
REPORT OF DEVELOPMENT CONTROL COMMITTEE

MEETING HELD ON 17 OCTOBER 2006

Chairman: * Councillor Mrs Camilla Bath

Councillors:	* Don Billson	* Thaya Idaikkadar
	* Mrinal Choudhury	* Manji Kara
	* G Chowdhury	* Narinder Singh Mudhar
	* Keith Ferry	* Joyce Nickolay
	* David Gawn	* Dinesh Solanki (1)

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

PART I - RECOMMENDATIONS - NIL
PART II - MINUTES
119. Attendance by Reserve Members:

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

Ordinary Member
Reserve Member

Councillor Robert Benson

Councillor Dinesh Solanki

120. Right of Members to Speak:

RESOLVED: To note that no Members, who were not members of the Committee, had requested to speak at the meeting.

121. Declarations of Interest:

RESOLVED: To note the following declarations of interests made by Members present relating to the business to be transacted at this meeting: -

Planning Application 2/24 – 454 Alexandra Avenue, South Harrow

Councillors Mrinal Choudhury, Manji Kara, Thaya Idaikkadar and Joyce Nickolay declared personal interests in the above application arising from the fact that they had visited the Zoroastrian Centre, which adjoined 454 Alexandra Avenue. Accordingly, they took part in the discussion and decision-making on this item.

122. 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:

Agenda Item
Special Circumstances/Reasons for Urgency

Addendum

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

16(a) Any Other Urgent Business - 4
Latimer Gardens, Pinner

The report was not finalised at the time the agenda was printed and circulated. Members were asked to consider this item, as a matter of urgency, in order to allow an enforcement notice to be served for breach of planning control (subject to Committee approval) and to ensure that the breach did not become immune from enforcement action.

- 16(b) Any Other Urgent Business - 19 Victoria Terrace, Harrow on the Hill
- The report was not finalised at the time the agenda was printed and circulated. Members were asked to consider this item, as a matter of urgency, in order to allow an enforcement notice to be withdrawn and avoid costs being awarded against the Council.
- 16c. Addendum - Raeburn House (Application No. P/2471/06)
- The report, which was included in the Addendum, was not finalised at the time the agenda was printed and circulated. Members were asked to consider this item, as a matter of urgency, in order to allow the amended wording proposed to the standard condition, to be applied to all relevant applications being considered by the Committee at this meeting and to agree that the amended condition be applied to Raeburn House application decision made by the Committee on 5 October 2006 which was the subject of a legal agreement to be finalised later that week.

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

123. **Minutes:**

RESOLVED: That the minutes of the meeting held on 5 October 2006 be deferred to the next meeting of the Committee.

124. **Matters Arising from the Minutes of the Last Meeting:**

RESOLVED: To note that there were no matters arising from the minutes of the meeting held on 5 October which had been deferred to the next meeting of the Committee.

125. **Public Questions:**

RESOLVED: To note that no public questions were put at this meeting under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

126. **Petitions:**

RESOLVED: To note the receipt of the following petition which was considered with the relevant planning application on the agenda:

Petition supporting planning application P/2195/06, The Shawl Public House, 320 Northolt Road, South Harrow

Mr Gordon presented the above petition, which was signed by 16 people. The Chairman read out the terms of the petition during consideration of the planning application.

127. **Deputations:**

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

128. **References from Council and other Committees/Panels:**

RESOLVED: To note that there were no references from Council or other Committees or Panels to be received at this meeting.

129. **Representations on Planning Applications:**

Having been advised of a late request by an objector to make representation in relation to planning application 2/26, the Committee

RESOLVED: That, in accordance with the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution), representations be received in respect of items 2/07, 2/08, 2/09, 2/22, 2/24 and 2/26 on the list of planning applications.

[Notes: (i) Subsequently, items 2/07, 2/08, 2/09 and 2/22 were deferred for Member site visits;

(ii) the objector for item 2/26 was not present at the meeting].

130. **Planning Applications Received:**

RESOLVED: That authority be given to the Head of Planning to issue the decision notices in respect of the applications considered, as set out in the schedule attached to these minutes.

131. **Planning Appeals Update:**

RESOLVED: To note that the report would be submitted to the next meeting.

132. **Enforcement Notices Awaiting Compliance:**

The Committee received a report of the Head of Planning which listed those enforcement notices awaiting compliance. Some Members expressed concern about the length of the time it had taken to deal with some of the notices, in particular 8 Cecil Road, 482 Kenton Road, 4 Elm Park, 81 Roxeth Hill and 9 Green Lane Cottages.

Officers briefed Members on the latest position with regard to some of the premises listed above and it was agreed that the Council's Enforcement Officer attend future briefing meetings held with Members.

A Member asked that a premises opposite 8 Cecil Road be investigated.

RESOLVED: That the report be noted.

133. **46 Howberry Road, Edgware:**

The Committee received a report of the Head of Planning which related to the construction, without planning permission, following incorrect verbal advice provided by an officer, of a front extension located at the corner plot at the junction of Howberry Road and Cloyster Wood.

Officers advised Members to consider whether it was expedient to issue an enforcement notice bearing in mind that costs might be awarded against the Council. They also advised that the recommendation, if agreed by the Committee, would not set a precedent as each case would have to be considered on its merits. In response to a Member's query as to whether estoppel could apply to bind the Council, Members were advised that the rule of estoppel did not apply in planning control because of the need to protect the wider public interest following the ruling of the House of Lords in one planning case.

Having been put to a vote it was

RESOLVED: That, having regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended)), no further action be taken in respect of the unauthorised front extension to the existing garage within the curtilage of 46 Howberry Road, Edgware.

[Note: Councillor Mrs Camilla Bath wished to be recorded as having abstained from voting on this matter].

134. **4 Latimer Gardens, Pinner:**

The Committee received a report of the Head of Planning which sought authority to serve an enforcement notice following a refusal for the retention of the replacement windows and the dismissal of a subsequent appeal by the Planning Inspectorate in relation to 4 Latimer Gardens.

Some Members were of the view that recommendation (a)(ii) of the officer's report would not provide an incentive to the owner to resolve the matter and it was

RESOLVED: That, having had regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of

the Town and Country Planning Act 1990 (as amended), the Director of Legal Services be authorised to:

- (a) take all necessary steps for the preparation, issue and service of an enforcement notice requiring, within three calendar months;
 - (i) the removal of all uPVC replacement windows to the front (northern), elevation of the dwellinghouse;
 - (ii) the permanent removal of all materials and debris from the land arising from compliance with requirement (i).
- (b) issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to this alleged breach of planning control.
- (c) institute legal proceedings, should it be considered in the public interest to do so, 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) fully comply with the requirements of the enforcement notice.

135. **19 Victoria Terrace, Harrow on the Hill:**

The Committee received a report of the Head of Planning which sought authority to withdraw an enforcement notice for the reasons set out in the officer's report.

RESOLVED: That the Council exercise its rights under Section 173A of the Town and Country Planning Act 1990 (as amended) to withdraw an enforcement notice issued by the Council on 14 June 2006 in relation to the installation of two windows in the ground floor northern elevation of the property at 19 Victoria Terrace, Harrow on the Hill.

136. **Raeburn House - Application No. P/2471/06:**

The Committee received a report of the Chief Planning Officer - included in the Addendum - which sought authority to amend the wording of the standard condition 'WT-STORAGE – Water Storage Works', which had been incorrectly drafted in respect of the development of Raeburn House, which had been granted permission on 5 October 2006, subject to a legal agreement.

Authority was also sought for the amended condition to be applied to a number of planning applications on this agenda, which were to be considered by the Committee that evening.

RESOLVED: That (1) the condition 'WT-STORAGE – Water Storage Works' be amended to read as follows:

The development of **any foundations and / or buildings** hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

(2) the amended condition be applied to Raeburn House and to the planning applications indicated on the Schedule attached to these minutes.

(See also items 2/03 and 2/30 in the attached Schedule).

137. **Member Site Visits:**

RESOLVED: That (1) Member visits to the following sites take place on Saturday 18 November 2006 from 9.30 am:

2/07, 2/08 and 2/09 – East End Farm, Moss Lane, Pinner
 2/13 – The Vine PH, Stanmore Hill, Stanmore
 2/15 – 40 Fairview Crescent, Harrow
 2/18 – Land at Holly Grove, Hatch End

2/22 – Land rear of 123-135 Whitchurch Lane;

(2) the Democratic Services Officer be requested to write to Members of the Committee to confirm the order and timing of the visits.

138. **Vote of Thanks:**

In view of a motion that was due to be considered by Council on 19 October 2006 relating to the restructuring of the planning committee, it was unanimously

RESOLVED: To record a vote of thanks to Councillor Mrs Camilla Bath for her work as Chairman of this Committee.

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

In accordance with the provisions of Committee Procedure Rule 15.2 (Part 4B of the Constitution), it was

RESOLVED: At 10.00 pm to continue until all the remaining business had been considered.

(Note: The meeting, having commenced at 7.32 pm, closed at 11.01 pm).

(Signed) COUNCILLOR CAMILLA BATH
Chairman