 2005.

Negotiations are only at the initial stage, and it is envisaged that a period of at least six months (i.e. until January 2006) is needed to complete.

2.2 Options considered

Not applicable

2.3 Consultation

Not applicable

2.4 Financial Implications

The Council's legal costs are to be recovered from the developer. There are no other financial implications for Harrow Council.

2.5 Legal Implications

The Committee is entitled to consider the whole application afresh, however the previous Committee decision is a material consideration (although the Committee has a discretion to be exercised in its own judgment). Because of the importance of consistency full reasons for departing from the decision of 28 July 2004 should be given if relevant.

2.6 Equalities Impact

Section 3: Supporting Information/ Background Documents

None

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Meeting:	Development Control Committee
Date:	27th July 2005
Subject:	Whitchurch Institute, Buckingham Road
Responsible Officer:	Group Manager, Planning & Development
Contact Officer:	Tim Wood
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Part 1

Section 1: Summary

Recommendation

To approve the revised draft condition 4 as outlined in Section 2.1 below.

Reason for Report

To obtain approval to vary a draft condition.

Benefits

N/A

Cost of Proposals

N/A. There are no cost implications for Harrow Council.

Risks

N/A

Implications if recommendations rejected

Section 2: Report

2.1 Brief History

On 12th October 2004 the Development Control Committee resolved to grant planning permission for extensions to Whitchurch Institute, subject to a S106 Agreement requiring a Travel Plan (as yet not completed). The recommendation contained a condition to restrict the hours of use to 09.00 to 19.00 Mondays to Saturdays and 09.00 to 18.00 Sundays or Bank Holidays. It has since come to light that these hours would unduly restrict the use of the building as it is currently used outside these hours. The existing use of the building is not restricted by planning condition. However, the applicants have advised us that their hours of use are as follows 06.00 to 11pm.

It is proposed to modify draft condition 4 to reflect the existing use of this building.

2.2 Relevance to Corporate Priorities

This report addresses the Council's stated priority of enhancing the environment of the Borough.

2.3 Options Considered

None

2.4 Consultation

N/A

2.5 Financial Implications

There are no financial implications for Harrow Council.

2.6 Legal Implications

N/A

2.7 Equalities Impact

N/A

Section 3: Supporting Information/Background Documents



Meeting:	Development Control Committee
Date:	27th July 2005
Subject:	RAF Stanmore Park, Play Area adjacent to Chambers Walk
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Ed McAlister
Portfolio Holder:	Planning Development and Housing
Key Decision:	No
Status:	Part 1 (Public)

Section 1 : Summary

Decision Required

To decide whether the Play Area should be removed and the equipment relocated.

Reason for Report

To seek the Committees views given the circumstances of the situation.

Benefits

As contained in the report.

Cost of Proposals

None. There are no cost implications for Harrow Council.

Risks

As discussed in the report.

Section 2 : Report

2.1. Brief History

Planning application EAST/1058/99/FUL for the redevelopment for housing and public open space of RAF Stanmore Park was granted in principle by the Planning Committee on 14th September 2000, subject to the completion of a S.106 legal agreement.

The permission was issued on 26th April 2001. Condition 33 was added by the Committee as follows:-

“In addition to the main Play Area, the applicant shall provide toddler’s play equipment in other areas within the site. Details to be submitted to and approved by the Local Planning Authority.

REASON: To ensure satisfactory provision of childrens play facilities.”

Minute 182 of the meeting records the Committee’s decision. (At Appendix A).

The approved layout plan showed a play area on the open space flood area south of Goodhall Close. (Plan at Appendix B).

It proved very difficult to identify obvious locations for other areas, and in 2003 Laings proposed a small play area within the eastern area of public open space between Chambers Walk and Wolstenholme. (Plan at Appendix C).

In accordance with approved delegated procedures and in the absence of an instruction from Committee that residents should be consulted, the proposals were accepted by letter dated 5th January 2004 following consultation with the Council’s Parks Department. The play area was installed towards the end of 2004 and consists of a ‘Toni Turtle’ Sit-in Spring Mobile, a ‘Freddie Frog’ Sit-in Spring Mobile and a Woodland ‘Leprechaun’ Multi-Play System. Verbal expressions of concern were subsequently made to the Case Officer by a nearby resident who complained that he was not made aware of the facility, and by Councillors Mrs. Bath and Mrs. Ashton.

Laings were made aware of the concern and have fenced off the facility. They confirm that the area could be removed and the equipment re-used in the approved play area in the flood plain. They point out however that the development partners have sold and occupied their dwellings to customers on the basis that play areas were being installed on the site as an amenity for them to use. They would like to receive a justification for removal from the Council to pass on to residents.

In the light of these considerations the Committee is requested to decide whether the Play Area should be removed and the equipment relocated.

2.2 Options Considered

It is considered that there are no other suitable locations for the facility.

2.3 Consultation

Not required

2.4 Financial Implications

There are no financial implications for Harrow Council.

2.5 Legal Implications

None

2.6 Equalities Impact

None

Section 3 : Supporting Information/Background Documents

Planning Application EAST/1058/99/FUL

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181. **Minutes: RESOLVED:** That (1) the minutes of the meeting held on 21 June 2000, having been circulated, be signed as a correct record;

(2) the minutes of the meeting held on 20 July 2000 be deferred until printed in Volume 3 of the Minute Book.

182. **EAST/1058/99 and EAST/1059/99 - RAF Stanmore Park - 411 Dwellings in 2-4 Storey Houses and Flats: Community Facilities; Access; Parking; Public Open Space:** The Committee considered the above applications.

Application EAST/1058/99/FUL had been deferred from the meeting on 21 June 2000 for additional information and to seek the views of the applicant on a number of issues. The report from the Chief Planning Officer included comments from the applicant where requested by the Committee and addressed the issues raised by the deputations at the meeting on 21 June 2000.

An appeal against the non-determination of application EAST/1059/99 had also been lodged by the applicant on 4 July 2000.

Prior to commencement of discussion on the above applications, it was moved and seconded that any decision on these applications should stand as a recommendation to Full Council to enable all councillors to vote on the application, bearing in mind the significance of the proposed development for the Borough as a whole. Other Members opposed this proposal. It was argued that Full Council was not the appropriate forum to debate planning applications in detail. Moreover, this Committee had the appropriate authority to determine the applications. The restrictions and time limits on debate at full Council were also highlighted. Upon being put to a vote, the motion was not agreed. The Committee then agreed to allow a number of objectors to address the Committee.

A local resident expressed his anger at the proposed development. He considered the development to be too large and likely to increase traffic on the Uxbridge Road and other roads which were already suffering from unacceptable congestion. He also referred to a likely increase in crime in the Stanmore area resulting from the scheme. He called for a vote of no confidence in the Planning Committee.

A procedural motion in accordance with Standing Order 17(g) (viii), that Councillor Shah do leave the meeting, was moved and seconded. Upon being put to a vote, this was not agreed.

The representative from "Harrow in Leaf" referred to a 1938 document from the Air Ministry in which it was stated that half of the Stanmore Park site was to be retained for open space. He also referred to the devastation of the landscaped grounds within Stanmore Park which had taken place prior to World War 2. He was strongly opposed to the proposed development which he saw as a missed opportunity to repair some of the damage previously caused to the site.

The Chairman of the Bentley Way Association recognised that the site was ripe for development. However, he was opposed to the sheer scale of the proposals and the impact this would have on the local community.

The representative of residents in Elliott Road welcomed the fact that consultation had taken place. However, he raised anxieties about the current condition of the boundary fencing on the site. He was concerned that in several places, it was possible for people to access the site through gaps in the fencing. He also queried the vehicular access to the site from Douglas Close.

The representative from Stanmore Planning Advisory Committee (SPAC) thanked both the Developers for being willing to meet the group and also the Council and the Developers for their co-operation in making information available. However, he was opposed to the proposals as he considered the scale and density of the development to be excessive. He was concerned about the loss of the trees on Uxbridge Road. He considered the proportion of social housing to be too high. He was concerned that 30% of the social housing was specified for the use of black and ethnic minorities. He considered this to be positive discrimination to a level of being racist. Other concerns he raised related to the proposed play area and the lack of recreational space for older children and again to traffic congestion in Stanmore which was already at an unacceptable level.

Members raised a number of detailed and specific questions with the various objectors.

Training and Employment

Submit a construction training and recruitment plan, to be agreed by the Local Planning Authority, prior to the commencement of development, working in partnership with "Building a Future for North West London (SRB4)", MHT and the Council, with a view to the training and employment of local people on site, and regular monitoring information shall be provided to the satisfaction of the Local Planning Authority to ensure the proper implementation of the plan.

Sustainable Development

Build the development in accordance with 'Sustainable Development Objectives for RAF Stanmore'.

(2) A formal decision notice subject to the planning conditions and informatives reported and the following additional conditions and informatives will be issued only upon the completion of the aforementioned legal agreement;

1. Access to and from Douglas Close shall be restricted to pedestrians and cyclists only. REASON: To safeguard the amenity of neighbouring residents.
2. In addition to the main play area, the applicant shall provide toddlers' play equipment in other areas within the site. Details to be submitted to and approved by the Local Planning Authority. REASON: To ensure satisfactory provision of children's play facilities.

Informative:

The applicant is urged to encourage the formation of a residents' association from the estate to enable smooth and efficient management of the site on an ongoing basis.

(3) in respect of application EAST/1059/99/FUL, the applicant be informed that, had the appeal not been lodged, the application would have been granted planning permission subject to identical legal agreement heads of terms and planning conditions as for application EAST/1058/99/FUL as set out above.

(Notes: (1) At the meeting on 6 September 2000, by virtue of the conduct of some of the public present, despite appeals from the Chair for order, the applicant's representatives were denied the opportunity to respond to all of the points raised by Members);

(2) Councillors Mrs Ashton, Mrs Bath, Lane, Mrs Kinnear and Scowen wished to be recorded as having voted in favour of the proposal to refuse permission for the reasons set out in the preamble above, and against the above decision although they were not opposed to the additional conditions proposed by the Labour Group).

183. EAST/576/00/FUL - Middlesex & Herts Country Club, Old Redding: The Committee considered the above application for redevelopment with a two storey building to provide 14 flats over basement parking, access and landscaping.

Having considered this application, it was:

RESOLVED: That the applicant be informed, subject to the direction of the Department of the Environment, Transport and the Regions that:-

1. The proposal is acceptable subject to the completion of a legal agreement within one year (or such period as the Council may determine) of the date of the Committee decision on this application, relating to:-

The retention and maintenance of the curtilage of the application site as landscaped amenity grounds to be used only in association with the occupation of the flats hereby approved.

2. The receipt of a contribution of £379,604 to secure the provision and retention of affordable housing in accordance with Policy H9 of the Harrow Unitary Development Plan,
2. A formal decision notice, subject to the planning conditions and informatives reported, and the following additional conditions, will be issued only upon completion of the aforementioned legal agreement.

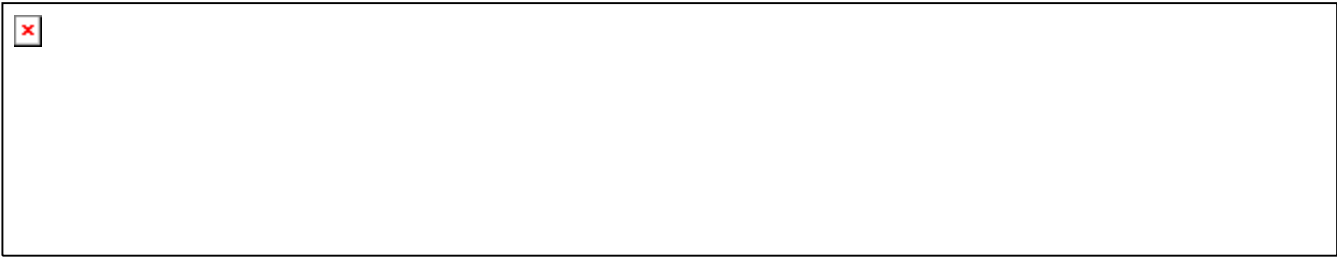
APPENDIX B



APPEND X C

1





Meeting:	Development Control Committee
Date:	27th July 2005
Subject:	Variation of S106 Agreement, Heathfield School
Responsible Officers:	Group Manager, Planning & Development Services
Contact Officer:	Tim Wood
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No

Section 1 : Summary

This report refers to a request for variation of the S106 agreement relating to the use of the premises out of school hours.

Decision Required

Recommendation (for decision by the Development Control Committee):

Refuse the request to vary the S106 Agreement as applied for.

Reason: The proposed hours of use and numbers of users would give rise to increased disturbance and general activity and would detract from the amenities of the occupiers of neighbouring residential properties.

Reason for Report

To determine the request to vary the S106 Agreement

Benefits

N/A

Cost of Proposals

The Council's costs concerning the agreement will be recovered from the developer.

Risks

None

Implications if recommendations rejected

The user of the premises will continue in accordance with the requirements of the existing S106 agreement.
--

Section 2 : Report

2.1. Brief History

Planning permission for the construction of a new swimming pool and sports hall at Heathfield School was granted by the Council in November 1998 (WEST/666/97/FUL). The report to Committee is appended. It was resolved to grant planning permission subject to a legal agreement to restrict the use of the sports hall and swimming pool in the following ways:

1. The swimming pool and sports hall shall not be used outside the following hours:
Monday – Friday 9.00am – 9.00pm
Saturday – 9.00am – 12.00 noon
Sunday – 10.00am – 1.00pm
2. Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school within the following hours:
Monday – Friday – 8.30am – 4.30pm
3. Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school and parents of pupils of the school within the following hours:
Monday – Friday – 4.30pm – 9.00pm
Saturday – 9.00am – 12.00 noon
Sunday – 10.00am – 1.00pm
4. Within the hours in paragraph 3 no more than 40 adults in aggregate (staff and parents with children) may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.
5. Within the hours in paragraph 3 the swimming pool and sports hall shall not be used when any part of the remainder of the site school building is being used for purposes attracting other visitors to the site.
6. The swimming pool and sports hall shall not be let out to any other body or organisation without the prior written consent of the Local Planning Authority.

The S.106 Agreement was completed on 12th November 1998. The primary purpose of the S.106 Agreement was to restrict the use of the swimming pool and sports hall outside of normal school hours in the interest of the amenities of neighbouring residents. In particular residents had indicated that they suffer considerable disruption and noise nuisance from cars arriving at the school when children are picked up and set down.

On 12th April 2001 a request was then made by the Girls Day School Trust to vary the S.106 Agreement relating to the use of the school to allow the Kings Trust Sports Camps (a registered charity) the use of the sports hall and swimming pool between 09.15 and 16.30 hours during the following dates:

2nd – 5th April 2002
5th – 9th August 2002
12th – 16th August 2002
19th – 23rd August 2002

On 5th July 2001, the Development Control Committee agreed to permit the activity camps at the school on the days specified. The sports camp events took place on those days.

The Trust again wrote to the Council on 15th May 2002 stating that it hoped that a similar camp could be held in 2003 either run by the Kings Trust or by another operator. Additionally, they would let the facilities to third parties (such as swimming clubs) outside school hours in term time, and also make facilities available all day on Saturdays and from Mondays to Saturdays during the school holidays. On 11th December 2002, the Development Control Committee considered this report and agreed to permit the activity camps and additional hours of use at the school on the days specified in 2003. This authority expired on the 30th June 2004.

A further request to vary the Agreement was made in June 2004, as follows:

- i) allow the continued use of the facilities by third parties outside school hours between the hours of 16.30 and 21.00 on weekdays during term time, 09.00 and 21.00 weekdays during school holidays and between 09.00 hours and 18.00 hours on any Saturday, and for 1 year.
- ii) allow the additional use of the facilities by third parties between 09.00 hours and 18.00 hours on any Sunday, and
- iii) vary the maximum number of users (as set out in Clause 4.3 of the Second Schedule to the Agreement) from 40 to 60.

At the Development Control Committee on 26th July 2004 concern was expressed regarding the potential impact of additional activity on neighbouring residents, and only part i) of the proposed variations was allowed, for a one year period only.

2.2 Proposed Further Variations to S106 Agreement

The changes now proposed are scheduled below:

1. No part of the Land outside the parts edged with a bold black line on the Plan shall be development by the construction of any new buildings, structures, roadways, pathways or car parking spaces. The Land always to remain open land free of any new built or other development.

Proposed: No change.

2. The two "Horsa" huts located on the south western corner of the site shall be removed no later than 5 years from the date of the commencement of the development.

Proposed: Remove as this requirement has been complied with.

3. The number of pupils attending the school shall not exceed 700 at any one time.

Proposed: No change

4. The swimming pool and sports hall shall not be used outside the following hours:

Monday – Friday	8.30am – 9.00pm
Saturday	9.00am – 12.00pm
Sunday	10.00am – 1.00pm

Proposed: Amend the hours to:

Monday – Friday	8.00am – 9.00pm
Saturday	8.00am – 7.00pm
Sunday	10.00am – 4.00pm

- 4.1 Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by the staff and pupils of the school within the following hours:

Monday – Friday	8.30am – 4.30pm
-----------------	-----------------

Proposed: Amend the opening hour on Monday to Friday inclusive to 8.00am.
Add 'during term time' after 'used' .

4.2 Without the prior written consent of the Local Planning Authority the swimming pool and sports hall shall not be used other than by staff and pupils of the school and parents of pupils of the school within the following hours:

Monday – Friday	4.30pm – 9.00pm
Saturday	9.00am – 12 noon
Sunday	10.00 – 1.00pm

Proposed: Delete this sub-clause as the hours of operation are controlled by clause 4.

4.3 Within the hours in Clause 4.2 no more than 40 adults in aggregate (staff and parents with children) may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.

Proposed: Delete and substitute the following words:-

Within the hours of operation no more than 60 adults in aggregate may use the swimming pool and sports hall at any one time without the prior written consent of the Local Planning Authority.

4.4 Within the hours on clause 4.2 the swimming pool and sports hall shall not be used when any part of the remainder of the school building is being used for purposes attracting other visitors to the site.

Proposed: Delete and substitute the following words:

Within the following hours the swimming pool and sports hall shall not be used when any part of the remainder of the school building is being used for purposes attracting other visitors to the site.

Monday – Friday	4.30pm – 9.00pm
Saturday	8.00am – 7.00pm
Sunday	10.00 – 4.00pm

4.5 The swimming pool and sports hall shall not be let out to any other body or organisation without the prior written consent of the Local Planning Authority.

Proposed: No change

The School Trust has also submitted a detailed justification for the proposed changes which are summarised as follows:-

- there has been an absence of any formal complaints about the use of the pool or sports hall
- the temporary variation should be made permanent
- the reasoning behind the agreement should be reconsidered taking account of the above and the wider potential benefit of shared use of the facilities
- the control exercised by the school means that use of the facilities does not involve exuberant revellers, late night or 24 hour activity, external speaker systems, piped or amplified music
- the only evidence presented to the Committee of disturbance is that from adults supervising children in the sports camps, not from within the sports hall or pool

It is acknowledged that the expansion in the scope of the use of the facilities would bring about benefits to the wider community.

The use of the facilities would increase marginally in the morning and additionally Monday to Friday 4.30 to 9.00 for general public and from Saturday 12.00pm to 7.00pm and Sundays 1.00pm to 4.00pm. Additionally, at all times outside term time for the general public and for a maximum of 60 adults (40 previously).

However, the removal of restrictions to allow use by the general public, rather than the current groups, could have significant impact on the amenity of neighbouring residents.

Despite the wider benefits that may result from the community use of the proposal, it is considered that those additional hours and numbers proposed would result in activity in and around the site which would have a detrimental impact on the amenity of neighbours which would outweigh those benefits.

2.2 Options Considered

Approval or refusal of request

2.3 Consultation

None

2.4 Financial Implications

None

2.5 Legal Implications

On this occasion the GDST has applied to vary the agreement under section 106A of the Town and Country Planning Act 1990 and therefore has the right of appeal against a refusal by the Committee.

2.6 Equalities Impact

None

Section 3 : Supporting Information/Background Documents

3.1 Planning applications referred to in report.

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Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	2 Weald Lane, Harrow Weald
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the installation of an extractor duct at the rear of the property and seeks authority to initiate enforcement action for its removal. The ground floor of the property is a take-away shop (class A5), above which are flats on two floors, with entrances via a rear deck accessway. The duct runs from the accessway, up the wall of the flats, discharging over the roof.

The design, size and positioning of the duct is such that the duct is detrimental to the amenity of the residents of nearby flats, and the general amenity of the area.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Demolition of the rear extractor duct
(ii) Permanently remove its constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of three (3) months from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

(i) supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring residents would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 Planning permission for change of use: from retail to hot food takeaway (A1 to A3), reference P/542/03/CFU was granted on 11th August 2003.

Condition 3 of the above consent states the development shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The use shall not commence until those external works have been completed in accordance with the approved plans. The works shall thereafter be retained in that form.

Relevance to Corporate Priorities

- 2.2 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.3 The property comprises of a ground floor takeaway business with flats above, situated at the junction of Weald Lane and High Road, Harrow Weald.

- 2.4 Policy D4 of the Unitary Development Plan 2004 states: -

"The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-

- a) Site and setting;
- b) Context, scale and character;
- c) Public realm;
- d) Energy efficiency, renewable energy, sustainable design and construction;
- e) Layout, access and movement;
- f) Safety
- g) Landscape and open space; and
- h) Adequate refuse storage."

- 2.5 This policy are reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

- 2.6 In relation to Policy D4, The Harrow Council Unitary Development Plan 2004 Indicates: -

Site and Setting

"New development should contribute to the creation of a positive identity for the area through quality of building layout and design. Development should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces. "

Context, Scale and Character

"All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street. Buildings should respect the form, massing, composition, proportion, and materials of the surrounding townscape, and attention should be paid to the urban "grain" of the area in terms of building form and patterns of development."

- 2.7 In particular the duct and fan unit have a detrimental impact on the visual amenity of residents of the first floor flats in the immediate area. These

- properties have deck access to the rear and are of common plain materials.
- 2.8 The duct and fan unit are of galvanised metal of substantial size running through the access deck and up the rear wall and roof slope of the property. Their size, location and materials make them an alien feature in the environment.
- 2.9 The extractor duct does not comply with the Council's above stated policy. In particular it's size and location is detrimental to the visual amenity of the local area and its positioning and size is detrimental to the amenities of the residents of the flats on the first floor.

3.0 The alleged breach of planning control

- 3.1 Without planning permission, the installation of extractor duct.

4.0 Reasons for issuing the notice

- 4.1 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 4.2 The extractor duct, by reason of its size and siting, is unduly bulky, overbearing and obtrusive, to the detriment of the amenities of neighbouring occupiers and the character of the area, contrary to policy D4 of the Harrow Council Unitary Development Plan 2004.
- 4.3 The council do not consider that planning permission should be granted because planning conditions cannot overcome these problems.

5.0 Consultation with Ward Councillors

- 5.1 The ward Councillors have been advised of the proposed action.

6.0 Financial Implications

- 6.1 None

7.0 Legal Implications

- 7.1 See risk section

8.0 Equalities Impact

- 8.1 None.

Section 3: Supporting Information/ Background Documents

Planning application reference: P/542/03/CFU



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Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	22 Walton Road, Harrow
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised alteration of a two storey terraced dwelling at 22 Walton Road, Harrow, including the erection of a single storey rear extension and front porch and seeks authority to initiate enforcement action for their removal.

On this occasion the development does not constitute permitted development as the total additional volume exceeds 50 cubic metres. It is considered that the rear extension by reason of its excessive bulk and projection, is unduly obtrusive, resulting in a loss of light and overshadowing which is detrimental to the visual and residential amenities of the occupiers of the adjacent property. The front extension as built, by reason of excessive bulk and prominent siting, is unduly obtrusive in the streetscene and detrimental to the visual and residential amenities of the occupiers of the adjacent properties and impacts on the character of the locality. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (b) (i) Demolish the single storey rear extension
- (ii) Demolish the front porch extension
- (iii) Permanently remove their constituent elements from the land.

- (c) [(b)] (i) (ii) and (iii) should be complied with within a period of three (3) months from the date on which the Notice takes effect.

- (d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

- (e) Institute legal proceedings in event of failure to:
 - (i) supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

 - and/or

 - (ii) comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring residents would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1.1 A Planning application (P/2999/03/DFU) was submitted proposing a single storey rear extension and front porch. The planning application was refused.

Relevance to Corporate Priorities

- 2.3 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.4 The property is located on the western side of Walton Road and comprises a two storey terraced dwelling.
- 2.5 Policy D4 of the Unitary Development Plan 2004 states:-

New Residential Development Should:-

“The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-

- a) site and setting;
- b) content, scale and character;
- c) public realm;
- d) energy efficiency, renewable energy, sustainable design and construction;
- e) layout, access and movement;
- f) safety
- g) landscape and open space; and
- h) adequate refuse storage.”

- 2.6 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

- 2.7 Policy D5 of the Unitary Development Plan 2004 states:-

A) Provide amenity space which is sufficient:-

1. To protect the privacy and amenity of occupiers of surrounding buildings;
2. As a usable amenity area for the occupiers of the development; and
3. As a visual amenity

B) Maintain adequate separation between buildings and distance to site boundaries in order to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. Proposals should provide space around buildings to reflect the setting of neighbouring buildings; and

C) Ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

2.8 Section C of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

C1 Rear extensions have the greatest potential for harm to the amenities of neighbouring residents. Their impact on neighbouring property and the character and pattern of development needs careful consideration. Rear extensions should be designed to respect the character and size of the house and should not cause unreasonable loss of amenity to neighbouring residents

C3 A single storey rearward projection, adjacent to a boundary should be limited to 2.4 metres on a terraced house.

C5 Where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth.

C7 The height of single storey rear extensions should be minimised to restrict the impact on the amenities of neighbouring residents. Subject to site considerations, the finished height of an extension abutting a residential boundary should be a maximum of 3 metres on the boundary for a flat roof, and for a pitched roof 3 metres at the mid-point of the pitch at the site boundary.

2.9 The single storey rear extension extends to 3.4 metres from the dwelling with a height at the midpoint of 3.29 metres. The two adjoining terraced dwellings have not been extended to the rear and therefore no precedent has been set in relation to the depth of extensions.

3.0 The single storey rear extension, due to its depth, would be obtrusively visible from the neighbouring dwellings and, therefore, detracts from the amenity enjoyed by the occupants of adjacent dwellings.

The extension exceeds the 50 cubic metres allowed under permitted development. The extension has a total volume of 55.08 cubic metres and therefore in order for the structure to meet the requirements of permitted development, the volume of the extension would have to be reduced by over 5 cubic metres.

3.1 Section A of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

A1 Front extensions have the greatest potential impact on the character and visual amenity of the street scene. They should reflect the pattern of development in the street scene.

3.2 The front porch has a depth of 1.2 metres and a width of 2.9 metres. The porch has a overall area of over 3 metres squared and therefore requires planning permission.

- 3.3 The front porch, due to its size, is visually prominent as it extends across the full width of the front of the dwelling and therefore detracts from the street scene.

The alleged breach of planning control

- 3.4 Without planning permission, the erection of a single storey rear extension and front porch.

Reasons for issuing the notice

- 3.5 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.6 Single storey rear extension and front porch extension, by reason of their size, siting and awkward design, are unduly bulky, overbearing and obtrusive, resulting in loss of space about the building to the detriment of the amenities of neighbouring occupiers and the character of the locality, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide".
- 3.7 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.8 Copied for information

Financial Implications

- 3.9 None.

Legal Implications

- 3.10 As contained in the report.

Equalities Impact

- 3.11 None.

Section 3: Supporting Information/ Background Documents

Planning application references:

P/2999/04/DFU

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Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	46 Repton Road, Kenton
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the making of a material change of use from a single-family dwellinghouse to a mixed use, single-family dwellinghouse and builders yard.

The use of part of the property as a builders yard is not compatible with the residential character of the surrounding area, resulting in the harmful impact on adjoining neighbours in particular the loss of amenities of neighbouring occupiers and the character of the locality, contrary to policy EM22 and the more general policy SD3 of the Harrow Council Unitary Development Plan 2004.

Decision Required

Recommend action (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Cease the use of the land as a builders yard;
- (ii) Permanently remove all material related to the use of the land as a builders yard;
- (iii) Demolition of the internal dividing wall and gate separating the rear garden and the builders yard;
- (iv) Permanent removal of their constituent elements from the land;

(c) [(b)] (i) (ii) (iii) and (iv) should be complied with within a period of three (3) months from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

(i) supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 A planning contravention notice was served on the 16th December 2004, there has been no response to this notice.

Relevance to Corporate Priorities

- 2.1 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.2 The property lies to the southern side of Repton Road. To the rear of the property is a long garden. This garden has been divided by a 2 metre high wall and gate, the end section being used as the builders yard.

- Scaffolding
- Piping
- Timber
- Paving material
- Tools
- Skip bins
- Plaster board
- And other building materials

It has independent access to the public highway in Honeypot Lane, via a rear accessway.

- 2.3 Environmental impact of new business development.

Policy EM22 of the Unitary Development Plan 2004, in particular A and B of the policy and section 7.78, which states: -

The Council, in considering applications for all business, industrial and warehousing (B1, B2, B8) development, and redevelopment, will pay due regard to: -

- A) The potential impact on the amenity of adjoining properties and on the character of the area;
- B) The processes to be carried out and the emission of noise, smoke or other pollutants;

In addition, new businesses, which are likely to involve dangerous or noxious processes or otherwise be 'bad neighbours', are unlikely to be acceptable in the Borough because of the proximity of residential areas to most sites.

- 2.4 This policy is reinforced in the more general Policy, SD3 Mixed-Use Development in particular section 2.65 of the Unitary Development Plan 2004.

“Mixed Use Development”

- 2.5.1 Policy SD3 of the Unitary Development Plan 2004 states:-
D3 The Council will promote mixed-use development, particularly in town centres and other areas with good public transport accessibility, and seek to retain development already in mixed use in other locations, a mixture of uses may be sought.
- 2.65 In promoting mixed use developments, either in conversions or on redevelopment, the Council will require a satisfactory relationship to be achieved between the constituent uses and with adjoining properties and the surrounding area, such that the amenities of occupiers and nearby residents are not adversely affected. The Council acknowledges that the mix, proportion and relationship between uses in any individual proposal will differ, depending on the location, and that it would therefore be inappropriate to be unduly prescriptive in its approach to assessing its merits. Innovative mixtures of uses and design solutions, which secure the most effective use of land, will generally be supported.
- 2.6 Complaints have been received from members of the public alleging the use of part of 49 Repton Road, Kenton as a builders yard. It appears from the Council’s records that the approved use of the property is as a single-family dwellinghouse.
- 2.7.1 Members of the Council’s Planning Enforcement Team visited the site at 7:15am on a week day. At that time they found several builders loading/unloading a van. An inspection of the site revealed that the rear garden had been subdivided by a wall and gate approximately 2 metres in height. Furthermore, the rear section of garden, including a detached garden building, were in use as a builders yard.
- Scaffolding
 - Piping
 - Timber
 - Paving material
 - Tools
 - Skip bins
 - Plaster board
 - and other building materials
- 2.8 This random visit adds credibility to the allegations of local people that the use of the land as a builders yard, early in the morning, is a regular occurrence.
- 2.9 Since the visit local residents have reported that the builders now start earlier in the morning, and that the use continues to be on a regular basis
- 2.10 The dividing wall separates the rear garden of the dwelling house from the activities of the builders yard, resulting in what appears to be the formation of a separate planning unit. The unauthorised use of the land as a separate planning unit is obvious from the nature of the occupation of the

property. The main dwellinghouse and some of the rear garden is let to a group of students, who do not have access to the builders yard at the end of the rear garden. This land has been kept for use by the owner of the land and others not associated with the occupation of the dwellinghouse.

- 2.11 The noise from the deposit and collection of building materials, plant and builders waste associated with the activities of the builders yard are detrimental to the surrounding neighbours, in particular adjoining neighbours. This is contrary to section 7.78 under policy EM22 that states, “new businesses which are likely to involve dangerous or noxious processes or otherwise be ‘bad neighbours’, are unlikely to be acceptable in the Borough because of the proximity of residential areas” and policy SD3 where the activities and noise associated with the builders yard is “not a satisfactory relationship to be achieved between the constituent uses and with adjoining properties and the surrounding area, such that the amenities of occupiers and nearby residents are not adversely affected”.
- 2.12 The unauthorised use of the land as a builders yard has lead to open storage of building materials, equipment and waste materials in a large skip. The area in which these items are stored is overlooked from many properties and is detrimental to visual amenity.
- 2.13 It is considered that significant harm is caused by this development, therefore, it is recommended that a planning enforcement notice be issued.
- 2.14 The builders yard and the factors associated with that change of use are out of character with the residential character of the area. As such it is not compatible with adjoining residential property and is contrary to policies EM22 and SD3. The development is harmful to the amenity of the surrounding neighbours and the area as a whole.

2.15 The alleged breach of planning control

Without planning permission, the change of use of the land from a single-family dwellinghouse to a single-family dwellinghouse and a builders yard.

2.16 Reasons for issuing the notice

It appears to the Council that the above breach of planning control occurred within the last 10 years.

The use of the land as a builders yard is out of character with, and detrimental to the amenity of this residential area, contrary to policies EM22 and SD3 of the Harrow Unitary Development Plan 2004.

The council do not consider that planning permission should be granted because planning conditions cannot overcome these problems.

2.17 Consultation with Ward Councillors

Copied for information

2.18 Financial Implications

There are no financial implications at this stage. Any costs incurred in the issuing of notices will be met from existing budgets.

2.19 Legal Implications

See Risks Section

2.20 Equalities Impact

None

Section 3: Supporting Information/ Background Documents

None



Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	343 High Road, Harrow Weald
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised stationing of a mobile home in the rear yard of 343 High Road, Harrow Weald, for storage purposes in relation to the A3 use of the shop at 341 and 343 High Road, Harrow Weald, and seeks authority to initiate enforcement action for its removal.

On this occasion the mobile home does not constitute permitted development. It is considered that the mobile home, by reason of its size, siting, design and character, is unduly obtrusive, represents an inappropriate form of development in the locality, and does not contribute positively to the character of the area. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Permanently remove the mobile home from the land
- (c) [(b)] (i) should be complied with within a period of three (3) months from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

(i) supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring residents would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1.1 A Planning application (P/129/05/DCO) was submitted for the retention of static caravan in rear yard for use as staff room in association with A3 use. The planning application was refused.

Relevance to Corporate Priorities

- 2.3 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.4 The property is located on the western side of High Road, Harrow Weald. The property contains a three storey terraced building. The ground floor has an A3 use with two floors of residential C3 use above. There is a service road and yard to the rear of the property. The yard is partially occupied by the mobile home and a container, which appears not to constitute development at this time.

- 2.5 Policy D4 of the Unitary Development Plan 2004 states:-

New Development Should: -

"The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-

- a) site and setting;
- b) content, scale and character;
- c) public realm;
- d) energy efficiency, renewable energy, sustainable design and construction;
- e) layout, access and movement;
- f) safety
- g) landscape and open space; and
- h) adequate refuse storage."

- 2.6 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

- 2.7 Policy D6 of the Unitary Development Plan 2004 states:-

Development in employment areas should comply with policy D4 and take account of the design and layout of buildings, planting and hard landscaping, pedestrian and vehicular circulation, views within and into the area and the relationship to adjoining residential development.

4.31 All development in employment areas should be built to a high standard of design, and should not have an adverse impact on the surrounding environment or infrastructure.

The mobile home lies immediately adjacent to a single storey rear extension to the adjacent property. It is considered that the size and bulk of the mobile home has a significantly detrimental impact on the amenities of the adjacent occupiers, including the occupiers of the residential units

above the application property. However, it is considered that the mobile home, by reason of its intrinsic design and character, represents an inappropriate form of development in the locality that does not contribute positively to the character of the area, and has the potential to encourage an unacceptable form of residential occupation.

The alleged breach of planning control

- 3.4 Without planning permission, the stationing of a mobile home on the land.

Reasons for issuing the notice

- 3.5 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.6 The mobile home, by reason of its size, siting and awkward design, are unduly bulky, overbearing and obtrusive, representing an inappropriate form of development in the locality, and does not contribute positively to the character of the area. The storage of the mobile home is contrary to policies SD1, D4 and D6 of the Harrow Council Unitary Development Plan 2004.
- 3.7 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.8 Copied for information

Financial Implications

- 3.9 None

Legal Implications

- 3.10 See Risks Section

Equalities Impact

- 3.11 None

Section 3: Supporting Information/ Background Documents

Planning application references:

P/129/05/DCO