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**REPORT OF DEVELOPMENT CONTROL COMMITTEE**


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**MEETING HELD ON 7 DECEMBER 2005**


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Chair: \* Councillor Anne Whitehead

Councillors: \* Marilyn Ashton \* Janet Cowan  
 \* Mrs Bath \* Idaikkadar  
 \* Billson \* Mrs Joyce Nickolay  
 \* Bluston \* Thammaiah (3)  
 \* Choudhury \* Thornton

\* Denotes Member present  
 (3) Denotes category of Reserve Members

[Note: Councillors Mrs Kinnear and John Nickolay also attended this meeting to speak on the items indicated at Minute 1040 below].

**PART I - RECOMMENDATIONS - NIL**
**PART II - MINUTES**

 1039. **Attendance by Reserve Members:**

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

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Miles	Councillor Thammiah

 1040. **Right of Members to Speak:**

**RESOLVED:** That in accordance with Committee Procedure Rule 4.1, the following Councillors, who were not members of the Committee, be allowed to speak on the agenda items indicated:

Councillor Mrs Kinnear	Agenda Item 5 – Minutes and Agenda Item 14 – Planning Protocol
Councillor John Nickolay	Agenda Item 15 – Variation of S106 Agreement, Heathfield School

 1041. **Declarations of Interest:**

**RESOLVED:** (1) To note the following declarations of interest made by Members present relating to business to be transacted at this meeting:

- (i) Planning Application P/2593/05/CDT – Stanmore Cricket Club, The Common, Stanmore  
 Councillor Bluston declared a personal in the above application arising from the fact that he had played cricket at the club and knew some of the officials. Accordingly, he remained in the room and took part in the discussion and decision-making on this item.

 1042. **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 contained information relating to various items on the agenda and was based on information received after the agenda's despatch. It was admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

Second Addendum

This contained information on two planning applications that required determination before the next ordinary meeting of the Committee on 11 January 2006.

Agenda Item 22 - Special Meeting of the Committee to Discuss Royal National Orthopaedic Hospital

This item had been added to the agenda at the request of the Nominated Member for the Conservative Group, as the Special Meeting would be taking place before the next ordinary meeting of the Committee on 11 January 2006.

and

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

1043. **Minutes:**

**RESOLVED:** That (1) the Chair be given authority to sign the minutes of the meeting held on 9 November and 16 November 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 1015 – Declarations of Interest  
Delete: “(iii) Planning Application 1/02 – The Grove, 31 Warren Lane, Stanmore  
Councillor Mrs Joyce Nickolay declared a personal interest in the above application and, accordingly, she remained in the room and took part in the discussion and decision-making on this item.”
- (ii) Minute 1015 – Declarations of Interest  
Delete: “(viii) Planning Application 2/24 – 3 Welbeck Road, South Harrow  
Councillor Mrs Joyce Nickolay declared a personal interest in the above application and, accordingly, she remained in the room and took part in the discussion and decision-making on this item.”
- (iii) Minute 1015 – Declarations of Interest  
(xii) Agenda Item 18 – 102, 104, 106 High Street, Harrow on the Hill  
Amend to read: “Councillor Mrs Kinnear, who was not a Member of the Committee, declared a personal interest in the above agenda item, having taken advice from the Director of Corporate Governance, but wished it to be noted that she was not of the view that she had any interest in the item.”
- (iv) Minute 1015 – Declarations of Interest  
Add: “(xiii) Planning Application 2/07 – Welldon Centre, Welldon Crescent, Harrow  
Councillor Choudhury declared a personal interest in the above application and, accordingly, he remained in the room and took part in the discussion and decision-making on this item.”
- (v) Item 2/09 on the Schedule attached to the Minutes – 24 Uxbridge Road, Stanmore  
Add to Notes: “(4) Councillors Marilyn Ashton, Mrs Bath, Billson, Janet Cowan, Mrs Joyce Nickolay and Thornton wished to be recorded as having voted against the decision to grant the application.”
- (vi) Item 2/11 on the Schedule attached to the Minutes – 9 Welbeck Road, South Harrow  
Amend Note (4) to read: “Councillors Marilyn Ashton, Mrs Bath, Billson, Bluston, Janet Cowan and Mrs Joyce Nickolay wished to be recorded as having voted for the decision to refuse the application.”
- (vii) Minute 1027 – Declarations of Interest  
Delete: “(ix) Agenda Item 18 – 102, 104, 106 High Street, Harrow on the Hill  
Councillor Mrs Kinnear, who was not a member of the Committee, declared a personal interest in the above agenda item”.

(2) arising from discussions in relation to (1) above, it be noted that, for clarity, Members be requested to state the nature of their interest when declaring personal or prejudicial interests.

(See also Minute 1040).

1044. **Public Questions:**

**RESOLVED:** To note that no public questions were put at the meeting under the provisions of Committee Procedure Rule 18.

1045. **Petitions:**

**RESOLVED:** To note that no petitions were received at the meeting under the provisions of Committee Procedure Rule 15.

1046. **Deputations:**

**RESOLVED:** To note that no deputations were put at the meeting under the provisions of Committee Procedure Rule 16.

1047. **Petition Relating to the Erection of an O2 Mobile Telephone Mast at the rear of Cannons Newsagent, Coronation Parade, Cannon Lane: Reference from the meeting of Council held on 20 October 2005:**

The Committee received a reference from the meeting of Council held on 20 October 2005 in the above matter.

Officers advised that there had been a considerable level of objection to the erection of the telephone mast. An application for a Certificate of Lawfulness had been submitted to the Council and this was currently being determined.

**RESOLVED:** That the above be noted.

1048. **Representations on Planning Applications:**

**RESOLVED:** That, in accordance with the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution), representations be received in respect of item 2/02 on the list of planning applications.

1049. **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.

1050. **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:** (1) That the report be noted;

(2) to note that Councillor Marilyn Ashton would be attending the public enquiry for 15 Gordon Avenue on 14 December 2005.

1051. **Enforcement Notices Awaiting Compliance:**

Officers advised that the above report, which provided a regular update on enforcement activity and had been marked 'To follow' on the agenda, was not available as it was being reworked in response to comments made by the Committee at its meeting on 9 November 2005. An improved version of the report would be submitted to the Committee's next ordinary meeting on 11 January 2006.

**RESOLVED:** That the above be noted.

1052. **Planning Protocol:**

The Director of Corporate Governance introduced a report on the above matter, which proposed the creation of a joint working party to clarify the status of the Planning Protocol and enable Members to review the contents of the Protocol. The Standards Committee had considered the same report at its meeting on 6 December 2005, and a copy of the draft minute of that meeting setting out the Standards Committee's resolutions on the matter was tabled.

The Director of Corporate Governance advised that the Protocol differed from the Members' Code of Conduct in that it provided guidance, rather than rules, and so could not be enforced by the Standards Board. The Standards Committee had supported the view that the Protocol could be enforced internally by referring breaches of the Protocol to a Hearing Panel of the Standards Committee.

Some Members expressed concern that maintaining the Protocol as guidance rather than rules would leave it open to interpretation, which could prove problematic. A Member questioned whether there was a need for a Planning Protocol separate from the Code of Conduct. In response, the Director of Corporate Governance advised that he considered it beneficial to have separate guidance for planning because of the sensitive financial and legal issues that could be encountered in the determination of planning applications.

The Committee supported the creation of a joint working party to revisit the Protocol and requested that a joint meeting of the Standards Committee and Development Control Committee be held to consider the findings of the joint working party.

**RESOLVED:** That (1) the Planning Protocol be revisited to clarify its status and enforceability, including its relationship with the Code of Conduct;

(2) an informal joint working party consisting of three Members of the Development Control Committee and three Members of the Standards Committee be established, with support from officers, to consider revision of the Protocol;

(3) the terms of reference of the joint working party include a provision for an evaluation to take place of planning protocols of other local authorities;

(4) the findings of the joint working party be reported to a joint meeting of the Development Control Committee and the Standards Committee;

(5) Councillors Marilyn Ashton, Thornton and Anne Whitehead be appointed to the joint working party as the three Members representing the Development Control Committee.

(See also Minute 1040)

1053. **Variation of S106 Agreement, Heathfield School:**

The Committee received a report of the Group Manager (Planning and Development) on the above matter.

**RESOLVED:** To refuse the request to vary the S106 Agreement as applied for.

[Note: (1) Upon being put to a vote, the motion to refuse the request to vary the S106 agreement as applied for was carried;

(2) Councillor Mrs Joyce Nickolay wished to be recorded as having voted against the decision to refuse the request to vary the S106 agreement].

(See also Minute 1040)

1054. **16A Whitchurch Lane, Edgware:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the gantry
- (ii) the permanent removal of the materials arising from compliance with the first requirement (i) from the land.

(i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

1055. **108 Waxwell Lane, Pinner:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the rear decking
- (ii) the demolition of the screen fencing to a height not exceeding 2 metres above ground level
- (iii) the permanent removal of the materials arising from compliance with the first (1) and second (ii) requirements above from the land
- (iv) grade the level of the land exposed by the removal of the decking to meet the natural contours of the land of the adjoining properties, and lay to turf.

(i), (ii), (iii) and (iv) should be complied with within a period of two (2) months from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

1056. **131 Malvern Avenue, Harrow:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the front porch extension and canopy
- (ii) the permanent removal of the materials arising from compliance with the first requirement (i) from the land.

(i) and (ii) should be complied with within a period of two (2) months from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

[Note: (1) Upon being put to a vote, the motion to authorise the Director of Legal Services to issue and enforcement notice was carried;

(2) Councillor Mrs Joyce Nickolay wished to be recorded as having voted against the decision to authorise the Director of Legal Services to issue an enforcement notice].

1057. **38 Headstone Gardens, Harrow:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the single storey rear extension
- (ii) the permanent removal of the materials arising from compliance with the first requirement (i) from the land.

(i) and (ii) should be complied with within a period of three (3) months from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

1058. **67 Argyle Road, Harrow:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the rear decking and railings
- (ii) the permanent removal of the materials arising from compliance with the first requirement (i) above from the land.

(i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

1059. **83B Hinds Road, Harrow:**

The Committee received a report of the Group Manager (Planning and Development) in this regard.

**RESOLVED:** That the Director of Legal Services be authorised to:

(1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (i) the demolition of the gates and railings to a height not exceeding 1 metre in height above ground level
- (ii) the permanent removal of the materials arising from compliance with the first requirement (i) above from the land.

(i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect;

(2) 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;

(3) institute legal proceedings in the 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.

[Note: (1) Upon being put to a vote, the motion to authorise the Director of Legal Services to issue and enforcement notice was carried;

(2) Councillor Marilyn Ashton wished to be recorded as having abstained from the vote].

1060. **Any Other Urgent Business:**

Special Meeting of the Committee to Discuss Royal National Orthopaedic Hospital

The Nominated Member for the Conservative Group expressed concern that the Special Meeting to discuss the application for the Royal National Orthopaedic Hospital (RNOH) would be taking place on a date when a number of Members would be unable to attend. The Chair reported that the application needed to be considered before the next ordinary meeting of the Committee.

**RESOLVED:** To note that a Special Meeting of the Committee would be held on Monday 19 December 2005 at 7.30 pm to consider the Royal National Orthopaedic Hospital application.

1061. **Extension and Termination of the Meeting:**

In accordance with the provisions of Committee Procedure Rule 14.2 (Part 4B of the Constitution) it was

**RESOLVED:** (1) At 10.00 pm to continue until 10.30 pm;

(2) at 10.30 pm to continue until 10.40 pm;

(3) at 10.40 pm to continue until 11.00 pm;

(4) at 11.00 pm to continue until 11.05 pm;

(5) at 11.05 pm to continue until 11.10pm.

(Note: The meeting, having commenced at 7.30 pm, closed at 11.08 pm).

(Signed) COUNCILLOR ANNE WHITEHEAD  
Chair





**LIST NO:** 2/03                      **APPLICATION NO:** P/1829/05/DFU  
**LOCATION:** 139 Stanmore Hill, Stanmore  
**APPLICANT:** Kishore Karia for Dr Hatim Kapadia  
**PROPOSAL:** Two storey rear extension; double garage at rear; 1 vehicle crossover at front  
**DECISION:** GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

**LIST NO:** 2/04                      **APPLICATION NO:** P/2433/05/CFU  
**LOCATION:** Headstone Manor Recreation Ground, Pinner View  
**APPLICANT:** Harrow Council, Urban Living  
**PROPOSAL:** Construction of temporary silt lagoons (associated with de-silting of moat)  
**DECISION:** GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, as amended on the Addendum.

**LIST NO:** 2/05                      **APPLICATION NO:** P/2449/05/DFU  
**LOCATION:** 12 Warham Road, Harrow  
**APPLICANT:** David R Yeaman & Associates for Mr J Cooper  
**PROPOSAL:** Single storey rear extension, rear dormer window and conversion to two self contained flats  
**DECISION:** GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee noted the correction to the description, as set out in the Addendum].

**LIST NO:** 2/06                      **APPLICATION NO:** P/2476/05/CFU  
**LOCATION:** Cornerways, 13 South View Road, Pinner  
**APPLICANT:** Mr and Mrs A Watkinson  
**PROPOSAL:** Renewal of Permission WEST/649/01/FUL: Two storey side to rear extension  
**DECISION:** GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee noted the correction to the description, as set out in the Addendum].

#### **SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

**LIST NO:** 4/01                      **APPLICATION NO:** P/2546/05/CNA  
**LOCATION:** 158 Burnt Oak Broadway, Edgware  
**APPLICANT:** London Borough of Barnet

**PROPOSAL:** Consultation: Details of access, siting, design, external appearance of residential phase, pursuant to outline permission

**DECISION:** RAISED NO OBJECTIONS to the development as set out in the application.

[Note: The Committee noted that the development proposal had been considered by Barnet Council and refused by them for the reasons set out in the Addendum].

**LIST NO:** 4/02                      **APPLICATION NO:** P/2660/05/CNA

**LOCATION:** 158 Burnt Oak Broadway, Edgware

**APPLICANT:** London Borough of Barnet

**PROPOSAL:** Consultation: Details of access, siting, design/external appearance of residential phase, pursuant to outline permission (duplicate)

**DECISION:** RAISED NO OBJECTIONS to the development as set out in the application.

[Note: The Committee noted that the development proposal had been considered by Barnet Council and refused by them for the reasons set out in the Addendum].

#### **SECTION 5 – TELECOMMUNICATIONS DEVELOPMENTS**

**LIST NO:** -                              **APPLICATION NO:** P/2593/05/CDT

**LOCATION:** Stanmore Cricket Club, The Common, Stanmore

**APPLICANT:** LCC Development Services

**PROPOSAL:** Determination: Installation of 15m high imitation flagpole phone mast and equipment cabinets

**DECISION:** (1) RESOLVED that prior approval of details of siting and appearance is required.

(2) REFUSED approval of details of siting/appearance for the following reasons:

- (i) The proposal, by reason of excessive size and unsatisfactory siting, would be visually obtrusive and unduly prominent to the detriment of the amenity of local residents and the visual amenity of the surrounding locality.

[Notes: (1) The Group Manager (Planning and Development) had recommended that the above application be granted;

(2) the officer's report for the above application had been circulated on the Second Addendum].

(See also Minute 1041)

**LIST NO:** -                              **APPLICATION NO:** P/2776/05/CDT

**LOCATION:** Land at Roundabout of Streatfield Road, Harrow

**APPLICANT:** T Mobile

**PROPOSAL:** Installation of a 10m high imitation telegraph pole and 2 equipment cabinets

**DECISION:** (1) RESOLVED that prior approval of details of siting and appearance is required.

(2) REFUSED approval of details of siting/appearance for the reasons and informative reported.

[The officer's report for the above application had been circulated on the Second Addendum].