



**DEVELOPMENT MANAGEMENT
COMMITTEE
TUESDAY 15 JULY 2008
6.30 PM**

COMMITTEE AGENDA

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

MEMBERSHIP (Quorum 3)

Chairman: Councillor Marilyn Ashton

Councillors:

**Robert Benson
Don Billson
Julia Merison
Joyce Nickolay (VC)**

**Mrinal Choudhury
Keith Ferry
Thaya Idaikkadar**

Reserve Members:

**1. Manji Kara
2. G Chowdhury
3. Dinesh Solanki
4. Ashok Kulkarni
5. Husain Akhtar**

**1. David Gawn
2. Graham Henson
3. Mrs Rekha Shah**

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

**Contact: Vishal Seegoolam, Senior Democratic Services Officer
Tel: 020 8424 1883 E-mail: vishal.seegoolam@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 MANAGEMENT COMMITTEE

TUESDAY 15 JULY 2008

AGENDA - PART I

Guidance Note for Members of the Public Attending the Development Management 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) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

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:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

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 Act 1972;

(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 - 10)

That the minutes of the meeting held on 4 June 2008 be taken as read and signed as a correct record.

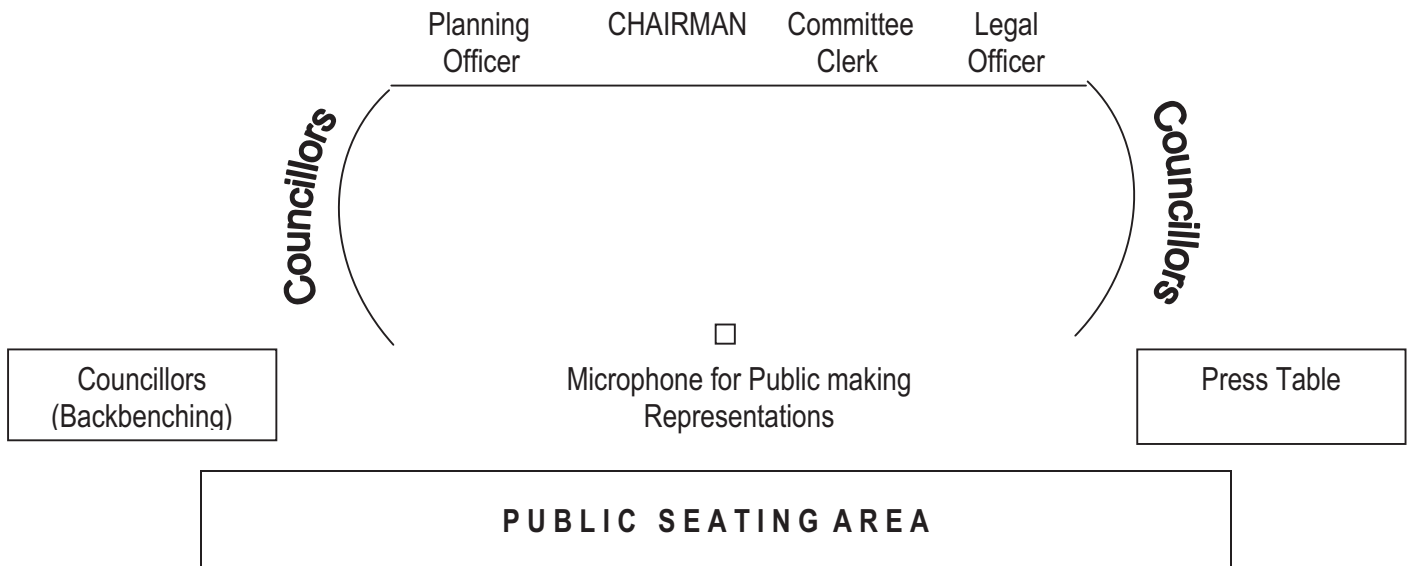
6. **Public Questions:**
To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).
7. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors.
8. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (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 18 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
11. **Planning Applications Received:**
Report of the Head of Planning - circulated separately.
- Enc. 12. **Enforcement Notices Awaiting Compliance:** (Pages 11 - 20)
Report of the Head of Planning – for information.
- Enc. 13. **The Future of Building Control Consultation:** (Pages 21 - 28)
Report of the Head of Development Management and Building Regulations.
- Enc. 14. **31 Belfield Avenue, Harrow, HA3 6ST:** (Pages 29 - 32)
Report of the Director of Legal and Governance Services.
15. **Member Site Visits:**
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).
16. **Any Other Urgent Business:**
Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

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

Typical Committee Room Layout (for Committee Rooms 1&2)



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 may take a short break around 8.30 pm.

Rights of Objectors/Applicants to Speak at Development Management Committees

Please note that objectors may only speak if they requested to do so before 5pm on the working day before the meeting. In summary, where a planning application is recommended for grant by the Group Manager (Planning and Development), 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 Management 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 Management Committee”** which is available in both the Planning 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 Management 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 approximately 6.00 pm onwards.

Decisions taken by the Development Management 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 Management Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).

REPORT OF DEVELOPMENT MANAGEMENT COMMITTEE

MEETING HELD ON 4 JUNE 2008

Chairman: * Councillor Marilyn Ashton

Councillors: * Robert Benson * Thaya Idaikkadar
 * Don Billson * Julia Merison
 * Mrinal Choudhury * Joyce Nickolay
 * Keith Ferry

* Denotes Member present

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

231. **Appointment of Chairman:**

RESOLVED: To note the appointment of Councillor Marilyn Ashton as Chairman of the Development Management Committee for the 2008 / 2009 Municipal Year.

232. **Attendance by Reserve Members:**

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

233. **Appointment of Vice Chairman:**

RESOLVED: To appoint Councillor Joyce Nickolay as Vice-Chairman of the Development Management Committee for the 2008 / 2009 Municipal Year.

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

RESOLVED: To note that there were no requests to speak from Members who were not Members of the Committee.

235. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
13. Planning Applications Received – item 2/02 and 2/03 – 6 Canons Corner, Edgware, HA8 8AE	Councillor Marilyn Ashton	Personal interest in that Councillor Ashton knew someone who resided in the immediate area. Councillor Ashton remained in the room and took part in the discussion and decision making on this item.
	Councillor Robert Benson	Personal interest in that Councillor Benson regularly shopped in Canons Corner and resided in the neighbouring area. Councillor Benson also knew someone who resided in the immediate area. Councillor Benson remained in the room and took part in the discussion and decision making on this item.

236. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the following item be admitted late to the agenda by virtue of the special circumstances and grounds for urgency detailed below:-

<u>Agenda item</u>	<u>Special Circumstances / Grounds for Urgency</u>
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.

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

237. **Minutes:**

RESOLVED: That the minutes of the meeting held on 7 May 2008, be taken as read and signed as a correct record.

238. **Public Questions:**

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

239. **Petitions:**

A resident presented a petition containing 8 signatures. The terms of the petition were as follows:

(i) Petition objecting to proposed ATM outside Martins Newsagents, 6 Canons Corner representing businesses based on Canons Corner.

RESOLVED: That the petition be received and noted.

240. **Deputations:**

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

241. **Reference from Annual Council meeting held on 8 May 2008: Petition re: proposal at 23 High Worples, Harrow, Middlesex, HA2 9SX:**

The Committee received the above petition which had been presented to the Annual Council meeting on 8 May 2008.

RESOLVED: That the petition be received and noted.

242. **Representations on Planning Applications:**

RESOLVED: That, in accordance with the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution), representations were received in respect of item 2/02 and 2/03 on the list of planning applications.

243. **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.

244. **Enforcement Notices Awaiting Compliance:**

The Committee received a report of the Head of Planning which listed enforcement notices awaiting compliance.

RESOLVED: That the report be noted.

245. **Member Site Visits:**

RESOLVED: That Member visits to the following sites takes place on Tuesday 8 July 2008 at 6.00 pm:

2/04 – 10 Hillcrest Avenue, Pinner, HA5 1AJ.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.12 pm).

(Signed) COUNCILLOR MARILYN ASHTON
Chairman

SECTION 1 – MAJOR APPLICATIONS

LIST NO:	1/01	APPLICATION NO:	P/1179/08/CFU/
LOCATION:	Nower Hill High School, George V Avenue, Pinner		
APPLICANT:	Harrow Council		
PROPOSAL:	Three – Storey Extension to School to Provide Post 16 Education Facility and Associated Works.		
DECISION:	GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informative reported and the following: (i) inserting condition 13 to read: Notwithstanding the details shown on Drawing No. P109, the new vehicular access to George V Avenue indicated on Drawing No. P105 Rev.A hereby permitted shall not be brought into use before: <ol style="list-style-type: none">1. the central crossover opposite the existing vehicular access, and2. the existing central crossover has been closed. REASON: To confine access to the permitted points in order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway. [Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].		

SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT

LIST NO:	2/01	APPLICATION NO:	P/1438/08/CFU/
LOCATION:	Nower Hill High School, Pinner Road, Harrow, HA5 5RP		
APPLICANT:	Harrow Council		
PROPOSAL:	One Temporary Building for Two Classrooms (Two Years) in Courtyard at Southern End of School.		
DECISION:	GRANTED permission for the development described in the application and submitted plans, subject to the condition and informative reported. [Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].		

LIST NO:	2/02	APPLICATION NO:	P/1304/08/DFU/
LOCATION:	6 Canons Corner, Edgware, HA8 8AE		
APPLICANT:	Bankmachine Ltd		
PROPOSAL:	ATM on Shop Frontage.		
DECISION:	DEFERRED to await further information from the Council's Highway Team and the Safer Neighbourhood Team and to receive further information from the applicant. [See also minute 239].		

LIST NO: 2/03 **APPLICATION NO:** P/1139/08/DAD/
LOCATION: 6 Canons Corner, Edgware, HA8 8AE
APPLICANT: Bankmachine Ltd
PROPOSAL: Illuminated ATM Sign on Shopfront.
DECISION: DEFERRED to await further information from the Council's Highway Team and the Safer Neighbourhood Team and to receive further information from the applicant.

LIST NO: 2/04 **APPLICATION NO:** P/0990/08/DFU/
LOCATION: 10 Hillcrest Avenue, Pinner, HA5 1AJ
APPLICANT: Mr G Orengo and Miss L Fennelly
PROPOSAL: Two Storey Side Extension.
DECISION: DEFERRED for a Member Site Visit

LIST NO: 2/05 **APPLICATION NO:** P/0838/08/DFU/
LOCATION: 1 and 2 Bankfield Cottages, Ass House Lane, Harrow
APPLICANT: Grims Dyke Golf Club
PROPOSAL: Two Two-Storey Semi Detached Houses With Parking.
DECISION: GRANTED permission for the development described in the application and submitted plans, as amended on the Addendum, subject to a legal agreement and the conditions and informative reported.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

LIST NO: 2/06 **APPLICATION NO:** P/1437/08/DFU/
LOCATION: 118 Welbeck Road, South Harrow, HA2 0RX
APPLICANT: Mr Dylber Gashi
PROPOSAL: Alterations of Roof From Hip to Gable End and Rear Dormer
DECISION: GRANTED permission for the development described in the application and submitted plans subject to a legal agreement and the conditions and informative reported.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

LIST NO: 2/07 **APPLICATION NO:** P/1076/08/DAD/
LOCATION: 37 High Street, Harrow on the Hill, HA1 3HT
APPLICANT: Narshgate Trading Ltd
PROPOSAL: Externally Illuminated Fascia Sign
DECISION: DEFERRED for further investigation.

LIST NO: 2/08 **APPLICATION NO:** P/1266/08/DFU/
LOCATION: 48 Kenton Road, Harrow, HA3 8AB
APPLICANT: D Visco Holdings
PROPOSAL: Redevelopment: Three / Four Storey Building to Provide Nine Flats; Parking and Cycle Store at Rear.
DECISION: GRANTED permission for the development described in the application and submitted plans, as amended on the Addendum, subject to the conditions and informative reported and the following:

(i) inserting condition 16 to read:

The number of residential units in the development hereby permitted shall not exceed nine.

REASON: To ensure that there is no conflict with London Plan policies on the provision of affordable housing.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

LIST NO: 2/09 **APPLICATION NO:** P/0902/08/DFU/
LOCATION: 214A Kenton Lane, Harrow, HA3 8RW
APPLICANT: Mrs Doris Mallya and Mrs Mary Yemoh
PROPOSAL: Single Storey Rear Extension, Addition of New Roof Over Single Storey Side Extension, External Alterations, Enlargement of Front Porch.
DECISION: GRANTED permission for the development described in the application and submitted plans, as amended on the Addendum, subject to the conditions and informative reported.

LIST NO: 2/10 **APPLICATION NO:** P/4251/07/CFU/

LOCATION: 31 Harrow Fields Gardens, Harrow on the Hill, HA1 3SN

APPLICANT: Mr A Patel

PROPOSAL: Single Storey Side to Rear Extensions; Excavated Rear Patio; Conversion of Garage into Habitable Room; External Alterations.

DECISION: REFUSED permission for the development described in the application and submitted plans for the following reason:

(i) The submitted drawings fail to illustrate the accurate design, appearance and scale of the existing and proposed elevations.

In the absence of this information the proposal, by reason of excessive bulk and mass, would be likely to detract from the character and appearance of the building and this part of the Sudbury Hill Conservation Area contrary to HUDP policies D4, D14 and D15.

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

(2) The Committee wished for it to be recorded that the decision to refuse the application was unanimous;

(3) The Head of Planning had recommended that the above application be granted].

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ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
9 WEST DRIVE GARDENS, HARROW (Ward = Harrow Weald) Roof alterations without planning permission	EAST/631/02/FUL ENF/480/02/EAST LP/MW/PEN13018	GDM	20-Sep-02	20-Sep-02 (Legal Contact Officer - AK)	11-Feb-03	21-Mar-03	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 do works required, starting in Sept 2004. Site inspected in Sept 04, no works carried out. Planning app P/3293/04/DFU submitted. App refused. Borough Solicitor sent letter before action. Enf Officer has visited site with a view to preparing prosecution witness statement.
81 ROXETH HILL, HARROW ON THE HILL (Ward = Harrow on the Hill) Erection of roof extension	ENF/24/05/P Appeal 3308	AB5		(Legal Contact Officer - AK)	08-Dec-04	14-Jan-05	Hearing 18-Oct-05	9 Months	19-July -06 (following appeal decision)	AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Planning Appeal part allowed (P/304/03/CFU). Enforcement Appeal Dismissed 18/10/05 with variation - The property owner is required to removed roof extension and reinstate the roof to its former condition or build in accordance with planning permission P/93/05/DFU the compliance period has been varied from 3 months to 9 months. Recent site visit established that no action had been taken to comply with amended notice. Owner subsequently wrote to Council requesting more time, Council did not agree to this and Officer now drafting prosecution witness statement. Enf Officer has visited site with a view to preparing prosecution witness statement.

11

Agenda Item 12
Pages 11 to 20

ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
154 EASTCOTE LANE, SOUTH HARROW (Ward = Roxbourne) Single storey rear extension and raised patio	ENF/317/03/P	GW	17-Mar-04	23-Mar-04 (Legal Contact Officer - AK)	27-May-04	30-Jun-04		3 Months	01-Oct-04	Appeal received, appeal not valid. Section 78 dismissed, owners asked to provide details of timescale for compliance with notice. Agent looking into how to alter development to comply with notice. Draft prosecution statement prepared. Case Officer to undertake site visit, to proceed with prosecution subject to site visit. 12/02/2008 visit by case officer. Single storey rear extension and raised decking observed to be in exististence. Preparing prosecution witness statement.
BROOMHILL, MOUNT PARK ROAD, HARROW ON THE HILL (Ward = Harrow on the Hill) Compliance with condition 8	ENF/625/03/P	GDM RJP (Case Officer)	08-Dec-04	(Legal Contact Officer - AK)	07-Feb-05	11-Mar-05	Written Representations	3 Months	09-APR-05 09-DEC-05	Appeal submitted. Appeal determined and upheld. Enforcement officer to monitor conditions. Conditions have not been met, case officer drafted Breach of Condition Notice. Enf Officer has visited site with a view to preparing prosecution witness statement.
35 ORCHARD GROVE, EDGWARE (Ward = Edgware) Extensions over 70 cubic metres.	ENF/483/04/P	RJP (report) GW (Case Officer)	17-May-05	7-June-05 (Legal Contact Officer-AK)	24-Nov-05	04-Jan-06	Appeal submitted. Appeal withdrawn	6 months	05-Jul-06	Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Appellant intends to comply with The Town and Country Planning (General Permitted Development) Order 1995. Enforcement Officer to monitor and ensure compliance. Needs prosecution report by Enforcement Officer.

ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
61 OXLEAY ROAD, HARROW (Ward = Rayners Lane) Erection of rear extension and wall	ENF/425/04/P	RJP (Report) DMc (Case Officer)	17-May-05	7-October-05 (Legal Contact Officer - SY)	20-Jun-05	14-Nov-05		6 months	15-May-06	Section 330 notice served on 20- June-05. Enf notice issued. Case Officer visited on 7th September 2006, notice not complied with, letter sent advising owner of intention to commence prosecution proceedings. 12/02/2008 visit by case officer. Single storey rear extension and wall at rear observed to be still in existence. Enf Officer has visited site with a view to preparing prosecution witness statement.
22 WALTON ROAD, HARROW (Ward = Marlborough) Unauthorised construction of a single storey rear extension and front porch.	ENF/573/03/P	RJP (report)	27-Jul-05	10-Aug-05 (Legal Contact Officer- SY)	17-Oct-05	28-Nov-05	Appeal Dismissed (P/70/06/DCP).	3 months	01-Mar-06 28-Jun-06	Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Case re-allocated to new Officer to carry out site visit. Site visited on 6 February 2008. Rear extension and front porch still existing. Awaiting drafting of prosecution report.
108 WAXWELL LANE, PINNER (Ward = Pinner) Unauthorised construction of a raised rear deck and trellis	ENF/647/04/P	RJP (Report)	07-Dec-05	9-December-05 CML (Legal Contact Officer)	20-Apr-06	24-May-06		2 Months	24-Jul-06	S330 Notice served 10-January-2006. Needs to be allocated to new Case Officer to establish if compliance secured. 12/02/2008 visit by case officer unable to gain access. Site visit required by Enforcement Officer.
462 HONEYPOT LANE, STANMORE (Ward = Queensbury) Unauthorised construction of a single storey rear extension	ENF/619/04/P	RJP (Report) DMC (Case Officer)	15-Mar-06	17-Mar-06 SY (Legal Case Officer)	14th May 2007	13th June 2007		3 Months	13-Sep-07	Site visit required by Enforcement Officer.

ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
76 FORMBY AVENUE, STANMORE (Ward = Queensbury) Use of outbuilding as two self-contained residential units	ENF/401/06/P	NR	28th February 2007		23rd July 2007	23rd August 2007		3 Months		Enforcement Officer visited the site. Breach still existing. Prosecution witness statement required.
Raw Lasan, 154 Stanmore Hill, Stanmore (Ward = Stanmore Park) Unauthorised timber decking in the garden.	ENF/495/06/P	GW	Approved by committee on 18 December 2007.		26/02/08	31/03/2008		2 months	30/05/08	Memo to be sent to Legal to initiate enforcement. Draft report prepared for delegation and passed to Legal. Notice served on 26 February 2008. Update site visit for compliance check required.
32 RUSLAND PARK ROAD, HARROW (Ward = Marlborough) Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer	ENF519/05/P	RJP (Report	07-Jun-06	19-June-2006 JM (Legal Case Officer)	13th Sept 2007	27-Feb-08	Appeal lodged (Written Reps)	3 Months changed to 6 months on appeal.	26/07/2008 (from appeal decision)	Notice was withdrawn on 13 September 2007 and reissued on 13 September 2007. Awaiting appeal decision. The appeal succeeds in part and the notice is upheld with variations (27/02/2008). Compliance period changed to 6 months. The site is being monitored.
RAVENSHOLT, 12 MOUNT PARK ROAD, HARROW ON THE HILL (Ward = Harrow on the Hill) Unauthorised erection of a wire fence with concrete posts and reed panelling	ENF/353/03/P	RJP (Report) RJP (Case Officer)	28-Jun-06	4-July-2006 (Legal Case Officer - SY)	31st August 2007	1st October 2007 25 February 2008	Appeal Lodged (Written Reps)	1 Month. Details of landscaping to be submitted within 3 months and to be implemented within 6 months from the date of the LPS's approval.	25/11/2008 (maximum; from the appeal decision)	Awaiting appeal decision. The appeal succeeds in part and permission granted for the metal fence and concrete posts subject to the condition requiring submission and implementation of landscaping details. The appeal fails with regard to the reed panelling. The notice, as corrected, is upheld. (25/02/2008). The site is being monitored.

ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
37 NORWOOD DRIVE, HARROW (Ward = Headstone North) Conversion of dwellinghouse into 7 self-contained bedsits	ENF/0692/05/P	GW	28th February 2007		16th July 2007	16th August 2007	Appeal lodged (Hearing)	3 Months	24/07/08	Appeal Hearing scheduled for 9-April-2008. Appeal dismissed 24/04/2008.
4 AYLWARDS RISE, STANMORE (Ward = Stanmore Park) Development without planning permission: Erection of replacement detached two-storey house and detached garage, without compliance with pre-commencement conditions.	ENF/0353/07/P	AB5			6th August 2007	5th September 2007	Appeal Lodged (Public Inquiry)	6 Months		Public Inquiry 08-Jan-2008 - await outcome. The appeal is allowed and the enforcement notice is quashed (21/02/2008). Planning Inspectorate reissued the Appeal Decision on 24/04/2008.
4 AYLWARDS RISE, STANMORE (Ward = Stanmore Park) Development without planning permission: Erection of replacement detached two-storey house and detached garage, outside the scope of planning permission.	ENF/0282/07/P	AB5			6th August 2007	5th September 2007	Appeal Lodged (Public Inquiry)	6 Months		Public Inquiry 08-Jan-2008 - await outcome. The appeal is allowed, the enforcement notice with corrections is quashed and planning permission granted in the terms set out in the Formal Decision (21/02/2008). Reissued on 24/04/2008. Compliance with the conditions is being monitored.
GROVE END, GROVE HILL ROAD, HARROW (Ward = Greenhill) Outbuilding larger than 10 cubic metres in conservation area.	ENF/633/06/P	LH (Case officer)	17th October 2007	19th October 2007	8th January 2008	7th February 2008		3 Months	7th May 2008	Update site visit required by compliance check.

ENFORCEMENT NOTICES AWAITING COMPLIANCE 26 June 2008

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
23 Nolton Place, Edgware HA8 6DL (Ward = Edgware) Unauthorised onversion of house into 4 flats and conversion of outbuilding into 2 flats.	ENF/366/06/P	GW			25th June 2008	31st July 2008		Six months	31st January 2009	

ENFORCEMENT NOTICES - AWAITING APPEAL DECISION

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
14 ROXETH GREEN AVENUE, HARROW (Ward = Roxbourne) Unauthorised construction of a rear extension	ENF/744/05/P	RJP (Report) MHX (Case Officer)	28-Jun-06	04-Jul-06	31st August 2007	1st October 2007	Appeal Lodged (Written Reps)	3 Months		Awaiting appeal decision
THE BOTHY, 65 OLD REDDING, HARROW WEALD (Ward = Harrow Weald) Rear Decking (rear extension should be PD)	ENF/519/06/P	LH (Case officer)	17th July 2007	31st July 2007	6th November 2007	10th December 2007		3 Months	9th March 2008	Appeal lodged; public inquiry to be held 9 September 2008 . Awaiting appeal decision.

SITES BEING MONITORED/INVESTIGATED FOR ENFORCEMENT										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Land to the rear of 48 The Avenue, Harrow Weald. (Ward = Harrow Weald) S215 Notice		AB5	08-Feb-06	23-Feb-06 06-Mar-06 (Legal Case Officer - SY)						Land Registry Search carried out; owner not contactable. Site visited by officer and under review.
Rear of 62-72 Orchard Grove, Harrow (Ward = Kenton East) Unauthorised change of use from a service road to a builders yard and the erection of a pole with a CCTV camera	ENF/117/04/P	DMC (Case Officer) RJP (Report)	15-Mar-06	17-Mar-06 (Legal Case Officer -SY)						S330 Notice served 22-June-2006. Site visit required by Enforcement Officer.
46 REPTON ROAD, KENTON (Ward = Kenton East) Unauthorised change of use to a builders yard.	ENF/565/04/P	AB5	27-Jul-05	10-Aug-05 (Legal Contact Officer- SY)	27-Oct-05	02-Dec-05	Appeal dismissed	3 months	18th January 2007 (following appeal decision)	S330 notice served on 25-August-05. Appeal lodged, but appeal dismissed on 18th October 2006. Case Officer monitoring to ensure compliance. Site visited on 8/11/07. and again on 15/11/07. Most of the materials have been removed. Continually monitored.

ENFORCEMENT NOTICES AUTHORISED AWAITING SERVICE										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
2 West Drive, Harrow Weald, HA3 6TS (Ward = Harrow Weald) Unauthorised parapet wall over the side extension; air conditioning units over the roof. Roof light and rear balcony.	ENF/335/06/P	GW								Planning permission refused for the works (application reference P/2563/07 on 18 October 2007). Draft report prepared for delegation and passed to Legal.
69 Winchester Road, Harrow (Ward = Kenton East) Unauthorised front porch and single storey rear extension and conservatory.	ENF/502/06/P	GW								Planning permission refused for the development (application reference P/3001/06 on 15 January 2007). Draft report prepared for delegation and passed to Legal.
66 Woodhall Gate, Pinner (Ward = Hatch End) Unauthorised roof lights and turrets.	ENF/167/07/P	LH								Draft report prepared for delegation and passed to Legal.
17 Radley Gardens, Harrow (Ward = Kenton East) Unauthorised conversion of ground floor of property into 2 flats and installation of additional entrance door.	ENF/55/08/P	ML1								Planning permission refused for the development (application reference P/1756/07 on 12 November 2007). Draft report prepared for delegation and passed to Legal.
43 High Street, Harrow on the Hill (Ward = Harrow on the Hill) Unauthorised cash machine.	ENF/56/08/P	MRE								Planning permission refused for the development (application reference P/3593/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal.

ENFORCEMENT NOTICES AUTHORISED AWAITING SERVICE

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Blackgate, Church Lane, Pinner (Ward = Pinner) Unauthorised Tree House.	ENF/54/08/P	SB5								Planning permission refused for the development (application reference P/1328/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal.
120 Weald Lane, Harrow Weald (Ward = Wealdstone) Unauthorised front extension (porch).	ENF/53/08/P	JK								Planning permission refused for the development (application reference P/3355/07 on 11 December 2007). Draft report prepared for delegation and passed to Legal.
132 Turner Road, Edgware (Ward = Queensbury) Unauthorised conversion and use of dwelling house as 2 self-contained flats.	ENF/52/08/P	NR								Planning permission refused for the development (application reference P/2416/07 on 28 November 2007). Draft report prepared for delegation and passed to Legal.



Committee:	Development Management Committee
Date:	Tuesday 15 th July 2008
Subject:	INFORMATION REPORT – The Future of Building Control CLG Consultation
Responsible Officer:	Head of Development Management and Building Regulations, Andy Parsons
Portfolio Holder:	Portfolio Holder for Planning, Development and Enterprise, Councillor Marilyn Ashton
Exempt:	No
Enclosures:	None

Section 1 – Summary

This report is to inform Members of the Department for Communities and Local Government consultation paper on the Future of Building Control

It is recommended that Members note its contents

FOR INFORMATION

Section 2 – Report

Introduction

2.1 On 18th March 2008, the Department for Communities and Local Government published a consultation paper on the Future of Building Control, which sets out a package of options they are minded to develop further and

invited interested parties to provide suggestions on how the reform should proceed.

The publication follows detailed discussions with key members of industry on the strengths and weaknesses of the current system, which highlighted the strong case for reform.

The paper recognises a number of important shortcomings with the current system including the lack of a clear future vision for the purpose of Building Control, the current piecemeal approach to regulatory change and the complexity of guidance. Problems with achieving compliance and with effective enforcement are also highlighted as key areas for action.

The consultation is broken into 5 sections:

- A Vision for Building Control
- A Better Approach to Delivering Regulations and Guidance
- Modernising Inspection and Enforcement
- Alternative Routes to Compliance
- Improved Performance and Capacity

Consultation

2.2 A Vision for Building Control

There is a general concern from Government and stakeholders that there is little in terms of a guiding strategic vision for the future of building control – what it is for, how it should operate and how it needs to be supported to develop in the future.

It is suggested that the Government, Local Authority and private sector Building Control bodies, industry and customers need to work together to develop a high-level vision that sets out shared ambitions for the system and how we will all work within it.

It is this shared vision that will drive the work programme of the Government's Sustainable Buildings Division to improve the way the system operates and ensure that the Building Control industry and others who use the system are properly supported in their efforts to ensure compliance. For Building Control Bodies, the vision will set the framework for operations and provide additional impetus to examine how they could work better, reflecting on the likely risks and opportunities of the future.

For users of Building Control, it will set out what they can expect from the

service. Suggestions including the possible creation of a customer focussed, seamless and accessible planning and building control service, with better use of the internet, one-stop shops, closer working between services, and a collaborative approach to climate change challenges. Harrow Building Control have already adopted elements of this approach by checking certain planning conditions, attend planning pre-application meetings, and joint working on sustainability issues, to benefit the service users.

The suggested vision in the consultation paper is:

“Our vision is for a service which delivers safe, healthy, accessible and sustainable buildings for current and future generations”

To deliver this vision it is suggested that building control bodies need a system which:

- Works with the customer to help them achieve a building project which meets their expectations, as well as building standards and the public need
- Works hand-in-hand with other regulators to provide a coherent service to customers
- Ensures that the level of inspection is appropriate to the risk and need
- Gives local authorities the powers needed to enforce building standards
- Ensures all Building Control Bodies regularly assess and improve their performance
- Is professional, well-managed and ensures resources are used appropriately
- Offers end-users an effective means of resolving disputes about compliance

It is also suggested that Building Control bodies need to be clear with their customers to ensure they understand that they do not:

- Act as a ‘Clerk of Works’ monitoring every stage of the construction process on site. That is a matter for the contracts and arrangements put in place between the client and builder. Ultimately, compliance is clearly the responsibility of the person carrying out the work
- Address issues such as the finish and aesthetics of the final project where these are not Building Regulations standards – these are a matter for designers, builders, and new home warranty providers
- Offer protection to a client in a contract with a builder. This is a matter of contract law.

2.3 A Better Approach to Delivering Regulations and Guidance

It is suggested that a more open and transparent system is created to give

industry more time to prepare and innovate, and ensure better compliance. The proposal is to have a 3-year fixed periodic cycle for the review of the Building Regulations where changes would be made across the full body of the regulations. A further intention is to introduce a standstill period of six months between publication of the new legislation and its implementation. This will allow time to rollout a robust implementation strategy covering training and raising awareness for both Building Control and industry.

Other discussion points under this area are whether there is a need to:

- Rename, revise and reduce Approved Documents
- Produce project guides
- Establish criteria for reference to third-party documents &
- Make best use of the Planning Portal

2.4 Modernising Inspection and Enforcement

It is proposed to create an inspection and enforcement regime that can operate effectively to meet rising demands on the Building Control system and help achieve good levels of compliance with the regulations.

In particular, the Government is concerned that compliance in areas such as energy efficiency is often perceived to be lower than is the case for the traditional health and safety related regulations. Stakeholders also suggest that Building Control Bodies tend to focus on issues that are critical to safety, such as structure and fire, at the expense of newer regulations such as those relating to sound insulation, air tightness and energy efficiency. Reasons for this include pressure on resources, a lack of understanding of the new regulations, and because they do not have enough information about the project. It is also suggested that the public tend to be more concerned about life safety issues than energy efficiency.

It has been identified that current Building Control enforcement powers are restrictive and it is proposed to:

- Remove statutory notifications and move towards a risk based assessment process
- Allow Building Control to issue stop notices
- Allow Building Control to issue fixed monetary penalties &
- Extend time limits for prosecutions to two years

This would enable Building Control bodies to have a more robust enforcement policy.

2.5 Alternative Routes to Compliance

There are a number of options available to demonstrate compliance with the Building Regulations that complement the traditional route of engaging the services of Local Authority Building Control. These include, for certain building works, using a Competent Persons scheme or the application of a Pattern Book approach, such as the one provided for sound insulation by Robust Details Ltd.

It is proposed to determine whether the existing system of determinations and appeals is effective. The Government have suggested an alternative that would speed up the appeals process. They will work with the Building Control Alliance (BCA), which brings together the representative organisations of private (ACAI) and local authority (LABC) building control bodies, along with the ABE, RICS and CIOB, to deliver such a scheme. This would offer a simple, consistent process with quick turnaround times through a review of the case by a panel of private and public Building Control professionals and a consumer or design representative. The scheme would be available in relation to all Building Control disputes at any stage of the plans or building work process.

2.6 Improved Performance and Capacity

Stakeholders are concerned that barriers to improved performance are not picked up because of a lack of performance information. In the absence of specific objective evidence it is difficult to communicate what Building Control is for and uphold the added value of the profession.

The Government therefore proposes to:

- Embed and develop the Building Control performance indicators
- Strengthen the overarching performance management system
- Continue to promote industry standards in a competitive marketplace
- Promote shared approaches to working and,
- Enable a level playing field (removing some of the restrictions placed on local authorities)

There is also to be a review of the local authority Building Control charges regime. The LABC regards the current Building Control charging system to be inflexible, restrictive and uncompetitive, thereby contributing to a non-level playing field, which is not good value for the public. In addition, there is concern that resources, which should be used to fund LA Building Control functions, including supporting services such as recruitment, training and development, appear at times to be used for other purposes. The Government is therefore

currently reviewing the local authority Building Control charging regime, and is considering what more can be done to safeguard charges income.

The consultation identifies that the annual monitoring exercises carried out by the Government have shown that some LAs have consistently set unnecessarily high charges which have generated significant surpluses (i.e. income over costs), and that the Government is concerned that this money may have been used for other local authority services instead of being reinvested back into the Building Control service (i.e. either by offsetting against future costs, resulting in reduced charges, or used to improve the quality of delivery of the Building Control Service). LAs are not empowered under the charges regulations to levy charges other than for the purpose of recovering the costs of carrying out their prescribed Building Control functions. In the Government's view, if charges are fixed which are consistently disproportionate to the cost of the Building Control functions performed, this means that LAs may be acting outside of their powers to charge. Some Local Government Auditors have also made findings to this effect in relation to some authorities.

The Government aims to introduce into the Building Control charging system more flexibility and accuracy, i.e. reviewing what LAs charge for and how they set their charges and better matching charges with full costs of functions so that the LA Building Control service is properly resourced. These proposals include the possibility of:

- Introducing a system for quotations for charges for Building Control services in relation to major schemes;
- Introducing a range of different factors for LAs to base their charges on and removing the restrictions relating to charging according to estimated cost of the work and floor area;
- Removing the link between charges for Full Plans, Building Notices and other prescribed functions, and considering whether LAs should charge for other functions;
- More discretion to make reductions and refunds, including for green/sustainable projects and those using Competent Person Schemes;
- Clarification of the exemption relating to work for disabled people.

Again the Government aims to introduce more transparency so it is clear that charges income, including surpluses, are used to cover the cost of providing Building Control only. They propose to do this by:

- Amending the accounting requirements in the charges regulations;

- Issuing accounting guidance; and
- Clarifying the requirement for details of Building Control income and expenditure to be clearly indicated in LA accounts, which auditors and others can monitor.

Legal Implications

- 2.7 This consultation clearly indicates some risks and benefits to the Authority. Further enforcement powers and a simplified appeals process are likely to enhance the Building Control Service, however greater legal restrictions on the use of Building Control income may have financial implications for the Authority.

Financial Implications

- 2.8 The consultation paper is looking at changing current legislation to ensure all Income and Expenditure is ring fenced within the Building Control Trading account. Current Legislation allows surpluses from the Building Control account to be used to subsidise other Council Services. Recent Government Guidelines and Council Auditors are currently trying to address the issues of their perception that use of this income outside of Building Control account is an illegal Local Tax benefit.

Performance Issues

- 2.9 The proposals suggest that performance should be improved by removing barriers and restrictions, and putting better monitoring and performance systems in place. This would benefit all stakeholders and service users.

Risk Implications

- 3.0 Based on the suggested changes to the Building Control service, the only risk to this Authority relates to the possible restricted use of Building Control income and surpluses as stated above.

Section 4 - Contact Details and Background Papers

Contact: Gary Peter
 Service Manager – Building Regulations
 Tel: 020 8736 6063
 E-mail: gary.peter@harrow.gov.uk

Background Papers: The Future of Building Control – Consultation by CLG
This can be accessed via the Communities and Local Government website at:
www.communities.gov.uk/futurebuildingcontrol



Meeting:	Development Management Committee
Date:	15 th July 2008
Subject:	31 Bellfield Avenue, Harrow HA3 6ST
Responsible Officer:	Hugh Peart - Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning Development and Enterprise
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report seeks an extension of time to complete a Section 106 Agreement (“the Agreement”) relating to 31 Bellfield Avenue, Harrow HA3 6ST (“the Site”). The Council’s Development Management Committee approved heads of terms for the Agreement on 17th October 2007.

Recommendations:

The Committee is requested to:

Extend the time for completion of the Agreement by two months from 15th July 2008.

Reason: (For recommendation)

To enable settlement and execution of the Agreement.

Section 2 – Report

On 17th October 2007, the Development Management Committee resolved to grant planning permission (ref no: P/2164/07/DFU/) for the development of a single storey and two-storey rear extension to 31 Bellfield Avenue, subject to completion of the Agreement within three months of the committee date.

The broad terms for the Agreement approved by the Committee require the applicants not to implement both the earlier planning permission granted by the planning committee on 17th July 2006 (P/1425/06/DFU) and the current planning permission (P/2164/06/DFU).

Negotiations of the Agreement between the applicants and the Council have progressed well albeit there were delays in executing the Agreement as the applicants' solicitors were not instructed early and there was also a delay in securing an undertaking as to costs. The Agreement has now been forwarded to the applicants' solicitors for execution.

However, the Committee deadline for completion of the Agreement has expired. Accordingly the Committee is requested to extend the period for completion of the Agreement by two months.

Financial Implications

The proposed recommendation raises no financial implications. The developer will bear the costs of completing the Agreement.

Performance Issues

None

Risk Management Implications

None.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 30 th June 2008		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 4 th July 2008		

Section 4 - Contact Details and Background Papers

Contact: Lucia Adeyemi–Assistant Solicitor (Environment and Corporate)
020 8424 1890

Background Papers:

Officer Report to Development Management Committee dated 17 October 2007

Minutes of Development Management Committee dated 17 October 2007

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES

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